



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 3 **U.K.**

THE YOUNG PEOPLE'S LEARNING AGENCY FOR ENGLAND

CHAPTER 2 **U.K.**

MAIN FUNCTIONS

Funding

61 Provision of financial resources **E+W**

- (1) The YPLA must secure the provision of financial resources to—
 - (a) persons providing or proposing to provide suitable education or training to persons—
 - (i) who are over compulsory school age but under 19, or
 - (ii) who are aged 19 or over but under 25 and are subject to learning difficulty assessment;
 - (b) persons providing or proposing to provide suitable education to children subject to youth detention;
 - (c) ^[F1]local authorities], for the purposes of their functions in relation to education or training within paragraph (a) or (b).
- (2) The YPLA must also secure the provision of financial resources in accordance with any directions given to it by the Secretary of State.
- (3) The YPLA may secure the provision of financial resources to—
 - (a) persons providing or proposing to provide education or training to persons who are of or under compulsory school age;

Status: Point in time view as at 05/05/2010.

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- (b) persons providing or proposing to provide education or training to persons aged 19 or over, in respect of education or training begun by them before reaching the age of 19;
 - (c) ^{F1}local authorities], for the purposes of their functions in relation to education or training in respect of which the YPLA has power to secure the provision of financial resources under paragraph (a) or (b).
- (4) The YPLA may also secure the provision of financial resources—
- (a) to or in respect of persons (of any age) for purposes related to enabling, facilitating or encouraging their participation in education or training;
 - (b) to persons providing or proposing to provide goods or services in connection with the provision by others of education or training within subsection (1)(a) or (b) or (3)(a) or (b);
 - (c) to persons undertaking or proposing to undertake research relating to education or training;
 - (d) to persons providing or proposing to provide work experience for persons receiving education;
 - (e) to persons carrying out means tests under arrangements made under section 64;
 - (f) to persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (5) In performing its functions under this section the YPLA must make the best use of its resources.
- (6) The YPLA may secure the provision of financial resources under this section—
- (a) by providing the resources;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the YPLA).
- (7) The YPLA may under subsection (4)(a) secure the provision of financial resources by reference to—
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
 - (b) any other matter (such as transport or childcare).
- (8) The reference in subsection (1)(a) to persons—
- (a) who are over compulsory school age but under 19, or
 - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment,
- does not include persons who are subject to adult detention within the meaning given in section 121(4).
- (9) Directions given under subsection (2) may not concern the provision of financial resources to or in respect of a particular person or persons.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Status: Point in time view as at 05/05/2010.

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Commencement Information

II S. 61 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

62 Financial resources: conditions **E+W**

- (1) Financial resources provided by the YPLA may be provided subject to conditions.
- (2) The conditions may include—
 - (a) information conditions;
 - (b) operational conditions;
 - (c) repayment conditions.
- (3) Information conditions are conditions which—
 - (a) require the YPLA, or a person designated by the YPLA, to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
 - (b) require a person to whom financial resources are provided to give to the YPLA such information as the YPLA may request for the purpose of carrying out its functions.
- (4) Operational conditions are conditions which require a person providing or proposing to provide education or training (“the provider”) to make arrangements providing for all or any of the matters mentioned in subsection (5).
- (5) The matters are the following—
 - (a) the charging of fees by the provider by reference to specified criteria;
 - (b) the making of awards by the provider by reference to specified criteria;
 - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
 - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
 - (e) the operation of specified exemptions where provision is made under paragraph (c);
 - (f) the making by the provider of provision specified in a report of an assessment under section 139A or 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).
- (6) Repayment conditions are conditions which—
 - (a) enable the YPLA to require the repayment (in whole or part) of sums paid by the YPLA if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the YPLA in accordance with any condition is unpaid.

Commencement Information

II S. 62 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Status: Point in time view as at 05/05/2010.

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63 Performance assessments **E+W**

- (1) The YPLA may adopt or develop schemes for the assessment of the performance of persons in providing education or training funded (directly or indirectly) by the YPLA in the exercise of its functions under section 61.
- (2) The YPLA may take the assessments into account in deciding how to exercise its functions under section 61.

Commencement Information

I3 S. 63 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

64 Means tests **E+W**

- (1) The YPLA may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (2) The YPLA may take the results of the tests into account in exercising its functions under section 61(4)(a).

Commencement Information

I4 S. 64 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

65 Prohibition on charging **E+W**

- (1) The YPLA must exercise its funding functions so as to secure (so far as practicable) that no charge is made in relation to the provision of relevant education or training funded by it.
- (2) The YPLA's funding functions are its functions under sections 61 and 62.
- (3) “Relevant education or training” means full-time or part-time education or training suitable to the requirements of persons over compulsory school age but under 19, other than education to be provided at a school maintained by a [^{F2}local authority].
- (4) Education or training is funded by the YPLA for the purposes of this section if the YPLA has secured the provision of financial resources under section 61 in respect of it.
- (5) Regulations may specify charges or descriptions of charges which are, or are not, to be treated as made in relation to the provision of education or training for the purposes of this section.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 16\(2\)](#)

Commencement Information

I5 S. 65 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

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Securing provision of education and training

66 Securing provision of education and training **E+W**

- (1) The YPLA may secure the provision of suitable education or training for persons—
 - (a) who are over compulsory school age but under 19, or
 - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
- (2) Subsection (1) does not apply to persons who are subject to adult detention within the meaning given in section 121(4).
- (3) The YPLA may secure the provision of suitable education for children subject to youth detention.
- (4) In exercising its powers under subsection (1) in relation to persons who are within section 15ZA(1)(a) or (b) of the Education Act 1996 (c. 56), the YPLA must have regard to things done by [^{F1}local authorities] in the performance of their duties under section 15ZA(1) of that Act.
- (5) In exercising its powers under this section in relation to persons subject to youth detention, the YPLA must have regard to things done by [^{F1}local authorities] in the performance of their duties under section 18A(1) of the Education Act 1996.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

- I6** S. 66 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

67 Intervention for purpose of securing provision of education and training **E+W**

- (1) This section applies if the YPLA is satisfied that a [^{F2}local authority] is failing, or is likely to fail, to perform—
 - (a) its duty under section 15ZA(1) of the Education Act 1996 (duty to secure provision of enough suitable education and training for persons over compulsory school age), or
 - (b) its duty under section 18A(1) of that Act (duty to secure provision of enough suitable education and training for persons subject to youth detention).
- (2) The YPLA may give directions to the authority for the purpose of securing the provision of education and training to which the duty in question relates.
- (3) A direction given under this section may include provision requiring an authority to permit action of a specified description in relation to any such education or training to be taken by the YPLA or another person.
- (4) The YPLA may give a direction under this section only with the approval of the Secretary of State.

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Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Commencement Information

I7 S. 67 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

Provision of services and assistance

68 Provision of services **U.K.**

- (1) The YPLA may make arrangements with a permitted recipient for the provision by the YPLA of services that are required by the permitted recipient in connection with the exercise of the recipient's functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—
 - (a) providing accommodation and other facilities to a permitted recipient or managing such facilities on behalf of a permitted recipient;
 - (b) procuring, or assisting in procuring, goods and services for use by a permitted recipient.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the YPLA in respect of expenditure incurred by the YPLA in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
 - (a) the Secretary of State;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) a Northern Ireland department;
 - (e) the Chief Executive of Skills Funding;
 - (f) any other person, wholly or partly funded from public funds, who has functions relating to education or training;
 - (g) any other person specified, or of a description specified, by order made by the appropriate national authority for the purposes of this section.
- (5) Before making arrangements under which it may provide services to a permitted recipient who falls within any of paragraphs (b) to (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the YPLA must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a permitted recipient who falls within paragraph (a), (e), (f) or (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the YPLA must obtain—
 - (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;

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- (b) in relation to education or training provided in Scotland, the consent of the Scottish Ministers;
 - (c) in relation to education or training provided in Northern Ireland, the consent of the Minister for Employment and Learning in Northern Ireland.
- (7) Consent may be given under subsection (5) or (6) in relation to particular arrangements or arrangements of a particular description.
- (8) “The appropriate national authority” means—
- (a) in relation to a person exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
 - (b) in relation to a person exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
 - (c) in relation to a person exercising functions relating only to education or training provided in Northern Ireland, the Department for Employment and Learning in Northern Ireland;
 - (d) in any other case, the Secretary of State.

Commencement Information

18 S. 68 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

69 Assistance with respect to employment and training **E+W+S**

- (1) The YPLA may take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making such arrangements in relation to Wales or Scotland in which the YPLA is to take part, the Secretary of State must obtain the consent of the Welsh Ministers or (as the case may be) the Scottish Ministers to the arrangements.
- (3) Before making such arrangements in which the YPLA is to take part, the Welsh Ministers or the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

Commencement Information

19 S. 69 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

70 Assistance with respect to employment and training: Northern Ireland **E+W+N.I.**

- (1) The YPLA may take part in any arrangements made by the Department for Employment and Learning in Northern Ireland under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making such arrangements in which the YPLA is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.

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Commencement Information

I10 S. 70 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

Miscellaneous

71 Research, information and advice **E+W**

- (1) The YPLA may carry out programmes of research and development connected with any matter relevant to any of its functions.
- (2) If requested to do so by the Secretary of State, the YPLA must provide the Secretary of State with information or advice on such matters relating to any of its functions as may be specified in the request.
- (3) The YPLA may provide the Secretary of State with other information or advice on any matter in relation to which the YPLA has a function.
- (4) The YPLA may provide any person designated by the Secretary of State with information about any matter in relation to which the YPLA has a function.
- (5) The YPLA must establish systems for collecting information designed to secure that decisions of the YPLA with regard to education and training are made on a sound basis.
- (6) The YPLA may secure the provision of facilities and services for providing information, advice or guidance about education or training or connected matters (including employment).

Commencement Information

I11 S. 71 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

72 Guidance by YPLA **E+W**

- (1) The YPLA must issue guidance to ^[F1]local authorities] about the performance of their duties under sections 15ZA(1), 15ZB, 15ZC(1)(b) and 18A(1) of the Education Act 1996 (c. 56).
- (2) ^[F1]Local authorities] must have regard to any such guidance in performing those duties.
- (3) Before issuing guidance under subsection (1) the YPLA must consult—
 - (a) ^[F1]local authorities] in England, and
 - (b) such other persons as it thinks appropriate.
- (4) The YPLA may also issue guidance about any other matter in respect of which it has a function.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), **Sch. 2 para. 16(3)**

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Commencement Information

I12 S. 72 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

73 Intervention powers: policy statement **E+W**

- (1) The YPLA must—
 - (a) prepare a statement of its policy with respect to the exercise of its intervention powers,
 - (b) keep the statement under review, and
 - (c) revise the statement, if it thinks it appropriate in consequence of the review.
- (2) When preparing a statement or revised statement of its policy, the YPLA must—
 - (a) undertake such consultation as it thinks appropriate, and
 - (b) consider any representations made to it about the policy to be set out in the statement.
- (3) The YPLA must send a copy of the statement or the revised statement to the Secretary of State for approval.
- (4) The YPLA must publish the statement, or revised statement, as soon as practicable after it has been approved by the Secretary of State.
- (5) The YPLA must have regard to the statement, or revised statement, most recently published under subsection (4) in exercising, or deciding whether to exercise, any of its intervention powers.
- (6) The YPLA's intervention powers are its powers under—
 - (a) section 67;
 - (b) section 56H of the Further and Higher Education Act 1992 (c. 13);
 - (c) section 56I of that Act.

Commencement Information

I13 S. 73 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

74 Power to confer supplementary functions on YPLA **E+W**

- (1) The Secretary of State may by order confer supplementary functions on the YPLA.
- (2) A supplementary function is a function which is—
 - (a) exercisable in connection with functions of the Secretary of State, and
 - (b) relevant to the provision of education or training within the YPLA's remit.

Commencement Information

I14 S. 74 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

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