



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 1

#### APPRENTICESHIPS, STUDY AND TRAINING

#### [<sup>F1</sup>CHAPTER ZA1

#### THE INSTITUTE FOR APPRENTICESHIPS [<sup>F2</sup>AND TECHNICAL EDUCATION]

##### Textual Amendments

- F1** Pt. 1 Ch. ZA1 inserted (1.4.2017) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(5), [Sch. 4 para. 2](#); S.I. 2017/346, reg. 2(a)
- F2** Words in Pt. 1 inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 1\(2\)\(a\)](#), 47(2); S.I. 2019/61, reg. 2(a)

##### *Establishment*

#### **ZA1 The Institute for Apprenticeships [<sup>F2</sup>and Technical Education]**

- (1) A body corporate known as the Institute for Apprenticeships [<sup>F2</sup>and Technical Education] is established.
- (2) In this Act that body is referred to as “[<sup>F3</sup>the Institute]”.
- (3) Schedule A1 makes further provision about the [<sup>F4</sup>Institute].

**Changes to legislation:** *Apprenticeships, Skills, Children and Learning Act 2009, CHAPTER ZA1 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Textual Amendments

- F3** Words in s. ZA1(2) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(b\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)

## *General duties and functions*

### **ZA2 General duties**

- (1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the [<sup>F4</sup>Institute] must have regard to—
  - (a) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the [<sup>F5</sup>Institute's] remit;
  - (b) the reasonable requirements of persons who may wish to undertake education and training within the [<sup>F5</sup>Institute's] remit;
  - (c) the need to ensure that education and training within the [<sup>F5</sup>Institute's] remit is of an appropriate quality;
  - (d) the need to ensure that education and training within the [<sup>F5</sup>Institute's] remit represents good value in relation to financial resources provided out of public funds;
  - (e) any information provided to it by any person designated by the Secretary of State for the purposes of this paragraph.
- (2) The Secretary of State may give a notice in writing to the [<sup>F4</sup>Institute] setting out other matters to which the [<sup>F4</sup>Institute] must have regard when performing its functions.
- <sup>F6</sup>(3) .....
- <sup>F6</sup>(4) .....
- (5) The [<sup>F4</sup>Institute] must perform its functions efficiently and effectively.
- (6) For the purposes of this [<sup>F7</sup>Chapter], education or training is within the [<sup>F5</sup>Institute's] remit if the education or training is or may be [<sup>F8</sup>provided—
  - (a) in the course of an approved English apprenticeship,
  - (b) for the purposes of an approved technical education qualification, <sup>F9</sup>...
  - (c) for the purposes of approved steps towards occupational competence, <sup>F10</sup>or
  - (d) to enable a person to enter work within a published occupation (whether in the course of training or otherwise).]
- (7) Subsection (1) and any notice under subsection (2) do not apply in relation to functions that are—
  - (a) delegated by directions under section ZA4, or
  - (b) conferred by regulations under section ZA5,
 unless the directions or regulations provide for them to apply in relation to the functions.
- (8) Where directions or regulations so provide, the directions or regulations—

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- (a) may provide for any education or training to which the functions relate to be treated as within the [<sup>F5</sup>Institute's] remit for the purposes of this section;
  - (b) may provide for subsection (1) and any notice under subsection (2) to apply in relation to the functions with such modifications as the Secretary of State thinks fit.
- (9) The Secretary of State must—
- (a) publish in such manner as the Secretary of State thinks fit any notice under subsection (2), and
  - (b) lay a copy of it before Parliament.

#### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F5** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(c\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F6** S. ZA2(3)(4) omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 2\(2\); S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)
- F7** Word in s. ZA2(6) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(2\)\(a\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)
- F8** Words in s. ZA2(6) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 2\(3\); S.I. 2019/61, reg. 2\(b\)](#)
- F9** Word in s. ZA2(6)(b) omitted (30.9.2022) by virtue of [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(2\)\(b\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)
- F10** S. ZA2(6)(d) and word inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(2\)\(c\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)

## <sup>F11</sup>ZA2A Oversight

- (1) The Institute must keep under review—
- (a) education and training within the Institute's remit, and
  - (b) the effect that the exercise of the Institute's functions has had, or might have, on the range and availability of that education and training.
- (2) The Institute may provide a report to the Secretary of State on anything arising from the exercise of the Institute's functions under subsection (1).
- (3) Subsection (2) does not affect the Institute's functions under section ZA3.]

#### Textual Amendments

- F11** S. ZA2A inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(3\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)

## ZA3 Provision of advice and assistance to the Secretary of State etc

- (1) The [<sup>F4</sup>Institute] may, if requested to do so by the Secretary of State, provide the Secretary of State with advice and assistance in connection with the Secretary of State's functions [<sup>F12</sup>in relation to England relating to—
- (a) apprenticeships,

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- [<sup>F13</sup>(aa) technical education qualifications,] or  
 (b) other education or training.]

- (2) The Secretary of State's functions mentioned in subsection (1) include those under section [<sup>F14</sup>100(1A) or (1B) or otherwise relating to the funding, in relation to England, of the things mentioned in paragraphs (a) [<sup>F15</sup>to (b)] of that subsection].

#### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F12** Words in s. ZA3(1) substituted (9.2.2018) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 3\(2\); S.I. 2018/140, reg. 2\(b\)\(iii\)](#)
- F13** S. ZA3(1)(aa) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(4\)\(a\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)
- F14** Words in s. ZA3(2) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 3\(3\); S.I. 2019/61, reg. 2\(b\)](#)
- F15** Words in s. ZA3(2) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 6\(4\)\(b\), 36\(3\); S.I. 2022/965, reg. 3\(1\) \(with regs. 4, 5\)](#)

#### **ZA4 Delegation of functions to the [<sup>F4</sup>Institute] by Secretary of State**

- (1) The Secretary of State may by direction delegate to the [<sup>F4</sup>Institute] any of the Secretary of State's functions [<sup>F16</sup>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.]
- (2) The functions may be delegated—
- (a) to any extent that the Secretary of State specifies in the direction, and
  - (b) subject to any conditions that the Secretary of State specifies in the direction.
- (3) The Secretary of State's functions mentioned in subsection (1) include those under section [<sup>F17</sup>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].

#### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F16** Words in s. ZA4(1) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 4\(2\); S.I. 2019/61, reg. 2\(b\)](#)
- F17** Words in s. ZA4(3) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 4\(3\); S.I. 2019/61, reg. 2\(b\)](#)

#### **ZA5 Conferral of further functions on the [<sup>F4</sup>Institute] by regulations**

- (1) The Secretary of State may by regulations confer on the [<sup>F4</sup>Institute] such functions [<sup>F18</sup>in relation to England as the Secretary of State considers appropriate, relating to—

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- (a) apprenticeships,
  - (b) technical education qualifications, or
  - (c) steps that may be taken by persons towards becoming competent to work in occupations.]
- (2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

#### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F18** Words in [s. ZA5\(1\)](#) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), \*\*Sch. 1 para. 5\*\*; S.I. 2019/61, reg. 2\(b\)](#)

### ZA6 Annual and other reports

- (1) As soon as reasonably practicable after the end of each financial year, the [<sup>F4</sup>Institute] must prepare an annual report.
- (2) An annual report is a report which includes—
- (a) a description of what the [<sup>F4</sup>Institute] has done during the year, including a description of what the [<sup>F4</sup>Institute] has done as a result of any notice given by the Secretary of State under section ZA2(2),
  - (b) the statement of accounts prepared for that year under paragraph 11 of Schedule A1, and
  - (c) such other provision as the Secretary of State may direct.
- (3) The [<sup>F4</sup>Institute] must send the report to the Secretary of State as soon as reasonably practicable after it has been prepared.
- (4) The Secretary of State must lay a copy of the report before Parliament.
- (5) The Secretary of State may direct the [<sup>F4</sup>Institute] to prepare, and send to the Secretary of State, as soon as reasonably practicable a report on any matter relating to its functions.
- (6) In this section “financial year” means—
- (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
  - (b) each successive period of 12 months.

#### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)

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### Compliance

#### ZA7 Secretary of State directions where the [F4Institute] fails to discharge duties etc

If the Secretary of State is satisfied that the [F4Institute]—

- (a) has failed to discharge a duty imposed on it by or under this Act, or
- (b) has acted or is proposing to act in an unreasonable way in exercising any function,

the Secretary of State may give the [F4Institute] such directions as the Secretary of State considers appropriate.

##### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)

### Directions

#### ZA8 General provision about directions under Chapters ZA1 and A1

- (1) This section applies to a direction given to the [F4Institute] by the Secretary of State under this Chapter or Chapter A1.
- (2) The [F4Institute] must comply with the direction.
- (3) The direction must be in writing.]

##### Textual Amendments

- F4** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)

#### [F19]ZA8A Interpretation of Chapter ZA1

In this Chapter, the following terms have the same meanings as in Chapter A1—  
 technical education qualification (see section [A12\(1\)](#));  
 approved technical education qualification (see section [A12\(1\)](#));  
 approved steps towards occupational competence (see section [A2D4\(5\)](#));  
 published occupation (see section [A12\(1\)](#)).]

##### Textual Amendments

- F19** [S. ZA8A](#) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 12\(2\), 36\(3\); S.I. 2022/965, reg. 3\(7\)](#) (with regs. 4, 5)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6