



# Further Education and Training Act 2007

## 2007 CHAPTER 25

### PART 1

#### THE LEARNING AND SKILLS COUNCIL FOR ENGLAND

VALID FROM 31/01/2008

#### *The Council*

VALID FROM 21/02/2008

#### **1 Minimum membership of the Council**

In section 1(2) of LSA 2000 (number of persons to be appointed to the Learning and Skills Council for England), for “12” substitute “ 10 ”.

#### **2 Regional councils**

After section 18 of LSA 2000 insert—

*“Regional councils*

##### **18A Regional councils**

- (1) The Council must establish a committee (to be called a regional learning and skills council) for each area of England specified by the Secretary of State.
- (2) The Secretary of State may by regulations make provision about regional councils.
- (3) Regulations under subsection (2) may, in particular, make provision about—

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- (a) the membership of a regional council;
  - (b) the appointment of the members of a regional council;
  - (c) the appointment of a member of a regional council as chairman;
  - (d) the holding and vacation of office as a member or chairman of a regional council (including a person's re-appointment, resignation and removal from office);
  - (e) the appointment by the Council of its employees as staff of a regional council;
  - (f) the delegation of functions by a regional council to its chairman;
  - (g) the delegation by the chairman of a regional council of functions that he is authorised to exercise to a member of the regional council;
  - (h) the delegation of functions by a regional council, with the consent of the Council, to a member of staff of the regional council;
  - (i) the payment by the Council of such salaries and such travelling, subsistence and other allowances to the chairman and other members of a regional council as the Secretary of State may determine;
  - (j) the provision of information to the Secretary of State;
  - (k) the attendance of a representative of the Secretary of State at, and the participation of such a representative in, any meeting of a regional council;
  - (l) the validity of the proceedings of a regional council;
  - (m) the regulation by a regional council of its own procedure.
- (4) Regulations made by virtue of subsection (3)(a) may provide for the membership of a regional council to include persons who are not members of the Council.
- (5) A consent given under subsection (3)(h) by the Council may relate to a particular function or to such descriptions of function as may be specified in the consent.

### **18B Functions of regional councils**

- (1) A regional council—
- (a) must perform in relation to its area such of the Council's duties as the Council specifies;
  - (b) may exercise in relation to its area such of the Council's powers as the Council specifies.
- (2) A regional council—
- (a) must perform in relation to such places outside its area as the Council specifies such of the Council's duties as the Council specifies;
  - (b) may exercise in relation to such places outside its area as the Council specifies such of the Council's powers as the Council specifies.

### **18C Guidance to regional councils**

- (1) In relation to each financial year of the Council it must prepare guidance for each regional council.

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- (2) The guidance must include objectives which a regional council should achieve in seeking to carry out its functions.
- (3) The guidance must set a regional council's budget for the financial year.
- (4) The Council must consult the regional development agencies and local authorities on the guidance.
- (5) After consulting under subsection (4) and (if appropriate) altering the guidance the Council must issue the guidance to the regional council.
- (6) The guidance in relation to the financial year of the Council in which section 2 of the Further Education and Training Act 2007 comes into force must be prepared as soon as reasonably practicable after that section comes into force.
- (7) The guidance in relation to any subsequent financial year of the Council must be prepared in time for the guidance to be issued before the financial year starts.
- (8) A regional development agency is a development agency established by section 1 of the Regional Development Agencies Act 1998.”

VALID FROM 21/02/2008

### **3 Abolition of local councils**

- (1) The local learning and skills councils established under section 19 of LSA 2000 are abolished.
- (2) In consequence of the abolition of local councils, the following are repealed—
  - (a) sections 19 to 24 of LSA 2000;
  - (b) Schedule 2 to that Act.

VALID FROM 21/02/2008

### **4 Strategies for functions of Council**

Before section 25 of LSA 2000, and after the italic cross-heading preceding that section, insert—

#### **“24A Strategies for functions of Council**

- (1) The Secretary of State may by order specify an area in England as an area for which a body specified in the order may formulate and keep under review a strategy setting out how such functions of the Council as are specified in the order are to be carried out in relation to the area.
- (2) An order under subsection (1) may specify an area comprising the whole of England.

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- (3) An order under subsection (1) may not specify an area in England consisting only of Greater London or a part of Greater London.
- (4) The Secretary of State may give to a body specified in an order under subsection (1) directions and guidance in relation to the formulation and review of its strategy, in particular in relation to—
  - (a) the form and content of the strategy;
  - (b) the updating of the strategy;
  - (c) the steps to be taken when the body is formulating or reviewing the strategy;
  - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;
  - (e) the consultation to be carried out when the body is formulating or reviewing the strategy.
- (5) It is the duty of a body specified in an order under subsection (1) to comply with any directions given to it by the Secretary of State under subsection (4).
- (6) It is the duty of a body specified in an order under subsection (1) to have regard to any guidance given to it by the Secretary of State under subsection (4).
- (7) The Council may pay to a body specified in an order under subsection (1) such sums as appear to the Council appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.

#### **24B Strategy for functions of Council: Greater London**

- (1) The Secretary of State must by regulations provide for the establishment of a body for the purposes of discharging the functions set out in subsection (2).
- (2) The body established under this section must—
  - (a) formulate a strategy setting out how specified functions of the Council are to be carried out in Greater London, and
  - (b) keep it under review.
- (3) Specified functions are functions of the Council specified for the purposes of this section by order of the Secretary of State.
- (4) The Secretary of State may give to the body established under this section directions and guidance in relation to the formulation and review of its strategy, in particular in relation to—
  - (a) the form and content of the strategy;
  - (b) the updating of the strategy;
  - (c) the steps to be taken when the body is formulating or reviewing the strategy;
  - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;

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- (e) the consultation to be carried out when the body is formulating or reviewing the strategy.
- (5) It is the duty of the body established under this section to comply with any directions given to it by the Secretary of State under subsection (4).
- (6) It is the duty of the body established under this section to have regard to any guidance given to it by the Secretary of State under subsection (4).
- (7) Where the body established under this section formulates a strategy under this section, or in consequence of a review of the strategy modifies it, the body must publish the strategy or modified strategy in such manner as it thinks fit.
- (8) Regulations under this section must include—
  - (a) provision for the body to consist of the Mayor of London and such other persons as are appointed by the Mayor in accordance with the regulations;
  - (b) provision for the Mayor to be the chairman of the body.
- (9) The Council may pay to the body established under this section such sums as appear to the Council appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.
- (10) The Council may pay to the Greater London Authority such sums as appear to the Council appropriate for enabling the Authority to meet costs and expenses incurred, or to be incurred, by the Mayor in connection with the exercise of functions conferred on him by regulations under this section or as chairman of the body established under this section.

#### **24C Duty of Council**

- (1) The Council must carry out any function to which a strategy under section 24A or 24B relates in accordance with that strategy.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) The Council may not carry out a function in accordance with such a strategy if in doing so it would fail to comply with a duty imposed on it by or under any enactment other than subsection (1).
- (4) If provision in the Council's strategy under section 16 conflicts with provision in a strategy under section 24A (or section 24B), the Council may disregard the provision in the strategy under section 24A (or section 24B) so far as it conflicts with the provision in the Council's strategy under section 16.
- (5) If provision in a strategy under section 24A conflicts with provision in another strategy, being a strategy under section 24A or section 24B, the Council may disregard such conflicting provision in one of the strategies or in both of them.
- (6) The Council may disregard a strategy under section 24A (or section 24B) if the body whose strategy it is, in formulating or reviewing the strategy—

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- (a) failed to comply with directions given under section 24A(4) (or section 24B(4)), or
  - (b) failed to have regard to guidance given under section 24A(4) (or section 24B(4)).
- (7) Nothing in subsection (1) requires the Council to carry out any of its functions in a manner that it is satisfied—
- (a) would be unreasonable, or
  - (b) might give rise to disproportionate expenditure.
- (8) If the Council proposes not to carry out, or does not carry out, a function to which a strategy under section 24A or 24B relates in accordance with the strategy—
- (a) the Council must refer the matter to the Secretary of State;
  - (b) the body whose strategy it is may refer the matter to the Secretary of State.
- (9) On a reference under subsection (8) the Secretary of State may give such direction to the Council as he thinks fit as to the carrying out of the function.
- (10) The Council must comply with any direction that the Secretary of State may give it under subsection (9).”

VALID FROM 21/02/2008

## **5 Young people's learning committee and adult learning committee**

In Schedule 3 to LSA 2000 (provision for committees of the Council), paragraph 1(1)(a) (duty to establish a young people's learning committee and an adult learning committee) shall cease to have effect.

### *Functions of the Council*

VALID FROM 23/12/2007

## **6 Duty in relation to diversity and choice**

- (1) In section 2 of LSA 2000 (education and training for persons aged 16 to 19), in subsection (3), after paragraph (d) insert—
- “(da) act with a view to encouraging diversity in the education and training available to individuals;
  - (db) act with a view to increasing opportunities for individuals to exercise choice;”.
- (2) In section 3 of that Act (education and training for persons over 19), in subsection (3), after paragraph (d) insert—

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- “(da) act with a view to encouraging diversity in the education and training available to individuals;
- (db) act with a view to increasing opportunities for individuals to exercise choice;”.

VALID FROM 23/12/2007

## 7 Consultation by the Council

After section 14 of LSA 2000 insert—

### “14A Consultation

- (1) In exercising its functions the Council must have regard to any guidance given from time to time by the Secretary of State about consultation with—
  - (a) persons receiving or proposing to receive post-16 education or training,
  - (b) employers, or
  - (c) such other persons as may be specified in such guidance, in connection with the taking of decisions affecting them.
- (2) Any guidance under this section about consultation with persons falling within paragraph (a) of subsection (1) must provide for the views of such a person to be considered in the light of his age and understanding.”

VALID FROM 23/12/2007

## 8 Plans for academic years

- (1) Section 15 of LSA 2000 (plans of the Council) is amended as follows.
- (2) In subsection (1)(a), for “each of its financial years” substitute “ each academic year ”.
- (3) Omit subsection (2).
- (4) In subsection (3), for “any subsequent financial year of the Council” substitute “ an academic year ”.
- (5) In subsection (4)—
  - (a) for “a financial year” substitute “ an academic year ”, and
  - (b) in paragraph (a), for “the financial year” substitute “ the academic year ”.
- (6) After subsection (4) insert—
  - “(5) In this section “academic year” means—
    - (a) the period starting with the 1 April following the date on which section 8 of the Further Education and Training Act 2007 comes into force and ending with the second 31 July following that 1 April;

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(b) each successive period of 12 months.”

## 9 Powers to form or be involved in certain bodies corporate

- (1) Section 18 of LSA 2000 (supplementary functions of the Council) is amended as set out in subsections (2) and (3).
- (2) In subsection (3), for paragraph (c), substitute—
- “(c) to form, participate in forming or invest in a company unless the Secretary of State consents;
- (d) to form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993) unless the Secretary of State consents.”
- (3) At the end, insert—
- “(8) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.”
- (4) In relation to the period beginning on 1st September 2000 and ending immediately before the coming into force of this section, the power conferred by section 18 of LSA 2000 is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee with the consent of the Secretary of State.

VALID FROM 01/04/2010

### <sup>F1</sup>10 Directions

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#### Textual Amendments

- F1** Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with [arts. 1314](#)) (as amended (30.3.2010) by [S.I. 2010/1151](#), art. 22)

VALID FROM 23/12/2007

### 11 Provision of services

- (1) The Learning and Skills Council for England may make arrangements with a person or body to whom this section applies for the provision by the Council of services that are required by the person or body in connection with the exercise of the person's or body's functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—



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- (a) providing accommodation and other facilities to a person or body to whom this section applies or managing such facilities on behalf of such a person or body;
  - (b) procuring, or assisting in procuring, goods and services for use by a person or body to whom this section applies.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the Council in respect of expenditure incurred by the Council in performing any function under the arrangements.
- (4) The persons and bodies to whom this section applies are—
  - (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) Northern Ireland departments;
  - (e) persons or bodies, wholly or partly funded from public funds, that have functions relating to education or training;
  - (f) persons or bodies 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 person or body falling within any of paragraphs (b) to (f) of subsection (4) in connection with the exercise of the person's or body's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Council must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a person or body falling within paragraph (a), (e) or (f) of subsection (4) in connection with the exercise of the person's or body's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Council must obtain—
  - (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;
  - (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 persons or bodies exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
  - (b) in relation to persons or bodies exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
  - (c) in relation to persons or bodies 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.

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VALID FROM 23/12/2007

## **12 Assistance with respect to employment and training**

- (1) The Learning and Skills Council for England 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 arrangements in relation to Wales or Scotland in which the Council 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 arrangements in which the Council is to take part, the Welsh Ministers or (as the case may be) the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

VALID FROM 23/12/2007

## **13 Assistance with respect to employment and training: Northern Ireland**

- (1) The Learning and Skills Council for England 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 arrangements in which the Council is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.

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