

Skills and Post-16 Education Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Education, have been ordered to be published as HL Bill 5—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Berridge has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Skills and Post-16 Education Bill [HL] are compatible with the Convention rights.

Skills and Post-16 Education Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Make provision about local skills improvement plans; to make provision relating to further education; to make provision about functions of the Institute for Apprenticeships and Technical Education and relating to technical education qualifications; to make provision about student finance and fees; to make provision about assessments by the Office for Students; to make provision about the funding of certain post-16 education or training providers; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SKILLS AND EDUCATION FOR WORK

CHAPTER 1

EDUCATION AND TRAINING FOR LOCAL NEEDS

Local skills improvement plans

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1 Local skills improvement plans

- (1) This section applies to a relevant provider that provides post-16 technical education or training that is material to a specified area.
- (2) Post-16 technical education or training is “material” to a specified area if it could reasonably be regarded as material or potentially material to the skills, capabilities or expertise that are, or may in the future be, required by employers operating within the specified area, having regard to all the circumstances and any guidance published by the Secretary of State. 10
- (3) If there is no approved local skills improvement plan for the specified area, the relevant provider must co-operate with the employer representative body for that area for the purposes of assisting the body to develop a local skills 15

improvement plan for submission to the Secretary of State for approval and publication.

- (4) If there is an approved local skills improvement plan for the specified area, the relevant provider must –
- (a) co-operate with the employer representative body for that area for the purposes of assisting the body to –
 - (i) keep the plan under review, and
 - (ii) where appropriate, develop a replacement plan for submission to the Secretary of State for approval and publication, and
 - (b) have regard to the plan so far as it is relevant to any decision that the relevant provider is making in relation to the provision of post-16 technical education or training that may be relevant to the skills, capabilities or expertise that are, or may in the future be, required in the area.
- (5) The relevant provider must have regard to any guidance published by the Secretary of State in connection with this section, including in relation to –
- (a) co-operation with an employer representative body under subsections (3) and (4), and
 - (b) the matters to which the Secretary of State might have regard in deciding whether to approve and publish a plan.
- (6) A “local skills improvement plan”, in relation to a specified area, means a plan which –
- (a) is developed by an employer representative body for the specified area,
 - (b) draws on the views of employers operating within the specified area, and any other evidence, to summarise the skills, capabilities or expertise that are, or may in the future be, required in the specified area, and
 - (c) identifies actions that relevant providers can take with regard to any post-16 technical education or training that they provide so as to address the requirements mentioned in paragraph (b).
- (7) An “approved local skills improvement plan” means a local skills improvement plan that has been approved and published by the Secretary of State.

2 Designation of employer representative bodies

- (1) The Secretary of State may designate an eligible body as the employer representative body for an area in England (the “specified area”) if –
- (a) the Secretary of State is satisfied that –
 - (i) the body is capable of developing and keeping under review a local skills improvement plan for the area, in an effective and impartial manner, and
 - (ii) the body is reasonably representative of the employers operating within the specified area, and

- (b) the body has consented in writing to being so designated (and to any terms and conditions to which the designation is subject).
- (2) A designation under subsection (1) may be made subject to such terms and conditions as the Secretary of State considers appropriate.
- (3) If the Secretary of State decides to designate an eligible body under subsection (1), the Secretary of State must –
 - (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
 - (b) publish the notice of the designation before that date.5
- (4) The notice of the designation must state –
 - (a) the name of the body,
 - (b) the specified area for which the body has been designated,
 - (c) the effective date, and
 - (d) any terms and conditions to which the designation is subject.10
- (5) The Secretary of State may from time to time modify the terms and conditions to which a designation is subject, in which case the Secretary of State must –
 - (a) notify the employer representative body of the modification before the date on which the modification takes effect, and
 - (b) amend the notice of designation accordingly, and publish it as amended, before that date.15
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3 Removal of designations

- (1) The Secretary of State may by notice remove the designation of a body under section 2 if –
 - (a) the body no longer meets the requirements in section 2(1)(a),
 - (b) the body is no longer an eligible body,
 - (c) the body does not comply with a term or condition to which the designation is subject,
 - (d) the body does not have regard to any relevant guidance published by the Secretary of State or departs from any such guidance without good cause, or
 - (e) the Secretary of State considers that removing the designation is otherwise necessary or expedient.25
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- (2) The Secretary of State must by notice remove a designation of a body under section 2 if the body requests the removal in writing.
- (3) A notice under this section must –
 - (a) include reasons for the removal of the designation, and
 - (b) specify when the designation is to be removed.35
- (4) The Secretary of State must publish a notice under this section.

4 Interpretation

(1) In sections 1 to 3 and this section—

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

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“eligible body” means a body corporate that—

- (a) is not a servant or agent of the Crown,
- (b) is not a body to which the Secretary of State appoints members, and
- (c) is not a public authority;

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“employer” means a person that engages, or intends to engage, an individual under—

- (a) a contract of service or apprenticeship, or
- (b) a contract for services,

for the purposes of a business, trade or profession or the activities of a public authority or charitable institution (within the meaning given by section 58(1) of the Charities Act 1992), and “employee” is to be construed accordingly;

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“employer representative body” means an eligible body that is designated as the employer representative body for a specified area under section 2(1);

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“independent training provider” means a provider of post-16 technical education or training—

- (a) that provides post-16 technical education or training—
 - (i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, and
 - (ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority in England or a combined authority, but

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- (b) that is not—
 - (i) an employer who only provides such education or training to its employees,
 - (ii) a 16 to 19 Academy,
 - (iii) a school,
 - (iv) a local authority in England,
 - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
 - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017);

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“local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);

- “local skills improvement plan” has the meaning given by section 1(6);
 “notice” means written notice (and to “notify” means to give written notice);
 “post-16 technical education or training” means any technical education or training provided to individuals over compulsory school age; 5
 “public authority” includes –
 (a) a court or tribunal, and
 (b) any person certain of whose functions are functions of a public nature;
 “relevant provider” means a provider of post-16 technical education or training which is – 10
 (a) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992),
 (b) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017), 15
 (c) an independent training provider, or
 (d) a local authority in England, a 16 to 19 Academy or a school that is specified or described in regulations made by statutory instrument by the Secretary of State; 20
 “school” has the meaning given by section 4(1) of the Education Act 1996;
 “specified area” has the meaning given by section 2(1).
 (2) A statutory instrument containing regulations under paragraph (d) of the definition of “relevant provider” in subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament. 25

Further education institutions: duty in relation to local needs

5 Institutions in England within the further education sector: local needs

In the Further and Higher Education Act 1992, after section 52A insert –

“52B Duty to review provision in relation to local needs: England” 30

- (1) The governing body of an institution in England within the further education sector must –
 (a) from time to time review how well the education or training provided by the institution meets local needs, and
 (b) in light of that review, consider what action the institution might take (alone or in conjunction with action taken by one or more other educational institutions) in order to meet those needs better. 35
 (2) In carrying out its review, the governing body must have regard to any guidance published under this section by the Secretary of State. 40

- (3) The governing body must publish its review on the institution’s website.”

CHAPTER 2

TECHNICAL EDUCATION QUALIFICATIONS ETC

Functions of the Institute for Apprenticeships and Technical Education

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6 **Functions of the Institute: oversight etc**

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) In section ZA2 (general duties), in subsection (6) –
- (a) for “section” substitute “Chapter”; 10
 - (b) omit the word “or” at the end of paragraph (b);
 - (c) after paragraph (c) insert “or
 - (d) to enable a person to enter work within a published occupation (whether in the course of training or otherwise).” 15
- (3) After section ZA2 insert –
- “ZA2A Oversight**
- (1) The Institute must keep under review –
- (a) education and training within the Institute’s remit, and
 - (b) the effect that the exercise of the Institute’s functions has had, or might have, on the range and availability of that education and training. 20
- (2) The Institute may provide a report to the Secretary of State on anything arising from the exercise of the Institute’s functions under subsection (1). 25
- (3) Subsection (2) does not affect the Institute’s functions under section ZA3.”
- (4) In section ZA3 (provision of advice and assistance to the Secretary of State etc) –
- (a) in subsection (1), after paragraph (a) (but before the word “or” at the end of it) insert – 30
 - “(aa) technical education qualifications,”;
 - (b) in subsection (2), for “and (b)” substitute “to (b)”.

Technical education qualifications

7 Additional powers to approve technical education qualifications

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) Before section A2D3 (as renumbered by section 13) insert—5
“A2D1 Approval of technical education qualifications: overview
 - (1) Sections A2D3 and A2D5 provide for the approval of technical education qualifications.
 - (2) Section A2D3 provides for the approval of technical education qualifications which (in conjunction with any approved steps towards occupational competence determined under section A2D4) can lead to the award of technical education certificates under section A3A.10
 - (3) Section A2D5 provides for the approval of other technical education qualifications.
 - (4) For further provision about approval of technical education qualifications see, in particular—15
 - (a) section A2D2 (provision about the categories of technical education qualification that may be approved under section A2D3 or A2D5),
 - (b) sections A2D6 to A2D11 (further provision about approval and withdrawal of approval),20
 - (c) section A2HA (list of technical education qualifications), and
 - (d) section A2IA (transfer of copyright relating to technical education qualifications approved under section A2D3).**A2D2 Categories of technical education qualification**25
 - (1) The Institute—
 - (a) may specify one or more categories of technical education qualification in relation to England that may be approved under section A2D3, and
 - (b) may specify one or more categories of technical education qualification in relation to England that may be approved under section A2D5.30
 - (2) The Institute may specify a category under subsection (1)(b) only if it considers that it would not be appropriate for qualifications in the category to be approved under section A2D3.35
 - (3) For any category specified under subsection (1)(b), the Institute must specify which of the following is the appropriate test for the purposes of section A2D5—
 - (a) the alternative approval test (see section A2D5(3));
 - (b) the additional specialist competence test (see section A2D5(4));40

- (c) the significant outcomes test (see section A2D5(5)).
- (4) The Institute may revise or withdraw any category specified under subsection (1).
- (5) A technical education qualification does not cease to be approved merely because the category is revised or withdrawn under subsection (4). 5
- (6) The Institute must publish information showing –
 - (a) the categories of technical education qualification that are for the time being specified under subsection (1), and
 - (b) for each category, whether qualifications in the category may be approved under section A2D3 or A2D5 and, if under section A2D5, the appropriate test. 10
- (7) Before specifying a category of qualification under this section, the Institute must consult –
 - (a) the Secretary of State, and 15
 - (b) such other persons as the Institute considers appropriate."
- (3) In section A2D3 (as renumbered by section 13: approved technical education qualifications), in subsection (3), after “satisfied that” insert “ –
 - (a) the qualification falls within a category specified under section A2D2(1)(a), and 20
 - (b) ”.
- (4) After section A2D4 (as renumbered by section 13) insert –

"A2D5 Further powers to approve technical education qualifications

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification under this section in respect of one or more published occupations (each a “related” occupation). 25
- (2) But it may approve a qualification under this section only if –
 - (a) the Institute is satisfied that the qualification falls within a category specified under section A2D2(1)(b),
 - (b) the qualification meets each of the following tests in respect of the related occupation or occupations – 30
 - (i) the appropriate test specified for the category under section A2D2(3), and
 - (ii) the employer demand test (see subsection (6)), and
 - (c) the Institute is not prevented from approving the qualification by virtue of a moratorium under section A2D9. 35
- (3) The alternative approval test is met in respect of an occupation if –
 - (a) a standard is published under section ZA11 for the occupation, and

- (b) the Institute is satisfied that by obtaining the qualification a person demonstrates attainment of as many of the outcomes set out in the standard as may reasonably be expected to be attained by undertaking a course of education.
- (4) The additional specialist competence test is met in respect of an occupation if— 5
 - (a) a standard is published under section ZA11 for the occupation, and
 - (b) the Institute is satisfied that—
 - (i) by obtaining the qualification, a person demonstrates attainment of particular outcomes which are additional to those set out in the standard, and 10
 - (ii) attaining all those outcomes (together with attainment of the outcomes set out in the standard) would enable a person to specialise within the occupation. 15
- (5) The significant outcomes test is met in respect of one or more occupations if—
 - (a) the Institute is satisfied that—
 - (i) by obtaining the qualification a person demonstrates attainment of particular outcomes in relation to the occupations, and 20
 - (ii) attaining those outcomes would enable a person to work in the occupations at a particular level of competence (whether in the course of training or otherwise) or to improve competence in the occupations, and 25
 - (b) where standards are published under section ZA11 for any of the occupations, the outcomes are set out in the standards (whether or not all in the same standard).
- (6) The employer demand test is met in respect of one or more occupations if the Institute is satisfied that there is, or is likely to be, demand from employers in the occupations for employees who have obtained the particular qualification. 30

A2D6 Approved technical education qualifications: approval and withdrawal

- (1) The Institute may make any arrangements that it considers appropriate— 35
 - (a) to secure that suitable technical education qualifications are available for approval under section A2D3 or A2D5, or
 - (b) in connection with the approval, or continued approval, of a technical education qualification under either of those sections.
- (2) The Institute may withdraw approval of a technical education qualification. 40
- (3) The Institute is not required to withdraw approval of a technical education qualification in a specified category merely because—

- (a) the qualification is modified, or
 - (b) the category is revised or withdrawn under section A2D2(4).
- (4) The Institute must publish information about matters that it takes into account when deciding whether or not –
 - (a) to approve a qualification under section A2D3 or A2D5, or 5
 - (b) to withdraw approval of it.
- (5) The matters may differ for different purposes and may, in particular, be different for –
 - (a) qualifications in different categories specified under section A2D2, or 10
 - (b) qualifications relating to different occupations.
- (6) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (7) Information published under subsection (4) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information. 15

A2D7 Approved technical education qualifications: publication and fees

- (1) Where a technical education qualification is approved in respect of an occupation, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating – 20
 - (a) that a technical education qualification has been approved in respect of it, and
 - (b) whether the qualification (in conjunction with any steps approved under section A2D4) could lead to a technical education certificate. 25
- (2) If approval of the technical education qualification is withdrawn, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that the approval of the qualification has been withdrawn. 30
- (3) The Secretary of State may by regulations authorise the Institute (subject to any restrictions prescribed by the regulations) to charge fees for things done in connection with approval, or continued approval, of qualifications under section A2D5. 35

A2D8 Reviews of approval of technical education qualifications

- (1) The Institute must maintain arrangements for reviewing approved technical education qualifications at regular intervals with a view to determining, for each qualification, whether –
 - (a) it should continue to be approved, 40

- (b) it should be revised, or
 - (c) approval should be withdrawn.
- (2) The Institute must publish information about the intervals at which those reviews are to be conducted.
- A2D9 Moratorium on further approvals under section A2D5** 5
- (1) This section applies where the Institute determines that there is an appropriate number of approved technical education qualifications of a particular kind.
- (2) The Institute may decide that it should not approve further technical education qualifications of that kind under section A2D5 for a period (a “moratorium”). 10
- (3) Where the Institute decides that there should be a moratorium in relation to technical education qualifications of a particular kind, it—
 - (a) must publish that decision, and
 - (b) during the moratorium, may not approve any further technical education qualification of that kind under section A2D5. 15
- (4) A moratorium ends when the Institute decides to end it.
- (5) Where the Institute decides to end a moratorium, it must publish that decision.
- (6) The Institute must consult the Secretary of State before— 20
 - (a) deciding whether there should be a moratorium in relation to qualifications of a particular kind;
 - (b) deciding to end a moratorium.”
- (5) In section A2D4 (as renumbered by section 13: additional steps towards occupational competence), in subsection (1)— 25
 - (a) for “an approved” substitute “a”;
 - (b) after “qualification” insert “that is approved under section A2D3”.
- (6) In section A3A (power to issue technical education certificates), in subsection (1)(a)— 30
 - (a) for “an approved” substitute “a”;
 - (b) after “qualification” insert “approved under section A2D3”.
- (7) After section A11 insert—

“A12 Interpretation of Chapter A1

- (1) In this Chapter—
 - “approved technical education qualification” means a technical education qualification that is approved by the Institute under section A2D3 or A2D5; 35
 - “Ofqual” means the Office of Qualifications and Examinations Regulation;

“published occupation” means an occupation which the Institute has determined falls within section ZA10(1)(a) and in relation to which information is published under section ZA10(5);

“specified category”, in relation to a qualification, means a category specified under section A2D2;

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“technical education certificate” has the meaning given by section A3A;

“technical education qualification” means a qualification that relates to one or more occupations.

- (2) References in this Chapter to approval, in relation to a technical education qualification approved under section A2D3 or A2D5, are to approval under the section in question.”

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8 Functions of the Institute: availability of qualifications outside England

In the Apprenticeships, Skills, Children and Learning Act 2009, after section A2IA insert –

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“A2IB Availability of approved technical education qualifications outside England

The Institute may provide advice and assistance, or take other steps that it considers appropriate, for the purpose of enabling approved technical education qualifications to be made available to be obtained by persons outside England.”

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9 Technical education qualifications: co-operation between the Institute and Ofqual

In the Apprenticeships, Skills, Children and Learning Act 2009, after section A2D10 (as renumbered by section 13) insert –

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“A2D11 Co-operation between the Institute and Ofqual

- (1) The Institute and Ofqual must co-operate with one another in the exercise of –

- (a) their respective functions relating to technical education qualifications, and
- (b) any other functions of theirs where the exercise is relevant to functions mentioned in paragraph (a).

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- (2) Each of the Institute and Ofqual –

- (a) may provide advice and assistance to the other in relation to the exercise by the other of any function within subsection (1), and
- (b) must, in exercising any function within subsection (1), have regard to any advice or information provided to it by the other, so far as relevant to the exercise of that function.”

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10 Application of accreditation requirement in relation to technical education qualifications

In section 138 of the Apprenticeships, Skills, Children and Learning Act 2009 (qualifications subject to the accreditation requirement) –

- (a) after subsection (1) insert – 5
 - “(1A) But Ofqual may not make a determination under subsection (1) in relation to a technical education qualification if –
 - (a) the qualification is an approved technical education qualification, or
 - (b) the Institute – 10
 - (i) has notified Ofqual that the Institute is considering whether or not to approve the qualification as an approved technical education qualification, and
 - (ii) has not notified Ofqual of its decision.”; 15
- (b) after subsection (6) insert –
 - “(7) Where the Institute has notified Ofqual under subsection (1A)(b)(i) that it is considering whether or not to approve the qualification, it must also notify Ofqual of its decision.
 - (8) In this section – 20
 - “the Institute” means the Institute for Apprenticeships and Technical Education;
 - “approved technical education qualification” and “technical education qualification” have the meanings given by section A12(1).” 25

11 Information sharing in relation to technical education qualifications

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) After section 40AA insert –
 - “40AB Sharing of technical education information by or with Ofqual 30
 - (1) Ofqual may disclose information to a relevant person for the purpose of a relevant function of –
 - (a) Ofqual, or
 - (b) the relevant person.
 - (2) A relevant person may disclose information to Ofqual for the purpose of a relevant function of – 35
 - (a) Ofqual, or
 - (b) the relevant person.
 - (3) In this section “relevant person” means –

- (a) the Secretary of State;
 - (b) the OfS;
 - (c) Ofsted;
 - (d) a prescribed person.
- (4) In this section “relevant function” means – 5
 - (a) in relation to the Secretary of State, Ofqual, the OfS or Ofsted, a technical education function of that body so far as the function relates to England;
 - (b) in relation to a prescribed person, a prescribed technical education function of that person, so far as the function relates 10 to England.
- (5) In this section –
 - “Ofqual”, the “OfS” and “Ofsted” have the same meanings as in section 40AA;
 - “technical education function” means a function that relates to 15 technical education qualifications approved, or that may be approved, by the Institute for Apprenticeships and Technical Education under section A2D3 or A2D5.”
- (3) In the heading of Part 1A, after “Apprenticeships” insert “, Technical Education Qualifications”. 20
- (4) In section 262 (orders and regulations), in subsection (6), after paragraph (aza) insert –
 - “(azb) regulations under section 40AB;”.

12 Technical education qualifications: minor and consequential amendments

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as set out in subsections (2) to (9). 25
- (2) After section ZA8 insert –
 - “ZA8A Interpretation of Chapter ZA1**
 - In this Chapter, the following terms have the same meanings as in Chapter A1 – 30
 - technical education qualification (see section A12(1));
 - approved technical education qualification (see section A12(1));
 - approved steps towards occupational competence (see section A2D4(5));
 - published occupation (see section A12(1)).” 35
- (3) In section A2D3 (as renumbered by section 13: approved technical education qualifications) –
 - (a) in subsection (1), after “qualification” insert “under this section”;
 - (b) omit subsection (2);

- (c) omit subsections (8) to (13);
 - (d) for the heading substitute “Technical education certificate: approval of technical education qualifications”.
- (4) In section A2D10 (as renumbered by section 13: directions), for “section A2DA or A2DB” substitute “sections A2D2 to A2D9 or A2IB ”. 5
- (5) In section A2HA (list of technical education qualifications) –
 - (a) after subsection (1), insert –
 - “(1A) For each qualification, the list must indicate whether (in conjunction with any steps determined under section A2D4) it could lead to the issue of a technical education certificate.”; 10
 - (b) in subsection (2)(a), for “the standards” substitute “any standards”.
- (6) In section 100 (funding), in subsection (5), in the definition of “approved technical education qualification”, for “A2DA” substitute “A12(1)”.
- (7) In section 121 (interpretation of Part 4), in subsection (1) –
 - (a) in the definition of “approved technical education qualification”, for “A2DA” substitute “A12”; 15
 - (b) in the definition of “technical education qualification”, for “A2DA” substitute “A12”.
- (8) In section 122 (sharing of information for education and training purposes), in subsection (5)(ba), for “the IfA” substitute “the Institute for Apprenticeships and Technical Education”. 20
- (9) In paragraph 9(2) of Schedule A1 (exercise of Institute’s functions) –
 - (a) after “sections” insert “ZA2A,”;
 - (b) for “A2DA, A2DB” substitute “A2D2 to A2D9”;
 - (c) for “A2IA” substitute “A2IB”. 25
- (10) In section 42B of the Education Act 1997 (information about technical education: access to English schools), in subsection (10), for “A2DA” substitute “A2D3 or A2D5”.

13 Renumbering of provisions relating to technical education qualifications

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows. 30
- (2) Sections A2DA to A2DC are renumbered as follows –

<i>Existing section number</i>	<i>New section number</i>	
A2DA	A2D3	
A2DB	A2D4	35
A2DC	A2D10	

-
- (3) In section A2HA (list of technical education qualifications), in subsection (2)(b), for “A2DB” substitute “A2D4”.
- (4) In section A2IA (transfer of copyright relating to technical education qualifications) –
- (a) in subsection (1), for “A2DA” substitute “A2D3”; 5
 - (b) in subsection (4), for “A2DA(4)(a)” substitute “A2D3(4)(a)”.
- (5) In section A3A (power to issue technical education certificate), in subsection (1)(b), for “A2DB” substitute “A2D4”.
- (6) In section 100 (provision of financial resources), in subsection (5), in the definition of “approved steps towards occupational competence”, for “A2DB” substitute “A2D4”. 10
- (7) In section 121 (interpretation of Part 4), in subsection (1), in the definition of “approved steps towards occupational competence”, for “A2DB” substitute “A2D4”.
- (8) Nothing in subsection (2) alters the effect of anything done under or for the purposes of a provision renumbered by that subsection, and accordingly – 15
- (a) anything done under or for the purposes of such a provision (a “renumbered provision”) that has effect immediately before that subsection comes into force continues to have effect after that time as done under the provision as renumbered; 20
 - (b) any reference in an instrument or other document to such a provision is (so far as the context permits) to be read after that time as including a reference to the provision as renumbered;
 - (c) any reference in an instrument or other document to a provision as so renumbered is (so far as the context permits) to be read after that time as including a reference to the provision as previously numbered. 25

CHAPTER 3

LIFELONG LEARNING

14 Support for lifelong learning

- (1) After section 28 of the Teaching and Higher Education Act 1998 insert – 30
- “28A Modules of courses: modification of Chapter in relation to powers of the Secretary of State**
- (1) Section 22 has effect, so far as it confers power exercisable by the Secretary of State, as if –
- (a) in subsection (1), after paragraph (b) there were inserted “or 35
 - (c) modules of higher education courses or further education courses,”;

- (b) in subsections (2) to (3) and (4B), references to a higher education course or further education course (however expressed) included references to a module of such a course;
- (c) in subsection (2), after paragraph (b) there were inserted –
 - “(ba) prescribing, or providing for the determination of, a maximum (a “lifetime limit”) in relation to a person in respect of all such loans or alternative payments made, or made available, under this section as may be prescribed, taken together (whether by reference to a monetary amount, course characteristics or otherwise);”;
- (d) in subsection (2), after paragraph (c) there were inserted –
 - “(ca) for two or more modules of a higher education course or further education course to be treated as a single module of that course for any purpose of the regulations;”;
- (e) after that subsection, there were inserted –
 - “(2ZA) Regulations under this section may prescribe the meaning of “module” in relation to a higher education course or further education course (and may, in particular, provide for it to include –
 - (a) a module lasting less than one full academic year, or comprising less than the equivalent of one full academic year of study;
 - (b) a module undertaken otherwise than as part of the higher education course or further education course of which it forms part).
 - (2ZB) Nothing in subsection (2)(b) is to be taken to limit the power conferred by this section to prescribe a maximum amount in relation to any grant, loan or alternative payment otherwise than in relation to an academic year.”;
- (f) after subsection (2A) there were inserted –
 - “(2B) The provision which may be made by virtue of subsection (2)(ba) includes provision for amending any lifetime limit that has effect in relation to a person.”
- (2) Section 23 has effect, so far as it relates to a function exercisable by virtue of regulations under section 22 made by the Secretary of State, as if the reference in subsection (1)(b) to courses included a reference to modules of higher education courses or further education courses.
- (3) Section 28(2) has effect, so far as it confers power exercisable by the Secretary of State, as if –

- (a) after “courses” in the first place where it occurs there were inserted “or modules”;
 - (b) after “higher education courses” there were inserted “or modules of such courses”.
 - (2) Until section 86(2) of the Higher Education and Research Act 2017 (power to make alternative payments) comes into force –
 - (a) the following provisions that are treated as inserted into section 22 of the Teaching and Higher Education Act 1998 by section 28A(1) of that Act have effect with the omission of references to alternative payments –
 - (i) paragraph (ba) of subsection (2);
 - (ii) subsection (2ZB);
 - (b) section 28A(1)(b) of that Act has effect with the omission of the reference to section 22(4B) of that Act.
- 15 Lifelong learning: amendment of the Higher Education and Research Act 2017**
- In section 83(1) of the Higher Education and Research Act 2017 (meaning of “English higher education provider” etc), for the definition of “higher education course” substitute –
- ““higher education course” means –
- (a) a course of any description mentioned in Schedule 6 to the Education Reform Act 1988, or
 - (b) a module of such a course (whether or not undertaken as part of such a course);”.

PART 2

QUALITY OF PROVISION

Initial teacher training for further education

16 Initial teacher training for further education

- (1) The Secretary of State may make regulations for the purpose of securing or improving the quality of courses of initial teacher training for further education (“ITT(FE) courses”) provided by educational institutions in England.
- (2) Regulations under subsection (1) may (among other things) make provision for and in connection with –
 - (a) accrediting an institution as a provider of specified ITT(FE) courses;
 - (b) accrediting specified ITT(FE) courses;
 - (c) prohibiting the provision of specified ITT(FE) courses by an institution;
 - (d) setting conditions that must be complied with by an institution that provides specified ITT(FE) courses;

- (e) requiring the governing body of an institution that provides specified ITT(FE) courses, or other specified person in relation to such an institution, to have regard to guidance issued by the Secretary of State;
 - (f) requiring the governing body of an institution that provides specified ITT(FE) courses, or other specified person in relation to such an institution, to give the Secretary of State specified information about –
 - (i) the ITT(FE) courses provided by the institution;
 - (ii) the individuals who are commencing, are undertaking or have completed an ITT(FE) course provided by the institution.
- (3) The provision mentioned in subsection (2)(c) may include provision for a prohibition by reference to (among other things) –
 - (a) the accreditation of an institution under provision included in regulations under subsection (1) by virtue of subsection (2)(a);
 - (b) the approval of the Secretary of State;
 - (c) a failure to meet conditions set in regulations under subsection (1) by virtue of subsection (2)(d).
- (4) Regulations under this section –
 - (a) may make provision for enforcement of obligations or prohibitions imposed by the regulations;
 - (b) may make different provision for different cases;
 - (c) may make provision generally or only in relation to specified cases;
 - (d) may confer a function (including the exercise of a discretion) on the Secretary of State or another specified person;
 - (e) may make such incidental, consequential, supplemental, transitional or saving provision as the Secretary of State thinks fit;
 - (f) are to be made by statutory instrument.
- (5) A statutory instrument containing the first regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section –
 - “courses” includes programmes;
 - “enforcement” includes –
 - (a) monitoring compliance;
 - (b) investigating non-compliance;
 - (c) dealing with non-compliance;
 - “further education” has the same meaning as in the Education Act 1996 (see section 2 of that Act);
 - “specified” means specified, or of a description specified, by or under the regulations.

*Quality assessments of higher education***17 Office for Students: power to assess the quality of higher education by reference to student outcomes**

In section 23 of the Higher Education and Research Act 2017 (assessing the quality of, and the standards applied to, higher education), at the end insert—

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“(4) The factors that may be taken into account for the purposes of an assessment, under subsection (2)(a) or (b), of the quality of higher education provided by an institution include the student outcomes of the institution.

(5) The student outcomes of an institution may be measured by any means (whether qualitative or quantitative) that the OfS considers appropriate, including by reference to the extent to which—

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(a) persons who undertake a higher education course with the institution continue to undertake that course, or another course at the same or a similar level, after a period of time,

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(b) persons who undertake a higher education course with the institution are granted an award of a particular description by that institution,

(c) persons who are granted an award by the institution undertake further study of a particular description, or

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(d) persons who are granted an award by the institution find employment of a particular description by virtue of that award.

(6) The OfS may, from time to time, determine and publish a minimum level in relation to a measure of student outcomes which all institutions to whom the measure is applicable are expected to meet.

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(7) The OfS is not required to determine and publish different minimum levels in relation to a measure of student outcomes in order to reflect differences in—

(a) particular student characteristics;

(b) the particular institution or type of institution which is providing higher education;

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(c) the particular higher education course or subject being studied;

(d) any other such factor.

(8) In taking into account the student outcomes of an institution as mentioned in subsection (4), account may be taken of whether the institution has met any minimum level determined and published under subsection (6) which is applicable to the institution.

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(9) In this section—

“award” means a taught award or research award (see section 42);

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“student outcomes”, in relation to an institution, means outcomes for persons to whom the institution provides or has provided higher education or has granted an award.”

PART 3

PROTECTION FOR LEARNERS

5

CHAPTER 1

REGULATION OF POST-16 EDUCATION OR TRAINING PROVIDERS

Funding arrangements with post-16 education or training providers

18 List of relevant providers

- (1) The Secretary of State may by regulations make provision – 10
 - (a) for the Secretary of State to keep a list of relevant providers in respect of relevant education or training who meet conditions specified in the regulations for being on the list in respect of that education or training;
 - (b) in connection with the keeping of the list.
- (2) “Relevant provider” means a post-16 education or training provider who is not – 15
 - (a) a school;
 - (b) a 16 to 19 Academy;
 - (c) an institution within the further education sector;
 - (d) a registered higher education provider who provides only higher education; 20
 - (e) the responsible body for an institution within any of paragraphs (a) to (d) when acting in its capacity as such;
 - (f) a local authority in England;
 - (g) a combined authority; 25
 - (h) the Greater London Authority.
- (3) “Relevant education or training” means education or training that falls within one or more of the following paragraphs –
 - (a) further education;
 - (b) education or training provided by means of a further education course, or a module of a further education course, designated for the purposes of section 22 of the Teaching and Higher Education Act 1998; 30
 - (c) training for persons over compulsory school age which is funded by the Secretary of State under section 2 of the Employment and Training Act 1973; 35
 - (d) education or training for persons over compulsory school age provided as part of an approved technical education qualification or approved steps towards occupational competence;

-
- (e) training for persons over compulsory school age provided in connection with an English statutory apprenticeship.
- (4) The Secretary of State may by regulations amend subsection (3) so as to add, vary or remove a category of education or training.
- (5) A condition may be specified in regulations under subsection (1)(a) only where the Secretary of State considers that specifying the condition in relation to a relevant provider may assist in preventing, or mitigating the adverse effects of, a disorderly cessation in the provision of education or training by the relevant provider. 5
- (6) Regulations under subsection (1) may – 10
- (a) specify different conditions in relation to different descriptions of relevant education or training;
 - (b) provide for a relevant provider to be on the list only in respect of one or more descriptions of relevant education or training.
- (7) The conditions that may be specified include conditions – 15
- (a) relating to the relevant provider having a student support plan and making it available;
 - (b) relating to the relevant provider having insurance cover;
 - (c) for ensuring that persons having general control and management of, or legal responsibility and accountability for, the relevant provider are fit and proper persons to be involved in that activity; 20
 - (d) relating to the relevant provider giving access to, or providing, information (including information about persons for whom the relevant provider is, or has been, providing relevant education or training) to the Secretary of State; 25
 - (e) relating to the relevant provider taking action specified in directions given by the Secretary of State.
- (8) For the purposes of subsection (7)(a), a “student support plan” means a plan for supporting students in the event of a cessation in the provision of education or training. 30
- (9) Different conditions may be specified –
- (a) for being added to, or remaining on, the list;
 - (b) for different descriptions of relevant provider.
- (10) Regulations under subsection (1)(b) may, among other things, make provision – 35
- (a) for the charging of fees in connection with entries on the list;
 - (b) about the procedure for applications to be added to, or remain on, the list;
 - (c) about the removal of entries from, or the restoration of entries to, the list; 40
 - (d) about appeals against decisions relating to the list;
 - (e) permitting or requiring the disclosure of information;

- (f) about publication of the list.
- (11) The provision mentioned in subsection (10)(e) includes provision about information relating to—
 - (a) persons for whom relevant education or training is or has been provided; 5
 - (b) persons having general control and management of, or legal responsibility and accountability for, a relevant provider.

19 Prohibitions on entering into funding arrangements with providers

- (1) If the Secretary of State makes regulations under section 18(1)(a) for the keeping of a list, the following provisions apply in relation to the making of funding arrangements while the regulations are in force. 10
- (2) A funding authority must not enter into relevant funding arrangements with a relevant provider unless—
 - (a) the relevant provider is on the list in respect of the education or training to which the funding arrangements relate, and 15
 - (b) the funding arrangements include provision allowing the funding authority to terminate the funding arrangements if the relevant provider ceases to be on the list in respect of that education or training.
- (3) A funding authority must not enter into relevant funding arrangements with a post-16 education or training provider (“P1”) unless the funding arrangements include the provision in subsection (4). 20
- (4) The provision in this subsection is—
 - (a) in the case of relevant funding arrangements that prohibit P1 from entering into a relevant sub-contract, provision allowing the funding authority to terminate the funding arrangements if P1 enters into a relevant sub-contract in breach of that prohibition, and 25
 - (b) in the case of relevant funding arrangements that allow P1 to enter into a relevant sub-contract, provision allowing the funding authority to terminate the funding arrangements if P1 enters into a relevant sub-contract with a relevant provider (“P2”) unless— 30
 - (i) P2 is on the list in respect of the education or training to which the relevant sub-contract relates, and
 - (ii) the relevant sub-contract includes provision allowing P1 to terminate the sub-contract if P2 ceases to be on the list in respect of that education or training. 35
- (5) Nothing in this section—
 - (a) may be relied on by a provider with whom a funding authority has entered into relevant funding arrangements as a reason for not carrying out the provider’s obligations under those arrangements, or
 - (b) limits the discretion of a funding authority not to enter into funding arrangements with a person where that person does not meet 40

conditions of a scheme created by the funding authority in connection with the making of funding arrangements.

- (6) The following provisions apply for the interpretation of this section.
- (7) “Funding authority” means –
- (a) the Secretary of State; 5
 - (b) a local authority in England;
 - (c) a combined authority;
 - (d) the Greater London Authority.
- (8) “Funding arrangements” in relation to a funding authority and a provider are – 10
- (a) arrangements for a grant to be given by the funding authority to the provider for the provision of education or training wholly or mainly in England;
 - (b) an agreement for the funding authority to provide funding to the provider for the provision of education or training wholly or mainly in England. 15
- (9) The reference in subsection (8)(b) to funding provided to a provider by a funding authority includes a reference to amounts paid directly to the provider in accordance with provision in regulations made under section 22(1) of the Teaching and Higher Education Act 1998 (financial support for students) by virtue of section 22(2)(h) or (i) of that Act. 20
- (10) Funding arrangements are “relevant funding arrangements” if –
- (a) the education or training to which the arrangements relate is relevant education or training, and
 - (b) the arrangements have any other characteristics specified in regulations made by the Secretary of State. 25
- (11) A “relevant sub-contract”, in relation to relevant funding arrangements, is a contract –
- (a) for the provision of all or part of the education or training to which the relevant funding arrangements relate, and
 - (b) that has any other characteristics specified in regulations made by the Secretary of State. 30

20 Funding arrangements: interpretation

- (1) This section applies for the interpretation of sections 18, 19 and this section.
- (2) In those sections – 35
- “approved technical education qualification” and “approved steps towards occupational competence” have the same meanings as in section 100 of the Apprenticeships, Skills, Children and Learning Act 2009;

-
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “English statutory apprenticeship” has the meaning given by section 40A(3) of the Apprenticeships, Skills, Children and Learning Act 2009; 5
- “further education” has the same meaning as in the Education Act 1996 (see section 2 of that Act);
- “higher education” has the meaning given by section 579(1) of the Education Act 1996;
- “institution within the further education sector” has the same meaning as in the Further and Higher Education Act 1992 (see section 91(3) of that Act); 10
- “local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);
- “post-16 education or training provider” means an institution or person who provides or intends to provide relevant education or training for persons over compulsory school age; 15
- “registered higher education provider” has the same meaning as in Part 1 of the Higher Education and Research Act 2017 (see section 3(10) of that Act); 20
- “relevant education or training” has the meaning given by section 18(3);
- “relevant provider” has the meaning given by section 18(2);
- “responsible body” means –
- (a) in relation to a school or a 16 to 19 Academy, the proprietor (within the meaning given by section 579(1) of the Education Act 1996); 25
 - (b) in relation to an institution within the further education sector, the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992);
 - (c) in relation to a registered higher education provider, the governing body (within the meaning given by section 85(1) of the Higher Education and Research Act 2017); 30
- “school” has the same meaning as in the Education Act 1996 (see section 4 of that Act).
- (3) In the following provisions, references to a provider include references to a person having general control and management of, or legal responsibility and accountability for, a provider – 35
- (a) section 18(7)(a), (b), (d) and (e);
 - (b) section 19(2) to (4) where the reference is to entering into relevant funding arrangements, or a relevant sub-contract, with a provider; 40
 - (c) section 19(5)(a);
 - (d) section 19(8);
 - (e) section 19(9).

21 Regulations under sections 18 or 19

- (1) Any power to make regulations under section 18 or 19 includes power to make consequential, supplemental, incidental, transitional or saving provision.
- (2) The provision that may be made in regulations by virtue of subsection (1) includes provision amending an Act (including this Act). 5
- (3) Before making the first regulations under section 18(1) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations under section 18 or 19 are to be made by statutory instrument.
- (5) A statutory instrument containing the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament— 10
 - (a) regulations under section 18(1);
 - (b) regulations under section 18(4);
 - (c) regulations under section 18 or 19 that, by virtue of subsections (1) and (2), amend an Act. 15
- (6) Any other statutory instrument containing regulations under section 18 or 19 is subject to annulment in pursuance of a resolution of either House of Parliament.

*Further education in England: intervention***22 Further education in England: intervention** 20

- (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 56A (intervention: England)—
 - (a) in subsection (2), after paragraph (d) insert—
 - “(e) that the education or training provided by the institution did not, or does not, adequately meet local needs.”; 25
 - (b) after subsection (2) insert—
 - “(2A) For the purposes of subsection (2)(e), the Secretary of State must take into account any approved local skills improvement plan that applied to the institution when the education or training was provided. 30
 - (2B) An approved local skills improvement plan applies to an institution if the institution provides post-16 technical education or training that is material to a specified area and the plan is for that area.
 - (2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2021 have the same meaning in those subsections as in that section.”; 35
 - (c) in subsection (7)—

- (i) in paragraph (b), after “section 27A(1)” insert “, or take such other steps specified in the direction as may be required,”;
 - (ii) after paragraph (b) insert—
 - “(c) a direction requiring a governing body to transfer property, rights or liabilities specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.”;
- (d) for subsection (7A) substitute—
 - “(7A) A governing body to which a direction is given requiring the body to make a resolution under section 27A(1)—
 - (a) is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction, and
 - (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 27B to transfer property, rights or liabilities on the dissolution date.”;
- (e) after subsection (7A) insert—
 - “(7B) A direction under subsection (7)(c) requiring the transfer of property, rights or liabilities to a person specified in the direction may only be given with the consent of the person so specified.”;
- (f) after subsection (9) insert—
 - “(9A) Before giving a direction for the transfer of property, rights or liabilities under subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.
 - (9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section.
 - (9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.”
- (3) In section 56E (intervention by the Secretary of State: sixth form colleges)—
 - (a) in subsection (2), after paragraph (d) insert—
 - “(e) that the education or training provided by the sixth form college did not, or does not, adequately meet local needs.”;
 - (b) after subsection (2) insert—
 - “(2A) For the purposes of subsection (2)(e), the Secretary of State must take into account any approved local skills improvement

-
- plan that applied to the sixth form college when the education or training was provided.
- (2B) An approved local skills improvement plan applies to a sixth form college if the college provides post-16 technical education or training that is material to a specified area and the plan is for that area. 5
- (2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2021 have the same meaning in those subsections as in that section.”;
- (c) in subsection (7), after paragraph (b) insert – 10
- “(c) a direction requiring a governing body to transfer property, rights or liabilities specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.”; 15
- (d) for subsection (7A) substitute –
- “(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given –
- (a) is to be taken for the purposes of section 33O(1) to have complied with section 33N before making the resolution required by the direction, and 20
- (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 33P to transfer property, rights or liabilities on the dissolution date.”;
- (e) after subsection (7A) insert – 25
- “(7B) A direction under subsection (7)(c) requiring the transfer of property, rights or liabilities to a person specified in the direction may only be given with the consent of the person so specified.”;
- (f) after subsection (9) insert – 30
- “(9A) Before giving a direction for the transfer of property, rights or liabilities under subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.
- (9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section. 35
- (9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.”

CHAPTER 2**EDUCATION ADMINISTRATION AND ADMINISTRATION OF FURTHER EDUCATION BODIES****23 Further education bodies in education administration: application of other insolvency procedures**

In section 33 of the Technical and Further Education Act 2017 (application of other insolvency law), after subsection (2) insert— 5

“(2A) Regulations under subsection (1) may in particular provide for any provision of the Insolvency Act 1986 to apply (with or without modifications) in relation to a further education body in connection with the education administration procedure created by this Chapter. 10

(2B) Nothing in Schedule 3 or 4 limits the provision that may be made by virtue of subsection (2A), and provision made by virtue of that subsection may amend Schedules 3 and 4.”

24 Further education bodies in education administration: transfer schemes

(1) The Technical and Further Education Act 2017 is amended as follows. 15

(2) In Schedule 2 (education administration: transfer schemes), after paragraph 6 insert—

“6A (1) A transfer scheme may not transfer property which is subject to a security (other than a floating charge) free of that security except—

(a) in accordance with an order of the court under paragraph 71 of Schedule B1 to the Insolvency Act 1986 as applied by Schedule 3 or 4, or 20

(b) where—

(i) an amount is attributed to the transfer of the property in the transfer scheme, 25

(ii) the secured creditor agrees with that amount, and

(iii) the secured creditor is paid that amount.

(2) In sub-paragraph (1), “floating charge” means a charge which is a floating charge on its creation.”

(3) In Schedule 3 (conduct of education administration: statutory corporations), in paragraph 19— 30

(a) for “sub-paragraph (1),” substitute “sub-paragraph (1)—

(a) after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”, and”; 35

(b) the text from “the words” to the end of the paragraph becomes paragraph (b).

- (4) In Schedule 4 (conduct of education administration: companies), after paragraph 17 insert—

“17A Paragraph 71 is to have effect as if in sub-paragraph (1), after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”.”

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PART 4

MISCELLANEOUS AND GENERAL

CHAPTER 1

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR: PROCEDURE FOR DESIGNATION

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25 Institutions within the further education sector: designation

- (1) The Further and Higher Education Act 1992 is amended in accordance with subsections (2) and (3).

- (2) In section 28 (designated institutions)—

(a) in subsections (1) and (3A), for “The Secretary of State” substitute “The appropriate authority”;

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(b) after subsection (3A) insert—

“(3B) In this section “the appropriate authority”—

(a) in relation to an educational institution in England, means the Secretary of State;

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(b) in relation to an educational institution in Wales, means the Welsh Ministers.”

- (3) In section 89 (orders, regulations and directions)—

(a) in subsection (2), after “the excepted provisions are” insert “sections 28 and 29(1)(b) so far as the power under each of those provisions is exercisable by the Secretary of State, and”;

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(b) after subsection (3B) insert—

“(3C) An order made by the Secretary of State under section 28 or 29(1)(b) is to be published in such manner as the Secretary of State considers appropriate.”;

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(c) after subsection (5) insert—

“(6) This section applies in relation to an order made by the Secretary of State under section 28 or 29(1)(b) that revokes or varies an order under those provisions made before the coming into force of section 25(3) of the Skills and Post-16 Education Act 2021 as if—

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(a) in subsection (2), the words “sections 28 and 29(1)(b) so far as the power under each of those provisions is

- exercisable by the Secretary of State, and” were omitted,
and
(b) subsection (3C) were omitted.”

CHAPTER 2

GENERAL PROVISIONS

5

26 Extent

- (1) This Act extends to England and Wales.
- (2) The following provisions extend also to Scotland –
 - (a) section 11;
 - (b) section 14, so far as it modifies sections 22 and 23 of the Teaching and Higher Education Act 1998 as those sections extend to Scotland; 10
 - (c) section 15;
 - (d) this Chapter.
- (3) The following provisions extend also to Northern Ireland –
 - (a) section 10; 15
 - (b) section 11;
 - (c) section 14, so far as it modifies sections 22 and 23 of the Teaching and Higher Education Act 1998 as those sections extend to Northern Ireland;
 - (d) section 15; 20
 - (e) this Chapter.

27 Commencement

- (1) This Chapter comes into force on the day on which this Act is passed.
- (2) Sections 1 to 5, 17 and 22 to 25 come into force at the end of the period of two months beginning with the day on which this Act is passed. 25
- (3) Except as provided by subsections (1) and (2), this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (4) Different days may be appointed for different purposes.
- (5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act. 30
- (6) The power to make regulations under subsection (5) includes power to make different provision for different purposes.
- (7) Regulations under this section are to be made by statutory instrument.

28 Short title

- This Act may be cited as the Skills and Post-16 Education Act 2021. 35

Skills and Post-16 Education Bill [HL]

[AS INTRODUCED]

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TO

Make provision about local skills improvement plans; to make provision relating to further education; to make provision about functions of the Institute for Apprenticeships and Technical Education and relating to technical education qualifications; to make provision about student finance and fees; to make provision about assessments by the Office for Students; to make provision about the funding of certain post-16 education or training providers; and for connected purposes.

Baroness Berridge

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