

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Technical and Further Education Act 2017, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

THE INSTITUTE FOR APPRENTICESHIPS AND TECHNICAL EDUCATION

- 1 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

Annotations:

Commencement Information

- I1** Sch. 1 para. 1 in force at 16.8.2017 for specified purposes by S.I. 2017/844, reg. 2(b)(i)
I2 Sch. 1 para. 1 in force at 8.11.2017 for specified purposes by S.I. 2017/1055, reg. 2(b)(i)
I3 Sch. 1 para. 1 in force at 2.1.2018 for specified purposes by S.I. 2017/1055, reg. 3(b)(i)
I4 Sch. 1 para. 1 in force at 9.2.2018 for specified purposes by S.I. 2018/140, reg. 2(b)(i)

- 2 (1) Section ZA2 (general duties) is amended as follows.
- (2) Omit subsections (3) and (4).
- (3) In subsection (6), for the words after “or may be” substitute “provided—
- (a) in the course of an approved English apprenticeship,
 - (b) for the purposes of an approved technical education qualification, or
 - (c) for the purposes of approved steps towards occupational competence.”

Annotations:

Commencement Information

- I5** Sch. 1 para. 2(1) in force at 8.11.2017 for specified purposes by S.I. 2017/1055, reg. 2(b)(ii)
I6 Sch. 1 para. 2(2) in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

- 3 (1) Section ZA3 (provision of advice and assistance to the Secretary of State) is amended as follows.
- (2) In subsection (1) for “relating to apprenticeships in relation to England.” substitute “in relation to England relating to—
- (a) apprenticeships, or
 - (b) other education or training.”
- (3) In subsection (2) for “100(1A) or otherwise relating to the funding of apprenticeships relating to England” substitute “100(1A) or (1B) or otherwise relating to the funding, in relation to England, of the things mentioned in paragraphs (a) and (b) of that subsection”.

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Annotations:

Commencement Information

- I7** Sch. 1 para. 3(1) in force at 9.2.2018 for specified purposes by S.I. 2018/140, **reg. 2(b)(ii)**
I8 Sch. 1 para. 3(2) in force at 9.2.2018 by S.I. 2018/140, **reg. 2(b)(iii)**

PROSPECTIVE

- 4 (1) Section ZA4 (delegation of functions of Secretary of State) is amended as follows.
- (2) In subsection (1) for “relating to apprenticeships in relation to England.” substitute “in relation to England relating to—
- (a) apprenticeships,
 - (b) technical education qualifications, or
 - (c) steps that people may take towards becoming competent to work in occupations.”
- (3) In subsection (3) for “100(1A) or otherwise relating to the funding of apprenticeships relating to England” substitute “ 100(1A) or (1B) or otherwise relating to the funding, in relation to England, of the things mentioned in paragraphs (a) to (c) of that subsection ”.

PROSPECTIVE

- 5 In section ZA5(1) (conferral of new functions by regulations) for the words after “functions” substitute “in relation to England as the Secretary of State considers appropriate, relating to—
- (a) apprenticeships,
 - (b) technical education qualifications, or
 - (c) steps that may be taken by persons towards becoming competent to work in occupations.”

PROSPECTIVE

- 6 In the heading for Chapter A1, after “Apprenticeships” insert “ and technical education ”.

- 7 In Chapter A1, before section A1 (and the italic heading before it) substitute—

“Occupational categories and groups

ZA9 Occupational categories (sometimes referred to as “routes”)

- (1) The Secretary of State may determine categories into which occupations may be placed for the purposes of this Chapter.
- (2) The Secretary of State must notify the Institute of any categories that are determined.

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ZA10 Mapping of occupational groups

- (1) The Institute must—
 - (a) determine occupations in relation to which it may be appropriate for people to undertake apprenticeships or obtain qualifications, and
 - (b) determine which of those occupations require similar knowledge, skills and behaviour.
- (2) Two or more occupations that require similar knowledge, skills and behaviour are referred to in this section as a “group”.
- (3) Where categories have been determined under section ZA9, the Institute must allocate each occupation or group to a category.
- (4) If the Institute considers that no category is appropriate it must nevertheless allocate the occupation or group to a category (and is not required to adjust its determinations under subsection (1)).
- (5) The Institute must publish information showing—
 - (a) the occupations,
 - (b) the groups, and
 - (c) any categories to which the occupations and groups have been allocated.

Standards

ZA11 Standards

- (1) The Institute must publish standards in relation to England for such occupations as the Institute considers appropriate.
- (2) Each standard must—
 - (a) describe the occupation to which it relates;
 - (b) set out the outcomes that persons seeking to achieve the standard are expected to attain in order to do so.
- (3) Each standard must have been prepared by a group of persons and approved by the Institute.
- (4) The group of persons that prepared a standard must have been approved by the Institute.
- (5) The Institute may provide advice or assistance to a group of persons in connection with the preparation of a standard.
- (6) The Institute may convene a group of persons to prepare a standard for an occupation only if the Institute considers—
 - (a) that there is a need for a standard for that occupation, and
 - (b) that the need will not be met unless a group is convened to prepare the standard.
- (7) The Institute must publish—

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- (a) information about matters that it takes into account when deciding whether or not to approve standards for the purposes of subsection (3);
 - (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (4).
- (8) When making a decision of the kind mentioned in subsection (7)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (9) Information published under subsection (7) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.
- (10) Where a standard is published, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that there is a standard for the occupation.”

Annotations:

Commencement Information

I9 Sch. 1 para. 7 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)

- 8 For the italic heading before section A1 substitute “ Meaning of “approved English apprenticeship” etc ”.

Annotations:

Commencement Information

I10 Sch. 1 para. 8 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

- 9 In section A1 (meaning of “approved English apprenticeship”)—
- (a) in subsection (3)(a)—
 - (i) for “a sector for which an approved apprenticeship” substitute “ an occupation for which a ”;
 - (ii) for “A2” substitute “ ZA11 ”;
 - (b) in the following places omit “apprenticeship”—
 - (i) subsection (3)(b);
 - (ii) subsection (6), in the second place it occurs;
 - (iii) subsection (7), in the first place it occurs;
 - (c) in subsection (7), for “A2” substitute “ ZA11 ”.

Annotations:

Commencement Information

I11 Sch. 1 para. 9 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

- 10 For the italic heading before section A2 substitute “ Apprenticeship assessment plans ”.

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Annotations:

Commencement Information

I12 Sch. 1 para. 10 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

- 11 (1) Section A2 (apprenticeship standards and assessment plans) is amended as follows.
- (2) For the heading, substitute “ Apprenticeship assessment plans ”.
- (3) For subsection (1) substitute—
- “(1) The Institute must publish apprenticeship assessment plans in respect of such standards published under section ZA11 as it considers appropriate.”
- (4) Omit subsections (2) and (3).
- (5) In subsection (4)—
- (a) after “An” insert “ apprenticeship ”;
- (b) for the words from “a person's attainment” to the end substitute “ it is to be assessed whether a person seeking to complete an approved English apprenticeship has attained the outcomes set out in the standard ”.
- (6) In subsection (5) after “Each” insert “ apprenticeship ”.
- (7) For subsection (6) substitute—
- “(6) Each apprenticeship assessment plan must have been prepared by a group of persons and approved by the Institute.
- (7) The group of persons that prepared an apprenticeship assessment plan must have been approved by the Institute.
- (8) The Institute may provide advice or assistance to a group of persons in connection with the preparation of an apprenticeship assessment plan.
- (9) The Institute may convene a group of persons to prepare an apprenticeship assessment plan in respect of a standard only if the Institute considers—
- (a) that there is a need for an apprenticeship assessment plan in respect of that standard, and
- (b) that the need will not be met unless a group is convened to prepare the plan.
- (10) The Institute must publish—
- (a) information about matters that it takes into account when deciding whether or not to approve apprenticeship assessment plans for the purposes of subsection (6);
- (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (7).
- (11) When making a decision of the kind mentioned in subsection (10)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.

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(12) Information published under subsection (10) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.

(13) Where an apprenticeship assessment plan is published, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that there is an apprenticeship assessment plan in respect of the standard for the occupation.”

Annotations:

Commencement Information

I13 Sch. 1 para. 11 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)

12 Omit section A2A (preparation of apprenticeship standards and plans).

Annotations:

Commencement Information

I14 Sch. 1 para. 12 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

13 In the italic heading before section A2B, at the end insert “ of apprenticeship assessments etc ”.

Annotations:

Commencement Information

I15 Sch. 1 para. 13 in force at 16.8.2017 by S.I. 2017/844, reg. 2(b)(ii)

14 (1) Section A2B (evaluation of quality of apprenticeship assessments) is amended as follows.

(2) In subsection (2), after “to which the” insert “ apprenticeship ”.

(3) In subsection (3), after “may” insert “ carry out evaluations or ”.

(4) After subsection (3) insert—

“(4) The Secretary of State may by regulations authorise the Institute (subject to any restrictions prescribed by the regulations) to charge fees for things done in connection with the carrying out by it of evaluations under subsection (1).”

Annotations:

Commencement Information

I16 Sch. 1 para. 14 in force at 16.8.2017 by S.I. 2017/844, reg. 2(b)(ii) (with reg. 3)

15 After section A2D insert—

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“Technical education qualifications

A2DA Approved technical education qualifications

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification in respect of one or more occupations for which standards are published under section ZA11.
- (2) The Institute may make any arrangements that it considers appropriate—
 - (a) to secure that suitable technical education qualifications are available for approval under this section, or
 - (b) in connection with the approval or continued approval of a technical education qualification.
- (3) The Institute may approve a technical education qualification under this section only if satisfied that by obtaining the qualification a person demonstrates that he or she has attained as many of the outcomes set out in the standards as may reasonably be expected to be attained by undertaking a course of education.
- (4) The Institute may approve a technical education qualification under this section only where the Institute—
 - (a) has determined the documents relating to the qualification to which it considers section A2IA should apply (if any), and
 - (b) is satisfied that each person (other than the Institute) who it thinks is entitled to a right or interest in any copyright in those documents agrees to the right or interest being transferred to the Institute (see section A2IA).
- (5) If the Institute fails to comply with subsection (4)(b) then, unless it does so in the knowledge that a person does not agree as mentioned in that provision—
 - (a) the failure does not invalidate the approval of the qualification, but
 - (b) the Institute must pay such compensation (if any) as may be appropriate to any person whose right or interest is transferred to the Institute without the person's agreement.
- (6) In making a determination under subsection (4)(a), the Institute may take into account the likelihood of any person agreeing as mentioned in subsection (4)(b).
- (7) The Institute may revise its determination under subsection (4)(a) before approving the qualification.
- (8) The Institute may withdraw approval given under this section.
- (9) The Institute is not required to withdraw approval given under this section merely because a qualification is modified.
- (10) Where a technical education qualification is approved under this section, the Institute must publish, with the information published under section ZA10(5) in relation to the occupations, information indicating that a technical education qualification has been approved in respect of them.

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- (11) Where approval of a technical education qualification is withdrawn under this section, the Institute must publish, with the information published under section ZA10(5) in relation to the occupations, information indicating that the approval of the qualification has been withdrawn.
- (12) In this Chapter “technical education qualification” means a qualification that relates to one or more occupations.
- (13) In this Chapter a technical education qualification that the Institute approves under this section is referred to as “an approved technical education qualification”.

A2DB Additional steps towards occupational competence

- (1) Where there is an approved technical education qualification in respect of one or more occupations, the Institute may from time to time determine other steps that it considers it would be appropriate for a person to take in order to progress towards being a person who is competent to work in those occupations.
- (2) Steps determined under this section may include the obtaining of other qualifications.
- (3) The Institute may make a further determination under this section.
- (4) The Institute must publish a statement of any steps it determines under this section.
- (5) In this Chapter steps that the Institute determines under this section are referred to as “approved steps towards occupational competence”.

A2DC Directions

The Secretary of State may give the Institute a direction in connection with the exercise by the Institute of any function under or for the purposes of section A2DA or A2DB.”

PROSPECTIVE

16 For the italic heading before section A2E substitute “ Other provision relating to approved English apprenticeships and technical education ”.

17 In section A2E (regular reviews of published standards and assessment plans), in subsections (1) and (2) after “standard or” insert “ apprenticeship ”.

Annotations:

Commencement Information

I17 Sch. 1 para. 17 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

18 (1) Section A2F (revision or withdrawal of published standards and assessment plans) is amended as follows.

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(2) In subsection (1), in paragraphs (a) and (b), after “standard or” insert “apprenticeship”.

(3) For subsection (2) substitute—

“(2) Subsections (3) to (9) of section ZA11 apply in relation to a revised version of a standard published under this section as they do in relation to a standard published under that section.

(3) Subsections (6) to (12) of section A2 apply in relation to a revised version of an apprenticeship assessment plan published under this section as they do in relation to an apprenticeship assessment plan published under that section.”

Annotations:

Commencement Information

I18 Sch. 1 para. 18 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

19 Omit the italic heading before section A2G.

Annotations:

Commencement Information

I19 Sch. 1 para. 19 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

20 In section A2G—

(a) after “standard or”, in each place it occurs, insert “apprenticeship”;

(b) in subsection (1) (examinations by independent third parties), for “A2A(1)” substitute “ZA11(3) or section A2(6)”.

Annotations:

Commencement Information

I20 Sch. 1 para. 20 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

PROSPECTIVE

21 After section A2H insert—

“A2HA List of technical education qualifications

(1) The Institute must maintain a list of approved technical education qualifications.

(2) The list must include information for the purpose of enabling people to refer, in relation to each qualification, to—

(a) the standards published under section ZA11 for the occupations in respect of which the qualification is approved, and

(b) any statement of steps published under section A2DB in relation to those occupations.

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(3) The Institute must ensure that the list is available free of charge.”

22 (1) Section A2I (transfer of copyright in standards and assessment plans) is amended as follows.

(2) In subsection (1), for paragraph (a) substitute—

“(a) a standard is approved by the Institute under section ZA11 or an apprenticeship assessment plan is approved by the Institute under section A2, and”.

(3) In subsection (3), after “standard or” insert “ apprenticeship ”.

Annotations:

Commencement Information

I21 Sch. 1 para. 22 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)

PROSPECTIVE

23 After section A2I insert—

“A2IA Transfer of copyright relating to technical education qualifications

- (1) This section applies where a technical education qualification is approved under section A2DA.
- (2) The right or interest in any copyright in a relevant course document is, by virtue of this section, transferred from the person to the Institute at the time the approval is given.
- (3) The Institute may assign to another person, or grant a licence to another person in respect of, any right or interest transferred to the Institute by virtue of this section.
- (4) In this section “relevant course document” means a document in relation to which the Institute has made a determination under section A2DA(4)(a).”

PROSPECTIVE

24 After section A3 insert—

“A3A Power to issue technical education certificate

- (1) The Secretary of State may issue a certificate (a “technical education certificate”) to a person if it appears to the Secretary of State that the person has—
 - (a) obtained an approved technical education qualification, and
 - (b) taken any other steps determined under section A2DB in relation to the occupations in respect of which the qualification is approved.
- (2) The Secretary of State may by regulations make provision—

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- (a) requiring an application to be made in a prescribed manner before a certificate is issued;
- (b) about the supply by the Secretary of State of copies of technical education certificates to persons to whom they were issued;
- (c) authorising the Secretary of State (subject to any restrictions prescribed by the regulations) to charge a fee for issuing a technical education certificate or supplying a copy.”

25 Part 1A (apprenticeships: information sharing) is amended as follows.

Annotations:

Commencement Information

I22 Sch. 1 para. 25 in force at 2.1.2018 by S.I. 2017/1055, reg. 3(b)(ii)

26 In the Part heading, after “Apprenticeships” insert “ and other education and training ”.

Annotations:

Commencement Information

I23 Sch. 1 para. 26 in force at 2.1.2018 by S.I. 2017/1055, reg. 3(b)(ii)

27 After section 40A insert—

“40AA Sharing of information by or with the Institute

- (1) The Institute for Apprenticeships and Technical Education may disclose information to a relevant person for the purpose of a relevant function of that person.
- (2) For disclosure of information by the Institute for the purposes of its own functions, see paragraph 10 of Schedule A1.
- (3) A relevant person may disclose information to the Institute for the purpose of—
 - (a) a function of the Institute, or
 - (b) a relevant function of that person.
- (4) In this section “relevant person” means—
 - (a) Ofqual,
 - (b) the OfS,
 - (c) Ofsted, or
 - (d) a prescribed person.
- (5) In this section “relevant function” means—
 - (a) in relation to Ofqual, the OfS or Ofsted, a function of that body, so far as the function relates to England;
 - (b) in relation to a prescribed person, a prescribed function of that person, so far as the function relates to England.
- (6) In this section—

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“Ofqual” means the Office of Qualifications and Examinations Regulation;

“OfS” means the Office for Students;

“Ofsted” means—

- (a) the Office for Standards in Education, Children's Services and Skills, and
- (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills.

(7) Regulations under this section prescribing functions of a person may prescribe all of the person's functions.”

Annotations:

Commencement Information

I24 Sch. 1 para. 27 in force at 2.1.2018 by S.I. 2017/1055, reg. 3(b)(ii) (with reg. 4)

28

In section 40D(3) (interpretation of Part 1A)—

(a) the words from “affects” to the end become paragraph (a);

(b) after that paragraph insert—

“(b) authorises the disclosure of any information in contravention of any provision made by or under any Act which prevents disclosure of the information.”

Annotations:

Commencement Information

I25 Sch. 1 para. 28 in force at 2.1.2018 by S.I. 2017/1055, reg. 3(b)(ii)

PROSPECTIVE

29

(1) Section 100 (funding) is amended as follows.

(2) After subsection (1A) insert—

“(1B) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1)) in connection with approved technical education qualifications or approved steps towards occupational competence.”

(3) In subsections (3) and (4) for “or (1A)” substitute “(1A) or (1B)”.

(4) In subsection (5), for “this section” substitute “this section—

“approved steps towards occupational competence” has the meaning given by section A2DB;

“approved technical education qualification” has the meaning given by section A2DA;”.

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PROSPECTIVE

- 30 In section 121(1) (interpretation of Part 1), at the appropriate places insert—
- ““technical education qualification” has the meaning given by section A2DA;”;
 - ““approved steps towards occupational competence” has the meaning given by section A2DB;”;
 - ““approved technical education qualification” has the meaning given by section A2DA;”.
- 31 In section 262(6) (orders and regulations subject to affirmative procedure), after paragraph (aa) insert—
- “(aza) regulations under section 40AA;”.

Annotations:

Commencement Information

I26 Sch. 1 para. 31 in force at 2.1.2018 by S.I. 2017/1055, reg. 3(b)(ii)

- 32 (1) Schedule A1 (the Institute) is amended as follows.
- (2) In paragraph 9(2) (delegation) for “A2A and A2E to A2I” substitute “ ZA10, ZA11, A2DA, A2DB and A2E to A2IA ”.
- (3) In paragraph 10 (supplementary powers of the Institute)—
- (a) after sub-paragraph (c) insert—
 - “(ca) use, in the exercise of any of its functions, information obtained by it in the exercise of any of its other functions;”
 - (b) in sub-paragraph (2) for “power in sub-paragraph (1)(d) is” substitute “ powers in sub-paragraph (1) are ”.

Annotations:

Commencement Information

I27 Sch. 1 para. 32 in force at 8.11.2017 for specified purposes by S.I. 2017/1055, reg. 2(b)(iv) (with reg. 4)

- 33 (1) This paragraph applies to a standard published by the Institute under section A2 of the Apprenticeships, Skills, Children and Learning Act 2009 before the day on which paragraph 11 of this Schedule comes into force.
- (2) A standard referred to in sub-paragraph (1) is to be treated on and after that day as having been approved and published by the Institute under section ZA11 of that Act (as inserted by paragraph 7 of this Schedule).

Annotations:

Commencement Information

I28 Sch. 1 para. 33 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

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- 34 (1) This paragraph applies to an assessment plan published by the Institute under section A2 of the Apprenticeships, Skills, Children and Learning Act 2009 before the day on which paragraph 11 of this Schedule comes into force.
- (2) An assessment plan referred to in sub-paragraph (1) is to be treated on and after that day as an apprenticeship assessment plan that was approved and published by the Institute under that section as amended by that paragraph.

Annotations:

Commencement Information

I29 Sch. 1 para. 34 in force at 8.11.2017 by S.I. 2017/1055, reg. 2(b)(iii)

- 35 (1) The Secretary of State may by regulations provide for anything done by the Secretary of State before the commencement day to be treated, on and after that day, as done by the Institute under a provision of the Apprenticeships, Skills, Children and Learning Act 2009 as amended by this Act.
- (2) Regulations under this paragraph are subject to the negative resolution procedure.
- (3) The regulations may provide for that Act (as so amended) to have effect with specified modifications in relation to the thing treated as done by the Institute (for example, if the regulations provide for a group of persons convened by the Secretary of State to be treated as convened by the Institute under section ZA11(6), the regulations may disapply the conditions in section ZA11(6)(a) and (b) in relation to the convening of that group).
- (4) In this paragraph “the commencement day” means the day on which section 1 and Schedule 1 come fully into force.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Technical and Further Education Act 2017, SCHEDULE 1.