

Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Bill [HL]

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 22nd October 2024, as follows –

Clause 1	Clause 3
Schedule 1	Schedule 3
Clause 2	Clauses 4 to 13
Schedule 2	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 8

LORD STOREY
LORD ABERDARE
LORD HAMPTON

18 After Clause 8, insert the following new Clause –

“Report: functions transferred to the Secretary of State

Within six months of the day on which this Act is passed and annually thereafter, the Secretary of State must lay before Parliament a report, explaining how they have discharged the functions transferred to them by virtue of this Act.”

Member's explanatory statement

This amendment requires the Secretary of State to lay a report before Parliament at regular intervals detailing how they have used powers transferred to them by virtue of the Act.

LORD ADDINGTON

19 After Clause 8, insert the following new Clause –

“Report: effect on other Government departments

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the impact of this Act on the remits of all government departments.”

Member's explanatory statement

The amendment requires the Secretary of State to lay before Parliament a report detailing the impact of the Act on the remits of all government departments.

LORD ABERDARE
LORD HAMPTON
LORD STOREY

20 After Clause 8, insert the following new Clause –

“Report: engagement with other bodies

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report explaining how they have engaged with the following bodies when discharging the functions transferred to them by virtue of this Act –

- (a) the Industrial Strategy Advisory Council;
- (b) the Migration Advisory Committee;
- (c) sector skills councils and industrial partnerships;
- (d) employer representative bodies;
- (e) education and training providers;
- (f) Mayoral combined authorities;
- (g) Government departments;
- (h) the Scottish Government;
- (i) the Welsh Government;
- (j) the Northern Ireland Executive;
- (k) trade unions.”

Member's explanatory statement

This amendment requires the Secretary of State to report on how they have engaged with the various other bodies involved with the functions being transferred from IfATE, all of which play an important part in delivering those functions effectively.

LORD STOREY
BARONESS GARDEN OF FROGNAL

21 After Clause 8, insert the following new Clause –

“Draft proposals for establishing new executive agency

- (1) Within six months of the day on which this Act is passed, the Secretary of State must lay a document before Parliament with draft proposals for the establishment of a new executive agency responsible for the powers transferred under this Act.
- (2) The executive agency in the document must be called “Skills England”.
- (3) Forty days after the document has been laid, the Secretary of State must table a motion for resolution concerning the document in each House of Parliament.
- (4) If the draft proposals are rejected by either House of Parliament, the Secretary of State must lay a document with revised proposals before Parliament within a period of six months and table a motion for resolution concerning the document in each House of Parliament after forty days.
- (5) The Secretary of State may not establish an executive agency to carry out the functions transferred under this Act until draft proposals for the executive agency, following the procedure in subsection (3) or (4), have passed a motion for resolution in both Houses of Parliament.
- (6) If such an executive agency is established, the Secretary of State must make an annual statement in each House of Parliament on the work of the agency.”

LORD ADDINGTON

22 After Clause 8, insert the following new Clause –

“Report on implementation of schemes for individuals with disabilities or special educational needs following transfer of powers

Six months after the day on which this Act is passed, the Secretary of State must lay before Parliament a report detailing how they have carried out the functions transferred to them under this Act concerning schemes previously administered by the Institute for Apprenticeships and Technical Education involving individuals with a registered disability or special educational needs.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a report within six months of the Act's passage detailing how they have continued schemes for individuals with disabilities or special educational needs, currently administered by the IfATE, once the powers have been transferred.

LORD KNIGHT OF WEYMOUTH
LORD STOREY
LORD BLUNKETT
LORD ABERDARE

23 After Clause 8, insert the following new Clause –

“Reporting requirements for the Secretary of State

Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the use of their powers under this Act and their effect on –

- (a) the identification of skills gaps and how to address them;
- (b) the provision and funding of training to meet the skills needs of employers;
- (c) the development of occupational standards;
- (d) work with regional and local bodies to improve the skills of the workforce in England.”

BARONESS BARRAN

24 After Clause 8, insert the following new Clause –

“Report: approval of new technical education qualifications

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on mechanisms for employers to apply for the approval of new technical education qualifications and to appeal the removal of any technical education qualifications.”

Member's explanatory statement

This amendment clarifies the route employers will take to approve new technical education qualifications.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

25 After Clause 8, insert the following new Clause –

“Report: timetable for creation of end-point assessments

On the day on which the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2024 is passed, the Secretary of State must lay before Parliament a report on the timetable for the creation of end-point assessments.”

Member's explanatory statement

This places a duty on the SoS to consider the creation of end-point assessments because the impact assessment indicates there will be delays as the powers are transferred.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

26 After Clause 8, insert the following new Clause –

“Report: timetable for approval of new technical education qualifications

On the day on which the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2024 is passed, the Secretary of State must lay before Parliament a report on the timetable for the creation of new technical education qualifications.”

Member's explanatory statement

This amendment places a duty on the Secretary of State to consider the approval of new technical education qualifications because the impact assessment indicates there will be delays as the powers are transferred.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

27 After Clause 8, insert the following new Clause –

“Duty to consult local skills improvement partnerships

Before exercising their powers under this Act, the Secretary of State must consult local skills improvement partnerships, mayoral combined authorities and other relevant employer related groups about the introduction and number of new technical education qualifications.”

LORD BLUNKETT
LORD WATSON OF INVERGOWRIE
BARONESS BARRAN
BARONESS BLOWER

28 After Clause 8, insert the following new Clause –

“Report on delegation of transferred functions

The Secretary of State must, within six months of the day on which this Act is passed, lay a report before Parliament that sets out –

- (a) any plans they have for delegating the transferred powers for approving and updating technical standards to sectoral industry bodies;
- (b) the relationship that exists, or the relationship they plan on creating, between any executive agency designated to carry out functions transferred under this Act, including “Skills England”, and the Office of Qualifications and Examinations Regulation.”

Member's explanatory statement

This amendment would require the Secretary of State to lay a report before Parliament on the onward delegation of certain of the transferred powers. “Skills England” refers to the proposal for

an executive agency of that name in the new clause amendment in the name of Lord Storey “Draft proposals for establishing new Executive Agency”.

LORD BLUNKETT
LORD WATSON OF INVERGOWRIE
LORD ADDINGTON
BARONESS BLOWER

29 After Clause 8, insert the following new Clause –

“National skills priorities

Within six months of the day on which this Act is passed, the Secretary of State must publish criteria for national skills priorities, related to the functions transferred under this Act to any executive agency, including “Skills England”, to be delivered by –

- (a) the Department for Education,
- (b) the Department for Health and Social Care,
- (c) the Department for Business and Trade,
- (d) the Department for Energy and Net Zero,
- (e) the Office for Students, and
- (f) Mayoral Combined Authorities.”

Member's explanatory statement

This amendment would require the Secretary of State to lay a report before Parliament on national skills priorities related to the functions transferred under the Act. “Skills England” refers to the proposal for an executive agency of that name in the new clause amendment in the name of Lord Storey “Draft proposals for establishing new Executive Agency”.

LORD BLUNKETT
LORD WATSON OF INVERGOWRIE
BARONESS GARDEN OF FROGNAL
LORD ADDINGTON

30 After Clause 8, insert the following new Clause –

“Functions related to the qualifications system

Within six months of the day on which this Act is passed, the Secretary of State must –

- (a) outline how they will reduce the complexity of the qualifications system as it relates to the functions transferred under this Act, and
- (b) set out what oversight there will be for the transferred functions related to the qualifications system, including the relationship between any body set up to carry out the functions, any regulatory framework, and sectoral industry bodies.”

LORD BLUNKETT
LORD WATSON OF INVERGOWRIE
BARONESS BARRAN
BARONESS BLOWER

31 After Clause 8, insert the following new Clause –

“Duties of any agency established to carry out transferred functions

- (1) Within six months of the day on which this Act is passed, the Secretary of State must lay a report before Parliament outlining any direction given to any executive agency established to carry out the functions transferred under this Act to increase participation in an apprenticeship programme which would previously have been managed by the Institute for Apprenticeships and Technical Education amongst –
 - (a) 18 to 24 year olds,
 - (b) individuals from areas of high deprivation, and
 - (c) sectors where skills challenges are most acute.
- (2) The report under subsection (1) must also cover the role of any executive agency established to carry out the functions transferred under this Act in –
 - (a) determining the scope and level of investment of the growth and skills levy to meet national, regional and local priorities, and
 - (b) the co-ordination of local skills improvement plans in meeting those objectives.”

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

32 After Clause 8, insert the following new Clause –

“Establishing Skills England alongside IfATE

- (1) Within three months of the day on which this Act is passed, the Secretary of State must establish a new executive agency responsible for the powers transferred under this Act.
- (2) The executive agency must be called “Skills England”.
- (3) The Chief Executive of Skills England must report to the Board of Skills England.
- (4) The Institute for Apprenticeships and Technical Education must continue as an independent body for the accreditation of technical educational qualifications.”

Member's explanatory statement

This amendment requires the Secretary of State to set up an executive agency called Skills England to be responsible for the powers transferred by this Bill, but keep IfATE as an independent accrediting body alongside. It is connected to amendments in Baroness Barran's name to oppose the questions that Clauses 1, 2, 3 and 8 stand part of the Bill.

BARONESS BARRAN

33 After Clause 8, insert the following new Clause –

“Establishing an arm’s-length body

- (1) Within three months of the day on which this Act is passed, the Secretary of State must lay before Parliament a draft Bill to establish an arm’s-length body responsible for the powers transferred under this Act.
- (2) The arm’s-length body must be called “Skills England”.
- (3) The Chief Executive of Skills England must report to the Board of Skills England.”

Member's explanatory statement

This amendment aims to require the Secretary of State to publish primary legislation to set up a body to exercise the functions transferred by this Bill, ideally sitting under DBT to ensure there are strong business links.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

34 After Clause 8, insert the following new Clause –

“Report: interaction with regulators

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the effect of this Act on the powers exercised by regulators including Office for Students and Ofqual.”

Member's explanatory statement

This amendment seeks to clarify the role of existing regulators in working with the Secretary of State or any new executive agency.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

35 After Clause 8, insert the following new Clause –

“Report: strategic priorities

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the processes used to decide which sectors will receive new technical education qualifications.”

BARONESS BARRAN

36 After Clause 8, insert following new Clause –

“Report: skills metrics

Within six months of the day on which this Act is passed and every year thereafter, the Secretary of State must lay before Parliament a report on the effect of this Act on the –

- (a) identification of need by sector, level of qualification and region;
- (b) creation of a clear taxonomy of skills;
- (c) earnings of those who have qualified doing technical education qualifications by sector, level of qualification and region;
- (d) money spent by the government and what it was spent on by sector, level of qualification and region;
- (e) number of new technical education qualifications created by sector, level of qualification and region;
- (f) new trainees who qualified since the passing of this Act and where they are now working by sector, level of qualification and region;
- (g) ways in which standards have met employer needs;
- (h) investment in and utilisation of skills by employers;
- (i) reduction of complexity in the qualifications system;
- (j) delivery of the objectives of the post 16 education and skills strategy;
- (k) sufficiency of careers information, advice and guidance;
- (l) delivery of the government’s apprenticeship programme and any increased participation amongst –
 - (i) 18 to 24-year olds,
 - (ii) individuals from areas of high deprivation, and
 - (iii) sectors where skills challenges are most acute.”

LORD RAVENSDALE

36A After Clause 8, insert the following new Clause –

“Report on green skills

Six months after the day on which this Act is passed, the Secretary of State must lay before Parliament a report assessing how they plan to carry out the functions transferred to them under this Act to support development of medium- and long-term green skills needed in order contribute to –

- (a) the achievement of the targets set under Part 1 of the Climate Change Act 2008,
- (b) the achievement of the targets set under sections 1 to 3 of the Environment Act 2021, and
- (c) the adaptation to current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.”

LORD RAVENSDALE

36B After Clause 8, insert the following new Clause –

“Duty to consult pan-regional partnerships

Before exercising their powers under this Act, the Secretary of State must consult pan-regional partnerships, local skills improvement partnerships, mayoral combined authorities and other relevant employer related groups about the introduction and number of new technical education qualifications.”

Clause 9

BARONESS GARDEN OF FROGNAL
LORD ABERDARE

37 Clause 9, page 3, line 35, leave out subsection (2)

Member's explanatory statement

This amendment removes the power for consequential changes to be made by delegated legislation to Acts other than those specified in the provisions of the Act.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

38 Clause 9, page 4, line 1, after “Act”, insert “and listed in Schedule 3”

Member's explanatory statement

This amendment restricts the Secretary of State's power to make consequential provision to only those Acts listed in Schedule 3.

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

39 Clause 9, page 4, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment removes the Secretary of State's power to make consequential provision in relation to future legislation.

LORD ADDINGTON

40 Clause 9, page 4, line 11, at beginning insert “Subject to section (Regulations),”

Member's explanatory statement

This amendment and another in the name of Lord Addington ensures that all new statutory instruments made in the six months following the passing of the Act must follow affirmative procedures.

After Clause 9

LORD ADDINGTON

41 After Clause 9, insert the following new Clause—

“Regulations

For six months after the day on which this Act is passed, a statutory instrument containing (alone or with other provisions) regulations under this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This amendment and another in the name of Lord Addington ensures that all new statutory instruments made in the six months following the passing of the Act must follow affirmative procedures.

After Clause 12

BARONESS BARRAN
BARONESS EVANS OF BOWES PARK

42 After Clause 12, insert the following new Clause—

“Repeal

This Act is repealed at the end of the period of one year beginning on the day on which this Act is passed.”

Member's explanatory statement

This intends to avoid delay in creating Skills England by reverting powers to IfATE if there is a delay.

Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Bill [HL]

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

22 November 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS