

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2016, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 22

THE INSTITUTE FOR APPRENTICESHIPS

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

Commencement Information

- II** Sch. 4 para. 1 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 2 In Part 1 (apprenticeships, study and training) before Chapter A1 insert—

“CHAPTER ZA1

THE INSTITUTE FOR APPRENTICESHIPS

Establishment

The Institute for Apprenticeships

- ZA1(1) A body corporate known as the Institute for Apprenticeships is established.
- (2) In this Act that body is referred to as “the IfA”.
- (3) Schedule A1 makes further provision about the IfA.

General duties and functions

General duties

- ZA2(1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the IfA must have regard to—
- the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the IfA's remit;
 - the reasonable requirements of persons who may wish to undertake education and training within the IfA's remit;
 - the need to ensure that education and training within the IfA's remit is of an appropriate quality;
 - the need to ensure that education and training within the IfA's remit represents good value in relation to financial resources provided out of public funds;

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- (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 IfA setting out other matters to which the IfA must have regard when performing its functions.
- (3) The Secretary of State may not give a notice under subsection (2) more than once in any financial year (within the meaning given by section ZA6(6)), except as provided by subsection (4).
- (4) Where in a financial year—
 - (a) a notice is given under subsection (2), and
 - (b) after the giving of the notice a new Parliament meets for the first time,
 the Secretary of State may give one further notice under subsection (2) in that year.
- (5) The IfA must perform its functions efficiently and effectively.
- (6) For the purposes of this section, education or training is within the IfA's remit if the education or training is or may be provided in the course of an approved English apprenticeship.
- (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—
 - (a) may provide for any education or training to which the functions relate to be treated as within the IfA'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.

Provision of advice and assistance to the Secretary of State etc

- ZA3(1) The IfA 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 relating to apprenticeships in relation to England.
- (2) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

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Delegation of functions to the IfA by Secretary of State

- ZA4(1) The Secretary of State may by direction delegate to the IfA any of the Secretary of State's functions relating to apprenticeships in relation to England.
- (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 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

Conferral of further functions on the IfA by regulations

- ZA5(1) The Secretary of State may by regulations confer on the IfA such functions relating to apprenticeships in relation to England as the Secretary of State considers appropriate.
- (2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

Annual and other reports

- ZA6(1) As soon as reasonably practicable after the end of each financial year, the IfA must prepare an annual report.
- (2) An annual report is a report which includes—
- (a) a description of what the IfA has done during the year, including a description of what the IfA 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 IfA 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 IfA 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.

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Compliance

Secretary of State directions where the IfA fails to discharge duties etc

- ZA7 If the Secretary of State is satisfied that the IfA—
- (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 IfA such directions as the Secretary of State considers appropriate.

Directions

General provision about directions under Chapters ZA1 and A1

- ZA8(1) This section applies to a direction given to the IfA by the Secretary of State under this Chapter or Chapter A1.
- (2) The IfA must comply with the direction.
 - (3) The direction must be in writing.”

Commencement Information

I2 Sch. 4 para. 2 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 3 Before section A1 insert— “ Introductory ”

Commencement Information

I3 Sch. 4 para. 3 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 4 In section A1 (meaning of “approved English apprenticeship”), in subsection (3)(a) for “the Secretary of State has published an approved apprenticeship standard under section A2” substitute “ an approved apprenticeship standard has been published under section A2 ”.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 5 For section A2 (approved apprenticeship standards) substitute—

“Publication of standards and assessment plans

A2 Apprenticeship standards and assessment plans

- (1) The IfA must publish—

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- (a) standards for such sectors of work as the IfA considers appropriate for the purposes of this Chapter, and
 - (b) assessment plans in respect of published standards.
- (2) Each standard must—
 - (a) describe the sector of work to which it relates, and
 - (b) if there is more than one standard for the sector, describe the kind of work within the sector to which it relates.
- (3) Each standard must set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to attain in order to achieve the standard.
- (4) An assessment plan in respect of a standard is a plan in accordance with which a person's attainment of the outcomes set out in the standard is to be assessed.
- (5) Each assessment plan must—
 - (a) specify the standard to which it relates, and
 - (b) set out the proposed arrangements for evaluating the quality of any assessment provided for by the plan.
- (6) The following provisions supplement the provision made by this section—
 - section A2A makes provision about the preparation of apprenticeship standards and assessment plans;
 - sections A2B to A2D make provision related to ensuring the quality of apprenticeship assessments;
 - sections A2E and A2F make provision about the review, revision and withdrawal of apprenticeship standards and assessment plans;
 - section A2G makes provision for independent examinations of apprenticeship standards and assessment plans;
 - section A2H makes provision about the maintenance of a published list of apprenticeship standards and assessment plans;
 - section A2I provides for the automatic transfer to the IfA of copyright in apprenticeship standards and assessment plans.

A2A Preparation of apprenticeship standards and assessment plans

- (1) Each standard or assessment plan published under section A2 must have been prepared by a group of persons and approved by the IfA.
- (2) The group of persons that prepared a standard or assessment plan published under section A2 must have been approved by the IfA for the purposes of this section.
- (3) The IfA may provide advice or assistance to a group of persons in connection with the preparation of a standard or assessment plan.
- (4) The IfA must publish—
 - (a) information about matters that it takes into account when deciding whether or not to approve standards or plans for the purposes of subsection (1);

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- (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (2).
- (5) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the IfA may also take into account such other matters as it considers appropriate in the case in question.
- (6) Information published under subsection (4) may be revised or replaced, and the IfA must publish under that subsection any revised or replacement information.

Quality assurance

A2B Evaluation of quality of apprenticeship assessments

- (1) The IfA must secure that evaluations are carried out of the quality of apprenticeship assessments provided by persons in relation to assessment plans published under section A2.
- (2) “Apprenticeship assessment” means the assessment of a person's attainment of the outcomes set out in the standard to which the assessment plan relates.
- (3) For the purposes of subsection (1) the IfA may approve or make arrangements for other persons to carry out evaluations.

A2C Unsatisfactory apprenticeship assessments

- (1) If the IfA considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, it may carry out a review of the assessment, or make arrangements with another person for the carrying out of such a review.
- (2) The IfA may, in consequence of a review, make arrangements for the purpose of improving the quality of the assessment to which the review relates.
- (3) If the IfA—
 - (a) considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, or
 - (b) that a person who provides an apprenticeship assessment has failed to co-operate with a review carried out under this section or with arrangements made under subsection (2),
 it may report the matter to the Secretary of State or such other person as the IfA considers appropriate.
- (4) A report under subsection (3) may contain recommendations as to the action to be taken by the person to whom the report is made.
- (5) The IfA may publish a report under subsection (3).

A2D Committee to advise on quality evaluations etc

- (1) The IfA may establish a committee with—

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- (a) the function of giving the IfA advice on the performance of its functions under sections A2B and A2C, and
 - (b) such other functions as may be conferred on the committee by the IfA.
- (2) A majority of the members of the committee—
 - (a) must be persons who appear to the IfA to have experience of the assessment of education or training, and
 - (b) must not be members of the IfA.
- (3) Subject to that, Schedule A1 applies to a committee established under this section as it applies to committees established under paragraph 7 of that Schedule.

Review, revision and withdrawal

A2E Regular reviews of published standards and assessment plans

- (1) The IfA must maintain arrangements for the review at regular intervals of each standard or assessment plan published under this Chapter, with a view to determining whether the standard or plan ought to be revised or withdrawn.
- (2) In respect of each standard or assessment plan published under this Chapter, the IfA must publish information about the intervals at which those reviews are to be conducted.

A2F Revision or withdrawal of published standards and assessment plans

- (1) The IfA may—
 - (a) publish a revised version of a standard or assessment plan published under this Chapter, or
 - (b) withdraw a standard or assessment plan published under this Chapter (with or without publishing another in its place).
- (2) Section A2A applies in relation to a revised version of a standard or plan published under this section as it applies in relation to a standard or plan published under section A2.

Other provisions about English approved apprenticeships

A2G Examinations by independent third parties

- (1) Before the IfA approves a standard or assessment plan for the purposes of section A2A(1) it must make arrangements for the carrying out of an examination of the standard or plan by an independent third party.
- (2) The duty imposed by subsection (1) does not apply in relation to a revised version of a standard or assessment plan, but the IfA may, for the purposes of a review under section A2E or at any other time, make arrangements for the carrying out of an examination of a standard or assessment plan by an independent third party.

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- (3) Where an examination of a standard or assessment plan is carried out under this section, the IfA must take account of the finding of the examination in exercising its functions in relation to the standard or plan under this Chapter.
- (4) Nothing in subsection (1) prevents the IfA deciding to reject a standard or assessment plan without first making arrangements for the carrying out of an examination by an independent third party.

A2H List of published standards and assessment plans

- (1) The IfA must maintain a list of the standards and assessment plans published by it under this Chapter.
- (2) In respect of each standard and plan listed (including any revised version), the list must include details of when it comes into force.
- (3) Where a revised version is listed, the list must include a general description of the cases to which the revised version applies.
- (4) Where a standard or plan has been withdrawn, the list must include details of when the withdrawal comes into force and a general description of the cases to which it applies.
- (5) The IfA must secure that the list is available free of charge at all reasonable times.

A2I Transfer of copyright in standards and assessment plans

- (1) This section applies where—
 - (a) a standard or assessment plan is approved by the IfA under section A2A, and
 - (b) a person (other than the IfA) is entitled, immediately before the time the approval is given, to any right or interest in any copyright in the standard or plan.
- (2) The right or interest is, by virtue of this section, transferred from that person to the IfA at the time the approval is given.
- (3) The IfA must ensure that a standard or assessment plan in relation to which a right or interest has transferred by virtue of subsection (2) is made available to the public, subject to any conditions that the IfA considers appropriate.”

Commencement Information

I5 Sch. 4 para. 5 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 6 (1) Section A3 (power to issue apprenticeship certificate) is amended as follows.
 - (2) In subsection (1) for “to” substitute “ in respect of ”.
 - (3) In subsection (2), for paragraph (b) substitute—
 - “(b) the supply by the Secretary of State of apprenticeship certificates issued under that subsection, and copies of those certificates, to—
 - (i) persons in respect of whom they were issued;

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- (ii) persons for whom those persons work or have worked under approved English apprenticeship agreements to which the certificates relate.”

Commencement Information

I6 Sch. 4 para. 6 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 7 In section 122 (sharing of information for education and training purposes)—
- (a) in subsection (3) (persons who may provide and receive information), after paragraph (f) insert—
- “(g) the IfA.”;
- (b) in subsection (5) (functions for the purposes of which information may be provided)—
- (i) omit the “or” at the end of paragraph (b), and
- (ii) after paragraph (b) insert—
- “(ba) any function of the IfA, or”.

Commencement Information

I7 Sch. 4 para. 7 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 8 In section 262(6) (orders and regulations subject to affirmative procedure) before paragraph (ab) insert—
- “(aab) regulations under section ZA5;”

Commencement Information

I8 Sch. 4 para. 8 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 9 Before Schedule 1 insert—

“SCHEDULE
A1

THE INSTITUTE FOR APPRENTICESHIPS

Status

- 1 The IfA is to perform its functions on behalf of the Crown.

Membership

- 2 (1) The IfA is to consist of—
- (a) a member appointed by the Secretary of State to chair the IfA (“the chair”);
- (b) the chief executive appointed in accordance with paragraph 5;
- (c) at least 4 and no more than 10 other members appointed by the Secretary of State.

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- (2) The chair and members appointed under sub-paragraph (1)(c) are referred to in this Schedule as the “non-executive members”.

Tenure of non-executive members

- 3 (1) The non-executive members hold and vacate office in accordance with the terms of their appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) A non-executive member must not be appointed for a term of more than five years.
- (4) A non-executive member may resign from office at any time by giving written notice to the Secretary of State.
- (5) The Secretary of State may remove a non-executive member from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;
 - (b) absence from the IfA's meetings for a continuous period of more than 6 months without the IfA's permission.
- (6) The previous appointment of a person as a non-executive member does not affect the person's eligibility for re-appointment.

Remuneration of non-executive members

- 4 (1) The IfA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to its non-executive members.
- (2) The IfA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a person who is or has been a non-executive member.
- (3) If a person ceases to be a non-executive member of the IfA and the Secretary of State decides that the person should be compensated because of special circumstances, the IfA must pay compensation to the person.
- (4) The amount of a payment under sub-paragraph (1), (2) or (3) is to be determined by the Secretary of State.
- (5) Service as a non-executive member is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply (see Schedule 1 to that Act).
- (6) The IfA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of non-executive members in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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Chief executive and other staff

- 5
- (1) The first chief executive is to be appointed by the Secretary of State on conditions of service determined by the Secretary of State, after consulting the chair.
 - (2) Subsequent chief executives are to be appointed by the IfA after consulting the Secretary of State.
 - (3) The chief executive must not be appointed for a term of more than five years.
 - (4) The previous appointment of a person as chief executive does not affect the person's eligibility for re-appointment.
 - (5) The chief executive holds that office as a member of staff of the IfA.
 - (6) The IfA may appoint other members of staff.
 - (7) Service as a member of staff of the IfA is employment in the civil service of the State.
 - (8) The following are to be determined by the IfA with the approval of the Secretary of State—
 - (a) the number of members of staff of the IfA (in addition to the chief executive);
 - (b) the conditions of service of staff of the IfA.
 - (9) Sub-paragraph (8)(b) is subject to sub-paragraph (1).

Arrangements with Secretary of State

- 6
- The Secretary of State and the IfA may enter into arrangements with each other for the provision to the IfA by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

Committees

- 7
- (1) The IfA may establish committees, and any committee established by the IfA may establish sub-committees.
 - (2) The IfA may—
 - (a) dissolve a sub-committee established under sub-paragraph (1), or
 - (b) alter the purposes for which such a sub-committee is established.
 - (3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “IfA committee”.
 - (4) An IfA committee must include at least two persons who are members of the IfA or its staff.
 - (5) The IfA may, with the approval of the Secretary of State, arrange for the payment of remuneration, allowances and expenses to any person who—
 - (a) is a member of an IfA committee, but
 - (b) is not a member of the IfA or its staff.

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- (6) The IfA must, if directed to do so by the Secretary of State, review—
- (a) the structure of IfA committees, and
 - (b) the scope of the activities of each IfA committee.

Procedure

- 8 (1) The IfA may regulate—
- (a) its own proceedings (including quorum), and
 - (b) the procedure (including quorum) of IfA committees.
- (2) The validity of proceedings of the IfA, or of an IfA committee, is not affected by—
- (a) a vacancy;
 - (b) a defective appointment.

Exercise of functions

- 9 (1) Subject to sub-paragraphs (2) and (3), the IfA may authorise any of the following to exercise functions on its behalf—
- (a) a member of the IfA;
 - (b) a member of the IfA's staff;
 - (c) an IfA committee;
 - (d) any other person.
- (2) The IfA may not authorise any of the functions under sections A2, A2A and A2E to A2I to be exercised on its behalf—
- (a) under sub-paragraph (1)(c), by a committee a majority of the members of which are not members of the IfA's staff, or
 - (b) under sub-paragraph (1)(d).
- (3) The IfA may authorise the exercise on its behalf of functions that have been—
- (a) delegated to the IfA by directions under section ZA4, or
 - (b) conferred on the IfA by regulations under section ZA5,
- only if and to the extent that the directions or regulations so provide.

Supplementary powers

- 10 (1) The IfA may—
- (a) provide information or advice to any person in connection with any of the IfA's functions;
 - (b) co-operate or work jointly with any person where it is appropriate to do so for the efficient and effective performance of any of the IfA's functions;
 - (c) carry out research for the purposes of, or in connection with, the IfA's functions;
 - (d) do anything else that the IfA considers necessary or appropriate for the purposes of, or in connection with, its functions.

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- (2) The power in sub-paragraph (1)(d) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The IfA may not borrow money.
- (4) The IfA may not, without the consent of the Secretary of State—
 - (a) lend money,
 - (b) form, participate in forming or invest in a company, or
 - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).
- (5) In sub-paragraph (4) the reference to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.

Accounts and reports

- 11 (1) The IfA must—
 - (a) keep proper accounts and proper records in relation to its accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State as to—
 - (a) the information to be contained in it,
 - (b) the manner in which such information is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The IfA must send a copy of each statement of accounts to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,before the end of the month of August following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
 - (a) a copy of each statement sent to the Secretary of State under sub-paragraph (3), and
 - (b) a copy of each report and certified statement sent to the Secretary of State under sub-paragraph (4).
- (6) “Financial year” has the meaning given by section ZA6(6) (annual and other reports).

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Application of seal and proof of documents

- 12 (1) The application of the IfA's seal must be authenticated by the signature of—
- (a) the chief executive, or
 - (b) a member of the IfA who has been authorised by the IfA for that purpose (whether generally or specifically).
- (2) A document purporting to be duly executed under the IfA's seal, or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be treated as executed or signed in that way, unless the contrary is proved.

Funding

- 13 (1) The Secretary of State may make grants to the IfA, or provide the IfA with any other kind of financial assistance, subject to any conditions that the Secretary of State considers appropriate.
- (2) The conditions may, in particular—
- (a) enable the Secretary of State to require full or partial repayment of sums paid by the Secretary of State if any of the conditions are not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.”

Commencement Information

I9 Sch. 4 para. 9 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 10 In Schedule 1 to the Superannuation Act 1972, in the list of “Offices”, at the appropriate place insert— “ Non-executive member of the Institute for Apprenticeships. ”

Commencement Information

I10 Sch. 4 para. 10 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) at the appropriate place insert— “ The Institute for Apprenticeships. ”

Commencement Information

I11 Sch. 4 para. 11 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2016, SCHEDULE 4.