



Department  
for Education

# **Apprenticeship Targets for Public Sector Bodies**

**Government consultation response**

**20 January 2017**

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## Introduction

1. Delivering three million apprenticeships by 2020 is a key priority for the Government. Apprenticeships are a great way to progress in work and for employers to improve the skills base of their businesses.
2. The Government is actively encouraging large and small businesses in the private sector to employ apprentices. We also want to ensure that the public sector is a model employer in this regard and leads by example.
3. Expanding the number of apprenticeships in the public sector will support growth in the overall apprenticeship programme.
4. The Enterprise Act<sup>1</sup> 2016 amended the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act) to allow the Secretary of State to set apprenticeship targets for prescribed public bodies. The apprenticeship target relates to the number of apprentices working for a public body in England.
5. The 2009 Act imposes a duty on all public bodies, which are set a target, to have regard to that target. They must also publish certain information annually on their progress towards meeting the target and send this information to the Secretary of State.
6. The duty applies to England only. Where public bodies also operate elsewhere, the target will be set in respect of the proportion of the public body's workforce that works in England.
7. The Government published a consultation document on apprenticeship targets for public sector bodies on 25 January 2016. The consultation set out that:
  - We would use the Office for National Statistics (ONS) classification for public sector organisations for National Accounts as a starting point for determining organisations in scope;
  - The duty would apply to public bodies that have 250 or more employees in England;
  - The target would be for a minimum of 2.3% apprenticeship starts each year, based on the number of employees working for a body in England.
8. The consultation set out the methodology and rationale behind the target and listed the proposed bodies and reporting arrangements. It proposed a reporting

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2016/12/part/4/enacted>

period of the financial year and asked whether headcount was the correct basis for the target.

9. The full consultation document and proposed list of bodies in scope can be found here <https://www.gov.uk/government/consultations/public-sector-apprenticeship-targets>.
10. The consultation was launched on 25 January 2016 and closed on 4 March 2016.
11. The consultation was available on the GOV.UK and Citizen Space websites and was promoted on social media. Government received 180 responses (Annex B) with the majority from local government organisations and NHS Trusts.
12. In addition the Department regularly engaged with stakeholders informally. We met Whitehall departments to discuss their own target and that of their non-departmental public bodies and other bodies within their sectors. We also met with the Local Government Association alongside a number of local authorities, NHS representative bodies, and trade unions.

## Summary of responses received and the Government's response

13. The Government received 180 responses with the majority responding on behalf of an organisation. The highest proportion of responses were from local government, followed by NHS trusts, police, fire and rescue services and schools.
14. Overall, respondents were very supportive of apprenticeships with many stating that they already consider apprentices as part of workforce planning. They commented that the setting of ambitious targets can be helpful and increase aspirations but they must be realistic and achievable.
15. The main areas of comment were regarding the target and reporting period. The Government has taken into account all responses and decided on balance to retain headcount as the basis for the target. We will, however, introduce flexibility by making the target an average from 2017/18 - 2020/21 inclusive. The Government also intends to introduce the target from April 2017 to coincide with the introduction of the apprenticeships levy and the Institute for Apprenticeships.
16. More detail on our decisions is given in the following sections which set out the original questions, respondents' views and the Government response. Where there are linked issues, we have grouped questions and responses by theme. Where there is a number in brackets in the text, this indicates the number of respondents who gave the response being described.

## Question analysis

### Public Bodies within scope

17. A public body is defined at section A9(7) of the 2009 Act as:

- A public authority, or
- A body or other person that is not a public authority but has functions of a public nature and is funded wholly or partly from public funds.

18. The Government identified public organisations and institutions proposed to be in scope with reference to the Office for National Statistics (ONS) National Accounts Sector Classification at [www.ons.gov.uk/ons/rel/na-classification/national-accounts-sector-classification/index.html](http://www.ons.gov.uk/ons/rel/na-classification/national-accounts-sector-classification/index.html). A list of the organisations proposed to be in scope was included in an annex to the consultation.

### **Question 1: Do you agree that the organisations listed in the Annex and public corporations (at least with a headcount of 250 or more in England) should be in scope and if not, why?**

19. The majority of respondents who answered the question (94) said that the proposed list of bodies was the correct one.

### **Question 2: Should any organisations listed in the Annex (plus public corporations with 250 or more headcount in England) be omitted and if so, which and why?**

20. The majority of respondents who answered the question (71) said that none of the proposed list should be omitted. However, 39 respondents, largely from local government, thought that some bodies should be omitted and these are covered below.

#### **Local Authority maintained schools**

21. Some respondents said that schools should be omitted. They stated that teaching is a graduate profession so it is not possible to have teaching apprentices. Some respondents also suggested that a large number of school staff only work a few hours per week, so apprenticeships cannot be undertaken. Finally, there was concern that the costs of the targets (salaries, on-costs, training) would divert funds away from their core educational purpose. Some local authorities were concerned about their ability to meet the target as maintained schools have control over their own budget and recruitment.

## Fire and Rescue/Police

22. A small number of respondents commented that some fire and rescue services still come under the responsibility of a county council and so expressed a similar concern to that of local authority maintained schools.
23. One organisation stated that fire and rescue, and police should be omitted until relevant standards are available. A standard for Police Constable has now been approved, and standards for other rescue services are now in development. We expect that standards should take no more than a year to fully develop, and with increasing Relationship Manager support, more standards have been approved in the last year than in the previous two years combined. It is important, however, that organisations think now about what further standards they might need in order to give maximum time for development.
24. In cases where the target has not been met because standards are in development and not yet available for use, this should be explained in the public body's annual report.

## Other Bodies

25. Government received a range of representations about which bodies should be in scope, and has decided to remove the following organisations. This is in addition to those already established as out of scope in the January consultation.
26. As the BBC and Channel 4 are on the ONS list solely for the purpose of producing National Accounts and associated statistical products, we do not judge that they should be in scope of the duty. Channel 4 is also wholly commercially funded.
27. Post Office Limited has a setup where 97% of the approximately 11,500 post offices are run by independent postmasters on an agency basis, rather than by Post Office Ltd employees. We therefore judge it appropriate for them to be outside of scope.
28. As a result of their unique place within the public sector, those financial institutions which come within the definition of "public bodies" will be out of scope of the target.
29. Due to exclusive cognisance and right of the Houses of Parliament to regulate their own proceedings and internal affairs, they are not subject to control or direction of ministers and will therefore not be in scope of the duty.



## Government response

30. Regarding schools, the Government has reflected carefully but believes it is appropriate for schools to be included, given that this simply requires them to actively consider apprentices as part of workforce planning and 'have regard' to the target.
31. The Government is working with the schools sector to address perceived barriers to taking on apprentices. There are now standards in development for Teachers, Teaching Assistants and School Business Directors, as well as a range of other broader standards that could be used by the wider schools workforce.
32. Schools which are maintained by an LA and where the LA is also the employer are expected to be included in the relevant local government target. Other schools will be treated separately and only those organisations with a workforce of 250 or more in England will be in scope.
33. In response to concerns where the Council/Local Authority is the employer, while we think it is necessary for schools and fire and rescue services to be contained within the LA target, we are content for LAs to show the result for these organisations separately in their annual report.
34. Regarding the bodies listed in paragraphs 25-29 above, the Government agrees that these bodies should be out of scope of the duty. These organisations have agreed to independently publish their number of apprentices.
35. A smaller number of other respondents gave information on why they were incorrectly included and the Government will follow up with them separately.

## Question 3: Should any organisations that are not listed in the Annex be included and if so, which and why?

36. The majority of respondents (134) who answered the question said that they didn't think or weren't sure if any organisations not included should be included.
37. However, a number of respondents (34), mainly from LAs, education and health sectors, did think that some other bodies should be in scope, including further education colleges, universities and primary care providers (GPs and dental practices).

## Government response

38. Respondents who said that further education colleges and universities should be in scope stated that as these organisations receive substantial amounts of public funding and are deliverers of apprenticeships, they should lead by example.

However, further education colleges and universities are a unique hybrid of public and private sector and we do not intend to include these bodies in scope.

39. It was stated by a respondent that much work has been undertaken to deliver increased numbers of apprenticeships in primary care settings. While we welcome this work, these organisations typically have far fewer than 250 staff and it would therefore be inappropriate to hold them to the same targets as larger organisations unless they have 250 or more employees in England, at which point they would become in scope of the target.
40. Ten respondents from LAs and NHS Trusts stated that they thought all public sector organisations, regardless of size, should be in scope, especially levy paying organisations. While we will continue to encourage smaller bodies to deliver apprenticeship growth, we do not propose bringing them in scope of the target.

#### **Question 4: Should certain bodies be grouped together for the purposes of the target and if so, which are these and why?**

41. There was a mixed response of those who answered this question as 55 said yes and 57 said no. In both circumstances, respondents were mainly from LAs, followed by health and education sectors. While some could see the advantage of being grouped, for example by region or sector, and the advantage in enabling smaller organisations to be brought on board, others listed the disadvantages. These included the logistics of collecting and reporting information and accountability for the overall numbers.

#### **Government response**

42. Grouping of targets would be done with agreement of the grouped organisations and would require a lead organisation to report on their behalf. Transport for London has requested that it and its subsidiaries are grouped. We agreed to this and will set this out in the regulations.
43. Bodies that are government departments, as well as crown non-departmental public bodies, will also be grouped and this will be reflected in the regulations. These bodies have previously been set an interim annual target, ahead of the legislation, of 2.3% of headcount from 1 January 2016.
44. There was no clear support for other groupings therefore targets will apply individually to bodies.

## Question 5: Do you have any other comments on the list of organisations?

45. One organisation asked why the Construction Industry Training Board (CITB) was in scope but the Engineering Construction Industry Training Board (ECITB) was not. This is because ECITB has a workforce of fewer than 250 employees in England.

### Summary Response – Questions 1-5

46. As a result of the responses to the questions on scope, Government will continue to use the ONS classification of a public body as the basis of those in scope and will not give LA maintained schools their own target. However, Government is content for LAs to show the result either for groups of schools or individual schools alongside from their own overall figures, if preferred.

Further education colleges, universities, primary care organisations with fewer than 250 employees in England, the Houses of Parliament and smaller public bodies will remain out of scope of the duty. The BBC, Channel 4 and Post Office Limited will not be in scope of the duty. A final determination for which bodies will be in scope will be set out in regulations and debated in both Houses of Parliament in due course.

### The Target

47. In the consultation document, Government proposed using a public body's headcount in England for illustrative purposes but we asked if this was the correct basis for the target.

## Question 6: Do you agree that headcount is the correct basis for the target and if not, why?

48. The majority of respondents to the question (128), including the Local Government Association, said that they thought that Full Time Equivalent (FTE) should be used as the target basis. This was mainly due to FTE being considered a more proportionate measure for organisations that have high levels of part time staff. The responses were from a range of organisations including LAs, NHS trusts, police, and fire and rescue services

### Government response

49. The target has been calculated to ensure that the public sector delivers a fair share of the 3 million target. 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 and therefore the Government has decided on balance to stay with headcount.

50. To achieve the same number of starts using FTE, Government anticipates that the target would need to be raised to approximately 2.8%. This would mean other organisations with a lower ratio of part time workers would have a higher target.
51. The Government appreciates that this is an ambitious target and acknowledges that those with a high proportion of part time workers could feel that the target is overly stretching. For example, in local government the percentage of FTE staff is around 70% of the headcount and approximately half of employees are part time. By contrast, in the NHS the percentage of FTE staff is around 90% of the headcount. However, the Government expects the public sector to lead the way, and organisations who believe their staffing structure has acted as a material barrier to achieving the target can say so in their reporting. In particular, in meeting these concerns we suggest that bodies with a high proportion of part time workers should use FTE in parallel with headcount to report and explain any under-achievement of the target as necessary.
52. The Government also received responses which stated that the target should not be based on annual starts, but rather should be 'in post' apprentices. There was concern, particularly from the health sector that the proposed annual starts target risks organisations simply churning low level apprentices.
53. The Government has concerns that by counting 'in post' information, apprenticeship duration could be artificially extended to cover multiple years. This would result in poor outcomes for apprentices, and fewer apprentices being delivered towards the 3 million target and embedded in workforce planning. Government therefore plans to maintain the target on an annual starts basis.
54. Government will, however, introduce greater flexibility by making the target an average across the years that it applies, so that in scope bodies can manage peaks and troughs in recruitment. Further details will be set out in guidance.

## **Question 7: Do you think there is any further information that should be provided by us?**

55. 84 respondents, mainly from local government and then the health sector agreed that further information should be provided. They stated that they needed more information on implementation of the target, particularly the consequences of not meeting the target and support available if they do not. They also asked if reporting was purely about starts or if further information would be collected.
56. Information on how organisations should interpret the duty to have regard to the target, and the consequences of not meeting it, are covered below. All other issues are covered along with the responses to Question 9 and in Annex A.

## **‘Have regard’ to the Target**

57. The Government considers the duty to ‘have regard’ to the target to mean that, in making workforce planning decisions, a body subject to the duty must actively consider apprenticeships, either for new recruits or as part of career development for existing staff.

58. The Government understands that 2.3% is a stretching target. The Government also recognises that other objectives, including quality and good outcomes for apprentices, are important. That is why we are making the target an average of 2.3% starts across the years that the target applies, from 2017/18 to 2020/21.

59. The annual information returns will provide an opportunity for organisations to explain any factors which they feel have hindered their efforts to meet the target. These could include:

- Where a relevant framework or standard is not currently available but the organisation is involved in developing new standards and has plans for individuals to start on these; or,
- Where an organisation has a large number of part time workers whose Full Time Equivalent makes it difficult to meet the numbers of apprentices needed and/or due to the number of hours they work are not eligible for apprenticeships; or,
- Where an organisation employs a higher proportion of apprentices on two or more year apprenticeship programmes; or,
- Where an organisation is planning a major recruitment the following year which would bring their average number of apprenticeship starts up to or beyond the target.

60. The Government expects that all organisations will strive to meet their target and will take steps to improve apprenticeship take-up year on year. The Government hopes that the transparency provided by the publication of information regarding which organisations have and have not met the target will provide an encouragement for organisations to engage fully in the apprenticeships programme.

61. Organisations will be expected to have regard to the target in each year of their workforce planning and as such Government would expect organisational planning to actively consider apprenticeships, either for new recruits or as part of career development for existing staff. Government would also encourage public bodies that are looking to establish further apprenticeship standards to engage with the Institute for Apprenticeships to establish these. Government is

considering how we might celebrate the success of those who have met the target.

### Information on apprentices

62. The information Government expects organisations to report is listed in the 2009 Act<sup>2</sup> and is described at Annex A – Frequently Asked Questions. This includes apprenticeship starts and average percentages across the years that the target applies.
63. Information is already collected through completion of Individualised Learner Records (ILR) on the gender and ethnicity etc. of apprentices and reported through the Further Education and Skills Statistical First Release<sup>3</sup>. However, this information cannot currently be reported by a public/private sector split. With the introduction of the Digital Apprenticeship Service (DAS) Government is aiming to collect information for public sector levy paying organisations from April 2017 and for all public sector organisations using DAS by 2020, on a monthly basis.
64. The annual Apprenticeship Employer<sup>4</sup> and Learner<sup>5</sup> surveys already collect follow-up information on destination of apprentices. The surveys will continue to take place and will include a sample of public sector organisations.

### Government response

65. Government appreciates the concerns raised by those organisations which would prefer full time equivalent as a basis for the target and/or that the target is based on apprentices 'in post'. However, on balance, Government has decided to stay with headcount by annual starts as the basis for the target. We will however introduce flexibility by making the target an average across the years that it applies.
66. Government has listened to the call for more information and this is contained within paragraphs 74 to 89 and Annex A – Frequently Asked Questions.

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<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2016/12/part/4/enacted>

<sup>3</sup> <https://www.gov.uk/government/statistics/learner-participation-outcomes-and-level-of-highest-qualification-held>

<sup>4</sup> <https://www.gov.uk/government/publications/apprenticeships-evaluation-employer-survey-2015>

<sup>5</sup> <https://www.gov.uk/government/publications/apprenticeships-evaluation-learner-survey-2015>

## Target Period

67. Government proposed that the target period is the same for all bodies in order for information to be collated and compared. We looked at two options for the target period; the financial year (1 April to 31 March) and the academic year (1 August to 31 July) and proposed the financial year but asked for feedback as part of the consultation.

### Question 8: Do you agree that the target periods listed (financial year of 1 April to 31 March) are correct?

68. Just over half of respondents (93) said they thought that this was the correct target period. These respondents were mainly from local government with NHS, police, fire and rescue close behind.
69. Most who didn't agree with the proposed target periods preferred the academic year as an alternative, as this is when they tend to start their apprentices, often employing young people who go to college. They are also used to this reporting period for the Individualised Learner Record which currently records apprenticeship starts. However, this period would conflict with organisations who have co-ordinated their workforce planning with the financial year.
70. A number of respondents suggested that to allow bodies time to prepare for its introduction, the target should not start until April 2017 along with the introduction of the levy. Many of the respondents stated that they had already undertaken their workforce planning for the 2016-17 financial year and it would be challenging to try to implement monitoring systems and secure additional financial resource to employ more apprentices this year. Some respondents also stated that they recruit apprentices to the academic timetable so to start the target from September/October in the first year would mean that they wouldn't be able to count apprentices that they had only just taken on.

## Government response

71. The Government appreciates the fact that a number of respondents are used to using the academic year to report apprenticeships. However, in order to link with organisations' usual reporting timetables for other issues, as well as the apprenticeships levy, we will use the financial year as the target period.
72. The Government has listened to feedback raised in response to the consultation and will therefore introduce the target from April 2017 to coincide with the introduction of the apprenticeships levy and the establishment of the Institute for Apprenticeships.



## Other Supporting Information

### Question 9: Do you have any other comments about the contents of this consultation?

73. A large number of respondents (112), largely made up from local government and then the health sector, asked for further information to support them to prepare for the introduction of the target. Where there have been questions specifically about the target, these are covered in the Frequently Asked Questions at Annex A. The following paragraphs cover other areas where information was requested.

## Government response

### Levy Information

74. On 25 October 2016 Government published:

- Our policy on [apprenticeship funding in England from May 2017](#). The SFA has also published the [detailed funding rules](#) that underpin the policy.
- [A revised apprenticeship funding calculator](#) to help employers understand what levy they will pay and the role of the new digital service.
- Updated guidance on the [apprenticeship levy: how it will work](#).
- Our final policy on [the approach to the Register of Apprenticeship Training Providers](#). The SFA have also launched applications for the register and the associated procurement exercise for apprenticeship training provision for employers who don't pay the levy.

75. In December 2016, Government published [further employer guidance](#) from HM Revenue and Customs (HMRC) on how to calculate and pay the apprenticeship levy.

### Apprenticeship Standards

76. As part of the apprenticeship reforms, employers are designing apprenticeship standards that are more responsive to the needs of business. This process has been underway since October 2013 when the first eight "Trailblazers" were launched. Government envisages a migration from apprenticeship frameworks to standards over the course of the Parliament, with as much of this to take place by 2017/18 as possible.

77. A number of apprenticeship standards [have already been developed or are currently being developed by groups of employers \(trailblazers\)](#).



78. [Guidance is available](#) to help employers through the process of applying for and developing a new standard. It typically takes a Trailblazer around a year to get an apprenticeship standard approved for delivery, but some groups have achieved this in as little as six months.

### Marketing Campaign

79. Government launched a new apprenticeships communications campaign in May 2016 promoting the benefits of apprenticeships and traineeships. More information can be found via the following link: <http://www.getingofar.gov.uk>.

### Institute for Apprenticeships

80. The Institute for Apprenticeships is being established to ensure the quality of apprenticeships in England, as the regulator of apprenticeship standards and assessment plans. The Institute will become a key feature of the apprenticeships landscape, providing a business voice and a sustained focus on quality.
81. It will be responsible for overseeing the development of apprenticeship standards and assessment plans; reviewing, approving or rejecting them; advising on the maximum level of Government funding available for standards; and quality assuring some end point assessments.
82. Government expects the Institute for Apprenticeships to be fully operational by April 2017 to support the implementation of the new apprenticeships levy.

### Provider Readiness

83. A small number of respondents were concerned about provider readiness to support the apprenticeship reforms and increased number of apprenticeships anticipated.
84. Government will continue to support training providers in the short term in their preparations for delivering new apprenticeships and preparing for the introduction of the levy. The Education and Training Foundation (ETF) has commissioned a series of programmes to support training providers in their preparations to deliver the new standards, improve teaching and learning within apprenticeships and engage with employers.

### Equality Impact Assessments

85. Four respondents asked if an Equality Impact Assessment had been undertaken for the duty. We have given due regard to the public sector equality duty. As set out previously, we would not want the target to lead to perverse incentives which may have a negative impact on equality; if organisations are unable to meet the target for these reasons, they can set this out as part of their annual information returns. As such there should be no impact on protected groups.

86. Equality Impact Assessments have already been undertaken on the apprenticeship programme as a whole in November 2011<sup>6</sup> and the apprenticeship reforms in September 2014.<sup>7</sup>

### Support available to organisations

87. The Skills Funding Agency act as account managers and have links with identified leads in Whitehall Departments to help deliver departmental implementation plans, record activity, share best practice and support departmental reporting. They also support development of wide-ranging apprenticeship programmes to meet apprenticeship targets and support supply chain strategy.
88. There is a range of general support available to employ an apprentice or advertise a vacancy, including [An Employer Guide to Apprenticeships and Traineeships](#) and through the National Apprenticeship Service, either by calling 08000 150600 or [online](#).
89. More information [about apprenticeship training providers in your locality can be found online](#). From April 2017 the Digital Apprenticeship Service will be available to support employers whether or not you pay the apprenticeship levy.

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<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/32301/12-577-equality-impact-assessment-changes-apprenticeship-programme.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32301/12-577-equality-impact-assessment-changes-apprenticeship-programme.pdf)

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/357005/Bis-14-970-Reformed-apprenticeships-equality-impact-assessments1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357005/Bis-14-970-Reformed-apprenticeships-equality-impact-assessments1.pdf)

## Next steps

90. Government will draft regulations which will indicate those in scope and provide more information on the reporting arrangements. The regulations are subject to affirmative resolution and will be debated in both Houses of Parliament. This will take place in due course. We will issue further guidance for employers before the measure takes effect.
91. The regulations will come into force in March 2017 with first reports due in 2018. Government will set out exact timings in the guidance for employers.

## Annex A: Frequently Asked Questions

As some details will need to be worked through as the regulations are drafted, we will publish a document setting out further information ahead of the target taking effect.

### Who is in scope of the target?

Having used the Office for National Statistics classification for public sector organisations for National Accounts as a starting point, bodies with a headcount of 250 or more employees in England will be subject to the duty. The bodies in scope will be detailed in regulations which will be published in due course and debated in both Houses of Parliament.

### What if my headcount falls below 250 employees in England?

A body will be in scope if it has 250 or more employees in England on 31st March in each of 2017, 2018, 2019 and 2020. If headcount reduces during the year the organisation would still be subject to the target, and will have to report on the extent to which the target has been met at the end of that reporting year.

### What happens if an organisation is not listed in scope of the target but their headcount increases to 250 or more employees in England?

A body will be in scope of the target if it has 250 or more employees in England on 31st March in each of 2017, 2018, 2019 and 2020. A body which was not in scope by virtue of that criterion but whose headcount exceeds 250 during the year would not be subject to the duty and reporting arrangements for the remainder of that reporting year.

### What is the target?

The average target across the years the target is in operation is 2.3% apprenticeship starts based on the headcount of an organisation in England. It is a percentage of the total workforce in England and not just new employees that year. See examples in the table below:

	Year 1	Year 2
Overall average % target	2.3	
Headcount	1000	1000
Cumulative headcount	1000	2000
Apps required to meet average target (2.3%)	23	21 (23 this year – 2 over delivered last year)
App delivered	25	

	Year 1	Year 2
Overall average % target	2.3	
Headcount	1000	1000
Cumulative headcount	1000	2000
Apps required to meet average target (2.3%)	20	26 (23 this year + 3 under delivered last year)
App delivered	20	

## How is this worked out?

Employers will record their headcount number at 31st March each reporting year and will work out the apprenticeship figures required to meet 2.3% average annual starts.

## Why is it an average target?

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.

## Does headcount include those on temporary contracts, casual workers, agency staff and apprentices?

Headcount includes anyone on an employer's payroll, including temporary staff.

## We contract a lot of our support services out. Can apprentices as part of these contracts count towards the target?

No. Apprentices employed by sub-contractors who supply goods and services to a public body cannot be counted towards the target.

## We employ some apprentices through an Apprenticeship Training Agency (ATA) but they actually work for us. Do these apprentices count towards the target?

Apprentices who are working for an organisation but employed by ATAs can count towards the organisation's target. However, the apprentices also need to be included in the organisation's headcount in the annual returns.

## Is the target new starters only?

The target is new 'apprenticeship starts'; this can include both existing employees who start on an apprenticeship, as well as newly employed apprentices.

## What is classed as an apprenticeship?

In order to count towards the target, the apprenticeship must be an approved English apprenticeship agreement, or an apprenticeship agreement within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009 as it applies in relation to England by virtue of provision made under [section 115\(9\)](#) of the Deregulation Act 2015.

## If someone undertakes a level 2 apprenticeship, completes this and starts a level 3 apprenticeship straight away or later but still before 2020, does this count as 1 or 2 starts?

As the apprenticeships are different and will be on different standards/frameworks, and assuming that the first apprenticeship was completed successfully, this would be 2 starts.

## When will it come into force?

We intend for the duty to come into force from 1 April 2017 with first reporting in 2018.

## What period does it cover?

It will cover the financial year 1 April to 31 March. So for the following periods:

1 April 2017 to 31 March 2018

1 April 2018 to 31 March 2019

1 April 2019 to 31 March 2020

1 April 2020 to 31 March 2021.

## When will annual reports be due?

Reports will be due within six months of the end of each reporting period so by 30 September each year:

30 September 2018

30 September 2019

30 September 2020

30 September 2021.

## What format does the report need to be in and what information does it need to contain?

We will set out in employer guidance exactly what information is needed and if this needs to be in a specific format. It will however include as a minimum the information set out in the Enterprise Act 2016:

- A The number of employees whose employment by the body began in the reporting period in question
- B The number of apprentices who began to work for the body in that period and whose apprenticeship agreements also began in that period

Figure B expressed as a percentage of figure A;

- C The number of employees that the body has at the end of that period
- D The number of apprentices who work for the body at the end of that period

Figure D expressed as percentage of figure C. (This will indicate whether the target is being met).

If that reporting period is the first reporting period in the target period, the number of apprentices who worked for the body immediately before that period.

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We currently anticipate additional information will be:

- Action that the body has taken to meet the apprenticeship target (i.e. how it has 'had regard').
- If the target has not been met then an explanation of why.
- Information about action the body proposes to take to meet the apprenticeship target in future.
- From year 2 of the target onwards, cumulative headcount and starts information and the average percentage starts delivered.

## Where will I have to publish the information?

Bodies in scope will be required to publish the numerical information above but do not have to publish the narrative information. We are not being prescriptive about how the information should be published but it should be accessible to the public.

## **How will I send it to the Secretary of State?**

We will be setting up an electronic mailbox purely for the receipt of the annual reports and will give details of this later in the year.

## **What happens if I haven't met my target?**

In their annual report, bodies should set out how they have considered their target, for example in workforce planning, recruitment, and the results of this. If this means that the target has not been met to date then the body should set out what their plans are 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.

However, if a body cannot show that they have 'had regard' to the target we will work with them to see what support is needed to enable them to meet the target in future years.



## Annex B: List of organisations that responded to the consultation

180 responses were received to the consultation. Please note that a number of respondents have asked for their response to be treated as confidential and these names have been omitted from the list. Names of individuals responding to the consultation have also been omitted from this list.

- Active Learning Trust
- Airedale Academies Trust
- Anglian Community Enterprise (ACE) Community Interest Company
- Apprenticeship Working Group - SCR Combined Authority LEP
- Arts Council England
- Association of Colleges
- Association of School and College Leaders (ASCL)
- Association of Teachers and Lecturers
- Barnsley MBC
- BBC
- BFI
- Bolsover District Council
- Brent Council
- Bury Council
- Cambridgeshire Fire and Rescue Service
- Central Manchester University NHS Foundation Trust
- CfBT Schools Trust
- Channel 4
- Cheshire West and Chester Council
- Cheshire West and Chester Schools Forum
- Chesterfield Borough Council
- City & Guilds
- Community Academies Trust
- Competition and Markets Authority

- Corby Borough Council
- Core Cities
- Cornwall Council
- County Durham and Darlington Fire and Rescue Authority
- Cumbria Partnership Foundation Trust
- Cumbria Partnership NHS Foundation Trust
- Derbyshire County Council
- Devon County Council
- District Council's Networks
- Doncaster Metropolitan Borough Council
- Dudley & Walsall Mental Health Partnership NHS Trust
- Durham County Council
- Ealing Council
- East Riding of Yorkshire Council
- East Sussex County Council
- EEF
- English Heritage
- Essex County Council
- Freedom and Autonomy for Schools National Association (FASNA)
- Gloucestershire County Council
- Gloucestershire County Council
- Greater Manchester Combined Authority
- Greater Manchester Police
- Guy's & St Thomas' NHS Foundation Trust
- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- Health Education England
- Health Education England NCEL / GOSH
- Heart of England NHS Foundation Trust
- Hereford & Worcester Fire and Rescue Service

- Hertfordshire County Council
- Historic England
- Homerton University Hospital NHS Foundation Trust
- Homes and Communities Agency
- HTAE
- Hull Training Adult Education
- Isle of Wight Council
- Kent County Council
- Kirklees Council
- Lancashire Care Foundation NHS Trust
- Lancashire Teaching Hospitals NHS Foundation Trust
- Learning and Work Institute (formerly NIACE and Centre for Economic and Social Inclusion)
- Leeds City Council
- Leicester City Council
- Leicestershire County Council
- Lincolnshire County Council and Lincolnshire Fire and Rescue Authority
- Local Government Association
- London Borough of Bexley
- London Borough of Camden
- London Borough of Hackney
- London Borough of Lambeth
- London Borough of Lewisham
- London Councils
- London North West Healthcare NHS Trust
- LTE Group
- Magnox Limited
- Manchester City Council
- Mid Cheshire Hospitals NHS Foundation Trust
- Milton Keynes Council

- National Association of Schools Business Management (NASBM)
- National Association of Head Teachers
- National Schools Training
- National Skills Academy for Health
- NHS Employers
- NHS Providers
- Norfolk and Norwich University Hospitals NHS Foundation Trust
- Norfolk County Council
- North East Combined Authority
- North East Derbyshire District Council
- North Essex CCG
- North Somerset Council
- North Staffordshire Combined Healthcare NHS Trust
- North Warwickshire Borough Council
- North West Ambulance Service NHS Trust
- North Yorkshire County Council
- North Yorkshire Fire and Rescue Service
- Northampton General Hospital
- Northgate High School
- National Police Chiefs' Council (NPCC) Workforce Committee
- Nuclear Decommissioning Authority
- Osborne Primary School
- Oxford City Council
- Oxfordshire County Council
- Pennine Care NHS Foundation Trust
- Peterborough City Council
- Portsmouth City Council
- Public Sector People Managers' Association (PPMA)
- Rotherham NHSFT
- Royal Borough of Greenwich

- Royal College of Nursing
- Royal Liverpool and Broadgreen University Hospitals NHS Trust
- Salford CCG
- Salford City Council
- Salford Royal NHS Foundation Trust
- Sandwell Metropolitan Borough Council
- Science Council
- Senta
- Sevenoaks District Council
- Somerset County Council
- South Lakeland District Council
- Southend University Hospital NHS Foundation Trust
- Spiral Partnership Trust
- Staffordshire County Council
- Staffordshire Fire and Rescue
- Stockport NHS Foundation Trust
- Stockport NHS Foundation Trust on behalf of the Greater Manchester NHS HR Directors Forum
- Surrey and Sussex Healthcare NHS Trust
- Swindon Borough Council
- Tate
- Tees Valley Unlimited
- The Clatterbridge Cancer Centre NHS Foundation Trust
- The Education Village Academy Trust
- The Greater London Authority (GLA) Group of Functional Bodies (GLA group); Including GLA, Transport for London (TfL), London Fire Brigade (LFB), London Legacy Development Corporation (LLDC) and The Mayor's Office for Policing and Crime (MOPAC) including the views of the Metropolitan Police (MET).
- The Sheffield College
- Tonbridge & Malling Borough Council
- Trades Union Congress

- Transport for London
- UK Atomic Energy Authority
- Unison
- Unite the Union
- University Hospital Southampton NHS FT
- University Hospitals Coventry & Warwickshire NHS Trust
- University Hospitals Morecambe Bay NHS Trust
- University of Derby
- Walsall Healthcare NHS Trust
- Warwickshire County Council
- Waverley Borough Council
- Weightmans LLP
- West Midlands Ambulance Service NHS Foundation Trust
- West Midlands Police
- West Sussex County council
- West Yorkshire Combined Authority
- Westhoughton High School
- Westminster City Council
- Wirral University Teaching Hospital NHS Foundation Trust
- Woodfield Academy
- Wrightington, Wigan & Leigh NHS Foundation Trust
- Wyre Forest District Council
- Young Women's Trust



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