

Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

[^{F1}APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING: ROLE OF SECRETARY OF STATE]

CHAPTER 2

[^{F1}PROVISION OF SERVICES TO OTHER BODIES]

Funding

100 Provision of financial resources

- (1) The [^{F1}Secretary of State] may secure the provision of financial resources [^{F2}under this subsection] to—
 - (a) persons providing or proposing to provide education or training within the [^{F3}Secretary of State's remit under this Part];
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of such education or training;
 - (c) persons receiving or proposing to receive such education or training;
 - (d) persons aged 18 receiving or proposing to receive education or training;
 - (e) persons making loans to others receiving or proposing to receive education or training;
 - $^{F4}(f)$
 - (g) persons undertaking or proposing to undertake research relating to education or training;
 - (h) persons carrying out means tests under arrangements made under section 103;
 - $F^{5}(i)$

- persons providing or proposing to provide information, advice or guidance (i) about education or training or connected matters (including employment).
- $[^{F_6}(1A)$ The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1))
 - for the purpose of encouraging the provision of opportunities for individuals to (a) complete [^{F7}English statutory apprenticeships] or to undertake work following the completion of such apprenticeships, or
 - otherwise in connection with [^{F7}English statutory apprenticeships].] (b)
- [^{F8}(1AA) The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined authority by virtue of an order made under section 105A of the Local Democracy, Economic Development and Construction Act 2009.]
- $[^{F9}(1AB)$ The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined county authority by virtue of regulations made under section 19(1) of the Levelling-up and Regeneration Act 2023.
- [^{F10}(1B) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1)) in connection with approved technical education qualifications or approved steps towards occupational competence.]

 - - (3) [^{F12}The Secretary of State may secure the provision of financial resources under this section-]
 - (a) by providing the resources;
 - (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 $[^{F13}$ Secretary of State]).
 - (4) [^{F14}The Secretary of State may secure the provision of financial resources under this section by reference to—]
 - any fees or charges payable by the person receiving or proposing to receive (a) the education or training, or
 - any other matter (such as transport or childcare). (b)
 - (5) In [^{F15}this section—

"approved steps towards occupational competence" has the meaning given by section [^{F16}Â2D4];

"approved technical education qualification" has the meaning given by section $[^{F17}A12(1)];]$

[^{F18}...combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;]

[^{F19}...combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]

"English statutory apprenticeship" has the same meaning as in section 40A (see subsection (3) of that section).

Textual Amendments

- F1 Words in s. 100(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(2)(a)
- F2 Words in s. 100(1) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 2(2); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F3 Words in s. 100(1)(a) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(2)(b)
- F4 S. 100(1)(f) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(2)(c)
- F5 S. 100(1)(i) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), Sch. 18 para. 9; S.I. 2012/1087, art. 3
- F6 S. 100(1A) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 2(3); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- **F7** Words in s. 100(1A) substituted (4.7.2016) by Enterprise Act 2016 (c. 12), ss. 27(a), 44(5); S.I. 2016/695, art. 2(b)
- **F8** S. 100(1AA) inserted (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), **7(2)**
- F9 S. 100(1AB) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c),
 Sch. 4 para. 195(2) (with s. 247)
- F10 S. 100(1B) inserted (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), Sch. 1 para. 29(2); S.I. 2019/61, reg. 2(b)
- F11 S. 100(2) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(3)
- **F12** Words in s. 100(3) substituted (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), **7(3)**
- F13 Words in s. 100(3)(c) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(4)(b)
- **F14** Words in s. 100(4) substituted (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 7(4)
- F15 Words in s. 100(5) substituted (31.1.2019) by Technical and Further Education Act 2017 (c. 19), s. 47(2), Sch. 1 para. 29(4); S.I. 2019/61, reg. 2(b)
- **F16** Word in s. 100(5) substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 13(6), 36(3); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)
- **F17** Word in s. 100(5) substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 12(6)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
- **F18** Words in s. 100(5) inserted (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), **7(5)**
- F19 Words in s. 100(5) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2) (c), Sch. 4 para. 195(3) (with s. 247)

Modifications etc. (not altering text)

- C1 S. 100 applied (with modifications) (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C2 S. 100 applied (with modifications) (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 6, Sch. (with art. 1(2))
- C3 S. 100 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, Sch. (with art. 1(2))

- **C4** S. 100 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, Sch. (with art. 1(2)) C5 S. 100 applied (with modifications) (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 6, Sch. (with art. 1(2)) **C6** S. 100 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, Sch. (with art. 1(2)) **C7** S. 100 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, Sch. (with art. 1(2)) **C8** S. 100 applied (with modifications (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 9, Sch. 1 **C9** S. 100 applied (with modifications) (E.) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), 9, Sch. 1 S. 100(1) functions made exercisable concurrently (6.11.2018) by The West of England Combined C10 Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 4 (with arts. 1(2), 5)
- C11 S. 100(1) functions made exercisable concurrently (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 4 (with arts. 1(2), 5)
- C12 S. 100(1) functions made exercisable concurrently (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 4 (with arts. 1(2), 5)
- C13 S. 100(1) functions made exercisable concurrently (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 4 (with arts. 1(2), 5)
- C14 S. 100(1) functions made exercisable concurrently (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 4 (with arts. 1(2), 5)
- C15 S. 100(1) functions made exercisable concurrently (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 4 (with arts. 1(2), 5)
- C16 S. 100(1) functions made exercisable concurrently (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 4 (with arts. 1(2), 5)
- C17 S. 100(1): functions made exercisable concurrently (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), 7(1)(b)(2)(3) (with art. 8)

Commencement Information

II S. 100 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

101 Financial resources: conditions

- (1) Financial resources provided [^{F20}by the Secretary of State under section 100] may be provided subject to conditions [^{F21}, subject to section 101A].
- (2) The conditions may [^{F22}(among other things)] include—
 - (a) information conditions;
 - ^{F23}(b)
 - (c) repayment conditions.

(3) Information conditions are conditions which—

(a) require the [^{F24}Secretary of State], or a person designated by the [^{F24}Secretary of State], to be given 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, or

- (b) require a person to whom financial resources are provided to give to the [^{F25}Secretary of State] such information as the [^{F25}Secretary of State] may request for the purpose of carrying out [^{F26}functions under this Part].
- $F^{28}(5)$
 - (6) Repayment conditions are conditions which—
 - (a) enable the [^{F29}Secretary of State] to require the repayment (in whole or part) of sums paid by the [^{F29}Secretary of State] 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 [^{F30}Secretary of State] in accordance with any condition is unpaid.

Textual Amendments

- F20 Words in s. 101(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(2)
- F21 Words in s. 101(1) inserted (29.6.2021) by Education and Training (Welfare of Children) Act 2021 (c. 16), ss. 2(2), 3(2)
- F22 Words in s. 101(2) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 3(2)(a); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- **F23** S. 101(2)(b) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 3(2)(b); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F24 Words in s. 101(3)(a) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(3)(a)
- F25 Words in s. 101(3)(b) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(3)(b)(i)
- F26 Words in s. 101(3)(b) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(3)(b)(ii)
- F27 S. 101(4) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 3(3); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- **F28** S. 101(5) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 1 para. 3(3); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F29 Words in s. 101(6)(a) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(4)(a)
- F30 Words in s. 101(6)(b) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 14(4)(b)

Modifications etc. (not altering text)

- C18 S. 101 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, Sch. (with art. 1(2))
- **C19** S. 101 applied (with modifications) (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C20 S. 101 applied (with modifications) (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 6, Sch. (with art. 1(2))
- C21 S. 101 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, Sch. (with art. 1(2))

- C22 S. 101 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, Sch. (with art. 1(2))
- C23 S. 101 applied (with modifications) (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 6, Sch. (with art. 1(2))
- C24 S. 101 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, Sch. (with art. 1(2))
- C25 S. 101 applied (with modifications (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 9, Sch. 1
- C26 S. 101 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 7(1)(b)(2)(3) (with art. 8)
- C27 S. 101 applied (with modifications) (E.) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), 9, Sch. 1

Commencement Information

I2 S. 101 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

[^{F31}101AFinancial resources: welfare

- (1) The Secretary of State may not provide financial resources to a person under-
 - (a) section 100(1A) for the provision of training as part of a relevant English statutory apprenticeship, or
 - (b) section 100(1B) for the provision of education or training as part of an approved technical education qualification or approved step towards occupational competence,

unless the resources are provided subject to conditions requiring the person to comply with the safeguarding duties.

(2) "The safeguarding duties" are—

- (a) a duty to make arrangements to safeguard and promote the welfare of children receiving the education or training mentioned in subsection (1)(a) or (b) (as the case may be), and
- (b) a duty to have regard to any guidance given from time to time by the Secretary of State in considering what arrangements are required.
- (3) In this section, a "relevant English statutory apprenticeship" means an apprenticeship falling within section 40A(3)(a) to (c).]

Textual Amendments

102 Performance assessments

(1) The [^{F32}Secretary of State] may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the [^{F33}Secretary of State's remit under this Part].

F31 S. 101A inserted (29.6.2021) by Education and Training (Welfare of Children) Act 2021 (c. 16), ss. 2(3), 3(2)

(2) The [^{F34}Secretary of State] may take the assessments into account in deciding how to exercise the powers under section 100.

Textual Amendments

- F32 Words in s. 102(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 15(2)(a)
- **F33** Words in s. 102(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 15(2)(b)
- F34 Words in s. 102(2) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 15(3)

Commencement Information

I3 S. 102 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

103 Means tests

- (1) [^{F35}For the purpose of the exercise of the powers under section 100(1)(c), (d) or (e), the Secretary of State] may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.

Textual Amendments

- F35 Words in s. 103(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 16(2)
- **F36** S. 103(2) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 16(3)**

Modifications etc. (not altering text)

- C28 S. 103 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, Sch. (with art. 1(2))
- **C29** S. 103 applied (with modifications) (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C30 S. 103 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, Sch. (with art. 1(2))
- C31 S. 103 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, Sch. (with art. 1(2))
- C32 S. 103 applied (with modifications) (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 6, Sch. (with art. 1(2))
- C33 S. 103 applied (with modifications) (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 6, Sch. (with art. 1(2))
- C34 S. 103 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, Sch. (with art. 1(2))
- C35 S. 103 applied (with modifications (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 9, Sch. 1
- C36 S. 103 applied (with modifications) (E.) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), 9, Sch. 1

Commencement Information

I4 S. 103 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Funding is up to date with all changes known to be in force on or before 19 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.

View outstanding changes

Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- S.I. 2009/3341 art. 2 commences (2009 c. 22)

- S.I. 2010/2413 art. 2 commences (2009 c. 22)
- S.I. 2011/829 art. 2 commences (2009 c. 22)
- S.I. 2011/882 art. 2 amendment to earlier commencing SI 2010/303 art. 7 Sch. 6