

Welsh Government Consultation on aligning the apprenticeship model to the needs of the Welsh economy

A response by
The Chartered Institute of Legal Executives

23 April 2015



For further details

Should you require any
further information,
please contact;

Vicky Purtil
Head of Qualifications
vpurtil@cilex.org.uk
01234 845761

April 2015

Introduction

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 22,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers. CILEx is also a nationally recognised Awarding Organisation, regulated by the Office of the Qualifications and Examination Regulator (Ofqual) and the Welsh Assembly Government.

Introduction

2. The Welsh Government has issued a consultation on the Apprenticeship system operating in Wales. Key issues for the Welsh Government include that Apprenticeships in future should:
 - Produce innovative and industry-focused apprenticeships
 - Support economic growth and be responsive to the needs of the future economy
 - Enable social mobility and equality of opportunity
 - Be respected by employers, parents and other individuals
3. At present, Welsh Apprenticeships are defined through frameworks. They are available at Levels 2, 3 and 4 and are made up of the following elements:
 - A Technical certificate (the knowledge component)
 - A Competence qualification (the work based component)
 - Essential skills
 - Employee Rights and Responsibilities
4. The Welsh Government is seeking views on what changes should be made to the current apprenticeship structure in order to ensure that the Welsh economy

can benefit from higher skills which in turn should contribute to economic growth in the future.

5. The questions within the consultation have been grouped into a number of related questions and this response has sometimes answered these questions individually and for other questions answered these as a group.

RAISING THE SKILLS LEVEL THROUGH HIGHER APPRENTICESHIPS

6. These questions relate to the Welsh Government's aim to increase the number of participants in higher apprenticeships, particularly for those who choose not to participate in higher education.

Q1. How can apprenticeship progression be strengthened to provide clear routes into higher apprenticeships?

7. At present, the apprenticeship route is viewed as inferior to obtaining a degree by parents and individuals making choices for post-school education and training. This attitude will need to be tackled if skills shortages are to be addressed through the development of higher level apprenticeships, as this will encourage more young people and employers to choose this route to qualification and employment. It is possible that employers also consider young people who choose not to undertake a degree after school as being of a lower standard than those with a degree.
8. In part this perception may be exacerbated through the proliferation of Level 2 apprenticeships which do not lead to a specific job role and which do not provide a sufficiently robust platform on which to build higher level skills which are relevant to employers.
9. Therefore, CILEx considers that in order to strengthen progression to higher apprenticeships, the Welsh Government should redesign the Level 2 Apprenticeship (or equivalent) offer and ensure that the qualifications and training obtained through these apprenticeships provide the necessary basic

knowledge and skills, which can be built upon through higher apprenticeships. Whilst these apprenticeships need not be specialised at this stage of training, there should be clear routes of progression set out for each available Level 2 Apprenticeship and in addition, for some apprentices, the apprenticeship should provide sufficient knowledge and skills, demonstrated through formal qualifications to be an end in itself for those who choose not to progress.

Q2. What delivery models would support expansion of higher apprenticeships particularly in technical occupations?

10. An Apprenticeship should provide for the development of occupational knowledge and skills to enable the participant at the end of the apprenticeship to be able to carry out a specific job role competently. The apprenticeship should also enable the apprentice to demonstrate this through completion of formal qualifications as this will ensure that the apprenticeship is transferable between employers.

11. Therefore any apprenticeship delivery model developed should provide the following elements:

- On the job training, to enable the apprentice to gain sufficient experience to undertake the job competently
- Off the job training to enable the apprentice to develop the necessary knowledge and skills required to undertake the job competently
- Qualifications which enable the apprentice to demonstrate to third parties that they are able to undertake the job competently. This will enable the apprentice to progress their career through other employers as well as the employer in which they served their apprenticeship. These qualifications should also have UCAS points/exemptions from some elements of degree study (dependent on level of the apprenticeship) attached, to ensure that the apprentice has opportunities to transfer to higher education at the end of the apprenticeship if they want to do so. The use of UCAS points/exemptions will

also provide a clear signal to individuals and parents that apprenticeships are equivalent with academic routes

- Apprenticeships should be linked to a clear job role, so that the qualifications and training obtained ensure that the apprentice has an occupation at the end of their apprenticeship

THE APPROPRIATE LEVEL FOR APPRENTICESHIPS

Q3. Is the proposal to commence the completion of apprenticeship programmes at level 3 the best way to achieve the objectives of: raising skill levels of the workforce; providing viable alternative education routes to university; and improving the economic benefit of investing government money in apprenticeships?

Q4. How could level 2 provision be delivered outside of the apprenticeship model?

12. These questions have been taken together as they each relate to a change to the level at which an apprenticeship can start.

13. It is also important to provide a clear definition of what is meant by the 'apprenticeship model'. For the purposes of this response, an apprenticeship is considered to be a qualification which is taken whilst working and consists of significant work experience whilst learning the necessary underpinning knowledge and skills off the job to enable the apprentice, at the end of the apprenticeship, to be competent for the job role for which they have trained.

14. The issue of changing the minimum level of an apprenticeship is a complex one and an attempt to create a single approach may not be the best way forward. Issues to take into account include:

- Level 2 may be the most appropriate level for some job roles (e.g. construction, hairdressing etc.). These roles are suitable for an apprenticeship

as they lead to qualification for a specific job role and an economy needs available training for these roles as much as for those in professional and technical occupations which may require a higher skill level.

- In other instances, it may be more appropriate to provide a foundation Level 2 apprentice type qualification which provides more generic skills which could be used to access a number of related job roles at a higher level, but equally be an end in itself and which provides access to work. Therefore, the provision may or may not sit outside the 'apprenticeship model' depending on how this is defined.
- Starting at a higher level may not give sufficient understanding of lower level work and how it contributes to the sector. This might be detrimental to the apprentice's overall understanding of the occupation.
- There may not be sufficient job opportunities and opportunities for 'on the job' experience within the sector at the higher level to enable the learner to complete the apprenticeship; it may work for some sectors but not others
- The duration of a higher level apprenticeship is longer than a lower one. If an apprentice left halfway through the programme due, for example, to the company going into liquidation and they have to move on what would the apprentice have to show for the work/learning they had completed? This is particularly pertinent if they have no level 2 qualification to fall back on.

15. One key change from the current approach to apprenticeships would be the recommendation that each apprenticeship, whatever the level, should be undertaken in an occupation and should qualify the apprentice, upon successful completion of the apprenticeship to be able to function competently in that job role.

Q5. To help inform our assessment of the possible impact of these proposals can you foresee any particular impact on those with protected characteristics (within the meaning of the Equality Act 2010) and how they might be particularly affected by these proposals?

16. None identified.

APPRENTICESHIPS SHOULD BE FOR NEW JOB ROLES ONLY

Q6. What would be the impact of limiting government funded apprenticeship places to employees in new job roles?

17. The potential outcome of restricting funding training to new staff or existing staff in new job roles is that employers may no longer provide qualifications and training for their existing workforce, which could impact on the up-skilling of current employees. Therefore, the Welsh Government should consider carefully what it intends to achieve through targeting funding in this way. Accessing qualifications and off the job training is a feature of apprenticeships which enables the workforce to demonstrate through qualifications that they are able to do a job and therefore are able to move between employers with demonstrable knowledge and skills. Existing staff, already working in job roles for which an apprenticeship has been created may therefore be at a disadvantage against those who are recruited specifically to apprenticeship roles as the apprentice will have access to qualifications and training that the existing staff member does not have.

18. However, for staff already undertaking the job role for which an apprenticeship has been created, it may be more appropriate to provide them with access to funded qualifications which fall outside the structure of the apprenticeship model.

SHOULD APPRENTICESHIPS BE FOR OCCUPATIONALLY SPECIFIC ROLES ONLY

Q7. What would be the impact on employers and apprentices of moving the apprenticeship programme offer towards occupationally specific apprenticeships?

19. This approach would ensure that every apprentice, having completed an apprenticeship would be able to demonstrate that they have acquired the

necessary knowledge, skills and competence to undertake a specific job role and therefore would be more attractive to employers seeking employees for that role.

20. There are also drawbacks to this approach, in that training for a specific occupation may limit opportunities for individuals in the future, in that if the apprenticeship is too specific, the apprentice may have limited their opportunities to change or develop their career.

21. Therefore, the definition of job roles for apprenticeships should be chosen carefully so as to ensure competence in a job role without restricting opportunities to develop or transfer. This is particularly true for apprenticeships set at lower levels and at younger people. For some types of apprenticeships at level 2 (see above), the outcome should enable the apprentice to access a range of higher apprenticeships, to ensure that options are not limited at too early a stage.

ESSENTIAL SKILLS

Q8. What issues have you encountered in relation to the delivery of Essential Skills Wales qualifications when apprentices already have comparable or higher level qualifications in similar subjects?

Q9. Do you think that proxies for Essential Skills Wales qualifications should be accepted within apprenticeship frameworks?

Q10. Which qualifications do you believe that it would reasonable to accept as proxies for particular Essential Skills Wales qualifications?

22. These questions have been grouped together, as CILEx has no specific experience in the delivery of Essential Skills. However, qualifications designed to demonstrate essential skills (functional skills in England) should ensure that all apprentices have achieved the equivalent of GCSE English and Mathematics and have appropriate ICT skills. These should be able to be

demonstrated through formal qualifications which are recognised by employers as providing an appropriate level of knowledge and skills in these essential subjects.

DELIVERING APPRENTICESHIPS IN WELSH

Q11. How can Welsh Government encourage an increase in demand for Welsh-medium apprenticeship provision?

23. In order to increase the demand for apprenticeships undertaken in the Welsh language, it may be necessary to provide an increase in the funding available to the employer, the training provider and the Awarding Organisation. This would ensure that the appropriate qualifications and training are available for those apprentices undertaking their apprenticeship through the medium of the Welsh language.

PORTABILITY OF APPRENTICESHIPS BETWEEN ENGLAND AND WALES

Q12. What does the Welsh Government need to consider regarding the compatibility and portability of apprenticeships between the English and Welsh systems?

24. Apprenticeships in England are undergoing a significant transformation. The design of the new apprenticeships are employer led and do not need to be made up of regulated qualifications. Each apprenticeship will have an end point assessment which demonstrates full competence of the apprentice at the end of the apprenticeship. Where the apprenticeship leads to professional registration, the requirements for registration through the professional body should be followed. The requirements for many job roles will be largely the same, whether an apprenticeship is completed in England or Wales.

25. One central change in the development of Trailblazer apprenticeships is the severance of apprenticeship development from the National Occupational Standards (NOS). These standards were developed in consultation with

employers through the Sector Skills Councils and provide a detailed specification of the knowledge, skills and competences required for a job role. The NOS are very detailed and are subdivided into narrow areas of competence which can lead to prescriptive requirements for the demonstration of each element, rather than consideration of competence in the job role as a whole. The key benefit of the NOS is that they are designed to provide a blueprint for a job role through employer input and this provides a link to the newly designed English Trailblazer apprenticeships, which are also employer-designed. However, the less detailed requirements of the Trailblazer standards may enable flexibility in qualification design for apprenticeships and this may be something that the Welsh Government takes into account in the future. Therefore, one option would be to retain the NOS but redraw these standards to be less prescriptive, defining required knowledge, skills and competence at a higher level and enabling flexibility in qualification design so as to demonstrate competence against the job role as a whole, rather than of each component taken individually, which may not ultimately lead to a competent professional.

26. The removal of the Qualifications and Credit Framework (QCF) in England, which imposed detailed and prescriptive design requirements on regulated qualifications, is likely to lead to changes in the qualifications delivered in England. These qualifications currently make up both English and Welsh apprenticeships. The removal of the QCF will also assist with the Trailblazer developments in England. The QCF requirements imposed testing of each component of each learning outcome without the need to test overall competence. CILEx would urge the Welsh Government to consider the future design requirements for its recognition of regulated qualifications, in particular the continued need for apprenticeship qualifications to sit on the QCF and the requirement for each assessment criterion to be tested individually without a final test on overall competence. In order to ensure that apprenticeships are fit for purpose, the nature of qualifications, which may be included within an apprenticeship in Wales, may need to be more flexible to meet the needs of employers and to ensure that the Awarding Organisations which deliver these

qualifications continue to offer suitable qualifications for Welsh apprenticeships in the future.

27. This issue is also related to the availability of funding for Welsh apprenticeships in the future and CILEx considers that it is more important to fund qualifications which deliver competent individuals who are able to undertake the job role for which they have trained, rather than only funding those qualifications which can meet prescriptive design requirements. Therefore, where qualifications have been designed in consultation with employers as suitable to meet the needs of the job role, whether or not they meet the QCF requirements, they should be funded.

28. A key issue in compatibility will be the recognition afforded to any newly developed approach to apprenticeships by employers. The new apprenticeships in England have been designed by employers and therefore should be recognised as providing full competence. Whilst the Welsh apprenticeship approach need not follow the new design requirements for the Trailblazer apprenticeships, it is important that employers understand and 'buy-in' to any structural changes and recognise these as equivalent to the apprenticeship offer in England. In addition, it will be important for the apprentice, at the end of the apprenticeship to be able to demonstrate recognised qualifications, respected by employers. These considerations should be taken into account when considering compatibility and portability of apprenticeships.

OTHER POTENTIAL REFORMS

Q13. Are there aspects of the English reformed system which would further enhance the apprenticeship system in Wales?

29. The reforms for English Trailblazers include end point testing of knowledge, skills and competence and grading. There are advantages to using this approach in that the new system will enable apprentices to demonstrate full competence for the job role and through the grading system, employers will be

able to differentiate between candidates at the end of the apprenticeship. However, there is no requirement in the revised English system for apprentices to gain formal qualifications during the apprenticeship and there is the possibility that an apprentice could fail the end point test and have nothing to show for the period of time they have spent as an apprentice. The inclusion of interim qualifications through an apprenticeship should ensure that the apprentice has met the necessary minimum standard to be able to sit the end point test and will provide valid qualifications that the apprentice can take with them at the end of the apprenticeship, irrespective of the outcome of the end point test. Using formal, regulated qualifications that are portable clearly demonstrates achievement to employers of having satisfied a commonly understood standard.

30. In addition, employers are leading the Trailblazer developments in England. This should ensure that the apprenticeship delivers the appropriate knowledge, skills and competence required by employers. However, care should be taken in defining apprenticeships to ensure that the product is transferable across the job role and is not too focused on the requirements of those employers participating in the scheme. This is particularly true where there are a large number of employers of different sizes within the sector, not all of which may be represented during the development of the apprenticeship requirements.

THE ROLE OF EMPLOYERS

Q14. What would be the benefit of establishing employer panels to have a role in advising on the design and content of apprenticeships and informing demand annually at a sectoral level?

31. As stated above, employers are working on the revised apprenticeships in England and these have been beneficial in providing clear definitions of job roles for which they would be able to offer employment opportunities. Therefore, the establishment of employer panels to advise on content and demand would be welcomed. However these panels should be representative

of the entire sector, which for some job roles may have different needs based across the sector.

32. In addition, these panels would be helpful in gauging employer demand for apprenticeships in Wales. This would be both in terms of industries which would make most use of apprenticeships and in terms of raising the profile of the availability of apprenticeships and funding for apprenticeships in Wales, which would further increase demand.

Q15. How could Qualifications Wales support the Welsh Government's aim to be more responsive to employer need and ensure that the content of apprenticeships has a high degree of labour market relevance?

33. Consultation with employers is central to the success of apprenticeships to ensure that apprenticeships produce employees at the end of an apprenticeship who are able to meet the needs of the employer. Employers have a valid role to play in setting out the requirements of the jobs for which they require employees. However, there is a need to ensure that small and medium sized employers are included within the consultation process and for this to be successful the Welsh Government may want to offer additional support to ensure that these employers are able to provide representatives who can contribute meaningfully to the discussion. Alternatively, where trade bodies exist to represent these employers, it may be helpful to include these bodies in the developments and these bodies could provide for the needs of small and medium sized businesses where they would otherwise be unrepresented.

Submitted by:

Vicky Purtill

Head of Qualifications and Responsible Officer at the Chartered Institute of Legal Executives (CILEx)

**CILEx
Kempston Manor
Kempston
Bedford
MK42 7AB**

vpurtil@cilex.org.uk

01234 845761

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