



Department  
for Education

# **Technical and Further Education Bill**

## **Impact assessment**

**October 2016**

# **Contents**

Introduction	3
Equality Impact Assessment	4
Public Sector Equality Duty	4
Regulatory impact	6
New burdens assessment: Summary of Bill impact	7

# **Introduction**

This document presents the outcomes of the Department for Education's impact assessments for the Technical and Further Education Bill introduced to the House of Commons on 27 October 2016.

# Equality Impact Assessment

In line with the Public Sector Equality Duty (contained in section 149 of the Equality Act 2010), in introducing the Technical and Further Education Bill the Secretary of State must have due regard to the need to –

## Public Sector Equality Duty

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- *Sex*
- *Race*
- *Disability*
- *Religion or belief*
- *Sexual orientation*
- *Pregnancy and maternity*
- *Gender reassignment*
- *Age*
- *Marriage and civil partnership*

The following table considers the potential for differential impact against these characteristics for each of the policy areas covered by the Technical and Further Education Bill.

<b>Provisions in Bill</b>	<b>Impact consideration</b>
Extending the role of the new Institute for Apprenticeships to cover Technical Education	<p>This measure takes forward policy proposals contained in Post-16 Skills Plan, published in July 2016. Many of the reforms are likely to have a positive impact on individuals with protected characteristics, notably those with a special educational need and/or disability (SEND), those with low prior attainment and those who are economically disadvantaged.</p> <p>Full impact analysis for this policy can be found here: <a href="https://www.gov.uk/government/publications/technical-education-reform-impact-assessment">https://www.gov.uk/government/publications/technical-education-reform-impact-assessment</a>.</p>
Data publishing duties in relation to adult skills, linked to the devolution of adult skills budgets.	<p>There will be no direct impact on schools or pupils. This is a technical measure that has no particular impacts on any persons who share one of more of the protected characteristics under the Public Sector Equality Duty.</p>
Introduce a new insolvency regime for Further Education colleges	<p>This policy is expected to beneficially impact learners at colleges that become insolvent, including those with protected characteristics. As students from ethnic minority groups comprise a higher proportion of learners relative to the general population, this policy could have some positive equality impacts. There is no evidence to suggest that this policy would have a differential impact on people with any other protected characteristic.</p>

## Regulatory impact

The policy area detailed below affects organisations in the private, voluntary or independent sectors. None of the other provisions in the Bill place a regulatory burden on the conduct of private/independent sector business activity. All other measures are therefore out of scope of the Regulatory Impact Assessment process. A full regulatory impact assessment for this measure will be published on [www.gov.uk](http://www.gov.uk) in due course.

Policy Area	Regulatory Impact	Net cost to business per year
<p><u>Devolution of Adult Education Budget (AEB) Data Requirement</u></p> <p><u>Legislation</u>- the measure will enable the continuity of the current data collection system for Further Education learner data.</p> <p>Devolution of the Adult Education Budget (AEB) to certain combined authorities in England (from 18/19) will mean that Government will no longer be able to rely on the currently-worded statutory duty, or a contractual relationship with providers, to require FE learner data in respect of provision funded from devolved AEB. The loss of data means the SoS, who remains accountable to Parliament on the impact of publicly-funded further education in England as a whole, would be unable to deliver fully on that responsibility. Equally the loss of a national data sharing arrangement would lead to increased burden and inefficiency for providers and a loss of transparency on delivery and standards of education in the country. This measure will maintain consistency and the ability to undertake time series analysis of data, as well as providing most efficient value for money and future-proofing against additional provider burdens.</p>	<p>The Secretary of State currently obtains the required data from FE colleges and private and voluntary FE providers, under the currently-worded statutory duty and contractual obligations to share the data in order to receive funding from the state. The measure enables the continuation of the same data requirements in the new context of a mixture of national and devolved funding within FE. In practice, there will, therefore, be no additional burden on FE providers or any other party. The proposal aims to maintain consistency in the data collected and to avoid additional burdens on local authorities after the AEB is decentralised.</p> <p>The Regulatory Policy Committee has verified the estimated equivalent annual net direct cost to business (EANDCB) as zero. This is a qualifying regulatory provision that will be accounted for under the business impact target.</p>	£0

## **New burdens assessment: Summary of Bill impact**

We will be engaging with Local Authorities during the passage of the Bill and will publish a full version of this assessment when the Bill reaches Royal Assent. We anticipate that all measures in this Bill will be out of scope of this assessment.



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