

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

OVERVIEW OF THE STRUCTURE

Part 1: Apprenticeships, Study and Training

14. This Part makes provision about apprenticeships, including provision about the issue of apprenticeship certificates, and for the issue of apprenticeship frameworks.

Part 2: Local Education Authority (LEA) Functions

15. This Part sets out the new duties LEAs will have to provide education and training for those who are over compulsory school age but under 19 and for those aged 19 or over but under 25 who have had a learning difficulty assessment. It also places obligations on LEAs in respect of the transport to be provided to those groups.
16. In respect of individuals in relevant youth accommodation (juvenile custody), it places an obligation on the LEA in whose area an individual normally lives to promote the individual's education, and an obligation on the LEA in whose area the individual is in custody to provide suitable education.

Part 3: The Young People's Learning Agency for England

17. Part 3 establishes the Young People's Learning Agency for England (the YPLA) and sets out its core functions. The YPLA will support and enable local education authorities to carry out their new duties.

Part 4: The Chief Executive of Skills Funding

18. This Part creates the office of Chief Executive of Skills Funding. The Chief Executive, with his or her staff, will constitute the Skills Funding Agency and will take on responsibility for funding post-19 education and training. The Chief Executive will also have responsibilities relating to the provision of apprenticeship training and the availability of apprenticeship places.

Part 5: Parts 2 to 4 Supplementary

19. Part 5 puts in place arrangements to ensure that the various bodies involved in providing education and training for those aged 16 and above may appropriately share information that is needed to carry out their functions. It also abolishes the Learning and Skills Council and makes consequential provision.

Part 6: The sixth form college sector

20. Part 6 gives sixth form colleges a distinct legal identity within the further education sector.

Part 7: Office of Qualifications and Examinations Regulation

21. Part 7 establishes Ofqual, which has existed in interim form as a committee of the QCA since April 2008, and sets out its functions. Specifically it sets out the mechanics for how Ofqual will regulate awarding bodies and the qualifications they award or authenticate, and the regulation of assessment arrangements for the National Curriculum (NC) and those for the Early Years Foundation Stage (EYFS).

Part 8: Qualifications and Curriculum Development Agency

22. The Act repeals the existing legislation which established and conferred functions on the QCA. The body will continue in existence under Part 8 of the Act under the new name of the Qualifications and Curriculum Development Agency. The principal difference will be that it will no longer exercise any regulatory functions (responsibility for these will in future lie with Ofqual).

Part 9: Children's Services

23. This Part adds to the list of persons and bodies who are to be party to arrangements made by a children's services authority under section 10 of the Children Act 2004 (a "children's trust"). It provides for the establishment of Children's Trust Boards and provides for them to take over from children's services authorities responsibility for preparing a Children and Young People's Plan.
24. This Part also makes provision for the Secretary of State to set statutory targets for children's services authorities in England for safeguarding and promoting the welfare of children; for a new requirement that there be two representatives of the local community on each Local Safeguarding Children Board in England; and for a new duty for each Local Safeguarding Children Board to produce and publish an annual report on safeguarding and promoting the welfare of children in its area.
25. This Part also makes provision about children's centres: in particular, defining the meaning of "children's centre", requiring children's services authorities to arrange for sufficient numbers of children's centres in their area to meet local need, and making provision for the inspection of children's centres.

Part 10: Schools

26. Chapter 1 amends the current intervention powers which local education authorities and the Secretary of State have in respect of schools which are causing concern. It also gives local education authorities and the Secretary of State specific powers to intervene to ensure schools comply with the School Teachers' Pay and Conditions Document.
27. Chapter 2 streamlines the process by which parents can make complaints about schools, transferring responsibility to hear complaints from the Secretary of State to the Local Government Ombudsman.
28. Chapter 3 enables the Chief Inspector of Education and Children's Services (Ofsted) to publish an interim statement on schools between inspections.
29. Chapter 4 establishes the School Support Staff Negotiating Body as a statutory body and gives the Secretary of State powers to ratify agreements reached by it on school support staff pay and conditions. This Chapter also makes provision about the effect of ratifying an agreement.

Part 11: Learners

30. This Part extends the power that teachers and staff in schools and further education (FE) institutions currently have to search pupils (or students in the case of FE institutions) without consent for weapons, so that it also covers controlled drugs, alcohol, stolen items and other articles specified in regulations.

31. It also requires schools and FE institutions to have a procedure for the recording and reporting to parents of significant incidents where force is used on pupils and students aged 19 or under. The procedure must provide that, where reporting to parents would be likely to result in significant harm to the learner, significant incidents must be reported to the local authority.
32. It will also require schools to enter into partnerships with each other for the purpose of improving behaviour and attendance, and to produce annual reports about arrangements made for this purpose.

Part 12: Miscellaneous

33. This Part obliges schools in England, when providing pupils with a programme of careers education, to provide information on 16-18 education or training options and, specifically, information on apprenticeships. It also makes amendments to change the way in which local education authorities provide information about expenditure on schools, allows for data necessary to support the “Raising the Participation Age” policy to flow to LEAs and makes changes which would mean that recipients of student loans would not reduce their liability to repay these if they entered into Individual Voluntary Arrangements. It also allows FE institutions in Wales to be authorised to award foundation degrees.