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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the second commencement order made under the Education and Skills Act 2008 (“the Act”). Article 2 commences, on 28th February 2009, sections 82, 85, 159 and 161(1), (2), (3)(a) and (5) to (9) of the Act. Section 82 amends the Learning and Skills Act 2000 (“the 2000 Act”) to make clear that the Learning and Skills Council for England (“LSC”) is under duties in respect of training provided in connection with contracts of employment and contracts of apprenticeship, and to require the LSC to encourage employers to participate in the provision of such training.

Section 85 of the Act extends the local collaborative arrangements made under section 10 of the Children Act 2004 (co-operation to improve well-being) to cover arrangements to promote co-operation between the children’s services authority and its partners and persons who are responsible for providing 14-19 education and training.

Section 159 of the Act amends section 98 of the 2000 Act (approved qualifications: England) to alter the requirements about the approval of external qualifications.

The provisions of section 161 commenced on 28th February 2009 amend the functions of the Qualifications and Curriculum Authority under section 24 of the Education Act 1997 (“the 1997 Act”) (functions of the Authority in relation to external vocational and academic qualifications) by imposing new functions of developing and publishing criteria for the recognition of bodies which wish to award or authenticate qualifications, and recognising those bodies. The provisions also make consequential amendments to section 26 of the 1997 Act.

Article 3 commences, on 7th March 2009, sections 83 and 84 of the Act. Section 83 of the Act amends section 509AB of the Education Act 1996 (“the 1996 Act”) (further provision about transport policy statements) so that travelling time is one of the factors a local education authority must consider when deciding on the arrangements it will be making in relation to school transport for persons of sixth form age. Section 84 amends section 509AD of the 1996 Act (LEAs in England: duty to have regard to religion or belief in exercise of travel functions) to require local education authorities to consider the wish of a person of sixth form age to receive education or training at a particular institution where that wish is based on the person’s religion or belief. Paragraph (2) provides that the amendments made to section 509AB of the 1996 Act do not affect any transport policy statement for the academic year 2008-2009. Paragraph (3) provides that the amendment to section 509AD of the 1996 Act does not affect the exercise of travel functions by local education authorities in relation to the academic year 2008-2009.