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Skills and Post-16 Education Bill [HL]: Progress of the Bill



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Summary

The [Skills and Post-16 Education Bill \[HL\]](#) was introduced in the House of Lords on 18 May 2021 and received its first reading in the House of Commons on 26 October 2021. It passed its report stage and third reading in the Commons on 21 February 2022. Consideration of amendments took place between 24 March and 7 April 2022. The Bill received royal assent on 28 April 2022 and became the Skills and Post-16 Education Act 2022.

The Bill aims to improve how the skills and post-16 education system functions in England. It supports the Lifetime Skills Guarantee, [announced by the Prime Minister in September 2020](#).

The Bill would implement reforms set out in the Department for Education (DfE) White Paper, [Skills for Jobs: Lifelong Learning for Opportunity and Growth](#) (January 2021). These included giving employers a greater say in skills development and introducing a Lifelong Loan Entitlement.

The Bill also includes measures to address some of the recommendations of the [Independent Panel Report to the Review of Post-18 Education and Funding \(the Augar report\)](#), published in May 2019, particularly around increasing opportunities for flexible, lifetime learning.

What the Bill does

The Bill would allow Local Skills Improvement Plans (LSIPs) to be created by Employer Representative Bodies (ERBs). LSIPs would take account of local skills needs to help shape what courses further education providers offer.

The Bill would also increase the role of the Institute for Apprenticeships and Training when it comes to approving and regulating qualifications. It would also give the Secretary of State for Education powers to introduce a Lifelong Loan Entitlement, which would provide students with four years of funding for post-18 education.

Other provisions seek to improve further education teacher training, increase the amount of information pupils receive about technical education and training, and to criminalise services that help post-16 students in England cheat on assessments.

Commons second reading debate

MPs passed the Bill at its second reading on 15 November without a vote. During the debate, the Secretary of State for Education, Nadhim Zahawi, announced policy changes and proposed amendments to address concerns raised in the House of Lords. These included:

- committing to amend the Bill to include combined authorities in the development of LSIPs;
- delaying the defunding of some BTEC qualifications by a year;
- removing the requirement to get a level 2 English and maths qualification as part of a T level (new, two-year technical courses equivalent to three A Levels);
- committing to consult on proposals to reform level 2 qualifications (a GCSE pass or equivalent).

Labour said the Bill had been improved by the Lords and would not oppose it. However, it raised concerns about the timetable for introducing the Lifelong Loan Entitlement, the exclusion of level 2 qualifications from the Bill, and the effect of funding restrictions for students wanting to take an equivalent or lower-level qualification to the ones they hold.

Commons committee stage debate

The Bill's committee stage comprised six sessions of line-by-line scrutiny between 30 November and 7 December 2021. In addition to the promised amendment to include the views of combined authorities in creating LSIPs, the Government removed amendments and new clauses added at report stage in the House of Lords. Among other things, the Government reversed changes that would have:

- required LSIPs to be developed by a “partnership” between ERBs, local authorities, and further education providers;
- given learners a legal right to take BTECs and other applied general qualifications, rather than simply the opportunity where they are offered;
- allowed students to keep their Universal Credit entitlement while studying.

No Opposition amendments were accepted, but in response to several issues they raised, the Minister for Skills said relevant details would be set out in statutory guidance.

Commons report stage and third reading debate

17 new clauses and 18 amendments were tabled at report stage on 21 February 2022, but only one, tabled by the Government, was successfully added to the Bill. It would give the Office for Students (OfS), which regulates higher education in England, powers to publish regulatory reports and decisions, as well as protection from defamation claims relating to these reports and decisions.

Many of the issues raised during the Bill's committee stage were once again highlighted through amendments tabled during report stage. These included sharia-compliant student finance, access to universal credit while studying, careers guidance, and the removal of funding from BTECs.

Consideration of amendments

On 24 March, the Lords agreed to the [27 amendments made to the Bill in the House of Commons](#) (PDF), but added new words to amendments 15 and 17.

These changes would have amended the Bill to allow funding to be withdrawn from level 3 qualifications that overlap with A Levels and T Levels only after three years, and in some cases four years. This amendment was made against the wishes of the Government, who had previously announced a one-year delay to their initial timetable for withdrawing public funding for some level 3 qualifications.

The second change would have required education and training providers to have access to pupils on at least six occasions, from years 8 to 13, to inform them about their technical education options. This amendment was tabled by the Government and was an increase from the Bill's previous requirement of at least three encounters.

The Bill [returned to the House of Commons on 28 March 2022](#). The Commons rejected the Lords amendment to delay the withdrawal of public funding from level 3 qualifications for at least three years. It agreed with the Government-backed amendment to require six encounters between school and college pupils and providers of technical education and apprenticeships.

The Bill [returned to the Lords on 7 April 2022](#). Baroness Barran revealed the Government expects public funding to be removed for less than half of the total number of level 3 qualifications currently funded that overlap with T Levels. She also confirmed qualifications that overlap with T Levels introduced in 2020/21 and 2022/23 will not have funding approval removed until the 2024/25 and 2025/26 academic years respectively. As a result, the

Lords did not insist on their amendment about delaying the withdrawal of public funding from some level 3 qualifications.

Royal assent

The Bill received royal assent on 28 April 2022 and became the Skills and Post-16 Education Act 2022.

Further reading

Background to the Bill, commentary on its provisions, and responses from the further education and skills sector can be found in the Commons Library briefing [Skills and Post-16 Education Bill](#).

1 Background

The [Skills and Post-16 Education Bill \[HL\]](#) was introduced in the House of Lords on 18 May 2021. The Bill received its first reading in the House of Commons on 26 October 2021 and passed its second reading on 15 November without a vote.

The Bill would implement reforms set out in the Department for Education (DfE) White Paper, [Skills for Jobs: Lifelong Learning for Opportunity and Growth](#) (January 2021).

It also includes measures to address some of the recommendations of the [Independent Panel Report to the Review of Post-18 Education and Funding \(the Augar report\)](#), published in May 2019.

Overall, the Bill aims to improve how the skills and post-16 education system in England functions. It would also enable the lifelong loan entitlement, [announced by the Prime Minister in September 2020](#), to be introduced in the future.¹

1.1 What the Bill would do

The Bill was significantly amended during its report stage in the House of Lords by the Government and other Peers. The Bill's background, content, and the changes made in the Lords are set out in the Library briefing [Skills and Post-16 Education Bill \[Bill No 176 of 2021-22\] HL](#).²

The Bill was amended further during its committee stage in the House of Commons, with many of the changes made by the Lords reversed.

The clause numbers in this section reflect [the Bill as amended in the Public Bill Committee](#).³ An additional new clause was added to the Bill at report stage in the Commons. The Department for Education has published a document explaining the [27 amendments made to the Bill in the Commons \(PDF\)](#) as it returned to the Lords.

¹ Prime Minister's Office, [PM's skills speech](#), 29 September 2020.

² [Skills and Post-16 Education Bill \[Bill No 176 of 2021-22\] HL](#), Commons Library Briefing CBP-9220.

³ Note that clause numbers are liable to change as the Bill progresses through Parliament and is amended.

Part 1: Skills and education for work

- Chapter 1 (clauses 1 to 5) sets out provisions which aim to tailor education and training to meet local needs through the creation of **Local Skills Improvement Plans (LSIPs)** developed by **Employer Representative Bodies (ERBs)**.
- Chapter 2 (clauses 6 to 14) sets out provisions which would increase the role of the **Institute for Apprenticeships and Training** in the provision of technical qualifications and **improve careers advice**.
- Chapter 3 (clauses 15 and 16) sets out provisions which would support lifelong learning through the introduction of the **Lifelong Loan Entitlement**.

Part 2: Quality of provision

- Clauses 17 and 18 set out provisions relating to **initial teacher training** in the further education (FE) sector and the **assessment of higher education (HE) provision using student outcomes** and minimum standards.

Part 3: Protection for learners

- Chapter 1 (clauses 19 to 23) relates to the **regulation of post-16 education and training providers**.
- Chapter 2 (clauses 24 and 25) sets out provisions on the **insolvency regime for FE providers**.

Part 4: Miscellaneous and general

- Chapter 1 (clauses 26 to 30) would **criminalise cheating services for post-16 students in England**.
- Chapter 2 (clauses 31 to 33) sets out provisions on how **16 to 19 academies with a religious character** are designated and other educational institutions in the FE sector.
- Chapter 3 (clauses 34 to 36) sets out which jurisdictions are covered by the Bill, when it would come into force, and its short title.

1.2

Further information

The Department for Education has published the following documents:

- [Skills and Post-16 Education Bill \[HL\] Explanatory Notes, October 2021 \(PDF\)](#)
- [Skills and Post-16 Education Bill Policy Summary Notes, November 2021 \(PDF\)](#)

- [Skills and Post-16 Education Bill Impact Assessment, May 2021](#)

Memoranda have also been published on the Bill for the following committees: [Joint Committee on Human Rights](#) and [House of Lords Delegated Powers and Regulatory Reform Committee \(DPRRC\)](#). A [supplementary memorandum for the DPRRC](#) has also been published for the Government's Lords amendments.

The following Library briefings and Insights also provide analysis:

- [FE White Paper: Skills for Jobs for Lifelong Learning for Opportunity and Growth](#)
- [Further education funding in England](#)
- [Level 3 qualifications reform: What's happening to BTECs?](#)

2 Commons second reading

The [second reading debate](#) of the Bill in the House of Commons was held on 15 November 2021.⁴ In his opening speech, the Secretary of State for Education, Nadhim Zahawi, said the Bill had received cross-party support and its reforms would “level up the skills base” across the country.⁵

Nadhim Zahawi announced amendments to the Bill and policy changes to address concerns raised in the Lords. He said:

- An amendment would be tabled to allow **mayoral combined authorities** (MCAs) to be involved in shaping local skills improvement plans (LSIPs).
- **BTECs** will continue play an important role in 16-19 education “for the foreseeable future” and the Government would “allow an extra year before our reform timetable is implemented”.⁶
- The requirement to get a level 2 English and maths qualification as part of a [T level](#) would be removed.
- The Government will consult on proposals to reform level 2 qualifications and “will work at speed”.⁷

The Education Secretary said the Government had considered the **proposals** made in the House of Lords. In response, it had added new provisions to the Bill. He said the provisions on cheating services would prevent dishonest practices and protect students from the risk of exploitation,⁸ and the Bill would also allow 16-to-19 colleges to become academies with a religious designation.

Responding for Labour, the Shadow Education Secretary, Kate Green, said the party would not oppose the amended Bill following its Lords stages.⁹ She said she welcomed the introduction of T levels but agreed with the extension of one year before the BTECs began to lose funding. However, she pointed out there was cross-party support in the House of Lords for Labour’s amendment proposing a four-year moratorium on defunding and urged the Secretary of

T Levels are new courses, introduced in September 2020, which follow GCSEs and are equivalent to 3 A levels. They have been developed in collaboration with employers and businesses so that the content meets the needs of industry and prepares students for work, further training, or study.

⁴ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c380.](#)

⁵ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c380.](#)

⁶ See the Library Insight [Level 3 qualifications reform: What’s happening to BTECs?](#) for more information.

⁷ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c385.](#)

⁸ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c384.](#)

⁹ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c387.](#)

State to look again at the time needed to allow “reforms to be embedded successfully and sensibly”.

Kate Green said she welcomed the introduction of LSIPs and agreed with the involvement of MCS in creating them.¹⁰ She also said the following areas needed addressing:

- the timetable for the introduction of the Lifelong Loan Entitlement was too slow;
- the lifetime skills guarantee should be written into the Bill;
- the equivalent or lower level qualification (ELQs) restriction should be reviewed;
- level 2 qualifications should be included.

Kate Green concluded by saying the Bill was not sufficient and the Government should be more ambitious.

The remainder of the debate covered many of the areas of concern highlighted by the Opposition. The future of BTECs, the role of local bodies in LSIPs, and the restrictions on ELQs were all raised by MPs. The former education secretary, Gavin Williamson, also raised the issue of the cost of modular degrees and said they should not cost more than a full-time degree.¹¹

Other issues raised were:

- funding levels;
- the role of the Secretary of State in choosing employer representative bodies;
- collaboration between HE and FE;
- provision for special educational needs in the Bill;
- access to Universal Credit while studying.

Many MPs commented on how the Bill had been improved in the Lords and Kate Green said she hoped “the House will protect some of the improvements made to the Bill”.¹²

The Bill passed its second reading without a vote.

¹⁰ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c389.](#)

¹¹ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c396.](#)

¹² [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c387.](#)

3 Commons committee stage

3.1 Summary

The Bill's committee stage was six sessions of line-by-line scrutiny between 30 November and 7 December 2021. The Government made changes that reversed amendments and new clauses added at report stage in the House of Lords. The Minister for Skills, Alex Burghart, said:

I have nothing but admiration for their lordships, who did a wonderful job. Obviously, we have had to amend some of their amendments in order to make the Bill as good as it can be.¹³

The Government **reversed** changes that would have:

- required Local Skills Improvement Plans (LSIPs) to be developed by a “partnership” between employer representative bodies (ERBs), local authorities, and FE providers;
- delayed the withdrawal of public funding from some level 3 qualifications;
- given learners a legal right to take BTECs and other applied general qualifications, rather than simply the opportunity where they are offered;
- allowed students to keep their Universal Credit entitlement while studying;
- required an annual report on the effect that funding restrictions for some qualifications and students have on skill levels;
- ensured there is sufficient training for special educational needs awareness on initial teacher training courses for FE staff;
- given everyone the right to free qualifications up to level 3;
- required employers in receipt of apprenticeship funding to spend at least two thirds on learners under 25.

Other Government amendments included:

¹³ [PBC Deb \(Bill 176\) 7 December 2021 c199-200](#).

- requiring “due consideration” be given to the views of a mayoral combined authority (MCA) or the Greater London Authority (GLA) during the formulation of an LSIP;
- several minor and technical amendments clarifying the scope of some of the Bill’s provisions and duties;
- a new clause that would require schools in England to allow a range of education and training providers access to pupils to inform them about technical education qualifications or apprenticeships.¹⁴

No Opposition amendments were accepted. In response to several issues raised by the Opposition, the Skills Minister said details would be set out in statutory guidance, including on improving the employment prospects of disabled people and ERB engagement with local stakeholders.

An explanation of each amendment and the [progress of each clause, schedule, amendment, and new clause](#) considered at committee stage is set out in documents published on the [Bill pages of the Parliament website](#). Transcripts of the committee stage debate are also available there.

3.2

Detailed consideration of the Bill

The clause numbers in this section reflect [the Bill as brought from the House of Lords](#).¹⁵

Local Skills Improvement Plans (LSIPs)

Part 1 chapter 1 of the Bill (clauses 1 to 5) sets out provisions for Local Skills Improvement Plans (LSIPs). LSIPs would be developed by an employer representative body (ERB) designated for that area and supported by local further education providers. They would provide a framework for colleges and other FE providers to ensure they are meeting the skills needs of the local labour market. Each LSIP would have to be approved by the Secretary of State for Education.

Following the Bill’s committee stage in the House of Commons, the development of an LSIP would now have to consider the views of combined authorities, but they would no longer need to be developed “in partnership” with local authorities and FE providers, as an amendment added to the Bill in the House of Lords would have required.

¹⁴ This new clause replaced a Lords amendment that would have required at least nine encounters between providers and pupils and which specified University Technical Colleges must be one of the providers where possible.

¹⁵ Note that clause numbers are liable to change as the Bill progresses through Parliament and is amended.

Involvement of local authorities and other stakeholders

Amendments 4 and 5 to clause 1 subsection 6 of the Bill were tabled by the Government. They sought to make clear the Secretary of State must be satisfied “due consideration” had been given to the views of a mayoral combined authority (MCA) or the Greater London Authority (GLA) before they approved an LSIP.

Speaking for the amendments, Minister for Skills Alex Burghart said devolution had led to some of the adult education budget being administered by MCAs and the GLA, so it was necessary to involve their views and priorities in the development of LSIPs.¹⁶ He said further details would be set out in statutory guidance following engagement with MCAs, the GLA, and stakeholders, as well as in light of evidence collected from [‘trailblazer’ areas where LSIPs are currently being trialled](#).¹⁷

Speaking for the Opposition, the Shadow Minister for Apprenticeships and Lifelong Learning, Toby Perkins, said Labour supported the amendments but found it “remarkable” the involvement of combined authorities had not originally been part of the Bill.¹⁸ He argued this demonstrated the Government’s focus on employers and contrasted it with Labour’s “holistic” approach.¹⁹ He said:

What we need is a local skills improvement plan that brings together the role of public and private sector employers; that brings in further education colleges; that brings in significant independent training providers within an area; and that is held together by those with democratic accountability, such as metro Mayors and local authorities.²⁰

Several Opposition MPs were concerned about what “due consideration” might mean in practice.²¹ The Minister said the Government expected the process to be collaborative, with “authorities, businesses and providers working in harmony.”²² **Both amendments were agreed without a vote.**

During the Bill’s report stage in the House of Lords, an amendment endorsed by the Local Government Association was tabled by Lord Watson (Lords amendment 11). It sought to require employer representative bodies [to develop LSIPs “in partnership” with local authorities and FE providers](#), and also consider the views of local employers and other post-16 education providers (such as community learning providers and universities). Lords amendment 11 was **agreed by 193 votes to 186**, against the wishes of the Government, and added to the Bill as clause 1 subsection 7.

¹⁶ [PBC Deb \(Bill 176\) 30 November 2021 c4.](#)

¹⁷ [PBC Deb \(Bill 176\) 30 November 2021 c4.](#)

¹⁸ [PBC Deb \(Bill 176\) 30 November 2021 c6.](#)

¹⁹ [PBC Deb \(Bill 176\) 30 November 2021 c8.](#)

²⁰ [PBC Deb \(Bill 176\) 30 November 2021 c4.](#)

²¹ [PBC Deb \(Bill 176\) 30 November 2021 c13-15.](#)

²² [PBC Deb \(Bill 176\) 30 November 2021 c17.](#)

Amendments 6 to 9 were tabled by the Government to reverse Lord Watson's amendment. The Skills Minister argued the Lords amendment was not necessary because of Government amendments 4 and 5. He also said the amendment's subject matter, including the issue of local stakeholder engagement, would be better set out in statutory guidance.²³

The Opposition said they believed the Lords amendment was a good one. They argued an LSIP should be developed by a "partnership" that incorporated the voices of a wide range of stakeholders, rather than a hierarchy that granted an ERB ultimate responsibility.²⁴

Government amendments 6 to 9 were accepted following votes that split along party lines ten votes to six, and so Lords amendment 11 was removed from the Bill.

Consulting with local authorities before the roll-out of LSIPs

Amendment 41 was tabled by the Opposition. It sought to ensure local and combined authorities were consulted on the Government's plans for the roll-out of LSIPs before they were introduced outside trailblazer areas. Toby Perkins argued people living in areas without a metro mayor would want to know there had been some consultation. He said:

We believe that it is not only consultation with combined authorities that is relevant; we are very concerned that areas that are outside a combined authority will have no democratic oversight whatever.²⁵

The Skills Minister said the Government regularly engaged with MCAs, the GLA, and the LSIP trailblazers in relation to the Bill, and they will also engage with the Local Government Association going forward.²⁶

The amendment was debated with a group of probing amendments seeking clarification (**amendments 33 and 38 to 40**). These were designed to understand the roles of the different organisations that might be involved in education and skills provision and how the Government would define the geographic areas LSIPs will cover. Only **amendment 41** was put to a vote, it was **rejected** by ten votes to six.²⁷

Improving the employment prospects of disabled people

A group of Opposition amendments relating to the inclusion of disabled people in LSIPs were debated together. None were successful.

- **Amendment 1** would have required information on improving the employment prospects of disabled people to be included in the evidence that informed LSIP development.

²³ [PBC Deb \(Bill 176\) 30 November 2021 c19-20.](#)

²⁴ [PBC Deb \(Bill 176\) 30 November 2021 c20-21.](#)

²⁵ [PBC Deb \(Bill 176\) 30 November 2021 c54-55.](#)

²⁶ [PBC Deb \(Bill 176\) 30 November 2021 c4.](#)

²⁷ [PBC Deb \(Bill 176\) 30 November 2021 c57.](#)

- **Amendments 2 and 28** would have required actions to be identified that would reduce the disability employment gap.
- **Amendment 3** would have required members of the ERB to have a commitment to equality and diversity, including in relation to disability.
- **Amendment 27** sought to ensure LSIP development included input from groups representing the views of disabled people.
- **Amendment 34** would have required specific strategies to support learners who have, or have previously had, a statement of Special Educational Need or an Education and Health Care Plan into employment.

Introducing the group of amendments, Toby Perkins said: “there is a disturbing lack of attention paid in the Bill to people with special needs or disabilities.”²⁸ Other MPs highlighted the numbers of FE learners with a recognised learning difficulty or disability, and noted disabled people were far more likely to be unemployed than people who are not disabled.²⁹ Emma Hardy said the amendments sought “to ensure that the voices of disabled people are heard and recognised in the Bill.”³⁰

Responding, the Skills Minister said details on these matters would be set out in statutory guidance, and the Government would engage with stakeholders representing learners with special educational needs and disabilities as that guidance was developed.³¹ He also noted if ERBs did not adhere to statutory guidance, they may lose their designation and so would no longer be responsible for developing LSIPs.³² The Minister also argued LSIPs were not the only way to deal with these issues and pointed to the Government’s national disability strategy. As a result of this wider work, he said the Government did not believe the amendments were necessary, but he acknowledged their underlying concerns.³³

Amendment 1 was rejected ten votes to six. **Amendment 27** was withdrawn after debate. **Amendments 2, 3, 28, and 34** were not put to a vote.

Scope of the Bill’s duties: ‘English-funded’ education

Government amendments 10 to 17 were all concerned with making clear that some of the Bill’s duties applied only to education that was English-funded (funded wholly, or partly by the Secretary of State, a combined authority, the Greater London Authority, or a local authority in England). All amendments were agreed without a vote.

²⁸ [PBC Deb \(Bill 176\) 30 November 2021 c34.](#)

²⁹ [PBC Deb \(Bill 176\) 30 November 2021 c38-39.](#)

³⁰ [PBC Deb \(Bill 176\) 30 November 2021 c39.](#)

³¹ [PBC Deb \(Bill 176\) 30 November 2021 c40.](#)

³² [PBC Deb \(Bill 176\) 30 November 2021 c42.](#)

³³ [PBC Deb \(Bill 176\) 30 November 2021 c42.](#)

- **Amendment 10** would limit the scope of an LSIP to only post-16 technical education or training that is English-funded.
- **Amendments 11 to 14** would make it clear a “relevant provider”, to whom the duties in clause 1(4) apply, must be based in England.
- **Amendments 15 to 17** would ensure education or training is treated as English-funded if money is paid directly to providers, as set out by regulations made by the Secretary of State.

Employer Representative Bodies (ERBs)

Clause 2 of the Bill relates to ERBs. These are impartial bodies that must be “reasonably representative” of the employers in the specified area. They would develop and review the LSIP for their area. The Secretary of State would designate the ERB in line with terms and conditions they deem appropriate.

Several amendments were tabled to the Bill on the subject of ERBs, but **none were successful**.

Ensuring a representative ERB

A group of amendments was tabled by the Opposition that sought to ensure ERBs were representative of a wide range of stakeholders.

- **Amendment 35** would have specified the ERB can include both public and private sector employers.
- **Amendment 36** sought to require a designated ERB to also be representative of local FE colleges, independent training providers, the local or combined authority, and Local Enterprise Partnerships (LEPs).
- **Amendment 46** sought to require ERBs to include the interests of small and medium sized enterprises, self-employed people, and public and voluntary sector employers.
- **Amendment 37** would have required that if no suitable ERB is representative of the groups noted in amendments 35, 36 and 46, a Local Enterprise Partnership or metro mayor would create a board which is representative.

Toby Perkins said the amendments reflected Labour’s “much more collaborative approach” to skills provision and its desire to ensure the groups responsible for education are placed on a similar footing to employers.³⁴

The Minister reiterated the Government’s desire for LSIPs to be “employer-led”, but said ERBs should work closely with local stakeholders, including

³⁴ [PBC Deb \(Bill 176\) 30 November 2021 c59, 66.](#)

education providers, local authorities, and LEPs.³⁵ He said this would be covered in more detail in statutory guidance.³⁶

The Opposition pressed amendment 37 to a vote but it was **rejected** ten votes to six. Amendment 35 was withdrawn after debate and the other amendments in the group were not put to a vote.

Conditions for ERBs

Opposition **amendment 43** aimed to insert lines into clause 2 which would require ERBs to publish a conflicts of interest policy and to consider national strategies (including the [Decarbonisation Strategy](#)).³⁷

During the debate on the amendment, there were concerns around the role of private bodies, such as chambers of commerce, in decisions on FE provision, particularly in relation to the potential for undue influence on approving plans or allocating funds. The Skills Minister said the precise terms and conditions for the designation of ERBs needed to be “flexible”, and the specifics should be set out by the Education Secretary in a notice of the designation, rather than in the Bill.³⁸

The amendment was pressed to a vote and **rejected** by 8 votes to 6.

Review of the operation of the apprenticeship levy

Opposition **amendment 32** sought to require the Institute for Apprenticeships and Training to review the operation of [the apprenticeship levy](#).

It would have required the Institute to ensure sufficient apprenticeships at level 3 and below were available.³⁹ Toby Perkins said the apprenticeship levy had led to a steep decline in people under 25 taking entry-level apprenticeships.

The Skills Minister said it was for the Government to decide when it was the right time for a review of apprenticeship reforms, through consultation with stakeholders.⁴⁰

The amendment was pressed to a vote and rejected by eight votes to six.

Withdrawal of public funding from level 3 qualifications

Several amendments relating to the [Government’s intentions to withdraw public funding from some level 3 qualifications, including many BTECs, were debated](#). As a result of amendments tabled by the Government during the

³⁵ [PBC Deb \(Bill 176\) 30 November 2021 c64](#).

³⁶ [PBC Deb \(Bill 176\) 30 November 2021 c64](#).

³⁷ [PBC Deb \(Bill 176\) 2 December 2021 c72](#).

³⁸ [PBC Deb \(Bill 176\) 2 December 2021 c74](#).

³⁹ [PBC Deb \(Bill 176\) 2 December 2021 c83](#).

⁴⁰ [PBC Deb \(Bill 176\) 2 December 2021 c93](#).

Bill's committee stage in the House of Commons, MPs reversed changes made in the Lords that sought to delay or block these reforms.

Two Government amendments sought to remove amendments inserted into clause 7 of the Bill by Opposition peers in the Lords.⁴¹

- **Amendment 18** would remove an amendment ([Lords amendment 29](#)) which would delay the withdrawal of public funding from level 3 qualifications for four years.
- **Amendment 19** would reverse an amendment ([Lords amendment 31](#)) that no student would be deprived of the right to take two BTECs, an applied general qualification, or a diploma or an extended diploma.

These amendments were debated in conjunction with two Opposition amendments:

- **Opposition amendment 47** sought to require the Secretary of State to appoint an alternative body to the Institute for Apprenticeships and Training to approve the withdrawal of technical education qualifications at Level 3.
- **Opposition amendment 48** sought to require the Secretary of State to publish the criteria for what they consider to be high quality qualifications worth funding and to set up an independent panel to determine this.

With regard to **Government amendment 18**, the Skills Minister said the Lords amendment to delay the withdrawal of public funding from level 3 qualifications until 2026 was “not needed”. He said the Government had “listened to the issues raised” in the Lords and in response the Secretary of State for Education had announced an extra year before public funding would be withdrawn from qualifications that overlap with [T levels](#). He said an “additional year strikes the right balance between giving providers, students and other stakeholders enough time to prepare while moving forward with our important reforms.”⁴²

On **Government amendment 19**, the Skills Minister said, “students will continue to be able to study mixed programmes, with applied general-style qualifications alongside A-levels, where there is a need and where they meet our new other criteria.”⁴³

Toby Perkins, Shadow Minister for Apprenticeships and Lifelong Learning, said the Government's amendments would remove “two of the most important amendments that were secured in the House of Lords.” He pointed out the amendments had received cross party support.

⁴¹ [PBC Deb \(Bill 176\) 2 December 2021 c111.](#)

⁴² [PBC Deb \(Bill 176\) 2 December 2021 c111.](#)

⁴³ [PBC Deb \(Bill 176\) 2 December 2021 c112.](#)

The Shadow Minister said the year delay on defunding was an important concession, but he was concerned this would not be included in the Bill. He was also concerned amendment 19 would prevent students who had a level 3 qualification from accessing a second one and the impact that this would have on re-skilling.⁴⁴

Rachel Hopkins said: “We need to have much more evidence of the success or otherwise of T-levels before we move in any way to withdraw successful vocational qualifications that already exist.” This view was also expressed by other committee members.⁴⁵

Toby Perkins moved amendment 48. He said: “It is essential for the Government to unveil what they deem to be useful qualifications before the Bill is passed.”⁴⁶ Amendment 48 would require a panel of experts to determine what a ‘high-quality’ qualification is. He expressed concerns that the Government was undermining BTECs and other level 3 qualifications to promote T levels.

The amendments were pressed to a division. **Government amendments 18 and 19 were agreed** by 9 votes to 6. **Amendment 48 was rejected** by nine votes to six.

Review of T levels

T levels, the [new two-year technical qualifications equivalent to A levels](#), were discussed in relation to the Opposition’s proposed **new clause 6 (NC6)**. This clause would place a duty on the Secretary of State to review the education and employment outcomes of T level students two years after the first cohort has completed their studies. It would also prevent funding being removed from qualifications until the review has been carried out.

Toby Perkins said Labour welcomed T levels in principle, but he expressed concerns about their implementation. He said as the first-year cohort of pupils was small there would be insufficient evidence to assess their success. Furthermore, he said there were real concerns about the work experience element of T levels.⁴⁷

The Skills Minister said there were already mechanisms in place for reviewing T levels from 2024. He said:

We are working closely with students, providers, employers and universities to ensure that stakeholders are clear on the range of progression opportunities that T-levels present. From 2024, we will publish statistics on the attainment of the T-level technical qualification and the employment outcomes of T-level

⁴⁴ [PBC Deb \(Bill 176\) 2 December 2021 c114.](#)

⁴⁵ [PBC Deb \(Bill 176\) 2 December 2021 c116.](#)

⁴⁶ [PBC Deb \(Bill 176\) 2 December 2021 c99.](#)

⁴⁷ [PBC Deb \(Bill 176\) 7 December 2021 c127.](#)

graduates. That is set out in the technical guidance of the 16 to 18 accountability measures.⁴⁸

NC6 was **rejected** by nine votes to five.

Information about technical education and training

Clause 14 was added to the Bill in the Lords but removed during committee stage in the Commons. It would have required schools in England to allow a range of education and training providers (including, where reasonably practicable, a university technical college) to inform pupils directly about technical qualifications or apprenticeships. Access to pupils would have been required on at least nine occasions between the ages of 13 and 18-years-old (three times during each of the first, second, and third key phases of their education between years 8 and 13).

Clause 14 was removed during committee stage in the Commons following a vote that split along party lines seven votes to three.⁴⁹

The Government tabled **New Clause 1 (NC1)** to replace it, which sought to remove requirements for university technical colleges to have access to pupils, and to require access be given on three occasions (in each key phase once, rather than three times). The Minister said the Government wanted to act in the interests of all providers, not just university technical colleges, and it was concerned nine encounters would place unnecessary pressure on schools.⁵⁰

In response, Toby Perkins argued NC1 was a weaker version of clause 14, but said the Opposition recognised it was better than not having it at all. **NC1 was agreed without a vote.**

Universal Credit while studying

Clause 17 was added to the Bill in the House of Lords but removed during Committee Stage in the Commons. It would have changed the law so some students could keep their Universal Credit entitlement while studying. Financial support for students comes from learner loans and grants. Section 4(1)(d) of the Welfare Reform Act 2012 states that a basic condition of entitlement to Universal Credit is that the person must not be receiving education.

The Opposition said: “It is vital that the cross-party support in the House of Lords on ensuring that those in receipt of universal credit are not penalised for undergoing level 3 training is upheld in the Bill.”⁵¹

⁴⁸ [PBC Deb \(Bill 176\) 7 December 2021 c126.](#)

⁴⁹ [PBC Deb \(Bill 176\) 7 December 2021 c139.](#)

⁵⁰ [PBC Deb \(Bill 176\) 7 December 2021 c201.](#)

⁵¹ [PBC Deb \(Bill 176\) 7 December 2021 c145.](#)

Clause 17 was removed from the Bill following a vote that split along party lines nine votes to four.

Lifelong learning

Clause 18 was added to the Bill in the House of Lords but removed during committee stage in the Commons. It would have required the Secretary of State to publish an annual report on how funding restrictions effect the level of skills within England and Wales, particularly for people wanting to do an equivalent or lower qualification to one they hold (the ELQ restrictions/rules).

ELQ funding restrictions

An equivalent or lower qualification (ELQ) is a course at the same level or below a qualification an individual already holds. For example, if an individual holds a higher national certificate (level 4), a level 3 national diploma would be an ELQ.

Some exceptions aside, Government funding is generally not provided for students wanting to pursue an equivalent or lower qualification to one they already hold.

The Skills Minister said an annual reporting requirement would create an unnecessary burden upon the Government and the taxpayer. He added:

introducing an ongoing obligation to report annually on eligibility before the [lifelong learning entitlement] policy detail is yet finalised may prejudice the outcome of the consultation, as it could indicate a future path for ELQ rules before there has been a chance for open consultation to happen.⁵²

Toby Perkins said he thought a review could push the Government to take steps to address skill shortages.

Clause 18 was removed from the Bill following nine votes to four, which split along party lines.

Special educational needs awareness in initial teacher training

Clause 19 would give the Secretary of State the power to regulate the quality of initial teacher training for the further education sector in England, if required changes or improvements could not be achieved without legislation.

Subsection 3 of this clause was added during the report stage in the House of Lords. It was then removed during committee stage in the Commons. It would

⁵² [PBC Deb \(Bill 176\) 7 December 2021 c150](#).

have required special educational needs (SEN) awareness training to be included on further education teacher training courses.

The Government removed subsection 3 by tabling **amendment 23**. The Opposition then tabled **new clause 2 (NC2)**, which was debated with amendment 23. NC2 sought to place a duty on the Secretary of State to ensure there is adequate special educational needs training for teachers of students in further education.⁵³

The Skills Minister said it was vital for teachers to be trained to identify and respond to the needs of all their learners. However, he also said the “Government do not prescribe the content of further education initial teacher training. We believe that experts from the sector are best placed to design training programmes to meet the needs of learners.”⁵⁴

Toby Perkins said NC2 was an attempt to find a different way to deliver the same initiative as the one proposed in clause 19. Matt Western, the Shadow Minister for Further Education and Universities, said he had concerns with clause 19 but he would support NC2.⁵⁵

The Minister said he fully understood the sentiment behind the changes that the Lords and the Opposition were trying to make, but the Government believed “the occupational standard is best owned by the profession itself.”⁵⁶

Amendment 23 was **agreed** by nine votes to four. **Subsection 3 of clause 19 was removed from the Bill**. NC2 was **rejected** 10 votes to five.

Assessing the quality of higher education using student outcomes

Clause 20 would allow the Office for Students (OfS) to consider student outcomes when assessing the quality of higher education provided by a registered higher education provider. The Opposition moved several amendments to this clause including:

- **Opposition amendment 55**, which aimed to ensure that when making decisions about measuring student outcomes, the OfS has due regard to how the participation in higher education of students from disadvantaged and underrepresented groups might be affected.
- **Opposition amendment 56**, which sought to require the OfS to consult the higher education sector before determining what minimum levels were when measuring student outcomes.

The Skills Minister said amendment 56 was unnecessary. He assured the Committee that, under the Higher Education and Research Act 2017, the OfS

⁵³ [PBC Deb \(Bill 176\) 7 December 2021 c154.](#)

⁵⁴ [PBC Deb \(Bill 176\) 7 December 2021 c154.](#)

⁵⁵ [PBC Deb \(Bill 176\) 7 December 2021 c157.](#)

⁵⁶ [PBC Deb \(Bill 176\) 7 December 2021 c158.](#)

already had a statutory duty to consult before publishing any revised version of its regulatory framework, including measures on quality measures. He added a further consultation on specific outcome levels, and how the OfS will take wider context into account, will be published early next year.”⁵⁷

Regarding amendment 55, the Skills Minister said the OfS already had to take due regard of the impact of its decisions on disadvantaged and under-represented groups.

Amendments 55 and 56 were **rejected** by nine votes to four.

List of relevant providers and funding

Clauses 21 to 24 of the Bill concern a new power for the Secretary of State to create and maintain a list of relevant FE and training providers through regulations.

Opposition amendment 29 aimed to insert lines into clause 21 which would allow mayoral combined authorities, or other authorities as defined by the Secretary of State, to establish a list of their own relevant education or training providers. Toby Perkins said the amendment would ensure that the Government “did not allow Whitehall decision makers to prevent the continuation of local arrangements and relationships that are delivering for local communities”. He said there was concern that the Secretary of State’s list of relevant providers would exclude local providers that may not offer the scale and scope of national providers, but which have a successful track record in local areas.⁵⁸

The Minister said the amendments could lead to multiple lists of providers with different requirements for each list, which would be confusing for providers and learners and would lead to additional bureaucracy.⁵⁹

Amendment 29 was **rejected** by 10 votes to four.

Clause 22 of the Bill relates to “funding arrangements” with providers. It would ensure that funding authorities, such as the Secretary of State or a local authority, are prevented from entering “funding arrangements” with providers not on the list.

Government amendment 24 was a minor and technical amendment to clause 22. It sought to clarify that advanced learner loan funding that went through the Student Loans Company was in the scope of clause 22. **The amendment was agreed without a vote.**

⁵⁷ [PBC Deb \(Bill 176\) 7 December 2021 c163.](#)

⁵⁸ [PBC Deb \(Bill 176\) 7 December 2021 c167.](#)

⁵⁹ [PBC Deb \(Bill 176\) 7 December 2021 c168.](#)

Opportunities for education and skills development

Clause 25 was added to the Bill in the House of Lords, after an amendment moved by Lord Clarke was agreed during the report stage. The clause was not supported by the Government and was removed during committee stage in the Commons.

The clause would have given people **of any age** in England the right to free education for their first qualification if it was on an approved course and up to and including level 3 (A level or equivalent). It would also have required employers who receive apprenticeship funding to spend at least two thirds on students who begin apprenticeships at level 2, or level 3 before the age of 25.

During committee stage in the Commons, the Opposition tabled **amendments 53 and 54** to clause 25. Amendment 53 sought to extend the clause's provisions to everyone, rather than just to those who had not already studied at level 3 or below. Amendment 54 sought to extend the clause to those who earned below the living wage (as identified by the Living Wage Foundation). These amendments were debated with **new clause 7 (NC7)**, which was also tabled by the Opposition. NC7 sought to allow funding for a second level 3 qualification for individuals where Employer Representative Bodies identify a local need or skills shortage.

Matt Western, Shadow Minister for Further Education and Universities, argued the amendments and new clause were necessary to ensure “a process of continuous development”, allowing people to adapt to an evolving workplace.⁶⁰ In response, the Skills Minister argued putting such entitlements into legislation would constrain the Government's ability to react quickly when needed. He also said the Government had already announced that adults who were unemployed or who earned below the national living wage would be able to access the [free courses for jobs offer](#) from April 2022, regardless of their qualification level.⁶¹

Toby Perkins, Shadow Minister for Apprenticeships and Lifelong Learning, withdrew **amendment 53** but put **amendment 54 and NC7** to a vote. They were **rejected** 10 votes to five and 9 votes to five respectively.

During the debate on clause 25 (once the amendments had been rejected), the Skills Minister argued the Bill was not an appropriate place to create new legal entitlements for level 3 qualifications and below while a review was underway.⁶²

He also said he could not support the clause because he did not want to restrict how apprenticeship funding was allotted. In response, Toby Perkins

⁶⁰ [PBC Deb \(Bill 176\) 7 December 2021 c180.](#)

⁶¹ [PBC Deb \(Bill 176\) 7 December 2021 c182.](#)

⁶² [PBC Deb \(Bill 176\) 7 December 2021 c183-4.](#)

expressed concern about how businesses used apprenticeship levy funds and how this affected the number of apprenticeships available to young people.⁶³

Clause 25 was rejected by ten votes to four.

Sharia-compliant student finance

Some Muslim students choose not to take out student loans because of the interest added to these loans. There are also issues for some students around the investments made by loan companies, which may be in industries such as gambling or alcohol. Since 2014, the Government has been looking into providing a Sharia-compliant funding system for students. An update is expected “at a future date” as part of the conclusion to the review of post-18 education and funding.⁶⁴

More information is available in the Library casework article [Sharia-compliant alternative student finance](#).

The Opposition tabled **new clause 4 (NC4)** to the Bill, which sought to allow the Secretary of State to make provision for Sharia-compliant lifelong learning loans. Toby Perkins said: “It is important that students do not feel excluded from applying for lifelong learning loans because they are not sharia compliant.”⁶⁵

In response, the Minister argued clause 15 of the Bill would already allow alternative payments, such as Sharia-compliant loans, to be given to students, and so NC4 was unnecessary. He also noted a decision on a Sharia-compliant student finance product will be part of the conclusion of the post-18 education and funding review.⁶⁶

Inclusion of **NC4 in the Bill was rejected** by nine votes to five.

⁶³ [PBC Deb \(Bill 176\) 7 December 2021 c184-5](#).

⁶⁴ [PQ 80274 \[Students: Finance\], 29 November 2021](#).

⁶⁵ [PBC Deb \(Bill 176\) 7 December 2021 c205](#).

⁶⁶ [PBC Deb \(Bill 176\) 7 December 2021 c205](#).

4 Commons report stage and third reading

The Bill's [report stage and third reading in the House of Commons](#) were held on Monday 21 February 2022. A [list of tabled amendments can be found on the Bill's webpage \(PDF\)](#).⁶⁷

17 new clauses and 18 amendments were tabled to the Bill, but **only new clause 12, which was tabled by the Government, was successfully added**. It would give the Office for Students (OfS), which regulates higher education in England, powers to publish regulatory reports and decisions, as well as protection from defamation claims relating to these reports and decisions.

The Department for Education [published a document explaining the 27 amendments \(PDF\)](#) made during the Bill's passage in the Commons.⁶⁸

4.1 Government amendments

New Clause 12 (NC12) was tabled by the Government. It would insert three new sections into the [Higher Education and Research Act 2017](#), which relate to the OfS and its ability to publish information about its compliance and enforcement activity. **Amendment 9** would bring NC12 into force two months after the Bill received royal assent, while **amendment 10** amends the Bill's long title to account for NC12.

The three new sections to be inserted into the Higher Education and Research Act concern:

- The OfS' power to publish notices, decisions, and reports;
- Publication by the OfS of its decisions to conduct or terminate investigations;
- Protection for the OfS from defamation claims, including when it announces the opening of an investigation or publishes regulatory decisions.

Introducing the new clause, the Minister for Skills, Alex Burghart, said it was in the public interest for the OfS to be transparent in its work, particularly when it is investigating higher education providers for potential breaches of

⁶⁷ [Skills and Post-16 Education Bill \[Lords\], Amendment Paper](#), 21 February 2022.

⁶⁸ Department for Education, [Explanatory notes on commons amendments](#), 22 February 2022.

their [registration conditions](#).⁶⁹ Other regulators, such as the Competition and Markets Authority and Ofsted, have similar powers and protections.

NC12 was agreed without a vote.

4.2

Other areas of debate

Many of the issues raised during the Bill's committee stage were once again highlighted through amendments tabled during its report stage and third reading. These included sharia-compliant student finance,⁷⁰ access to universal credit while studying,⁷¹ and the removal of funding from BTECs.⁷²

Most amendments and new clauses tabled by the Opposition and other MPs were not put to a vote, and none were successfully added to the Bill.

Careers guidance

Amendment 13, which was tabled by the Opposition, would have required every school to provide face-to-face careers guidance and two weeks' worth of compulsory work experience for its pupils.

In response, the Minister for Skills said the Government wants schools and colleges to follow the [Gatsby benchmarks on careers guidance](#), which have been independently developed based on international practice.

The Gatsby benchmarks of Good Career Guidance

The Gatsby benchmarks of Good Career Guidance are:

1. A stable careers programme
2. Learning from career and labour market information
3. Addressing the needs of each pupil
4. Linking curriculum learning to careers
5. Encounters with employers and employees
6. Experiences of workplaces
7. Encounters with further and higher education
8. Personal guidance

Amendment 13 was defeated 291 votes to 158.

⁶⁹ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c87-88.](#)

⁷⁰ New clause 13, [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c107-109.](#)

⁷¹ New clause 5, [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c115-116.](#)

⁷² Amendment 15, [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c89-92, 118-121.](#)

Robert Halfon, the Chair of the Education Select Committee, tabled **new clause 3**, which would ensure [section 2 of the Technical and Further Education Act 2017](#), commonly known as the Baker Clause, would be legally enforceable.

The Baker Clause requires schools to ensure there is an opportunity for a range of education and training providers to access pupils in Years 8 to 13 to inform them about technical education qualifications and apprenticeships.

New clause 3 would have required schools to give access to education and training providers, and where appropriate a university technical college, on at least nine occasions to pupils in Years 8 to 13. It reproduced the Bill's previous clause 14, which had been added in the Lords but removed during the Bill's committee stage in the Commons.

Robert Halfon said he did not believe the Baker clause had been implemented correctly and it was necessary to toughen up the legislation around careers guidance.⁷³ New clause 3 had cross-party support, but Robert Halfon chose not to put it to a vote, saying he hoped he could continue to work with the Minister to make improvements to careers guidance and the Baker clause.⁷⁴

Employer representative bodies

Amendment 14 was tabled by the Opposition, and would have given local authorities, Mayoral Combined Authorities, and Local Enterprise Partnerships the power to consent to the formation of employer representative bodies (ERBs) in their area. It would have also sought to ensure ERBs were representative of the area they cover.

The Government amended the Bill during its committee stage to ensure due consideration would need to be given to the views of combined authorities in developing local skills improvement plans.

Labour felt this did not go far enough, however. The Shadow Minister for Skills and Further Education, Toby Perkins, said it was important ERBs did not just consult with those with local democratic accountability, but also reach agreement with them.⁷⁵

Amendment 14 was put to a vote and defeated 298 votes to 154.

Availability of qualifications

Robert Halfon also tabled **new clause 2**, which replicated a clause added to the Bill in the House of Lords (clause 25), but which was subsequently removed during committee stage in the Commons.

New clause 2 sought to provide funding for education and skills development up to a level 3 qualification for any person of any age if they have not already studied at that level. It would also have required employers who receive

⁷³ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c96.](#)

⁷⁴ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c93.](#)

⁷⁵ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c92.](#)

apprenticeship funding to spend at least two thirds on students who begin apprenticeships at level 2 or level 3 before the age of 25.

From 2025, the lifelong loan entitlement will provide individuals with funding for four years of post-18 education at levels 4 to 6 to use over their lifetime.

Robert Halfon said he welcomed the [lifelong loan entitlement](#), but more support was needed to improve basic skills and the take-up of [level 2 qualifications](#), which he argued are a “key stepping-stone for progression for low-skilled adults.”⁷⁶ However, he acknowledged there was a “financial cost and that we are in difficult financial times”, and so did not put the proposed clause to a vote.⁷⁷

Instead, Robert Halfon asked if the Government would consider reviewing funding options for qualifications at the next spending review. He said:

I ask that the Government genuinely commit to look at funding options in the next spending review and particularly at using the underspend from budgets such as the adult education budget, even if they just introduce these provisions for maths and English. I would welcome the Minister’s views on that when he responds.⁷⁸

In response, the Minister said he did not think it was right for the Government to be constrained in how it allocates resources, nor did he want to see “arbitrary levels fixed in legislation” for apprenticeship spending.⁷⁹

Margaret Greenwood tabled **new clause 17**, which was also on the subject of the availability of qualifications. It would have required the Secretary of State for Education to review the availability of humanities, social sciences, arts, and languages qualifications at [Entry level to Level 4](#) in areas where a Local Skills Improvement Plan would apply. It would have also required the Secretary of State to improve the availability of such courses where necessary.

Margaret Greenwood expressed concern the Bill may lead to a narrowing of educational opportunity, and highlighted the transformational ability of education to build confidence and expand horizons. She said:

A person living in an area where most available work is in agriculture may want to pursue a completely different career path. How can their local employer representative body cater for them? The Minister will be aware that Billy Elliot lived in a mining community but did not want to go down the mine. His local employer representative body would doubtless have said, “There’s no call for ballet dancers round here,” so his talent and passion would have gone to waste. Surely it cannot be right that people’s ambitions should be constrained by the needs of local employers.⁸⁰

New clause 17 was not put to a vote.

⁷⁶ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c95.](#)

⁷⁷ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c96.](#)

⁷⁸ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c96.](#)

⁷⁹ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c122-3.](#)

⁸⁰ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c114.](#)

5

Consideration of amendments

Consideration of Lords/Commons amendments, or ‘ping-pong’, is when a bill is sent back and forth between the House of Commons and the House of Lords as they try to resolve disagreements about the final text.

The Institute for Government has an [explainer of the process on its website](#).⁸¹

5.1

24 March 2022: Lords consideration of Commons amendments

On 24 March, the House of Lords considered the [27 amendments \(PDF\)](#) made during the Bill’s passage through the Commons. A [list of motions and amendments \(PDF\)](#) tabled by Lords as part of the consideration of Commons amendments is available on the [Bill’s webpage](#).

The Lords agreed to all Commons amendments, but added new words to amendments 15 and 17. These would amend the Bill to allow funding to be withdrawn from some level 3 qualifications only after three years, and in some cases four years. This change was made against the wishes of the Government, who had previously announced a one-year delay to their initial timetable for withdrawing public funding for some level 3 qualifications that overlap with T Levels.

The second change would require education and training providers to have access to pupils on at least six occasions, from years 8 to 13, to inform them about their technical education options. This amendment was tabled by the Government and was an increase from the Bill’s previous requirement of at least three encounters.

Withdrawal of public funding from level 3 qualifications

The Government’s reforms to level 3 qualifications, which include removing funding from some qualifications that overlap with T Levels, have been the subject of debate during the Bill’s passage through Parliament.⁸²

During the first day of the [Bill’s report stage in the House of Lords](#), an amendment was agreed – against the wishes of the Government – to delay

⁸¹ Institute for Government, [Parliamentary ping pong](#).

⁸² See the Library Insight [Level 3 qualifications reform: What’s happening to BTECs?](#) for an overview of the reforms.

the withdrawal of public funding from level 3 qualifications for four years.⁸³ This change was subsequently reversed during the Bill's committee stage in the Commons, but the Government agreed to delay the reform timetable by a year.⁸⁴

During the Lords consideration of Commons amendments, Lord Blunkett tabled an amendment that agreed with the reversal, but which proposed the withdrawal of funding would instead be delayed for three years, and possibly a fourth year, “unless the Institute for Apprenticeships and Technical Education has undertaken public consultation and secured consent of the relevant employer representative bodies.”

In response, Baroness Barran said a one-year delay to the timetable was a sufficient balance between giving providers, awarding organisations, and students enough time to prepare, and ensuring the Government's “important reforms” moved forward.⁸⁵ She also said, contrary to claims from peers, the Government considered BTECs to be a “core part” of the future qualification offer.⁸⁶

Lord Blunkett's amendment was agreed by 138 votes to 125.

Information about technical education and training

The number of times education and training providers must be able to speak to pupils between the ages of 13 and 18-years-old (years 8 to 13) was also an issue raised regularly during the Bill's passage through Parliament.

The Lords had initially amended the Bill to require access be given on at least nine occasions during the first, second, and third key phases of their education in years 8 to 13. This change was reversed during committee stage in the Commons, and the Government amended the Bill to require access on three occasions in total.⁸⁷ During report stage in the Commons, Robert Halfon, the Chair of the Education Select Committee, again called for nine encounters to be required.⁸⁸

During the consideration of Commons amendments, Baroness Barran announced the Government would be tabling two concessionary amendments on this subject. The amendments would require six encounters between a range of providers and pupils between the ages of 13 and 18-years-old (an average of one per year over the course of a pupil's secondary education).⁸⁹ Baroness Barran also said statutory guidance would be produced with details

⁸³ [HL Deb \[Skills and Post-16 Education Bill Lords\] 12 October 2021 c1801-2.](#)

⁸⁴ [HC Deb \[Skills and Post-16 Education Bill Lords\] 15 November 2021 c385.](#)

⁸⁵ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 24 March 2022, c1098.](#)

⁸⁶ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 24 March 2022, c1116.](#)

⁸⁷ [PBC Deb \(Bill 176\) 7 December 2021 c139.](#)

⁸⁸ [HC Deb \[Skills and Post-16 Education Bill Lords\] 21 February 2022 c96.](#)

⁸⁹ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 24 March 2022, c1098.](#)

of the full range of providers the Government would expect pupils to have the opportunity to meet.⁹⁰

The Government's amendments were agreed without a vote.

5.2 28 March 2022: Commons consideration of Lords amendments

The Bill [returned to the House of Commons on 28 March 2022](#).

The Commons rejected the Lords amendment to delay the withdrawal of public funding from level 3 qualifications for longer than the current policy of one year. It agreed with the Government-backed amendment to require six encounters between school and college pupils and providers of technical education and apprenticeships.

Withdrawal of public funding from level 3 qualifications

The Government tabled a motion to reject the Lords amendment that sought to delay the withdrawal of public funding from level 3 qualifications overlapping with T Levels for at least three years. The Minister for Skills, Alex Burghart, reiterated the Government's view that a year's delay was sufficient.⁹¹

Speaking for the Opposition, the Shadow Minister for Apprenticeships and Lifelong Learning, Toby Perkins, criticized the Government's decision to reverse many of the changes made to the Bill by the Lords during its passage through Parliament.⁹² He said ministers should "proceed cautiously", and continue to fund BTECs and other level 3 qualifications alongside T Levels.

The Government's motion was agreed by the Commons by 280 votes to 152.

In providing an official reason to the Lords for their decision to reject the change, the Commons said:

the timetable for the rollout of the reform programme for post-16 qualifications should not be delayed further and the additional requirements would introduce unnecessary burdens.⁹³

Information about technical education and training

The Government also tabled a motion to accept the Lords amendments to require at least six encounters between education and training providers and

⁹⁰ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 24 March 2022, c1131](#).

⁹¹ [HC Deb \[Skills and Post-16 Education Bill \[Lords\]\] 28 March, c611](#).

⁹² [HC Deb \[Skills and Post-16 Education Bill \[Lords\]\] 28 March, c613-4](#).

⁹³ [Commons disagreement and reason](#), 29 March 2022.

pupils in schools and colleges. The Skills Minister said this represented a “compromise”, following the Bill’s initial requirement for three encounters, and previous amendments passed in the Lords requiring nine encounters.

Toby Perkins said while Labour would have preferred to see the Bill require nine encounters, it would support the amendments.⁹⁴

The amendments were accepted without a vote.

5.3

7 April 2022: Lords consideration of Commons amendments

The Bill [returned to the Lords on 7 April 2022](#) to consider the Commons rejection of its amendment to delay the withdrawal of public funding from some level 3 qualifications.

Baroness Barran tabled a motion saying the Lords did not insist on their amendment.⁹⁵ The motion was agreed without a vote.

Withdrawal of public funding from level 3 qualifications

Prior to the debate in the Lords, the Secretary of State for Education, Nadhim Zahawi, sent a [letter to peers asking them to support the Bill](#) (PDF). He set out the Government’s position on its level 3 qualification reforms in light of the concerns raised in the House of Lords.⁹⁶

Baroness Barran repeated a number of these points when opening the debate. She revealed the Government expects public funding to be removed for only a small proportion of the total level 3 qualification offer through the process to identify qualifications that overlap with wave 1 and 2 T Levels. Baroness Barran also said many applied general qualifications, including BTECs, will have a “continuing and important role to play alongside A-levels and T-levels.”⁹⁷

Baroness Barran also confirmed:

- Students will be able to take applied general-style qualifications, including BTECs, alongside A-levels as part of a mixed programme.
- 1,800 qualifications with low or no student numbers will have their funding removed from August 2022.

⁹⁴ [HC Deb \[Skills and Post-16 Education Bill \[Lords\]\] 28 March, c614-5.](#)

⁹⁵ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 7 April 2022 c2201.](#)

⁹⁶ Secretary of State for Education, [Letter to the House of Lords: Skills and Post-16 Education Bill: technical education qualification reforms](#) (PDF), 7 April 2022.

⁹⁷ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 7 April 2022 c2202.](#)

- Employers will have the opportunity to say if they believe level 3 qualifications support entry into occupations not covered by T Levels.
- Qualifications that overlap with T Levels introduced in 2020 and 2021 will not have funding approval removed until the 2024/25 academic year.
- Qualifications that overlap with T Levels introduced in 2022 and 2023 will not have funding approval removed until the 2025/26 academic year.⁹⁸

In response, several peers welcomed the Government's announcement and its revised approach to phasing in the reforms.⁹⁹

⁹⁸ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 7 April 2022 c2202-4.](#)

⁹⁹ [HL Deb \[Skills and Post-16 Education Bill \[HL\]\] 7 April 2022 c2204-8.](#)

6 Royal assent

The Bill received royal assent on 28 April 2022 and became the Skills and Post-16 Education Act 2022.

In a press release, the Minister for Skills, Alex Burghart, said:

The Skills and Post-16 Education Act will transform the skills, training and post-16 education landscape and level up opportunities across the country.

This legislation will make sure everyone can gain the skills they need to progress into a rewarding job, and businesses have access to a pipeline of talented, qualified employees for their workforces – boosting productivity.¹⁰⁰

The Department for Education's Education Hub has published a blog on [Everything you need to know about the Skills Act](#), 28 April 2022.¹⁰¹

¹⁰⁰ DfE press release, [Skills Bill becomes law](#), 28 April 2022.

¹⁰¹ DfE Blog, [Everything you need to know about the Skills Act](#), 28 April 2022.

Appendices

The Public Bill Committee

The Public Bill Committee was chaired by Clive Efford and Maria Miller. It comprised ten Conservative MPs and seven Labour MPs. Its membership was:

- Tahir Ali (Birmingham, Hall Green) (Lab)
- Ben Bradley (Mansfield) (Con)
- Alex Burghart (Minister for Skills)
- Andy Carter (Warrington South) (Con)
- Brendan Clarke-Smith (Bassetlaw) (Con)
- Andrew Gwynne (Denton and Reddish) (Lab)
- Emma Hardy (Kingston upon Hull West and Hessle) (Lab)
- Rachel Hopkins (Luton South) (Lab)
- Jane Hunt (Loughborough) (Con)
- Tom Hunt (Ipswich) (Con)
- Kim Johnson (Liverpool, Riverside) (Lab)
- David Johnston (Wantage) (Con)
- Lia Nici (Great Grimsby) (Con)
- Toby Perkins (Chesterfield) (Lab, Shadow Minister for Apprenticeships & Life-Long Learning)
- Angela Richardson (Guildford) (Con)
- Michael Tomlinson (Lord Commissioner of Her Majesty's Treasury)
- Matt Western (Warwick and Leamington) (Lab, Shadow Minister for Further Education and Universities)

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