WELSH STATUTORY INSTRUMENTS

2010 No. 1436 (W.127)

EDUCATION, WALES

The Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010

Made - - - -	*17 May 2010*
Laid before the National Assembly for Wales - -	*19 May 2010*
Coming into force - -	*1 September 2010*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by section 122(1) and section 138(7) and (8) of, and paragraph 6B(1)(a) of Schedule 26, to the School Standards and Framework Act 1998(**1**), and in exercise of the powers conferred on the National Assembly for Wales by section 77(2) and (9), section 150 and section 152 of the Learning and Skills Act 2000(**2**), and in exercise of the powers conferred on the National Assembly of Wales by section 28(1), section 50(4) and (8) and section 120(2) of, and paragraph 2(1) of Schedule 6, to the Education Act 2005(**3**), and now vested in them make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010 and they come into force on 1 September 2010.

(2) These Regulations apply in relation to Wales.

(**1**) 1998 c. 31. Section 122(1) was amended by paragraph 33(1) and (3) of Schedule 2 to the Childcare Act 2006 (c. 21), and paragraph 6, as originally enacted, of Schedule 26 was substituted for paragraph 6B by paragraphs 8 and 12 of Part II of Schedule 7 to the Education Act 2005 (c. 18). The functions of the Secretary of State under section 138 and Schedule 26 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) 2000 c. 21. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(**3**) 2005 c. 18. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Amendment to the Education (Inspection of Nursery Education) (Wales) Regulations 1999

2.—(1) The Education (Inspection of Nursery Education) (Wales) Regulations 1999(**4**) are amended as follows.

(2) For regulation 4, substitute—

"**4.**—(1) The Chief Inspector must secure that relevant nursery education is inspected under paragraph 6B(1)(a) of Schedule 26 to the Act—

(a) where there has been no previous inspection under that paragraph, within six years of the date on which relevant nursery education was first provided at the premises concerned, and

(b) in all other cases within six years of the date on which the last inspection was completed.

(2) For the purposes of this regulation the date on which the last inspection was completed is the date of the report of the last inspection under paragraph 6B of Schedule 26 to the Act.".

Amendment to the Inspection of Education and Training (Wales) Regulations 2001

3.—(1) The Inspection of Education and Training (Wales) Regulations 2001(**5**) are amended as follows.

(2) For regulation 2, substitute—

"**2.**—(1) Inspections must be conducted—

(a) where there has been no previous inspection, within six years of the date of establishment of the institution providing education and training which is to be inspected, and

(b) in all other cases, within six years of the date on which the last inspection was completed.

(2) For the purpose of this regulation the date on which the last inspection was completed is the date of the last inspection report.".

Amendment to the Education (School Inspection) (Wales) Regulations 2006

4.—(1) The Education (School Inspection) (Wales) Regulations 2006(**6**) are amended as follows.

(2) For regulation 6, substitute—

"**6.**—(1) The Chief Inspector must secure that every school to which section 28 of the 2005 Act applies is inspected—

(a) in the case of a school which has not been previously inspected, within six years of the date on which pupils were first admitted to the school, and

(b) in all other cases, within six years of the date on which the last inspection was completed.

(**4**) S.I. 1999/1441 as amended by the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004 (S.I. 2004/1743 (W.182)), and the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913 (W.210)).

(**5**) S.I. 2001/2501 (W.204) as amended by the Inspection of Education and Training (Amendment) (Wales) Regulations 2004 (S.I. 2004/783 (W.80)), and the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W.243)).

(**6**) S.I. 2006/1714 (W.176).

(2) For the purpose of this regulation the date on which the last inspection was completed is the date of the last inspection under section 28 of the 2005 Act.".

Amendments to the Inspection of the Careers and Related Services (Wales) Regulations 2006

5.—(1) The Inspection of the Careers and Related Services (Wales) Regulations 2006(**7**) are amended as follows.

(2) For regulation 3, substitute—

"**3.**—(1) This regulation applies in the case of a service provider or relevant provider who has not previously been inspected under sections 55 or 56 of the 2005 Act.

(2) The Chief Inspector must inspect the service provider or relevant provider under sections 55 or 56 of the 2005 Act (as the case may be), within six years of the date of which the service provider or relevant provider first became such a provider.".

(3) For regulation 4, substitute—

"**4.**—(1) Save where regulation 3 applies, the Chief Inspector must inspect each service provider under section 55 of the 2005 Act and each relevant provider under section 56 of the 2005 Act within six years of the date on which the last inspection was completed.

(2) For the purposes of this regulation the date on which the last inspection was completed is the date of the last inspection report.".

Carwyn Jones
First Minister, one of the Welsh Ministers

17 May 2010

(**7**) S.I. 2006/3103 (W.286).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the—

(a) Education (Inspection of Nursery Education) (Wales) Regulations 1999,

(b) Inspection of Education and Training (Wales) Regulations 2001,

(c) Education (School Inspection) (Wales) Regulations 2006, and

(d) Inspection of Careers and Related Services (Wales) Regulations 2006,

so as to require Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru to secure that inspections take place within six years of the date of the last inspection.