

Status: This version of this provision is prospective.

Changes to legislation: Skills and Post-16 Education Act 2022, Section 20 is up to date with all changes known to be in force on or before 20 May 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



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 3

PROTECTION FOR LEARNERS

CHAPTER 1

REGULATION OF POST-16 EDUCATION OR TRAINING PROVIDERS

Funding arrangements with post-16 education or training providers

PROSPECTIVE

20 Prohibitions on entering into funding arrangements with providers

- (1) If the Secretary of State makes regulations under [section 19\(1\)\(a\)](#) for the keeping of a list, the following provisions apply in relation to the making of funding arrangements while the regulations are in force.
- (2) A funding authority must not enter into relevant funding arrangements with a relevant provider unless—
 - (a) the relevant provider is on the list in respect of the education or training to which the funding arrangements relate, and
 - (b) the funding arrangements include provision allowing the funding authority to terminate the funding arrangements if the relevant provider ceases to be on the list in respect of that education or training.
- (3) A funding authority must not enter into relevant funding arrangements with a post-16 education or training provider (“P1”) unless the funding arrangements include the provision in subsection (4).
- (4) The provision in this subsection is—

Status: This version of this provision is prospective.

Changes to legislation: Skills and Post-16 Education Act 2022, Section 20 is up to date with all changes known to be in force on or before 20 May 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

- (a) in the case of relevant funding arrangements that prohibit P1 from entering into a relevant sub-contract, provision allowing the funding authority to terminate the funding arrangements if P1 enters into a relevant sub-contract in breach of that prohibition, and
 - (b) in the case of relevant funding arrangements that allow P1 to enter into a relevant sub-contract, provision allowing the funding authority to terminate the funding arrangements if P1 enters into a relevant sub-contract with a relevant provider (“P2”) unless—
 - (i) P2 is on the list in respect of the education or training to which the relevant sub-contract relates, and
 - (ii) the relevant sub-contract includes provision allowing P1 to terminate the sub-contract if P2 ceases to be on the list in respect of that education or training.
- (5) Nothing in this section—
- (a) may be relied on by a provider with whom a funding authority has entered into relevant funding arrangements as a reason for not carrying out the provider’s obligations under those arrangements, or
 - (b) limits the discretion of a funding authority not to enter into funding arrangements with a person where that person does not meet conditions of a scheme created by the funding authority in connection with the making of funding arrangements.
- (6) The following provisions apply for the interpretation of this section.
- (7) “Funding authority” means—
- (a) the Secretary of State;
 - (b) a local authority in England;
 - (c) a combined authority;
 - (d) the Greater London Authority.
- (8) “Funding arrangements” in relation to a funding authority and a provider are—
- (a) arrangements for a grant to be given by the funding authority to the provider for the provision of education or training wholly or mainly in England;
 - (b) an agreement for the funding authority to provide funding to the provider for the provision of education or training wholly or mainly in England.
- (9) The reference in subsection (8)(b) to an agreement for the funding authority to provide funding to the provider includes a reference to an agreement or arrangements between the funding authority and the provider by virtue of which amounts can or must be paid directly to the provider in accordance with provision in regulations made under section 22(1) of the Teaching and Higher Education Act 1998 (financial support for students) by virtue of section 22(2)(h) or (i) of that Act.
- (10) Funding arrangements are “relevant funding arrangements” if—
- (a) the education or training to which the arrangements relate is relevant education or training, and
 - (b) the arrangements have any other characteristics specified in regulations made by the Secretary of State.
- (11) A “relevant sub-contract”, in relation to relevant funding arrangements, is a contract—
- (a) for the provision of all or part of the education or training to which the relevant funding arrangements relate, and

Status: This version of this provision is prospective.

Changes to legislation: Skills and Post-16 Education Act 2022, Section 20 is up to date with all changes known to be in force on or before 20 May 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](#)

- (b) that has any other characteristics specified in regulations made by the Secretary of State.

Commencement Information

- I1** S. 20 not in force at Royal Assent, see [s. 36\(3\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

Skills and Post-16 Education Act 2022, Section 20 is up to date with all changes known to be in force on or before 20 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(2)(ga) inserted by [2023 c. 55 Sch. 4 para. 222](#)
- s. 20(7)(ca) inserted by [2023 c. 55 Sch. 4 para. 223](#)