

# Technical and Further Education Bill

---

THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*The amendments have been marshalled in accordance with the Instruction of 21st February 2017, as follows –*

Clause 1	Clause 24
Schedule 1	Schedules 3 and 4
Clauses 2 to 23	Clauses 25 to 45
Schedule 2	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

## **Clause 13**

BARONESS WOLF OF DULWICH

- 36A** Page 7, line 26, after “body” insert “or training provider offering publicly funded apprenticeship training or offering publicly funded education or training for students aged 18 or over,”

## **Clause 14**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

- 37** Page 7, line 38, at end insert –  
“( ) minimise the risk to a local community of a long-term loss of technical and further education provision.”
- 38** Page 8, line 4, at end insert –  
“(3) Before an education administrator may perform functions specified in subsection (2), they must ensure an appropriate assessment is made and published of the impact of performing such functions, including, but not restricted, to –  
(a) the impact on the quality of education provided to existing students of the further education body;

**Clause 14 - continued**

- (b) the capacity of another body or institution to undertake any additional functions or provide education to additional students;
  - (c) the infrastructure of the local area, in particular transport;
  - (d) the ability of students to travel to another body or institution; and
  - (e) any financial impact on those students, including the cost of travel incurred by students to attend another body or institution, and steps to mitigate those impacts.
- (4) The Secretary of State must make regulations to specify suitable bodies for making the assessments outlined in subsection (3).
- (5) Regulations made under subsection (4) –
- (a) must be made by statutory instrument; and
  - (b) are subject to annulment in pursuance of a resolution of either House of Parliament.”

39 Page 8, line 4, at end insert –

- “(3) The education administrator must not make any decisions in respect of subsection (2) without first consulting –
- (a) existing students of the further education body;
  - (b) existing staff of the further education body;
  - (c) all recognised trade unions at the further education body.”

**Clause 15**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

40 Page 8, line 11, at end insert “, and has relevant experience and knowledge of the further education sector.”

**Clause 18**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

41 Page 9, line 15, at end insert –

- “( ) suspend the Office for Students' protection action for students.”

**Clause 22**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

42 Page 10, line 6, leave out “for the” and insert “with the primary”

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

**Clause 22 - continued**

- 44 Page 10, line 7, at end insert—  
 “() The education administrator may, in performing his or her functions for the purpose of achieving the objective of the education administration, request information, advice or guidance from practitioners with an understanding of education regarding the management of a further education body.”

THE EARL OF LISTOWEL

- 45 Page 10, line 10, after “of” insert—  
 “(a) existing students who are eligible, relevant or former relevant children,  
 and  
 (b) ”

- 46 Page 10, line 10, at end insert—  
 “() In subsection (3)(a) “eligible, relevant or former relevant children” is to be read in accordance with sections 23A and 23C and Part II of Schedule 2 of the Children Act 1989.”

**Schedule 2**

LORD WATSON OF INVERGOWRIE  
 LORD HUNT OF KINGS HEATH

- 47 Page 30, line 39, at end insert—  
 “3A The education administrator may not transfer assets of any further education body to a for-profit private company where he or she considers that more than half of the funding of the acquisition of the asset came from public funds.”

**Schedule 3**

LORD NASH

- 48 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,”

- 49 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,”

- 50 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—

**Schedule 3 - continued**

- (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;”

- 51 Page 40, line 12, at end insert –  
 ““local authority” has the meaning given in section 65 of the Children Act 2004;”

**Schedule 4**

LORD NASH

- 52 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,”

- 53 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,”

- 54 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;”

- 55 Page 47, line 45, at end insert –  
 ““local authority” has the meaning given in section 65 of the Children Act 2004;”

**Clause 28**

LORD WATSON OF INVERGOWRIE  
 LORD HUNT OF KINGS HEATH  
 BARONESS WOLF OF DULWICH

- 56 Page 13, line 2, at end insert –  
 “() Sums guaranteed under subsection (1) shall include statutory pension obligations payable to staff employed by a further education body subject to an education administration order.”

**Clause 37**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

57 Page 18, line 14, at end insert –

“( ) The Secretary of State must ensure that the list of disqualified officers is made publicly available.”

LORD NASH

58 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.”

**Clause 38**

BARONESS GARDEN OF FROGNAL  
LORD STOREY

59 Page 19, line 4, at end insert –

- “(2A) Information given under subsections (1) and (2) may include, but is not limited to, information related to –
- (a) the quality of further education courses provided;
  - (b) the diversity of persons entering further education with regard to gender and ethnicity; and
  - (c) the geographical location of the home of persons relative to the further education body that they attend.”

**After Clause 38**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

60 Insert the following new Clause –

**“Duty to have regard to the contribution of the technical and further education sectors**

In discharging, through the provisions established or amended by this Act, its responsibility to ensure a high quality of apprenticeship programmes and of technical and further education, the Government must have full regard to the need to –

- (a) promote and support the technical and further education sectors in helping to address skills shortages, increase social mobility and increase productivity;
- (b) ensure a high quality of apprenticeship programmes;
- (c) support the financial stability and good governance of further education bodies;
- (d) support good quality careers advice.”

LORD STOREY  
BARONESS GARDEN OF FROGNAL

61 Insert the following new Clause –

**“Further education colleges: careers advice**

- (1) In carrying out inspections of further education colleges, Ofsted has a duty to take into account the careers advice provided to students by colleges.
- (2) Ofsted may only give a good or outstanding rating to a college if it considers that the careers advice provided by the college is of a good or outstanding standard.”

**After Clause 38 - continued**THE EARL OF LIVERPOOL  
BARONESS GARDEN OF FROGNAL

62 Insert the following new Clause –

**“Duty on the Institute to ensure the promotion of soft skills**

- (1) The Institute must ensure that the teaching of soft skills is offered by persons, organisations, or bodies as part of the offer, or provision, of—
  - (a) further education qualifications;
  - (b) technical education qualifications; and
  - (c) apprenticeships.
- (2) For the purposes of this section, “soft skills” means a combination of interpersonal skills, social skills, communication skills, and character traits and attitudes that enable people to work well with others, and achieve goals.”

BARONESS GARDEN OF FROGNAL  
LORD STOREY

63 Insert the following new Clause –

**“Refund of VAT to further education bodies**

- (1) This section applies where –
  - (a) VAT is chargeable on –
    - (i) the supply of goods or services to a further education body,
    - (ii) the acquisition of any goods from another member State by a further education body, or
    - (iii) the importation of any goods from a place outside the member States by a further education body, and
  - (b) the supply, acquisition or importation is not for the purposes of any business carried on by the further education body.
- (2) The Commissioners shall, on a claim made by a further education body at such time and in such form and manner as the Commissioners may determine, refund to that body the amount of VAT so chargeable.
- (3) Subject to subsection (4), the claim must be made before the end of the period of 4 years beginning with the day on which the supply is made or the acquisition or importation takes place.
- (4) If the Commissioners so determine, the claim period is such shorter period beginning with that day as the Commissioners may determine.
- (5) Subsection (6) applies where goods or services supplied to, or acquired or imported by, a further education body cannot be conveniently distinguished from goods or services supplied to, or acquired or imported by, it for the purpose of a business carried on by that body.
- (6) The amount to be refunded under this section is the amount that remains after deducting from the whole of the VAT chargeable on any supply to, or acquisition or importation by, the further education body such proportion of that VAT as appears to the Commissioners to be attributable to the carrying on of the business.

**After Clause 38 - continued**

- (7) References in this section to VAT do not include any VAT which, by virtue of an order under section 25(7), is excluded from credit under section 25.
- (8) In this section—
- (a) references to the further education body are to the further education body acting in that capacity, and
  - (b) “Further education body” has the same meaning as in the Technical and Further Education Act 2017 (see section 3 of that Act).”

**Before Clause 39**

LORD WATSON OF INVERGOWRIE  
LORD HUNT OF KINGS HEATH

64 Insert the following new Clause—

**“Constitution of further education corporations**

- (1) Section 20 of the Further and Higher Education Act 1992 is amended as follows.
- (2) After subsection (4) insert—
  - “(5) An instrument must provide for the role of the Clerk to include providing advice to the corporation with regard to matters including—
    - (a) the operation of its powers,
    - (b) the conduct of its business,
    - (c) matters of governance practice, and
    - (d) general procedural matters.”

**Clause 43**

LORD NASH

65 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”

# Technical and Further Education Bill

---

THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*27 February 2017*

---