EXPLANATORY MEMORANDUM TO

THE LEEDS COLLEGE OF ART (TRANSFER TO THE HIGHER EDUCATION SECTOR) ORDER 2011

2011 No. 1676

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the instrument is to transfer the further education corporation known as Leeds College of Art to the higher education sector. On transfer it will become a higher education corporation.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Secretary of State has approved that Leeds College of Art meets the legislative criteria (having 55% of its full time equivalent students on higher education courses) enabling it to transfer to the higher education sector.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The transfer is in line with Government policy of giving freedoms to colleges. Leeds College of Art is a small college offering specialised provision but the number of students on higher education courses has steadily grown since 1993. Around 60% of students are on higher education courses which are funded by the Higher Education Funding Council for England. The remainder are 16-18 year olds on further education courses funded through the Young People's Learning Agency and the Skills Funding Agency. The College wishes to be more strategically positioned and establish a profile that is more consistent with other higher education institutions. It also believes that being

in the higher education sector will give students and staff more access to various higher education networks and allow more flexible delivery of courses.

7.2 In addition to the legislative criteria the Higher Education Funding Council has developed additional criteria to assist in advising the Secretary of State on the transfer of colleges. The Funding Council have confirmed that Leeds College of Art meets these criteria.

8. Consultation outcome

8.1 There has been no public consultation on the transfer. However the Secretary of State has consulted the Higher Education Funding Council for England, the Skills Funding Agency and the Young People's Funding Agency on the proposed transfer. All funding bodies involved support the transfer.

9. Guidance

9.1 There is no guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There is no monitoring and review of this instrument.

13. Contact

Jacqui Entwistle at the Department for Business, Innovation and Skills Tel: 02072153970 or email: Jacqui. Entwistle@bis.gsi.gov.uk can answer any queries regarding the instrument.