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STATUTORY INSTRUMENTS

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**2020 No. 67**

**EDUCATION, ENGLAND**

**The Adult Skills (Specified Qualification in Information Technology) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>28th January 2020</i>
<i>Laid before Parliament</i>		<i>31st January 2020</i>
<i>Coming into force</i>	- -	<i>1st August 2020</i>

The Secretary of State makes the following Regulations, in exercise of the powers conferred by sections 87(3)(c), 88(2)(c), 89(1) and (4) and section 264(1) of, and paragraph 3 of Schedule 5 to, the Apprenticeships, Skills, Children and Learning Act 2009(1).

**Citation and commencement**

1. These Regulations may be cited as the Adult Skills (Specified Qualification in Information Technology) (Amendment) Regulations 2020 and come into force on 1st August 2020.

**Amendment of the Adult Skills (Specified Qualifications) Regulations 2010**

- 2.—(1) The Adult Skills (Specified Qualifications) Regulations 2010(2) are amended as follows.  
(2) After regulation 4 insert—

**“Information technology qualifications**

**4A.** For the purposes of paragraph 1(ba) of the Schedule(3), a specified qualification in making use of information technology is a qualification, or a description of a qualification, which is assessed by the Secretary of State to be at the level of attainment specified in paragraph 5A of the Schedule(4).”

(3) In regulation 7 (publication of lists), after “4,” insert “4A”.

(4) In regulation 8 (exclusion for apprentices), after ““qualification” insert “, other than a specified qualification in making use of information technology,”.

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- (1) [2009 c. 22](#) (“the 2009 Act”). Paragraph 3 was amended by paragraph 30 of Schedule 14 to the Deregulation Act [2015 \(c. 20\)](#). Section 264(1) is cited for the meaning of “regulations”.
- (2) [S.I. 2010/733](#); amended by [S.I. 2015/971](#).
- (3) Paragraph 1(ba) of Schedule 5 to the 2009 Act was inserted by section 114(3) of the Digital Economy Act [2017 \(c. 30\)](#) (“the 2017 Act”).
- (4) Paragraph 5A of Schedule 5 to the 2009 Act was inserted by section 114(4) of the 2017 Act.

(5) After regulation 8 insert—

**“Exclusion for persons skilled in information technology**

**8A.** For the purposes of sections 87(3)(c) and 88(2)(c) of the Act, insofar as they are connected with the provision of a course of study for a qualification specified for the purposes of regulation 4A (qualification in making use of information technology), it is a condition that a person must have information technology skills below the level of attainment described in paragraph 5A of the Schedule.”

(6) In regulation 9 (persons to be treated as not having a specified qualification)—

- (a) in paragraph (2)(a), for “paragraph 4” substitute “paragraph 5”;
- (b) after paragraph (2) insert—

“(3) A person is to be treated for the purposes of sections 87(1) or 88(1) of the Act, insofar as they are connected with the provision of a course of study for a qualification specified for the purposes of regulation 4A (qualification in making use of information technology), as not having that qualification or a qualification (including one awarded by a person outside England) which appears to the Secretary of State to be at a comparable or higher level if that person—

- (a) is assessed in accordance with regulation 10 as having information technology skills below the level of attainment described in paragraph 5A of the Schedule; and
- (b) has been awarded on a previous occasion either—
  - (i) a qualification specified for the purpose of regulation 4A; or
  - (ii) a qualification (including one awarded by a person outside England) which appears to the Secretary of State to be at a comparable level to or higher level than a qualification specified for the purposes of regulation 4A.”.

(7) In regulation 10(1) (assessment of skill level)—

- (a) for “regulation 9” substitute “regulations 8A and 9”; and
- (b) for “3 and 4” substitute “4, 5 or 5A”.

(8) In regulation 11 (tuition fees), for “3 and 4” substitute “3, 4 and 4A”.

28th January 2020

*Michelle Donelan*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Adult Skills (Specified Qualifications) Regulations 2010 (S.I. 2010/733) (“the Adult Skills Regulations”).

Regulation 2(2) inserts regulation 4A into the Adult Skills Regulations. The new regulation 4A confers a function on the Secretary of State to assess a specified qualification in information technology as being of a level specified in Schedule 5 to the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”).

The result of this is that specified courses in information technology can be provided to a person for free, within the meaning of section 88 of the 2009 Act.

Regulation 2(3) includes specified qualifications in making use of information technology in the lists of specified qualifications which the Secretary of State must make available to the public under regulation 7 of the Adult Skills Regulations.

Regulation 2(4) ensures that specified qualifications in information technology are outside of the existing condition in the Adult Skills Regulations that, in order to benefit from the free provision of facilities, and to be able to undertake the course for free, the person must not be undertaking a specified qualification as part of an apprenticeship.

Regulation 2(5) provides that a condition of being eligible to benefit from the free provision of facilities for a course in information technology, and to be able to undertake the course for free, is that the person must have information technology skills below the level of attainment described in paragraph 5A of Schedule 5 to the 2009 Act.

Regulation 2(6) amends regulation 9 of the Adult Skills Regulations to provide that a person who has previously been awarded a specified qualification in information technology but is assessed by the Secretary of State as having information technology skills below the level of attainment described in paragraph 5A of Schedule 5 to the 2009 Act, is treated as not having that qualification. Regulation 2(6)(a) corrects an error in the Adult Skills Regulations.

Regulation 2(7) amends regulation 10 to allow a training provider to assess whether a person has a skill level in information technology below the level of attainment described in paragraph 5A of Schedule 5 to the 2009 Act. As part of this amendment, regulation 2(7)(b) corrects an incorrect reference to paragraph 3 of Schedule 5 to the 2009 Act.

Regulation 2(8) amends regulation 11 to provide that “tuition fees”, for the purposes of the 2009 Act, include the costs of any examination for a qualification in information technology.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.