

# Skills & Post-16 Education Bill

## MP briefing

November 2021



### About AoC

The Association of Colleges (AoC) represents more than 90 per cent of the 234 colleges in England incorporated under the Further and Higher Education Act 1992. English colleges educate over 1.7 million students every year and employ approximately 106,000 full time equivalent staff. Colleges are inspirational places to learn, preparing students with valuable employability skills, and helping to develop their career opportunities.

### Background

In January 2021, the government published the [Skills for Jobs White Paper](#), with a clear focus on the pivotal role that further and technical education has in helping people get skills for good jobs now and in the future. Part of the government's 'Plan for Jobs', it recognised the central role colleges have at the heart of our economic recovery, the plans to redress long-standing regional inequalities and transition to a net zero carbon economy. **This agenda will of course ultimately require serious, long-term investment**, redressing stark funding cuts over the past decade.

In May 2021, the government introduced the [Skills & Post-16 Education Bill](#) in the House of Lords, which aims to deliver some of the key elements of their reform package. We welcome the legislation, but colleges are clear that it must go further. The Bill had its **first reading in the Commons on Wednesday 26 October** – we will be in touch again when a date for **second reading** is confirmed. This briefing sets out what the Bill is seeking to achieve, where we think it needs to be strengthened, what amendments were successful in the Lords and how you can work with us on the Bill over the weeks and months ahead.

### What is the Bill seeking to achieve?

The Skills Bill, and the wider reform agenda, is ultimately seeking to deliver on three key objectives:

1. **To develop a system of lifelong learning** - this means developing an education that works for the 'other 50 per cent', and redressing longstanding neglect of adult education/ retraining. The Bill introduces:
  - **Lifelong loan entitlement** - Recommended by Philip Augar's 2019 post-18 education and funding review, this is a lifetime allowance for student loans equivalent to four year's full-time costs but available to individuals for a more flexible combination of higher education courses. This is a big but complicated change so is not scheduled to take effect until 2025. The government has promised several consultations to work out the details and plans. The Bill proposes new powers for the Education Secretary to set regulations to move this ahead
  - **Adjustments to the powers of the Institute for Apprenticeships and Technical Education (IfATE) to approve a broader range of technical education qualifications** - The Bill sets out adjustments to the powers of IfATE to approve a broader range of technical education qualifications and to keep under review the education and training within its remit 'to ensure the overall coherence of the system'. There is a good case for reform because more than 100 awarding organisations certify several thousand vocational qualifications but the recent reforms in apprenticeships, which involve IfATE, have resulted in hundreds of apprenticeship standards being approved.

2. To deepen the strategic relationship that colleges have with, and the service they provide to, employers - the Bill introduces:
- **Skills Accelerator** - The White Paper set in motion a new form of local skills planning (Skills Accelerator) which requires legislation. DfE is asking colleges to work collaboratively together and with employer representative bodies and others to define local needs, to identify growth areas and to work through how best to meet them. Alongside this it is anticipated that there will be a duty on colleges to review their provision. Colleges of course review provision in this way already as a matter of course – so the key is that we build on the best of what already occurs, and ensure that colleges are empowered and trusted to lead this agenda, and thereby play an expanded role in their local/regional economies
3. To empower colleges to deliver as a resilient network to look outward in delivering on long-term strategic priorities, rather than looking up to Whitehall for permission. The Bill introduces:
- **New intervention powers** - Ultimately, we need to move to a trust-based system that gives colleges the autonomy and accountability to meet employer and learner needs and that government are assured that they have reserve powers to step in solely and explicitly in instances where this is not delivered on by colleges. To deliver this the Skills for Jobs White Paper promised a faster, more targeted intervention regime. We await details as to what this will entail.
  - **New powers of regulation of Initial Teacher Training** - The Bill gives the Education Secretary powers to regulate initial teacher training in further education. There is a good case for reform but it will be a struggle for colleges to attract excellent people to teach technical subjects when starting salaries fall below the £30,000 promised for school teachers. Colleges are nevertheless keen to work with DfE and IfATE on the plans set out in the Skills for Jobs white paper and hopefully the reserve powers in the legislation will not be needed.
  - **New register of Independent Training Providers (ITPs)** - The Bill includes a measure to enable the Education Secretary to make regulations to provide for a list of post-16 education or training providers, in particular ITPs. To be on the list, providers will be required to meet conditions which are designed to protect learners by preventing or mitigating the risks of provider failure. The aim of this is to ensure that all learners are protected if providers cease to provide education or training. Where other regulatory mechanisms are not in place, the government also wants to ensure that there is a consistent set of requirements placed on providers to protect learners and public funds, even where funded by local commissioning bodies or through subcontracts from directly funded providers.

## Key areas where AoC believes the Bill needs to be strengthened

It is welcome and significant that colleges are recognised as having a central role at the heart of our economic recovery, the plans to redress long-standing regional inequalities and transition to a net zero carbon economy. Colleges stand ready to do more, for people, employers and communities – and it is significant to note that the White Paper's emphasis on skills and lifelong learning enjoys strong cross-party and cross-sectoral support, which was evident during the debates on the Bill in the Lords.

**However, colleges are clear that these ambitions must go further and there are important ways in which the legislation must do that.** We were pleased to work with a wide group of Peers from different parties on amendments to the Bill in the Lords, many of which were successful and all of which we believe improve the Bill and help ensure it meets the needs of colleges and learners across the country.

We've outlined the key areas where we would like to see the legislation strengthened, and where successful amendments were made to the Bill in the Lords, below. Please do let us know if you would be interested in working with us on any of these issues.

## Creating a right to lifelong learning so everyone can access the skills they need.

1. **Putting the Lifetime Skills Guarantee on a statutory footing and extending it to include subsequent level 3 courses** to unlock retraining for even more people. The Lifetime Skills Guarantee introduces a free entitlement to a set of level 3 (A level/ Btech equivalent) qualifications and is incredibly welcome. However, the list is far too restrictive, and colleges should be trusted and held accountable for making the right decisions on what is a relevant course. Many people will need to retrain/ reskill who already have level 3 entitlement, so the entitlement should include subsequent qualifications as needed.

**Successful Lords' amendment** - Lord Clarke of Nottingham and Lord Layard tabled a successful amendment in the Lords that places the Lifetime Skills Guarantee on a statutory footing, which we hope the Government will now adopt. This amendment also states that providers must receive automatic in year funding for any student covered by this, and that employers receiving apprenticeship funding must spend at least two thirds of that funding on people who begin apprenticeships at Levels 2 and 3 before the age of 25.

2. **Creating a maintenance support system** that enables everyone to live well whilst studying or training at college across both FE and HE. As proposed by Philip Augar's independent review of post 18 education and funding, student maintenance should be extended to cover students in further as well as higher education.
3. **Reforming benefit entitlement rules** so that that people that would benefit from attending college whilst unemployed don't lose out. This means removing nonsensical restrictions to education and training for those in receipt of benefits.

**Successful Lords' amendment** - The Lord Bishop of Durham and Baroness Bennett of Manor Castle tabled a successful amendment which would ensure greater flexibility for potential students in receipt of universal credit to take up appropriate training that will better equip them for employment. This is an issue raised in the recent [Let Them Learn](#) report, which highlighted the work colleges do in partnership with Job Centre Plus to support unemployed people into work. It's an important step in removing unjustifiable and incoherent barriers for people to upskill and retrain whilst in receipt of universal credit - we hope the Government will adopt the amendment.

4. **Removing the Equivalent or Lower Qualification (ELQ) rule** which places funding restrictions on those who wish to pursue a qualification at a level equivalent to or lower than one they already hold, acting as a barrier for adults seeking to reskill.

**Successful Lords' amendment** - Lord Watson of Invergowrie, Lord Storey, and Baroness Bennett of Manor Castle tabled a successful amendment that would require the Secretary of State to "publish an annual report on the impact on re-skilling of funding restrictions on those who wish to pursue a qualification at a level equivalent to or lower than one they already hold". We know these funding restrictions are a barrier for adults seeking to reskill, so we very much welcome this amendment and hope the Government adopt it.

## Joining up the wider education and skills system so that it better meets society's needs and gives people the skills they need.

5. **Enshrining the creation of a national 10-year education and skills strategy sitting across government** to deliver on wider policy agendas and to give stability to all parts of the system. This will ensure that the skills agenda is embedded alongside other national policy priorities, and we develop an effectively joined-up education and skills system.

6. **Creating a duty on schools and universities to collaborate with colleges and employers** in the development of skills plans so that the training on offer efficiently meets the need of local areas. This ensures that we have a well joined-up education and skills system regionally/ locally.

**Ensuring that colleges have the autonomy and authority to deliver together for people, employers and communities.**

7. **Clarifying the role and accountabilities of employer representative bodies (ERBs) in developing their Local Skills Improvement Plans (LSIPs)** - including describing the role of employer representative bodies, their accountabilities and the process for instances where they do not deliver this effectively.
8. **Affirming the role of colleges in co-constructing Local Skills Improvement Plans (LSIPs)** - describing and enshrining their role, together with their abilities to challenge and prompt further work where they believe this to be required.

**Successful Lords' amendment** - Lord Watson of Invergowrie, Lord Storey, Lord Lucas and Lord Aberdare tabled a successful amendment which says that in the creation of LSIPs, ERBs must draw on the views of local and regional authorities, including Mayoral Combined Authorities, and post-16 education providers. We were pleased to work closely with these group of cross-party Peers on this amendment, and hope the Government will adopt it.

9. **Establishing a joint requirement on ERBs and colleges to ensure that the views and priorities of the wider community are reflected in LSIPs** - which must include the views and interests of students, students' unions, trade unions, relevant community groups, agencies & local government.

**Empowering colleges to deliver on long-term strategic priorities within a trust-based system.**

10. **Affirming clear and robust accountabilities right across the new system** – which means clarifying the accountabilities and oversight on ERBs leading LSIPs.
11. **Embedding sustainability and the role of colleges in delivering a net-zero carbon economy into the Bill and wider reform agenda** - including in the strategic outcomes for colleges, with the capital investment to match, and to include obligations or directions for colleges to cover education for sustainable development.

**Government amendment** – prior to report stage, the government published an amendment of their own to the Bill that would require LSIPs to consider green skills, climate change and the environment, which we very much welcome.

**Committing to sustainable investment and meeting immediate priorities.**

12. **Backing up legislative reforms with sustainable investment and measures that will support people and employers now**, not just when the Lifelong Loan Entitlement is introduced from 2025.

**Other areas where amendments are required:**

13. **Setting out a national plan for English and maths to ensure that all learners are supported to have the skills they need** to succeed in their adult life, in work and as active citizens.
14. **Ensuring apprenticeships policy and any future reform of the apprenticeships levy align with the skills reform agenda.**

15. **Ensuring there is adequate and effective access and successful outcomes for all learners with special educational needs and disabilities**, with alignment between the work of DWP and DfE on relevant reform agendas and strategies.

**Successful Lords' amendment** – Lord Addington led a successful amendment that would require further education Initial Teacher Training (ITT) courses to include SEND training. We know that colleges do incredible work supporting students with SEND, and we think it is important to ensure that staff have the training they need to continue doing that, across both ITT and continuous professional development (CPD).

16. **To embed careers information, advice and guidance (CIAG)** as an element of delivery as part of the new Local Skills Improvement Plans, applying to all post-16 providers.

**Successful Lords' amendment** – Lord Baker led a successful amendment that would make the so-called Baker Clause legally enforceable. While the Government had brought forward its own amendments to strengthen the Baker Clause and improve careers guidance, Lord Baker felt these were insufficient. His amendment says that there should be up to three phases or times when providers can go into schools to speak to students, and sets out what information they have to provide. We're pleased this passed, as we know that compliance with the Baker Clause has been poor - this needs to be addressed so that young people understand the options available to them.

#### Other amendments that were successful in the Lords

Two amendments relating to **T-Levels, BTECs and the defunding of Level 3 qualifications** were successful. The first prevents IFATE from withdrawing approval for established Level 3 courses, including BTECs for four years, and the second states that no student should be deprived of the right to take two BTECs, AGQ or a diploma. We hope that the passing of these amendments will give the Government cause to reconsider and slow down the pace of change of these reforms.

#### How you can work with us to ensure the Bill delivers for students and colleges:

- Speak in the second reading debate to highlight the key areas where the Bill needs to be strengthened that we outline above.
- Table amendments to the Bill at later stages. We can support you with drafting those and will share further information on some suggested amendments in due course.
- Attend the next meeting of the APPG on Further Education & Lifelong Learning (which we provide the Secretariat to) where we expect the Skills Minister, Alex Burghart, to attend to outline the Government's ambitions for the Bill. We will share further information on that in due course.
- Write to the Education Secretary to encourage the government to take forward the successful amendments that were made to the Bill in the Lords. We can help draft that.
- Table written questions to the government on some of the issues we highlight in this briefing. We can help draft those.

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**For further information or to discuss these themes in more detail contact:**

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