

Technical and Further Education

RUNNING LIST OF ALL
AMENDMENTS IN GRAND COMMITTEE

Tabled up to and including

17 February 2017

[Sheets HL Bill 88(a) to (h)]

After Clause 1

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Report on quality outcomes of completed apprenticeships

- (1) The Institute for Apprenticeships and Technical Education must report on an annual basis to the Secretary of State on quality outcomes of completed apprenticeships.
- (2) A report under subsection (1) must include information on—
 - (a) job outcomes of individuals who have completed an apprenticeship;
 - (b) average annualised earnings of individuals one year after completing an apprenticeship;
 - (c) numbers of individuals who have completed an apprenticeship who progress to higher stages of education;
 - (d) satisfaction rates of individuals who complete an apprenticeship with the quality of that apprenticeship; and
 - (e) satisfaction rates of employers, who hire individuals who complete an apprenticeship, with the outcome of that apprenticeship.
- (3) The Secretary of State must lay a copy of any report under subsection (1) before each House of Parliament.”

Insert the following new Clause—

“Careers education: duty to publish strategy

- (1) The Secretary of State must publish a strategy for the purposes of improving careers education for persons receiving education or training—
 - (a) in the course of an approved English apprenticeship;
 - (b) for the purposes of an approved technical education qualification; or

After Clause 1 - continued

- (c) for the purposes of approved steps towards occupational competence.
- (2) The strategy shall be laid before each House of Parliament.
- (3) The strategy shall specify provisions under which the Secretary of State will seek to—
 - (a) ensure that persons receiving education or training under subsection (1) receive information, advice and guidance relating to their future careers, and that such information, advice and guidance is delivered in a way which meets each person’s needs and is impartial;
 - (b) ensure that such information, advice and guidance may be taken into account by relevant authorities and partners to meet the needs of local or combined authority areas;
 - (c) ensure parity of esteem between technical, further and higher education; and
 - (d) monitor the outcomes of such information, advice and guidance for recipients.
- (4) The provisions specified in subsection (3) shall have specific regard to particular needs of different groups of persons receiving education or training under subsection (1), including—
 - (a) persons with special educational needs;
 - (b) care leavers;
 - (c) persons of different ethnicities;
 - (d) carers, carers of children, or young carers, as defined by the Care Act 2014; and
 - (e) persons who have other particular needs that may be determined by the Secretary of State.
- (5) The strategy shall include guidance for the purposes of improving careers education, to which the following bodies shall have regard—
 - (a) the Office for Standards in Education, Children’s Services and Skills;
 - (b) the Institute for Apprenticeships and Technical Education; and
 - (c) the Office for Students.
- (6) The Secretary of State shall by regulations designate relevant authorities and partners for the purposes of subsection (3)(b).
- (7) The Secretary of State may by regulations designate—
 - (a) further groups of persons under subsection (4)(e); and
 - (b) further national authorities or bodies under subsection (5).
- (8) Regulations made under this section—
 - (a) must be made by statutory instrument; and
 - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”

After Clause 1 - continued

LORD WATSON OF INVERGOWRIE

Insert the following new Clause—

“Institutional autonomy and academic freedom

- (1) The Secretary of State, in issuing guidance and directions, and the Institute for Apprenticeships and Technical Education, in performing its functions, have a duty to uphold the principle of institutional autonomy for English further education institutions.
- (2) In this section “institutional autonomy” means—
 - (a) the autonomy of English further education institutions—
 - (i) to determine which courses to teach, the contents of particular courses and the manner in which they are taught, supervised and assessed,
 - (ii) to determine the criteria for the selection, appointment, promotion, remuneration, and dismissal of academic staff; and to apply those criteria in particular cases,
 - (iii) to determine the criteria for the admission of students and to apply those criteria in particular cases, and
 - (iv) to constitute and to govern themselves in a manner which they deem appropriate for their purposes, subject to legal requirements relating to the corporate form and purposes that they may adopt; and
 - (b) the freedom of academic staff within the law—
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing jobs or any privileges they may have at an institution.
- (3) All persons or bodies exercising powers under this Act are under a duty to protect the principle of academic freedom in accordance with subsection(b).”

LORD WATSON OF INVERGOWRIE

LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Standards

English further education providers have a duty to create and maintain threshold standards, which ascertain that the level of achievement attained by a student undertaking a further education course provided by it, is sufficient to merit the award of a qualification approved by the Institute for Apprenticeships and Technical Education.”

After Clause 1 - continued

Insert the following new Clause –

“Scheme to provide information about the quality of apprenticeships and technical education

- (1) The Secretary of State must bring forward a scheme to provide consistent and reliable information about the quality of teaching provided by English further education institutions.
- (2) The scheme shall be operated by the Quality Assessment Committee of the Office for Students.
- (3) No arrangements for the scheme shall be made before the Office for Students has completed an independent assessment of –
 - (a) the capability and competence of any proposed metric for assessing teaching quality;
 - (b) the balance accorded to any proposed metric within a scheme;
 - (c) the statistical validity of any data taken into account within any proposed metric, including the National Student Survey;
 - (d) the work undertaken by English further education institutions to ensure that teaching staff have the appropriate training; and
 - (e) the systems in place in English further education institutions which ensure that the courses offered are taught to a high quality standard.
- (4) Any scheme introduced shall have two outcomes –
 - (a) meets expectations; or
 - (b) fails to meet expectations.”

Insert the following new Clause –

“New further education institutions

The Institute for Apprenticeships and Technical Education must not recommend to the Secretary of State the authorisation of a new further education institution unless –

- (a) the provider has been established for a minimum of four years with satisfactory validation arrangements in place;
- (b) the Quality Assessment Committee is assured that the provider is able to maintain the required standard expected for the granting of approved qualifications for the duration of the authorisation; and
- (c) the Institute for Apprenticeships and Technical Education is assured that the provider operates in the public interest and in the interest of students.”

After Clause 1 - continued

LORD WATSON OF INVERGOWRIE

Insert the following new Clause –

“Further education providers: freedom of speech and preventing unlawful speech

- (1) All English further education institutions must ensure that their students, staff and invited speakers are able to practice freedom of speech within the law in the provider’s premises, forums and events and must put in place measures to prevent unlawful speech.
- (2) Subsection (1) extends to the premises, forums and events of the provider's student unions.”

BARONESS GARDEN OF FROGNAL
LORD STOREY

Insert the following new Clause –

“The Institute: additional functions and duties

- (1) The Institute is to have the following additional functions –
 - (a) setting and maintaining standards for apprenticeships,
 - (b) overseeing standards for technical, craft, creative and service sector qualifications,
 - (c) giving national recognition to apprentices through certification, and
 - (d) keeping records of apprenticeship awards in order to monitor and advise on skills shortages.
- (2) In carrying out its functions under this or any other enactment, the Institute has a duty to –
 - (a) promote apprenticeships through careers education in schools and colleges, and
 - (b) consult with –
 - (i) employers;
 - (ii) further education colleges and other training providers;
 - (iii) further education college lecturers, teachers and trainers;
 - (iv) awarding bodies;
 - (v) livery companies; and
 - (vi) further and technical education students.”

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

Insert the following new Clause –

“Technical education course-finding platform

- (1) Within six months of this Act coming into force, the Secretary of State must bring forward proposals for a technical education course-finding platform to enable young people to identify and apply for technical education courses in the same way as in the higher education sector.

After Clause 1 - continued

- (2) The proposals required under subsection (1) must include the ability for prospective students to identify and apply for all courses and qualifications accredited by the Institute for Apprenticeships and Technical Education.”

After Clause 6

LORD NASH

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.

Provision of Companies Act 2006	Description
sections 29 and 30	copies of resolutions etc to be forwarded to the registrar
section 859K	registration of enforcement of security
sections 1077 and 1079	public notice of receipt of certain documents
sections 1081, 1084 and 1085 to 1091	keeping and inspection of register of companies
sections 1093 to 1097	correction or removal of material on companies register
section 1104	documents relating to Welsh companies
sections 1112 to 1113	supplementary provisions

- (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 2016 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.

After Clause 6 - continued

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

Clause 14

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

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.”

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;
 - (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.”

Clause 37

LORD NASH

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;

Clause 37 - continued

- (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

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

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.”

After Clause 38 - continued

LORD STOREY
BARONESS GARDEN OF FROGNAL

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.”

THE EARL OF LIVERPOOL

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.”

Before Clause 39

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

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

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

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

Page 21, line 6, at end insert –

“() After subsection (1)(d) insert –

“(da) local authority secured provision made under Section 15ZA of the Education Act 1996 (duty in respect of education and training for persons over compulsory school age: England).”

Page 21, line 7, at end insert –

“(4) After subsection (5) insert –

“(5A) The Institute for Apprenticeships and Technical Education, in performing its functions, must have regard to the need to promote equality of opportunity in connection with access to, and participation in, education or training provided in a form specified in subsection (6).”

Page 21, line 7, at end insert –

“() After subsection (5) insert –

“(5A) In the exercising of its functions, the Institute must cooperate with –

- (a) Ofqual,
- (b) Ofsted,
- (c) The Office for Students,
- (d) The Skills Funding Agency, and

any other body identified by the Secretary of State as having an interest in the delivery or monitoring of apprenticeships.”

Page 21, line 13, at end insert –

“() After subsection (6), insert –

“(6A) In performing its functions, the Institute must make provision to ensure that those undertaking education, training or apprenticeships as specified within subsection (6) have representation within its structures, which may include but shall not be limited to establishing –

- (a) a panel of persons undertaking approved English apprenticeships to inform and advise the Board of the Institute; and
- (b) a panel of persons undertaking study towards approved technical education qualifications to inform and advise the Board of the Institute.”

Page 25, line 23, at end insert –

“(1A) A technical education qualification approved under this section, which is undertaken by a person over compulsory school age but under 19, must support the person’s entitlement to the core entitlement under section 17C of the Education Act 1996 (the core entitlement).”

Schedule 1 - continued

BARONESS GARDEN OF FROGNAL

Page 25, line 35, leave out from beginning to end of line 13 on page 26

Page 27, line 29, at end insert “which will replace the Ofqual Regulated Qualifications Framework”

Page 28, leave out lines 4 to 14 and insert –

“() The originator of the technical education qualification, and parties entitled to a right or interest in any copyright in those documents, shall retain full ownership of the copyright for a period of 5 years from the date of first registration, unless the parties agree to licence or sell the IP to the Institute.”

Page 28, leave out lines 27 to 32 and insert –

“(b) about permission for the use of the DfE logo and standard wording on technical education certificates.”

LORD NASH

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 –

Schedule 1 - continued

- (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 2

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

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

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;”,

Schedule 3 - continued

““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

LORD NASH

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;””