
STATUTORY INSTRUMENTS

2009 No. 3317 (C. 148)

**EDUCATION, ENGLAND
CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES**

**The Apprenticeships, Skills, Children and Learning Act 2009
(Commencement No. 1 and Saving Provision) Order 2009**

Made - - - - 14th December 2009

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 269 (4) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No.1 and Saving Provision) Order 2009.

(2) In this Order “the Act” means the Apprenticeships, Skills, Children and Learning Act 2009.

Provisions coming into force on 12th January 2010

2.—(1) The provisions of the Act specified in column 1 of the Schedule come into force on 12th January 2010.

(2) Where a particular purpose is specified in column 2 of the Schedule in relation to any such provision, the provision comes into force on that date for that purpose only.

Saving provision

3.—(1) Despite the coming into force of sections 55 and 56 of and paragraphs 7 to 9 of Schedule 2 to the Act, in accordance with article 2, the amendments to the Education Act 1996 made by those sections and paragraphs do not have effect in respect of any academic year before the 2010-2011 academic year .

(2) In this article “academic year” has the meaning given by section 509AC of the Education Act 1996.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

14th December 2009

Iain Wright
Parliamentary Under Secretary of State
Department for Children, Schools and Families

SCHEDULE

Article 2

Provisions coming into force on 12th January 2010

<i>Column 1</i>	<i>Column 2</i>
Sections 55 and 56	
Section 59	To the extent it relates to the provisions of Schedule 2 specified in column 1 below.
Section 112 (1), (2) and (3)	
Section 125	To the extent that it relates to the provisions of Schedule 8 specified in column 1 below.
Section 126	
Section 178(2)	
Section 193 save for subsection (2)(b)	
Section 195	
Section 202(1) and (2)	
Sections 203 and 204	
Section 225	For all purposes except to the extent that it inserts section 14A(3) of the Education Act 2005(2).
Section 226	
Sections 227 to 241	
Sections 251 to 253	
Sections 254 and 255	
Sections 257 and 258	
Section 261	
Section 266	To the extent that it relates to the repeals in Schedule 16 referred to in column 1 below.
In Schedule 2— paragraph 1	To the extent it relates to the paragraphs of Schedule 2 specified in column 1 below.
paragraph 7	To the extent that it has the effect of amending section 496 of the Education Act 1996 to make it subject to section 509AE of that Act(3).
paragraph 8	To the extent that it has the effect of amending section 497 of the Education Act 1996 to make it subject to section 509AE of that Act.

(2) 2005 c.18.

(3) Section 509AE is inserted by section 56(2) of the Apprenticeships, Skills, Children and Learning Act 2009..

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>
paragraph 9	To the extent that it has the effect of amending section 497A of the Education Act 1996 to make it subject to section 509AE of that Act.
paragraph 10 In Schedule 8— paragraph 1	To the extent it relates to paragraphs of Schedule 8 specified in column 1 below.
paragraph 3	To the extent it inserts sections 33A to 33J and sections 33M and 33N in the Further and Higher Education Act 1992(4).
paragraph 11	To the extent that it amends section 89(2) of the Further and Higher Education Act 1992(5) by inserting 33A (5) (b).
paragraphs 12 to 14	
Schedule 13	
Schedule 15	
In Schedule 16— The repeals specified in Parts 3, 6, 8, 9 and 10	
In Part 5, the repeal of subsections (6) and (7) of section 10 of the Children Act 2004(6)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 on 12th January 2010. The provisions are listed in the table in the Schedule to the Order and are described below. Where a provision is brought into force for certain purposes only, those purposes are specified in column 2 of the table in the Schedule.

Sections 55 and 56 insert new provisions into the Education Act 1996 relating to local authorities' sixth form transport policy statements and sixth form transport complaints. Section 59 introduces Schedule 2 which contains minor and consequential amendments relating to these provisions. Article 3 of this Order provides for the amendments made by sections 55 and 56 and consequential paragraphs of Schedule 2 not to have effect in relation to an academic year before the 2010-2011 academic year.

(4) 1992 c.13.

(5) Section 89(2) was amended by the Learning and Skills Act 2000, section 149 and Schedule 9, paragraphs 1 and 40.

(6) 2004 c.31.

Section 112(1), (2) and (3) enables the Secretary of State by order to specify an area of England as an area for which a specified body (either one that already exists or one which is specifically set up), can put in place and keep under review a strategy for how education and training will be delivered to those persons for whom the Chief Executive of Skills Funding will be responsible.

Section 125 introduces Schedule 8 which contains provisions for a new sixth form college sector and partially brings into force new provisions for Sixth Form College corporations in England. Section 126 prevents local education authorities from establishing additional sixth form schools.

The Qualification and Curriculum Agency is to be renamed the Qualification and Curriculum Development Agency (“QCDA”) by Part 8 of the Act. Section 178 defines which qualifications fall within the QCDA’s remit. Section 178(2) gives the Secretary of State the power by order to exclude qualifications from the QCDA’s remit.

Section 193 amends section 10 of the Children Act 2004 which requires each children’s services authority to make arrangements to promote co-operation between the authority, its relevant partners and such other bodies or persons as it considers appropriate to improve the well-being of children. By this section additional categories of relevant partners are required to co-operate with the children’s services authority.

Section 195 inserts a new section 9A into the Children Act 2004 enabling the Secretary of State to set targets for children’s services authorities in England for safeguarding and promoting the welfare of children in accordance with regulations.

Section 202 (2) amends section 45A of the School Standards and Framework Act 1998 so as to provide that the duty on local education authorities to secure prescribed early years provision free of charge is to be treated as imposed on the authority in their education capacity.

Section 203 introduces Schedule 13 which amends Part 4 of the Education and Inspections Act 2006 (“the 2006 Act”). It inserts a new section 60A into the 2006 Act enabling the LEA to give a warning notice where there has been non-compliance with teachers’ pay and conditions and distinguishes this type of warning notice from a warning notice given for performance standards and safety, under section 60 of the 2006 Act. Where the governing body has failed to comply with a teachers’ pay and conditions warning notice, the powers of intervention set out in sections 64-67 and 69 will be available. Section 64 of the 2006 Act is amended so that the LEA’s powers to appoint additional governors will not be available if the Secretary of State has already appointed additional governors under section 67. The Secretary of State’s powers under sections 67 and 69 are extended so that they may be exercised where a school is also eligible for intervention by virtue of non-compliance with a warning notice. Previously these powers could only be exercised where the school required significant improvement or special measures. Schedule 13 also inserts new sections 69A and 69B into the 2006 Act. Section 69A gives the Secretary of State the power to require a LEA to consider giving a performance standards and safety warning notice and section 69B gives the Secretary of State the power to direct the LEA to give the school a teachers’ pay and conditions warning notice.

Section 204 amends section 62A of the Education Act 2002 by extending the Secretary of State’s powers to require LEAs in England to obtain advisory services where the LEA maintain a disproportionate number of low-performing schools.

Section 225 inserts three new sections into the Education Act 2005 in relation to the powers of the Chief Inspector and associated duties of schools. Section 226 amends Part 2 of Schedule 12 to the 2006 Act to entitle administrators to enter an institution being inspected and assist the inspector by performing administrative tasks, but prohibits administrators from conducting inspections.

Sections 227 to 241 and Schedule 15 make provisions concerning the School Support Staff Negotiating Body (“SSSNB”) and makes provision for the constitutional arrangements, membership and proceedings of the SSSNB and its remit.

Sections 251 to 253 enable the Secretary of State to direct a local authority to provide information about its planned and actual expenditure on its education and children’s social services functions.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 252 defines the education and children’s social services functions of a local authority and section 253 amends section 52 of the School Standards and Framework Act 1998 in order to restrict its application to LEAs in Wales and repeals section 53 of that Act.

Section 254 amends Part 1 of the Education and Skills Act 2008 (“the 2008 Act”) before it comes into force. Part 1 of the 2008 Act provides for local education authorities in England to establish support services, known as Connexions services for people aged 14-19 and those aged up to 24 who have learning difficulties. Section 254 omits section 15 so that social security information may not be supplied directly to local authorities for Part 1 purposes. In addition section 17(1) of the 2008 Act is amended to make clear that information shared by a local authority and its Connexions service provider will be held on a database operated by the authority or service provider. Section 255 amends Part 2 of the 2008 Act which was brought into force on 26th January 2009 (S.I No. 2008/3077) and inserts a new section 76A into the 2008 Act which enables the Secretary of State to make arrangements with a contractor to collect and hold relevant Connexions service information and supply it to those involved in the provision of Connexions services.

Sections 257 and 258 amend the Teaching and Higher Education Act 1998 and the Education (Student Loans) Act 1990 (“the 1990 Act”) so that a student loan made to a borrower who enters an individual voluntary arrangement will be treated in a similar way as it is currently treated under a bankruptcy in England and Wales. Section 258 also amends the 1990 Act by inserting bankruptcy provisions for Northern Ireland that correspond to those in England and Wales in regard to student loans.

Section 261 makes a minor amendment to paragraph 5 of Schedule 5 to the Local Government Act 1974 to provide that a complaint about special educational needs may be considered by the Local Commissioner, even where it may relate to conduct, curriculum, internal organisation, management or discipline of a maintained school.

Section 266 introduces Schedule 16 which repeals certain provisions in other legislation which are necessary as a consequence of the various provisions set out in this Order coming into force.