



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 3

THE YOUNG PEOPLE'S LEARNING AGENCY FOR ENGLAND

CHAPTER 2

MAIN FUNCTIONS

Funding

61 Provision of financial resources

- (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) local education 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Status: Point in time view as at 01/04/2010.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Funding is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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) local education 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.

Commencement Information

II S. 61 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 01/04/2010.

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62 Financial resources: conditions

- (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

I2 S. 62 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

63 Performance assessments

- (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.

Status: Point in time view as at 01/04/2010.

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- (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

- (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

- (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 local education 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.

Commencement Information

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

Status:

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