



# Education Act 2005

## 2005 CHAPTER 18

### PART 3

#### TRAINING THE SCHOOL WORKFORCE

##### *The Training and Development Agency for Schools*

VALID FROM 01/09/2005

#### **74 The Training and Development Agency for Schools**

The body corporate originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency is to continue in existence but is to be known instead as the Training and Development Agency for Schools.

#### **75 Functions of Agency**

- (1) The Agency are to exercise the functions conferred on them by or under this Part or any other enactment.
- (2) The objectives of the Agency in exercising their functions are—
  - (a) to contribute to raising the standards of teaching and of other activities carried out by the school workforce,
  - (b) to promote careers in the school workforce,
  - (c) to improve the quality and efficiency of all routes into the school workforce, and
  - (d) to secure the involvement of schools in all courses and programmes for the initial training of school teachers.
- (3) In the exercise of their functions the Agency shall have regard, in particular, to the desirability of securing that the school workforce is well fitted and trained—

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- (a) to promote the spiritual, moral, behavioural, social, cultural, mental and physical development of children and young people,
  - (b) to contribute to their well-being, and
  - (c) to prepare them for the opportunities, responsibilities and experiences of later life.
- (4) In subsection (3)(b) “well-being”, in relation to children and young people, is a reference to their well-being having regard to the matters mentioned in section 10(2) of the Children Act 2004 (c. 31).
- (5) For the purposes of this Part, the school workforce consists of the following members—
- (a) persons who work in schools, and
  - (b) persons not falling within paragraph (a) who are teachers or carry out work that consists of or includes teaching.

#### **Commencement Information**

- II** [S. 75](#) wholly in force at 1.9.2005; [s. 75\(5\)](#) in force at Royal Assent and s. 75(1)-(4) in force at 1.9.2005 see [s. 125\(1\)\(b\)\(3\)](#)

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#### **76 Functions of Agency in relation to Wales**

- (1) Subject to subsection (2), the functions of the Agency are exercisable in relation to England and Wales generally.
- (2) The Agency must not do anything in relation to Wales unless—
  - (a) the Agency have been requested to do so by the Assembly, and
  - (b) the Agency have given the Assembly notice that they are willing to do so.
- (3) Subsection (2) does not affect any function conferred on the Agency by section 94 or by regulations made under any of sections 132 to 140 of the Education Act 2002 (c. 32) (qualifications etc. of school teachers and persons providing further education).

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#### **77 Membership etc. of Agency**

- (1) The Agency is to consist of such number of members appointed by the Secretary of State as the Secretary of State may determine, of whom one is to be appointed as chairman.
- (2) Schedule 13 has effect with respect to the Agency.

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## 78 Powers of Agency to provide financial support

- (1) The Agency may provide to any person such financial support as the Agency think fit in furtherance of any of the objectives set out in section 75(2).
- (2) The persons to whom financial support may be provided include, in particular—
  - (a) members of the school workforce,
  - (b) persons training to be members of the school workforce,
  - (c) training providers, and
  - (d) employers or prospective employers of members of the school workforce.
- (3) In this Part “training provider” means a person who provides training for members of the school workforce.

### Commencement Information

- I2** S. 78 wholly in force at 1.9.2005; s. 78(3) in force at Royal Assent and s. 78(1)(2) in force at 1.9.2005 see s. 125(1)(b)(3)

VALID FROM 01/09/2005

## 79 Forms of financial support under section 78

- (1) Financial support under section 78 may be given by way of grants, loans or other payments.
- (2) Financial support under section 78 may be given subject to such terms and conditions as the Agency think fit.
- (3) The terms and conditions on which the Agency may make any grants, loans or other payments under section 78 may in particular—
  - (a) enable the Agency to require the repayment, in whole or in part, of sums paid by the Agency if any of the terms and conditions subject to which the sums were paid is not complied with, and
  - (b) require the payment of interest in respect of any period during which a sum due to the Agency in accordance with any of the terms and conditions remains unpaid.
- (4) The power of the Agency to impose conditions on the making of any grants, loans or other payments under section 78 to a training provider includes in particular power to impose conditions prohibiting, restricting or requiring the charging of fees in connection with the provision by that training provider of relevant training of any description specified in the condition.
- (5) Where—
  - (a) a condition is imposed under subsection (4) in connection with any grant, loan or other payment made to a training provider (“T1”), and
  - (b) the grant, loan or other payment is to any extent made in respect of persons undertaking relevant training which is provided in whole or part by another training provider (“T2”),

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then, for the purposes of the condition, fees payable by such persons to T2 are to be regarded as fees charged by T1.

- (6) The terms and conditions on which the Agency make any grant, loan or other payment under section 78 to a training provider must not relate to the application by the training provider of any sums derived otherwise than from the Agency, but this subsection does not affect the power to impose conditions by virtue of subsection (4).
- (7) In exercising their functions under section 78 and this section the Agency must have regard—
  - (a) generally, to any forecast of demand for members of the school workforce of a particular category that is notified to them by the Secretary of State, and
  - (b) in relation to financial support for any training provider, to any assessment of the quality of the relevant training provided by that person—
    - (i) made by the Chief Inspector for England, or
    - (ii) to which the Agency think it appropriate to have regard or to which the Secretary of State directs them to have regard.
- (8) In this section “relevant training”, in relation to a training provider, means any training provided by the training provider for members of the school workforce.

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## **80 Provisions supplementary to sections 78 and 79**

- (1) In exercising their functions in relation to the provision of financial support, the Agency must have regard to the desirability of not discouraging any training provider for whose activities financial support is provided under this Part from maintaining or developing its funding from other sources.
- (2) In exercising their functions in relation to the provision of financial support for training providers the Agency must have regard (so far as the Agency think it appropriate to do so in the light of any other relevant considerations) to the desirability of maintaining what appears to the Agency to be an appropriate balance in the support given by the Agency between institutions which are of a denominational character and other training providers.
- (3) In exercising their functions the Agency must take such steps as appear to them appropriate to secure that any person who provides any training funded by the Agency makes available such information relating to the training, in such manner and to such persons, as the Agency may require.
- (4) Subsection (1) does not affect the power by virtue of section 79(4) to impose conditions prohibiting or restricting the charging of fees.

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## **81 Grants to Agency by Secretary of State**

- (1) The Secretary of State may make grants to the Agency of such amounts and subject to such terms and conditions as he may determine.
- (2) Subsections (3) and (4) apply to the terms and conditions subject to which grants are made by the Secretary of State to the Agency, so far as they relate to the provision of financial support by the Agency to training providers.
- (3) The terms and conditions—
  - (a) may in particular impose requirements to be complied with in respect of every training provider, or every training provider falling within a class or description specified in the terms and conditions, being requirements to be complied with in the case of any training provider to which the requirements apply before financial support of any amount or description so specified is provided by the Agency in respect of activities carried on by the training provider, but
  - (b) must not otherwise relate to the provision of financial support by the Agency in respect of activities carried on by any particular training provider or training providers.
- (4) The terms and conditions may not be framed by reference to criteria for the selection and appointment of staff and for the admission of students.
- (5) The terms and conditions subject to which any grants are made by the Secretary of State to the Agency may in particular—
  - (a) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by him if any of the terms and conditions subject to which the sums were paid is not complied with, and
  - (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the terms and conditions remains unpaid.

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## **82 Grants to Agency by Assembly**

- (1) The Assembly may make grants to the Agency of such amounts and subject to such terms and conditions as the Assembly may determine.
- (2) Subsections (3) and (4) apply to the terms and conditions subject to which grants are made by the Assembly to the Agency, so far as they relate to the provision of financial support by the Agency to training providers.
- (3) The terms and conditions—
  - (a) may in particular impose requirements to be complied with in respect of every training provider, or every training provider falling within a class or description specified in the terms and conditions, being requirements to be complied with in the case of any training provider to which the requirements

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apply before financial support of any amount or description so specified is provided by the Agency in respect of activities carried on by the training provider,

- (b) may include a condition requiring the Agency to impose a specified condition falling within subsection (4) of section 79 in relation to any grants, loans or other payments made by the Agency under section 78 to a training provider specified by the Assembly in the condition under subsection (1), or a training provider of a class so specified, but
  - (c) may not otherwise relate to the provision of financial support by the Agency in respect of activities carried on by any particular training provider or training providers.
- (4) The terms and conditions may not be framed by reference to criteria for the selection and appointment of staff and for the admission of students.
- (5) A condition imposed by virtue of subsection (3)(b) does not apply in relation to grants, loans or other payments made by the Agency in respect of any course which is a qualifying course for the purposes of section 28 of the Higher Education Act 2004 (c. 8).
- (6) The terms and conditions subject to which any grants are made by the Assembly to the Agency may in particular—
- (a) enable the Assembly to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with, and
  - (b) require the payment of interest in respect of any period during which a sum due to the Assembly in accordance with any of the terms and conditions remains unpaid.

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### **83 Non-funding functions of Agency**

- (1) The Agency may do anything which they think fit in furtherance of any of the objectives set out in section 75(2).
- (2) The power conferred by this section includes power to provide information, advice or other services to persons outside England and Wales.
- (3) The Agency may make such charges as they think fit for the provision under this section to any person of information, advice or other services.
- (4) This section—
  - (a) does not authorise the provision of financial support, and
  - (b) is subject to paragraph 1(2) of Schedule 13.

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#### **84 Directions by Secretary of State and Assembly**

- (1) In exercising their functions the Agency must comply with any directions under this section.
- (2) The Secretary of State may give general directions to the Agency about the exercise of their functions, except so far as those functions are exercisable in relation to Wales.
- (3) The Assembly may give general directions to the Agency about the exercise of their functions, so far as those functions are exercisable in relation to Wales in accordance with section 76.
- (4) Directions under this section are to be contained in an order made by the Secretary of State or the Assembly.

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