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▶ Apprenticeship Policy

This briefing is designed to provide boroughs with an overview of the key aspects of the government's apprenticeship policy, including the Apprenticeship Levy, the public sector target, the Institute of Apprenticeships, the Sainsbury Review and Post 16 Education Plan and the process of replacing apprenticeship frameworks with standards.

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Apprenticeship Levy

What is the Apprenticeship Levy?

The Apprenticeship Levy is a charge being introduced by the government to help fund their plans to deliver a step change in apprenticeship numbers and their quality. The levy is designed to put apprenticeship funding in the hands of employers and encourage them to invest in and create apprenticeships. Employers in England who pay the levy and are committed to apprenticeships training will be able to get out more than they pay in through a top-up of additional funding to their digital accounts.

How will the Levy Work?

The levy applies to all employers across all sectors in the UK, including local authorities. Employers will have to pay the equivalent of 0.5% of their pay bill each month via Pay As You Earn (PAYE). All employers will have an allowance of £15,000 before payments will be collected, which means that only employers with pay bills of £3 million or more will have to pay the levy. London Councils and all London boroughs qualify to pay the levy.

All employers will have access to the Digital Apprenticeship Service whether they have paid the levy or not and will be able to use it to manage the government funding available to them to pay for apprenticeship training.

All Levy-paying employers will receive a 10% top-up to their digital accounts funded by government. The top-ups will be calculated by multiplying the monthly levy an employer pays to HMRC with the proportion of that employer's pay bill that is paid to their workforce living in England. The 10% top-up will then be applied on this amount. All employers with a digital account will have 24 months to spend their funds, including top-ups, before they expire.

The levy comes into force from April 2017.

What can the Levy be spent on?

The government has been very specific about what levy funds can and cannot be spent on. Funds can be used for:

- Apprenticeship training and assessment (with an approved training provider and assessment organisation up to its funding band maximum).

Funds cannot be used for:

- Wages
- Statutory licenses to practice
- Travel and subsidiary costs
- Managerial costs
- Traineeships
- Work placement programmes
- The costs of setting up an apprenticeship programme.

Final Funding Policy

Funding Bands

There will be 15 new funding bands in the new system, with the upper limit of these bands ranging from £1,500 to £27,000. There will be no lower limits. All existing and new apprenticeship frameworks and standards will be placed within one of these funding bands. The upper limit of each funding band will cap the maximum amount of digital funds an employer who pays the levy can use towards an individual apprenticeship as well as the maximum price the government will “co-invest” where an employer does not pay the levy or has insufficient digital funds and is eligible for extra support.

Co-investment

The government will pay 90% of the training costs (up to the relevant funding band maximum) for any employers who don't pay the levy that wish to take on an apprentice. They will also pay 90% of the training costs for any employer who does pay the levy, but does not have sufficient funds available in their digital account to cover the training and assessment costs in a particular month. In both cases the employer will have to pay the remaining 10%.

Area Cost Adjustment

The government's final funding policy confirms that the Area Cost Adjustment (ACA) will be removed from the new system. The ACA was previously available for London and the South East in recognition that the costs of delivering apprenticeship training in these regions were higher than in other parts of the UK. The impact of this decision will need to be monitored carefully to ensure that employers in London do not face a geographic penalty when procuring apprenticeship training.

Disadvantage Uplift

In the current apprenticeship funding system, the government applies a disadvantage uplift to provide additional support for apprentices from disadvantaged areas. Their initial plans were to remove this uplift completely, but following consultation, the government has announced that a simplified version of the current system will be retained.

Providers will receive an additional £600 for training for an apprentice who lives in the top 10% of deprived areas (as per the Index of Multiple Deprivation), £300 for apprentices who live in the next 10% most deprived areas (the 10% - 20% range) and £200 for those in the next 7% (the 20-27% range). These payments will come direct from the government and will not be deducted from an employer's digital account.

However, this proposal will only be available for apprenticeship frameworks (which are being phased out) and not for apprenticeship standards. This system will also only be in place for one year while the government conducts a fuller review into the best way to support individuals from all backgrounds into an apprenticeship. This review will look at the role of employers, as well as training providers, and the differences in approach that may be needed in different parts of the country.

16-18 Year Olds, Care Leavers and those with LA Education, Health and Care Plans

Smaller employers (those with fewer than 50 employees) will not have to contribute towards the cost of training 16-18 year old apprentices. The government will also pay 100% of the apprenticeship training costs for small employers where the apprentice is a 19-24 year old care leaver or is 19-24 years of age and has a Local Authority Education, Health and Care plan.

Additional payments from government are available to help with the extra costs associated with supporting younger apprentices, young care leavers and young adults with additional learning needs - £1,000 for employers and £1,000 for the training provider.

Where an apprentice is aged 16-18 and on an apprenticeship framework, in addition to the price agreed between the employer and provider for the training, the provider will also receive a payment from government equivalent to 20% of the framework's funding band maximum. For frameworks in Band 1, for example, where the upper limit is £1,500, the provider would receive an additional payment of £300. This is intended as a transitional measure and will be kept under review.

Apprentices with Additional Learning Support Needs

Providers will also be paid £150 a month by government to support apprentices requiring additional learning support as a result of conditions including dyslexia, learning difficulties or disabilities.

Upskilling Existing Employees

As well as hiring new apprentices, employers will be able to use funds to upskill existing staff. The final funding policy allows an individual to undertake a qualification either at a higher level than they already hold or at the same or lower level if the apprenticeship will allow the individual to acquire substantive new skills and the content of the training is materially different from any prior training or previous apprenticeship.

STEM

The government has recognised that employers of apprentices undertaking STEM (Science, Technology, Engineering and Mathematics) frameworks are disproportionately likely to be paying extra to providers on top of the funding provided by government. The funding bands for STEM framework pathways will thus be adjusted in thirteen sector subject areas. The current government-funded adult rate will be increased by 40% at Level 2 and 80% at Level 3 and above. These framework pathways will then be allocated to the nearest funding band.

English and Maths

Training providers will be able to claim a flat-rate £471 from the government to deliver each English and maths qualifications.

Supply Chains

The government has confirmed that employers will be allowed to transfer up to 10% of the annual value of the funds entering their digital accounts to other employers or ATAs from 2018. However, it recognises that there is significant appetite to go further in this area, so it has created a new employer

working group to help develop proposals further for a transfer system that works for employers. This group will help the government design how transfers should work, the level of funds that could be transferred and what controls are needed to protect the integrity of the apprenticeship system.

Expiry Period of Levy Funds

Following feedback from employers the government is extending the expiry period so that funds in digital accounts, including top-ups, will expire after 24 months (up from 18) unless they are spent on apprenticeship training.

Timing of Payments to Providers

The government will pay providers monthly, with 80% of the total negotiated price being paid this way, spread evenly across the period of the apprenticeship. The remaining 20% will be paid at the end of the apprenticeship. This is similar to the arrangements that have been in place for frameworks where 20% is retained to be paid on successful completion by the apprentice and will now be extended to cover apprenticeship standards.

What, How and When to pay the Levy

HMRC has published guidance on how Levy payments will be calculated and paid. You can read the full guidance [here](#). A summary of the key issues is below.

Schools

After some recent confusion, the Government has clarified how schools will pay the Levy. For maintained schools, the local authority is considered the employer and schools will therefore be included in their levy calculation. For voluntary-aided schools, foundation schools and academies, the governing body is the employer. Multi-academy trusts will get a single allowance of £15,000.

If a school becomes an academy part way through a tax year, the academy's governing body will be responsible for the Apprenticeship Levy from that point and will receive a full allowance of £15,000.

There is still some ambiguity in the guidance as to whether local authorities are responsible for all maintained schools, even where they do not manage the payroll or pay Class 1 NICs and whether local authorities should therefore also be responsible for paying the Levy for any voluntary-aided school where they do manage payroll and pay Class 1 NICs. London Councils is seeking guidance on this issue from HMRC and will update this section of the briefing when we have received clarity.

Paying the Levy

Employers will have to pay the Levy each month from 6 April 2017 if:

- They have an annual pay bill of more than £3m;
- They are connected to other companies or charities for the Employment Allowance that have a total annual pay bill of more than £3m.

An employer's annual pay bill includes all payments to employees that are subject to employer Class 1 Secondary NI contributions, such as wages, bonuses and commissions. Payments to all employees earning below the Lower Earnings Limit and the Secondary Threshold, employees under the age of 21 and apprentices under the age of 25 must also be included.

Levy payments must be paid each month through the PAYE process in the same way that Income Tax of National Insurance contributions are paid. If an employer overpays during the year, a refund will be received as a PAYE credit.

The due date for Apprenticeship Levy payments will be the 19th (or 22nd if reporting electronically) of the following month (i.e. April's Levy liability must be paid by 19th [or 22nd] of May and so on).

Levy Allowance

Each employer that isn't connected to another company or charity will have an Apprenticeship Levy allowance of £15,000 each year. Unused allowance can be carried forward into the next month within the same tax year, but it cannot be carried forward into the next tax year.

For those organisations who start or stop being an employer part-way through the tax year the full Levy allowance can be used against the amount of the Levy that is owed.

Employers that are already contributing to an industry-wide training levy arrangement (such as the Construction Industry Training Board Levy) will still need to pay the Apprenticeship Levy.

Calculating Levy Payments

The Apprenticeship Levy will be charged at 0.5% of an employer's annual pay bill. Levy payments can be calculated in the following way:

For the first month of the tax year:

1. Divide your Apprenticeship Levy allowance by 12 (for most £15,000/12 = £1,250).
2. Subtract this figure from 0.5% of your monthly pay bill.

For each of the following months:

1. Calculate your total pay bill for the year to date.
2. Add up your monthly levy allowances for the year to date.
3. Subtract your levy allowance for the year to date from 0.5% of your total pay bill for the year to date.
4. Subtract the amount of the levy you've paid in the year to date.

Reporting Requirements

From 6 April 2017, employers will need to tell HMRC how much Apprenticeship Levy they owe each month from the start of the tax year if their annual pay bill in the previous tax year was more than £3m or if they think their annual pay bill for the tax year will be more than £3m.

If an employer's annual pay bill unexpectedly increases to more than £3m then the employer must start reporting when this happens.

If an employer has started paying the Apprenticeship Levy they will need to continue reporting it until the end of the tax year, even if their annual pay bill turns out to be less than £3m. Records must be kept for at least 3 years after the tax year they relate to.

Employers will use the Employers Payment Summary (EPS) to report their Apprenticeship Levy liability due to date.

The government has published draft regulations to set out how employers or payroll operators will calculate, report and pay their liability. A copy of the draft regulations can be found [here](#), and the technical consultation on the regulations can be found [here](#).

Register of Apprenticeship Training Providers

From May 2017, levy paying employers will purchase their apprenticeship training directly from providers through the Digital Apprenticeship Service (DAS). As non-levy paying employers will be unable to use the DAS until at least 2018, the SFA will run a separate procurement process during this transitional period and award contracts to successful providers.

All training providers that want to deliver apprenticeships to any employer from May 2017 onwards will have to join a new Register of Apprenticeship Training Providers (RoATP), which will open for applications from October 2016. RoATP will open every three months for a month at a time, with an updated list of registered providers accessible via the gov.uk website. Each provider must reapply every 12 months to retain their registration.

This is a change from the current system, where sub-contractors delivering less than £100,000 of SFA funded provision per year do not need to apply. Organisations that do not deliver any apprenticeship training and act as the umbrella organisation for other providers will be ineligible to apply to RoATP.

The RoATP will be separate from the Register of Training Organisations (RoTO), which will continue to operate for the Adult Education Budget and Advanced Learner Loans. Organisations currently on the RoTO to deliver apprenticeships will need to apply to the new register if they wish to continue to deliver apprenticeships. There is no automatic transfer.

The majority of organisations will apply to join RoATP through the main application route, though there will be a separate process introduced for employers wanting to train their own employees. The government is also consulting on a third application route covering providers that do not have the capacity and capability to deliver a full apprenticeship, but can add value to the delivery of apprenticeships. The application process itself will include three broad tests that each applicant will have to pass to be included on the RoATP: a due diligence test, a financial health test and a quality, capacity and capability test.

Register of Apprentice Assessment Organisations

As well as containing on-programme training and assessment, all apprenticeship standards must contain an end-point assessment. An independent organisation must be involved in the end-point assessment of each apprentice so that all apprentices following the same standard are assessed consistently.

The Register of Apprentice Assessment Organisations (RoAAO) is a list of organisations that have been assessed as being suitable to conduct independent end-point assessment of apprentices and be in receipt of public funds. Only organisations on this register are eligible to conduct independent end-point assessment of apprentices. Although a number of different people and organisations may be involved in an apprentice's end-point assessment, only the independent organisation needs to apply to and be listed on the register.

Employers of apprentices will select an organisation from the register to conduct independent end-point assessment of their apprentices. The lead training provider will contract with the end-point assessment organisation, on behalf of their employer. Employers determine which organisation they will select and the process for selection.

End-point assessment is separate to any qualifications or other assessment that the apprentice may undertake during training. Assessments will either be delivered by an independent third party or in such a way that no party who has been involved in delivery of the apprenticeship can make the sole decision on competence and passing the end-point assessment.

An end-point assessment organisation must have relevant occupational experience of the standard, have relevant assessment experience and expertise, robustly manage conflicts of interest, and provide Quality Assurance of their activity. They cannot deliver the learning elements to the same apprentice or deliver end-point assessment to non-apprentices.

The register will be regularly updated as more organisations successfully apply.

More information on the Register of Apprenticeship Assessment Organisations, including how to become one and how to use the register to select an assessment organisation, is available [here](#).

Becoming an Employer-Provider

The government recognises that there are some employers who want to deliver training to apprentices, either to their own staff or to other employers' staff.

There are three routes for employers to become training providers:

- As an employer-provider that delivers some or all of the off-the-job training element of an apprenticeship to their own staff;
- As a provider that delivers training to other employers' staff, as well as their own staff;
- As a sub-contractor to a main provider.

Any organisation that wishes to become an employer-provider will need to apply to the Register of Apprenticeship Training Providers, will be subject to inspection by Ofsted and will be required to provide information and data to the Skills Funding Agency.

The requirements of the register will include due diligence checks on your organisation and directors, financial checks and an assessment of your organisation's capability to deliver high quality apprenticeship training. The first round of applications to the register closed in November 2016 and the new register will be published in March 2017. The new register will open four times a year for new

applications. Each provider will need to reapply every 12 months to maintain their registration and any provider on the existing register of training organisations must apply to the new register of training providers if they want to train apprentices from May 2017.

You can contact the Skills Funding Agency [via the National Apprenticeship Service website](#) for advice about becoming an employer-provider or call them on 08000 150 600. Further information and guidance on becoming an employer-provider is also available on the government website [here](#).

Public Sector Apprenticeship Target

Background

The Enterprise Act 2016 permits the Secretary of State to set targets for prescribed public bodies in relation to the number of apprentices working for them in England. The government wants the public sector to improve from its current position of delivering comparatively fewer apprenticeships than the private sector.

The new duty will apply to public bodies that have 250 or more employees in England. Each one will be required to deliver apprenticeship numbers equivalent to 2.3% of their headcount of employees each year. Boroughs will need to be aware of the duty upon them to increase the numbers of apprenticeship starts as they consider how to spend their share of the Apprenticeship Levy.

Key Points

The Government consulted on the plans to introduce the target between January and March 2016, publishing its response in January 2017. You can read the full document [here](#). Key aspects of the target are highlighted below.

Annual Target replaced by Average Target

The annual target has been replaced by an average target across a number of years. The government believes that enabling public sector bodies to achieve an average target across the years 2017/18 to 2020/21 will give flexibility to organisations to manage peaks and troughs in recruitment.

Schools

As with the Apprenticeship Levy, schools that are maintained by a local authority and where the local authority is also the employer will be included in the relevant local government target. Other schools will be treated separately.

Although they are included in the calculation of the target, Government has confirmed that boroughs can show the result for schools separately in their annual report to government on performance in meeting the target. This will allow the relative performance of the organisations to be taken into account.

Headcount vs FTE

The Government has decided to retain headcount as the measure for calculating the target rather than switching to FTE as local government had been lobbying for. Their justification is *“If the headcount target were to be replaced with an FTE basis, then the current 2.3% target would result in a lower number of starts, meaning that the public sector wouldn’t be delivering their fair share. In addition, headcount data is more readily available across the whole of the public sector”*.

Supply Chains

The government has ruled out allowing apprentices employed by sub-contractors or in supply chains to count towards a local authority’s target. However, apprentices that are working for an organisation but employed by ATAs can count towards that organisation’s target, so long as they are included within the organisation’s headcount in the annual returns.

Definition of “New Apprenticeship Starts”

The government has cleared up the confusion around what new apprenticeship starts refers to. They have confirmed that both existing employees who start on an apprenticeship, as well as newly employed apprentices will count.

Failure to Meet the Target

If an organisation is unable to meet their target, it should set out in its annual report how it has considered the target and set out what plans they have to redress this (for example, if there were no relevant standards available but a body has become part of a Trailblazer group to develop new ones to enable them to meet the target in the future, then they would have met the duty to have regard to the target). If an organisation cannot show that they have “had regard” to the target, government will work with them to see what support is needed to enable them to meet the target in future years.

London’s Performance to Date

Since 2009, London boroughs have created 4,834 apprenticeships via direct recruitment. Under the government’s current proposals for the target, London boroughs would have to deliver 4,674 apprenticeships per year – an increase of 577%. During this period a further 3,215 apprentices have been recruited directly via London boroughs supply chains and 1,008 through Apprenticeship Training Agencies.

Apprenticeship Frameworks, Standards and Trailblazers

Frameworks and Standards

The Richard Review of Apprenticeships in England found that there were key areas of the previous programme where significant improvements could be made to make it more rigorous and responsive to the needs of employers. Key recommendations included the need to put employers in the driving seat, improving the quality of apprenticeships and simplifying the system.

There are currently two types of apprenticeship qualifications – frameworks and standards. Standards were introduced as part of the government’s reform of the apprenticeships system following the Richard Review. As part of these reforms, no new apprenticeship frameworks have been developed or issued since 31 August 2014. New apprenticeship standards are being developed by employers through Trailblazers and the government believes that they will offer employers and apprentices a more robust and relevant training experience.

Phasing Out Frameworks

Over the course of the parliament, the government will phase out the current apprenticeship frameworks so that all new apprentices undertake standards. Standards are higher quality and more rigorous so are more expensive to deliver. As a result many have been allocated to higher funding bands in the new system compared to frameworks, where this was appropriate.

Trailblazers

In October 2013, the government launched the first wave of “Trailblazers” to design new apprenticeship standards. Since that time, more than 140 trailblazers have designed, or are in the process of designing over 350 standards.

Although the government had previously set out an ambition for all new apprenticeship starts to be on standards from 2017/18, they have reassessed this in light of the introduction of the apprenticeship levy. Instead, the government has now said that the migration from frameworks to standards will take place over the course of the Parliament, although they still expect to see much of this to take place in 2017/18.

The list of live apprenticeship frameworks is available on the government website [here](#).

The list of available apprenticeship standards is [here](#), with guidance on each standard that has been approved for delivery available [here](#). The list of all apprenticeship standards approved for development, but not yet approved for delivery, is available [here](#).

Full guidance on how to develop or join a trailblazer is available [here](#).

Technical Education

Institute for Apprenticeships

The Institute for Apprenticeships is a new independent body that will regulate the quality of apprenticeships, support DfE in setting funding caps and, following the recommendations in the Sainsbury Review, take over responsibility for technical education from 2018. It has been established to help ensure the quality of reformed apprenticeships, alongside a number of organisations (for example Ofqual and Ofsted). It will need to build strong working relationships with these key partners to ensure that their aims and approaches complement each other.

The Institute has a number of core functions set through legislation, including setting quality criteria for the development of apprenticeship standards and assessment plans; reviewing, approving or rejecting these; and ensuring all end-point assessments are quality assured, including quality assuring some

itself. The Institute will have responsibility for deciding the specifics of the process for developing apprenticeship standards and assessment plans and how best to ensure alignment with college-based learning, while employers will continue to lead on the design of standards and assessment plans themselves.

The Institute will also advise on the maximum level of Government funding available for standards, and its remit will also stretch to cover the development of a coherent strategy for technical education and placing employers in the lead on designing standards.

The Department for Education has appointed Peter Lauener as the Shadow Chief Executive for the Institute for Apprenticeships. He will fulfil this role on a part-time basis alongside his existing responsibilities as Chief Executive of the Skills Funding Agency and the Education Funding Agency. Anthony Jenkins, a former Group Chief Executive of Barclays and current Chair of Business in the Community, has been appointed the Shadow Chair for the Institute. Mr Jenkins was confirmed as Chair on 28 February 2017.

The government has published its draft strategic guidance for the Institute for Apprenticeships, which can be found [here](#) and a draft operational plan for the Institute, which can be found [here](#).

The government consulted on both documents. London Councils' responses can be found [here](#) and [here](#).

Sainsbury Review & Post-16 Skills Plan

Background and Context

In November 2015, the Government appointed an Independent Panel on Technical Education, tasked with advising ministers on actions to improve the quality of technical education in England, simplify the system and ensure any new proposals provide the skills most needed for the 21st Century. The panel was chaired by Lord Sainsbury.

The Panel reported back in April 2016. It found that the current technical education system – in which young people must choose from over 20,000 courses from 160 providers – was confusing, with no clear indicators as to which courses would provide the best chance of gaining employment. The Panel recommended simplifying the current system so technical education is provided through 15 “high-quality” routes, with standards being set by employers.

The Government published the Sainsbury report, alongside their response, a “Post-16 Skills Plan” in July 2016. The panel highlighted a number of problems in the current system, including:

- Standards and qualifications are not always being set by employers;
- There are too many overlapping and often low-value qualifications;
- Young people and adults looking to train found the system difficult to navigate with 20,000 courses to choose from 160 providers;
- The system is perceived as too complex;

- There are not enough apprenticeships opportunities that meet the demands of young people and the economy;
- There is too little dedicated education at higher levels;
- There is a concern that the network of colleges and training providers is unsustainable in its present form.

The Government announced that they would accept every one of the Sainsbury Review recommendations and has published a Post-16 Skills Plan to reform technical education. To tackle the problems the Sainsbury Review highlighted, the government's new system will be underpinned by four key principles:

- Employers must play a leading role.
- Technical education needs to be fulfilling, aspiration, clearly explained and attractive to everyone regardless of background or circumstance.
- Many more people need to go on to meet the national standards set by employers.
- There needs to be close integration between college-based and employment-based technical education so that employers and individuals can understand how they fit together and how to move from one to the other as seamlessly as possible.

15 New Technical Routes

One of the key proposals in the Post-16 Skills Plan is the introduction of a common framework of 15 routes across all technical education at levels 2 to 5, encompassing both college-based and employment-based learning.

The 15 technical routes include:

- Agriculture, Environmental and Animal Care
- Business and Administrative
- Catering and Hospitality
- Childcare and Education
- Construction
- Creative and Design
- Digital
- Engineering and Manufacturing
- Hair and Beauty
- Health and Science
- Legal, Financial and Accounting
- Protective Services
- Sales, Marketing and Procurement
- Social Care
- Transport and Logistics

To tackle the problem of too many competing qualifications and to simplify the selection process for students and parents, only one approved tech level qualification will be put in place for each occupation or cluster of occupations within a route. Every college-based route will also now begin with a two-year programme that starts with a “common core” that applies to all individuals studying that route. This will then be followed by specialisation. Each college-based route will be closely aligned with apprenticeships at the start and it will be possible to move from one to the other, with bridging courses available.

Although the changes may lead to a simpler and more straightforward process for learners and parents, there has been some criticism over whether 15 routes can realistically cover all job roles. Analysis from the Association of Employment and Learning Providers (AELP) suggests that 57% of jobs fall outside the scope of the 15 technical routes. There is a clear need for this framework to be regularly reviewed to ensure it stays up-to-date with changing job roles and work practices.

Work Placements

Each 16-18 year old will be entitled to a quality work placement following the completion of a two-year college-based technical education programme. As part of its expanded role taking on responsibility for technical education, the Institute for Apprenticeships will also work with employers to develop a common set of transferable workplace skills that could apply across all of the routes.

Transition Year

The Sainsbury Review recommended the introduction of a “transition year” of tailored and flexible support for individuals who are not ready to access a technical education route at age 16 (or older if their education has been delayed). The government has agreed to introduce this proposal but will carry out further work and consultation over the next six months.

Maths and English

Separately to these reforms, the government is also reviewing how to improve the study of maths and English from 16-18. This includes looking at the case and feasibility for more or all students to continue to study maths to 18 in the longer term.

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