



# Skills and Post-16 Education Act 2022

## 2022 CHAPTER 21

VALID FROM 28/06/2022

### PART 1

#### SKILLS AND EDUCATION FOR WORK

### CHAPTER 1

#### EDUCATION AND TRAINING FOR LOCAL NEEDS

##### *Local skills improvement plans*

#### **1 Local skills improvement plans**

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

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- (a) co-operate with the employer representative body for that area for the purposes of assisting the body to—
    - (i) keep the plan under review, and
    - (ii) where appropriate, develop a replacement plan for submission to the Secretary of State for approval and publication, and
  - (b) have regard to the plan so far as it is relevant to any decision that the relevant provider is making in relation to the provision of English-funded post-16 technical education or training that may be relevant to the skills, capabilities or expertise that are, or may in the future be, required in the area.
- (5) The relevant provider must have regard to any guidance published by the Secretary of State in connection with [this section](#), including in relation to—
- (a) co-operation with an employer representative body under [subsections \(3\) and \(4\)](#), and
  - (b) the matters to which the Secretary of State might have regard (including for the purposes of complying with [subsections \(6\) and \(7\)](#)) in deciding whether to approve and publish a plan.
- (6) The Secretary of State may approve and publish a local skills improvement plan only if satisfied that in the development of the plan due consideration was given to, amongst other things, the skills, capabilities or expertise required in relation to jobs that directly contribute to, or indirectly support, the following—
- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (UK net zero emissions target),
  - (b) adaptation to climate change, or
  - (c) meeting other environmental goals (such as restoration or enhancement of the natural environment).
- (7) Where a specified area covers any of the area of a relevant authority, the Secretary of State may approve and publish a local skills improvement plan for the specified area only if satisfied that in the development of the plan due consideration was given to the views of the relevant authority.
- For this purpose “relevant authority” means—
- (a) a mayoral combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 107A(8) of that Act), or
  - (b) the Greater London Authority.
- (8) A “local skills improvement plan”, in relation to a specified area, means a plan which—
- (a) is developed by an employer representative body for the specified area,
  - (b) draws on the views of employers operating within the specified area, and any other evidence, to summarise the skills, capabilities or expertise that are, or may in the future be, required in the specified area, and
  - (c) identifies actions that relevant providers can take regarding any English-funded post-16 technical education or training that they provide so as to address the requirements mentioned in [paragraph \(b\)](#).
- (9) An “approved local skills improvement plan” means a local skills improvement plan that has been approved and published by the Secretary of State.

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#### Commencement Information

**I1** S. 1 in force at 28.6.2022, see [s. 36\(2\)](#)

## 2 Designation of employer representative bodies

- (1) The Secretary of State may designate an eligible body as the employer representative body for an area in England (the “specified area”) if—
  - (a) the Secretary of State is satisfied that—
    - (i) the body is capable of developing and keeping under review a local skills improvement plan for the area, in an effective and impartial manner, and
    - (ii) the body is reasonably representative of the employers operating within the specified area, and
  - (b) the body has consented in writing to being so designated (and to any terms and conditions to which the designation is subject).
- (2) A designation under [subsection \(1\)](#) may be made subject to such terms and conditions as the Secretary of State considers appropriate.
- (3) If the Secretary of State decides to designate an eligible body under [subsection \(1\)](#), the Secretary of State must—
  - (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
  - (b) publish the notice of the designation before that date.
- (4) The notice of the designation must state—
  - (a) the name of the body,
  - (b) the specified area for which the body has been designated,
  - (c) the effective date, and
  - (d) any terms and conditions to which the designation is subject.
- (5) The Secretary of State may from time to time modify the terms and conditions to which a designation is subject, in which case the Secretary of State must—
  - (a) notify the employer representative body of the modification before the date on which the modification takes effect, and
  - (b) amend the notice of designation accordingly, and publish it as amended, before that date.

#### Commencement Information

**I2** S. 2 in force at 28.6.2022, see [s. 36\(2\)](#)

## 3 Removal of designations

- (1) The Secretary of State may by notice remove the designation of a body under [section 2](#) if—
  - (a) the body no longer meets the requirements in [section 2\(1\)\(a\)](#),
  - (b) the body is no longer an eligible body,

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- (c) the body does not comply with a term or condition to which the designation is subject,
  - (d) the body does not have regard to any relevant guidance published by the Secretary of State or departs from any such guidance without good cause, or
  - (e) the Secretary of State considers that removing the designation is otherwise necessary or expedient.
- (2) The Secretary of State must by notice remove a designation of a body under [section 2](#) if the body requests the removal in writing.
- (3) A notice under this section must—
- (a) include reasons for the removal of the designation, and
  - (b) specify when the designation is to be removed.
- (4) The Secretary of State must publish a notice under this section.

#### Commencement Information

**I3** S. 3 in force at 28.6.2022, see [s. 36\(2\)](#)

## 4 Interpretation

- (1) In sections [1](#) to [3](#) and [this section](#)—

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

“eligible body” means a body corporate that—

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

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

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

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

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

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

- (a) that provides English-funded post-16 technical education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, but
- (b) that is not—
  - (i) an employer who provides the education or training mentioned in paragraph (a) only to its employees,
  - (ii) a 16 to 19 Academy,
  - (iii) a school,

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- (iv) a local authority in England,
  - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
  - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017);
- “local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);
- “local skills improvement plan” has the meaning given by [section 1\(8\)](#);
- “notice” means written notice (and to “notify” means to give written notice);
- “post-16 technical education or training” means any technical education or training provided to individuals over compulsory school age;
- “public authority” includes—
- (a) a court or tribunal, and
  - (b) any person certain of whose functions are functions of a public nature;
- “relevant provider” means a provider of post-16 technical education or training which is—
- (a) an institution in England within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992),
  - (b) an English higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017),
  - (c) an independent training provider whose activities, so far as they relate to the provision of post-16 technical education or training, are carried on, or partly carried on, in England, or
  - (d) a local authority in England, a 16 to 19 Academy or a school in England that is specified or described in regulations made by statutory instrument by the Secretary of State;
- “school” has the meaning given by section 4(1) of the Education Act 1996;
- “specified area” has the meaning given by [section 2\(1\)](#).
- (2) For the purposes of [sections 1 to 3](#) and [this section](#), education or training is “English-funded” if it is funded, wholly or partly, by—
    - (a) the Secretary of State,
    - (b) a combined authority,
    - (c) the Greater London Authority, or
    - (d) a local authority in England.
  - (3) For those purposes, education or training funded by the Secretary of State includes education or training funded, wholly or partly, by amounts paid directly to the provider of the education or training in accordance with provision in regulations made by the Secretary of State under section 22(1) of the Teaching and Higher Education Act 1998 (financial support for students) by virtue of section 22(2)(h) or (i) of that Act.
  - (4) Where a relevant provider that provides English-funded post-16 technical education or training enters into arrangements under which all or part of that education or training is provided by another relevant provider, the education or training provided

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under the arrangements is to be treated as English-funded post-16 technical education or training provided by the second relevant provider (as well as by the first).

- (5) A statutory instrument containing regulations under paragraph (d) of the definition of “relevant provider” in [subsection \(1\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I4** S. 4 in force at 28.6.2022, see [s. 36\(2\)](#)

*Further education institutions: duty in relation to local needs*

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

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

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

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

#### Commencement Information

**I5** S. 5 in force at 28.6.2022, see [s. 36\(2\)](#)

VALID FROM 30/09/2022

## CHAPTER 2

TECHNICAL EDUCATION QUALIFICATIONS, APPRENTICESHIPS, ETC

*Functions of the Institute for Apprenticeships and Technical Education*

### 6 Functions of the Institute: oversight etc

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

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- (2) In section ZA2 (general duties), in subsection (6)—
- (a) for “section” substitute “Chapter”;
  - (b) omit the word “or” at the end of paragraph (b);
  - (c) after paragraph (c) insert “or
  - (d) to enable a person to enter work within a published occupation (whether in the course of training or otherwise).”

- (3) After section ZA2 insert—

#### “ZA2A Oversight

- (1) The Institute must keep under review—
    - (a) education and training within the Institute’s remit, and
    - (b) the effect that the exercise of the Institute’s functions has had, or might have, on the range and availability of that education and training.
  - (2) The Institute may provide a report to the Secretary of State on anything arising from the exercise of the Institute’s functions under subsection (1).
  - (3) Subsection (2) does not affect the Institute’s functions under section ZA3.”
- (4) In section ZA3 (provision of advice and assistance to the Secretary of State etc)—
- (a) in subsection (1), after paragraph (a) (but before the word “or” at the end of it) insert—

“(aa) technical education qualifications,”;
  - (b) in subsection (2), for “and (b)” substitute “to (b)”.

#### Commencement Information

**16** S. 6 not in force at Royal Assent, see [s. 36\(3\)](#)

### *Technical education qualifications*

#### **7 Additional powers to approve technical education qualifications**

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) Before section A2D3 (as renumbered by section 13) insert—

#### “A2D1 Approval of technical education qualifications: overview

- (1) Sections A2D3 and [A2D5](#) provide for the approval of technical education qualifications.
- (2) Section A2D3 provides for the approval of technical education qualifications which (in conjunction with any approved steps towards occupational competence determined under section A2D4) can lead to the award of technical education certificates under section A3A.

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- (3) Section [A2D5](#) provides for the approval of other technical education qualifications.
- (4) For further provision about approval of technical education qualifications see, in particular—
  - (a) section [A2D2](#) (provision about the categories of technical education qualification that may be approved under section [A2D3](#) or [A2D5](#)),
  - (b) sections [A2D6](#) to [A2D11](#) (further provision about approval and withdrawal of approval),
  - (c) section [A2HA](#) (list of technical education qualifications), and
  - (d) section [A2IA](#) (transfer of copyright relating to technical education qualifications approved under section [A2D3](#)).

### **A2D2 Categories of technical education qualification**

- (1) The Institute—
  - (a) may specify one or more categories of technical education qualification in relation to England that may be approved under section [A2D3](#), and
  - (b) may specify one or more categories of technical education qualification in relation to England that may be approved under section [A2D5](#).
- (2) The Institute may specify a category under subsection (1)(b) only if it considers that it would not be appropriate for qualifications in the category to be approved under section [A2D3](#).
- (3) For any category specified under subsection (1)(b), the Institute must specify which of the following is the appropriate test for the purposes of section [A2D5](#)—
  - (a) the alternative approval test (see section [A2D5\(3\)](#));
  - (b) the additional specialist competence test (see section [A2D5\(4\)](#));
  - (c) the significant outcomes test (see section [A2D5\(5\)](#)).
- (4) The Institute may revise or withdraw any category specified under subsection (1).
- (5) A technical education qualification does not cease to be approved merely because the category is revised or withdrawn under subsection (4).
- (6) The Institute must publish information showing—
  - (a) the categories of technical education qualification that are for the time being specified under subsection (1), and
  - (b) for each category, whether qualifications in the category may be approved under section [A2D3](#) or [A2D5](#) and, if under section [A2D5](#), the appropriate test.
- (7) Before specifying a category of qualification under this section, the Institute must consult—
  - (a) the Secretary of State, and
  - (b) such other persons as the Institute considers appropriate.”



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(3) In section A2D3 (as renumbered by section 13: approved technical education qualifications), in subsection (3), after “satisfied that” insert “—

- “(a) the qualification falls within a category specified under section A2D2(1)(a), and  
(b)”.

(4) After section A2D4 (as renumbered by section 13) insert—

**“A2D5 Further powers to approve technical education qualifications**

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification under this section in respect of one or more published occupations (each a “related” occupation).
- (2) But it may approve a qualification under this section only if—
- (a) the Institute is satisfied that the qualification falls within a category specified under section A2D2(1)(b),
- (b) the qualification meets each of the following tests in respect of the related occupation or occupations—
- (i) the appropriate test specified for the category under section A2D2(3), and
- (ii) the employer demand test (see subsection (6)), and
- (c) the Institute is not prevented from approving the qualification by virtue of a moratorium under section A2D9.
- (3) The alternative approval test is met in respect of an occupation if—
- (a) a standard is published under section ZA11 for the occupation, and
- (b) the Institute is satisfied that by obtaining the qualification a person demonstrates attainment of as many of the outcomes set out in the standard as may reasonably be expected to be attained by undertaking a course of education.
- (4) The additional specialist competence test is met in respect of an occupation if—
- (a) a standard is published under section ZA11 for the occupation, and
- (b) the Institute is satisfied that—
- (i) by obtaining the qualification, a person demonstrates attainment of particular outcomes which are additional to those set out in the standard, and
- (ii) attaining all those outcomes (together with attainment of the outcomes set out in the standard) would enable a person to specialise within the occupation.
- (5) The significant outcomes test is met in respect of one or more occupations if—
- (a) the Institute is satisfied that—
- (i) by obtaining the qualification a person demonstrates attainment of particular outcomes in relation to the occupations, and
- (ii) attaining those outcomes would enable a person to work in the occupations at a particular level of competence

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(whether in the course of training or otherwise) or to improve competence in the occupations, and

- (b) where standards are published under section ZA11 for any of the occupations, the outcomes are set out in the standards (whether or not all in the same standard).

- (6) The employer demand test is met in respect of one or more occupations if the Institute is satisfied that there is, or is likely to be, demand from employers in the occupations for employees who have obtained the particular qualification.

#### **A2D6 Approved technical education qualifications: approval and withdrawal**

- (1) The Institute may make any arrangements that it considers appropriate—
- (a) to secure that suitable technical education qualifications are available for approval under section A2D3 or [A2D5](#), or
- (b) in connection with the approval, or continued approval, of a technical education qualification under either of those sections.
- (2) The Institute may withdraw approval of a technical education qualification.
- (3) The Institute is not required to withdraw approval of a technical education qualification in a specified category merely because—
- (a) the qualification is modified, or
- (b) the category is revised or withdrawn under section [A2D2\(4\)](#).
- (4) The Institute must publish information about matters that it takes into account when deciding whether or not—
- (a) to approve a qualification under section A2D3 or [A2D5](#), or
- (b) to withdraw approval of it.
- (5) The matters may differ for different purposes and may, in particular, be different for—
- (a) qualifications in different categories specified under section [A2D2](#), or
- (b) qualifications relating to different occupations.
- (6) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (7) Information published under subsection (4) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.

#### **A2D7 Approved technical education qualifications: publication and fees**

- (1) Where a technical education qualification is approved in respect of an occupation, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating—

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- (a) that a technical education qualification has been approved in respect of it, and
- (b) whether the qualification (in conjunction with any steps approved under section A2D4) could lead to a technical education certificate.

- (2) If approval of the technical education qualification is withdrawn, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that the approval of the qualification has been withdrawn.
- (3) The Secretary of State may by regulations authorise the Institute (subject to any restrictions prescribed by the regulations) to charge fees for things done in connection with approval, or continued approval, of qualifications under section A2D5.

#### **A2D8 Reviews of approval of technical education qualifications**

- (1) The Institute must maintain arrangements for reviewing approved technical education qualifications at regular intervals with a view to determining, for each qualification, whether—
  - (a) it should continue to be approved,
  - (b) it should be revised, or
  - (c) approval should be withdrawn.
- (2) The Institute must publish information about the intervals at which those reviews are to be conducted.

#### **A2D9 Moratorium on further approvals under section A2D5**

- (1) This section applies where the Institute determines that there is an appropriate number of approved technical education qualifications of a particular kind.
- (2) The Institute may decide that it should not approve further technical education qualifications of that kind under section A2D5 for a period (a “moratorium”).
- (3) Where the Institute decides that there should be a moratorium in relation to technical education qualifications of a particular kind, it—
  - (a) must publish that decision, and
  - (b) during the moratorium, may not approve any further technical education qualification of that kind under section A2D5.
- (4) A moratorium ends when the Institute decides to end it.
- (5) Where the Institute decides to end a moratorium, it must publish that decision.
- (6) The Institute must consult the Secretary of State before—
  - (a) deciding whether there should be a moratorium in relation to qualifications of a particular kind;
  - (b) deciding to end a moratorium.”

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- (5) In section A2D4 (as renumbered by section 13: additional steps towards occupational competence), in subsection (1)—
- (a) for “an approved” substitute “a”;
  - (b) after “qualification” insert “that is approved under section A2D3”.
- (6) In section A3A (power to issue technical education certificates), in subsection (1)
- (a)—
  - (a) for “an approved” substitute “a”;
  - (b) after “qualification” insert “approved under section A2D3”.
- (7) After section A11 insert—

### “A12 Interpretation of Chapter A1

- (1) In this Chapter—

“approved technical education qualification” means a technical education qualification that is approved by the Institute under section A2D3 or A2D5;

“Ofqual” means the Office of Qualifications and Examinations Regulation;

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

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

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

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

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

#### Commencement Information

**I7** S. 7 not in force at Royal Assent, see [s. 36\(3\)](#)

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

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

### “A2IB Availability of approved technical education qualifications outside England

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

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#### Commencement Information

**18** S. 8 not in force at Royal Assent, see [s. 36\(3\)](#)

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

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

#### “A2D11 Co-operation between the Institute and Ofqual

- (1) The Institute and Ofqual must co-operate with one another in the exercise of—
  - (a) their respective functions relating to technical education qualifications, and
  - (b) any other functions of theirs where the exercise is relevant to functions mentioned in paragraph (a).
- (2) Each of the Institute and Ofqual—
  - (a) may provide advice and assistance to the other in relation to the exercise by the other of any function within subsection (1), and
  - (b) must, in exercising any function within subsection (1), have regard to any advice or information provided to it by the other, so far as relevant to the exercise of that function.”

#### Commencement Information

**19** S. 9 not in force at Royal Assent, see [s. 36\(3\)](#)

### **10 Application of accreditation requirement in relation to technical education qualifications**

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

- (a) after subsection (1) insert—

“(1A) But Ofqual may not make a determination under subsection (1) in relation to a technical education qualification if—

  - (a) the qualification is an approved technical education qualification, or
  - (b) the Institute—
    - (i) has notified Ofqual that the Institute is considering whether or not to approve the qualification as an approved technical education qualification, and
    - (ii) has not notified Ofqual of its decision.”;
- (b) after subsection (6) insert—

**Status:** Point in time view as at 28/04/2022. This version of this part contains provisions that are not valid for this point in time.

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“(7) Where the Institute has notified Ofqual under subsection (1A)(b)(i) that it is considering whether or not to approve the qualification, it must also notify Ofqual of its decision.

(8) In this section—

“the Institute” means the Institute for Apprenticeships and Technical Education;

“approved technical education qualification” and “technical education qualification” have the meanings given by section A12(1).”

#### **Commencement Information**

**I10** S. 10 not in force at Royal Assent, see s. 36(3)

### **11 Information sharing in relation to technical education qualifications**

(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

(2) After section 40AA insert—

#### **“40AB Sharing of technical education information by or with Ofqual**

(1) Ofqual may disclose information to a relevant person for the purpose of a relevant function of—

- (a) Ofqual, or
- (b) the relevant person.

(2) A relevant person may disclose information to Ofqual for the purpose of a relevant function of—

- (a) Ofqual, or
- (b) the relevant person.

(3) In this section “relevant person” means—

- (a) the Secretary of State;
- (b) the OfS;
- (c) Ofsted;
- (d) a prescribed person.

(4) In this section “relevant function” means—

- (a) in relation to the Secretary of State, Ofqual, the OfS or Ofsted, a technical education function of that body so far as the function relates to England;
- (b) in relation to a prescribed person, a prescribed technical education function of that person, so far as the function relates to England.

(5) In this section—

“Ofqual”, the “OfS” and “Ofsted” have the same meanings as in section 40AA;

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“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](#).”

(3) In the heading of Part 1A, after “Apprenticeships” insert “, Technical Education Qualifications”.

(4) In section 262 (orders and regulations), in subsection (6), after paragraph (aza) insert—

“(azb) regulations under section [40AB](#).”

#### Commencement Information

**111** S. 11 not in force at Royal Assent, see [s. 36\(3\)](#)

## 12 Technical education qualifications: minor and consequential amendments

(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as set out in subsections [\(2\)](#) to [\(9\)](#).

(2) After section ZA8 insert—

### “ZA8A Interpretation of Chapter ZA1

In this Chapter, the following terms have the same meanings as in Chapter A1—

technical education qualification (see section [A12\(1\)](#));

approved technical education qualification (see section [A12\(1\)](#));

approved steps towards occupational competence (see section [A2D4\(5\)](#));

published occupation (see section [A12\(1\)](#)).”

(3) In section A2D3 (as renumbered by section [13](#): approved technical education qualifications)—

(a) in subsection (1), after “qualification” insert “under this section”;

(b) omit subsection (2);

(c) omit subsections (8) to (13);

(d) for the heading substitute “Technical education certificate: approval of technical education qualifications”.

(4) In section A2D10 (as renumbered by section [13](#): directions), for “section A2DA or A2DB” substitute “sections [A2D2](#) to [A2D9](#) or [A2IB](#)”.

(5) In section A2HA (list of technical education qualifications)—

(a) after subsection (1), insert—

“(1A) For each qualification, the list must indicate whether (in conjunction with any steps determined under section [A2D4](#)) it could lead to the issue of a technical education certificate.”;

(b) in subsection (2)(a), for “the standards” substitute “any standards”.

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- (6) In section 100 (funding), in subsection (5), in the definition of “approved technical education qualification”, for “A2DA” substitute “A12(1)”.
- (7) In section 121 (interpretation of Part 4), in subsection (1)—
- (a) in the definition of “approved technical education qualification”, for “A2DA” substitute “A12”;
  - (b) in the definition of “technical education qualification”, for “A2DA” substitute “A12”.
- (8) In section 122 (sharing of information for education and training purposes), in subsection (5)(ba), for “the IfA” substitute “the Institute for Apprenticeships and Technical Education”.
- (9) In paragraph 9(2) of Schedule A1 (exercise of Institute’s functions)—
- (a) after “sections” insert “ZA2A,”;
  - (b) for “A2DA, A2DB” substitute “A2D2 to A2D9”;
  - (c) for “A2IA” substitute “A2IB”.
- (10) In section 42B of the Education Act 1997 (information about technical education: access to English schools), in subsection (10), for “A2DA” substitute “A2D3 or A2D5”.

#### Commencement Information

**I12** S. 12 not in force at Royal Assent, see s. 36(3)

### 13 Renumbering of provisions relating to technical education qualifications

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

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

- (3) In section A2HA (list of technical education qualifications), in subsection (2)(b), for “A2DB” substitute “A2D4”.
- (4) In section A2IA (transfer of copyright relating to technical education qualifications)—
- (a) in subsection (1), for “A2DA” substitute “A2D3”;
  - (b) in subsection (4), for “A2DA(4)(a)” substitute “A2D3(4)(a)”.
- (5) In section A3A (power to issue technical education certificate), in subsection (1)(b), for “A2DB” substitute “A2D4”.



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- (6) In section 100 (provision of financial resources), in subsection (5), in the definition of “approved steps towards occupational competence”, for “A2DB” substitute “A2D4”.
- (7) In section 121 (interpretation of Part 4), in subsection (1), in the definition of “approved steps towards occupational competence”, for “A2DB” substitute “A2D4”.
- (8) Nothing in subsection (2) alters the effect of anything done under or for the purposes of a provision renumbered by that subsection, and accordingly—
  - (a) anything done under or for the purposes of such a provision (a “renumbered provision”) that has effect immediately before that subsection comes into force continues to have effect after that time as done under the provision as renumbered;
  - (b) any reference in an instrument or other document to such a provision is (so far as the context permits) to be read after that time as including a reference to the provision as renumbered;
  - (c) any reference in an instrument or other document to a provision as so renumbered is (so far as the context permits) to be read after that time as including a reference to the provision as previously numbered.

#### Commencement Information

**113** S. 13 not in force at Royal Assent, see [s. 36\(3\)](#)

VALID FROM 01/01/2023

### *Information about technical education and training*

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

- (1) Section 42B of the Education Act 1997 (information about technical education: access to English schools) is amended as follows.
- (2) In subsection (1), for “is an opportunity” substitute “are opportunities”.
- (3) After subsection (1) insert—

“(1A) In complying with subsection (1), the proprietor must give access to registered pupils on at least two occasions during each of the first, second and third key phase of their education.”
- (4) After subsection (2) insert—

“(2A) The proprietor of a school in England within subsection (2) must—

  - (a) ensure that, during each of the first and second key phases of the education of each registered pupil—
    - (i) on at least two occasions the pupil meets at least one provider to whom access is given (or any other number of such providers that may be specified for the purposes

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- of that key phase by regulations under subsection (8)),  
and
- (ii) the pupil does not meet exactly the same provider or providers on each of those occasions, and
- (b) ask providers to whom access is given to provide information that includes the following—
- (i) information about the provider and the 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) responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.
- (2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.”
- (5) In subsection (5)—
- (a) in paragraph (c), at the end insert “and the times at which the access is to be given;”;
- (b) after paragraph (c) insert—
- “(d) an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).”
- (6) In subsection (8), after “subsection (1)” insert “or (2A)”.
- (7) After subsection (9) insert—
- “(9A) For the purposes of this section—
- (a) the first key phase of a pupil’s education is the period—
- (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 13, and
- (ii) ending with 28 February in the following school year;
- (b) the second key phase of a pupil’s education is the period—
- (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 15, and
- (ii) ending with 28 February in the following school year;
- (c) the third key phase of a pupil’s education is the period—
- (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 17, and
- (ii) ending with 28 February in the following school year.”

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### Commencement Information

**I14** S. 14 not in force at Royal Assent, see [s. 36\(3\)](#)

PROSPECTIVE

## CHAPTER 3

### LIFELONG LEARNING

#### 15 Support for lifelong learning

(1) After section 28 of the Teaching and Higher Education Act 1998 insert—

#### **“28A Modules of courses: modification of Chapter in relation to powers of the Secretary of State**

- (1) Section 22 has effect, so far as it confers power exercisable by the Secretary of State, as if—
- (a) in subsection (1), after paragraph (b) there were inserted “or
    - (c) modules of higher education courses or further education courses;”;
  - (b) in subsections (2) to (3) and (4B), references to a higher education course or further education course (however expressed) included references to a module of such a course;
  - (c) in subsection (2), after paragraph (b) there were inserted—
    - “(ba) prescribing, or providing for the determination of, a maximum (a “lifetime limit”) in relation to a person in respect of all such loans or alternative payments made, or made available, under this section as may be prescribed, taken together (whether by reference to a monetary amount, course characteristics or otherwise);”;
  - (d) in subsection (2), after paragraph (c) there were inserted—
    - “(ca) for two or more modules of a higher education course or further education course to be treated as a single module of that course for any purpose of the regulations;”;
  - (e) after that subsection, there were inserted—
- “(2ZA) Regulations under this section may prescribe the meaning of “module” in relation to a higher education course or further education course (and may, in particular, provide for it to include—
- (a) a module lasting less than one full academic year, or comprising less than the equivalent of one full academic year of study;

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(b) a module undertaken otherwise than as part of the higher education course or further education course of which it forms part).

(2ZB) Nothing in subsection (2)(b) is to be taken to limit the power conferred by this section to prescribe a maximum amount in relation to any grant, loan or alternative payment otherwise than in relation to an academic year.”;

(f) after subsection (2A) there were inserted—

“(2B) The provision which may be made by virtue of subsection (2)(ba) includes provision for amending any lifetime limit that has effect in relation to a person.”

(2) Section 23 has effect, so far as it relates to a function exercisable by virtue of regulations under section 22 made by the Secretary of State, as if the reference in subsection (1)(b) to courses included a reference to modules of higher education courses or further education courses.

(3) Section 28(2) has effect, so far as it confers power exercisable by the Secretary of State, as if—

(a) after “courses” in the first place where it occurs there were inserted “or modules”;

(b) after “higher education courses” there were inserted “or modules of such courses”.

(2) Until section 86(2) of the Higher Education and Research Act 2017 (power to make alternative payments) comes into force—

(a) the following provisions that are treated as inserted into section 22 of the Teaching and Higher Education Act 1998 by section 28A(1) of that Act have effect with the omission of references to alternative payments—

(i) paragraph (ba) of subsection (2);

(ii) subsection (2ZB);

(b) section 28A(1)(b) of that Act has effect with the omission of the reference to section 22(4B) of that Act.

#### Commencement Information

**I15** S. 15 not in force at Royal Assent, see [s. 36\(3\)](#)

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

(1) The Higher Education and Research Act 2017 is amended as follows.

(2) In section 9 (mandatory transparency condition for certain providers), after subsection (3) insert—

“(3A) The OfS must not request information relating to modules of full courses by virtue of a transparency condition more frequently than it requests information relating to full courses by virtue of the condition.”

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(3) In section 83(1) (meaning of “English higher education provider” etc), for the definition of “higher education course” substitute—

““higher education course” means—

- (a) a course of any description mentioned in Schedule 6 to the Education Reform Act 1988, or
- (b) a module of such a course, where it is undertaken otherwise than as part of that course;”.

(4) In section 85 (definitions)—

(a) in subsection (1), at the appropriate place insert—

““full course” means a higher education course that is not a module of another higher education course;”;

(b) after subsection (1) insert—

“(1A) References in this Part to modules (except in relation to references to the full course of which the module forms part) are to modules which are—

- (a) modules of full courses, but
- (b) undertaken otherwise than as part of those courses.”

#### Commencement Information

**I16** S. 16 not in force at Royal Assent, see [s. 36\(3\)](#)

**Status:**

Point in time view as at 28/04/2022. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

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