

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: the Young People's Learning Agency for England

Chapter 2: Main Functions

Securing provision of education and training

Section 66: Securing provision of education or training

201. This section gives the YPLA the power to commission education or training for persons over compulsory school age but under 19, for learners aged 19 but under 25 for whom a learning difficulty assessment has been or is required to be made and for children subject to youth detention. This power will enable the YPLA to secure provision directly, for example:
- from the small number of national providers from whom it may be appropriate to commission at national rather than local level;
 - where sub-regional groups of LEAs are not yet ready to take on this role; or
 - where a local education authority is failing or is likely to fail to fulfil its duty under the new sections 15ZA and 18A of the Education Act 1996 (as inserted by sections 41 and 48) to commission suitable education or training.
202. The circumstances under which the YPLA would be expected to exercise these powers will be set out by the Secretary of State in his remit letter to the YPLA. When exercising this power the YPLA must have regard to things done by local education authorities in the performance of their duties under sections 15ZA(1) and 18A(1) of the Education Act 1996.

Section 67: Intervention for purpose of securing provision of education and training

203. This section gives the YPLA the power to make directions where it is satisfied that a local education authority is failing, or likely to fail, in its new duty under *section 15ZA* of the Education Act 1996 (section 41) to secure enough suitable education and training for young people aged over compulsory school age but under 19, and those aged 19 or over but under 25 for whom a learning difficulty assessment has been or is required to be conducted. It also gives the YPLA the power to make directions where it is satisfied that a local education authority is failing, or likely to fail, in its new duty under section 18A of the Education Act 1996 (section 48).
204. The directions may be for the purpose of ensuring that the LEA secure suitable education and training, or may require the LEA to permit specified action to allow the

These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009

YPLA itself, or another body, to take on the local education authority's functions on its behalf. The YPLA may give a direction under this section only with the approval of the Secretary of State.

205. [Section 73](#) requires the YPLA to publish a statement that sets out the circumstances under which it will intervene under this section and the nature of that intervention.