

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Parts 2 to 4: Supplementary

Section 122: Sharing of information for education and training purposes

331. This section allows information sharing between bodies and persons replacing the Learning and Skills Council to enable or facilitate the exercise of their functions. It does not, however, extend local education authorities' existing statutory powers to share information with each other.
332. The section does not allow information to be passed on if doing so would be an offence, nor where there are other statutory restrictions which prohibit its disclosure.

The Learning and Skills Council for England

Section 123: Dissolution of the Learning and Skills Council for England, Section 124: Dissolution of the Learning and Skills Council: transfer schemes

333. These sections provide for the dissolution of the LSC and give effect to Schedules 6 and 7.

Schedule 6: Dissolution of the Learning and Skills Council for England: Minor and consequential amendments

334. **Schedule 6** contains minor and consequential amendments relating to the dissolution of the LSC.
335. These include an amendment to the Education Act 2002 which permits the Secretary of State and Welsh Ministers to make regulations allowing the YPLA to recover costs from a local education authority where it secures education for a person under section 64 of the Act, or allowing a local education authority to recover costs from the YPLA where it secures education under section 64 in place of another local education authority.

Schedule 7: Learning and Skills Council for England: transfer schemes

336. This Schedule gives power to the Secretary of State to make one or more schemes to enable the transfer of staff and property from the LSC to various bodies.
337. In relation to staff, the Secretary of State may make a staff transfer scheme providing for designated employees of the LSC to become employees of "a permitted transferee" or to become members of the civil service. A staff transfer scheme must provide for the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to apply to the transfer of employees of the LSC, with modifications where necessary. Modifications will be required in the case of transfers into the civil service on terms

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

which do not constitute a contract of employment (because TUPE assumes that the persons to which the regulations apply will have a contract of employment once transferred). Those LSC staff who transfer to BIS and become members of staff of the Chief Executive of Skills Funding will become civil servants. In relation to property, a property transfer scheme may provide for the transfer from the LSC of designated property, rights or liabilities to the Secretary of State, the Chief Executive of Skills Funding, or to a permitted transferee.

338. “Permitted transferee” is defined in [paragraph 8](#) as an English LEA, the YPLA or any other person specified by the Secretary of State by order.