



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 3

#### THE YOUNG PEOPLE'S LEARNING AGENCY FOR ENGLAND

### CHAPTER 1

#### ESTABLISHMENT

#### **60 The Young People's Learning Agency for England**

- (1) There is to be a body corporate known as the Young People's Learning Agency for England.
- (2) In this Part that body is referred to as "the YPLA".
- (3) Except as provided for in sections 68 to 70, the YPLA is to perform its functions in relation to England only.
- (4) Schedule 3 makes further provision about the YPLA.

### CHAPTER 2

#### MAIN FUNCTIONS

#### *Funding*

#### **61 Provision of financial resources**

- (1) The YPLA must secure the provision of financial resources to—

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- (a) persons providing or proposing to provide suitable education or training to persons—
    - (i) who are over compulsory school age but under 19, or
    - (ii) who are aged 19 or over but under 25 and are subject to learning difficulty assessment;
  - (b) persons providing or proposing to provide suitable education to children subject to youth detention;
  - (c) local education authorities, for the purposes of their functions in relation to education or training within paragraph (a) or (b).
- (2) The YPLA must also secure the provision of financial resources in accordance with any directions given to it by the Secretary of State.
- (3) The YPLA may secure the provision of financial resources to—
- (a) persons providing or proposing to provide education or training to persons who are of or under compulsory school age;
  - (b) persons providing or proposing to provide education or training to persons aged 19 or over, in respect of education or training begun by them before reaching the age of 19;
  - (c) local education authorities, for the purposes of their functions in relation to education or training in respect of which the YPLA has power to secure the provision of financial resources under paragraph (a) or (b).
- (4) The YPLA may also secure the provision of financial resources—
- (a) to or in respect of persons (of any age) for purposes related to enabling, facilitating or encouraging their participation in education or training;
  - (b) to persons providing or proposing to provide goods or services in connection with the provision by others of education or training within subsection (1)(a) or (b) or (3)(a) or (b);
  - (c) to persons undertaking or proposing to undertake research relating to education or training;
  - (d) to persons providing or proposing to provide work experience for persons receiving education;
  - (e) to persons carrying out means tests under arrangements made under section 64;
  - (f) to persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (5) In performing its functions under this section the YPLA must make the best use of its resources.
- (6) The YPLA may secure the provision of financial resources under this section—
- (a) by providing the resources;
  - (b) by making arrangements for the provision of resources by another person;
  - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the YPLA).
- (7) The YPLA may under subsection (4)(a) secure the provision of financial resources by reference to—
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
  - (b) any other matter (such as transport or childcare).

- (8) The reference in subsection (1)(a) to persons—
- (a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment,
- does not include persons who are subject to adult detention within the meaning given in section 121(4).
- (9) Directions given under subsection (2) may not concern the provision of financial resources to or in respect of a particular person or persons.

## **62 Financial resources: conditions**

- (1) Financial resources provided by the YPLA may be provided subject to conditions.
- (2) The conditions may include—
- (a) information conditions;
  - (b) operational conditions;
  - (c) repayment conditions.
- (3) Information conditions are conditions which—
- (a) require the YPLA, or a person designated by the YPLA, to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
  - (b) require a person to whom financial resources are provided to give to the YPLA such information as the YPLA may request for the purpose of carrying out its functions.
- (4) Operational conditions are conditions which require a person providing or proposing to provide education or training ("the provider") to make arrangements providing for all or any of the matters mentioned in subsection (5).
- (5) The matters are the following—
- (a) the charging of fees by the provider by reference to specified criteria;
  - (b) the making of awards by the provider by reference to specified criteria;
  - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
  - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
  - (e) the operation of specified exemptions where provision is made under paragraph (c);
  - (f) the making by the provider of provision specified in a report of an assessment under section 139A or 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).
- (6) Repayment conditions are conditions which—
- (a) enable the YPLA to require the repayment (in whole or part) of sums paid by the YPLA if any of the conditions subject to which the sums were paid is not complied with;
  - (b) require the payment of interest in respect of any period in which a sum due to the YPLA in accordance with any condition is unpaid.

**63 Performance assessments**

- (1) The YPLA may adopt or develop schemes for the assessment of the performance of persons in providing education or training funded (directly or indirectly) by the YPLA in the exercise of its functions under section 61.
- (2) The YPLA may take the assessments into account in deciding how to exercise its functions under section 61.

**64 Means tests**

- (1) The YPLA may—
  - (a) carry out means tests;
  - (b) arrange for other persons to carry out means tests.
- (2) The YPLA may take the results of the tests into account in exercising its functions under section 61(4)(a).

**65 Prohibition on charging**

- (1) The YPLA must exercise its funding functions so as to secure (so far as practicable) that no charge is made in relation to the provision of relevant education or training funded by it.
- (2) The YPLA's funding functions are its functions under sections 61 and 62.
- (3) "Relevant education or training" means full-time or part-time education or training suitable to the requirements of persons over compulsory school age but under 19, other than education to be provided at a school maintained by a local education authority.
- (4) Education or training is funded by the YPLA for the purposes of this section if the YPLA has secured the provision of financial resources under section 61 in respect of it.
- (5) Regulations may specify charges or descriptions of charges which are, or are not, to be treated as made in relation to the provision of education or training for the purposes of this section.

*Securing provision of education and training***66 Securing provision of education and training**

- (1) The YPLA may secure the provision of suitable education or training for persons—
  - (a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
- (2) Subsection (1) does not apply to persons who are subject to adult detention within the meaning given in section 121(4).
- (3) The YPLA may secure the provision of suitable education for children subject to youth detention.
- (4) In exercising its powers under subsection (1) in relation to persons who are within section 15ZA(1)(a) or (b) of the [Education Act 1996 \(c. 56\)](#), the YPLA must have

regard to things done by local education authorities in the performance of their duties under section 15ZA(1) of that Act.

- (5) In exercising its powers under this section in relation to persons subject to youth detention, the YPLA must have regard to things done by local education authorities in the performance of their duties under section 18A(1) of the [Education Act 1996](#).

## **67 Intervention for purpose of securing provision of education and training**

- (1) This section applies if the YPLA is satisfied that a local education authority is failing, or is likely to fail, to perform—
- (a) its duty under section 15ZA(1) of the [Education Act 1996](#) (duty to secure provision of enough suitable education and training for persons over compulsory school age), or
  - (b) its duty under section 18A(1) of that Act (duty to secure provision of enough suitable education and training for persons subject to youth detention).
- (2) The YPLA may give directions to the authority for the purpose of securing the provision of education and training to which the duty in question relates.
- (3) A direction given under this section may include provision requiring an authority to permit action of a specified description in relation to any such education or training to be taken by the YPLA or another person.
- (4) The YPLA may give a direction under this section only with the approval of the Secretary of State.

### *Provision of services and assistance*

## **68 Provision of services**

- (1) The YPLA may make arrangements with a permitted recipient for the provision by the YPLA of services that are required by the permitted recipient in connection with the exercise of the recipient'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 permitted recipient or managing such facilities on behalf of a permitted recipient;
  - (b) procuring, or assisting in procuring, goods and services for use by a permitted recipient.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the YPLA in respect of expenditure incurred by the YPLA in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) a Northern Ireland department;
  - (e) the Chief Executive of Skills Funding;

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- (f) any other person, wholly or partly funded from public funds, who has functions relating to education or training;
  - (g) any other person 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 permitted recipient who falls within any of paragraphs (b) to (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the YPLA must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a permitted recipient who falls within paragraph (a), (e), (f) or (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the YPLA 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 a person exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
  - (b) in relation to a person exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
  - (c) in relation to a person 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.

## **69 Assistance with respect to employment and training**

- (1) The YPLA 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 such arrangements in relation to Wales or Scotland in which the YPLA 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 such arrangements in which the YPLA is to take part, the Welsh Ministers or the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

## **70 Assistance with respect to employment and training: Northern Ireland**

- (1) The YPLA 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 such arrangements in which the YPLA is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.

### *Miscellaneous*

## **71 Research, information and advice**

- (1) The YPLA may carry out programmes of research and development connected with any matter relevant to any of its functions.
- (2) If requested to do so by the Secretary of State, the YPLA must provide the Secretary of State with information or advice on such matters relating to any of its functions as may be specified in the request.
- (3) The YPLA may provide the Secretary of State with other information or advice on any matter in relation to which the YPLA has a function.
- (4) The YPLA may provide any person designated by the Secretary of State with information about any matter in relation to which the YPLA has a function.
- (5) The YPLA must establish systems for collecting information designed to secure that decisions of the YPLA with regard to education and training are made on a sound basis.
- (6) The YPLA may secure the provision of facilities and services for providing information, advice or guidance about education or training or connected matters (including employment).

## **72 Guidance by YPLA**

- (1) The YPLA must issue guidance to local education authorities about the performance of their duties under sections 15ZA(1), 15ZB, 15ZC(1)(b) and 18A(1) of the [Education Act 1996 \(c. 56\)](#).
- (2) Local education authorities must have regard to any such guidance in performing those duties.
- (3) Before issuing guidance under subsection (1) the YPLA must consult—
  - (a) local education authorities in England, and
  - (b) such other persons as it thinks appropriate.
- (4) The YPLA may also issue guidance about any other matter in respect of which it has a function.

## **73 Intervention powers: policy statement**

- (1) The YPLA must—
  - (a) prepare a statement of its policy with respect to the exercise of its intervention powers,

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- (b) keep the statement under review, and
  - (c) revise the statement, if it thinks it appropriate in consequence of the review.
- (2) When preparing a statement or revised statement of its policy, the YPLA must—
  - (a) undertake such consultation as it thinks appropriate, and
  - (b) consider any representations made to it about the policy to be set out in the statement.
- (3) The YPLA must send a copy of the statement or the revised statement to the Secretary of State for approval.
- (4) The YPLA must publish the statement, or revised statement, as soon as practicable after it has been approved by the Secretary of State.
- (5) The YPLA must have regard to the statement, or revised statement, most recently published under subsection (4) in exercising, or deciding whether to exercise, any of its intervention powers.
- (6) The YPLA's intervention powers are its powers under—
  - (a) section 67;
  - (b) section 56H of the [Further and Higher Education Act 1992 \(c. 13\)](#);
  - (c) section 56I of that Act.

#### **74 Power to confer supplementary functions on YPLA**

- (1) The Secretary of State may by order confer supplementary functions on the YPLA.
- (2) A supplementary function is a function which is—
  - (a) exercisable in connection with functions of the Secretary of State, and
  - (b) relevant to the provision of education or training within the YPLA's remit.

### **CHAPTER 3**

#### **YPLA'S FUNCTIONS: SUPPLEMENTARY**

#### **75 Directions by Secretary of State**

- (1) The Secretary of State may give directions to the YPLA containing—
  - (a) objectives which the YPLA should achieve in carrying out its functions,
  - (b) time limits within which the YPLA should achieve the objectives, and
  - (c) provision relating to the management of the YPLA.
- (2) The Secretary of State may give to the YPLA other directions as to the performance of any of its functions if the Secretary of State is satisfied that the YPLA—
  - (a) has failed to discharge a duty imposed by or under any Act, or
  - (b) has acted or is proposing to act unreasonably with respect to the performance of any function conferred by or under any Act.
- (3) The Secretary of State may give directions under subsection (2) despite any provision made by or under any Act making the performance of a function dependent on the YPLA's opinion.



- (4) Directions given under this section with respect to functions conferred on the YPLA by or under section 61 may not concern the provision of financial resources to or in respect of a particular person or persons.

## **76 Guidance by Secretary of State**

- (1) The YPLA must, in performing its functions, have regard to any guidance given by the Secretary of State.
- (2) Guidance under this section may include in particular guidance about—
- (a) consultation with persons mentioned in subsection (3) in connection with the taking of decisions which affect such persons, and
  - (b) taking advice from such persons or descriptions of persons as may be specified in the guidance.
- (3) The persons are—
- (a) persons receiving or proposing to receive education or training within the YPLA's remit,
  - (b) employers, or
  - (c) such other persons or descriptions of persons as may be specified in the guidance.
- (4) Guidance under this section about consultation with persons falling within subsection (3)(a) must provide for the views of such persons to be considered in the light of their age and understanding.

## **CHAPTER 4**

### **ACADEMY ARRANGEMENTS**

## **77 Academy arrangements**

- (1) The Secretary of State may require the YPLA to enter into Academy arrangements with the Secretary of State.
- (2) For the purposes of this Chapter “Academy arrangements” are arrangements under which the YPLA is required to exercise specified Academy functions on the Secretary of State's behalf in accordance with the arrangements.
- (3) An “Academy function” is a function of the Secretary of State relating to or exercisable in connection with—
- (a) Academies, city technology colleges or city colleges for the technology of the arts generally, or
  - (b) a particular, or particular description of, Academy, city technology college or city college for the technology of the arts.
- (4) But Academy functions do not include—
- (a) the function of entering into an agreement under section 482(1) of the [Education Act 1996 \(c. 56\)](#), or
  - (b) functions of making, confirming or approving subordinate legislation.

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- (5) Academy arrangements must include provision about the procedure for complaints to be made to the Secretary of State about what the YPLA has done, or failed to do, under the arrangements.
- (6) “Subordinate legislation” has the same meaning as in the [Interpretation Act 1978 \(c. 30\)](#) (see section 21(1) of that Act).
- (7) References in a provision made by or under any Act to the functions of the YPLA do not include any functions conferred or imposed on the YPLA under Academy arrangements.

## **78 Grants for purposes of Academy arrangements functions**

- (1) The Secretary of State may make grants to the YPLA for the purposes of any functions that are or may be conferred or imposed on the YPLA under Academy arrangements.
- (2) Grants to the YPLA under this section are to be made at such times and subject to such conditions (if any) as the Secretary of State thinks appropriate.
- (3) Conditions to which a grant is subject may (in particular)—
  - (a) require the YPLA to use the grant for specified purposes;
  - (b) require the YPLA to comply with specified requirements in respect of persons or persons of a specified description;
  - (c) enable repayment (in whole or part) to be required of sums paid by the Secretary of State if any condition subject to which the grant was made is not complied with;
  - (d) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any condition remains unpaid.
- (4) Requirements which may be imposed under subsection (3)(b) include in particular requirements that, if the YPLA provides specified financial resources, it is to impose specified conditions.

## **79 Academy arrangements: information sharing**

- (1) This section applies if the Secretary of State and the YPLA enter into Academy arrangements.
- (2) A person within subsection (3) may provide information to any other person within that subsection for the purpose of enabling or facilitating the exercise of any relevant function.
- (3) The persons are—
  - (a) the Secretary of State;
  - (b) the YPLA;
  - (c) a relevant Academy;
  - (d) any other person by or in respect of whom a relevant function is exercisable.
- (4) A “relevant function” is—
  - (a) a function conferred or imposed on the YPLA under the arrangements;
  - (b) a function of the Secretary of State, a relevant Academy, or any other person, which is exercisable in connection with a function conferred or imposed on the YPLA under the arrangements.

- (5) A “relevant Academy” is an Academy, city technology college or city college for the technology of the arts in relation to which a function is exercisable by the YPLA under the arrangements.
- (6) Nothing in this section—
  - (a) affects a power to disclose information that exists apart from this section, or
  - (b) authorises the disclosure of any information in contravention of a provision made by or under any Act which prevents disclosure of the information.

## CHAPTER 5

### GENERAL

#### 80 Interpretation of Part

- (1) In this Part a reference to education within the YPLA's remit is a reference to education suitable to the requirements of—
  - (a) persons aged under 19, or
  - (b) persons aged 19 or over but under 25 who are subject to learning difficulty assessment.
- (2) In this Part a reference to training within the YPLA's remit is a reference to training suitable to the requirements of—
  - (a) persons aged 14 or over but under 19, or
  - (b) persons aged 19 or over but under 25 who are subject to learning difficulty assessment.
- (3) For the purposes of this Part a person is subject to youth detention if—
  - (a) subject to a detention order, and
  - (b) detained in relevant youth accommodation.
- (4) In this Part—
  - “education” includes full-time and part-time education;
  - “training” includes—
    - (a) full-time and part-time training;
    - (b) vocational, social, physical and recreational training;
    - (c) apprenticeship training.
- (5) In subsection (4) “apprenticeship training” means training provided in connection with—
  - (a) an apprenticeship agreement (within the meaning given in section 32),
  - (b) any other contract of employment, or
  - (c) any other kind of working in relation to which alternative English completion conditions apply under section 1(5).
- (6) The references in subsections (1) and (2) to persons—
  - (a) aged under 19, or 14 or over but under 19, or
  - (b) aged 19 or over but under 25 who are subject to learning difficulty assessment,do not include persons who are subject to adult detention within the meaning given in section 121(4).