

EXPLANATORY MEMORANDUM TO
THE APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009
(CONSEQUENTIAL AMENDMENTS TO SUBORDINATE LEGISLATION) ORDER
2010

2010 No. 1941

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Order makes amendments to secondary legislation which are consequential on provisions in Parts 2, 3, 4 and 6 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) which provide for the establishment of the office of Chief Executive of Skills Funding (“the Chief Executive”) and the Young People’s Learning Agency for England (“the YPLA”), places new duties on local authorities to secure enough suitable education and training to meet the needs of those over compulsory school age but under 19 (or 25 if subject to learning difficulty assessment) and dissolves the Learning and Skills Council for England (“the LSC”). .

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 Part 3 of the 2009 Act establishes the YPLA and sets out its functions. Part 4 of the 2009 Act establishes the office of the Chief Executive of Skills Funding and sets out that person’s functions; and Part 2 of the 2009 Act sets out the new duties placed on local authorities. The LSC is dissolved by section 123(1) of the 2009 Act. Part 6 provides for a new sixth form college sector.

4.2 This Order makes consequential amendments to secondary legislation which are necessary as a consequence of the above provisions in the 2009 Act. An Order [S.I. 2010/1080] relating to amendments to primary legislation consequential on the 2009 Act has already been made. For the most part, the amendments replace references to the LSC with references to the Chief Executive, the YPLA and / or local authorities, as appropriate. References to the repealed sections of the 2000 Act have been either omitted or, where appropriate, replaced with references to current legislation.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2009 Act abolishes the LSC and transfers responsibility for securing enough suitable education and training for young people over compulsory school age but under 19 (or under 25 if subject to learning difficulty assessment) from the LSC to local authorities. It also gives local authorities responsibility for the education of children and young people who are over compulsory school age but under 19 and who are subject to youth detention in their area. The 2009 Act also establishes the YPLA to support local authorities in their new role; and creates the office of Chief Executive of Skills Funding to have responsibility for funding 19 and over education and training (other than those aged under 25 who are subject to a learning difficulty assessment) and those detained in adult custody.

8. Consultation outcome

Given the technical and consequential nature of this Order, no public consultation has taken place on the detail of the amendments.

9. Guidance

As the amendments contained in the Order are consequential, no guidance is necessary.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has therefore not been prepared for this instrument.

11. Regulating small business

11.1 This Order will have no impact on small business.

12. Monitoring & review

12.1 The technical nature of this Order is such that no specific monitoring and review arrangements are appropriate.

13. Contact

Rema Laver at the Department for Business, Innovation and Skills (Tel: 0114 207 516 or email: rema.laver@bis.gsi.gov.uk) can answer any queries regarding the instrument.