

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 15: Further and higher education: reduction of burdens

Part 2: Measures applying to England only

776. The measures in this Part apply in relation to England only.

Control of governance of designated institutions conducted by companies

777. *Paragraph 5* provides for section 31 of the FHEA 1992 to cease to apply in relation to England. Section 31 confers power on the Secretary of State to give directions for the purpose of securing that the articles of association of designated institutions conducted by companies are amended as specified in the directions. This amendment will ensure that the powers available to the Secretary of State in relation to the articles of association of designated institutions are reduced in line with other further education institutions in England. These powers will continue to be available to the Welsh Ministers in relation to designated institutions conducted by companies in Wales.

Conversion of sixth form college corporations into further education corporations

778. *Paragraph 6* omits section 33D(2)(b) and (4) of the FHEA 1992. Section 33D(2)(b) confers power on the Secretary of State to convert a sixth form college corporation into a further education corporation if satisfied that it is no longer appropriate for the body to be a sixth form college corporation. The government considers that the retention of the Secretary of State's power to unilaterally convert sixth form college corporations into further education corporations is inconsistent with the aim of giving greater autonomy to such institutions. Sixth form college corporations will still be able to apply to the Secretary of State to be converted into a further education corporation under section 33D(2)(a) of the FHEA 1992.

Power of Secretary of State in relation to local authority maintained institutions

779. In consequence of the change made by paragraph 3(4), *paragraph 7* amends section 56A of the FHEA 1992 to extend the Secretary of State's power to intervene in relation to institutions in the further education sector to cover institutions in England which are maintained by local authorities and provide further education, except where the institution is within the higher education sector. This will ensure that the Secretary of State has the same powers of intervention in relation to all further education institutions in England. It remains the case that section 56A will apply irrespective of whether or not a complaint is made by any person.

Regulation of teaching requirements for teaching staff and principals

780. *Paragraph 8* provides for sections 136(a), 136(b), 137 and 138 of the Education Act 2002 to cease to apply in relation to England. These sections confer powers

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

on the Secretary of State, by regulations, to impose qualification requirements in respect of staff and principals at further education institutions in England. All regulations made under these sections have been revoked in line with Lord Lingfield's recommendations (*Professionalism in Further Education*, March 2012) which questioned the effectiveness of qualification requirements in improving the standard of teaching. The newly-established Education and Training Foundation will support the development of teaching best practice in the further education sector. These powers will continue to be exercisable by the Welsh Ministers in relation to further education institutions in Wales.

781. The provisions of this Schedule come into force at the end of the period of 2 months beginning with the day on which the Act is passed. All the provisions form part of the law of England and Wales and their application to England and Wales has been set out in the commentary on each provision.