



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART II

#### NATIONAL COUNCIL FOR EDUCATION AND TRAINING FOR WALES

##### *Main powers*

#### **34 Provision of financial resources**

- (1) The Council may secure the provision of financial resources to—
  - (a) persons providing or proposing to provide post-16 education or training;
  - (b) persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
  - (c) persons receiving or proposing to receive post-16 education or training;
  - (d) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
  - (e) institutions within the further or higher education sector (within the meaning of section 91 of the Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
  - (f) persons undertaking or proposing to undertake research relating to education or training;
  - (g) persons providing or proposing to provide facilities designed to form links between (on the one hand) employers and (on the other) persons who provide or receive education or training;
  - (h) persons carrying out means tests under arrangements made under section 37;
  - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The Council may secure the provision of financial resources under subsection (1)—
  - (a) by providing resources itself;

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- (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 Council).
- (3) In exercising its power under subsection (1)(c) the Council may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).

### **35 Financial resources: conditions**

- (1) If the Council itself provides financial resources it may impose conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
- (a) require the Council or a person designated by it to be allowed 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;
  - (b) require a person to whom financial resources are provided to give to the Council information it requests for the purpose of carrying out its functions.
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
- (a) for the provider to charge fees by reference to specified criteria;
  - (b) for the provider to make awards by reference to specified criteria;
  - (c) for the provider to recover amounts from persons receiving education or training or from employers (or from both);
  - (d) for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);
  - (e) for specified exemptions to operate where provision is made under paragraph (c);
  - (f) for the provider to make provision specified in a report of an assessment conducted under section 140.
- (4) The conditions may—
- (a) relate to the provision made (or to be made) with respect to disabled persons by a person providing or proposing to provide education or training;
  - (b) require a person providing education or training to publish at specified intervals statements containing information of a specified description about the facilities for education or training provided by him with respect to disabled persons.
- (5) The conditions may—
- (a) enable the Council to require the repayment (in whole or part) of sums paid by the Council 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 Council in accordance with any condition is unpaid.
- (6) Disabled persons are persons who are disabled for the purposes of the Disability Discrimination Act 1995.

### **36 Funding of school sixth-forms**

- (1) The Council may make a grant to a local education authority—
  - (a) on the condition that the grant be applied as part of the authority’s local schools budget for a financial year, and
  - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 35).
- (3) “Local schools budget” has the same meaning as in Part II of the School Standards and Framework Act 1998 (framework for maintained schools).

### **37 Assessments and means tests**

- (1) The Council may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The Council may take the assessments into account in deciding how to exercise its powers under section 34.
- (3) The Council may—
  - (a) carry out means tests;
  - (b) arrange for other persons to carry out means tests.
- (4) The Council may take the results of the tests into account in exercising its power under section 34(1)(c).

### **38 Qualifying accounts and arrangements**

- (1) The Council may promote—
  - (a) the holding of accounts which qualify under section 104;
  - (b) the making of arrangements which qualify under section 105.
- (2) The Council—
  - (a) may be specified as a body with which arrangements under section 105 may be made;
  - (b) may be designated by the National Assembly under section 107(1) or (3) and may act in accordance with such a designation;
  - (c) may make arrangements under provision made under section 108(5)(d);
  - (d) may be designated by the National Assembly in exercise of a power conferred on it under section 108(6)(b) or (7)(b) and may act in accordance with such a designation.

### **39 Further education: governors**

- (1) The Council may appoint a person to be a member of the governing body of an institution which—
  - (a) falls within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), and

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- (b) mainly serves the population of Wales.
- (2) But no more than two members of the governing body of a given institution may at any given time have been appointed under this section.