

2016 No. 930 (W. 229)

**EMPLOYMENT AND
TRAINING, WALES**

**The Apprenticeships (Specification
of Apprenticeship Standards for
Wales) (Modification) Order 2016**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 29(1) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). This Order modifies the Specification of Apprenticeship Standards for Wales (the ‘SASW’) which was originally brought into effect in May 2013 by the Apprenticeships (Specification of Apprenticeship Standards for Wales) Order 2013.

The SASW specifies the requirements that must be met for recognised Welsh apprenticeship frameworks to be issued under section 19(1) of the 2009 Act.

The effect of this Order is to modify the SASW in the manner set out in the Schedule to this order.

To assist the reader the Welsh Ministers have published a consolidated version of SASW which incorporates the modifications shown in the Schedule to this Order.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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**EMPLOYMENT AND
TRAINING, WALES**

**The Apprenticeships (Specification
of Apprenticeship Standards for
Wales) (Modification) Order 2016**

Made 13 September 2016

Laid before the National Assembly for Wales
15 September 2016

Coming into force 14 October 2016

The Welsh Ministers make the following Order in exercise of the power conferred by section 29(1) of the Apprenticeships, Skills, Children and Learning Act 2009(1).

In accordance with section 29(2) of that Act the Welsh Ministers are satisfied that the Specification of Apprenticeship Standards for Wales as modified by this Order complies with section 31.

Title, commencement and application

1.—(1) The title of this Order is the Apprenticeships (Specification of Apprenticeship Standards for Wales) (Modification) Order 2016 and it comes into force on 14 October 2016.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order “the Specification of Apprenticeship Standards for Wales” (“*Manyleb Safonau Prentisiaethau Cymru*”) means the document given effect to by article 2 of the Apprenticeships

(1) 2009 c. 22.

(Specification of Apprenticeship Standards for Wales)
Order 2013⁽¹⁾.

Modification

3. The Specification of Apprenticeship Standards for Wales has effect subject to the modifications specified in the Schedule to this Order.

Julie James

Minister for Skills and Science under authority of the
Cabinet Secretary for Education, one of the Welsh
Ministers

13 September 2016

⁽¹⁾ S.I. 2013/1192 (W. 128).

Modifications to the Specification of Apprenticeships Standards for Wales

1. For the introduction to the Specification of Apprenticeship Standards for Wales substitute the following text:

“1. The Specification of Apprenticeship Standards for Wales (SASW) sets out the minimum requirements to be included in a recognised Welsh apprenticeship framework. Compliance with the SASW is a statutory requirement of the Apprenticeships, Skills, Children and Learning Act 2009, this version incorporates modifications made to the original SASW published in May 2013.

It incorporates modifications to allow “proxy” qualifications as a recognised alternative to Essential Skills as detailed under each apprenticeship framework level. SASW has also been modified to allow a greater flexibility in obtaining occupational competence by allowing learning to be underpinned by National Occupational Standards (NOS) where they exist, or industry-wide standards or professional standards where they do not. The final modification to SASW is to Employer Rights and Responsibilities (ERR) which are no longer compulsory in SASW frameworks. Other consequential changes have also been made as well as some reordering.

Updated guidance for Welsh issuing authorities is also being issued in a separate document. Welsh issuing authorities must have regard to this updated guidance in reaching a decision on whether a framework submission complies with SASW.

The modifications to SASW have been made by order by the Welsh Ministers.”

2. For paragraphs 2 to 42 of the Specification of Apprenticeship Standards for Wales substitute the following text:

“All apprenticeship Section reference frameworks

2. An apprenticeship framework must specify its level using the national level descriptors described in the Credit and Qualifications Framework for Wales ('CQFW'). A framework must be at Level 2 to qualify as a Foundation Apprenticeship, be at Level 3 to qualify as an Apprenticeship and be at a Level between 4 and 7 to qualify as a Higher Apprenticeship. Section 31(2)(a)
3. An apprenticeship framework must include a two digit Standard Occupational Code (SOC) to identify the sector to which it relates. Frameworks identified by the same two digit SOC code ('duplicate frameworks') are not permitted. Section 31(2)(a)
4. A framework level must specify as a Welsh certificate requirement the total volume of learning in the form of CQFW credits. The number of credits must reflect the learning required to achieve full competency in the skill, trade or occupation to which it relates. Section 31(2)(a)
5. The calculation of credit should be derived from the definition contained in the CQFW and be consistent with the sum of published learning hours given for each qualification by the relevant Section 31(2)(a)

awarding bodies or organisation(s).

6. A framework must be at a minimum of 37 credits but may where appropriate exceed this; in many cases frameworks will significantly exceed 37 credits. A framework must not be so narrow that it is only relevant to a specific workplace where the apprenticeship was attained. Section 31(2)(a)

<i>Qualifications and knowledge</i>	–	<i>Section reference</i>
	<i>and</i>	

7. The framework must identify the qualification(s) that demonstrate(s) the relevant occupational competencies as the ‘occupational competencies qualification’ and the occupational knowledge as the ‘technical knowledge qualification’ in relation to the framework.	Section 31(2)(c)(ii) and (iii)
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8. The occupational competencies and technical knowledge qualification(s) must be either:	Section 31(2)(a) Section 31(2)(c)(ii)
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a. one offered by an awarding body or awarding organisation that is recognised by a UK qualifications regulator or by a Further Education Institution or Higher Education Institution regulated by QAA (or any successor); or

b. one offered by a recognised

professional body provided its achievement confers eligibility for professional recognition.

Both the occupational competencies and technical knowledge qualification must be achieved by the apprentice to qualify for a Welsh apprenticeship certificate.

9. An apprenticeship framework must include: Section 31(2)(c)(ii)

a. an integrated competencies qualification that also contains the relevant technical knowledge within it; or

b. an occupational competencies qualification and relevant technical knowledge qualifications which taken together, demonstrate the relevant occupational competencies and the relevant technical knowledge.

10. The framework developer will decide the balance of credits between occupational competencies and relevant technical knowledge qualifications. However the framework must specify: Section 31(2)(a)

a. a minimum of ten credits achieved from an occupational

competence based qualification or the competence element of an integrated qualification, which specifically relates to the skill, trade or occupation and is based on the National Occupational Standards (NOS) where they exist, or industry-wide standards or professional standards where they do not for the employment sector for which the framework is designed and be at a level which reflects the job role; and

b. a minimum of ten credits from a technical knowledge qualification or knowledge element of an integrated qualification, which provides the technical knowledge and understanding of the theoretical concepts specifically relating to the skill, trade or occupation to underpin occupational competence. The knowledge qualification element must equip the apprentice with the knowledge and understanding of the industry and its market; or

c. a minimum of ten credits from an equivalent competencies qualification (non-CQFW) recognised by a professional body for a Higher Apprenticeship at

Levels 4 -7 where the successful completion of such an apprenticeship is a recognised pathway to professional registration.

11. The majority of the content of the occupational competencies qualification must be capable of being assessed from evidence gained through on-the job training in a workplace. This requirement applies at all framework levels, including any Higher Education qualifications specified either as the occupational competencies qualification or the integrated competencies qualification;

Section 31(2)(b)
Section 31(2)(c)(ii)

the learning content must be achieved through:

a. an occupational competence based qualification or competence element of an integrated qualification, must be based on the National Occupational Standards (NOS) where they exist, or industry-wide standards or professional standards where they do not, for the employment sector to which the framework relates, specifically relating to the skill, trade or occupation of the framework and be at a level which reflects

the job role; and

a technical knowledge qualification or the knowledge element of an integrated qualification, must provide the technical knowledge and understanding of the theoretical concepts specifically relating to the skill, trade or occupation to underpin occupational competence. The knowledge qualification/element must equip the apprentice with the knowledge and understanding of the industry and its market; or,

b. the learning content from an equivalent competencies qualification recognised by a professional body for a Higher Apprenticeship where the successful completion of such an apprenticeship is a recognised pathway to professional registration.

12. Where the knowledge and competence elements are combined and recognised as a single integrated qualification, the two elements must be separately identified and separately assessed.

Section 31(2)(a)
Section 31(2)(c) (ii)
and (iii)

13. Where a qualification contained in an apprenticeship framework refers to a national framework (such as the CQFW, RQF or SCQF), it

Section 31(2)(a)

must be identified by Title, Level and where applicable the Qualification Reference Code.

14. A framework must be reviewed periodically to ensure it is current and continues to meet the needs of the sector. Section 31(2)(a)

15. A framework must carry both the date of its issue and the date by which it will be formally reviewed. Section 31(2)(a)

16. A qualification for occupational competence must test the ability to carry out activities to the standards required for that occupation. Section 31(2)(a)

Additional occupational requirements

Section reference

17. A framework may specify additional programmes of learning to meet specific occupational requirements. The framework developer must consult with the issuing authority for that sector before any additional occupational requirement is included in a framework. Section 31(2)(a)

18. Where additional occupational standards are included in a framework the framework must specify the learning outcomes to be attained. The learning outcomes may be specified as a formal qualification or be capable of Section 31(2)(a)

independent assessment where attainment is not measured by means of a qualification.

19. A higher apprenticeship framework at Levels 4 - 7 may specify additional professional qualification(s) as recognised by the sector if they confer eligibility for professional status. Section 31(2)(a)

<i>Foundation apprenticeship frameworks (Level 2) - qualifications related to the sector</i>	<i>Section reference</i>
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20. A foundation apprenticeship framework must identify the occupational competencies qualification which must be achieved by the apprentice to qualify for a Welsh apprenticeship certificate, and which is the qualification required to demonstrate competence in performing the skill, trade or occupation to which the framework relates. The competencies qualification must be at Level 2 and be underpinned by National Occupational Standards (NOS) where they exist, or industry-wide standards or professional standards where they do not.	Section 31(2)(c)(iii)
21. A foundation apprenticeship must identify a technical	Section 31(2)(c)(ii)

knowledge qualification which must be achieved by the apprentice to qualify for a Welsh apprenticeship certificate. A technical knowledge qualification is the qualification required to demonstrate achievement of the technical skills, knowledge and understanding of the theoretical concepts and knowledge and understanding of the industry and its market relevant to the skill, trade or occupation to which the framework relates.

22. A foundation apprenticeship framework must identify either:

Section 31(2)(a)
Section 31(2)(c)(iii)

a. an occupational competencies qualification at Level 2 and a separate technical knowledge qualification:
or

b. an integrated qualification at Level 2 which combines occupational competencies and technical knowledge elements in which each element is separately assessed.

<i>Essential Skills</i>	<i>Section reference</i>
23. A foundation apprenticeship framework must specify as a Welsh certificate requirement the expected achievement levels of	Section 31(2)(c)(i)

Essential
Communications
Skills and the
Essential Application
of Number Skills,
these qualifications
will be at least Level 1
or the relevant level
determined by the
industry.

Section 31(2)(c)(i)

24. Where Essential
Skills qualifications
are specified in a
foundation
apprenticeship
framework, the
apprenticeship
framework must
specify as a Welsh
certificate
requirement, the
acceptance of one of
the following
recognised proxy
qualifications for
Communication:

- a. GCSE or iGCSE
qualification in
English language or
literature to at least
grade G (Level 1
equivalent); or
- b. O Level
qualification in
English language or
literature to at least
grade E; or
- c. A/AS Level
qualification in
English language or
literature to at least
grade E; or
- d. SCQF Level 4 –
Communication Core
Skills (oral
communication and
written
communication); or
- e. SQA National 4
English; or
- f. Functional Skills or
Key Skills literacy
qualifications in
English provided the
proxy qualification(s)
attained are at Level 1

or above.

And for Application of
Number:

- a. GCSE or iGCSE qualification in Mathematics to at least grade G (Level 1 equivalent); or
- b. O Level qualification in Mathematics to at least grade E; or
- c. A/AS Level qualification in Mathematics to at least grade E; or
- d. SCQF Level 4 – Numeracy Core Skill (Graphical Information and Using Number); or
- e. SQA National 4 Mathematics; or
- f. Functional Skills or Key Skills numeracy qualifications in Mathematics provided the proxy qualification(s) attained are at Level 1 or above.

25. A foundation apprenticeship framework may specify as a Welsh certificate requirement a qualification in Essential Digital Literacy Skills to at least Level 1, unless Digital Literacy is not relevant to effective performance in the skill, trade or occupation to which the framework relates.

On-the-job and off-the-job training *Section reference*

26. A foundation apprenticeship framework must specify the total

number of learning hours that an apprentice must receive to complete the framework. Learning hours relates to training which is designed to achieve clear and specific outcomes which contribute directly to the successful achievement of the apprenticeship framework.

27. A foundation apprenticeship framework must specify the total number of off-the-job learning hours that an apprentice must receive to complete the framework. Section 31(2)(b)

28. A foundation apprenticeship framework must specify the total number of on-the-job learning hours that an apprentice must receive to complete the framework. Section 31(2)(b)

29. The balance of hours between on-the-job and off-the job training must relate to the proportion of workplace-based assessment required for the achievement of the competencies qualification. Section 31(2)(b)

30. A foundation apprenticeship framework must specify that on-and off-the-job training must either have been received: Section 31(2)(b)

a. whilst working under an apprenticeship agreement; or

b. during a qualifying

period prior to working under an apprenticeship agreement ending on the date of application for an apprenticeship certificate.

A qualifying period of five years is recommended, but to meet the needs of their sector, frameworks may set a shorter or longer timescale than five years as the qualifying period.

Apprenticeship frameworks (Level 3) – qualifications related to the sector

Section reference

31. An apprenticeship framework at Level 3 must identify the occupational competencies qualification which must be achieved by the apprentice to qualify for a Welsh apprenticeship certificate, and which is the qualification required to demonstrate competence in performing the skill, trade or occupation to which the framework relates. The competencies qualification must be at Level 3; underpinned by National Occupational Standards (NOS) where they exist, or industry-wide standards or professional standards where they do not.

Section 31(2)(c)(iii)

32. An apprenticeship framework at Level 3 must identify a technical knowledge qualification which must be achieved by

Section 31(2)(c)(ii)

the apprentice to qualify for a Welsh apprenticeship certificate. A technical knowledge qualification is the qualification required to demonstrate achievement of the technical skills, knowledge and understanding of the theoretical concepts and knowledge and understanding of the industry and its market relevant to the skill, trade or occupation to which the framework relates.

33. An apprenticeship framework must identify either:

Section 31(2)(a)
Section 31(2)(c)(iii)

- a. an occupational competencies qualification at Level 3 and a separate technical knowledge qualification; or
- b. an integrated qualification at Level 3 which combines occupational competencies and technical knowledge elements in which each element is separately assessed.

<i>Essential Skills</i>	<i>Section reference</i>
34. An apprenticeship framework must specify as a Welsh certificate requirement the expected achievement levels of Essential Communications Skills and the Essential Application of Number Skills, these qualifications will be at least Level 2 or the relevant level determined by the	Section 31(2)(c)(i)

industry.

Section 31(2)(c)(i)

35. Where Essential Skills qualifications are specified in an apprenticeship framework, the apprenticeship framework must specify as a Welsh certificate requirement, the acceptance of one of the following recognised proxy qualifications for Communication:

- a. GCSE or iGCSE qualification in English language or literature to at least grade C (Level 2 equivalent); or
- b. O Level qualification in English language or literature to at least grade C; or
- c. A/AS Level qualification in English language or literature to at least grade E; or
- d. SCQF Level 5 – Communication Core Skills (Oral Communication and Written Communication); or
- e. SQA National 5 English; or
- f. Functional Skills or Key Skills literacy qualifications in English provided the proxy qualification(s) attained are at Level 2 or above.

And for Application of Number:

- a. GCSE or iGCSE qualification in Mathematics to at least grade C (Level 2

equivalent); or
 b. O Level qualification in Mathematics to at least grade C; or
 c. A/AS Level qualification in Mathematics to at least grade E; or
 d. SCQF Level 5- Numeracy Core Skill (Graphical Information and Using Number); or
 e. SQA National 5 Mathematics; or
 f. Functional Skills or Key Skills numeracy qualifications in Mathematics provided the proxy qualification(s) attained are at Level 2 or above.

36. An apprenticeship framework may specify as a Welsh certificate requirement a qualification in Essential Digital Literacy Skills to at least Level 2, unless Digital Literacy is not relevant to effective performance in the skill, trade or occupation to which the framework relates.

Section 31(2)(c)(i)

On-the-job training and off-the-job training

Section reference

37. Requirements are as for a foundation apprenticeship framework at Level 2.

Section 31(2)(b)

Higher apprenticeship frameworks (Levels 4 – 7) - qualifications related to the sector

Section reference

38. A higher apprenticeship framework must identify the

Section 31(2)(c)(iii)

occupational
competencies
qualification which
must be achieved by
the apprentice to
qualify for a Welsh
apprenticeship
certificate, and which
is the qualification
required to
demonstrate
competence in
performing the skill,
trade or occupation to
which the framework
relates. The
competencies
qualification must be
at the level of the
framework specified
and be underpinned by
National Occupational
Standards (NOS)
where they exist, or
industry-wide
standards or
professional standards
where they do not.

Section 31(2)(c)(ii)

39. A higher
apprenticeship
framework must
identify a technical
knowledge
qualification which
must be achieved by
the apprentice to
qualify for a Welsh
apprenticeship
certificate. A technical
knowledge
qualification is the
qualification required
to demonstrate
achievement of the
technical skills,
knowledge and
understanding of the
theoretical concepts
and knowledge and
understanding of the
industry and its market
relevant to the skill,
trade or occupation to
which the framework
relates.

40. A higher apprenticeship framework must identify either:

a. an occupational competencies qualification and a separate technical knowledge qualification at a minimum of Level 4; or

b. an integrated qualification at a minimum of Level 4 which combines occupational competencies and technical knowledge elements in which each element is separately assessed; or

c. specify an HNC, HND, Foundation Degree or Degree as the relevant technical knowledge qualification; or

d. specify a relevant technical knowledge qualification recognised by a professional body that represents the occupational area.

Section 31(2)(a)
Section 31(2)(c)(iii)

<i>Essential Skills</i>	<i>Section reference</i>
41. Requirements are as for an apprenticeship framework at Level 3.	Section 31(2)(c)(i)

<i>On-the-job training and off-the-job training</i>	<i>Section reference</i>
42. Requirements are as for a foundation apprenticeship framework at Level 2. ”	Section 31(2)(b)
