



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 12

#### MISCELLANEOUS

PROSPECTIVE

#### *Careers education*

#### **<sup>F1</sup>250 Careers education in schools: England**

.....

#### **Textual Amendments**

**F1** S. 250 omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\), ss. 29\(9\)\(d\), 82\(3\)](#); S.I. 2012/1087, art. 3

#### *Information about local authority expenditure*

#### **251 Information about planned and actual expenditure**

- (1) The Secretary of State may direct a local authority in England to provide information about its planned and actual expenditure in connection with—
  - (a) its education functions;
  - (b) its children's social services functions.

*Status: This version of this part contains provisions that are prospective.*

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- (2) The Secretary of State may also direct a local authority in England to provide information about accountable resources held, received or expended by any person in relation to a school maintained by the authority.
- (3) Information to which a direction under this section relates must be provided in accordance with the direction.
- (4) A direction under this section may (in particular) include provision about—
  - (a) the period to which information is to relate;
  - (b) the form and manner in which information is to be provided;
  - (c) the persons to whom information is to be provided;
  - (d) the publication of information.
- (5) If a direction under this section requires information to be provided to a person other than the Secretary of State, the direction may also require that person to make the information available for inspection in accordance with the direction.

**Commencement Information**  
 II S. 251 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch.

**252 Information about expenditure: supplementary**

- (1) This section applies for the purposes of section 251.
- <sup>F2</sup>(2) .....
- (3) The children's social services functions of a local authority in England are—
  - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
  - (b) functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (c. 41), so far as not within paragraph (a);
  - (c) functions conferred on the authority <sup>F3</sup>... under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004 (c. 31).
- (4) “Accountable resources”, in relation to a school maintained by a local authority, means resources that are not provided by the authority [<sup>F4</sup>in the exercise of its education functions], but in respect of which an obligation is imposed on the school's governing body by virtue of regulations under section 44 of the Education Act 2002 (c. 32) (accounts of maintained schools).
- (5) The Secretary of State may by order amend this section for one or more of the following purposes—
  - [<sup>F5</sup>(za) specifying additional functions which are to be treated as education functions]
    - (a) adding to the functions that are <sup>F6</sup>... children's social services functions;
    - (b) removing or changing the description of functions that are education functions or children's social services functions.
- (6) In this section—
  - <sup>F7</sup> <sup>F7</sup> <sup>F7</sup> ... ..
  - “social services functions” has the same meaning as in the Local Authority Social Services Act 1970 (c. 42) (see section 1A of that Act).

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#### Textual Amendments

- F2** S. 252(2) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(14)(a), **Sch. 3 Pt. 1**
- F3** Words in s. 252(3)(c) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(14)(b), **Sch. 3 Pt. 1**
- F4** Words in s. 252(4) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 16(14)(c)**
- F5** S. 252(5)(za) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 16(14)(d)(i)**
- F6** Words in s. 252(5)(a) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(14)(d)(ii), **Sch. 3 Pt. 1**
- F7** Words in s. 252(6) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(14)(e), **Sch. 3 Pt. 1**

#### Commencement Information

- I2** S. 252 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

### 253 Information about expenditure: consequential amendments

- (1) The School Standards and Framework Act 1998 (c. 31) is amended as follows.
- (2) In section 52 (the title of which becomes “Financial statements: Wales”), in subsections (1) and (2) after “[<sup>F8</sup>local authority]” insert “ in Wales ”.
- (3) Omit section 53 (certification of statements by Audit Commission).

#### Textual Amendments

- F8** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

#### Commencement Information

- I3** S. 253 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

### <sup>F9</sup>Qualifications

#### Textual Amendments

- F9** S. 253A and preceding crossheading inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 79(1)**, 164(3)(f)

### 253A Qualifications

- (1) A person in England may, in prescribed circumstances, provide student information of a prescribed description to—

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- (a) the Secretary of State,
  - (b) an information collator,
  - (c) a prescribed person, or
  - (d) a person falling within a prescribed category.
- (2) A person in Wales may, in prescribed circumstances, provide student information of a prescribed description to—
- (a) the Welsh Ministers,
  - (b) an information collator,
  - (c) a prescribed person, or
  - (d) a person falling within a prescribed category.
- (3) In subsection (2) “prescribed” means prescribed in regulations made by the Welsh Ministers.
- (4) Subject to subsection (5)(a), information received under or by virtue of this section is not to be published in any form which identifies the individual to whom it relates.
- (5) This section—
- (a) does not affect any power to provide or publish information which exists apart from this section, and
  - (b) is subject to any express restriction on the provision of information imposed by another enactment.
- (6) In this section—
- “information collator” means any body which, for the purposes of or in connection with functions of the Secretary of State or the Welsh Ministers, is responsible for collating or checking information relating to regulated qualifications or relevant qualifications;
  - “regulated qualification” has the meaning given by section 130(1);
  - “relevant qualification” has the meaning given [<sup>F10</sup>to “qualification” by section 56 of the Qualifications Wales Act 2015] ;
  - “student information” means information (whether obtained under this section or otherwise) relating to an individual who is seeking or has sought to obtain, or has obtained, a regulated qualification or a relevant qualification]

#### Textual Amendments

**F10** Words in s. 253A(6) substituted (21.9.2015) by [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(2\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

### *Support for participation in education and training*

#### **254 Provision of social security information for purposes of functions under Education and Skills Act 2008**

- (1) The Education and Skills Act 2008 (c. 25) is amended as follows.
- (2) Omit section 15 (supply of social security information for purposes of Part 1).

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- (3) Section 17 (sharing and use of information held for purposes of support services or functions under Part 1) is amended as follows.
- (4) In subsection (1), for “provide relevant information to each other” substitute “—
- (a) provide relevant information to each other;
  - (b) make arrangements for the holding by either of them of information provided, or which could be provided, under paragraph (a).”
- (5) In subsection (7), in the definition of “relevant information”, after paragraph (b), insert—
- “but does not include information provided under section 72 of the Welfare Reform and Pensions Act 1999;”.
- (6) At the end add—
- “(9) Nothing in this section authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Act (whenever passed or made) which prevents disclosure of the information.”
- (7) Section 76 (supply of social security information for purposes of support services) is amended as follows.
- (8) Omit subsection (1).
- (9) For subsections (3) and (4) substitute—
- “(3) For the purposes of subsection (2), “personal information” in relation to a young person, means the person's name, address and date of birth.
  - (3A) The Secretary of State may make arrangements with a person for the supply of social security information for the purposes of the provision of services for young persons in pursuance of section 68 or 70(1)(b).
  - (3B) Social security information may be supplied to—
    - (a) the Secretary of State, or
    - (b) a person providing services to the Secretary of State under subsection (3A).
  - (3C) A person to whom social security information is supplied under subsection (3B) may supply the information to a [<sup>F8</sup>local authority] or other person involved in the provision of services for young persons or relevant young adults in pursuance of section 68 or 70(1)(b) for the purpose of the provision of those services.
  - (3D) Information supplied to a person in reliance on subsection (3C) or this subsection may be supplied in accordance with, or with arrangements made under, section 17(1).
  - (3E) Information supplied to a person in reliance on subsection (3B), (3C) or (3D) may be disclosed—
    - (a) for the purpose of the provision of services in pursuance of section 68 or 70(1)(b),
    - (b) for the purpose of enabling or assisting the exercise of any function of a [<sup>F8</sup>local authority] under Part 1,
    - (c) in accordance with any provision of, or made under, any other Act,

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- (d) in accordance with an order of a court or tribunal,
- (e) for the purpose of actual or contemplated proceedings before a court or tribunal,
- (f) with consent given by or on behalf of the person to whom the information relates, or
- (g) in such a way as to prevent the identification of the person to whom it relates.

(4) It is an offence for a person to disclose restricted information otherwise than in accordance with this section.

(4A) For the purposes of subsection (4), “restricted information”, in relation to a person, means information that was disclosed to the person—

- (a) in reliance on subsection (3B), (3C) or (3D), or
- (b) in circumstances that constitute an offence under this section.”

**Textual Amendments**

**F8** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

**Commencement Information**

**I4** S. 254 in force at 12.1.2010 by [S.I. 2009/3317](#) , art. 2, **Sch.**

**255 Provision of other information in connection with support services**

(1) The Education and Skills Act 2008 (c. 25) is amended as follows.

<sup>F11</sup>(2) .....

(3) After section 76 insert—

**“76A Supply of information by Secretary of State or person providing services**

(1) The Secretary of State may make arrangements with any other person for the holding and supply of information in connection with, or for the purposes of, the provision of services in pursuance of section 68 or 70(1)(b).

(2) In this section “relevant information”, in relation to a person by whom services are provided under section 68 or 70(1)(b), means information which—

- (a) is obtained by a person involved in the provision of those services in, or in connection with, the provision of those services,
- (b) relates to a person for whom those services are provided;

but does not include information provided under section 72 of the Welfare Reform and Pensions Act 1999.

(3) Relevant information may be supplied to—

- (a) the Secretary of State, or
- (b) a person providing services to the Secretary of State under this section.

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- (4) Information supplied under subsection (3) may be supplied to any person involved in the provision of services in pursuance of section 68 or 70(1)(b) for the purposes of the provision of those services.
- (5) Except as provided by subsection (4), information supplied in reliance on subsection (3) must not be disclosed in such a way that the identity of the individual is disclosed to, or capable of being discovered by, the person to whom it is disclosed.
- (6) Nothing in this section authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Act (whenever passed or made) which prevents disclosure of the information.”

**Textual Amendments**

**F11** S. 255(2) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 28(6)**, 82(3); [S.I. 2012/1087](#), [art. 3](#)

**Commencement Information**

**I5** S. 255 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

*Further education corporations*

**256 Further education corporations in England: co-operation and promotion of well-being**

- (1) The Further and Higher Education Act 1992 (c. 13) is amended as follows.
- (2) In section 19 (supplementary powers of a further education corporation), after subsection (8) add—
  - “(9) A further education corporation may provide advice or assistance to any other person where it appears to the corporation to be appropriate for them to do so for the purpose of or in connection with the provision of education by the other person.”

<sup>F12</sup>(3) . . . . .

**Textual Amendments**

**F12** S. 256(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [s. 82\(3\)](#), [Sch. 12 para. 46\(2\)](#); [S.I. 2012/924](#), [art. 2](#)

**Commencement Information**

**I6** S. 256 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

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### Student loans

#### 257 Student loans under the 1998 Act: IVAs

- (1) The Teaching and Higher Education Act 1998 (c. 30) is amended as set out in subsections (2) and (3).
- (2) In section 22(3) (new arrangements for giving financial support to students), after paragraph (f) insert—
  - “(g) with respect to sums which a borrower receives, or is entitled to receive, under such a loan before or after a voluntary arrangement under Part 8 of the Insolvency Act 1986 or Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) takes effect in respect of the borrower;
  - (h) excluding or modifying the application of Part 8 of that Act, or Part 8 of that Order, in relation to liability to make repayments in respect of such a loan (whether the repayments relate to sums which the borrower receives, or is entitled to receive, before or after a voluntary arrangement takes effect in respect of the borrower).”
- (3) In section 46(8) (provisions extending to Northern Ireland), in the entry relating to section 22, for “(3)(e) or (f)” substitute “ (3)(e), (f), (g) or (h) ”.
- (4) Nothing in this section affects a voluntary arrangement that takes effect before this section comes into force.

#### Commencement Information

I7 S. 257 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, [Sch.](#)

#### 258 Student loans under the 1990 Act: IVAs and bankruptcy

- (1) Subsections (2) to (5) have effect in relation to the Education (Student Loans) Act 1990 (c. 6) to the extent that that Act continues in force by virtue of any savings made, in connection with its repeal by the Teaching and Higher Education Act 1998 (c. 30), by an order under section 46(4) of that Act.
- (2) In Schedule 2 (loans for students), in paragraph 5(1) for “or 310” substitute “ , 310 or 310A ”.
- (3) In Schedule 2, after paragraph 5 insert—
  - “5A (1) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan that a person (“the debtor”) receives or is entitled to receive before or after a voluntary arrangement under Part 8 of the Insolvency Act 1986 takes effect in respect of the debtor.
  - (2) The sum is to be ignored for the purposes of the voluntary arrangement.
- 5B (1) Part 8 of the Insolvency Act 1986 (individual voluntary arrangements) has effect in relation to a student loan debt with the following modifications.



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- (2) A student loan debt is to be treated as not included among the debtor's debts.
  - (3) A person to whom a student loan debt is owed is to be treated as not being one of the debtor's creditors.
  - (4) A “student loan debt” is a debt or liability to which a debtor is or may become subject in respect of a public sector student loan or subsidised private sector student loan.”
- (4) In Schedule 2, after paragraph 6 insert—

**“Insolvency: Northern Ireland**

- 7 (1) There shall not be treated as part of a bankrupt's estate or claimed for his estate under article 280 or 283 of the Insolvency (Northern Ireland) Order 1989 any sums to which this paragraph applies that the bankrupt receives or is entitled to receive after the commencement of the bankruptcy.
  - (2) No debt or liability to which a bankrupt is or may become subject in respect of a sum to which this paragraph applies shall be included in the bankrupt's bankruptcy debts.
  - (3) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan payable to the bankrupt pursuant to an agreement entered into by the bankrupt before or after the commencement of the bankruptcy.
  - 8 (1) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan that a person (“the debtor”) receives or is entitled to receive before or after a voluntary arrangement under Part 8 of the Insolvency (Northern Ireland) Order 1989 takes effect in respect of the debtor.
  - (2) The sum is to be ignored for the purposes of the voluntary arrangement.
  - 9 (1) Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) has effect in relation to a student loan debt with the following modifications.
  - (2) A student loan debt is to be treated as not included among the debtor's debts.
  - (3) A person to whom a student loan debt is owed is to be treated as not being one of the debtor's creditors.
  - (4) A “student loan debt” is a debt or liability to which a debtor is or may become subject in respect of a public sector student loan or subsidised private sector student loan.”
- (5) In section 4, for subsection (4) (extent) substitute—

- “(4) This Act does not extend to Northern Ireland, with the following exceptions—
- (a) section 1, so far as necessary for the purpose of defining “public sector student loan” and “subsidised private sector student loan”;
  - (b) section 2;

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- (c) as respects institutions in Northern Ireland, the power to make regulations under paragraph 2 of Schedule 2;
  - (d) paragraphs 7 to 9 of Schedule 2.”
- (6) Nothing in this section affects a voluntary arrangement that takes effect, or a bankruptcy that commences, before this section comes into force.

#### Commencement Information

**18** S. 258 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

#### *Foundation degrees: Wales*

### **259 Power to award foundation degrees: Wales**

- (1) In section 76(1)(b) of the Further and Higher Education Act 1992 (c. 13) (power of Privy Council to specify further education institutions in England that may award foundation degrees) omit “in England”.
- (2) Within the period of four years beginning with the commencement of subsection (1) of this section, the Welsh Ministers must lay before the National Assembly for Wales a report about its effect.

#### Commencement Information

**19** S. 259 in force at 1.10.2010 by [S.I. 2010/2413](#), [art. 2\(c\)](#) (with [arts. 3-5](#))

PROSPECTIVE

#### *Complaints: Wales*

### **260 Complaints: Wales**

- (1) Section 29 of the Education Act 2002 (c. 32) (additional functions of governing body) is amended as follows.
- (2) In subsection (1) after “maintained school” insert “ in England ”.
- (3) In subsection (2) for the words from “(in relation to England)” to the end substitute “ by the Secretary of State ”.
- (4) After subsection (2) insert—
  - “(2A) The Welsh Ministers may make regulations establishing procedures in relation to relevant complaints.
  - (2B) For the purposes of subsection (2A), a “relevant complaint” is a complaint which relates to a maintained school in Wales, or to the provision of facilities or services under section 27 by the governing body of such a school, other than a complaint which falls to be dealt with in accordance with any procedures

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required to be established in relation to the school by virtue of a statutory provision other than this section.

- (2C) Where the Welsh Ministers establish procedures by regulations under subsection (2A), the governing body of a maintained school in Wales shall—
- (a) adopt the procedures, and
  - (b) publicise them in the way specified in the regulations.

- (2D) In adopting or publicising procedures established by virtue of subsection (2A), the governing body shall have regard to any guidance given from time to time by the Welsh Ministers.”

#### *Local Government Act 1974*

### **261 Local Government Act 1974: minor amendment**

In paragraph 5(2) of Schedule 5 to the Local Government Act 1974 (c. 7) (exclusion of matters relating to teaching etc. in any school maintained by local authority), after “authority” insert “, except so far as relating to special educational needs (within the meaning given by section 312 of the Education Act 1996) ”.

#### **Commencement Information**

**I10** S. 261 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, [Sch.](#)

**Status:**

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**Changes to legislation:**

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences [\(2009 c. 22\)](#)
- [S.I. 2010/2413 art. 2](#) commences [\(2009 c. 22\)](#)
- [S.I. 2011/829 art. 2](#) commences [\(2009 c. 22\)](#)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing [SI 2010/303 art. 7 Sch. 6](#)