EXPLANATORY MEMORANDUM TO

THE YOUNG PEOPLE'S LEARNING AGENCY FOR ENGLAND (SPECIFIED CHARGES) REGULATIONS 2010

2010 No. 598

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 Under section 65 of Apprenticeship, Skills, Children and Learning Act 2009 (the Act) the Young People's Learning Agency for England (YPLA) must ensure that no charge is made in relation to the provision of relevant education or training funded by it. These regulations set out the charges which are to be treated as made in relation to the provision of education or training and so describe the things that can or cannot be charged for by training providers.

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

3.1 None

4. Legislative Context

4.1 This is the first use of the power under the Apprenticeships, Skills, Children and Learning Act 2009.

4.2 Section 65 of the Act places a duty on YPLA to exercise its funding functions (under sections 61 and 62 of the Act to fund education and training provided for 16-18 year olds) in such a way as to ensure that no charge is made in relation to the provision of that education and training. The Regulations are made under the power in section 65(5) and specify charges or descriptions of charges which are, or are not, to be treated as made in relation to the provision of education or training.

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 Act abolishes the Learning and Skills Council for England (the LSC) and transfers responsibility for funding education and training for young people over compulsory school age but under 19 from the LSC to local authorities. It also gives local authorities responsibility for the education of young people in custodial establishments, and for the education and training of certain learners with learning difficulties or disabilities up to the age of 25.

7.2 The Act also creates the YPLA to support local authorities in their new role. Section 61 of the Act places a duty on YPLA to secure the provision of financial resources for education and training provided for 16-18 year olds, those 19 and over and under 25 subject to learning difficulty assessment and those subject to youth detention. Under section 65 of the Act, the YPLA must exercise its funding functions in such a way as to ensure that no charge is made in relation to the provision of education and training suitable to the requirements of 16-18 year olds. The Regulations specify charges or descriptions of charges which are, or are not, to be treated as made in relation to the provision of education or training. These will have the effect of making clear what additional costs training providers can, and cannot, charge learners for. The regulations are based on existing guidance, in place for the LSC.

8. Consultation outcome

8.1 The proposals in the White Paper, '*Raising Expectations: enabling the system to deliver*' were consulted on extensively following its publication in March 2008. There was broad support for the change. Since then there has been ongoing stakeholder engagement in taking forward implementation, with a series of regional stakeholder events and continued engagement of all key partners on programme and stakeholder boards. As these regulations are technical and based on the existing guidance to LSC, no public consultation has been carried out.

9. Guidance

9.1 No guidance on the regulations is necessary.

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 The YPLA will publish an annual report of its performance and annual accounts which will be laid before Parliament.

13. Contact

Kate Copley at the Department for Children, Schools and Families Tel: 0114 259 3889 or email: kate.copley@dcsf.gsi.gov.uk can answer any queries regarding the instrument.