

EDUCATION ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Post-16 Education and Training

Abolition of the Young People's Learning Agency for England

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

323. **Section 66** repeals the provisions in ASCLA 2009 that established the Young People's Learning Agency for England (the YPLA), an arm's length body. The section therefore abolishes the YPLA and its functions will be discharged by the Secretary of State. The Government intends that the functions will be carried out by a non-statutory agency within the Department for Education, as proposed in *The Importance of Teaching: the Schools White Paper* (2010).

Section 67: abolition of the YPLA: consequential amendments

324. **Section 67** gives effect to Schedule 16 which removes references to the YPLA from some legislation and amends other legislation to replace references to the YPLA with references to the Secretary of State, where applicable. Section 67 also enables the Secretary of State to make changes to subordinate legislation by order in consequence of section 66.

Schedule 16

325. **Schedule 16** makes amendments to primary legislation consequential on the abolition of the YPLA. Many of the amendments simply remove references to the YPLA from other Acts, but some substitute references to the YPLA with references to the Secretary of State. This approach is necessary, for example, in provisions that refer to funding received by the YPLA which will in the future be provided by the Secretary of State (see, for example, the amendment made to the Education (Fees and Awards) Act 1983 by *paragraph 5*, the amendment made to the Employment Act 1988 by *paragraph 7*, the amendment made to section 123 of EIA 2006 by *paragraph 30* and the amendments made to sections 13, 72 and 132 of ESA 2008 by *paragraphs 41, 42 and 44*).

326. Some of the functions of the YPLA are to be continued by the Secretary of State. So, for example, *paragraph 11* inserts a new section 15ZD into EA 1996 providing that local authorities must have regard to guidance issued by the Secretary of State in performing their duties in relation to education and training for persons over compulsory school age. This replaces section 72 of ASCLA 2009, which made similar provision about guidance to be issued by the YPLA.

327. Other functions of the YPLA that are transferred to the Secretary of State include consultation by a governing body proposing to discontinue a school providing full-time education to pupils over compulsory school age (see the amendment to section 30 of SSFA 1998 made by *paragraph 12*) and the function of receiving any proceeds received by trustees from the sale of land when a sixth form college is discontinued

*These notes refer to the Education Act 2011 (c.21)
which received Royal Assent on 15 November 2011*

(see the amendments made to section 144 of LSA 2000 by [paragraph 15](#)). Some of the information-sharing powers of the YPLA are also transferred to the Secretary of State, such as the power under section 77 of ESA 2008 (see [paragraph 43](#)) and the power under section 122 of ASCLA 2009 (see [paragraph 48](#)).

Section 68: Abolition of the YPLA: transfer schemes

328. [Section 66](#) gives effect to Schedule 17, giving power to the Secretary of State to make a scheme to enable the transfer of staff, property, rights and liabilities from the YPLA to the Secretary of State (to provide, for example, for transfers to the Department for Education).