



Learning and Skills (Wales) Measure 2009

2009 nawm 1

PART 3

SERVICES RELATED TO EDUCATION, TRAINING AND SKILLS

Learner support services

40 Provision of services by maintained schools and further education institutions

- (1) The Welsh Ministers may direct a person mentioned in subsection (2)—
- to provide learner support services;
 - to secure the provision of learner support services;
 - to participate in the provision of learner support services.
- (2) The persons are—
- the governing body of a maintained school in Wales;
 - the governing body of an institution within the further education sector in Wales.
- (3) In this section “learner support services” means services which in the opinion of the Welsh Ministers will encourage, enable or assist young persons (directly or indirectly) —
- to participate effectively in education or training;
 - to take advantage of opportunities for employment; or
 - to participate effectively and responsibly in the life of their communities.
- (4) A direction under subsection (1)—
- may include provision for grants, loans and other kinds of financial assistance to be provided by the Welsh Ministers (whether or not on conditions);
 - may require a governing body to have regard to guidance given by the Welsh Ministers;

Changes to legislation: Learning and Skills (Wales) Measure 2009, Cross Heading: Learner support services is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) may require a governing body when making arrangements with other persons to require those persons to have regard to guidance given by the Welsh Ministers.
- (5) A direction under subsection (1)—
- (a) may relate to a particular class of young person;
 - (b) may make different provision for different classes of young person;
 - (c) may be revoked or varied by a later direction.
- (6) Where a direction under subsection (1) relates to the provision of a service in the form of advice or information, it must be framed so that—
- (a) it relates only to information which is presented in an impartial manner; and
 - (b) it relates only to advice which—
 - (i) is given by a person who considers that it will promote the best interests of the young person concerned; and
 - (ii) does not seek to promote, contrary to the young person's best interests, the interests or aspirations of any school, institution or other person.
- (7) In this section—
- (a) “young persons” means persons who have attained the age of eleven but not the age of twenty six;
 - (b) “institution within the further education sector” has the same meaning as in the Education Act 1996 (c. 56);
 - (c) “maintained school” has the same meaning as in the School Standards and Framework Act 1998 (c. 31).

Commencement Information

II S. 40 in force at 7.12.2009 by [S.I. 2009/3174](#), [art. 2\(1\)\(k\)](#)

41 Duties of governing bodies

- (1) A governing body of a maintained school or institution within the further education sector must comply with a direction given to it under section 40(1).
- (2) Action which a governing body takes in pursuance of subsection (1) may relate to a particular class of young person.

Commencement Information

I2 S. 41 in force at 7.12.2009 by [S.I. 2009/3174](#), [art. 2\(1\)\(l\)](#)

42 Amendments to the Learning and Skills Act 2000

- (1) The Learning and Skills Act 2000 (c. 21) is amended in accordance with this section.
- (2) In subsection (1) of section 126 of that Act, after “section 123(1)(a) or (b)” insert “ or section 40(1)(a) or (b) of the Learning and Skills (Wales) Measure 2009 ”.
- (3) In subsection (1)(a) of section 127 of that Act, after “section 123(1)” insert “ or section 40(1) of the Learning and Skills (Wales) Measure 2009 ”.

Changes to legislation: Learning and Skills (Wales) Measure 2009, Cross Heading: Learner support services is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I3 S. 42 in force at 7.12.2009 by [S.I. 2009/3174](#), [art. 2\(1\)\(m\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 43(7) inserted by [2022 asc 1 Sch. 4 para. 25\(3\)](#)