



Skills and Post-16 Education Bill

The Skills and Post-16 Education Bill was introduced in the House of Lords on 18 May 2021. The Bill provides the legislative basis for some of the reforms set out in the Skills for Jobs White Paper, including Local Skills Improvement Plans, new intervention powers for the Secretary of State, and a flexible lifelong loans system. This briefing describes the main elements of the Bill.

Background

In September 2020, the Prime Minister delivered a speech on adult skills in which he made new policy commitments, including the introduction of a 'Lifetime Skills Guarantee'. This was followed by the Skills for Jobs White Paper, published in January 2021, which set out further proposals to reform post-16 technical education and training. These proposals included establishing employer-led Local Skills Improvement Plans and introducing free Level 3 courses in certain sectors for all adults without an existing Level 3 qualification. The government has since opened applications for Local Skills Improvement Plan trailblazers, which will be piloted in 6 to 8 areas in 2021 and 2022. London Councils' member briefing on the Skills for Jobs White Paper can be found [here](#). The government has now published the Skills and Post-16 Education Bill, which provides the legislative basis for some of the reforms set out in the Skills for Jobs White Paper.

Analysis

The key proposals contained within the Bill are set out below:

Local Skills Improvement Plans

The Bill provides for a statutory underpinning for Local Skills Improvement Plans (LSIPs), which aim to give employers a greater role in designing local skills systems. Under the government's plans, it will become a legal requirement for employers and colleges to collaborate to develop skills plans, with the intention of meeting the needs of local areas. Providers will be required to co-operate with designated employer representative bodies to develop local plans and 'have regard' to the plans once they have been developed. The Secretary of State for Education will be responsible for designating employer representative bodies to lead the development of the plans.

Duty in relation to local needs

A new duty will be placed on all colleges and designated institutions to review how well their provision meets local need, at least once every three years. 'Local need' refers to the

needs of both employers and learners within a local area, and the Local Skills Improvement Plans will be a key reference point in defining this need. Colleges and providers will also be required to consider what action should be taken in order to meet these needs better and must publish the review on their websites.

Statutory Intervention Powers

The Bill seeks to strengthen the existing intervention powers to enable the Secretary of State for Education to intervene where there has been a failure to meet local needs, and to direct 'structural change' such as a merger. Use of these powers is envisaged only as a last resort, where improvement has not been possible through other means. The Secretary of State for Education must take into account the Local Skills Improvement Plan in making an assessment of whether the institution has failed to meet local needs.

New functions for the Institute for Apprenticeships and Technical Education

The Bill introduces additional functions for the Institute for Apprenticeships and Technical Education. The Institute will be given new powers to define and approve new categories of technical qualifications that relate to employer-led standards and occupations, and to have an oversight role for the technical education offer in each occupational route. The Bill also includes measures to clarify the respective powers of the Institute and Ofqual in relation to technical education qualifications.

Lifelong Learning

The Lifelong Learning Entitlement (LLE), which will come into force in 2025, will provide individuals with a loan entitlement to the equivalent of four years of post-18 education to use over their lifetime. The intention is for the loan to be available for study at higher technical and degree levels (levels 4 to 6) regardless of whether they are provided in colleges or universities. Learners will be able to use this loan for modular learning as well as full years of study. The Skills and Post-16 Education Bill seeks to modify existing regulation-making powers to make specific provision for student finance in respect of modules of courses. The government will consult on the detail of the LLE later this year.

Register of training providers

The Bill will enable the Secretary of State for Education to make regulations to provide for a list of post-16 education or training providers, in particular independent training providers (ITPs). To be on the list, providers will be required to meet conditions which are designed to protect learners by preventing or mitigating the risks of provider failure. This measure is intended to minimise the risk of short notice exits of providers, which can significantly disrupt the experience of learners. There were 64 unplanned provider exits from the FE sector in 2019-20, 60 of which were ITPs.

Commentary

The fact that the government has identified further education as one of its policy priorities should be welcomed. Building on the Skills for Jobs White Paper, the Skills and Post-16 Education Bill contains some positive proposals to strengthen the skills system. The principle of ensuring that further education must respond to local need – which sits behind a number of provisions in the Bill – is certainly a welcome development.

The introduction of the Lifelong Learning Entitlement is a positive step, particularly the provisions for learners to use their loans for modular courses as well as full years of study. However, the lack of available maintenance support is a significant barrier to more disadvantaged learners engaging in lifelong learning. This support should be made available to disadvantaged learners to help them access the LLE, but currently there are no provisions for this.

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London Councils also has concerns about the proposed mechanisms for achieving a more locally responsive system. There is a risk that the increased intervention powers and the requirement for the Secretary of State to approve LSIPs actually create a more centralised system which bypasses London government entirely. It is strange that the proposals around LSIPs makes no reference to the devolved bodies, including the GLA, who currently hold responsibility for the Adult Education Budget. It is also unclear how LSIPs relate to Local Skills Reports, which Skills Advisory Panels are currently required to publish every year.

Furthermore, it is disappointing that the proposals have nothing to say about the role of local authorities in the development of Local Skills Improvement Plans or in identifying local need. More clarity is also needed on how 'local need' is defined and what obligations will be placed upon colleges and providers to meet this need. It is vital that in London this requirement relates to local need at a borough and sub-regional level, and not simply at a pan-London level.

We are also concerned that, without a duty to integrate with other local plans, the Local Skills Improvement Plans are at serious risk of being disconnected from local economic regeneration, inward investment plans and statutory duties on local authorities to secure sufficient suitable provision for young people to continue in education or training until the age of 18 (25 for young people with Special Educational Needs and/or Disabilities).

Finally, while we welcome the government's commitment to improving further education, this does not compensate for the long-term fall in FE funding. Research by the Institute for Fiscal Studies published in November last year revealed that per-student funding in further education and sixth form colleges fell by 12 per cent in real terms between 2010/11 and 2019/20, the largest fall in funding for any part of the education system. The government's plans to reform the skills system need to be backed up by a fairer funding settlement.

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Links:

[Information on the measures set out in the Skills and Post-16 Education Bill](#)

[Skills and Post-16 Education Bill - Bill and Explanatory Notes](#)

[Skills for Jobs White Paper member briefing](#)

[TES, 'Need to know: The Skills and Post-16 Education Bill'](#)

[TES, 'Skills and Post-16 Education Bill: The sector reacts'](#)

This member briefing has been circulated to:

Portfolio holders and those members who requested policy briefings in the following categories: Economic Development