



# Skills and Post-16 Education Act 2022

## 2022 CHAPTER 21

### PART 1

#### SKILLS AND EDUCATION FOR WORK

### CHAPTER 1

#### EDUCATION AND TRAINING FOR LOCAL NEEDS

##### *Local skills improvement plans*

## 1 Local skills improvement plans

- (1) [This section](#) applies to a relevant provider that provides English-funded post-16 technical education or training that is material to a specified area.
- (2) English-funded post-16 technical education or training is “material” to a specified area if it could reasonably be regarded as material or potentially material to the skills, capabilities or expertise that are, or may in the future be, required by employers operating within the specified area, having regard to all the circumstances and any guidance published by the Secretary of State.
- (3) If there is no approved local skills improvement plan for the specified area, the relevant provider must co-operate with the employer representative body for that area for the purposes of assisting the body to develop a local skills improvement plan for submission to the Secretary of State for approval and publication.
- (4) If there is an approved local skills improvement plan for the specified area, the relevant provider must—
  - (a) co-operate with the employer representative body for that area for the purposes of assisting the body to—
    - (i) keep the plan under review, and

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- (ii) where appropriate, develop a replacement plan for submission to the Secretary of State for approval and publication, and
  - (b) have regard to the plan so far as it is relevant to any decision that the relevant provider is making in relation to the provision of English-funded post-16 technical education or training that may be relevant to the skills, capabilities or expertise that are, or may in the future be, required in the area.
- (5) The relevant provider must have regard to any guidance published by the Secretary of State in connection with [this section](#), including in relation to—
- (a) co-operation with an employer representative body under [subsections \(3\) and \(4\)](#), and
  - (b) the matters to which the Secretary of State might have regard (including for the purposes of complying with [subsections \(6\) and \(7\)](#)) in deciding whether to approve and publish a plan.
- (6) The Secretary of State may approve and publish a local skills improvement plan only if satisfied that in the development of the plan due consideration was given to, amongst other things, the skills, capabilities or expertise required in relation to jobs that directly contribute to, or indirectly support, the following—
- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (UK net zero emissions target),
  - (b) adaptation to climate change, or
  - (c) meeting other environmental goals (such as restoration or enhancement of the natural environment).
- (7) Where a specified area covers any of the area of a relevant authority, the Secretary of State may approve and publish a local skills improvement plan for the specified area only if satisfied that in the development of the plan due consideration was given to the views of the relevant authority.

For this purpose “relevant authority” means—

- [<sup>F1</sup>(a) a combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 103 of that Act),
  - (aa) a CCA within the meaning of Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 (combined county authorities) (see section 9 of that Act),
  - (ab) a local authority that has functions conferred on it by regulations made under section 16(1) of the Cities and Local Government Devolution Act 2016 (power to transfer etc public authority functions to certain local authorities), or]
  - (b) the Greater London Authority.
- (8) A “local skills improvement plan”, in relation to a specified area, means a plan which—
- (a) is developed by an employer representative body for the specified area,
  - (b) draws on the views of employers operating within the specified area, and any other evidence, to summarise the skills, capabilities or expertise that are, or may in the future be, required in the specified area, and
  - (c) identifies actions that relevant providers can take regarding any English-funded post-16 technical education or training that they provide so as to address the requirements mentioned in [paragraph \(b\)](#).

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- (9) An “approved local skills improvement plan” means a local skills improvement plan that has been approved and published by the Secretary of State.

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**Textual Amendments**

- F1** S. 1(7)(a)-(ab) substituted for s. 1(7)(a) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 220](#) (with s. 247)

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**Commencement Information**

- I1** S. 1 in force at 28.6.2022, see [s. 36\(2\)](#)

## 2 Designation of employer representative bodies

- (1) The Secretary of State may designate an eligible body as the employer representative body for an area in England (the “specified area”) if—
- (a) the Secretary of State is satisfied that—
    - (i) the body is capable of developing and keeping under review a local skills improvement plan for the area, in an effective and impartial manner, and
    - (ii) the body is reasonably representative of the employers operating within the specified area, and
  - (b) the body has consented in writing to being so designated (and to any terms and conditions to which the designation is subject).
- (2) A designation under [subsection \(1\)](#) may be made subject to such terms and conditions as the Secretary of State considers appropriate.
- (3) If the Secretary of State decides to designate an eligible body under [subsection \(1\)](#), the Secretary of State must—
- (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
  - (b) publish the notice of the designation before that date.
- (4) The notice of the designation must state—
- (a) the name of the body,
  - (b) the specified area for which the body has been designated,
  - (c) the effective date, and
  - (d) any terms and conditions to which the designation is subject.
- (5) The Secretary of State may from time to time modify the terms and conditions to which a designation is subject, in which case the Secretary of State must—
- (a) notify the employer representative body of the modification before the date on which the modification takes effect, and
  - (b) amend the notice of designation accordingly, and publish it as amended, before that date.

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**Commencement Information**

- I2** S. 2 in force at 28.6.2022, see [s. 36\(2\)](#)

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### 3 Removal of designations

- (1) The Secretary of State may by notice remove the designation of a body under [section 2](#) if—
- (a) the body no longer meets the requirements in [section 2\(1\)\(a\)](#),
  - (b) the body is no longer an eligible body,
  - (c) the body does not comply with a term or condition to which the designation is subject,
  - (d) the body does not have regard to any relevant guidance published by the Secretary of State or departs from any such guidance without good cause, or
  - (e) the Secretary of State considers that removing the designation is otherwise necessary or expedient.
- (2) The Secretary of State must by notice remove a designation of a body under [section 2](#) if the body requests the removal in writing.
- (3) A notice under this section must—
- (a) include reasons for the removal of the designation, and
  - (b) specify when the designation is to be removed.
- (4) The Secretary of State must publish a notice under this section.

#### Commencement Information

**I3** [S. 3](#) in force at 28.6.2022, see [s. 36\(2\)](#)

### 4 Interpretation

- (1) In sections [1](#) to [3](#) and [this section](#)—
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- [<sup>F2</sup>“combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
- “eligible body” means a body corporate that—
- (a) is not a servant or agent of the Crown,
  - (b) is not a body to which the Secretary of State appoints members, and
  - (c) is not a public authority;
- “employer” means a person that engages, or intends to engage, an individual under—
- (a) a contract of service or apprenticeship, or
  - (b) a contract for services,
- for the purposes of a business, trade or profession or the activities of a public authority or charitable institution (within the meaning given by section 58(1) of the Charities Act 1992), and “employee” is to be construed accordingly;
- “employer representative body” means an eligible body that is designated as the employer representative body for a specified area under [section 2\(1\)](#);
- “independent training provider” means a provider of post-16 technical education or training—

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- (a) that provides English-funded post-16 technical education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, but
- (b) that is not—
  - (i) an employer who provides the education or training mentioned in paragraph (a) only to its employees,
  - (ii) a 16 to 19 Academy,
  - (iii) a school,
  - (iv) a local authority in England,
  - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
  - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017);

“local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);

“local skills improvement plan” has the meaning given by [section 1\(8\)](#);

“notice” means written notice (and to “notify” means to give written notice);

“post-16 technical education or training” means any technical education or training provided to individuals over compulsory school age;

“public authority” includes—

- (a) a court or tribunal, and
- (b) any person certain of whose functions are functions of a public nature;

“relevant provider” means a provider of post-16 technical education or training which is—

- (a) an institution in England within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992),
- (b) an English higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017),
- (c) an independent training provider whose activities, so far as they relate to the provision of post-16 technical education or training, are carried on, or partly carried on, in England, or
- (d) a local authority in England, a 16 to 19 Academy or a school in England that is specified or described in regulations made by statutory instrument by the Secretary of State;

“school” has the meaning given by section 4(1) of the Education Act 1996;

“specified area” has the meaning given by [section 2\(1\)](#).

- (2) For the purposes of [sections 1 to 3](#) and [this section](#), education or training is “English-funded” if it is funded, wholly or partly, by—
  - (a) the Secretary of State,
  - (b) a combined authority,
  - [<sup>F3</sup>(ba) a combined county authority]
  - (c) the Greater London Authority, or
  - (d) a local authority in England.

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- (3) For those purposes, education or training funded by the Secretary of State includes education or training funded, wholly or partly, by amounts paid directly to the provider of the education or training in accordance with provision in regulations made by the Secretary of State 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.
- (4) Where a relevant provider that provides English-funded post-16 technical education or training enters into arrangements under which all or part of that education or training is provided by another relevant provider, the education or training provided under the arrangements is to be treated as English-funded post-16 technical education or training provided by the second relevant provider (as well as by the first).
- (5) A statutory instrument containing regulations under paragraph (d) of the definition of “relevant provider” in [subsection \(1\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F2** Words in s. 4(1) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\)](#), [Sch. 4 para. 221\(2\)](#) (with s. 247)
- F3** S. 4(2)(ba) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\)](#), [Sch. 4 para. 221\(3\)](#) (with s. 247)

#### Commencement Information

- I4** S. 4 in force at 28.6.2022, see [s. 36\(2\)](#)

### *Further education institutions: duty in relation to local needs*

## 5 Institutions in England within the further education sector: local needs

In the Further and Higher Education Act 1992, after section 52A insert—

### **“52B Duty to review provision in relation to local needs: England**

- (1) The governing body of an institution in England within the further education sector must—
  - (a) from time to time review how well the education or training provided by the institution meets local needs, and
  - (b) in light of that review, consider what action the institution might take (alone or in conjunction with action taken by one or more other educational institutions) in order to meet those needs better.
- (2) In carrying out its review, the governing body must have regard to any guidance published under this section by the Secretary of State.
- (3) The governing body must publish its review on the institution’s website.”

#### Commencement Information

- I5** S. 5 in force at 28.6.2022, see [s. 36\(2\)](#)

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**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](#)