LORDS AMENDMENTS TO THE
TECHNICAL AND FURTHER EDUCATION BILL

[The page and line references are to HL Bill 88, the bill as first printed for the Lords]

After Clause 1

1 Insert the following new Clause—

“Financial support for students undertaking apprenticeships

(1) The Secretary of State must by regulations made by statutory instrument make provision for—

(a) making a person undertaking a statutory apprenticeship, as defined under section A11 of the Apprenticeships, Skills, Children and Learning Act 2009, a qualifying young person for the purposes of child benefit; and

(b) extending the Higher Education Bursary provided for by section 23C(5A) of the Children Act 1989 to a person who is a former relevant child undertaking a statutory apprenticeship, as defined under section A11 of the Apprenticeships, Skills, Children and Learning Act 2009.

(2) Statutory instruments under subsection (1) are subject to the affirmative resolution procedure.”

2 Insert the following new Clause—

“Information about technical education: access to English schools

(1) The Education Act 1997 is amended as follows.

(2) After section 42A insert—

“42B Information about technical education: access to English schools

(1) The proprietor of a school in England within subsection (2) must ensure that there is an opportunity for a range of education and training providers to access registered pupils during the relevant phase of their education for the purpose of informing them about approved technical education qualifications or apprenticeships.
(2) A school is within this subsection if it provides secondary education and is one of the following—
   (a) an Academy;
   (b) an alternative provision Academy;
   (c) a community, foundation or voluntary school;
   (d) a community or foundation special school (other than one established in a hospital);
   (e) a pupil referral unit.

(3) The proprietor of a school in England within subsection (2) must prepare a policy statement setting out the circumstances in which education and training providers will be given access to registered pupils for the purpose of informing them about approved technical education qualifications or apprenticeships.

(4) The proprietor must ensure that the policy statement is followed.

(5) The policy statement must include—
   (a) any procedural requirements in relation to requests for access;
   (b) grounds for granting and refusing requests for access;
   (c) details of premises or facilities to be provided to a person who is given access.

(6) The proprietor may revise the policy statement from time to time.

(7) The proprietor must publish the policy statement and any revised statement.

(8) The Secretary of State may by regulations make provision supplementing subsection (1), for example provision about who is to be given access to pupils, to which pupils they are to be given access and how and when.

(9) For the purposes of this section the relevant phase of a pupil’s education is the period—
   (a) 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
   (b) ending with the expiry of the school year in which the majority of pupils in the pupil’s class attain the age of 18.

(10) In this section “approved technical education qualification” means a qualification approved under section A2DA of the Apprenticeships, Skills, Children and Learning Act 2009.”

(3) In section 42A (provision of careers guidance in schools in England), in subsection (7), omit the definition of “apprenticeship” (which has become outdated).

(4) In section 45A (guidance as to discharge of duties: schools in England), in subsection (2), for “42A(1) or (4)” substitute “section 42A(1) or (4) or 42B”.

(5) In section 46 (extension or modification of provisions of sections 43 to 45), in subsection (1)—
   (a) after “42A,” insert “42B,”;
   (b) after “42A(6),” insert “42B(9)”.”
After Clause 6

3 Insert the following new Clause—

“Records etc

(1) The Secretary of State may by regulations make provision for or in connection with—
   (a) the delivery to the registrar of companies of documents that relate to the insolvency of further education bodies;
   (b) the registrar’s function of keeping records of information contained in such documents under section 1080(1) of the Companies Act 2006;
   (c) the publication of, or access to, those records or related information.

(2) The regulations may, in particular, provide for any provision made by or under the following sections of the Companies Act 2006 to apply (with or without modifications) in relation to those documents or records.

<table>
<thead>
<tr>
<th>Provision of Companies Act 2006</th>
<th>Description</th>
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<tbody>
<tr>
<td>sections 29 and 30</td>
<td>copies of resolutions etc to be forwarded to the registrar</td>
</tr>
<tr>
<td>section 859K</td>
<td>registration of enforcement of security</td>
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<tr>
<td>sections 1077 and 1079</td>
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<td>sections 1081, 1084 and 1085 to 1091</td>
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<tr>
<td>sections 1112 to 1113</td>
<td>supplementary provisions</td>
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(3) The power under subsection (1) includes power—
   (a) to impose requirements on a person who delivers a document to the registrar in relation to the insolvency of a further education body to provide supplementary information;
   (b) to confer power on the registrar to make rules in accordance with section 1117 of the Companies Act 2006 imposing such requirements.

(4) Provision made under this section is in addition to any applicable provision made by Part 35 of the Companies Act 2006 or elsewhere.

(5) Regulations under this section are subject to the affirmative resolution procedure.

(6) Section 1114(1) of the Companies Act 2006 (meaning of document etc) applies for the purposes of this section.”
Clause 22

Page 10, line 7, leave out “(if possible)”

Clause 37

Leave out Clause 37 and insert the following new Clause—

“Disqualification of officers

In the Company Directors Disqualification Act 1986, after section 22F insert—

“22G Application of Act to further education bodies

(1) This Act applies to further education bodies as it applies to companies.

(2) Accordingly, in this Act—

(a) references to a company are to be read as including references to a further education body;
(b) references to a director or an officer of a company are to be read as including references to a member of a further education body;
(c) any reference to the Insolvency Act 1986 is to be read as including a reference to that Act as it applies to further education bodies.

(3) As they apply in relation to further education bodies, the provisions of this Act have effect with the following modifications—

(a) in section 2(1), the reference to striking off is to be read as including a reference to dissolution;
(b) sections 9A to 9E are to be disregarded;
(c) references to any of sections 9A to 9E are to be disregarded.

(4) In this section—

“further education body” means—

(a) a further education corporation, or
(b) a sixth form college corporation;

“further education corporation” means a body corporate that—

(a) is established under section 15 or 16 of the Further and Higher Education Act 1992, or
(b) has become a further education corporation by virtue of section 33D or 47 of that Act;

“sixth form college corporation” means a body corporate—

(a) designated as a sixth form college corporation under section 33A or 33B of the Further and Higher Education Act 1992, or
(b) established under section 33C of that Act.”
After Clause 38

Insert the following new Clause—

“Further education colleges: careers advice

(1) In carrying out inspections of further education colleges, and giving a rating to colleges, Ofsted has a duty to take into account the careers advice made available to students by colleges.

(2) For the purpose of subsection (1), “careers advice” means a combination of face-to-face careers advice and careers advice that is provided remotely.”

Clause 43

Page 20, line 4, leave out “extends” and insert “and section 5 so far as it relates to section 426 of the Insolvency Act 1986 extend”

Schedule 1

Page 28, line 37, leave out from beginning to end of line 13 on page 29 and insert—

“40AA Sharing of information by or with the Institute

(1) The Institute for Apprenticeships and Technical Education may disclose information to a relevant person for the purpose of a relevant function of that person.

(2) For disclosure of information by the Institute for the purposes of its own functions, see paragraph 10 of Schedule A1.

(3) A relevant person may disclose information to the Institute for the purpose of—

(a) a function of the Institute, or
(b) a relevant function of that person.

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

(a) Ofqual,
(b) the OfS,
(c) Ofsted, or
(d) a prescribed person.

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

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

(6) In this section—

“Ofqual” means the Office of Qualifications and Examinations Regulation;
“OfS” means the Office for Students;
“Ofsted” means—

(a) the Office for Standards in Education, Children’s Services and Skills, and
(b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.
(7) Regulations under this section prescribing functions of a person may prescribe all of the person’s functions.”

Page 29, line 13, at end insert—

“27A In section 40D(3) (interpretation of Part 1A)—
(a) the words from “affects” to the end become paragraph (a);
(b) after that paragraph insert—
“(b) authorises the disclosure of any information in contravention of any provision made by or under any Act which prevents disclosure of the information.””

Page 29, line 33, at end insert—

“29A In section 262(6) (orders and regulations subject to affirmative procedure), after paragraph (aa) insert—
“(aza) regulations under section 40AA;”.”

Schedule 3

Page 34, line 34, after “authority,” insert—

“( ) to the director of children’s services at the local authority or combined authority in whose area the relevant institution is based, and to any other director of children’s services that the education administrator thinks appropriate,”

Page 34, line 44, at end insert—

“( ) to any director of children’s services to whom the statement of proposals was sent under paragraph 49,”

Page 39, line 38, at end insert—

““combined authority” means an authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;”,

““director of children’s services” means—
(a) in respect of a local authority, a person appointed under section 18 of the Children Act 2004;
(b) in respect of a combined authority, a person appointed to discharge functions corresponding to those of a person appointed under section 18 of the Children Act 2004;”,”

Page 40, line 12, at end insert—

““local authority” has the meaning given in section 65 of the Children Act 2004;”,”

Schedule 4

Page 42, line 28, after “authority,” insert—

“( ) to the director of children’s services at the local authority or combined authority in whose area the relevant institution is based, and to any other director of children’s services that the education administrator thinks appropriate,”
Page 42, line 38, at end insert—

“( ) to any director of children’s services to whom the statement of proposals was sent under paragraph 49,”

Page 47, line 33, at end insert—

““combined authority” means an authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;”,

““director of children’s services” means—

(a) in respect of a local authority, a person appointed under section 18 of the Children Act 2004;

(b) in respect of a combined authority, a person appointed to discharge functions corresponding to those of a person appointed under section 18 of the Children Act 2004;”,

Page 47, line 45, at end insert—

““local authority” has the meaning given in section 65 of the Children Act 2004;”,

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