



Apprenticeships, Skills, Children and Learning Act 2009

CHAPTER 22

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

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APPRENTICESHIPS, STUDY AND TRAINING

CHAPTER 1

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- 246 Recording and reporting the use of force in schools: England
- 247 Recording and reporting the use of force in FE institutions: England

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Employment Rights Act 1996 (c. 18)

- 1 The Employment Rights Act 1996 is amended as follows.
- 2 In section 48 (right to present complaint of detriment to...
- 3 In section 105 (unfair dismissal: redundancy), after subsection (7BA) insert—...
- 4 In section 108(3) (exceptions to one year qualifying period of...
- 5 In section 194 (House of Lords staff), in subsection (2)(e)...
- 6 In section 195 (House of Commons staff), in subsection (2)(e)...
- 7 In section 199 (mariners)— (a) in subsection (2), after “47E,”...
- 8 In section 225 (how to calculate a week's pay in...
- 9 In section 227(1) (maximum amount of week's pay) before paragraph...
- 10 In section 235(1) (other definitions) at the appropriate place insert—...
- 11 In section 236(3) (orders and regulations subject to affirmative Parliamentary...

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 12 The Trade Union and Labour Relations (Consolidation) Act 1992 is...
- 13 In section 212A (arbitration scheme for unfair dismissal cases etc.),...
- 14 In section 237(1A)(a) (cases where employee may complain of unfair...
- 15 In section 238(2A)(a) (cases where employment tribunal to determine whether...

Employment Tribunals Act 1996 (c. 17)

- 16 In section 18 of the Employment Tribunals Act 1996 (conciliation),...

Schedule 2 — Local authority functions: minor and consequential amendments

Education Act 1996 (c. 56)

- 1 The Education Act 1996 is amended as follows.
- 2 (1) Section 13 (general responsibility for education) is amended as...
- 3 For section 13A substitute— Duty to promote high standards and...
- 4 (1) Section 15A (functions in respect of full-time education for...
- 5 In section 15B (functions in respect of education for persons...
- 6 (1) Section 312 (meaning of “special educational needs”, “learning difficulty”...
- 7 In section 496 (power of Secretary of State to prevent...
- 8 In section 497 (general default powers of Secretary of State)...
- 9 In section 497A (power of Secretary of State to secure...
- 10 (1) In the title of section 509AA, for “Provision” substitute...
- 11 After section 569 insert— Regulations made by Welsh Ministers under...
- 12 In section 579(1) (general interpretation)— (a) in the definition of...

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- 13 In section 580 (index) insert the following entries at the...

Education Act 2002 (c. 32)

- 14 In section 207(2) of the Education Act 2002 (recoupment: adjustment...

Schedule 3 — The Young People's Learning Agency for England

Status

- 1 (1) The YPLA is not to be regarded—

Membership

- 2 (1) The YPLA is to consist of—

Tenure

- 3 (1) The chair and other ordinary members hold and vacate...

Remuneration etc. of members

- 4 (1) The YPLA may, and must if the Secretary of...

Staff

- 5 (1) The first chief executive is to be appointed by...
6 (1) Employment with the YPLA is to be included among...

Committees

- 7 (1) The YPLA may establish committees, and any committee established...
8 (1) The YPLA and any other person may establish a...

Procedure etc.

- 9 (1) The YPLA may regulate— (a) its own proceedings (including...
10 (1) The following have the right to attend meetings of...

Delegation

- 11 (1) The YPLA may delegate any of its functions to—...
12 (1) A committee established by the YPLA or a joint...

Plans

- 13 (1) The YPLA must make and publish a plan for...

Reports

- 14 (1) As soon as reasonably practicable after the end of...

Accounts

- 15 (1) The YPLA must— (a) keep proper accounts and proper...

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Documents

- 16 The application of the YPLA's seal is authenticated by the...
17 Any document purporting to be an instrument made or issued...

Funding

- 18 (1) The Secretary of State may make grants to the...

Supplementary powers

- 19 (1) The YPLA may do anything that it considers necessary...

Parliamentary Commissioner Act 1967 (c. 13)

- 20 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

House of Commons Disqualification Act 1975 (c. 24)

- 21 In Part 3 of Schedule 1 to the House of...

Superannuation Act 1972 (c. 11)

- 22 In Schedule 1 to the Superannuation Act 1972 (kinds of...

Schedule 4 — The Chief Executive of Skills Funding

Status

- 1 (1) The Chief Executive is to perform the functions of...

Tenure of office and terms of appointment

- 2 (1) The Secretary of State may remove the Chief Executive...

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- 3 (1) The Chief Executive may appoint staff.

Delegation

- 4 (1) The Chief Executive may delegate any of the functions...

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- 5 The Secretary of State and the Chief Executive may enter...

Funding

- 6 (1) The Secretary of State may make grants to the...

Reports

- 7 (1) As soon as reasonably practicable after the end of...

Accounts

- 8 (1) The Chief Executive must— (a) keep proper accounts and...

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Supplementary powers

- 9 (1) The Chief Executive may do anything that the Chief...

Directions about management

- 10 The Secretary of State may give directions to the Chief...

Financial year

- 11 In this Schedule “financial year” means— (a) the period beginning...

Schedule 5 — Learning aims for persons aged 19 or over

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- 1 This paragraph applies to the following qualifications—
2 This paragraph applies to a specified qualification at level 3....
Part 2 — POWER TO SPECIFY

Power to specify

- 3 (1) In paragraphs 1 and 2, a reference to a...

Power to specify qualification in literacy

- 4 The level of attainment in literacy demonstrated by a specified...

Power to specify qualification in numeracy

- 5 The level of attainment in numeracy demonstrated by a specified...

Level 2

- 6 Level 2 is the level of attainment (in terms of...

Level 3

- 7 Level 3 is the level of attainment (in terms of...

Advice and information

- 8 In forming an opinion for the purposes of this Schedule,...

Power to amend

- 9 (1) The Secretary of State may by order amend this...

Schedule 6 — Dissolution of the Learning and Skills Council for England:
minor and consequential amendments

Race Relations Act 1976 (c. 74)

- 1 In Part 2 of Schedule 1A to the Race Relations...

Further and Higher Education Act 1992 (c. 13)

- 2 The Further and Higher Education Act 1992 is amended as...
3 (1) Section 19 (supplementary powers of a further education corporation)...

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- 4 In section 29(7A) (government and conduct of designated institutions)
—
- 5 In section 31(2A) (designated institutions conducted by companies)—
- 6 In section 54(1) (duty to give information)—
- 7 (1) Section 56A (intervention: England) is amended as follows.
- 8 After section 56A insert— Appointment by Chief Executive of Skills...
- 9 (1) Section 56B (intervention policy: England) is amended as follows....
- 10 (1) Section 56C (directions) is amended as follows.
- 11 After section 56C insert— Notification by local authority or YPLA...
- 12 In Schedule 4 (instruments and articles of government for further...

Education Act 1996 (c. 56)

- 13 In section 13(2)(a) (general responsibility for education) for “Learning and...

Learning and Skills Act 2000 (c. 21)

- 14 The Learning and Skills Act 2000 is amended as follows....
- 15 Omit section 1 (the Learning and Skills Council for England)....
- 16 Omit section 2 (duties of Learning and Skills Council: education...
- 17 Omit section 3 (duties of Learning and Skills Council: education...
- 18 Omit section 4 (encouragement of education and training).
- 19 Omit sections 4A to 4C (learning aims for persons aged...
- 20 Omit section 5 (provision of financial resources).
- 21 Omit section 6 (financial resources: conditions).
- 22 Omit section 7 (funding of school sixth forms).
- 23 Omit section 8 (links between education and training and employment)....
- 24 Omit section 9 (assessments and means tests).
- 25 Omit section 10 (qualifying accounts and arrangements).
- 26 Omit section 11 (further education: governors).
- 27 Omit section 11A (support schemes relating to education and training...
- 28 Omit section 12 (research and information).
- 29 Omit section 13 (persons with learning difficulties).
- 30 Omit section 14 (equality of opportunity).
- 31 Omit section 14A (consultation).
- 32 Omit section 15 (plans).
- 33 Omit section 16 (strategy).
- 34 Omit section 17 (use of information by Learning and Skills...
- 35 Omit section 18 (supplementary functions).
- 36 Omit sections 18A to 18C (regional councils).
- 37 Omit sections 24A to 24C (strategies for functions of the...
- 38 Omit section 25 (directions).
- 39 Omit section 26 (committees).
- 40 Omit section 27 (grants to Learning and Skills Council).
- 41 Omit section 28 (annual report).
- 42 Omit section 29 (Council's financial year).
- 43 Omit section 97 (external qualifications: persons over 19).
- 44 (1) Section 98 (approved qualifications: England) is amended as follows....
- 45 (1) Section 99 (approved qualifications: Wales) is amended as follows....
- 46 In section 100 (authorised bodies) for “sections 96 and 97...
- 47 In section 101 (enforcement: England) in subsection (1)—

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

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 01 July 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)*

- 48 In section 102 (enforcement: Wales) in subsection (1)—
- 49 (1) Section 113A (restructuring of sixth form education) is amended...
- 50 Omit Schedule 1 (the Learning and Skills Council for England)....
- 51 Omit Schedule 1A (learning aims for persons aged 19 and...
- 52 Omit Schedule 3 (committees (England)).
- 53 (1) Schedule 7A (implementation of proposals for restructuring sixth form...

Education Act 2002 (c. 32)

- 54 The Education Act 2002 is amended as follows.
- 55 After section 208 insert— Recoupment: adjustment between local authorities and...
- 56 In section 210(6A) (orders and regulations: provisions subject to annulment...

Education Act 2005 (c. 18)

- 57 In section 108 of the Education Act 2005 (supply of...

Education and Inspections Act 2006 (c. 40)

- 58 The Education and Inspections Act 2006 is amended as follows....
- 59 Section 75 (education and training to satisfy entitlements) ceases to...

Further Education and Training Act 2007 (c. 25)

- 60 The Further Education and Training Act 2007 is amended as...
- 61 Sections 11 to 13 (provision by Learning and Skills Council...
- 62 Sections 14 to 16 (transfer of functions of Secretary of...

Schedule 7 — Learning and Skills Council for England: transfer schemes

Staff transfer schemes

- 1 The Secretary of State may make a scheme (a “staff...
- 2 (1) This paragraph applies where a staff transfer scheme provides...
- 3 (1) This paragraph applies where a staff transfer scheme provides...
- 4 A staff transfer scheme may provide for the transfer of...

Property transfer schemes

- 5 (1) The Secretary of State may make a scheme (a...

Continuity

- 6 A transfer by virtue of a staff transfer scheme or...

Supplementary provision etc.

- 7 A staff transfer scheme or a property transfer scheme may...

Interpretation

- 8 In this Schedule— “designated”, in relation to a staff transfer...

Schedule 8 — Sixth form college sector

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

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 01 July 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)*

- 1 The Further and Higher Education Act 1992 (c. 13) is...
- 2 In section 17(1) (meaning of “further education corporation”) after “by...
- 3 After section 33 insert— Sixth form college corporations: England
Initial...
- 4 In section 34(1) (making additional property available for use) after...
- 5 In section 52A(1) (duty to safeguard pupils receiving secondary
education)...
- 6 In section 56A(1) (intervention: England) after “institution in England
within...
- 7 In section 56C(1) (directions as to exercise of section 56A...
- 8 After section 56D (inserted by Schedule 6) insert— Intervention by...
- 9 In section 88(1) (stamp duty) after “32,” insert “ 33N,...
- 10 In section 88A(1) (stamp duty land tax) after “32” insert...
- 11 (1) Section 89 (orders, regulations and directions) is amended as...
- 12 (1) Section 90(1) (interpretation) is amended as follows.
- 13 (1) Section 91 (interpretation of Education Acts) is amended as...
- 14 In section 92 (index) at the appropriate places insert— relevant...
- 15 (1) Schedule 4 (instruments and articles of government for further...

Schedule 9 — The Office of Qualifications and Examinations Regulation

Status

- 1 Ofqual is to perform its functions on behalf of the...

Membership

- 2 (1) Ofqual is to consist of— (a) a member appointed...

The Chief Regulator

- 3 (1) The Chief Regulator holds and vacates office in accordance...

The deputy and other ordinary members: tenure

- 4 (1) The deputy and other ordinary members hold and vacate...

Remuneration etc. of Chief Regulator and ordinary members

- 5 (1) Ofqual must, if the Secretary of State requires it...

Chief executive and other staff

- 6 (1) The first chief executive is to be appointed by...

Committees

- 7 (1) Ofqual may establish committees, and any committee established
by...
- 8 (1) Ofqual and any other person may establish a committee...

Procedure etc.

- 9 (1) Ofqual may regulate— (a) its own proceedings (including
quorum),...

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

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 01 July 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)

Delegation

- 10 (1) Ofqual may delegate any of its functions to—
11 (1) A committee established by Ofqual or a joint committee...

Documents

- 12 The application of Ofqual's seal is authenticated by the signatures...
13 The Documentary Evidence Act 1868 (c. 37) has effect in...

Supplementary powers

- 14 (1) Ofqual may do anything that it considers necessary or...

Schedule 10 — QCA: transfer schemes

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a...

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a...

Continuity

- 3 A transfer by virtue of a staff transfer scheme or...

Supplementary provision etc.

- 4 A staff transfer scheme or a property transfer scheme may...

Interpretation

- 5 In this Schedule— “designated”, in relation to a staff transfer...

Schedule 11 — The Qualifications and Curriculum Development Agency

Status

- 1 (1) The QCDA is not to be regarded—

Membership

- 2 (1) The QCDA is to consist of—

Chief officer

- 3 (1) The chief officer is to be appointed by the...

Chair and chief officer: division of functions

- 4 (1) The Secretary of State may confer additional functions in...

Tenure

- 5 (1) The chair, the deputy and other ordinary members hold...

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

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Remuneration etc. of ordinary members

- 6 (1) The QCDA must, if the Secretary of State requires...

Staff

- 7 (1) The QCDA may appoint staff. (2) The following are...
8 (1) Employment with the QCDA is to be included among...

Committees

- 9 (1) The QCDA may establish committees, and any committee established...
10 (1) The QCDA and any other person may establish a...

Procedure etc.

- 11 (1) The QCDA may regulate— (a) its own proceedings (including...
12 (1) The following have the right to attend meetings of...

Delegation

- 13 (1) The QCDA may delegate any of its functions to—...
14 (1) A committee established by the QCDA or a joint...
15 The Secretary of State may authorise any committee established under...

Reports

- 16 (1) As soon as reasonably practicable after the end of...

Accounts

- 17 (1) The QCDA must— (a) keep proper accounts and proper...

Documents

- 18 The application of the QCDA's seal is authenticated by the...
19 Any document purporting to be an instrument made or issued...

Funding

- 20 (1) The Secretary of State may make grants to the...

Supplementary powers

- 21 (1) The QCDA may do anything that it considers necessary...

Schedule 12 — Ofqual and the QCDA: minor and consequential amendments

Public Records Act 1958 (c. 51)

- 1 In paragraph 3 of Schedule 1 to the Public Records...

Parliamentary Commissioner Act 1967 (c. 13)

- 2 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

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

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 01 July 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)

Local Authorities (Goods and Services) Act 1970 (c. 39)

3 (1) Subject to sub-paragraph (2), in the Local Authorities (Goods...

Superannuation Act 1972 (c. 11)

4 In Schedule 1 to the Superannuation Act 1972 (kinds of...

House of Commons Disqualification Act 1975 (c. 24)

5 (1) Part 3 of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 In Part 3 of Schedule 1 to the Northern Ireland...

Race Relations Act 1976 (c. 74)

7 In Part 2 of Schedule 1A to the Race Relations...

Charities Act 1993 (c. 10)

8 In Schedule 2 to the Charities Act 1993 (exempt charities)...

Education Act 1996 (c. 56)

9 The Education Act 1996 is amended as follows.

10 In section 391(10) (functions of advisory councils) in paragraph (a)...

11 (1) Section 408 (provision of information) is amended as follows....

Education Act 1997 (c. 44)

12 The Education Act 1997 is amended as follows.

13 Sections 21 to 26A (the Qualifications and Curriculum Authority)
cease...

14 In section 29 (functions of the Welsh Ministers in relation...

15 (1) Section 30 (functions of the Welsh Ministers in relation...

16 (1) Section 32 (supplementary provisions relating to discharge by the...

17 After section 32 insert— Qualifications functions of Welsh Ministers:
co-operation...

18 (1) Section 32A (power of the Welsh Ministers to give...

19 After section 32A insert— Power of Welsh Ministers to withdraw...

20 In section 35(1) (transfer of staff) at the end insert...

21 Section 36 (levy on bodies awarding qualifications accredited by
relevant...

22 In section 54(1) (orders and regulations) omit “, except an...

23 In section 58(6) (short title, commencement and extent etc)—

24 Schedule 4 (the Qualifications and Curriculum Authority) ceases to
have...

25 In Schedule 7 (minor and consequential amendments) omit paragraph
2....

Learning and Skills Act 2000 (c. 21)

26 The Learning and Skills Act 2000 is amended as follows....

27 (1) Section 96 (external qualifications: persons under 19) is amended...

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

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 01 July 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)*

- 28 (1) Section 98 (approved qualifications: England) is amended as follows....
29 (1) In section 99 (approved qualifications: Wales) is amended as...

Freedom of Information Act 2000 (c. 36)

- 30 In Part 6 of Schedule 1 to the Freedom of...

Education Act 2002 (c. 32)

- 31 The Education Act 2002 is amended as follows.
32 (1) Section 76 (interpretation of Part 6) is amended as...
33 In section 85(6) (curriculum requirements for the fourth key stage)...
34 In section 85A(5) (entitlement areas for the fourth key stage)...
35 (1) Section 87 (establishment of the National Curriculum for England...
36 (1) Section 90 (development work and experiments) is amended as...
37

Childcare Act 2006 (c. 21)

- 38 The Childcare Act 2006 is amended as follows.
39 (1) Section 41 (the learning and development requirements) is amended...
40 (1) Section 42 (further provisions about assessment arrangements) is amended...
41 In section 44(1) (instruments specifying learning and development or welfare...
42 In section 46 (power to enable exemptions from learning and...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 43 In section 21(10) of the Safeguarding Vulnerable Groups Act 2006...

Schedule 13 — Powers in relation to schools causing concern: England

- 1 Part 4 of the Education and Inspections Act 2006 (c....
2 (1) Section 59(2) (meaning of schools being “eligible for intervention”)...
3 For the title of section 60 substitute “ Performance standards...
4 After section 60 insert— Teachers' pay and conditions warning notice...
5 (1) Section 63 (power of local authority to require governing...
6 (1) Section 64 (power of local authority etc to appoint...
7 In section 66(2) (power of local authority to suspend right...
8 In section 67(1) (power of Secretary of State to appoint...
9 In section 69(1) (power of Secretary of State to provide...
10 After section 69 insert— Power of Secretary of State to...
11 In section 73 (interpretation of Part 4) at the end...

Schedule 14 — Powers in relation to schools causing concern: Wales

- 1 Chapter 4 of Part 1 of the School Standards and...
2 In section 14(4) (intervention powers: interpretation), in paragraph (c) for...
3 In section 15 (cases where local authority may exercise powers...
4 In section 18 (power of Welsh Ministers to appoint additional...
5 In section 18A (power of Welsh Ministers to provide for...
6 After section 19 insert— Power of Welsh Ministers to direct...

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

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Schedule 15 — The School Support Staff Negotiating Body

Constitution

- 1 (1) The SSSNB is to be constituted in accordance with...

Membership

- 2 (1) The SSSNB's constitutional arrangements must provide for the members...

Proceedings

- 3 (1) The SSSNB's constitutional arrangements must not provide for a...

Administrative support

- 4 The SSSNB's constitutional arrangements may make provision about the provision...

Annual reports

- 5 (1) The SSSNB's constitutional arrangements must provide for the SSSNB...

Fees and expenses

- 6 The SSSNB's constitutional arrangements may make provision about—

House of Commons disqualification

- 7 In the House of Commons Disqualification Act 1975 (c. 24),...

Interpretation

- 8 For the purposes of this Schedule— (a) a “school support...

Schedule 16 — Repeals and revocations

Part 1 — LOCAL AUTHORITY FUNCTIONS

Part 2 — DISSOLUTION OF THE LSC

Part 3 — SIXTH FORM COLLEGE SECTOR

Part 4 — OFQUAL AND THE QCDA

Part 5 — CO-OPERATION TO IMPROVE WELL-BEING OF CHILDREN

Part 6 — SCHOOLS CAUSING CONCERN

Part 7 — COMPLAINTS

Part 8 — SCHOOL INSPECTIONS

Part 9 — INFORMATION ABOUT LOCAL AUTHORITY EXPENDITURE

Part 10 — SUPPORT FOR PARTICIPATION IN EDUCATION AND TRAINING

Part 11 — FOUNDATION DEGREES: WALES

Status:

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

Changes to legislation:

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