



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART IV

#### INSPECTIONS IN WALES

##### *New titles*

#### **73 Inspectors of Education and Training in Wales**

- (1) Her Majesty's Chief Inspector of Schools in Wales is renamed Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (2) Her Majesty's Inspectors of Schools in Wales are renamed Her Majesty's Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (3) In any provision of, or made under, any enactment—
  - (a) for "Her Majesty's Chief Inspector of Schools in Wales" substitute "Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru"; and
  - (b) for "Her Majesty's Inspectors of Schools in Wales" substitute "Her Majesty's Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru".

#### **74 Some defined terms**

- (1) In this Part—

"Council" means the National Council for Education and Training for Wales or Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant; and

"the National Assembly" means the National Assembly for Wales.
- (2) In this Part, any reference to the Chief Inspector for Wales is to be read as a reference to the person mentioned in section 73(1).

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### *Extended remit*

## **75 The extended remit of the Chief Inspector for Wales**

- (1) The following kinds of education and training are brought within the remit of the Chief Inspector for Wales by this Part—
  - (a) education or training for persons aged 16 or over where the provider of the education or training is given financial support by the Council or by a local education authority in Wales (either generally or for a specific purpose);
  - (b) education or training for persons aged 16 or over where the Council is, or a local education authority in Wales are, contemplating giving the provider of the education financial support (either generally or for a specific purpose);
  - (c) education or training provided for persons of compulsory school age in an institution in Wales which is within the further education sector;
  - (d) further education provided by a school under section 80 of the School Standards and Framework Act 1998;
  - (e) such other education or training in Wales as may be prescribed by regulations made by the National Assembly.
- (2) Neither paragraph (a) nor paragraph (b) of subsection (1) applies—
  - (a) to education of a kind that may be inspected under the Schools Inspections Act 1996; or
  - (b) if the financial support mentioned in that paragraph is given for a specific purpose, to education or training at which that support is not directed.

### *Additional functions*

## **76 Additional functions of the Chief Inspector for Wales**

- (1) The Chief Inspector for Wales must keep the National Assembly informed about—
  - (a) the quality of the education and training which is brought within the remit of the Chief Inspector for Wales by this Part;
  - (b) the standards achieved by those receiving that education and training; and
  - (c) whether the financial resources made available to those providing it are managed efficiently and used so as to provide value for money.
- (2) When asked to do so by the National Assembly, the Chief Inspector for Wales must—
  - (a) give the National Assembly advice on such matters, relating to education and training brought within the remit of the Chief Inspector for Wales by this Part, as the National Assembly may specify;
  - (b) inspect such education or training, or such class of education or training, within that remit as the National Assembly may specify;
  - (c) report on the result of an inspection conducted under this section.
- (3) The Chief Inspector for Wales is to have such other functions in connection with education and training brought within the remit of the Chief Inspector for Wales by this Part as the National Assembly may specify.
- (4) The functions specified under subsection (3) may include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision

of education or training which is brought within the remit of the Chief Inspector for Wales by this Part.

- (5) In exercising functions under this Part, the Chief Inspector for Wales must have regard to—
- (a) advice given by the National Assembly; and
  - (b) such aspects of the National Assembly’s policy as the National Assembly may specify.

## **77 Inspections**

- (1) The Chief Inspector for Wales must inspect education and training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) Inspections are to be conducted at such intervals as may be prescribed.
- (3) The Chief Inspector for Wales must report in writing on—
- (a) the quality of the education or training inspected;
  - (b) the standards achieved by those receiving that education or training; and
  - (c) whether the financial resources made available to the provider of the education or training are managed efficiently and used in a way which provides value for money.
- (4) The report under subsection (3) must be made within such period as may be prescribed.
- (5) The Chief Inspector for Wales must without delay send a copy of the report under subsection (3) to—
- (a) the National Assembly;
  - (b) the Council;
  - (c) any local education authority providing funds for the education or training inspected; and
  - (d) the provider of the inspected education or training.
- (6) Copies may also be sent to such other persons as the Chief Inspector for Wales considers appropriate.
- (7) A copy may be supplied under subsection (6) free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Chief Inspector for Wales may determine.
- (8) The Chief Inspector for Wales must arrange for the report to be published in such manner as he considers appropriate.
- (9) “Prescribed” means prescribed in regulations made by the National Assembly.

## **78 General powers**

- (1) The Chief Inspector for Wales may give advice to the National Assembly on any matter relating to education or training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) The Chief Inspector for Wales may inspect, and report on, any education or training of that kind.
- (3) The Chief Inspector for Wales may inspect any education or training—

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- (a) which is not of that kind, but
  - (b) which would be if it were funded in one of the ways mentioned in section 75, if the provider of the education or training asks the Chief Inspector for Wales to do so.
- (4) The Chief Inspector for Wales may charge for the cost of an inspection conducted under subsection (3).
- (5) Subsections (5) to (8) of section 77 apply to a report under subsection (2) as they apply to a report under that section.
- (6) The Chief Inspector for Wales may arrange for a report of an inspection carried out as a result of a request under subsection (3) to be published.

## **79 Right of entry and offences**

- (1) When conducting an inspection under this Part, the Chief Inspector for Wales has, at all reasonable times—
- (a) a right of entry to premises on which the education or training being inspected is provided;
  - (b) a right of entry to premises of the provider of that education or training which are used in connection with that provision;
  - (c) a right to inspect, and take copies of, any records kept by that person, and any other documents containing information relating to the education or training, which the inspector requires for the purposes of the inspection.
- (2) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (1) may be exercised only if the employer has been given reasonable notice in writing.
- (3) The right to inspect records conferred by subsection (1)(c) includes the right to have access to, and to inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question.
- (4) That right also includes the right to such assistance from—
- (a) the person by whom or on whose behalf the computer is or has been so used, or
  - (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
- as the Chief Inspector for Wales may reasonably require.
- (5) It is an offence wilfully to obstruct the Chief Inspector for Wales in the exercise of functions in relation to an inspection under this Part.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **80 Action plans**

- (1) This section applies if the Chief Inspector for Wales publishes a report of an inspection.
- (2) But it does not apply to a report of an inspection conducted—
- (a) as a result of a request under section 78(3); or
  - (b) under section 83.

- (3) The provider of the education or training which is the subject of the report must 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.
- (4) The person making the statement must—
  - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
  - (b) send copies of it to such persons as may be so prescribed.

## **81 Inspections of careers services etc**

In the Teaching and Higher Education Act 1998, after section 35, insert—

### **“35A Inspection of other careers services etc. in Wales**

- (1) This section applies if a person (“A”) who provides a relevant service to which section 35(1) applies also provides education, training or an advisory service—
  - (a) in pursuance of arrangements made by the National Assembly for Wales under section 2 of the Employment and Training Act 1973; or
  - (b) with the assistance of a grant or loan made under section 12(1) of the Industrial Development Act 1982.
- (2) The Chief Inspector for Wales shall, if requested to do so by the National Assembly for Wales, arrange for A to be inspected under this section.
- (3) A request may relate to more than one person and shall specify—
  - (a) the person or persons concerned, and
  - (b) the education, training or advisory service to which the inspection is to relate.
- (4) An inspection under this section is to consist of a review of the way in which A is providing the education, training or advisory service specified in the request.
- (5) Before making a request, the National Assembly for Wales must consult the Chief Inspector for Wales as to the matters to be specified in the request.
- (6) Subsections (6) to (6C) of section 35 apply in relation to an inspection under this section as they apply in relation to an inspection under that section.
- (7) In this section “the Chief Inspector for Wales” means Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.”

## **82 Inspections of education and training provided under 1973 Act arrangements**

- (1) The Chief Inspector for Wales may, at the request of the Secretary of State or the Adult Learning Inspectorate, inspect any education or training provided in Wales by the Secretary of State in accordance with arrangements made under section 2 of the Employment and Training Act 1973.
- (2) A report of an inspection conducted under this section at the request of the Secretary of State must be given to the Secretary of State.

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- (3) The Secretary of State may arrange for the report to be published in such manner as he considers appropriate.
- (4) A report of an inspection conducted under this section at the request of the Adult Learning Inspectorate must be given to that Inspectorate.
- (5) The Adult Learning Inspectorate may arrange for the report to be published in such manner as it considers appropriate.
- (6) The Chief Inspector for Wales must send a copy of any report under subsection (2) or (4) to the National Assembly.

### **83 Area inspections**

- (1) If asked to do so by the National Assembly, the Chief Inspector for Wales must inspect—
  - (a) the quality and availability of a specified description of education or training, in a specified area in Wales, for persons who are aged 16 or over;
  - (b) the standards achieved by those receiving that education or training; and
  - (c) whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector for Wales may, without being asked to, conduct such an inspection.
- (3) If financial resources have been applied by the Council or a local education authority in respect of education or training which is being inspected under this section, the inspection may extend to considering the manner in which those resources have been applied and whether they have been applied in a way which provides value for money.
- (4) The education or training that may be made the subject of an area inspection is any education or training within the remit of the Chief Inspector for Wales (whether as a result of this Part or of any other enactment).
- (5) A provider of education or training which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (6) The Council and any local education authority within the area which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (7) The National Assembly may by regulations make further provision with respect to the obligation to provide information imposed by this section.
- (8) On completing an area inspection, the Chief Inspector for Wales must make a written report.
- (9) Subsections (4), (5)(a) to (c) and (6) to (9) of section 77 apply to a report under this section as they apply to a report under that section.
- (10) “Area inspection” means an inspection under this section.

#### **84 Action plans following section 83 inspections**

- (1) This section applies if the Chief Inspector for Wales publishes a report of an area inspection conducted under section 83.
- (2) The National Assembly may direct the Council to prepare a written statement of the action which it proposes to take in the light of the report and the period within which it proposes to take it.
- (3) The National Assembly may direct a local education authority whose area is wholly or partly in the area covered by the report to prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (4) In preparing the statement the Council or the authority must consult such persons as the National Assembly may direct.
- (5) The person making the statement must—
  - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
  - (b) send copies of it to such persons as may be so prescribed.

#### **85 Studies across Wales or of provision made outside Wales**

- (1) The National Assembly may direct the Chief Inspector for Wales to carry out—
  - (a) a survey of Wales, or of a specified area within Wales, in respect of specified matters relating to policy concerned with education or training for persons aged 16 or over; or
  - (b) a comparative study of the provision made outside Wales in respect of specified matters relating to such education or training.
- (2) The Chief Inspector for Wales may, without being directed to, carry out a survey or study of that kind.

#### **86 Annual reports**

- (1) The annual report of the Chief Inspector for Wales required by section 5(7)(a) of the School Inspections Act 1996 must include an account of the exercise of functions of the Chief Inspector for Wales under this Part.
- (2) The power conferred by that section to make other reports includes a power to make reports with respect to matters relating to education or training which is brought within the remit of the Chief Inspector for Wales by this Part.

#### **87 Annual plan of the Chief Inspector for Wales**

- (1) The Chief Inspector for Wales must, for the purposes of the consultation required under section 104(4) of the 1998 Act (funding of HM Chief Inspector of Education and Training for Wales), prepare a plan for each financial year.
- (2) The plan must be submitted to the National Assembly by such time before the beginning of the financial year to which it relates as the National Assembly may direct.
- (3) The plan must contain estimates of—

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- (a) the expenditure necessary, in the financial year to which the plan relates, in order to secure that the functions of the Chief Inspector for Wales are discharged effectively; and
  - (b) the income which the Chief Inspector for Wales will receive in that financial year and which may be applied towards meeting the expenses of the Chief Inspector for Wales.
- (4) The plan must also contain proposals for the management of any funds which may be provided by the National Assembly for that financial year.
- (5) The Chief Inspector for Wales may, after the plan has been approved under section 104(4A) of the 1998 Act, publish it in such manner and at such time as appear to the Chief Inspector for Wales to be appropriate.
- (6) “The 1998 Act” means the Government of Wales Act 1998.

## **88 Defamation**

- (1) For the purposes of the law of defamation, any report under this Part is privileged unless its publication is shown to have been made with malice.
- (2) Nothing in subsection (1) limits any privilege subsisting apart from that subsection.