

EDUCATION AND TRAINING (SCOTLAND) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Executive in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE ACT

3. The Act provides a statutory framework for the payment of grants to assist individuals in meeting the costs of undertaking lifelong learning. The Act enables the Scottish Ministers to make regulations to authorise the payment of grants to or in respect of the education or training of certain individuals. The Act confers power on the Scottish Ministers to specify in regulations both who is eligible to receive the grants and other conditions regarding the types of education and training in respect of which grants are payable.

Section 1: Grants

4. This section permits regulations to be made by the Scottish Ministers allowing grants to be paid to or in respect of individuals. Grants may be payable to three categories of individuals: those who are parties to “qualifying arrangements”; those who hold a “qualifying account”; and those who are parties to “qualifying arrangements” **and** hold a “qualifying account”. This third option would enable the Scottish Ministers to require that persons who have an account must also be party to an arrangement in order to receive grants. Both the accounts and the arrangements are likely to be referred to as “learning accounts”.
5. **Section 2** of the Act deals with “qualifying arrangements”. “Qualifying accounts” will be established on a UK-wide basis through the Learning and Skills Act 2000. Section 104 of the Learning and Skills Act, which extends to Scotland, provides the Secretary of State with power to specify conditions to be satisfied in order for accounts based on a tied financial product to qualify for the payment of grants. This has been dealt with through the Learning and Skills Act because it relates to the reserved matter of financial instruments. However, powers under section 104 are to be exercisable in or as regards Scotland by the Scottish Ministers, subject to the control of the Scottish Parliament.
6. In practice, grants are likely to be delivered as financial incentives or discounts on eligible education or training costs. In general it is intended that these grants will be paid to the provider of the education or training in question rather than directly to the individual.

7. The power in this section will enable the Scottish Ministers to set out conditions relating to the payment of grants to be paid in regulations. In particular the regulations will be able to cover the following matters:
 - conditions applicable to the payment of grants, including repayment in specified circumstances (e.g. the course being cancelled or not running);
 - the amount of grants and when and how they are to be paid (e.g. levels of grant for particular types of learning activity);
 - how the grants system will operate (e.g. providing for grants to be paid directly to providers of education and training and specifying who has authority to pay the grants where they are not to be paid directly by the Scottish Ministers);
 - that a person who qualifies for a grant by being party to an arrangement which qualifies under section 2 of this Act and by holding an account which qualifies under the Learning and Skills Act cannot receive a grant under both in respect of the same period of time; and
 - the type of education and training eligible for grants and the providers that can offer such eligible education and training.
8. This section also enables the Scottish Ministers to renumber the references in this Act to sections of the Learning and Skills Act to reflect any changes that took place in the final legislative stage of the Learning and Skills Act.

Section 2: Qualifying Arrangements

9. The intention is that “qualifying arrangements” will operate along the lines of a membership scheme. By joining the scheme an individual will enter into arrangements which qualify under this section.
10. This section enables the Scottish Ministers to set out, by regulations, the conditions arrangements must meet in order for persons who are party to them to qualify for the payment of grants under section 1. These conditions may specify:
 - who is eligible to be a party to arrangements (which may include criteria related to minimum age, employment or benefit status);
 - how the arrangements will be made and conducted;
 - the body or type of body with whom arrangements can be made;
 - that an individual cannot be party to more than one set of arrangements at any given time. (An individual may, however, undertake more than one learning episode at a time, or in succession, under the same arrangements provided that he remains within the limits of grant available to him in that period); and
 - the name by which “qualifying arrangements” are to be known.

Section 3 Regulations

11. **Section 3(1)** provides for regulations to be subject to the negative resolution procedure. This means that the regulations will be laid before the Scottish Parliament after being made, but only debated if a member seeks such a debate.