



EXPLANATORY NOTES

Skills and Post-16 Education Act 2022

Chapter 21

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SKILLS AND POST-16 EDUCATION ACT 2022

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Skills and Post-16 Education Act 2022 which received Royal Assent on 28 April 2022 (c. 21).

- These Explanatory Notes have been prepared by the Department for Education in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

1 The Skills and Post-16 Education Act 2022 (“the Act”) includes measures that:

- Provide the statutory underpinning for local skills improvement plans, introducing a power for the Secretary of State to designate employer representative bodies to lead the development of the plans, with duties on providers to co-operate in the development of, and then have regard to, the plans;
- Introduce a duty for all further education corporations, sixth form college corporations and designated institutions to review how well the education or training provided by the institution meets local needs, and assess what action the institution might take to ensure it is best placed to meet local needs;
- Introduce additional functions to enable the Institute for Apprenticeships and Technical Education (“the Institute”) to define and approve new categories of technical qualifications that relate to employer-led standards and occupations and to have an oversight role for the technical education offer in each occupational route, including mechanisms to manage proliferation;
- Ensure that the Institute and the Office of Qualifications and Examinations Regulation (“Ofqual”) maintain a streamlined collaborative system for approval and regulation of technical qualifications;
- Strengthen a requirement on maintained schools, academies and pupil referral units in England to allow education and training providers to access their pupils in order to inform pupils directly about approved technical education qualifications or apprenticeships;
- Introduce specific provision reflecting the lifelong loan entitlement policy which aims to make it easier for adults and young people to study more flexibly – helping them to space out their studies and take up more part-time study;
- Enable the Secretary of State to make regulations for the purpose of securing or improving the quality of further education initial teacher training;
- Put beyond doubt the Office for Students’ (OfS) ability to assess the quality of higher education providers in England and make decisions on compliance and registration by reference to minimum requirements for quality;
- Enable the Secretary of State to make regulations to provide for a list of post-16 education or training providers, in particular Independent Training Providers (“ITPs”), to indicate which providers have met conditions that are designed to prevent or mitigate risks associated with the disorderly exit of a provider from the provision of education and training;
- Extend statutory intervention powers applicable to further education corporations, sixth form college corporations and designated institutions under the Further and Higher Education Act 1992. This measure will enable the Secretary of State to intervene if there has been a failure to meet local needs and to direct structural change if that is required to secure improvement;

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- Make amendments to clarify and improve the operation of the insolvency regime for further education bodies, relating to the use of company voluntary arrangements, transfer schemes and the designation of institutions;
- Make it an offence for individuals and organisations to provide or arrange for another person to provide, in commercial circumstances, contract cheating services for students at post-16 institutions, sixth forms and higher education providers in England and any other person over compulsory school age who has been entered to take an examination relating to a regulated qualification at a place in England, and the advertising by them of those services.
- Enable the Secretary of State to designate a 16-19 academy as having a religious character and to make related regulations about the process for designation;
- Give an explicit power to the OfS to publish notices, decisions and reports, with the publication protected by qualified defamation privilege.

Policy background

- 2 In addition to the following section, further policy background is included in the section commentary.
- 3 The Act forms the legislative underpinning for the reforms set out in the white paper *Skills for jobs: lifelong learning for opportunity and growth* (“the white paper”) and aims to improve the functioning of the skills and post-16 education system. The Act includes measures to address recommendations made in the Review of Post-18 Education and Funding, build on the aims of the Review of Post-16 Qualifications at Level 3 and Below and support implementation of the Government’s reforms to technical education qualifications, such as the introduction of T Levels and higher technical qualifications.
- 4 The Act also supports the ambitions of the *Levelling Up the United Kingdom* white paper, which set out how the Government will level up across the UK, provide opportunity for children and young people, tackle productivity gaps, create sustainable jobs and grow the economy in every part of the UK.
- 5 The 2021 Spending Review Settlement demonstrated the Government’s dedication to level up opportunity for children, learners and their families across the country, in order to build back better from COVID-19. The settlement provides an £18.4 billion cash increase for the Department for Education over the Parliament as a whole, which will boost the job prospects of young people and adults, by equipping them with the skills that employers need, to lead to well paid jobs.

Skills for Jobs White Paper

- 6 A skills shortage in this country has limited the number of people working in important jobs such as engineering and health and social care. This has held the UK economy back, leaving the country less productive and less competitive compared to some international peers. It has also left people unable to realise their ambitions and fulfil their potential. Adding to this, geographic inequality means that whilst talent is spread equally across our country, opportunity is not. These problems have been exacerbated by COVID-19, which has hit the economy and disproportionately affected young people.

- 7 The white paper set out the Government's plan to reform the post-16 skills system and address these challenges. The white paper set out five objectives:
 - i. Putting employers at the heart of post-16 skills
 - ii. Providing the advanced technical and higher technical skills the country needs
 - iii. A flexible Lifetime Skills Guarantee
 - iv. Responsive providers supported by effective accountability and funding
 - v. Supporting outstanding teaching
- 8 The Act is intended to support these objectives by introducing measures that affect individuals, providers, regulators, businesses and teachers. The range of measures aims to provide flexibility and protection for the learner, a skills system linked to employer-led standards and high-quality training. The specific measures are detailed in the Act Overview section of these notes. The Act is one part of the wider skills reform agenda and the Government is consulting separately on other aspects of the white paper.
- 9 Additional measures in the Act aim to improve the overall functioning of the skills and post-16 education system. This includes providing improvements associated with the operation of the further education insolvency regime and making specific provision for the OfS' methods of assessing quality as part of its regulation of Higher Education providers in England.

Review of Post-16 Qualifications at Level 3 and Below in England

- 10 In 2019, the Government launched a Review of Post-16 Qualifications at Level 3 and Below. The review set out an ambition for a coherent technical education system with clear pathways to progress to specific occupations. The Government wants clear, high-quality progression routes to prestigious higher technical education that leads to skilled occupations with good economic outcomes. As part of this, every qualification will be high-quality, forming an effective system that will help students to make good choices. This moves away from the complexities and variable quality within the current system, with over 12,000 qualifications approved for funding for 16 to 19-year-olds at entry level to level 3 and over 4,000 approved at level 3 alone.
- 11 The Government is consulting extensively throughout the review. The first-stage consultation focused on the principles that post-16 qualifications should adhere to in order to receive public funding – this consultation closed in June 2019. A second-stage consultation on level 3 closed in January 2021. It asked for views on which qualifications at level 3 should be considered for funding approval in England, alongside T Levels and A levels, for students aged 16 and over.
- 12 In November 2020, the Government held a call for evidence, seeking views on qualifications and study at level 2 and below, for students aged 16 and above. The call for evidence closed in February 2021.
- 13 In July 2021, the Government published a response to the second-stage consultation on level 3. This set out the types of qualifications that will be considered for funding in the reformed level 3 landscape alongside A levels and T Levels.
- 14 In November 2021, the Government announced an extra year before reforms to level 3 qualifications are introduced. The extra year allows more time for the growth of T Levels and for providers and awarding organisations to prepare and adapt. The new timetable will

commence with the withdrawal of public funding approval for qualifications that overlap with wave 1 and 2 T Levels from 2024–25 and reformed qualifications aligned to these routes taught from 2025–26. Qualifications that overlap with wave 3 and 4 T levels will have funding approval withdrawn from 2025–26, with reformed qualifications taught from 2026–27.

- 15 In March 2022, the Government launched the third consultation of this review, setting out the proposals for qualifications and study at level 2 and below. This includes which groups of qualifications at level 2, level 1 and entry level – with the exception of GCSEs, Functional Skills and Essential Digital Skills – should be considered for funding approval in England for students aged 16 and over. The consultation closed on 27 April 2022 and a response will be published later in 2022.
- 16 The Government’s intention is that the Institute takes a leading role in approving level 3 and level 2 technical qualifications that: meet new quality criteria, are based on employer-led standards and have evidence of employer demand. These criteria are being developed and will be published in later in 2022.

Higher education reform and the Review of Post-18 Education and Funding

- 17 In 2018, the Government launched a Review of Post-18 Education and Funding, which looked at how to ensure that post-18 education gives everyone a genuine choice between high-quality technical and academic routes, that students and taxpayers are getting value for money and that employers can access the skilled workforce they need.
- 18 The Government’s interim conclusion to the Review, in 2021, addressed some of its key recommendations. The Government has delivered on several of these recommendations, including a new level 3 entitlement, investment in the further education estate and increases to 16–19 funding. Measures in the Act take further steps towards the implementation of the report’s recommendations. These include introducing a lifelong loan entitlement from 2025, so that learning can be more flexible and strengthening the link between qualifications and employer-led standards.
- 19 In February 2022, the Government brought the Review of Post-18 Education and Funding to a conclusion by setting out reforms to the student loan system to make it fairer for students and taxpayers, while underpinning the sustainability of our world-class higher education system. As part of the reforms, the Government is delivering better value for students by continuing the freeze in maximum tuition fee caps up to academic year 2024/25 and, from September 2023, reducing the interest rates charged on student loans for new borrowers.
- 20 The Government is backing this up with nearly £900 million of further investment in higher education over the next three years (2022/23–2024/25). This includes a new national state scholarship to support high-achieving disadvantaged students in higher education, further education or in an apprenticeship. This includes the largest increase in government funding for the higher education sector to support students and teaching in over a decade.
- 21 It is right that we have a sustainable student finance system that is fair to students and fair to taxpayers. The significant reduction in interest rates for new student loan borrowers is enabled by a repayment threshold of £25,000, rising with inflation from April 2027 onwards, and a loan term of 40 years. The repayment threshold for existing (post-2012) student loans will remain at its current level of £27,295 until financial year 2024-25 and rise with inflation from April 2025 onwards. The Government will keep the terms of student loans under review to ensure the system remains sustainable.

- 22 The Government believes that higher education is not the only pathway to success and that further education can often be a better choice for some students. We want to make sure our entire post-16 education system is delivering quality outcomes for students throughout their lives.
- 23 As such, a consultation was launched in February 2022 on the introduction of a lifelong loan entitlement from 2025. This will conclude in May 2022 and seeks views on ambition, objectives and coverage, together with aspects such as modular study, maintenance support, quality provision, credit transfer and previous study restrictions. The Government will consider responses carefully and publish its response in due course.

Legal background

- 24 The following significant legislation is referenced by the Act. Explanation on how previous legislation is referenced, if required, is given in the commentary on provisions in the Act.
 - i. Academies Act 2010
 - ii. Apprenticeships, Skills, Children and Learning Act 2009
 - iii. Criminal Justice Act 1925
 - iv. Education Act 1996
 - v. Education Act 1997
 - vi. Education Act 2002
 - vii. Education Reform Act 1988
 - viii. Employment and Training Act 1973
 - ix. Further and Higher Education Act 1992
 - x. Higher Education and Research Act 2017
 - xi. Insolvency Act 1986
 - xii. Magistrates' Courts Act 1980
 - xiii. Serious Crime Act 2007
 - xiv. Teaching and Higher Education Act 1998
 - xv. Technical and Further Education Act 2017

Territorial extent and application

- 25 Section 35 sets out the territorial extent of the Act, that is the jurisdictions which the Act forms part of the law of. The extent of an act can be different from its application. Application is about where an act produces a practical effect.
- 26 All provisions of the Act extend to England and Wales and, except where indicated below, apply only to England.
- 27 Sections 11, 16(3), 35-37 and section 15 in the Act extend to Scotland and Northern Ireland, so far as it modifies provisions that extend there. Section 10 extends to Northern Ireland also, but not to Scotland.
- 28 The provisions in sections 15-16 and sections 24, 25 and 32 also apply to Wales. Section 15 applies to Wales, because it modifies section 22 of the Teaching and Higher Education Act 1998 in a manner which impacts on functions which have been devolved to the Welsh Ministers and those which are exercisable concurrently by Welsh Ministers and the Secretary of State. Section 15 has been drafted with the consent of the Senedd Cymru.
- 29 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Act

Part 1: Skills and Education for Work

Chapter 1: Education and Training for Local Needs

- 30 This chapter aims to create a framework to facilitate stronger employer and provider engagement in local skills systems. This framework will ensure employers have more influence over the skills system, which will assist providers to respond to employers' skills needs and reshape their offer. Employer representative bodies will work with employers, providers and local stakeholders to develop local skills improvement plans that set out the key changes needed to ensure technical education and training is more responsive to local labour market skills needs.
- 31 A new duty will ensure that all colleges and designated institutions regularly review the provision of education in an objective and holistic way, having regard to local needs and encompassing the needs of both learners and employers within a local area. Creating a statutory duty will strengthen accountability and will ensure that aligning provision with local needs is a priority for governing bodies.

Local skills improvement plans

Section 1: Local skills improvement plans

- 32 This section provides for local skills improvement plans, introducing duties on relevant providers to co-operate with designated employer representative bodies in developing local skills improvement plans and have regard to the plans once they have been developed. Relevant providers are those that provide English-funded post-16 technical education or training that is material to a specified area in England.
- 33 Subsections (1), (2) and (3) provide that those relevant providers must co-operate with a designated employer representative body in the development of a local skills improvement plan for a specified area.
- 34 Subsection (4) sets out provisions for relevant providers to assist to keep plans under review and updated as required and to have regard to the latest plan published by the Secretary of State when making decisions on relevant provision in the specified area.
- 35 Subsection (5) sets out that relevant providers must take account of guidance published by the Secretary of State in connection with this section, including in relation to co-operating with designated employer representative bodies in the development of local skills improvement plans.
- 36 Subsections (6) and (7) set out specific conditions that must be met in order for the Secretary of State to approve and publish a local skills improvement plan, including adaptation to climate change, the UK net zero target, meeting other environmental goals and consideration of the views of Mayoral Combined Authorities and the Greater London Authority.
- 37 Subsection (8) sets out what a local skills improvement plan is and subsection (9) sets out what an approved local skills improvement plan is.

Section 2: Designation of employer representative bodies

- 38 This section outlines how employer representative bodies will be designated by the Secretary of State to develop local skills improvement plans.

- 39 Subsection (1) sets out the criteria by which the Secretary of State will designate employer representative bodies to develop and keep local skills improvement plans under review. This includes having the capability to perform in an effective and impartial manner, being reasonably representative of employers within the specified area and consenting to designation.
- 40 Subsection (2) provides for the Secretary of State to set appropriate terms and conditions with subsection (5) providing for changes in terms and conditions.
- 41 Subsections (3) and (4) set out that the Secretary of State must notify the employer representative body of its designation and publish a notice before the designation takes effect. This includes what information should be contained within the notice including name, area specified, effective date and any terms and conditions.

Section 3: Removal of designations

- 42 Subsection (1) of this section enables the Secretary of State to remove the designation of an employer representative body and confirms the conditions for any removal. The conditions are: failure to continue to meet the criteria for designation, non-compliance with the relevant guidance issued by the Secretary of State and where the Secretary of State considers that the removal is necessary or expedient. The section also sets out how a removal will take effect.
- 43 Subsections (2), (3) and (4) set out that a written notice must be published by the Secretary of State when removing a designation and the information that should be contained within the notice.

Section 4: Interpretation

- 44 This section outlines the definitions used within sections 1, 2 and 3.
- 45 Subsections (2), (3) and (4) provide the definition of English-funded education and training in relation to local skills improvement plans.
- 46 Subsection (5) outlines that subsection (1)(d) enables the Secretary of State by regulation to add Local Authorities in England, 16-19 academies and schools in England to the definition of relevant providers.

Further education institutions: duty in relation to local needs

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

- 47 This section inserts a new section 52B into the Further and Higher Education Act 1992. In new inserted section 52B:
- i. Subsection (1) places a duty on governing bodies of general further education colleges, sixth form colleges and designated institutions (as described in Chapter II of Part 1 of the Further and Higher Education Act 1992) to keep under review how well the education or training provided meets local needs and, in light of their review, to consider what action the institutions might take to meet local needs better. The governing body may decide to take this action alone or in conjunction with any other educational institutions.
 - ii. Subsection (2) requires the governing body to have regard to any guidance published by the Secretary of State. To support the scrutiny of the section during the passage of the Bill, the Secretary of State published draft statutory guidance on gov.uk. It is intended that the final statutory guidance will be published on gov.uk when the section comes into force.

- iii. Subsection (3) requires the governing body to publish the review on the institution's website.

Chapter 2: Technical Education Qualifications, Apprenticeships, etc

- 48 This chapter extends and refines the existing statutory framework for the approval and regulation of technical education qualifications. The sections introduce new functions for the Institute to support reforms set out in the *Post-16 Qualifications Review* and the white paper. The functions enable the Institute to approve a broader range of technical education qualifications by introducing a new approval scheme alongside the existing scheme, where qualifications approved under the existing scheme can lead to the issue of a technical education certificate under section A3A of the Apprenticeships, Skills, Children and Learning Act (ASCL 2009) and qualifications approved under the new scheme do not. The functions also require the Institute to keep under review the education and training within its remit to ensure the overall coherence of the system. These sections embed the collaborative relationship between Ofqual and the Institute in exercising their respective functions in relation to technical education qualifications.
- 49 The sections amend ASCL 2009. That Act was amended by the Deregulation Act 2015 (in relation to the approved English apprenticeships reforms) and the Enterprise Act 2016 (to, among other things, establish the Institute). The Institute was established in April 2017 with apprenticeships functions. The Technical and Further Education Act 2017 then further amended ASCL 2009 to extend the Institute's remit to include technical education.
- 50 The final section in this chapter requires maintained schools, academies and pupil referral units in England to give education and training providers access to pupils on at least two occasions during each of the first, second and third key phases of their education, to inform the pupils about approved technical education qualifications or apprenticeships.

Functions of the Institute for Apprenticeships and Technical Education

Section 6: Functions of the Institute: oversight etc.

- 51 Subsection (1) sets out that this section amends ASCL 2009.
- 52 Subsection (2) amends section ZA2(6) to include in the Institute's remit other technical education and training which supports entry to occupations published under ZA10. This enables the Institute to play a role in relation to education and training (which links to employer-led standards but does not lead to a qualification), including (under the Institute's powers in Schedule A1 of ASCL 2009) publishing guidance on how such provision could align with employer-led standards.
- 53 Subsection (3) inserts new section ZA2A into ASCL 2009, which provides the Institute with an oversight function in relation to the technical education and training within its remit. It requires the Institute to keep under review such education and training and the effect of its functions on the range and availability of that education and training. In exercising this duty, the Institute will consider the overall coherence of technical education provision within the system to ensure that the range of apprenticeships, qualifications and other technical education is appropriate. The Institute may report to the Secretary of State on matters arising under its oversight function.
- 54 Subsection (4) amends section ZA3 to state that the Institute's power to provide advice and assistance to the Secretary of State includes advice and assistance in relation to technical education qualifications.

Technical education qualifications

Section 7: Additional powers to approve technical education qualifications

- 55 Subsection (1) sets out that this section amends ASCL 2009 to provide the Institute with additional powers to approve technical education qualifications.
- 56 Subsection (2) inserts new sections A2D1 and A2D2. Section A2D1 provides an overview of the framework for approval of technical education qualifications by the Institute. It sets out two schemes for approval of technical education qualifications by the Institute:
- i. The scheme under section A2D3 provides for qualifications that can lead to the award of a technical education certificate by the Secretary of State and in relation to which copyright in relevant course documents can transfer to the Institute (for example, T Levels).
 - ii. The other scheme (under new section A2D5 inserted by subsection (4)) provides for the approval of new categories of technical education qualification where the Institute does not consider it appropriate for these categories of qualification to be approved under A2D3. Qualifications approved under this scheme are those which do not lead to the award of a technical education certificate by the Secretary of State and in relation to which no copyright may transfer to the Institute on approval.
- 57 New section A2D2 provides for the Institute to specify the categories of technical education qualification that will be approved under new sections A2D3 and A2D5. It sets out requirements for the Institute to publish information showing the categories and their associated requirements. For the categories of qualification approved under section A2D5, the Institute is also required to identify and publish information showing the test against which it will approve qualifications within that category. The test must be one of the three tests set out in new section A2D5(3)-(5). Section A2D2(7) places a requirement on the Institute to consult prior to specifying the categories, including consultation with the Secretary of State and other appropriate persons (for example, employers).
- 58 Subsection (3) amends section A2D3 (as renumbered) of ASCL 2009 as a consequence of the provision for the Institute to specify categories of technical education qualification.
- 59 Subsection (4) inserts new section A2D5 which gives the Institute the power to approve technical education qualifications within the categories that will be approved via the scheme described in paragraph 56.ii. It sets out the circumstances in which the Institute may approve such qualifications and the tests that it must apply. To be approved, a qualification must meet the employer demand test (A2D5(6)) as well as the appropriate test for its category (A2D5(3)-(5)). The tests under sections A2D5(3)-(5) provide for the approval of qualifications that relate to employer-led standards in different ways. They set out the outcomes that must be attained when a person obtains the qualification. The outcomes are contained in employer-led standards or relate to occupations that are published by the Institute.
- 60 New sections A2D6 and A2D7 allow the Institute to make any arrangements that it considers appropriate to ensure that technical education qualifications are available for approval. The sections provide the supplemental powers that the Institute needs to run its scheme of qualifications approval, including the ability to withdraw approval.
- 61 Section A2D6(4) places a requirement on the Institute to publish the matters it will take into consideration when making decisions about approval and or withdrawal under either section A2D3 or new section A2D5. These criteria may differ depending on the category or occupation that the technical education qualification relates to. New section A2D7 sets

out requirements in relation to publication of information regarding approved qualifications. This includes information about how approved qualifications relate to occupations published under section ZA10(5). Under section A2D7(3) the Secretary of State may make regulations authorising the Institute to charge fees in connection with approvals.

- 62 New section A2D8 places a duty on the Institute to review approved technical education qualifications at regular intervals and to publish information about when the reviews will occur. In conducting such reviews, the Institute will determine whether each qualification should continue to be approved, whether approval should be withdrawn or whether qualifications should be revised.
- 63 New section A2D9 allows the Institute to impose a moratorium on the approval under A2D5 of qualifications of a particular kind, should it determine that there is an appropriate number of qualifications of that kind already approved. It sets out a requirement for the Institute to consult the Secretary of State in relation to the introduction and ending of a moratorium. The purpose of this power is to give the Institute an additional function to manage the proliferation of technical education qualifications.
- 64 Subsections (5) and (6) make amendments to ASCL 2009 which are consequential on there now being more than one scheme for approval.
- 65 Subsection (7) inserts new section A12 which provides for interpreting chapter A1 of ASCL 2009.

Section 8: Functions of the Institute: availability of qualifications outside England

- 66 This section inserts new section A2IB into ASCL 2009 which allows the Institute to provide advice and assistance and take steps it considers appropriate in order that T Levels could be made available in areas of the UK other than England as well as internationally.

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

- 67 This section inserts new section A2D11 into ASCL 2009 which establishes a cooperative framework for the approval, regulation and other oversight of technical education qualifications falling within the functions of the two bodies.
- 68 New subsection (1) requires Ofqual and the Institute to cooperate in exercising their respective statutory functions in relation to technical education qualifications.
- 69 New subsection (2) empowers either body to provide advice and assistance to the other and requires either body to have regard to any advice and assistance it receives.

Section 10: Application of accreditation requirement in relation to technical education qualifications

- 70 This section amends section 138 of ASCL 2009 to ensure that individual technical education qualifications may not be subject both to accreditation by Ofqual and approval by the Institute under their respective powers in ASCL 2009. It does this by:
 - i. taking a qualification out of scope for accreditation by Ofqual if it is a technical education qualification that has been approved by the Institute or if the Institute has notified Ofqual that approval is being considered but a decision has not yet been made.
 - ii. requiring that where the Institute has notified Ofqual that an approval is being considered, it must also notify Ofqual of its decision.

Section 11: Information sharing in relation to technical education qualifications

- 71 Subsection (1) states that this section inserts new section 40AB into ASCL 2009. It supports effective collaboration between Ofqual and other bodies with functions in relation to technical education qualifications, by introducing information-sharing provisions similar to those relating to the Institute under section 40AA of ASCL 2009. Ofqual and the Institute are already able to share information with each other under section 40AA of ASCL 2009. The provision under new section 40AB will enable Ofqual to share information with other relevant bodies.
- 72 Subsection (2) sets out that in new inserted section 40AB:
- i. Ofqual may disclose information to a relevant person for the purpose of a relevant function. A relevant person may also disclose information to Ofqual for the same reasoning.
 - ii. A “relevant person” is specified as the Secretary of State, the OfS, Ofsted and a prescribed person.
 - iii. A “relevant function” is 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. With reference to a “prescribed person”, this is a prescribed technical education function of that person, so far as the function relates to England.
 - iv. Ofqual, the OfS and Ofsted have the same meanings as in section 40AA of ASCL 2009 and “technical education function” means a function that relates to technical education qualifications approved, or that may be approved, by the Institute for Apprenticeships and Technical Education under section A2D3 or A2D5.
- 73 Subsection (3) inserts “Technical Education Qualifications” in the heading of Part 1A, after “Apprenticeships”.
- 74 Subsection (4) inserts “(azb) regulations under section 40AB;” in section 262 (orders and regulations), subsection (6), after the paragraph.

Section 12: Technical education qualifications: minor and consequential amendments

- 75 Subsection (1) sets out that this section amends ASCL 2009.
- 76 Subsection (2) inserts new section ZA8A which ensures that there is a consistent interpretation of certain terms throughout the relevant chapters of ASCL 2009.
- 77 Subsections (3) to (10) make a number of minor amendments to ASCL 2009 and to other existing legislation to ensure that technical education qualifications approved under the new scheme are appropriately referenced alongside those approved under the existing scheme.

Section 13: Renumbering of provisions relating to technical education qualifications

- 78 This section renumbers sections of ASCL 2009 to ensure the numbering is easier to follow after insertion of new provisions.
- 79 Subsections (3) to (7) make minor amendments to ASCL 2009 as a consequence of renumbering.
- 80 Subsection (8) clarifies that the renumbering does not alter the effect of anything done under a renumbered provision and to clarify that references elsewhere to the previous provisions should be taken as references to the renumbered provisions.

Information about technical education and training

Section 14: Information about technical education and training: access to English schools

- 81 This section amends section 42B of the Education Act 1997, inserted by section 2 of the Technical and Further Education Act 2017. This requires maintained schools, academies and pupil referral units in England to allow education and training providers to access their pupils in order to inform pupils directly about approved technical education qualifications or apprenticeships. In practice, this means providers informing pupils in the school year in which the majority reach the age of 13 to the year in which the majority reach the age of 18 (typically school years 8-13) about the courses and qualifications that they offer.
- 82 Subsections (1), (2) and (3) modify section 42B to specify that schools must give access to pupils on at least two occasions during each of the first, second and third key phases of their education.
- 83 Subsection (4) inserts new subsection (2A) which states that the school must ensure that all pupils meet, on at least two occasions, at least one provider during each of the first and second key phases of their education, or any other number of providers that is set out in secondary legislation. The encounters during the third key phase are optional for pupils to attend.
- 84 Subsection (4) also requires schools to ask each provider to provide information to pupils that includes:
- i. information about the provider and approved technical education qualifications or apprenticeships that the provider offers;
 - ii. information about the careers to which those technical education qualifications or apprenticeships might lead;
 - iii. a description of what learning or training with the provider is like; and
 - iv. response to questions from pupils about the provider or approved technical education qualifications and apprenticeships.
- 85 Subsection (4) also inserts new subsection (2B) which clarifies that access to providers must be for a reasonable period of time during the standard school day.
- 86 Subsection (5) specifies additional content of the policy statement that schools must prepare, publish and follow, setting out the circumstances in which a provider will be allowed access to pupils. It requires schools to set out in their policy statement the times at which access is to be given. It also requires schools to explain in their policy statement how they will meet the new legal requirements imposed under subsection (2A).
- 87 Subsection (6) gives the Secretary of State the power to set out further detail about the meetings with providers that all pupils must attend, as required by subsection (2A), in secondary legislation. For example, this could be further provision about the number and type of providers that pupils must meet.
- 88 Subsection (7) defines the key phases of a pupil's education in which each provider encounter must take place:
- i. The first key phase is the school year in which the majority reach the age of 13 or 14 (typically school years 8 or 9).
 - ii. The second key phase is the school year in which the majority reach the age of 15 or 16 (typically school years 10 or 11).

- iii. The third key phase is the school year in which the majority of pupils reach the age of 17 or 18 (typically school years 12 or 13).
- iv. The provider encounters are to be held between 1 September and 28 February if for pupils in school years 9, 11 or 13.

Chapter 3: Lifelong Learning

89 This chapter makes changes to primary legislation to make specific provision relating to the introduction of a lifelong loan entitlement, to support reforms set out in the white paper. It makes changes to the regulation-making powers of the Secretary of State to provide student finance in order to make specific provision for funding of modules of higher education and further education courses. It also makes clear that maximum amounts in relation to any loan or payment can be provided for on a basis other than academic year. This Chapter also amends the definition of “higher education course” for the purposes of the Higher Education and Research Act 2017 (“HERA 2017”) to make it clear that the regulatory regime provided for under Part 1 of HERA 2017 applies to a module of a course, where it is undertaken otherwise than as part of that course. This would mean that modules offered by a provider which usually form part of a full course, but can be taken separately from the full course, would fall under the OfS regulatory regime.

Section 15: Support for lifelong learning

- 90 This section inserts new section 28A into the Teaching and Higher Education Act 1998 (“THEA 1998”) to make modifications to Chapter 1 of Part II of THEA 1998 which allows for financial provision for higher and further education.
- 91 Section 22 subsection (1) of THEA 1998 provides the Secretary of State with a wide regulation-making power to make regulations authorising or requiring him to make grants or loans for any prescribed purposes to eligible students in connection with their undertaking higher or further education courses designated by or under regulations. Section 22 subsection (2)(a) to (k) then provides a non-exhaustive list of the matters which regulations made under section 22 may provide in particular.
- 92 Section 28 provides that “higher education courses” and “further education courses” have the meaning given by regulations made under section 22.
- 93 This section inserts new section 28A after section 28 of THEA 1998. New inserted section 28A modifies sections 22, 23 and 28 of THEA 1998 as follows:
- i. Subsection (1)(a) modifies section 22(1) of THEA 1998 to have effect as if to insert specific reference to modules of higher education and further education courses.
 - ii. Subsection (1)(b) modifies subsections (2) to (3) and (4B) of section 22 of THEA 1998 so that references to “a higher education course or a further education course” have effect as if to include specific references to modules of a higher education course or further education course. Subsection (2) makes the equivalent modification to the reference in section 23(1)(b) to courses and subsection (3) makes the equivalent modifications to the references in section 28(2) to “courses”.
 - iii. Subsection (1)(c) modifies subsection (2) of section 22 of THEA 1998 to have effect as if to insert a new paragraph (ba) which makes specific provision for regulations made under section 22 to prescribe or provide for the determination of an overall maximum (“lifetime limit”) that may be available to learners over their lifetime.

- iv. Subsection (1)(d) modifies subsection (2) of section 22 of THEA 1998 to have effect as if there were inserted new paragraph (ca), allowing regulations to provide for two or more modules to be treated as a single module for a purpose of the regulations. A module or course will be funded only if it is designated.
 - v. Subsection (1)(e) modifies section 22 of THEA 1998 to have effect that after subsection (2) there were inserted new subsections (2ZA) and (2ZB). New subsection (2ZA) enables the Secretary of State to define the meaning of “module” in relation to a higher or further education course in regulations and provides some examples of what the definition may include. New subsection (2ZB) makes clear that the Secretary of State’s powers to prescribe maximum amounts in relation to loans or payments (as provided for under section 22(2)(b) of THEA 1998) can be provided for otherwise than in relation to an academic year.
 - vi. Subsection (1)(f) modifies section 22 of THEA 1998 to have effect that after subsection (2A) there were inserted new subsection (2B). This makes it clear that a lifetime limit in relation to a person provided for in subsection (2)(ba) may be amended by the Secretary of State.
 - vii. Subsection (2) provides that section 23 of THEA 1998, in so far as it relates to the Secretary of State’s regulation making powers under section 22, has effect as if a reference in subsection (1)(b) to courses included a reference to modules of higher or further education courses.
 - viii. Subsection (3) provides that in subsection (2) of section 28 of THEA 1998 references to courses shall include modules, in so far as it confers a power exercisable by the Secretary of State.
- 94 Subsection (2) has the effect that the references to “alternative payments” which are to be treated as inserted by new section 28A(1) will not have effect until section 86 subsection (2) of HERA 2017 come into force.

Section 16: Lifelong learning: amendment of the Higher Education and Research Act 2017

- 95 This section makes amendments to HERA 2017 to amend the definition of “higher education course” and to make other provision as to the regulation of modular study.
- 96 Subsection (2) amends section 9 (the mandatory transparency condition for certain providers) which creates a duty on registered higher education providers to provide information to the OfS about offers and acceptances, completion rates and attainment. This amendment is intended to reduce the administrative burden on providers, by ensuring information sharing and/or publication requirements do not apply any more onerously in relation to modules than to full courses.
- 97 Subsection (3) amends section 83 subsection (1) of HERA 2017 to substitute a new definition of higher education course to mean a course of any description mentioned in Schedule 6 to the Education Reform Act 1988, or a module of such a course (if it is not undertaken as part of such a course).
- 98 Subsection (4) further amends section 85, to clarify the two categories of higher education course for the purpose of Part 1 of HERA 2017 are full courses and modules of full courses where they are undertaken other than as part of full courses. Together with the amendments to 83(1) these clarify that for the purposes of HERA 2017 there are two categories of higher education course: a) full courses and b) modules of full courses, when taken other than as part of those courses and have the explicit consequence of applying the OfS’s regulatory powers to modular study.

Part 2: Quality of Provision

Initial teacher training for further education

- 99 The Government aims to secure and improve the quality of initial teacher training for the further education sector (“ITT (FE)”) as committed to in the white paper. This enabling section will give the Secretary of State powers to introduce measures through secondary legislation, designed to improve the quality of ITT (FE) provision. It is not intended to place requirements on trainee teachers, either individually or collectively.

Section 17: Initial teacher training for further education

- 100 This section provides a power for the Secretary of State to make regulations to secure or improve the quality of ITT (FE) in England.
- 101 Subsection (1) enables the Secretary of State to make regulations to secure or improve the quality of ITT (FE) courses.
- 102 Subsection (2) provides examples of measures that such regulations may provide for, for example requiring the governing body of an institution that provides ITT (FE) courses to have regard to statutory guidance; or setting up an accreditation system for providers of ITT (FE).
- 103 Subsection (3) provides further context for subsection (2)(c); a prohibition under subsection (2)(c) may relate to (among other things) accreditation requirements, whether or not the Secretary of State has given approval for the provision of specified ITT (FE) courses, or a failure to meet conditions set under subsection (2)(d).
- 104 Subsection (4) contains general provision for regulations made under this power.
- 105 Subsections (5) and (6) provide that the first time regulations are enacted under this power, the affirmative procedure will apply, but subsequent regulations under this power will be made using the negative resolution procedure.
- 106 Subsection (7) provides definitions for key terms used in this section.

Quality assessments of higher education

- 107 This chapter makes explicit the ability of the OfS to assess the quality of higher education, provided by registered higher education providers in England, by reference to student outcomes. It clarifies the OfS’s ability to apply minimum quality thresholds by reference to expected levels of student outcome which may apply to all English higher education providers in the same way. It also makes clear that the OfS is not required to determine different minimum expected levels to take into account student characteristics and other specified matters.

Section 18: Office for Students: power to assess the quality of higher education by reference to student outcomes

- 108 This section amends section 23 of HERA 2017, which makes provision for the assessment of the quality of, and the standards applied to, higher education by the OfS. Specifically, the section adds new subsections (4) to (9) to section 23 as follows:
- i. Subsection (4) provides that the OfS may take into account student outcomes when assessing the quality of higher education provided by a registered higher education provider.
 - ii. Subsection (5) provides that student outcomes can be measured by any means that the OfS considers appropriate, including by reference to course continuation rates, completion rates and progression of students to further study or employment.

- iii. Subsection (6) provides that the OfS may determine and publish minimum expected levels for particular measures of student outcomes which all institutions are expected to meet.
- iv. Subsection (7) makes clear that the OfS is not required to determine and publish different levels to reflect differences in student characteristics, different institutions or types of institution, different subjects or courses, or any other such factor.
- v. Subsection (8) provides that when considering the student outcomes of an institution, the OfS may take account of whether the institution has met the minimum expected outcome level which is applicable to it.
- vi. Subsection (9) provides definitions for key terms used in this section.

Part 3: Protection for Learners

Chapter 1: Regulation of Post-16 Education or Training Providers

- 109 These sections enable the Secretary of State to make regulations to provide for a list of post-16 education or training providers, in particular Independent Training Providers (“ITPs”), to indicate which providers have met conditions that are considered to prevent or mitigate risks associated with the disorderly exit of a provider from the provision of education and training. Education or training is funded by various funding authorities such as the Education and Skills Funding Agency, Department for Education and Mayoral Combined Authorities.
- 110 Regulations made under the sections ensure that the relevant funding authorities may not enter into funding arrangements or allow sub-contracting with a relevant provider who is not on the list and that such funding arrangement and sub-contracts must allow for termination should a provider cease to be on the list. The short notice exit of a provider from the provision of education or training can significantly disrupt the educational experience of many young people and adults.
- 111 The transfer to another provider can take time and can be extremely disruptive and increase the risk of learner disengagement, as complex cases can take over 12 months to find a new provider. These provisions are intended to ensure that there is a consistent set of requirements placed on providers in order to protect learners and public funds, even where the education or training is funded by local commissioning bodies or through subcontracts from directly funded providers.

Funding arrangements with post-16 education or training providers

Section 19: List of relevant providers

- 112 This section provides the Secretary of State with a power to make regulations in relation to the keeping of a list of certain post-16 education or training providers which meet specified conditions (see subsection (7) for examples). The Secretary of State can also make provision in connection with the keeping of the list.
- 113 Subsection (2) sets out that providers that will need to be on the list are those which will provide relevant education or training for those over compulsory school age and these subsections list the type of provider which would be excluded from a requirement to be on the list.

- 114 Subsection (3) confirms the types of education and training in scope of the legislation, which includes further education (Adult Education Budget funded provision, 16-19 study programmes and any other further education), apprenticeships, traineeships and provision eligible to be funded through loans for designated further education courses. A certain description of education or training may fall into more than one category.
- 115 Subsection (4) states the Secretary of State may by regulations add, vary or remove a category of education or training in order that new or emerging types of training not covered by the current definitions can be captured, or categories can be removed or changed where they are no longer relevant to the type of training currently funded. The categories which may be specified are limited by the definition of "post-16 education or training provider" in section 19 subsection (2) which sets out that those providers who must be on the list will provide relevant education or training to persons over compulsory school age.
- 116 Subsection (5) states that a condition (for being on the list) may only be specified if the Secretary of State considers that it may assist in preventing or mitigating the adverse effects of a disorderly cessation in the provision of education or training (i.e. a disorderly provider exit).
- 117 Subsection (6) clarifies that regulations may specify different conditions for different types of education or training and provide that a provider can have separate list entries for different types of education or training. It also sets out that regulations can provide that the Secretary of State, or any other person, can be allocated a function such as the exercise of a discretion. For example, this could be used to determine whether certain conditions have been met.
- 118 Subsections (7) to (9) set out examples of the conditions that may be specified in regulations in order for a provider to be on the list. They also clarify that different conditions may be specified for being added to or remaining on the list or in relation to different descriptions of relevant provider.
- 119 Subsection (10) sets out the conditions that may be introduced in regulations to help maintain or keep the list, such as the imposition of fees for being added to the list, the procedure for applications, provision about removal or restoration to the list, appeals, provision allowing or requiring the disclosure of information and provision about publication of the list.
- 120 Subsection (11) clarifies that information mentioned in subsection (10)(e) may relate to those who receive the education or training, or those with controlling, managerial or legal responsibility for the training providers.

Section 20: Prohibitions on entering into funding arrangements with providers

- 121 Subsection (1) provides that this section applies if the Secretary of State makes regulations under section 19 subsection (1)(a) and only prospectively.
- 122 Subsection (2) prohibits a funding authority from entering into relevant funding arrangements with a provider not on the list. It also sets out that funding authorities must not enter into such funding arrangements unless those arrangements include provisions enabling the funding authority to terminate the agreement if the provider ceases to be on the list.
- 123 Subsections (3) and (4) makes similar provision in relation to funding arrangements where there is use of sub-contractor(s) and those sub-contractors are not on the list, or cease to be on the list.
- 124 Subsection (4) also sets out that where relevant funding arrangements prohibit sub-contracting, funding authorities must not enter into those funding arrangements unless those arrangements include provisions allowing the funding authority to terminate the agreement if a relevant sub-contract is entered into in breach of that prohibition.

- 125 The provision in subsections (2) to (4) is to ensure that where a provider ceases to be on the list or enters into prohibited sub-contracting arrangements, the funding authority can take action to terminate funding arrangements in an orderly way. For example, this might be through ensuring, if appropriate, that learners are transferred to another provider before the arrangements come to an end.
- 126 Subsection (5) sets out that a provider may not rely on anything in this section as a reason for not carrying out their obligations under a funding agreement. This means that a provider's obligations under a funding agreement would remain valid and a funding authority could continue to enforce those obligations if a provider were not on the list. Subsection (5) also clarifies that this section does not limit a funding authority's ability to set conditions of funding relating to a separate scheme (for example, conditions of funding which require apprenticeship training providers to be on the Register of Apprenticeship Training Providers).
- 127 Subsections (7) to (11) provide interpretation for this section.
- 128 Subsection (7) confirms the funding authorities whose funding arrangements are within the scope of this section.
- 129 Subsections (8), (9) and (10) set out the type of funding arrangements between a provider and funding authority in scope of this section. This includes grant arrangements and contracts for the provision of education or training wholly or mainly in England (which may include public services contracts which fall under the Public Contract Regulations 2015) and advanced learner loan funding routed through the Student Loans Company. The arrangements must relate to the provision of the categories of relevant education or training within the meaning of section 19 subsection (3). The Secretary of State may also specify any other characteristics that the arrangements must have in order to be within scope of the provision in section, which might, for example, include *de minimis* provision.
- 130 Subsection (11) provides a definition for a relevant sub-contract in scope of this section. The characteristics of the sub-contract can also be further specified in regulations by the Secretary of State.

Section 21: Funding arrangements: interpretation

- 131 This section provides interpretation for sections 19, 20 and 21.
- 132 Subsection (2) provides definitions for key terms used in sections 19, 20 and 21.
- 133 Subsection (3) clarifies that references to a provider in relevant places in sections 19 and 20 include references to a person having general control and management of, or legal responsibility and accountability for a provider. This is included to ensure that the correct legal person (and the funding arrangements that they are party to) are caught by the obligations under regulations made under section 19 and by the funding prohibitions in section 20.

Section 22: Regulations under sections 19 or 20

- 134 This section sets out miscellaneous provision relating to the regulations which may be made under sections 19 or 20.
- 135 Subsections (1) and (2) give the power for regulations under sections 19 or 20 to make consequential, supplemental, incidental, transitional or saving amendments, including to primary legislation and including this Act.
- 136 Subsection (3) confirms that before making regulations to set up the list for the first time, the Secretary of State must carry out a consultation.

137 Subsection (4) and (5) set out that the regulations are to be made by statutory instrument and which regulations will require the affirmative resolution procedure. These include those under section 19 subsection (1) in relation to specifying conditions and making provision in relation to the keeping of the list, regulations under section 19 subsection (4) which allows the application of the scheme to additional or varied categories of education and training and any regulations which amend an Act of Parliament.

138 Subsection (6) provides that any other regulations made under sections 19 or 20 will be by way of a negative resolution procedure.

Further education in England: intervention

Section 23: Further Education in England: intervention

139 The Secretary of State has intervention powers under the Further and Higher Education Act 1992, which can be used where there is serious failure including mismanagement, underperformance and failure to discharge a statutory duty. This section strengthens these existing powers so that intervention action can also be taken where the education or training provided by an institution is failing, or has failed, to adequately meet local needs. This section will also enable the Secretary of State to issue a direction to a governing body, requiring it to make a structural change such as a merger. These provisions are needed so that the Government can intervene to secure improvement where that is not possible through other means.

140 This section amends the statutory intervention powers in section 56A of the Further and Higher Education Act 1992 that apply to further education colleges, designated institutions and certain other bodies that provide further education (other than institutions within the higher education sector). It also amends the statutory intervention powers that apply to sixth form colleges, in section 56E of the Further and Higher Education Act 1992. The amendments are as follows:

- i. Subsection (2)(a) extends the circumstances in which the Secretary of State may use the powers to include cases where the education or training provided by an institution is failing or has failed to adequately meet local needs. Under subsection (2)(b), new sections 56A(2A) to (2C) provide that for the purposes of new subsection 56A(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.
- ii. Where the conditions for the use of the statutory intervention powers are met, subsection (2)(c)(i) amends section 56A(7)(b) of the Further and Higher Education Act 1992, in so far as it applies to a direction requiring the governing body of a designated institution (rather than a further education corporation) to dissolve itself. Subsection (2)(c)(ii) enables the Secretary of State to direct the governing body in respect of the transfer of property, rights or liabilities, for example to effect a merger, when one institution is dissolved and its activities are transferred to another body.
- iii. Subsection (2)(d) applies in cases where the Secretary of State directs the dissolution of the governing body (which is already possible under the existing legislation). It requires the governing body of a further education corporation to transfer property, rights or liabilities on the dissolution date (as permitted under section 27B of the Further and Higher Education Act 1992 in the case of a voluntary dissolution), unless the Secretary of State directs otherwise.

- iv. Subsection (2)(e) requires that where another party – such as a merger partner – is named in a direction under subsection (2)(c), this can only be done with the agreement of that party.
- v. Subsection (2)(f) sets out that before making a direction for the transfer of property, rights or liabilities, the Secretary of State must consult the Competition and Markets Authority in respect of competition effects. The merger control provisions set out in Part 3 of the Enterprise Act 2002 would not apply in these cases. The Secretary of State is able to provide financial assistance in connection with a direction. This could include, for example, loans, grants, guarantees or any other form of financial assistance.
- vi. Subsection (3) makes the same amendments as made in subsection (2), but to section 56E of the Further and Higher Education Act 1992. These provisions relate to intervention powers in respect of sixth form college corporations, which closely mirror those for further education college corporations and designated institutions.

Chapter 2: Education Administration and Administration of Further Education Bodies

141 There is ambiguity in the Technical and Further Education Act 2017 as to whether a Company Voluntary Arrangement (a specific rescue procedure, hereafter referred to as a “CVA”), can be used as a mechanism to exit education administration. Since that legislation came into force, a court decision made during the West Kent and Ashford College education administration confirmed that education administrators have the power to propose a CVA as a mechanism to exit education administration. This chapter proposes amendments that will remove the risk of any case law being overturned. This would therefore allow the Secretary of State, via regulations, to ensure education administrators may explicitly use CVAs, and to clarify that nothing in the Technical and Further Education Act 2017 would prevent an education administrator proposing a CVA.

142 This chapter also seeks to remove further ambiguity in the transfer scheme provisions of the Technical and Further Education Act 2017 as to the treatment of secured creditors when compared to their rights in normal administration, per paragraph 71 of Schedule B1 to the Insolvency Act 1986.

Section 24: Further education bodies in education administration: application of other insolvency procedures

143 This section amends section 33 of the Technical and Further Education Act 2017 to extend the Secretary of State’s existing power to make regulations applying insolvency legislation (with modifications) to further education bodies.

- i. Inserted subsection (2A) makes provision that regulations under section 33(1) may provide for any provision of the Insolvency Act 1986 to apply (with modifications) regarding a further education body in education administration.
- ii. Inserted subsection (2B) makes provision to clarify that nothing in Schedules 3 or 4 to the Technical and Further Education Act 2017 limits the provision that may be made by regulations under subsection (2A). It expressly states the regulations may amend Schedules 3 and 4, which set out the conduct of education administration for statutory corporations and companies respectively. By being able to amend these schedules, the Secretary of State would be able to ensure they explicitly allow the use of CVAs.

Section 25: Further education bodies in education administration: transfer schemes

- 144 This section amends Schedule 2, 3 and 4 to the Technical and Further Education Act 2017. This clarifies that, where a transfer scheme looks to transfer assets subject to secured creditor's rights free of that security, a transfer scheme may only be made upon either consent of the secured creditor in relation to the amount attributed to the secured asset over which the lender holds security and payment of that amount, or a court order (i.e. subject to paragraph 71 of Schedule B1 of the Insolvency Act 1986, with modifications).
- 145 This amendment confirms the Government's response to the technical consultation for the insolvency regime for further education and sixth form colleges and the Technical and Further Education Act 2017 in June 2018: see page 16, question 4 ([Insolvency regime for further education and sixth form colleges](#)).

Part 4: Miscellaneous and General

Chapter 1: Cheating Services Provided for Post-16 Students at English Institutions

- 146 This Chapter contains provisions relating to new offences in England and Wales. This criminalises individuals and organisations who provide or arrange for another person to provide (in commercial circumstances) contract cheating services for students at post-16 institutions, sixth forms and higher education providers in England and any other person over compulsory school age who has been entered to take an examination relating to a regulated qualification at a place in England. The provisions also criminalise the advertising by those individuals or organisations of the services.

Section 26: Meaning of "relevant service" and other key expressions

- 147 Subsection (1) confirms that the definitions in this section apply throughout the chapter, in relation to the offence.
- 148 Subsection (2) defines "relevant service". In order for an individual or body to be liable under the offence, they must complete all or some of the student's work such that the work would not be considered the work of the student. This excludes generally accepted study support such as tutors, proof-reading and ordinary teaching practices from being covered by the offence, as even with the provision of such services the work would generally still be considered to have been completed by the student personally (taking into account the ordinary meaning of that phrase – see the extended meaning in relation to a relevant assignment at subsection (8)).
- 149 Subsection (3) sets out what completing all or part of an assignment on behalf of a student includes. This includes circumstances where a student is provided with material in connection with the assignment which the student could use in completing the assignment or part of it (subsection (3)(a)) which has either been prepared specifically in connection with the assignment (subsection 3(b)(i)) or has not been published generally (subsection 3(b)(ii)). This covers: bespoke pieces of work and stock essays; and work which is written, dictated or copied.
- 150 Subsection (4)(a) creates a presumption that where a student seeks the provision of a "relevant service", material provided as a result will be viewed as being provided in connection with the assignment (which is relevant for the purposes of subsection (3)). This means that, for example, where a student chooses an essay from a menu of available stock essays, this would be caught (provided the essays are not published generally (see subsection (4)(b) below). So, the provider need not in fact know about the assignment or what it is in order to meet the test in subsection (3).

151 Subsection (4)(b) sets out what is considered to be “material published generally” (which is not covered by the offence). This is material which is available publicly and free of charge, for example study aids on websites such as BBC Bitesize; also material that is published widely for purchase and educational use, and which includes other educational or training material, such as revision guides. The offering of a menu of available essays which must be paid for, for example, would not be considered “material published generally” since it does not include other educational or training material.

152 In order for the offence to be committed, the relevant service must be provided, or arranged, “in commercial circumstances”. Subsection (5) sets out the conditions in which “commercial circumstances” apply. This covers: an organisation or individual which is providing or arranging the cheating services in the course of their business; and an individual who works independently who has been commissioned to provide the cheating services, by a person acting in the course of their own business or by a person acting in the course of their employer’s business. This allows for freelancers to be captured as well as employees and owners of companies providing cheating services.

153 Subsection (6) defines the “student” to whom it is an offence to provide the services. That is those undertaking a relevant course at a post-16 institution or sixth form in England. Section 33 defines “post-16 institution” as a higher education provider, an institution within the further education sector, a 16-19 academy and any other institution or person, other than a school, that is principally concerned with the provision of education or training suitable to the requirements of pupils who are over compulsory school age. Sixth form is also defined in section 33. Subsection (6)(b) makes clear that the offence also applies to services provided to private candidates who are entered for a regulated qualification in England.

154 Subsection (7) defines “relevant assignment” for the purposes of the offence. For an assignment to be in scope, it needs to be one that the student is required to complete by themselves as part of either the course they are on (for example a module in a chosen university course) or as part of a piece of work that leads to their overall final qualification. This drafting allows for homework to be in scope of the offence but excludes pieces of work that students have proactively decided to undertake themselves. It also allows for an assignment to be in scope of the offence where the assignment has been chosen by the student from a range of assignments set.

155 Subsection (8) makes clear what is meant by the requirement that the student must complete a relevant assignment “personally”. It includes the ordinary meaning, which is completing the assignment with assistance which is generally permitted, such as tutoring and legitimate proof-reading or copy-editing. It also has the extended meaning which is to include the circumstance where the assignment is completed with any assistance which is specifically permitted as part of the assignment (for example, where in relation to a specific assignment, a student is allowed assistance with writing due to injury or where a dissertation specifically allows for input by a tutor on a first draft). It further sets out that for the purposes of this chapter, that specific assistance is “permitted assistance”.

156 Subsection (9) explains that further definitions can be found in section 30.

Section 27: Offence of providing or arranging a relevant service

157 Subsection (1) provides that it is an offence for a person to provide or arrange for another person to provide, in commercial circumstances, contract cheating services for a student in relation to a relevant assignment. The definitions in section 29 make clear who exactly falls within scope of the offence and the circumstances that need to be fulfilled for it to be committed. It is for the prosecution to prove the elements of the offence beyond reasonable doubt.

158 Subsection (2) provides that the offence is summary only and punishable by a fine. The appropriate fine will be determined by the courts in line with the sentencing guidelines. Subsections (3) and (4) set out the defence that applies to this offence. The burden of proving, in relation to any of the matters in subsection (4), that they did not know and could not with reasonable diligence have known of the matter, is on the defendant. For example, depending on the facts of the case, the defendant may need to be able to prove that they did not know, and could not with reasonable diligence have known, that the student was required to complete this work personally. Similarly, they might need to prove that they did not know and could not with reasonable diligence have known, that the service provided was not specifically permitted.

159 Subsection (5) sets out that a statement set out in a standard term in a written contract or arrangement, whereby a student commits to not using the work provided in a way that amounts to the offence, or about the circumstances of the assignment, is not sufficient to establish the defence.

160 Subsection (6) makes clear that a student who commissions a provider to complete work in a way that falls under the offence will not be liable for an offence of encouraging, assisting, aiding or abetting the substantive offence.

Section 28: Offence of advertising a relevant service

161 Subsection (1) provides that an offence is committed if a person advertises the relevant service to students.

162 Subsection (2) makes clear that, in order for the offence to be committed, the advertisement does not need to be advertised solely to its target audience. The advertisement might not be seen by its target demographic, but the offence lies in the fact of advertising the relevant service.

163 Subsection (3) sets out the exact circumstances that must be fulfilled for the advertising offence to be committed. The offence is only committed if the person who makes the arrangements for the advertisement of the relevant service is either offering the service, describing or presenting themselves as capable of providing it or capable of arranging for another to provide the service.

164 Subsection (4) provides that this is a summary only offence punishable by a fine. The appropriate fine will be determined by the courts in line with the sentencing guidelines.

Section 29: Offences: bodies corporate and unincorporated associations

165 Subsections (1) and (2) enable certain individuals to be prosecuted in limited circumstances where offences are committed by bodies corporate.

166 Subsection (3) provides that where an offence is alleged to have been committed by an unincorporated body, proceedings for offences should be brought in the name of the body and not its members. It also makes provision for rules relating to the service of documents

167 Subsection (4) provides that any fine imposed on conviction of an unincorporated body should be paid out of the funds of the body.

168 Subsection (5) provides that if an unincorporated body is charged with an offence under these provisions, certain procedural rules apply in the same way as they do to incorporated bodies.

169 Subsection (6) enables certain individuals to be prosecuted in limited circumstances where offences are committed by unincorporated bodies which are not partnerships.

170 Subsection (7) enables partners to be prosecuted in limited circumstances where offences are committed by partnerships.

Section 30: Interpretation of Chapter

171 This section sets out the definition of certain terms which are used in this Chapter.

Chapter 2: Miscellaneous Provisions

172 This Chapter contains four miscellaneous provisions. The first provides the Secretary of State with an order making power to enable the designation of 16-19 academies as having a religious character. It also provides for the Secretary of State to make regulations about the procedures relating to the designation. The second is a technical amendment that shortens and increases the flexibility of the process by which institutions can be designated as being within the statutory further education sector. The third gives the OfS an explicit power to publish information about its compliance and enforcement activity in relation to higher education providers. The fourth corrects an anomaly relating to when a provider has to have a high-quality rating to charge the Teaching Excellence Framework (TEF) tuition fee uplift.

16 to 19 Academies: designation as having a religious character

Section 31: 16 to 19 Academy: designation as having a religious character

173 This section inserts new sections 8A and 8B into the Academies Act 2010.

174 For new inserted section 8A, "Designation of a 16 to 19 academy as having a religious character":

- i. Subsection (1) allows the Secretary of State to designate by order a 16 to 19 academy as having a religious character.
- ii. Subsection (2) sets out that the Secretary of State may only designate the academy where the academy proprietor meets the requirements set out in section 12(2) of the Academies Act 2010.
- iii. Subsection (3) requires that the order designating a 16-19 academy with a religious character specifies the religion or religious denomination with which the academy is to be designated.
- iv. Subsection (4) provides for the Secretary of State to make regulations which set out the procedure to be followed in designating 16-19 academies with a religious character and specifying the religious denomination.
- v. Subsection (5) states that an order designating a 16 to 19 academy as having a religious character under this section is to be made by a statutory instrument which is not subject to parliamentary procedure.

175 For new inserted section 8B, "Constitution of Academy proprietor, collective worship and religious education":

- i. Subsection (1) makes clear that the articles of association for a 16-19 academy designated as having a religious character must enable a majority of directors of the academy proprietor to be appointed for the purposes of securing the designated religious character of the institution and, where a trust deed is in place, ensuring that the academy follows it.
- ii. Subsection (2) provides for the academy proprietor to conduct the 16-19 academy designated as having a religious character in a way which reflects the specified religion or religious denomination and in accordance with a relevant trust deed.

- iii. Subsections (3) and (4) require an academy proprietor running a 16-19 academy designated with a religious character to ensure it provides at least one open act of collective worship a week which pupils attending the academy are free to attend. This act of collective worship must follow the practices of the specified religion or religious denomination and comply with any relevant trust deed.
- iv. Subsections (5) and (6) require the academy proprietor running a 16-19 academy designated with a religious character to ensure that it provides religious education for all pupils who wish to receive it at a time or times which are convenient for a majority of full-time pupils to attend.
- v. Subsection (7) sets out that the religious education provided can take the form of a course of lectures or classes or single lectures or classes occurring regularly. They may also include courses or study which leads to an examination or a qualification.
- vi. Subsection (8) sets out that the religious education provided must reflect the requirements of any trust deed and not be contrary to the traditions of the specified religion or religious denomination.
- vii. Subsection (9) makes clear that the references to pupil in this section means a person receiving education at the 16-19 academy. It also sets out that references to “trust deed” including any document (other than the articles of association) which regulates the constitution, maintenance, management or conduct of the academy.

Institutions within the further education sector: procedure for designation

Section 32: Institutions within the further education sector: designation

- 176 This section amends sections 28 and 89 of the Further and Higher Education Act 1992 to change the mechanism by which the Secretary of State can designate educational institutions in England as being within the statutory further education sector. It would allow the Secretary of State to designate an institution by means of an administrative order that must be published, rather than by statutory instrument as is currently required.
- 177 Subsection (2) makes provision to clarify the appropriate authority to make designation orders in relation to educational institutions in each of Wales and England, as this is a devolved matter.
- 178 Subsection (3)(a) makes provision to allow the Secretary of State to make designation orders under section 28 of the Further and Higher Education Act 1992 by administrative order rather than by statutory instrument. It also makes the same provision regarding the existing power under section 29(1)(b) of the Further and Higher Education Act 1992 to exempt certain institutions from the requirements of section 29 of said Act, which regulates the governance and conduct of designated institutions. This is because any exemption under section 29 (1)(b) must be included in any designation order made under section 28.
- 179 Subsection (3)(b) makes provision to require any such administrative orders be published.
- 180 Subsection (3)(c) makes provision for transitional arrangements. These arrangements would mean existing orders under section 28 and 29(1)(b), made by statutory instrument prior to this legislation coming into force, could not be revoked or amended by administrative order. A further statutory instrument would need to be made to revoke or amend these designation orders.

Section 33: Office for Students: publication and protection from defamation

181 This section inserts new sections 67A to 67C into HERA 2017.

182 Section 67A gives a general power to the OfS to publish notices, decisions and reports given or made in the performance of its functions. For new inserted section 67A:

- i. Subsection (2) provides that this power does not affect any other power of the OfS to publish such a matter.
- ii. Subsection (3) provides that publication under this power does not breach any duty of confidence or other restriction on publication or disclosure of information.
- iii. Subsection (4) provides that the OfS is not authorised to publish information under this power where doing so would contravene data protection legislation.
- iv. Subsection (5) provides that, before deciding whether to publish, the OfS must consider various specified factors.
- v. Subsection (6) makes provision about the meaning of references to decisions for the purposes of this section and sections 67B and 67C.

183 Section 67B concerns the publication by the OfS of a decision to conduct an investigation. For this inserted section:

- i. Subsection (2) provides that, if a publication identifies a provider or other body or individual whose activities are being investigated and then the OfS subsequently makes no finding or takes no action, then the OfS must publish a notice stating that fact.
- ii. Subsection (3) provides that defamation protection is given where specified information is included in the publication.

184 Section 67C provides that a publication of a notice, decision or report is privileged unless it is shown to have been made with malice (qualified defamation privilege).

Higher education course fee limits: administration

Section 34: Relevant date for purposes of fee limit for certain higher education courses

185 This section amends paragraph 3(3) of Schedule 2 to HERA 2017. Certain tuition fee limits for academic years of higher education courses depend on whether the provider had a high-level quality rating (currently a Teaching Excellence and Student Outcomes Framework rating) on a particular date.

186 This section corrects an error in the existing legislation. Previously, the legislation was written such that the particular date, in relation to higher education providers without an access and participation plan, was 1 January in the calendar year before that academic year began. For example, for academic year 2022/23, the relevant date would have been 1 January 2021.

187 This section changes the date to 1 January in the calendar year in which the academic year begins. This means that, in the case of the example above, the date would be 1 January 2022. This is closer in time to the actual provision and so more accurately reflects the access and participation plan status.

Chapter 3: General Provisions

Section 35: Extent

188 This section states the territorial extent of the provisions of the Act.

189 Subsection (1) states that the Act extends to England and Wales.

190 Subsections (2) and (3) state that the following sections extend also to Scotland and Northern Ireland: sections 11, 16 subsection (3), 35–37 and section 15 in so far as it modifies sections 22 and 23 of the Teaching and Higher Education Act 1998 as those sections extend to Scotland and Northern Ireland respectively. Section 10 extends to Northern Ireland also but not to Scotland.

Section 36: Commencement

191 This section states when the provisions of the Act will come into effect.

192 Subsection (1) lists the provisions that come into force on the day on which the Act is passed.

193 Subsection (2) lists the provisions that come into force two months after the Act is passed.

194 Subsections (3) and (4) state that, other than the sections listed in subsections (1) and (2), the Act comes into force on such day (or days) as appointed by regulations made by the Secretary of State and different days may be appointed for different purposes.

195 Subsection (5) states that the Secretary of State may make transitional or saving provision in connection with the coming into force of any provision of this Act by way of regulations.

196 Subsection (6) states that the power to make regulations under subsection (5) includes power to make different provision for different purposes.

197 Subsection (7) states that the regulations made under this section are to be made by statutory instrument.

Section 37: Short Title

198 This section states that the Act may be cited as the Skills and Post-16 Education Act 2022.

Commencement

- 199 Section 36 provides for the commencement of the provisions in the Act.
- 200 Sections 35, 36 and 37 come into force on the day the Act is passed.
- 201 Sections 1 to 5, 18 and 26 to 33 and 34 come into force two months from the day on which the Act is passed.
- 202 The remaining provisions of the Act come into force on a day (or days) to be appointed by the Secretary of State in regulations.

Related documents

203 The following documents are relevant to the Act and can be read at the stated locations:

- [Autumn Budget and Spending Review 2021](#)
- [Delegated Powers Memorandum; Supplementary Delegated Powers Memorandum](#)
- [Independent panel report to the Review of Post-18 Education and Funding](#)
- [Insolvency regime for further education and sixth form colleges.](#)
- [Impact Assessment and Policy Summary Notes](#)
- [Levelling Up the United Kingdom white paper](#)
- [Post-18 education and funding review: interim conclusion](#)
- [Review of post-16 qualifications at level 3 in England Policy Statement](#)
- [Skills for Jobs white paper](#)
- [Statutory Guidance \(Draft\): review how well the education or training provided meets local needs](#)
- [Academies Act 2010](#)
- [Apprenticeships, Skills, Children and Learning Act 2009](#)
- [Criminal Justice Act 1925](#)
- [Education Act 1996](#)
- [Education Act 1997](#)
- [Education Act 2002](#)
- [Education Reform Act 1988](#)
- [Employment and Training Act 1973](#)
- [Further and Higher Education Act 1992](#)
- [Higher Education and Research Act 2017](#)

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- [Magistrates' Courts Act 1980](#)
- [Insolvency Act 1986](#)
- [Technical and Further Education Act 2017](#)
- [Serious Crime Act 2007](#)
- [Teaching and Higher Education Act 1998](#)

Annex A - Territorial extent and application in the United Kingdom

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Part 1				
Sections 1-5	Yes	No	No	No
Sections 6-9	Yes	No	No	No
Section 10	Yes	No	No	No
Section 11	Yes	No	No	No
Sections 12-13	Yes	No	No	No
Section 14	Yes	No	No	No
Sections 15-16	Yes	Yes	In part	In part
Part 2				
Section 17	Yes	No	No	No
Section 18	Yes	No	No	No
Part 3				
Sections 19-22	Yes	No	No	No
Section 23	Yes	No	No	No
Section 24	Yes	Yes	No	No
Section 25	Yes	Yes	No	No
Part 4				
Sections 26-30	Yes	No	No	No
Sections 31	Yes	No	No	No
Section 32	Yes	Yes	No	No
Section 33	Yes	No	No	No
Section 34	Yes	No	No	No

Annex B - Hansard References

204 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	18 May 2021	Vol. 812 Col. 447
Second Reading	15 June 2021	Vol. 892 Col. 1791
Grand Committee	6 July 2021	First Sitting Vol. 813 Col. 1189
	15 July 2021	Second Sitting Vol. 813 Col. 1990
	19 July 2021	Third Sitting Vol. 814 Col. 31
	21 July 2021	Fourth Sitting Vol. 814 Col. 272
Report	12 October 2021	First Sitting Vol. 814 Col. 1735
	21 October 2021	Second Sitting Vol. 815 Col. 275
		Second Sitting (Continued) Vol. 815 Col. 305
Third Reading	25 October 2021	Vol. 815 Col. 545
<i>House of Commons</i>		
Introduction	26 October 2021	N/A
Second Reading	15 November 2021	Vol. 703 Col. 380
Public Bill Committee	30 November 2021	First Sitting Vol. 704 Col. 1
	30 November 2021	Second Sitting Vol. 704 Col. 35
	2 December 2021	Third Sitting Vol. 704 Col. 69
	2 December 2021	Fourth Sitting Vol. 704 Col. 95
	7 December 2021	Fifth Sitting Vol. 705 Col. 139
	7 December 2021	Sixth Sitting Vol. 705 Col. 171
Report and Third Reading	21 February 2022	Vol. 709 Col. 79
Lords Consideration of Commons Amendments	24 March 2022	Vol. 820 Col. 1098
Commons Consideration of Lords Amendments	28 March 2022	Vol. 711 Col. 610
Lords Consideration of Commons Amendments	7 April 2022	Vol. 820 Col. 2202
Royal Assent	28 April 2022	House of Commons Vol. 712 Col. 890
		House of Lords Vol. 821 Col. 382

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Annex C - Progress of Bill Table

205 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords	Bill as introduced in the Commons	Bill as amended in Committee in the Commons
<u>Section 1</u>	<u>Clause 1</u>	<u>Clause 1</u>	<u>Clause 1</u>	<u>Clause 1</u>	<u>Clause 1</u>
<u>Section 2</u>	<u>Clause 2</u>	<u>Clause 2</u>	<u>Clause 2</u>	<u>Clause 2</u>	<u>Clause 2</u>
<u>Section 3</u>	<u>Clause 3</u>	<u>Clause 3</u>	<u>Clause 3</u>	<u>Clause 3</u>	<u>Clause 3</u>
<u>Section 4</u>	<u>Clause 4</u>	<u>Clause 4</u>	<u>Clause 4</u>	<u>Clause 4</u>	<u>Clause 4</u>
<u>Section 5</u>	<u>Clause 5</u>	<u>Clause 5</u>	<u>Clause 5</u>	<u>Clause 5</u>	<u>Clause 5</u>
<u>Section 6</u>	<u>Clause 6</u>	<u>Clause 6</u>	<u>Clause 6</u>	<u>Clause 6</u>	<u>Clause 6</u>
<u>Section 7</u>	<u>Clause 7</u>	<u>Clause 7</u>	<u>Clause 7</u>	<u>Clause 7</u>	<u>Clause 7</u>
<u>Section 8</u>	<u>Clause 8</u>	<u>Clause 8</u>	<u>Clause 8</u>	<u>Clause 8</u>	<u>Clause 8</u>
<u>Section 9</u>	<u>Clause 9</u>	<u>Clause 9</u>	<u>Clause 9</u>	<u>Clause 9</u>	<u>Clause 9</u>
<u>Section 10</u>	<u>Clause 10</u>	<u>Clause 10</u>	<u>Clause 10</u>	<u>Clause 10</u>	<u>Clause 10</u>
<u>Section 11</u>	<u>Clause 11</u>	<u>Clause 11</u>	<u>Clause 11</u>	<u>Clause 11</u>	<u>Clause 11</u>
<u>Section 12</u>	<u>Clause 12</u>	<u>Clause 12</u>	<u>Clause 12</u>	<u>Clause 12</u>	<u>Clause 12</u>
<u>Section 13</u>	<u>Clause 13</u>	<u>Clause 13</u>	<u>Clause 13</u>	<u>Clause 13</u>	<u>Clause 13</u>
<u>Section 14</u>	=	=	=	=	<u>Clause 14</u>
<u>Section 15</u>	<u>Clause 14</u>	<u>Clause 14</u>	<u>Clause 15</u>	<u>Clause 15</u>	<u>Clause 15</u>
<u>Section 16</u>	<u>Clause 15</u>	<u>Clause 15</u>	<u>Clause 16</u>	<u>Clause 16</u>	<u>Clause 16</u>
<u>Section 17</u>	<u>Clause 16</u>	<u>Clause 16</u>	<u>Clause 19</u>	<u>Clause 19</u>	<u>Clause 17</u>
<u>Section 18</u>	<u>Clause 17</u>	<u>Clause 17</u>	<u>Clause 20</u>	<u>Clause 20</u>	<u>Clause 18</u>
<u>Section 19</u>	<u>Clause 18</u>	<u>Clause 18</u>	<u>Clause 21</u>	<u>Clause 21</u>	<u>Clause 19</u>
<u>Section 20</u>	<u>Clause 19</u>	<u>Clause 19</u>	<u>Clause 22</u>	<u>Clause 22</u>	<u>Clause 20</u>
<u>Section 21</u>	<u>Clause 20</u>	<u>Clause 20</u>	<u>Clause 23</u>	<u>Clause 23</u>	<u>Clause 21</u>
<u>Section 22</u>	<u>Clause 21</u>	<u>Clause 21</u>	<u>Clause 24</u>	<u>Clause 24</u>	<u>Clause 22</u>
<u>Section 23</u>	<u>Clause 22</u>	<u>Clause 22</u>	<u>Clause 26</u>	<u>Clause 26</u>	<u>Clause 23</u>
<u>Section 24</u>	<u>Clause 23</u>	<u>Clause 23</u>	<u>Clause 27</u>	<u>Clause 27</u>	<u>Clause 24</u>
<u>Section 25</u>	<u>Clause 24</u>	<u>Clause 24</u>	<u>Clause 28</u>	<u>Clause 28</u>	<u>Clause 25</u>
<u>Section 26</u>	=	=	<u>Clause 29</u>	<u>Clause 29</u>	<u>Clause 26</u>
<u>Section 27</u>	=	=	<u>Clause 30</u>	<u>Clause 30</u>	<u>Clause 27</u>
<u>Section 28</u>	=	=	<u>Clause 31</u>	<u>Clause 31</u>	<u>Clause 28</u>
<u>Section 29</u>	=	=	<u>Clause 32</u>	<u>Clause 32</u>	<u>Clause 29</u>
<u>Section 30</u>	=	=	<u>Clause 33</u>	<u>Clause 33</u>	<u>Clause 30</u>
<u>Section 31</u>	=	=	<u>Clause 34</u>	<u>Clause 34</u>	<u>Clause 31</u>
<u>Section 32</u>	<u>Clause 25</u>	<u>Clause 25</u>	<u>Clause 35</u>	<u>Clause 35</u>	<u>Clause 32</u>

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Section of the Act	Bill as Introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords	Bill as introduced in the Commons	Bill as amended in Committee in the Commons
<u>Section 33</u>	=	=	=	=	=
<u>Section 34</u>	=	=	<u>Clause 36</u>	<u>Clause 36</u>	<u>Clause 33</u>
<u>Section 35</u>	<u>Clause 26</u>	<u>Clause 26</u>	<u>Clause 37</u>	<u>Clause 37</u>	<u>Clause 34</u>
<u>Section 36</u>	<u>Clause 27</u>	<u>Clause 27</u>	<u>Clause 38</u>	<u>Clause 38</u>	<u>Clause 35</u>
<u>Section 37</u>	<u>Clause 28</u>	<u>Clause 28</u>	<u>Clause 39</u>	<u>Clause 39</u>	<u>Clause 36</u>

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