

# APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: the Young People's Learning Agency for England**

##### *Chapter 1: Establishment*

##### *Section 60: The Young People's Learning Agency for England*

173. This section establishes the YPLA as a body corporate. The YPLA will perform its functions in relation to England only, except under the powers to provide services and assistance (see sections 68 to 70) where it may exercise functions in relation to, and within, the devolved administrations' areas.
174. Further detailed provisions about the body are contained in Schedule 3.

##### *Schedule 3: The Young People's Learning Agency for England*

175. [Schedule 3](#) sets out the detail on the constitution, governance and organisation of the YPLA as a non-departmental public body.
176. Under paragraph 1, the YPLA will not be a servant or agent of the Crown and its staff will not be civil servants. Paragraphs 2 to 4 make provision about the membership and remuneration of the YPLA, including:
- how the YPLA's chair and other ordinary members will be appointed;
  - provision for the Secretary of State to remove any ordinary member from office on the grounds of persistent non-attendance, inability or unfitness for office;
  - tenure of office; and
  - the YPLA's powers and duties in relation to remuneration of current and former members.
177. [Paragraphs 5](#) and [6](#) provide for the Secretary of State to appoint the first chief executive of the YPLA, and for the YPLA to appoint later chief executives, subject to the approval of the Secretary of State, and to appoint other staff, and make provision about employment terms.
178. Under paragraphs 7 and 8, the YPLA is permitted to set up committees and sub-committees. These may consist of or include persons who are not members or staff of the YPLA. The YPLA has the power to establish a committee jointly, and any joint committee is given power to regulate its own proceedings. This may be used, for example, to enable the YPLA to chair jointly with the Qualifications and Curriculum Development Agency (the new name for the Qualifications and Curriculum Authority:

*These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009*

see Part 8 of the Act) the proposed Joint Advisory Committee for Qualifications Approval.

179. The YPLA may regulate its own proceedings, and the procedure of its committees (paragraph 9). Under paragraph 10, the Secretary of State or a representative of the Secretary of State is given the right to attend meetings of the YPLA and YPLA committees (including joint committees).
180. Under paragraphs 11 and 12, the YPLA and its committees may delegate functions.
181. The YPLA must:
  - make a plan for each academic year, which must be published before the start of the academic year (*paragraph 13*);
  - prepare an annual report, a copy of which must be sent to the Secretary of State (*paragraph 14*); and
  - keep proper accounts and proper records in relation to the accounts, and prepare annual accounts for each financial year, copies of which must be sent to the Secretary of State and the Comptroller and Auditor General (*paragraph 15*).
182. The Secretary of State must lay a copy of the annual accounts and a copy of the Comptroller and Auditor General's report on the accounts before Parliament.
183. *Paragraph 16* makes provisions about the application of the YPLA's seal: the reference to "member" in this context includes the chief executive.
184. *Paragraph 18* sets out that the YPLA will receive its funding from the Secretary of State, and that payments will be made at such times and subject to such conditions (if any) as the Secretary of State thinks appropriate. Conditions may require the YPLA to use the grant for specified purposes, but may not impose conditions relating to the YPLA's securing of the provision of financial resources to a particular person or organisation.
185. Under paragraph 19 the YPLA is given supplementary powers to do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions (subject to any restrictions imposed by or under any provision of this or any other Act). However, the YPLA cannot borrow money, and must obtain the Secretary of State's permission to do certain things, including, for example, lending money.