

**EXPLANATORY MEMORANDUM TO**  
**THE APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**  
**(CONSEQUENTIAL AMENDMENTS) (ENGLAND AND WALES) ORDER 2010**

**2010 No. [DRAFT]**

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

**2. Purpose of the instrument**

This Order specifies the consequential amendments to primary legislation relating to Parts 2, 3, 4, 5 and 6 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the Act”).

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

None.

**4. Legislative Context**

This Order is made as a consequence of the Act. Most of the consequential amendments to primary legislation will be made through the Act; this Order deals with the remaining amendments to primary legislation. For the most part, the amendments replace the reference to the Learning and Skills Council for England with a reference to the Chief Executive of Skills Funding, the Young People’s Learning Agency and / or the local authorities, as appropriate.

**5. Territorial Extent and Application**

This instrument applies to England and Wales.

**6. European Convention on Human Rights**

Iain Wright has made the following statement regarding Human Rights:

“In my view the provisions of the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 is compatible with the Convention rights.”

**7. Policy background**

7.1 The Act abolishes the Learning and Skills Council for England (“the LSC”) and transfers responsibility for funding education and training for young people over compulsory school age but under 19 from the LSC to local authorities. It also gives local authorities responsibility for the education of young people in custodial

establishments, and for the education and training of certain learners with learning difficulties or disabilities up to the age of 25. The Act also creates a Young People's Learning Agency for England (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 post 19 education and training, including provision of apprenticeship training including for those aged 16-18 years.

The abolition of the LSC requires the transfer or repeal of powers and duties set out in the Learning and Skills Act 2000 (the legislation which established the LSC) and in other legislation which has conferred powers and duties on the LSC.

This instrument provides for amendments to primary legislation, not already covered by the Act.

## **8. Consultation outcome**

The proposals in the White Paper, *'Raising Expectations: enabling the system to deliver'* were consulted on extensively following its publication in March 2008. There was broad support for the change. Since then there has been ongoing stakeholder engagement in taking forward implementation, with a series of regional stakeholder events and continued engagement of all key partners on programme and stakeholder boards. As this is a technical order making purely consequential changes, no public consultation has been carried out.

## **9. Guidance**

Likewise, no guidance on the order 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 not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business

## **12. Monitoring & review**

Both the YPLA and the Chief Executive of Skills Funding will each publish an annual report of their performance and annual accounts which will be laid before Parliament.

## **13. Contact**

Val Kenton at the Department for Business, Innovation and Skills Tel: 0114 259 3960 or email: [Valerie.Kenton@bis.gsi.gov.uk](mailto:Valerie.Kenton@bis.gsi.gov.uk) can answer any queries regarding the instrument.