STATUTORY INSTRUMENTS

2017 No. 513

EMPLOYMENT AND TRAINING

The Public Sector Apprenticeship Targets Regulations 2017

Made - - - -	*30th March 2017*
Coming into force - -	*31st March 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections A9(1), (5)(c) and (d) and (6), and A10(1)(b), (3) and (7) of the Apprenticeships, Skills, Children and Learning Act 2009(**1**).

In accordance with sections 262(6)(za) and (zb) of the Apprenticeships, Skills, Children and Learning Act 2009, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Sector Apprenticeship Targets Regulations 2017 and come into force on 31st March 2017.

(2) In these Regulations—

"the 2009 Act" means the Apprenticeships, Skills, Children and Learning Act 2009;

"Group A" has the meaning given by regulation 3(2);

"Group B" has the meaning given by regulation 3(3);

"headcount" has the meaning given by regulation 2;

"target period" has the meaning given by regulation 5.

Headcount

2.—(1) A public body's headcount is equal to the number of persons who work for that public body in England.

(2) A person works for a public body if the person—

(a) works for the public body as a worker within the meaning given by section 230(3) of the Employment Rights Act 1996 (employees and other workers)(**2**);

(**1**) 2009 c. 22; sections A9 and A10 were inserted by section 24(1) of the Enterprise Act 2016 (c. 12).
(**2**) 1996 c. 18.

(b) is an apprentice working for the public body, whether the apprenticeship agreement is with the public body itself or with an apprenticeship training agency(**3**); or

(c) works for the public body in the course of Crown employment or of service as a member of the naval, military or air forces of the Crown.

(3) But a person coming within any of paragraphs (4) to (6) does not, for the purposes of these Regulations, work for that public body.

(4) A person comes within this paragraph if the person works for the public body under a zero hours contract.

(5) A person comes within this paragraph if the person works for the public body on behalf of a contractor.

(6) A person comes within this paragraph if the person works under an apprenticeship agreement with a public body which is an apprenticeship training agency with a view to being supplied to another public body.

(7) In this regulation—

"Crown employment" has the meaning given by section A7(6) of the 2009 Act(**4**);

"zero hours contract" has the same meaning as in section 27A of the Employment Rights Act 1996(**5**).

Prescribed public bodies

3.—(1) The following are prescribed for the purposes of section A9(1) of the 2009 Act—

(a) Group A; and

(b) Group B.

(2) Group A is the group of public bodies which comprises—

(a) government departments, other than the Government Communications Headquarters; and

(b) those public bodies listed in Schedule 1.

(3) Group B comprises Transport for London(**6**) and those of its subsidiaries which are public bodies.

(4) In addition, a public body is prescribed for the purposes of section A9(1) of the 2009 Act if on the day before the first day of one or more reporting periods in the target period the body—

(a) is not a constituent part of Group A or Group B;

(b) is not described in Schedule 2; and

(c) has a headcount equal to, or greater than 250.

Reporting periods

4. For the purposes of section A10(5) of the 2009 Act (reporting periods) the financial year of—

(a) the Department for Education, which begins with 1st April and ends with 31st March in the following calendar year, is to be used to determine the reporting periods for all the prescribed public bodies within Group A;

(**3**) An apprenticeship training agency is an organisation approved as such by the Skills Funding Agency which supplies apprentices to host businesses and other organisations whilst itself remaining the apprentice's employer throughout.
(**4**) Section A7 was inserted by paragraph 1 of Part 1 of Schedule 1 to the Deregulation Act 2015 (c. 20).
(**5**) Section 27A was inserted by section 153 of the Small Business, Enterprise and Employment Act 2015 (c. 18).
(**6**) A body corporate established under section 154(1) of the Greater London Authority Act 1999 (c. 29).

(b) Transport for London, which begins with 1st April and ends with 31st March in the following calendar year, is to be used to determine the reporting periods for all the prescribed public bodies within Group B;

(c) Westminster City Council, which begins with 1st April and ends with 31st March in the following calendar year, is to be used to determine the reporting periods for all the prescribed public bodies coming within regulation 3(4).

Target period

5. The target period is the period beginning with 1st April 2017 and ending with 31st March 2021.

Public sector apprenticeship targets

6.—(1) The apprenticeship target for each of Group A and Group B is to ensure that the total number of apprentices who —

(a) begin working for the public bodies comprising those groups, and whose apprenticeship agreements began during the target period; and

(b) ordinarily work in England,

is equal to figure Z.

(2) The apprenticeship target for a public body referred to in regulation 3(4) is to ensure that the total number of apprentices who—

(a) begin working for that public body during an active period or periods (taken as a whole), and whose apprenticeship agreements began during an active period; and

(b) ordinarily work in England,

is equal to figure Z.

(3) In paragraph (2)(a), "active period", in relation to a public body referred to in regulation 3(4), means a 12-month period coinciding with a reporting period—

(a) which is in the target period; and

(b) in respect of which the body satisfies the conditions set out in regulation 3(4) on the day before the first day of that reporting period.

Public sector apprenticeship target: Group A and Group B

7.—(1) Figure Z in respect of Group A and Group B is calculated in accordance with the steps outlined in the following paragraphs.

(2) Step 1 is to ascertain the total headcount of each of Group A and Group B on the day before the first day of each reporting period in the target period, that number being figure—

(a) "W1" in relation to the reporting period beginning with 1st April 2017;

(b) "W2" in relation to the reporting period beginning with 1st April 2018;

(c) "W3" in relation to the reporting period beginning with 1st April 2019;

(d) "W4" in relation to the reporting period beginning with 1st April 2020.

(3) Step 2 is to multiply each of figures W1, W2, W3 and W4 in relation to that Group by 0.023, the sum of which being for the reporting period beginning with—

(a) 1st April 2017, "figure X1";

(b) 1st April 2018, "figure X2";

(c) 1st April 2019, "figure X3";