

**EXPLANATORY MEMORANDUM TO**  
**THE LONDON SKILLS AND EMPLOYMENT BOARD (SPECIFIED FUNCTIONS)**  
**ORDER 2010**

**2010 No. 458**

1. This explanatory memorandum has been prepared by The Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

This Order specifies the functions of the Chief Executive of Skills Funding that are to be subject to the strategy set by the London Skills and Employment Board which was established by the London Skills and Employment Board (Establishment) Regulations 2008 (S.I. 2008/118). It replaces the London Skills and Employment Board (Specified Functions) Order 2008 (S.I. 2008/119), to reflect the changes brought about by the Apprenticeships, Skills Children and Learning Act 2009 (“the 2009 Act”).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Context**

Section 113(1) of the 2009 Act re-enacts with modifications section 24B(1) of the Learning and Skills Act 2000, and places a duty on the Secretary of State to provide for the establishment of a body. The London Skills and Employment Board was established by the London Skills and Employment Board (Establishment) Regulations 2008, which continue to have effect under section 17(2)(b) of the Interpretation Act 1978. Section 113(2) provides that the body must formulate and keep under review a strategy setting out how the functions of the Chief Executive of Skills Funding specified by Order under section 113(3) are to be carried out in Greater London.

**5. Territorial Extent and Application**

This instrument applies to England.

**6. European Convention on Human Rights**

As the instruments are subject to the negative procedure and do not amend primary legislation, no statement is required.

**7. Policy background**

7.1 The London Skills and Employment Board was proposed following the Government’s Review of the Powers of the Greater London Authority in 2006. The London Skills and Employment Board was established under the chairmanship of the Mayor in 2008. It published its first strategy for London in 2008 and the Learning and Skills

Council has been carrying out its relevant functions in accordance with that strategy since then. Under the provisions of the 2009 Act, the Learning and Skills Council will be abolished on 1st April 2010 and its functions in relation to the provision of education and training for relevant persons aged 19 or over, and persons in adult detention, will be transferred to the Chief Executive of Skills Funding.

## **8. Consultation outcome**

8.1 See the attached impact assessment for details of the consultation carried out in relation to the London Skills and Employment Board. The Government Review of the powers of the Greater London Authority in 2006 invited comments from a wide range of consultees – employers, local authorities, Further and Higher Education institutions, community groups and others – about possible extensions to the Mayor’s powers in a number of areas, including skills. Around three quarters of respondents supported the need for change in the way skills was delivered in London and four out of five of those who supported change favoured an enhanced role of the Mayor in meeting the skills needs of London.

## **9. Guidance**

The guidance on the application of this Order was set out initially in letters from Rt Hon Alan Johnson MP, the then Secretary of State for Employment and Skills, to Ken Livingstone, the then Mayor of London, and to Christopher Banks CBE, the then chair of the Learning and Skills Council, on 13 July 2006. The London Skills and Employment Board has arranged its own publicity for the strategy documents that it has published since.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is minimal.

10.2 The impact on the public sector is neutral.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The London Skills and Employment Board publishes an annual report of its progress.

## **13. Contact**

Phil Samuels at the Department for Business, Innovation and Skills Tel: 0114 259 4098 or email: phil.samuels@bis.gsi.gov.uk can answer any queries regarding the instrument.