STATUTORY INSTRUMENTS

2007 No. 1178

EDUCATION, ENGLAND

The Learning and Skills Council for England (Supplementary Functions) Order 2007

Made - - - -	*3rd April 2007*
Laid before Parliament	*12th April 2007*
Coming into force - -	*14th May 2007*

The Secretary of State for Education and Skills makes the following Order in exercise of the powers conferred by section 18(6) of the Learning and Skills Act 2000(**a**):

Citation, commencement and application

1.—(1) This Order may be cited as the Learning and Skills Council for England (Supplementary Functions) Order 2007 and comes into force on 14th May 2007.

(2) This Order applies in relation to England.

Interpretation

2. In this Order—

"the Council" means the Learning and Skills Council for England

"the 1996 Act" means the Education Act 1996(**b**).

Powers and duties to be conferred and imposed on the Council

3.—(1) The Secretary of State confers and imposes the powers and duties mentioned in paragraph (2) on the Council, to the extent that they are exercisable in connection with—

(a) the Secretary of State's function under section 509AA(9) of the 1996 Act; or

(b) any of the Secretary of State's functions under any of sections 496 to 497B of the 1996 Act as regards anything done, proposed to be done or omitted to be done by a local education authority in England under section 509AA or 509AB of that Act.

(2) The powers and duties mentioned in this paragraph are—

(a) investigating and responding to complaints and queries from individuals and members of Parliament;

(b) investigating legal claims against local education authorities which relate to the exercise of their functions under sections 509AA or 509AB of the 1996 Act;

(**a**) 2000 c. 21; section 18(6) was inserted by section 83(4) of the Education and Inspections Act 2006 (c. 40). Section 152 of the Learning and Skills Act 2000 provides that any power to make an order under the Act is exercised by statutory instrument.

(**b**) 1996 c. 56.

(c) mediating between interested parties where it appears to the Council that there is a reasonable case to answer;

(d) resolving such complaints, claims and queries as appropriate; and

(e) in the event that any complaint or claim cannot be resolved, preparing cases for consideration by the Secretary of State as to whether he should exercise any of his functions under section 509AA(9) or sections 496 to 497B of the 1996 Act.

Bill Rammell
Minister of State
Department for Education and Skills

3rd April 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers and imposes on the Learning and Skills Council for England ("the Council") various powers and duties for dealing with complaints, legal claims and queries arising out of the Secretary of State's functions under section 509AA(9) of the Education Act 1996 and any of sections 496 to 497B of the 1996 Act as regards anything done, proposed to be done or omitted to be done by a local education authority in England under section 509AA or 509AB of the 1996 Act. The powers and duties conferred are in addition to those already conferred on the Council by the Learning and Skills Council for England (Supplementary Functions) Order 2001 (S.I. 2001/2877).

Section 509AA(9) enables the Secretary of State to direct a local education authority in England to make for any academic year: (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at schools and various institutions that provide further education or are supported by the Learning and Skills Council for England; or (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons.

Sections 496 to 497B give the Secretary of State power to make directions in respect of certain functions of a local education authority, which include the duty to provide transport for persons who are of sixth form age or who are disabled or who have learning difficulties.

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