

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

Chapter 4: Academy Arrangements

Section 77: Academy arrangements

224. This section will enable the Secretary of State to require the YPLA to enter into arrangements with the Secretary of State, under which the YPLA may be required to carry out specified functions of the Secretary of State relating to Academies, city technology colleges ("CTCs") and city colleges for the technology of the arts ("CCTAs"). Under the arrangements, the YPLA would carry out these functions on the Secretary of State's behalf.
225. Several of the Secretary of State's functions relating to these schools are functions arising under funding agreements entered into by the Secretary of State under section 482 of the Education Act 1996. This section makes provision for the setting up and running of schools known as Academies. Under a previous version of section 482 of the 1996 Act, provision was made for the setting up of CTCs and CCTAs.
226. Under this section the Government intends that, from April 2010, the YPLA may be required to provide, on the Secretary of State's behalf, support to and performance management of, Academies, CTCs and CCTAs. For example, the YPLA may be required to carry out the following of the Secretary of State's functions: calculating and paying grants; supervising budgets; managing specific cases concerning admissions, exclusions and special educational needs; monitoring and enforcing funding agreements; monitoring the standard of performance of pupils; managing school building work. *Subsection (4)* specifies functions of the Secretary of State which the YPLA is not permitted to carry out. These include signing Academy funding agreements. Under *subsection (5)* the arrangements must set out a complaints procedure so that Academies and others may complain to the Secretary of State if they are concerned by the conduct of the YPLA under the arrangements.
227. The YPLA may be required to report to the Secretary of State in accordance with the arrangements.

Section 78: Grants for purposes of Academy arrangements functions

228. This section allows the Secretary of State to pay grants to the YPLA in order for the YPLA to carry out the functions specified in the arrangements. *Subsection (2)* allows the Secretary of State to make the payment of grant subject to conditions. For instance, the Secretary of State may require the YPLA to use the grant for a specific programme

These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009

of improvement related to literacy and numeracy in Academies or to repay all or part of the grant if such a programme is not carried out.

Section 79: Academy arrangements: information sharing

229. This section enables the persons listed in *subsection (3)* to provide information to each other in order to carry out a relevant function. *Subsection (4)* defines “relevant function”.
230. This section does not affect other information sharing powers, or authorise disclosure of information that would have otherwise been prevented by legislation or any Act of Parliament. For instance, this means that any information sharing carried out under this section must still be carried out in accordance with the provisions of the Data Protection Act 1998.