

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: the Young People's Learning Agency for England

Chapter 3: YPLA's Functions: Supplementary

Section 75: Directions by Secretary of State

220. This section requires the YPLA to comply with directions from the Secretary of State. Directions under *subsection (1)* may set objectives that the YPLA should achieve in carrying out its functions and time limits within which they are to be achieved. They may also relate to the management of the YPLA.
221. *Subsection (2)* provides that if the Secretary of State considers that the YPLA has failed to carry out a statutory duty or has acted, or is proposing to act, unreasonably in carrying out its functions, a direction may be given which relates to the performance of the YPLA's functions, even where the YPLA has discretion in the exercise of its functions.
222. Under *subsection (4)* directions under this section may not relate to the funding of activities carried on by particular individuals or bodies. For example, the Secretary of State could not require the YPLA to fund a particular provider to deliver a particular course in respect of a young person. This is to ensure that the YPLA has sole responsibility for individual funding decisions without influence from the Secretary of State.

Section 76: Guidance by Secretary of State

223. This section requires the YPLA, in performing its functions, to have regard to any guidance provided to it by the Secretary of State. That guidance may include provision about who the YPLA must consult, and from whom it must take advice, in connection with particular decisions.