



Education Act 2011

2011 CHAPTER 21

PART 7

POST-16 EDUCATION AND TRAINING

Abolition of the Young People's Learning Agency for England

66 Abolition of the Young People's Learning Agency for England

Sections 60 to 80 of, and Schedule 3 to, ASCLA 2009 (the Young People's Learning Agency for England) are repealed.

67 Abolition of the YPLA: consequential amendments

- (1) Schedule 16 (abolition of the YPLA: consequential amendments) has effect.
- (2) The Secretary of State may by order make further changes in consequence of section 66 to any provision of subordinate legislation made before the date on which this Act is passed.
- (3) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

68 Abolition of the YPLA: transfer schemes

Schedule 17 (schemes for the transfer of staff, property, rights and liabilities from the Young People's Learning Agency for England to other persons) has effect.

Apprenticeships

69 The apprenticeship offer

- (1) ASCLA 2009 is amended as follows.

(2) After section 83 insert—

“83A The apprenticeship offer

- (1) The Chief Executive must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—
- (a) are within subsection (4), (5) or (6), and
 - (b) have an apprenticeship opportunity.
- This is subject to section 83B (limit on scope of apprenticeship offer).
- (2) The duty imposed by subsection (1) is referred to in this section and section 83B as “the apprenticeship offer”.
- (3) An apprenticeship opportunity is an opportunity to—
- (a) enter into an apprenticeship agreement,
 - (b) enter into any other contract of employment in connection with which training will be provided in accordance with an apprenticeship framework, or
 - (c) undertake any other kind of working—
 - (i) in relation to which alternative English completion conditions apply under section 1(5), and
 - (ii) in connection with which training will be provided in accordance with an apprenticeship framework.
- (4) A person within this subsection is one who is over compulsory school age but under 19.
- (5) A person within this subsection is one who is not within subsection (4) and—
- (a) is a person aged under 21 towards whom a local authority in England has the duties provided for in section 23C of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or
 - (b) is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).
- (6) A person within this subsection is one who—
- (a) is not within subsection (4), and
 - (b) is of a prescribed description.
- (7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.
- (8) Facilities are proper if they are—
- (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which Chief Executive must have regard) apply for the purposes of the apprenticeship offer.

- (10) In complying with the apprenticeship offer the Chief Executive must make the best use of the Chief Executive’s resources.
- (11) In this section “apprenticeship framework” has the meaning given by section 12.
- (12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

83B Limit on scope of the apprenticeship offer

- (1) The Chief Executive is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training at a particular level for a person who—
 - (a) has already completed an English apprenticeship in relation to an apprenticeship framework at that level, or
 - (b) holds an apprenticeship certificate at that level.
 - (2) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.
 - (3) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—
 - section 1 (meaning of “completing an English apprenticeship”);
 - section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).
 - (4) In this section “apprenticeship certificate” means an apprenticeship certificate issued under section 3 or 4.
 - (5) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level.”
- (3) Schedule 18 (consequential amendments) has effect.

70 Securing the provision of apprenticeship training

- (1) Part 4 of ASCLA 2009 (the Chief Executive of Skills Funding) is amended as follows.
- (2) In section 85 (encouragement of training provision etc for persons within section 83)
 - (a) for subsection (1)(a) substitute—
 - “(a) make reasonable efforts to secure that employers participate in the provision of apprenticeship training for all persons who are within section 83(1)(a) or (b) or section 83A(4), (5) or (6);”;
 - (b) in subsection (1)(b), for “training within the Chief Executive’s remit” substitute “apprenticeship training”;
 - (c) in subsection (2), after “provision of” insert “apprenticeship”;

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(d) in the heading, for “Encouragement of training provision etc for persons within section 83” substitute “Provision of apprenticeship training etc for persons within section 83 or 83A”.

(3) In section 118 (guidance by Secretary of State), after subsection (1) insert—

“(1A) Guidance under this section must include guidance about the performance by the Chief Executive of the duty imposed by section 85(1)(a).”

71 Apprenticeship certificates

(1) ASCLA 2009 is amended as follows.

(2) In section 5 (issue of certificates by the English certifying authority: supplementary), in subsection (3), for the words from “the English certifying authority” to the end substitute “a person supplying a copy of an apprenticeship certificate to charge a fee for doing so.”

(3) For section 6 (apprenticeship certificates: the English certifying authority) substitute—

“6 The English certifying authority

(1) In this Chapter, the “English certifying authority”, in relation to an apprenticeship certificate of any description, means—

- (a) the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates of that description;
- (b) if there is no-one within paragraph (a), the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates generally;
- (c) if there is no-one within paragraph (a) or (b), the Secretary of State.

(2) The power conferred by subsection (1)(a) must be exercised so as to secure that, at any time, only one person is designated to issue apprenticeship certificates relating to a particular apprenticeship sector.

(3) A person designated under this section to issue apprenticeship certificates must, in exercising functions under this Chapter—

- (a) comply with directions given by the Secretary of State, and
- (b) have regard to guidance given by the Secretary of State.

(4) A designation under this section may be amended or revoked by the Secretary of State.”

(4) In section 39(1) (interpretation of Chapter 1 of Part 1) for the definition of “English certifying authority” substitute—

““English certifying authority”, in relation to an apprenticeship certificate of any description, has the meaning given by section 6(1);”.

The Chief Executive of Skills Funding

72 Consultation by Chief Executive of Skills Funding

In Part 4 of ASCLA 2009 (the Chief Executive of Skills Funding) after section 118 insert—

“118A Directions: consultation

- (1) The Secretary of State may direct the Chief Executive to carry out consultation in connection with matters related to the performance of any of the functions of the office.
- (2) A direction under this section may (in particular) specify—
 - (a) the persons, or descriptions of persons, to be consulted;
 - (b) the way in which the consultation is to be carried out.”

73 Functions of the Chief Executive of Skills Funding

- (1) Part 4 of ASCLA 2009 (the Chief Executive of Skills Funding) is amended as follows.
- (2) In section 88 (learning aims for persons aged 19 or over: payment of tuition fees)—
 - (a) in subsection (1), for “paragraph 1” substitute “paragraph 1(a) or (b)”;
(b) after subsection (2), insert—

“(2A) Functions under this Part must be exercised by the Chief Executive so as to secure that a course of study for a qualification to which paragraph 1(c) of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 87.”;
 - (c) in subsection (4)(a), for “25” substitute “24”.
- (3) Sections 112 to 114 (Secretary of State’s power to specify bodies to formulate strategy for the Chief Executive) are repealed.

Raising the participation age: commencement

74 Duty to participate in education or training: commencement

In section 173 of ESA 2008 (commencement), for subsections (9) and (10) substitute—

- “(9) An order under subsection (4) may provide for the following provisions to come into force with the substitution of “the first anniversary of the date on which the person ceased to be of compulsory school age” for “the age of 18”—
 - (a) section 1(b) (persons to whom Part 1 applies);
 - (b) section 29(1)(b) (employer to enable participation in education or training: extension for persons reaching 18).
- (10) The Secretary of State must—
 - (a) exercise the powers conferred by subsections (4) and (9) so as to secure that sections 1 to 10 are in force with the substitution in section 1(b)

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mentioned in subsection (9) no later than the day after the day which is the school leaving date for 2013, and

(b) exercise the power conferred by subsection (4) so as to secure that sections 1 to 10 are in force without that substitution no later than the day after the day which is the school leaving date for 2015,

subject, in each case, to any provision made by virtue of subsection (8).”