



Further Education and Training Act 2007

2007 CHAPTER 25

PART 1

THE LEARNING AND SKILLS COUNCIL FOR ENGLAND

Functions of the Council

6 Duty in relation to diversity and choice

- (1) In section 2 of LSA 2000 (education and training for persons aged 16 to 19), in subsection (3), after paragraph (d) insert—
 - “(da) act with a view to encouraging diversity in the education and training available to individuals;
 - (db) act with a view to increasing opportunities for individuals to exercise choice;”.
- (2) In section 3 of that Act (education and training for persons over 19), in subsection (3), after paragraph (d) insert—
 - “(da) act with a view to encouraging diversity in the education and training available to individuals;
 - (db) act with a view to increasing opportunities for individuals to exercise choice;”.

7 Consultation by the Council

After section 14 of LSA 2000 insert—

“14A Consultation

- (1) In exercising its functions the Council must have regard to any guidance given from time to time by the Secretary of State about consultation with—
 - (a) persons receiving or proposing to receive post-16 education or training,
 - (b) employers, or

(c) such other persons as may be specified in such guidance,
 in connection with the taking of decisions affecting them.

(2) Any guidance under this section about consultation with persons falling within paragraph (a) of subsection (1) must provide for the views of such a person to be considered in the light of his age and understanding.”

8 Plans for academic years

(1) Section 15 of LSA 2000 (plans of the Council) is amended as follows.

(2) In subsection (1)(a), for “each of its financial years” substitute “each academic year”.

(3) Omit subsection (2).

(4) In subsection (3), for “any subsequent financial year of the Council” substitute “an academic year”.

(5) In subsection (4)—

(a) for “a financial year” substitute “an academic year”, and

(b) in paragraph (a), for “the financial year” substitute “the academic year”.

(6) After subsection (4) insert—

“(5) In this section “academic year” means—

(a) the period starting with the 1 April following the date on which section 8 of the Further Education and Training Act 2007 comes into force and ending with the second 31 July following that 1 April;

(b) each successive period of 12 months.”

9 Powers to form or be involved in certain bodies corporate

(1) Section 18 of LSA 2000 (supplementary functions of the Council) is amended as set out in subsections (2) and (3).

(2) In subsection (3), for paragraph (c), substitute—

“(c) to form, participate in forming or invest in a company unless the Secretary of State consents;

(d) to form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993) unless the Secretary of State consents.”

(3) At the end, insert—

“(8) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.”

(4) In relation to the period beginning on 1st September 2000 and ending immediately before the coming into force of this section, the power conferred by section 18 of LSA 2000 is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee with the consent of the Secretary of State.

10 Directions

In section 25 of LSA 2000 (directions), in subsection (6), after “Directions” insert “with respect to powers conferred or duties imposed on the Council by or under this Act”.

11 Provision of services

- (1) The Learning and Skills Council for England may make arrangements with a person or body to whom this section applies for the provision by the Council of services that are required by the person or body in connection with the exercise of the person’s or body’s functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—
 - (a) providing accommodation and other facilities to a person or body to whom this section applies or managing such facilities on behalf of such a person or body;
 - (b) procuring, or assisting in procuring, goods and services for use by a person or body to whom this section applies.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the Council in respect of expenditure incurred by the Council in performing any function under the arrangements.
- (4) The persons and bodies to whom this section applies are—
 - (a) the Secretary of State;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) Northern Ireland departments;
 - (e) persons or bodies, wholly or partly funded from public funds, that have functions relating to education or training;
 - (f) persons or bodies specified, or of a description specified, by order made by the appropriate national authority for the purposes of this section.
- (5) Before making arrangements under which it may provide services to a person or body falling within any of paragraphs (b) to (f) of subsection (4) in connection with the exercise of the person’s or body’s functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Council must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a person or body falling within paragraph (a), (e) or (f) of subsection (4) in connection with the exercise of the person’s or body’s functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Council must obtain—
 - (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;
 - (b) in relation to education or training provided in Scotland, the consent of the Scottish Ministers;
 - (c) in relation to education or training provided in Northern Ireland, the consent of the Minister for Employment and Learning in Northern Ireland.

- (7) Consent may be given under subsection (5) or (6) in relation to particular arrangements or arrangements of a particular description.
- (8) “The appropriate national authority” means—
- (a) in relation to persons or bodies exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
 - (b) in relation to persons or bodies exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
 - (c) in relation to persons or bodies exercising functions relating only to education or training provided in Northern Ireland, the Department for Employment and Learning in Northern Ireland;
 - (d) in any other case, the Secretary of State.

12 Assistance with respect to employment and training

- (1) The Learning and Skills Council for England may take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making arrangements in relation to Wales or Scotland in which the Council is to take part, the Secretary of State must obtain the consent of the Welsh Ministers or (as the case may be) the Scottish Ministers to the arrangements.
- (3) Before making arrangements in which the Council is to take part, the Welsh Ministers or (as the case may be) the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

13 Assistance with respect to employment and training: Northern Ireland

- (1) The Learning and Skills Council for England may take part in any arrangements made by the Department for Employment and Learning in Northern Ireland under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making arrangements in which the Council is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.