

# **APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**

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## **EXPLANATORY NOTES**

### **BACKGROUND AND SUMMARY**

3. The Act contains provisions on a range of policies which span the responsibilities of both DCSF and BIS.
4. The Act incorporates proposals previously published in July 2008 as the *Draft Apprenticeships Bill*. The *Draft Apprenticeships Bill* was the subject of pre-legislative scrutiny by the Innovation, Universities, Science and Skills Select Committee and the Children, Schools and Families Select Committee as it was then called, whose reports are available on the Parliament website ([www.parliament.uk](http://www.parliament.uk)).
5. A key element of the Act is the continued reform of 14 to 19 education and training. This builds on the Education and Skills Act 2008, which raised the age of participation in education or training to 18 for all young people from 2015. In line with proposals originally included in the March 2008 White Paper *Raising Expectations: Enabling the system to deliver*, the Act puts in place the underpinning legislation required to deliver this policy.
6. The Act transfers responsibility for funding education and training for young people over compulsory school age but under 19 from the Learning and Skills Council to local education authorities. Local education authorities will also take on 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.
7. The Act creates the Young People's Learning Agency for England (the YPLA), which will support local education authorities in their new role. It also creates the office of Chief Executive of Skills Funding. The holder of this office will head the Skills Funding Agency (the SFA), which will be established by administrative means. The Chief Executive of Skills Funding will be responsible for establishing and leading a new, demand-led system of skills provision for adults.
8. The Act also establishes the Office of Qualifications and Examinations Regulation (Ofqual) as a new independent regulator of qualifications and assessments, while the Qualifications and Curriculum Authority (the QCA) will continue to exercise its non-regulatory role under the new name of the Qualifications and Curriculum Development Agency (the QCDA).
9. Further background is included on these and the other elements of the Act in the "Overview of the Structure" section.
10. A glossary of terms and abbreviations used in these Explanatory Notes is provided at the end of these Notes.

***Local education authority***

11. Throughout the Notes the term “local education authority” is used to refer to those local authorities with education functions identified in section 12 of the Education Act 1996. The term “local education authority” has been in use since 1944 to identify those authorities but it has given rise to some perceptions that a local education authority has an identity of its own separate from the local authority.
12. In line with government policy to improve outcomes for children by promoting greater cooperation between agencies delivering children’s services, and the introduction of the post of director of children's services and lead member for children's services in the Children Act 2004, local authority children's services (mainly education and children's social services) are being integrated. To reflect this it is now government policy that the terms “local education authority” and “children’s services authority” should no longer be used. To make this fully effective requires an equivalent change in the terminology used in legislation.
13. Education legislation, however, uses the term “local education authority” and, as the Act both amends and builds on a number of Education Acts, it has been necessary to continue to use the term local education authority in the Act. It is therefore used throughout these Notes (and, where appropriate, is abbreviated to LEA). But in due course an order made under section 162 of the Education and Inspections Act 2006 will convert references in legislation to “local education authority” (and references in legislation to “children’s services authority”) to references to “local authority”.