



MSA response to the BIS Apprenticeships Consultation, May 2013

The Maritime Skills Alliance is the standards setting body for skills for the UK's maritime sector. Founded in 2004 with three members, we now have 15: British Marine Federation, British Tugowners Association, Company of Watermen and Lightermen, International Jack Up Barge Owners' Association, International Association of Maritime Institutions, Maritime and Coastguard Agency, Marine Society and Sea Cadets, Merchant Navy Training Board, National Workboat Association, Passenger Boat Association, Port Skills and Safety, Royal National Lifeboat Institution, Royal Navy, Royal Yachting Association, and Sea Fish Industry Authority.

Much of our work has been devoted to developing a suite of interlocking standards and qualifications which enable employees to progress both within their specialism and between sectors.

Our work to develop a coherent suite of apprenticeships has recently been recognised by the "[Investment in People](#)" award from Seatrade, a leading international maritime journal.

We agree with the broad thrust of Doug Richard's recommendations, particularly to 'strengthen the brand', enhance the focus on outcomes rather than process, encourage transferability (something we have given great emphasis to in our sector), and complement apprenticeships with the new traineeships. We wish to make the following points in response to the consultation document:

Employer leadership

1. We agree that "at their core Apprenticeships must be about the relationship between an employer and an Apprentice" – and that belief is at the heart of how we manage things in the maritime sector. We provide a wide range of high quality apprenticeships, many of longstanding, which fully meet employers' requirements, and those of our regulator. What we require from Government is a better test of how the employer relationship is judged, more sensitive to the different circumstances of different sectors. *Since 2011* we have been trying to find a way to meet the spirit of apprenticeship regulations, while recognising the reality of how the maritime industry works: employers are understandably frustrated, disillusioned and reaching points where they might walk away from apprenticeships and the employment and career opportunities they provide for young people, and look instead to buying or training this expertise from the EU.

Alternative Completion Conditions – a cumbersome way to get what employers want

Our latest apprenticeship framework (the Apprentice Framework for Maritime Occupations, reference 560, approved through Skills for Logistics in November 2012) has unfortunately got caught between two sets of statutory requirements. They are the Specification of Apprenticeship Standards for England (SASE), and the regulations supporting European Community Guidelines on the Maritime Transport State Aid. To satisfy the former, trainee officers must be employed, but they are forbidden from being employed by the latter.

The practical solution which employers want to see is for trainee officers to be recruited through ‘sponsorship’, but this status is not recognised under the SASE, despite the reality that sponsorship in the Merchant Navy requires the active involvement of employers. (It is nothing like the ‘programme led’ apprenticeships which the Government has ceased to support: employers want and need to be actively involved to be sure to get the trained people they want.)

The solution to our problem lies in the provision for ‘Alternative Completion Conditions’ (to be passed by an affirmative resolution of both Houses), a provision put into the Apprenticeship, Skills, Children and Learning Act for just this kind of eventuality.

BIS (and DfT) officials have been helpful and supportive, (although it is fair to say that NAS has been at times anything but helpful) but this is a particularly cumbersome and time-consuming way round the problem, and it is still not completed.

2. Matthew Hancock comments in his Foreword: “The voice of employers is not best expressed through representative bodies”. See the box above about Alternative Completion Conditions, and the attached case study, which we provided for our response to Doug Richards’ report. Employers do not have the time to manage very detailed and time-consuming discussion with civil servants over an extensive period: they want fast, responsive, arrangements – and it is because we have been trapped in arrangements which are anything but, that employers in the maritime sector work through the Maritime Skills Alliance. So while we agree with the Minister’s ambition, it needs to be tempered by a bit of realism about current bureaucratic apprenticeship approval procedures, and a recognition of where industry arrangements exist and are working well, and there is no appetite from employers to change them.
3. To the section on “designing the standards and qualifications” (p13) it is worth summarising our approach to employer involvement in the MSA, because it illustrates both the realities of achieving such an ambition (which are more demanding than a simple bold commitment), and the pragmatic ways we have found to make things work, for employers and their apprentices.

There are two points to make about the fact that the MSA represents 15 organisations:

- a. the maritime industry is extensive and central to our role in the MSA has been to identify and build upon our common core of skills, so that employers and employees benefit from the scope to progress not just within a sector, but between sectors. (A simple example would be a trawler skipper using his existing accreditation to work on supply vessels in the North Sea, instead of

having to re-train). This is exactly in line with Doug Richards' ambitions, but a meeting which brought together employers from the whole breadth of the maritime industry would be unmanageable and employers would not attend. In the normal course of events, employers in the leisure marine sector (eg Thames cruisers), do not mix with international shipping companies, nor either of them with fishermen, or port and harbour authorities. But they all come together to talk about skills because we have developed a representative body which mediates all those discussions to identify the common ground. It is painstaking work which has taken years – and employers across the industry are clear that they have benefitted enormously.

- b. employers drive the member organisations, and their voice carries through their representatives, to the MSA. As an example, the British Tugowners Association comprises 15 members, all employers. One of those employers, and the Secretary (a former mariner) sit on the Board of the MSA. This is not the model you describe: but it works, and maritime employers think it works. Your system needs to be flexible enough to accommodate different ways to reach the same goal.

Role of Government

4. The great majority of employers in the maritime industry want to see strong regulation by the Maritime and Coastguard Agency (which applies both UK and international requirements), not least because it underpins safety, to which we are all committed. That is why it is the MCA, as our regulator, which determines whether someone gets an internationally regulated Certificate of Competency or not. A narrow reading of your criteria might suggest that this is a Government body calling the tune, not employers – but that would miss the truth of it. Employers accept the primacy of the MCA and value its tough criteria: they set the high standards which we all want, and those standards both keep seafarers alive and enable the industry to work effectively and competitively across national and international markets. We need BIS to manage an apprenticeships regime which recognises that this model is different from the norm in other sectors – but nonetheless does do what maritime employers want done. We need a regime which accepts that there are different ways to get to our shared goal of high quality outcomes. There is a challenge there for BIS, and particularly for the National Apprenticeship Service, to design tests which reflect the *outcomes* which BIS (and Doug Richards) have specified, rather than narrow interpretations of acceptable processes.
5. Employers across the sector have been very frustrated to see developments which they badly want, hugely *slowed down* by the Better Regulation initiative. Not all regulation is bad, and when much of our industry is heavily regulated anyway through international treaty, applying anti-red tape approaches regardless of that context does more harm than good. Employers would commit to more training if only we could remove the bureaucratic burden of the Better Regulation initiative!

Approach to design

6. A "core and options" approach is exactly what employers in the maritime industry want – and we have been very frustrated to have to *abandon* that ambition because of the entrenched views of the National Apprenticeship Service. See the case study.

7. You asked for views on managing the transition to new qualifications and standards. We urge Government to be careful not to disrupt frameworks which are working well and which (in our case) have been put together over an extensive period with too much compromise by employers to meet narrow interpretations of Ministers' wishes. Another upheaval risks alienating employers and reducing their commitment, not enhancing it. Our suggestion back is that Government should follow the logic of its own commitment to employer leadership and only initiate change where a suitably representative group of employers request it.
8. Gradings. We are sceptical about the value of applying gradings to apprenticeship outcomes. Individuals either meet the regulator's test of competency, or they do not. We are wary of committing a good deal of effort to designing an effective gradings structure which would add little or no value to existing arrangements.
9. Kitemarking providers. We are similarly sceptical about the value of Kitemarking providers – *in our sector*. That may be valuable to others, but in the maritime sector we work through a fairly small number of specialist providers in the public, private and not-for-profit sectors, whose characteristics are well-known to employers, or easily identified through peer networks. Our knowledgeable providers, many with a long history of specialist expertise, are valued partners in delivering high quality training.
10. Local Enterprise Partnerships. We would caution BIS not to rely quite so heavily on LEPs as a tool for change. They do not fit the maritime sector well, because (a) we are so geographically dispersed (primarily round the coast, of course), and (b) this is a UK-wide (and commonly international) industry, and LEPs only operate in England. Maybe if there was a Maritime LEP ... ?
11. Final assessment. We reiterate our core point that the Government's framework should be sufficiently flexible to accommodate and respect arrangements which work for individual sectors. We believe that we have a good model – perhaps a model for others? – which combines rigorous final assessment with structured processes during training to ensure that apprentices are building their knowledge and competence. Most parts of the sector use a Training Record Book (titles vary) to support that structure, and we know that these TRBs work.
12. English and Maths. We agree with the core ambition and again look for some flexibility in its application – but it must teach and test competence which is aligned with the needs of each sector, and the way that they use English and Maths.

Our core message. Where an industry has its own long-standing, employer-led, well-used, and regulator-approved industry programmes, Government should be very careful about applying its otherwise admirable principles in ways which might damage what already exists. The maritime sector has had to battle its way past Government constraints to achieve what we have: please do not add new obstacles which risk driving employers away from a system which is working.

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Maritime Occupations Apprenticeship Framework for England – a case study

A brief history of events: 2010 to August 2012

Background:

The advent of the QCF in 2008, which was based on the principles of credit accumulation and transfer appealed greatly to the maritime sector and fitted perfectly with its aim of opening up access and progression routes across the various subdivisions. It was also possible to create qualifications that incorporated both knowledge and competence elements, obviating the need for a separate technical certificate. However the MSA recognised that there would also be an overlaying requirement to comply with national and international regulations regarding supervised time spent at sea. A new suite of maritime studies qualifications, based on these principles were developed using a core and options approach which gave the flexibility needed to cover the various needs of the sector. It also offered the potential to widen access to learning to achieve the qualifications, by enabling providers to group the relatively small numbers together into viable units.

Initial Development of a Maritime Apprenticeship:

A new maritime apprenticeship was developed using three of these new qualification pathways for sea fishing, tugs, and rivers and inland waterways including limited distances to sea. The latter two being completely new apprenticeships based on national and international regulatory requirements. The framework, which was based on the now defunct 'blueprint', was submitted in August 2010 only to find that it had missed the deadline for the interim arrangements by 7 days. A further period of re-development followed, during which a very positive demand for an apprenticeship route for able seafarers was identified. Further pathways were added for able seafarer (deck) and (engine), which again reflected international regulatory requirements. After much toing and froing on the detail, a revised Framework based on the SASE and incorporating the two additional pathways was issued by Skills for Justice in June 2011.

Process for securing funding for the Intermediate Maritime Apprenticeship pathways:

NAS refused to fund the issued framework on the basis that it was non-compliant because the units comprising the basic qualification did not provide the minimum number of required credits and they did not understand the Guided Learning Hours (GLH) calculations. They were unwilling to take account of the mandatory need to complete additional units to meet the defined pathways and which comfortably exceeded the SASE requirement. Despite lengthy arguments, NAS remained unwilling to concede on this and the sector was forced, against its better judgement, to create a new suite of self-standing qualifications, simply to comply with their requirements. Thus the integrated model that would aid transferability across the sector has, to a large degree, been destroyed.

A revised Framework, based on a new set of qualifications and explaining how the GLH related to the qualification and regulatory requirements, was finally issued on 21 September. Nothing further was heard from NAS until a telephone call from an employer anxious to enrol some apprentices alerted the MSA to the fact that funding had not been agreed. It then transpired that NAS required further clarification of the GLH components. These were provided and it then emerged that they were not convinced that the new qualification delivered 'job competence's, because additional GLH were required to meet national and international regulations and thereby become a much more desirable employee. As a solution they proposed an integrated qualification incorporating regulatory requirements; they were told that this was totally unacceptable to MCA, the Government's UK Regulator and the MNTB. They were informed that these were tried and tested, training models leading to real jobs, which met industry needs, have rigour and integrity and contain nationally recognised qualifications as well as internationally required professional certification. The sector therefore did not feel disposed to simply accede to NAS demands.

The sector made representations to BIS, complaining about the delaying tactics of NAS and their constant moving of the goal posts. This resulted in a compromise proposal, which they had negotiated with NAS. It necessitated the removal of references to MCA certification from the content of the apprenticeships, and showing it as a progression route for those who successfully completed the programme. NAS also required confirmation that the qualification did in fact deliver job competence and that employment opportunities were available without the MCA certification, although not of the same value to either the learner or employer.

The MSA Board reluctantly agreed to these changes and a revised framework was submitted on 8 December 2011. It was rejected by NAS because they said the on job GLH were excessive and did not understand the calculations. They were in fact an agreed proportion of seetime, which members felt accurately reflected the time practising and refining their practical skills to achieve job competence. However in an effort to quickly resolve the matter, with both employers and providers desperate to enrol learners on all the pathways a further submission with significantly reduced on job GLH was submitted on 14 December. It was quickly agreed with the issuing authority who immediately passed it NAS. NAS continued to raise queries on the framework and in desperation the matter was raised with BIS and DfT. They were able to agree a compromise proposal with NAS which would require the removal of any references to MCA certification as part of the apprenticeship. Instead it should be shown as a progression route. It would also be necessary to confirm that an employable level of competence had been achieved without MCA certification and change the job titles on entry and completion accordingly. The MSA reluctantly agreed accept the compromise proposal and delete references to MCA Certification as part of the framework. After further toing and froing the Framework with four Intermediate level pathways was finally approved for funding purposes from 1 March 2012, 9 months after the first revised submission based on the SASE and over 18 months since the first 'blue print compliant' submission.

Developing Advanced Maritime Apprenticeship pathways:

In addition to the above, which all relates to the Level 2 Intermediate Apprenticeship, the MSA has been engaged in lengthy debate extending over 15 months, involving BIS, DfT, MCA and Chamber of Shipping regarding the proposed development of an advanced level apprenticeship with pathways for Merchant Navy deck and engineering officer trainees. Because of the State Aid Regulations, officer trainees are not employed but sponsored and cannot be part of the ship's complement whilst undergoing training and are regarded as supernumerary. The SASE insists on employed status for all apprentices and this barrier was only overcome by direct Ministerial intervention and support from officials at both BIS and DfT who agreed that Alternative Completion Conditions could be applied to these apprentices. The two advanced pathways were issued in July 2012 and NAS have agreed in principle to accept them for funding purposes on an employed status basis until the required alternative completion conditions order has passed through the Houses of Parliament. It is anticipated that the first intake of trainees that will be eligible for funding will be in September 2013, over 2 years after the matter was first raised.

Conclusions:

This case study highlights the inflexibilities in the existing systems, which do not allow employers to put in place apprenticeships, which are of value to the company, the learner and the UK economy. It highlights the cost in terms of time and resources expended in trying to meet the exacting but ultimately counter-productive standards contained within the SASE. It also shows how the process is a serious deterrent to imaginative and flexible forms of apprenticeships that do not conform to the stereotype encapsulated within the SASE. Even for a straightforward conventional form of apprenticeship the whole process is debilitating and many employers would sooner give up, rather than continually battle with officials to put in place that which they believe is right for their company

Maritime Skills Alliance members:

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