



Learning and Skills Act 2000

2000 CHAPTER 21

PART V

MISCELLANEOUS AND GENERAL

Support for 11 to 25 year olds: Wales

123 Provision of services

- (1) The National Assembly for Wales may direct a local authority—
 - (a) to provide youth support services;
 - (b) to secure the provision of youth support services;
 - (c) to participate in the provision of youth support services.
- (2) In this section “youth support services” means services which in the opinion of the National Assembly will encourage, enable or assist young persons (directly or indirectly)—
 - (a) to participate effectively in education or training,
 - (b) to take advantage of opportunities for employment, or
 - (c) to participate effectively and responsibly in the life of their communities.
- (3) In this section “young persons” means persons who have attained the age of 11 but not the age of 26.
- (4) A direction under subsection (1)—
 - (a) may include provision for grants, loans and other kinds of financial assistance to be provided by the National Assembly (whether or not on conditions),
 - (b) may require local authorities to have regard to guidance issued by the National Assembly, and
 - (c) may require local authorities when making arrangements with other persons to require those persons to have regard to guidance issued by the National Assembly.

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- (5) A direction under subsection (1)—
- (a) may relate to a particular class of young person;
 - (b) may make different provision for different classes of young person;
 - (c) may be revoked or varied by a later direction.

124 Local authority: duty and powers

- (1) A local authority—
- (a) shall comply with a direction given to it under section 123(1), and
 - (b) may provide, secure the provision of or participate in the provision of youth support services otherwise than in accordance with paragraph (a).
- (2) Action which a local authority takes in pursuance of subsection (1)—
- (a) may relate to a particular class of young persons;
 - (b) may relate to services for a person from another area.
- (3) In complying with a direction under section 123(1) a local authority shall have regard to the expediency of co-operation with voluntary organisations.
- (4) For the purpose of subsection (1) a local authority may—
- (a) incur expenditure;
 - (b) employ officers;
 - (c) enter into agreements for the supply of goods or services;
 - (d) do anything else (other than forming companies) which they consider necessary or expedient.
- (5) Nothing in or done under section 123 shall prejudice any power of a local authority to provide services or incur expenditure.

125 Consultation and coordination

- (1) Before complying with a direction under section 123(1) by providing, securing the provision of or participating in the provision of services for residents of a particular place or area, a local authority shall consult each of the following with responsibility for all or part of the area—
- (a) a Health Authority,
 - (b) a chief officer of police,
 - (c) a police authority,
 - (d) a probation committee, and
 - (e) a youth offending team.
- (2) The local authority shall also—
- (a) consult any voluntary body which provides services for young persons in the place or area concerned and which the local authority think it appropriate to consult,
 - (b) consult the National Council for Education and Training for Wales,
 - (c) consult any authority or person with whom arrangements have been made for the place or area concerned under section 10(1) or (3)(a), (b) or (c) of the Employment and Training Act 1973 (careers services),

- (d) consult any relevant organisation established for the purpose of enabling voluntary bodies to co-operate and co-ordinate their activities,
 - (e) consult such other persons as the local authority think appropriate, and
 - (f) provide such opportunities as the local authority think appropriate for young persons in the place or area concerned to express their views.
- (3) Subsection (4) applies where a local authority—
- (a) provide or propose to provide youth support services for the residents of a particular place or area, or
 - (b) secure or propose to secure the provision of youth support services for the residents of a particular place or area.
- (4) Where this subsection applies, persons and bodies listed in subsection (1) with responsibility for all or part of that place or area shall—
- (a) exercise their functions so as to support and assist the services provided, secured or proposed by the local authority, and
 - (b) coordinate the exercise of their functions, so far as seems reasonable, with persons providing those services.
- (5) Subsection (4) shall not require persons or bodies to take action which would significantly interfere with the efficient or effective exercise of their functions.

126 Educational institutions: information and access

- (1) Where a person is involved in the provision of services in pursuance of section 123(1) (a) or (b), an educational institution to which this section applies shall, for the purpose of the provision of those services—
- (a) provide him on request with the name and address of a pupil or student;
 - (b) provide him on request with the name and address of a parent of a pupil or student;
 - (c) provide him on request with information in the institution's possession about a pupil or student;
 - (d) permit him to have access to a pupil or student on the institution's premises at reasonable times;
 - (e) make available to him, so far as is reasonably convenient, facilities on the institution's premises for providing services to individual pupils or students or groups of pupils or students.
- (2) Information shall not be provided under subsection (1)(c)—
- (a) in the case of a pupil or student who has not attained the age of 16, if a parent of his has instructed the institution not to provide information of that kind under this section, or
 - (b) in the case of a pupil or student who has attained the age of 16, if he has instructed the institution not to provide information of that kind under this section.
- (3) This section applies to the following institutions—
- (a) community, foundation and voluntary schools,
 - (b) community or foundation special schools (other than those established in hospitals),
 - (c) city technology colleges and city colleges for the technology of the arts,

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- (d) pupil referral units,
- (e) institutions within the further education sector, and
- (f) institutions in receipt of funding from the National Council for Education and Training for Wales.

127 Inspection

- (1) Her Majesty's Chief Inspector of Education and Training in Wales—
 - (a) shall advise the National Assembly for Wales on request about matters relating to services provided in pursuance of section 123(1),
 - (b) may give the National Assembly other advice about those matters,
 - (c) shall, when requested to do so by the National Assembly, inspect and report on the provision of those services, and
 - (d) may undertake such other inspections of the provision of those services as he thinks fit.
- (2) The National Assembly shall consult the Chief Inspector before making a request under subsection (1)(a) or (c).
- (3) A request under subsection (1)(c)—
 - (a) may be general or in relation to specific matters,
 - (b) may relate to a specific person or institution providing services, or to a specific class of person or institution, and
 - (c) may relate to a specific area.
- (4) A reference in subsection (1) to the provision of services includes a reference to the management and use of resources in providing services.

128 Conduct and effect of inspections

- (1) This section applies where a service is inspected pursuant to a request under section 127(1)(c) or in accordance with section 127(1)(d).
- (2) A person carrying out or participating in the inspection shall have the same powers as an Inspector under the following provisions of the School Inspections Act 1996—
 - (a) section 6(3)(a) and (b) (right of access), and
 - (b) section 42 (computer records).
- (3) Section 42A of that Act (publication of reports) shall apply.
- (4) Where the Chief Inspector arranges for the publication of a report of an inspection, the person who provides the inspected service shall—
 - (a) prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it,
 - (b) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the National Assembly for Wales, and
 - (c) send copies of the statement to such persons as may be prescribed by regulations made by the National Assembly.
- (5) Where a local authority provides an inspected service, or secures or participates in the provision of an inspected service, the authority—

- (a) shall ensure that the action specified in any statement prepared under subsection (4)(a) is sufficient to remedy any weakness mentioned in the report, and
 - (b) shall take all reasonable steps to ensure that the action specified in the statement is taken within the period specified.
- (6) If the National Assembly consider that a local authority is failing to comply with its duties under subsection (5)—
- (a) the National Assembly may give directions to the local authority about the performance of those duties, and
 - (b) the authority shall comply with the directions.

129 Supplementary

- (1) In sections 123 to 128—
- “local authority” means a county council or a county borough council,
 - “Health Authority” has the meaning given by section 8 of the National Health Service Act 1977,
 - “parent”, in relation to a child, means a person who has parental responsibility for him within the meaning of section 3 of the Children Act 1989,
 - “probation committee” means a committee established under section 3 of the Probation Service Act 1993,
 - “police authority” has the meaning given by section 101 of the Police Act 1996,
 - “young person” has the meaning given by section 123(3),
 - “youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998, and
 - “youth support services” has the meaning given by section 123(2).
- (2) The power under section 123 shall not relate to services which are provided or to be provided outside Wales.