



House of Commons

Children, Schools and Families
Committee

**The Draft
Apprenticeships Bill:
Government Response
to the Committee's
Fourth Report of
Session 2007–08**

**First Special Report of Session
2008–09**

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The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

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First Special Report

On 5 December 2008 the Children, Schools and Families Committee published its Fourth Report of Session 2007–08, *The Draft Apprenticeships Bill* (HC 1082).¹ The Government's response was received on 10 February 2009 and is published as Appendix 1 to this Report.

Appendix 1

Government's response to the Fourth Report from the Children, Schools and Families Committee, Session 2007–08

Introduction

The Government welcomes the pre-legislative report by the House of Commons Select Committee on Children, Schools and Families into the draft Apprenticeships Bill, the provisions of which are now included in the Apprenticeships, Skills, Children and Learning (ASCL) Bill. We would like to thank the chairman, Barry Sheerman MP, and his colleagues for their considered and detailed recommendations.

The Committee supports the broad thrust of Government policy with respect to apprenticeships and securing the UK skills base in future years. However, it also offers thoughtful and constructive comments on areas where further improvements could be made.

We turn now to the report's recommendations. The Select Committee's recommendations are in bold text. The Government's response is in plain text.

Recommendation 1

We encourage the Government to continue to publish legislation in draft in order to allow early Parliamentary scrutiny as well as greater public engagement with the lawmaking process. In the case of the forthcoming bill on education and skills, we encourage the Government to publish for pre-legislative scrutiny clauses relating to the promotion of excellence in schools and the achievement of the objective that every school becomes a good school. (Paragraph 2)

Response

We agree that the process of pre-legislative scrutiny adds significant value in the law making process. The fact that the draft apprenticeships provisions were developed at an earlier stage of the legislative cycle meant that it was possible to submit the draft clauses for pre-legislative scrutiny. Other elements of the Bill were drafted later and this did not leave time for pre-legislative scrutiny prior to introduction on 4 February 2009.

¹ Fourth Report from the Children, Schools and Families Committee, Session 2007–08, *The Draft Apprenticeships Bill*, HC 1082.

We will continue to look for the opportunity to put future education legislation through the pre-legislative scrutiny process.

Recommendation 2

We urge the Government to investigate further the reasons for entrenched inequalities in the apprenticeship system and to take specific, targeted action on the basis of a sophisticated system of monitoring participation. (Paragraph 11)

Response

The Apprenticeships Review of 2007–08 included an equality impact assessment which found that:

- There was no single trend across all sectors suggesting a consistent disparity between the numbers of disabled employees and the numbers of apprentices with a disability.
- The percentage of ethnic minorities undertaking apprenticeships is significantly lower than the percentage of ethnic minorities in employment. This is consistent across all sectors, with the exception of sport.
- Although women comprise almost 50% of all apprenticeships the 2005 Apprenticeship survey found that there was a 40% average pay differential between male and female apprenticeships.

The proportion of those with disabilities or learning difficulties starting apprenticeships has been around 11% for the last three years and, encouragingly, the proportion of all completions that comprise those with disabilities has risen from almost 8.5% in 2004–05 to 10.5% in 2006–07.

We do agree more needs to be done to tackle inequalities in the apprenticeship system. That is why *World-class Apprenticeships* featured an analysis of inequalities in the apprenticeship system. The recommendations from *World Class Apprenticeships* are being taken forward through our National Apprenticeship Service Delivery Plan.

Recommendation 3

We record at the outset the general enthusiasm in evidence for apprenticeships in principle and for the Draft Bill in seeking to raise the status and standards of apprenticeships. (Paragraph 14)

Response

We thank the Committee for its comments. The Government acknowledges the widespread support for apprenticeships and the key role that they play in enhancing the UK's skills base.

The ASCL Bill provides for what is the first complete overhaul of legislation on apprenticeships in 200 years, placing them on a statutory footing for the first time and,

alongside Diplomas, represents a major long-term improvement in the opportunities available to young learners

Recommendation 4

We question whether it is a good use of Parliamentary time to consider “symbolic” legislation. (Paragraph 19)

Response

We do not agree that this legislation is just ‘symbolic’, rather it represents a significant contribution to the development of a long-term skills base to meet the challenges of the 21st century and the demands on the UK in a global economy. Importantly through the Apprenticeship, Skills, Children and Learning Bill we will create the apprenticeship scheme and give an entitlement to an apprenticeship place for every suitably qualified young person who wants one.

Recommendation 5

We believe that there cannot be an automatic right to progress from one form of learning at one level of qualification to another form at a higher qualification, although we would expect the Government and providers to make this as easy as possible. (Paragraph 29)

Response

We agree with the Committee that encouraging young people to build on existing achievement is vital if the Government’s aim to increase participation in education/training to the age of 18 is to be realised.

For many young people progressing to an apprenticeship at the next level above their existing achievements will be an important aspiration. We want to ensure that for these young people the route to a higher qualification is clearly set out and that the support they need is in place.

Recommendation 6

Unless the Government can justify denying a young person an entitlement to an apprenticeship at the same level as that of a qualification which they already hold, the Government should redraft clause 21 of the Draft Bill to remove any potential block to access. (Paragraph 30)

Response

We accept the Committee’s recommendation and have acted on it accordingly in the ASCL Bill.

Recommendation 7

We acknowledge that to introduce an entitlement to a Young Apprenticeship for any 14 to 16-year-old who wanted one would not be legislatively simple: it could require a definition in statute of the characteristics of a Young Apprenticeship and of the standards which each placement should meet. We suspect that to introduce such an entitlement would be difficult. Nevertheless we agree that the Young Apprenticeship scheme is a valuable one and should be encouraged and well resourced, independently of Diplomas. (Paragraph 34)

Response

We agree with the Committee that the Young Apprenticeship programme provides a valuable opportunity for young people. The Young Apprenticeship programme is for 14–16-year-olds still at school and studying the National Curriculum, including GCSEs. The Young Apprenticeships programme is a pilot scheme and has operated in only selected areas of the country to date. We are piloting Young Apprenticeship programme allocations for 2009 on a more equitable distribution to local authorities to take account of 14–16 numbers. The programme is being incorporated within the new Diploma Frameworks.

The entitlement to an apprenticeship place for every suitably qualified 16–18-year-old is to enable them to have a place available to fulfil the RPA duties. There is a similar entitlement to Diplomas for this age group.

We do not therefore believe that there is a need to extend an entitlement to a young apprenticeship to the 14–16 age group.

Recommendation 8

Despite the greater stringency of the requirements placed upon schools by the Education and Skills Bill shortly to complete its passage through Parliament, we nonetheless believe that any approach which leaves discretion to schools-based careers advisers as to what would be in a particular young person's best interests is an unnecessarily risky one. In the short term, the effects of the obligations on schools imposed by legislation now before Parliament should be assessed; but we fear that the issue may need to be revisited if experience shows that they do not have the necessary traction. We believe that legislation should be made stronger, by requiring schools to include clear and comprehensive information about apprenticeships in the materials made available to learners. (Paragraph 39)

Response

We note the Committee's recommendation to strengthen still further the current requirement upon schools to provide advice in the best interests of the student. We will retain the clause in the ASCL Bill requiring schools to consider whether it is in the best interests of every pupil to receive advice on apprenticeships, as this makes clear the importance that the Government places on schools providing high quality and impartial information and advice about apprenticeships. However, we consider that further legislative strengthening is unnecessary. The Committee commented that the Education

and Skills Act (2008) requires schools to provide careers education that is impartial and in the best interests of the student. This requirement has been underpinned by provision within the Act to issue statutory guidance to which schools must have regard, especially as adherence to statutory guidance is subject to Ofsted inspection.

We will shortly be consulting on the statutory guidance—which will be issued later this year, and it will include principles of impartial careers education that will set out clearly our expectations of schools regarding information and advice on all of the four major post-16 learning routes, including apprenticeships.

We think that this will provide an effective means of ensuring that schools provide impartial information and advice.

Recommendation 9

We urge the Government to assess the scope for amending the Draft Bill to provide comfort to employers presently reluctant to take on young people as Young Apprentices or as Apprentices because of health and safety considerations. (Paragraph 46)

Response

We recognise the Committee's concerns and have considered carefully the potential to implement the Committee's recommendation. There are legitimate reasons for the legislation which is in place but we acknowledge there are also widespread misconceptions on the part of employers about perceived health and safety barriers to employing apprentices. We will work closely with the National Apprenticeship Service to address those misconceptions and remove any ambiguity around this issue. However, we have concluded that it would not be appropriate to exclude apprentices from health and safety legislation applicable to their particular age group or sector.

Recommendation 10

We have grave doubts about whether a statutory duty on the Learning and Skills Council (and in due course the National Apprenticeship Service) to secure sufficient apprenticeship placements can be met, or met without compromising on quality. (Paragraph 47)

Response

We do not believe the entitlement will lead to compromises on the quality of provision. The entitlement to an apprenticeship place for suitably qualified young people is designed to ensure that there are sufficient places available for those young people who want to fulfil the duty to participate in education and training, under the Education and Skills Act (2008), through an apprenticeship. The implementation of apprenticeship policy and the delivery of the expansion of the Apprenticeship programme will be the responsibility of the NAS which will be fully operational from April 2009. Working with Local Authorities and the brokerage services, the NAS will include regional teams responsible for boosting employer engagement and securing sufficient places to meet the entitlement. We will

publish a statement setting out how the scheme will operate in practice at the Committee stage of the Bill.

Recommendation 11

We strongly welcome the Government’s intention, articulated in the World-class Apprenticeships strategy review paper and reiterated by Ministers in evidence, to take steps to ensure that the public sector offers more apprenticeship placements; and we recommend that this should be monitored and reported on. (Paragraph 48)

Response

The Government is committed to expanding Apprenticeships in the public sector; and to ensure that public sector participation catches up with that of the private sector. The Prime Minister announced in January a £140m package to fund 35,000 more Apprenticeships in both the public and private sectors over the next year in addition to the over £1billion committed for Apprenticeships for 2009–10. We believe that there are significant opportunities to drive rapid engagement within the public sector and in particular from the three largest workforces in the public sector—education, health and local government. Ministers are putting in place arrangements to monitor and oversee progress towards achieving the Government’s ambition.

Recommendation 12

We believe that there is significant potential for public sector organisations to use existing posts to provide apprenticeship placements, provided that they meet the necessary framework standards. (Paragraph 48)

Response

We agree with the Committee’s recommendation. However, this is rightly a matter for each organisation’s human resource strategy and will depend on existing labour force skill levels and recruitment patterns. DIUS and DCSF policy has been to recruit as many people into apprentice positions as possible but we are committed to offering the opportunity of an apprenticeship to existing staff where there is a requirement. All apprenticeships irrespective of prior employment status are required to meet the relevant framework standards and are subject to the same high levels of quality assurance through Ofsted inspection, the framework for excellence and performance management arrangements.

Recommendation 13

We strongly support the concept of group apprenticeship schemes, and we believe that they could become one of the principal means of encouraging small employers to offer apprenticeships. We recommend that the Government should assess the potential of group apprenticeship schemes and should develop models for funding and operating them. If they prove to be viable on a larger scale, the Government, through the proposed National Apprenticeship Service, should promote them vigorously. (Paragraph 51)

Response

We recognise the key role that Group Training Associations (GTAs) have in working with employers to support the training of their apprentices and their adult workforce. We want to boost the role played by Group Training Associations and other consortia-based arrangements such as that developed by the London Apprenticeship Company (based on the Australian approach) and similar examples such as that of Salford Borough Council whereby very small businesses and SMEs collaborate to share the number of apprenticeship places so as to spread the risk and enhance the Apprentices' experience.