



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 2

OTHER FUNCTIONS

Funding

100 Provision of financial resources

- (1) The Chief Executive may secure the provision of financial resources to—
- (a) persons providing or proposing to provide education or training within the Chief Executive's remit;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of such education or training;
 - (c) persons receiving or proposing to receive such education or training;
 - (d) persons aged 18 receiving or proposing to receive education or training;
 - (e) persons making loans to others receiving or proposing to receive education or training;
 - (f) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the [Education Reform Act 1988 \(c. 40\)](#) (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (g) persons undertaking or proposing to undertake research relating to education or training;
 - (h) persons carrying out means tests under arrangements made under section 103;

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- (i) persons providing or proposing to provide services relating to finding apprenticeship places under section 104;
 - (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) In performing the functions under this section the Chief Executive must make the best use of the Chief Executive's resources.
- (3) The Chief Executive may secure the provision of financial resources under subsection (1)—
- (a) by providing the resources;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Chief Executive).
- (4) The Chief Executive may under subsection (1)(c) secure the provision of financial resources by reference to—
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
 - (b) any other matter (such as transport or childcare).

101 Financial resources: conditions

- (1) Financial resources provided by the Chief Executive may be provided subject to conditions.
- (2) The conditions may include—
- (a) information conditions;
 - (b) operational conditions;
 - (c) repayment conditions.
- (3) Information conditions are conditions which—
- (a) require the Chief Executive, or a person designated by the Chief Executive, to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
 - (b) require a person to whom financial resources are provided to give to the Chief Executive such information as the Chief Executive may request for the purpose of carrying out the functions of the office.
- (4) Operational conditions are conditions which require a person providing or proposing to provide education or training ("the provider") to make arrangements providing for all or any of the matters mentioned in subsection (5).
- (5) The matters are the following—
- (a) the charging of fees by the provider by reference to specified criteria;
 - (b) the making of awards by the provider by reference to specified criteria;
 - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
 - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
 - (e) the operation of specified exemptions where provision is made under paragraph (c);

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- (f) the making by the provider of provision specified in a report of an assessment under section 139A or 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).
- (6) Repayment conditions are conditions which—
 - (a) enable the Chief Executive to require the repayment (in whole or part) of sums paid by the Chief Executive if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Chief Executive in accordance with any condition is unpaid.

102 Performance assessments

- (1) The Chief Executive may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the Chief Executive's remit.
- (2) The Chief Executive may take the assessments into account in deciding how to exercise the powers under section 100.

103 Means tests

- (1) The Chief Executive may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (2) The Chief Executive may take the results of the tests into account in exercising the power under section 100(1)(c), (d) or (e).

Apprenticeships: general

104 Assistance and support in relation to apprenticeship places

- (1) The Chief Executive—
 - (a) must provide or secure the provision of such services as the Chief Executive considers appropriate for assisting persons to find apprenticeship places, and
 - (b) may provide or secure the provision of other services for encouraging, enabling or assisting the effective participation of persons in employment and training provided for by apprenticeship places.
- (2) The services provided by virtue of subsection (1)(a) may, in particular, be or include—
 - (a) services provided by means of the publication, whether electronically or otherwise, of information, advice and guidance;
 - (b) facilities for enabling employers to advertise apprenticeship places.
- (3) In this section, “apprenticeship place” has the meaning given by section 93.

105 Promoting progression from level 2 to level 3 apprenticeships

- (1) The Chief Executive must promote the desirability of persons within subsection (2) undertaking apprenticeship training at level 3.

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- (2) The persons are those who—
 - (a) are undertaking apprenticeship training at level 2,
 - (b) have completed an English apprenticeship in relation to an apprenticeship framework at level 2, or
 - (c) hold an apprenticeship certificate at level 2.
- (3) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.
- (4) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—
 - section 1 (meaning of “completing an English apprenticeship”);
 - section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).
- (5) Section 95(4) (meaning of apprenticeship certificate and level of an apprenticeship certificate) applies for the purposes of this section.

106 Advice and assistance in relation to apprenticeships

The Chief Executive must, on request, provide the Secretary of State with advice and assistance in relation to the exercise of the Secretary of State’s functions under Chapter 1 of Part 1.

Provision of services and assistance

107 Provision of services

- (1) The Chief Executive may make arrangements with a permitted recipient for the provision by the Chief Executive of services that are required by the permitted recipient in connection with the exercise of the recipient’s functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—
 - (a) providing accommodation and other facilities to a permitted recipient or managing such facilities on behalf of a permitted recipient;
 - (b) procuring, or assisting in procuring, goods and services for use by a permitted recipient.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the Chief Executive in respect of expenditure incurred by the Chief Executive in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
 - (a) the Secretary of State;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) a Northern Ireland department;
 - (e) the Young People’s Learning Agency for England;
 - (f) a person, wholly or partly funded from public funds, who has functions relating to education or training;

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- (g) any other person specified, or of a description specified, by order made by the appropriate national authority for the purposes of this section.
- (5) Before making arrangements under which it may provide services to a permitted recipient who falls within any of paragraphs (b) to (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Chief Executive must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a permitted recipient who falls within paragraph (a), (e), (f) or (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Chief Executive must obtain—
 - (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;
 - (b) in relation to education or training provided in Scotland, the consent of the Scottish Ministers;
 - (c) in relation to education or training provided in Northern Ireland, the consent of the Minister for Employment and Learning in Northern Ireland.
- (7) Consent may be given under subsection (5) or (6) in relation to particular arrangements or arrangements of a particular description.
- (8) “The appropriate national authority” means—
 - (a) in relation to a person exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
 - (b) in relation to a person exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
 - (c) in relation to a person exercising functions relating only to education or training provided in Northern Ireland, the Department for Employment and Learning in Northern Ireland;
 - (d) in any other case, the Secretary of State.

108 Assistance with respect to employment and training

- (1) The Chief Executive may take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers under section 2 of the [Employment and Training Act 1973 \(c. 50\)](#) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making such arrangements in relation to Wales or Scotland in which the Chief Executive is to take part, the Secretary of State must obtain the consent of the Welsh Ministers or (as the case may be) the Scottish Ministers to the arrangements.
- (3) Before making such arrangements in which the Chief Executive is to take part, the Welsh Ministers or the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

109 Assistance with respect to employment and training: Northern Ireland

- (1) The Chief Executive may take part in any arrangements made by the Department for Employment and Learning in Northern Ireland under section 1 of the [Employment](#)

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and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) (arrangements for assisting persons to select, train for, obtain and retain employment).

- (2) Before making such arrangements in which the Chief Executive is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.

Miscellaneous

110 Research, information and advice

- (1) The Chief Executive may carry out programmes of research and development connected with any matter relevant to the functions of the office.
- (2) If requested to do so by the Secretary of State, the Chief Executive must provide the Secretary of State with information or advice on such matters relating to any of the functions of the office as may be specified in the request.
- (3) The Chief Executive may provide the Secretary of State with other information or advice on any matter in relation to which the Chief Executive has a function.
- (4) The Chief Executive may provide any person designated by the Secretary of State with information about any matter in relation to which the Chief Executive has a function.
- (5) The Chief Executive must establish systems for collecting information designed to secure that decisions of the Chief Executive with regard to education and training are made on a sound basis.
- (6) The Chief Executive may secure the provision of facilities and services for providing information, advice or guidance about education or training or connected matters (including employment).

111 Power to confer supplementary functions on Chief Executive

- (1) The Secretary of State may by order confer supplementary functions on the Chief Executive.
- (2) A supplementary function is a function which is—
 - (a) exercisable in connection with functions of the Secretary of State, and
 - (b) relevant to the provision of facilities for education or training within the Chief Executive's remit.