Background and introduction

1. The Apprenticeships, Skills, Children and Learning Bill (the Bill) was introduced on 4 February 2009. The Bill contains provisions to give local authorities the duty to secure provision for education and training for 16 to 18 year olds and for learners who are over 19 but under 25 who are subject to a learning difficulty assessment. It also contains provisions establishing the Young Persons Learning Agency (YPLA) and creating a statutory post of Chief Executive of Skills Funding who will have responsibility for securing apprenticeships and post 19 education and training. The Bill provides for the dissolution of the LSC and the transfer of its staff and property.

2. It is anticipated that the Bill will receive Royal Assent in late autumn 2009 with a view to the LSC being dissolved in April 2010 and its functions being transferred to local authorities, the YPLA and the CE of Skills Funding from that date. In the meantime the LSC is working with the DCSF and DIUS to put in place transitional arrangements.

Purpose

3. The purpose of this paper is to ask the Council to formally establish a YPLA Committee, an Apprenticeship and Skills Committee and a Chairman’s Committee and delegate functions to those committees.

Recommendation

4. The Council is recommended to;
• establish a YPLA Committee and delegate to it the functions set out in Appendix A of the report;

• establish an Apprenticeship and Skills Committee and delegate to it the functions set out in Appendix B of the report;

• establish a Chairman’s Committee and delegate to it the functions set out in Appendix C of the report;

• agree that the frequency of Council meetings should be reduced to twice a year to review the work of the Committees subject any member of the Council having the right to request an additional meeting of the Council if they consider there is a matter which requires consideration by the full Council;

• delegate to the Chairman of the Council the power to appoint members to the Committees.

Key points/issues
5. The LSC will remain accountable for carrying out its functions under the Learning and Skills Act 2000 (the 2000 Act) until the provisions of the Bill establishing YPLA and the post CE of Skills Funding, dissolving the LSC and repealing those sections of the Learning and Skills Act which relate to the LSC’s functions come into force.

6. The LSC can only delegate its functions in accordance with the provisions of the 2000 Act. This means that the Council can only delegate functions to committees of the Council established in accordance with the Act, to the Chair and to the Chief Executive. The Chair can delegate to another member of the Council and the Chief Executive can delegate to another employee of the Council. The Council cannot delegate functions to other bodies outside the Council and only employees of the Council can exercise delegated functions on behalf of the Council. Any transition arrangements will need to fit within this legal framework.

7. The role of the Chair of the YPLA has now been advertised. The successful candidate will be appointed as a member of the Council. It is therefore proposed that the Council establish a YPLA committee of the Council to be chaired by the YPLA chair designate when he or she is appointed and delegate to it the Council’s functions in relation to young people, which have not already been delegated to the Chief Executive which is set out in Appendix A. The Council is asked to delegate to the Chairman the authority to appoint other member of the YPLA committee. Other members of the Committee will be Council members who have expressed an interest in the young peoples’ agenda. Once the members of the YPLA are appointed they will be appointed to the LSC’s YPLA Committee. The Committee will report to the Council twice a year.
8. It is also proposed that the Council establish an Adult Skills Committee consisting of 6 members of Council who have expressed an interest in the adult and skills agenda. One of the members of the Council will be appointed as the chair. The Council will delegate all its functions in relation to adults, skills and apprenticeships, not already delegated to the LSC Chief Executive, to the Committee. Once the Chief Executive of Skills Funding is appointed he or she could be appointed to the Committee and if possibly become chair. The Chief Executive of the NAS will also be appointed as a member of the Committee. The Committee will report formally twice yearly to the Council.

9. The Council is asked to establish a Chair’s Committee and delegate to it all other functions of Council not already delegated to the Chief Executive or any of its other committees. The membership of the Chair’s Committee will include the Chair of the Council, two Vice Chairs, the Chief Executive and the Chair of the Audit Committee. Its functions will include reviewing the finances and performance the LSC and it will receive regular updates on the transition process. It will also deal with issues which cannot be delegated separately to the YPLA or Adult skills committees.

10. It is proposed that as part of these arrangements the frequency of the Council meetings is reduced to twice a year. At these meeting the Council will receive reports from the YPLA and Adult Skills Committees. However all Council members will have the right to request that special meeting of the Council is called if they consider that there is a matter which requires consideration by the full Council. Such a request would be made in writing to the Chairman.

11. The purpose of these proposed arrangements is to facilitate the transition to the new arrangements whilst ensuring that the LSC complies with statutory requirements set out in the Learning and Skills Act until it is dissolved. Having three separate committees will enable shadow arrangement to develop by splitting the functions of the Council between young people and adults at the very top of the LSC’s decision making structure. It will also enable the Chair and members of the YPLA and possibly the Chief Executive of Skills Funding to have a formal role in influencing the way in which the LSC exercises its functions until they are transferred within the current legal framework.

Legal implications

12. The legal implications are set out in the paper.

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Appendix A

Functions of the YPLA Committee

1. Agree the Council’s priorities in exercising its function in relation to young people including the following:
   - persons who have reached compulsory school age but have not attained the age of 19;
   - persons of 14 and over in respect of which the Council secures education and other related provision;
   - learners with learning difficulties or disabilities up to the age of 25.

2. Monitoring and evaluating the LSC’s performance in respect of its functions in relation to young people.

3. Support and challenging the Chief Executive in relation to the exercise of his delegated functions in respect of young people.

4. Monitor the transition of the LSC’s functions to local authorities and the YPLA.
Appendix B

Functions of the Adult and Skills Committee

1. Agree the Council’s priorities in relation to its functions in relation to securing education and training for persons who have reached the age of 19 and over.

2. Monitor and review the Council’s priorities and performance in relation to Apprenticeships.

3. Monitor and review the Council’s priorities and performance in relation to Train to Gain.

4. Support and challenging the Chief Executive in relation to the exercise of his delegated functions in respect of adults and skills.

5. Monitor and evaluate the performance of the National Apprenticeship Service.

6. Monitor the transition of the LSC’s functions to the Chief Executive of Skills Funding.
Appendix C

Functions of the Chair’s Committee

1. Monitor and evaluate the Council’s financial performance.

2. Receive reports from the Audit Committee.

3. Consider capital projects.

4. Monitor and evaluate the transition process and in particular the transfer of LSC employees.

5. Consider any other matter which does not fall within the remit of the YPLA or Adult Skills Committee.