

LEARNING AND SKILLS (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 – SERVICES RELATED TO EDUCATION TRAINING AND SKILLS

Section 40 Provision of services by maintained schools and further education institutions

121. Subsection (1) permits the Welsh Ministers to direct the governing bodies of maintained schools and Further Education Institutions to provide or secure “learner support services”. They may also be directed to participate where learner support services are provided by someone else.
122. Subsection (3) gives a broad meaning to the term “learner support services”. Accordingly, a potentially wide range of services may be required to be provided under this section.
123. Subsection (4) sets out ancillary matters that may be included in a learner support services direction under subsection (1). For example, the directed body may be required to have regard to guidance given by the Welsh Ministers as to the provision of a particular learning support service.
124. Subsection (5) sets out that such a direction may relate to a particular class of young persons, may make different provision for different classes of young persons and may be varied or revoked by a later direction.
125. Subsection (6) provides for impartiality in the provision of advice and information by learning support services. It provides that information must be given in an impartial manner and that advice must be tendered which is considered to promote the best interest of the young person and does not seek to promote the interests or aspirations of any school, institution or other person or body against the best interests of the young person concerned.

Section 41 Duties of governing bodies

126. Governing bodies of maintained schools and further education institutions are required to comply with a direction given under section 40.

Section 42 Amendments to the Learning and Skills Act 2000

127. This section amends the Learning and Skills Act 2000.
128. The amendments made by this section to section 126 of that Act ensure that the requirements as to the transfer of information, and related matters, imposed upon educational institutions by that section in relation to youth support services also apply in the case of learner support services. For example, if a further education institution were providing learner support services to a registered pupil, the pupil’s school could be

required to provide (with parental consent) relevant information about the pupil, such as his educational history.

129. The amendments made to section 127 of the Learning and Skills Act 2000 ensure that Her Majesty's Chief Inspector of Education and Training in Wales (Estyn) has the power to arrange for inspections of the provision of learner support services.

Section 43 The learning pathway document

130. This section makes provision for each "relevant pupil" or "relevant student" to be provided with a document which records his or her learning pathway. A pupil or student's learning pathway is comprised of the local curriculum courses of study that he or she is entitled to follow under the provisions inserted by Parts 1 or 2 of this Measure together with the learner support services that he is to be provided with under section 37 of this Measure. The record is known as a "learning pathway document". Under this section, it is for head teachers and principals of Further Education Institutions to produce, and keep up to date, learning pathway documents.

Section 44 Learning pathways: interpretation

131. This section defines terms used in section 43.

Section 45 Provision of curriculum information

132. This section inserts a new section 45B into the Education Act 1997. It permits careers services providers to require schools and Further Education Institutions to provide them with curriculum information.