

## STATUTORY OVERVIEW

Established by the first Scope Order in 1964 (under the ITA 1964) as a statutory corporation, non- departmental public body and in 1972 as a charity.

**STATUTORY CORPORATION** (must comply with the ITA, Scope Order & Levy Order)

The industry of each ITB is set out in its Scope Order. For CITB, the 'construction- industry' in Great Britain is set out in the **1992 Scope Order**, SI 1992/3048.

An ITB's purpose, function and powers are set out in the **Industrial**

**Training Act 1982**. An ITB's purpose is to:

*"mak[e] better provision for the training of persons over compulsory school age (in Scotland, school age) for employment in any activities of industry and commerce"*

An ITB's functions are set out in section 5 of the ITA:

- provide or secure the provision of courses and other facilities for training 5(1)(a)
- approve courses and facilities 5(1)(b)
- publish recommended training standards and assessment methods 5(1)(c)
- assess and certificate the achievement of those standards 5(1)(d)
- help people find training opportunities in the sector 5(1)(e)
- provide advice about training and carry out research 5(1)(f) & (g)
- take on apprentices 5(2)
- provide advice to other ITBs, to the DfE and to employers in the industry in relation to activities carried out overseas 5(3)(a-c)
- receive payments for providing these functions 5(3)(d)
- pay grants and FE fees for approved training 5(4)

An ITB can only do what is expressly stated in its statutory powers and what is otherwise fairly regarding as incidental or consequential upon its express powers. Meaning it can take any steps which are reasonably necessary to achieve the statutory purpose.

To meet its expenses ITB's are given the power to raise and collect a levy under a levy order. The

**2018 Levy Order** (SI 2018/432) is the current order.

Consensus: the name given to the process of consultation with the industry about the proposals for a new levy order. A 3-year cycle to enact the Levy Order. The next order will be made in 2021. Section 11 of the ITA and the Reasonable Steps Order sets out the framework (who; how; process of consultation) for submitting levy proposals to the DfE for approval.

Appeals: employers can appeal against their levy on 2 grounds – (1) that they are not within the scope of the ITB and (2) that the amount of the levy is incorrect.

Appeals are heard at the Employment Tribunal (previously known as Industrial Tribunals, which were originally set up purely to hear levy appeals from ITBs)

Section 6 of the ITA sets out what information employers must provide to enable CITB to raise the levy. It also sets out what employer information ITB's must not disclose. Disclosure in contravention of this section may result in a fine or imprisonment or both.

### **EXECUTIVE NON-DEPARTMENTAL PUBLIC BODY**

A Framework Document exists between the DfE and CITB which facilitates and underpins the relationship between CITB and the Government. The document provides the framework within which CITB should work with the DfE to deliver its statutory functions.

As an NDPB CITB must comply with the obligations and principles set out in "**Managing Public Money**" – principally Appendices 4.10 'losses & write offs' and 4.13 'special payments' eg settlement agreements.

CITB is also a 'contracting authority' under the **Public Contracts Regs 2015**

As a public body CITB is required to follow the '**Gunning Principles**' and the Cabinet Office's 'Consultation Principles' which requires consultations to be clear, concise have a purpose, informative, only part of a process of engagement, last for a proportionate amount of time, targeted, take account of the groups being consulted, be agreed before publication, facilitate scrutiny, published in a timely fashion.

**Freedom of Information Act 2000** – as a public body CITB is required to publish and disclosure much of what is produced/held. Take care what is said in correspondence.

**Data Protection Act 2018** - CITB holds a huge amount of data and must comply with the GDPR requirements.

### **CHARITY**

As a registered charity (Reg No. 264289 in England and Wales and SC044875 in Scotland) CITB must comply with the **Charities Act 2011**.

CITB's charitable objects:

*"for the purpose of making better provision for the training of persons for employment in any activities of the construction industry".*