Background and introduction

1. The Further Education and Training Act 2007 (the 2007 Act) received Royal Assent on 23 October 2007. One of the provisions of the Act is to transfer the power to make orders establishing and dissolving further education corporations from the Secretary of State to the Learning and Skills Council (the Council).

2. It is likely that these provisions will come into force early in 2008 and that the Council will need to make decisions on proposals for the establishment and dissolution of further education corporations soon after that.

Purpose

3. The purpose of this paper is to ask Council to review the delegations and membership of the Post-16 Reorganisations Committee to enable the Committee to make decisions on proposals for the establishment and or dissolution of further education corporations submitted by Regional Boards and then Regional Councils when they are established.

Recommendation

4. The Council is recommended to agree the revised delegations for the Post-16 Reorganisations Committee as follows.

   (i) Making orders for the establishment or dissolution of further education corporations. The delegation is subject to the Reorganisations Committee reporting the exercise of the delegation to the Council and referring proposals for final decision by the Council where:
• there has been significant local or national opposition;
• a proposal for dissolution is being put forward without the consent of the corporation;
• there are concerns that the proposal is inconsistent with national objectives.

(ii) Authority for approving publication of final proposals for the post-16 reorganisation of schools

5. The Council is recommended to agree revised membership of the Reorganisations Committee as follows:

The Reorganisations Committee to consist of 6 members including 3 members of the Council to be appointed by the National Chair and 3 members to be drawn from the members of Regional Boards or Regional Councils when they are established. The quorum for the Committee will be 3 including at least one Council member.

Key points/issues

6. At its meeting on 22 October 2003 the Council established the Post-16 Reorganisations Committee to carry out the functions in relation to proposals made by local councils to the Secretary of State for the establishment and or the dissolution of further education corporations previously carried out by the Infrastructure Committee and to approve the publication of final proposals for the post-16 reorganisation of schools. The chair of the committee was the chair of Young Peoples Learning Committee (YPLC) and the members were drawn from the membership of the YPLC.

7. The power to make orders establishing and dissolving further education corporations will be transferred from the Secretary of State to the Learning and Skills Council under the provisions of the 2007 Act. Regional Boards and eventually Regional Councils, when they are established, will be responsible for developing proposals for the reorganisation of further education corporations and publishing and consulting on those proposals in accordance with the statutory requirements. The Regional Board/Regional Council will then determine whether the proposal should be referred for decision on whether an order establishing and or dissolving a further education corporation should be made.

8. It is recommended that the Council delegate the power to make an order to establish or dissolve a further education corporation to the Reorganisations Committee subject to the Reorganisations Committee reporting the exercise of the delegation to the Council and referring proposals for final decision by the Council where there has been significant local or national opposition, the proposal for dissolution is being put forward without the consent of the corporation or there are concerns that the proposal is inconsistent with
national LSC objectives. The Reorganisations Committee will continue to approve the publication of final proposals for post-16 reorganisation of schools where the final decision remains with the Secretary of State.

9. As the original membership of the Reorganisations Committee was drawn from the YPLC it is recommended that the membership now be reviewed and should consist of 6 members with three members of the National Council and three members drawn from Regional Boards/Regional Councils. Clearly it would not be appropriate for Regional Board/Regional Council members to sit on the Reorganisation Committee if it was considering a proposal from their own region so it is suggested that all members of Regional Boards/Regional Councils be eligible to sit as members of the Reorganisation Committee.

**Legal implications**

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

**Financial implications**

11. There are no financial implications arising from this paper.

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