



# Learning and Skills (Wales) Measure 2009

2009 nawm 1

## PART 3

### SERVICES RELATED TO EDUCATION, TRAINING AND SKILLS

#### *Learner support services*

#### **40 Provision of services by maintained schools and further education institutions**

- (1) The Welsh Ministers may direct a person mentioned in subsection (2)—
  - (a) to provide learner support services;
  - (b) to secure the provision of learner support services;
  - (c) to participate in the provision of learner support services.
- (2) The persons are—
  - (a) the governing body of a maintained school in Wales;
  - (b) the governing body of an institution within the further education sector in Wales.
- (3) In this section “learner support services” means services which in the opinion of the Welsh Ministers will encourage, enable or assist young persons (directly or indirectly) —
  - (a) to participate effectively in education or training;
  - (b) to take advantage of opportunities for employment; or
  - (c) to participate effectively and responsibly in the life of their communities.
- (4) A direction under subsection (1)—
  - (a) may include provision for grants, loans and other kinds of financial assistance to be provided by the Welsh Ministers (whether or not on conditions);
  - (b) may require a governing body to have regard to guidance given by the Welsh Ministers;

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*Status: This is the original version (as it was originally enacted).*

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- (c) may require a governing body when making arrangements with other persons to require those persons to have regard to guidance given by the Welsh Ministers.
- (5) A direction under subsection (1)—
- (a) may relate to a particular class of young person;
  - (b) may make different provision for different classes of young person;
  - (c) may be revoked or varied by a later direction.
- (6) Where a direction under subsection (1) relates to the provision of a service in the form of advice or information, it must be framed so that—
- (a) it relates only to information which is presented in an impartial manner; and
  - (b) it relates only to advice which—
    - (i) is given by a person who considers that it will promote the best interests of the young person concerned; and
    - (ii) does not seek to promote, contrary to the young person’s best interests, the interests or aspirations of any school, institution or other person.
- (7) In this section—
- (a) “young persons” means persons who have attained the age of eleven but not the age of twenty six;
  - (b) “institution within the further education sector” has the same meaning as in the Education Act 1996 (c. 56);
  - (c) “maintained school” has the same meaning as in the School Standards and Framework Act 1998 (c. 31).

#### **41 Duties of governing bodies**

- (1) A governing body of a maintained school or institution within the further education sector must comply with a direction given to it under section 40(1).
- (2) Action which a governing body takes in pursuance of subsection (1) may relate to a particular class of young person.

#### **42 Amendments to the Learning and Skills Act 2000**

- (1) The Learning and Skills Act 2000 (c. 21) is amended in accordance with this section.
- (2) In subsection (1) of section 126 of that Act, after “section 123(1)(a) or (b)” insert “or section 40(1)(a) or (b) of the Learning and Skills (Wales) Measure 2009”.
- (3) In subsection (1)(a) of section 127 of that Act, after “section 123(1)” insert “or section 40(1) of the Learning and Skills (Wales) Measure 2009”.