

# LEARNING AND SKILLS ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part I - the Learning and Skills Council for England

#### Sections 1 to 29 and Schedules 1 to 3

#### *Sections 12 to 18: other functions of the LSC*

55. **Section 12** sets out the role of the LSC in relation to research and the provision of information, advice and guidance.
56. The LSC will be under a duty to report to the Secretary of State on such matters as he may require and will have the power to offer such information and advice to the Secretary of State as it thinks fit. In practice, this is likely to include information about progress towards the Government's National Learning Targets connected with post-16 learning (and advice on the setting of future targets); analysis of the learning and skills performance of England in comparison with other countries; a description of the LSC's learning and skills strategy, based on an analysis of local skills needs; and information on the quality and quantity of provision available locally to meet learning needs.
57. The section also gives the LSC the power to secure the provision of facilities for providing information, advice and guidance about education, training and connected matters, including employment. The intention of the Secretary of State is that the LSC, through its local councils, will fund the provision of information, advice and guidance services to adults, while services for 13-19 year olds will be arranged through the Connexions Service (see sections 114 to 122).
58. The section also gives the LSC power to provide information to any person designated by the Secretary of State. This will, for instance, enable the LSC to provide the Qualifications and Curriculum Authority (QCA) with information to assist with the establishment and maintenance of the framework of qualifications and monitoring of the standards of qualifications.
59. **Section 13** requires the LSC to pay particular regard to the needs of people with learning difficulties when performing its duties to secure facilities for education and training under sections 2 and 3, when providing resources for education and training under section 5(1)(a) to (d) and (g) and when exercising its powers to secure facilities for work experience under section 8. In particular, the LSC must have regard to a report of an assessment of a person's needs made under section 140. Learning difficulties are defined at section 13(5). This definition is derived from provisions for further education in section 4 of the Further and Higher Education Act 1992 which is repealed by this Act.
60. **Section 13** also describes the LSC's main responsibilities regarding the funding of boarding accommodation for those with learning difficulties. For those between the ages of 16 and 19, the LSC must provide boarding accommodation where it is satisfied that it cannot make arrangements for individuals which are sufficient in quantity and adequate in quality unless it also secures boarding accommodation. For those between

the ages of 19 and 25, the LSC must provide boarding accommodation where it is satisfied that it cannot secure the provision of reasonable facilities for individuals unless it also secures boarding accommodation. For those over the age of 25, the LSC has a power to make such arrangements if it is satisfied that provision for individual learners would not otherwise be reasonable. Those provisions should be read alongside the LSC's main duties at clauses 2 and 3.

61. **Section 14** requires the LSC to have due regard to the need to promote equality of opportunity between people from different racial groups, between men and women, and between people with a disability and people without. It must make an annual report on what arrangements it has made during the year, how effective they were and its plans for the following year. It must send a copy of the report to the Secretary of State. The Government has outlined, in pages 31-33 of the *LSC Prospectus*, some of the practical steps which it expects the LSC to take with regard to this duty.
62. **Sections 15 and 16** set out the planning the LSC is required to undertake. Two separate types of plan will be prepared: an annual business plan and a three-year rolling strategic (corporate) plan. Its annual business plan must include any measures the LSC intends to take to meet objectives the Secretary of State may set, and its financial plans for the year. The LSC's three-year plan will set out its strategy for the future development of activities and provision funded by the LSC. This will include its strategy for workforce development.
63. **Section 17** provides for the LSC to have regard to any information received from a body designated by the Secretary of State. This might include, for instance, the Qualifications and Curriculum Authority (QCA) which holds information on the nature and availability of accredited provision in particular areas and on issues of financial propriety connected with this provision. This information is likely to be relevant to the activities of the LSC.
64. **Section 18** gives the LSC additional general powers which it may exercise to enable it to perform its other functions. The powers enabling the LSC, with the Secretary of State's agreement, to form or participate in companies may be used to facilitate appropriate partnership-working at the local and national levels for local workforce development, regeneration and economic development objectives. Section 18 also enables the Secretary of State to confer by order additional functions relevant to education or training in England on the LSC. (Section 8(4) of the Further and Higher Education Act 1992 contains a similar power in respect of the FEFC.)