

## Delegation of Additional Functions under the Further Education and Training Act 2007

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### Introduction

1. The Learning and Skills Council (LSC) has been given some additional statutory powers in relation to the provision of services to other bodies and in relation to taking part in arrangements for assisting persons to select train for and obtain and retain employment under the Further Education Training Act 2007 (the 2007 Act). The relevant provisions of the 2007 Act came into force on 23 December 2007.

### Purpose

2. The purpose of this paper is to ask the Council to formally delegate the exercise of these powers to the Chief Executive.

### Recommendation

3. The Council agrees to delegate the following functions to the Chief Executive:
  - The power under s11 Further Education and Training Act 2007 to make arrangements with a person or body to whom the section applies for the provision by the Council of services that are required by the person or body in connection with the exercise of the person or body's function relating to education or training.
  - The power under s 12 of the Further Education and Training Act 2007 to take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers under s2 of the Employment and Training Act 1973 (arrangements for assisting persons to select, train for, obtain and retain employment).

- The power under section 13 of the Further Education and Training Act 2007 to take part in any arrangements made by the Department for Employment and Learning in Northern Ireland under s1 of the Employment and Training Act (Northern Ireland) 1950(arrangements for assisting persons to select, train for, obtain and retain employment).

## **Background Information**

4. Section 11 of the 2007 Act gives the LSC the power to provide services to other persons or bodies in connection with their functions relating to education or training. The services that can be provided under the section include accommodation and other facilities and procuring or assisting in procuring goods and services for use by other persons or organisations.
5. The person or bodies for whom the LSC can provide services are the Secretary of State, the Welsh Ministers, the Scottish Ministers, Northern Ireland Departments, persons or bodies, wholly or partly funded from public funds, that have functions relating to education and training and persons and persons or bodies specified by order made by the appropriate national authority. If the LSC wishes to exercise this power to provide services to bodies outside England it requires the consent of the Secretary of State and the appropriate national authority.
6. Section 12 of the 2007 widens the power of the LSC to allow it to take part in arrangements for assisting persons to select, train for, obtain and retain employment so that it can take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers. Consent of the devolved administrations will be required for arrangements made by the Secretary of State in relation to Wales and Scotland in which the LSC is involved and the consent of the Secretary of State will be required in relation to arrangements made by the devolved administrations in which the LSC is involved. Section 13 contains a similar provision in relation to Northern Ireland. The type of arrangement that these provisions are intended to cover are schemes such as the Career Development Loan scheme. Although the LSC already had powers to run such a scheme in England it did not have powers to make arrangements with the administrations outside England.
7. All statutory functions are vested in the Council and therefore need to be formally delegated to the Chief Executive so that he can then delegate them to the appropriate National or Regional Director.
8. Attached at Appendix A for information are the commencement dates for the main provisions of the Further Education and Training Act relating to the LSC. Further commencement orders will cover the rest of the provisions of the Act.

## **Clearance**

9. The Director of Strategy and Communications has cleared this paper.

## Legal implications

10. The legal implications are set out above.

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