

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

Miscellaneous

Section 71: Research, information and advice

211. **Section 71** gives the YPLA the power to carry out research relating to any matter relevant to any of its functions. This is likely to include, for example, collating and analysing regional research and intelligence to support local education authority 14 to 19 partnership plans and 16 to 18 commissioning plans.
212. It enables the Secretary of State to require the YPLA to provide information or advice, and gives the YPLA the power to provide information or advice to the Secretary of State, in relation to any of its functions.
213. The YPLA will have the power to provide information to any person designated by the Secretary of State. This will, for instance, enable the YPLA:
- To provide local education authorities with analysis of provider performance covering all types of provision they will be required to secure under their new powers conferred upon them under this Act (see Part 2 of this Act).
 - To inform local education authorities about the type and extent of the support their learners are receiving.
214. In order to carry out these functions, the YPLA must establish systems for collecting information designed to secure that YPLA decisions are made on a sound basis.
215. The YPLA may also secure facilities and services for providing information, advice or guidance about education, training or connected matters including employment.

Section 72: Guidance by YPLA

216. **Section 72** requires the YPLA to issue guidance to local education authorities about:
- the performance of their duties to secure that all young people in their area over compulsory school age but under 19, persons aged 19 and over but under 25 subject to learning difficulty assessment, and children subject to youth detention have access to enough suitable education and training provision to meet their reasonable needs,

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

- the performance of their duty to co-operate in the performance of their duties under section 15ZA(1),
 - the performance of their duty to encourage employers to participate in the provision of education and training for young people over compulsory school age but under 19 and persons aged 19 and over but under 25 subject to learning difficulty assessment.
217. Before issuing this guidance, the YPLA must consult local education authorities in England and other persons as it thinks appropriate. Local education authorities must have regard to this guidance. The main guidance to be issued under this power will be the *National Commissioning Framework and Supporting Guidance*, which will cover how local education authorities should work independently and together in sub-regional groupings to develop commissioning plans that will set out how they intend to secure education and training provision for learners within their area. The YPLA also has the power to issue guidance about other matters in respect of which it has a function.

Section 73: Intervention powers: policy statement

218. The YPLA will be required to prepare and consult on a policy statement which sets out the detail of its policy on its powers of intervention. It will set out the triggers for, and the nature of, such interventions. Having considered representations made during consultation, the YPLA must send a copy of the final policy statement for approval by the Secretary of State, and then publish the approved statement. The YPLA must then have regard to the latest published statement when exercising its powers to intervene. *Subsection (6)* sets out the instances in which the YPLA has powers of intervention, which are under section 67 of this Act (YPLA powers to intervene for the purposes of securing appropriate education and training for young people); section 56H of the Further and Higher Education Act 1992 and section 56I of that Act (inserted by Schedule 8 to this Act) which concern powers to intervene in sixth form colleges.

Section 74: Power to confer supplementary functions on YPLA

219. The Secretary of State may by order (subject to the negative resolution procedure) give the YPLA supplementary functions that are both exercisable in relation to a function of the Secretary of State and relevant to the provision of education and training within the YPLA's remit. Education and training within the YPLA's remit is defined in section 80. This could, for example, include conferring additional functions on the YPLA in relation to the provision of a new learner support grant for young people.