



# Education Act 2011

## 2011 CHAPTER 21

### PART 3

#### SCHOOL WORKFORCE

##### *Abolition of the Training and Development Agency for Schools*

#### **15 Training the school workforce: powers of Secretary of State and Welsh Ministers**

- (1) Part 2 of EA 2002 (financial assistance for education and children etc) is amended as set out in subsections (2) and (3).
  - (2) In section 14 (power of Secretary of State and Welsh Ministers to give financial assistance for purposes related to education or children etc)—
    - (a) in subsection (2), after paragraph (c) insert—
      - “(ca) enabling any person to receive any training for teachers or for non-teaching staff;”;
    - (b) in subsection (2ZA), for “(2)(g)” substitute “(2)”.
  - (3) In section 16 (terms on which assistance under section 14 is given)—
    - (a) in subsection (1), after “appropriate” insert “, subject to subsection (2B)”;
    - (b) in subsection (2)(b), after “appropriate” insert “, subject to subsection (2B)”;
    - (c) after subsection (2) insert—
      - “(2A) Subsection (2B) applies to—
        - (a) financial assistance given under section 14 to an institution within the higher education sector, and
        - (b) financial assistance required by virtue of subsection (2)(b) to be given to such an institution.
- (2B) The terms on which the assistance is given may not be framed by reference to criteria for the selection and appointment of staff or the admission of students.”

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*Status: This is the original version (as it was originally enacted).*

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- (4) Part 3 of EA 2005 (training the school workforce) is amended as set out in subsections (5) to (9).
- (5) Before section 85 (and the italic heading preceding it), insert—

*“Functions of Welsh Ministers with respect to the school workforce*

**84A General duty of Welsh Ministers with respect to teacher training**

In carrying out their duties under sections 10 and 11 of the Education Act 1996, the Welsh Ministers must in particular make such arrangements as they consider expedient for securing that sufficient facilities are available for the training of teachers to serve in—

- (a) schools maintained by local authorities in Wales,
- (b) institutions in Wales within the further education sector, and
- (c) institutions in Wales which are maintained by local authorities in Wales and provide higher education or further education (or both).

**84B Power to promote careers in school workforce in Wales**

- (1) The Welsh Ministers may promote careers in the school workforce in Wales.
- (2) The Welsh Ministers may exercise the power conferred by subsection (1) jointly with the Secretary of State or any other person with functions relating to careers in the school workforce.
- (3) The Welsh Ministers may make arrangements for the power conferred by subsection (1) to be exercised on their behalf by any other person.
- (4) Arrangements under subsection (3) may (in particular) make provision for that power to be exercised—
  - (a) to the extent, and on the terms, specified in the arrangements;
  - (b) generally or in such circumstances as are specified in the arrangements;
  - (c) jointly with any person with whom it can be exercised jointly by the Welsh Ministers by virtue of subsection (2).
- (5) Arrangements under subsection (3) do not prevent the power conferred by subsection (1) from being exercised by the Welsh Ministers.”
- (6) In section 92 (joint exercise of functions)—
  - (a) in subsection (1), for “A funding agency” substitute “The Secretary of State, HEFCW”;
  - (b) in subsection (2), omit “the other funding agency,”;
  - (c) after subsection (2) insert—
    - “(2A) The reference in subsection (1) to the functions of the Secretary of State is to the functions of the Secretary of State relating to training for members of the school workforce.”;
  - (d) omit subsection (3).
- (7) In section 93 (efficiency studies)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in subsection (1), for “A funding agency” substitute “The Secretary of State and HEFCW”;
- (b) in subsection (2), for “a funding agency” substitute “the Secretary of State or HEFCW”;
- (c) in subsection (3)(a), for “support under this Part from the Agency” substitute “assistance under section 14 of the Education Act 2002 from the Secretary of State”.

(8) For section 94 (duty to provide information) substitute—

**“94 Provision of information**

- (1) HEFCW may give the Secretary of State information for the purposes of the exercise of the Secretary of State’s functions relating to training for members of the school workforce.
- (2) The Secretary of State may give HEFCW information for the purposes of the exercise of their functions under any enactment.
- (3) The persons and bodies mentioned in subsection (4) must—
  - (a) give the Secretary of State such information as the Secretary of State may require for the purpose of the exercise of the Secretary of State’s functions relating to training for members of the school workforce;
  - (b) give HEFCW such information as they may require for the purpose of the exercise of their functions under any enactment.
- (4) The persons and bodies referred to in subsection (3) are—
  - (a) a person receiving, or who has received or applied for, a grant, loan or other payment under section 86, or financial assistance from the Secretary of State under section 14 of the Education Act 2002;
  - (b) a local authority.”

(9) In section 100 (interpretation of Part 3)—

- (a) omit the definitions of “the Agency” and “a funding agency”;
- (b) in the definition of “the school workforce”, for “section 75(5)” substitute “subsection (1A)”;
- (c) in the definition of “training provider”, for “has the meaning given by section 78(3)” substitute “means a person who provides training for members of the school workforce”;
- (d) after subsection (1) insert—

“(1A) For the purposes of this Part, the school workforce consists of the following members—

- (a) persons who work in schools, and
- (b) other persons who are teachers or who carry out work that consists of or includes teaching.”