

LEARNING AND SKILLS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part III - Inspections in England

Chapter I: Sections 52 to 59 and Schedule 6: the Adult Learning Inspectorate

95. **Section 52 and Schedule 6** provide for the establishment of the new Non-Departmental Public Body - the Adult Learning Inspectorate (ALI). ALI will have nine members appointed by the Secretary of State. The Secretary of State will appoint one member as chairman and another as chief officer, and the latter will be known as the Chief Inspector of Adult Learning. The Chairman and the Chief Inspector of Adult Learning cannot be the same person. This section also allows the Secretary of State to make grants to the ALI with such conditions as he sees fit.
96. **Schedule 6** makes provision about members and staff of the Inspectorate and about administrative matters, including salaries, pensions and accounts. It permits the Secretary of State to remove any member from office on the grounds of persistent non-attendance, inability or unfitness for office. The Inspectorate is permitted to set up committees and to delegate functions to the Chairman, the chief officer or to committees. Committees may include persons who are not members of the Inspectorate. The Schedule also sets out provisions as to members' interests and their conduct if a conflict of interest should arise. The Inspectorate will not be an agent of the Crown and its staff will not be civil servants.
97. **Section 53** sets out the Inspectorate's remit to inspect further education for people aged 19 and over funded by the LSC or an LEA; training provided wholly or partly on employers' premises for people aged over 16, which is wholly or partly funded by the LSC; and training funded (through the Employment Service) under the Employment and Training Act 1973. There is a regulation-making power to enable other education and training to be prescribed as being within the remit. The regulations may bring training of and for further education teachers and lecturers within ALI's remit.
98. **Section 54** places a duty upon the Inspectorate to keep the Secretary of State informed about the quality, standards and value for money of the provision of education and training which are within its remit. It also places a duty upon the Chief Inspector of Adult Learning to conduct inspections both at intervals and on the request of the Secretary of State. The Secretary of State may specify other functions for the Chief Inspector or the Inspectorate in connection with their remit and both the Chief Inspector and the Inspectorate are required to have regard to specified aspects of Government policy.
99. **Section 55** provides that where an inspection is required by the Secretary of State, the Chief Inspector of Adult Learning must make a written report to the Secretary of State where requested to do so. The report must state whether the quality of provision is adequate to meet the reasonable needs of those receiving it. The Chief Inspector must send copies of any such inspection report to various listed parties and make arrangements for publication.

*These notes refer to the Learning and Skills Act 2000
(c.21) which received Royal Assent on 28 July 2000*

100. **Section 56** confers on the Inspectorate powers to give advice to the Secretary of State and to inspect and make reports upon provision within its remit. It also provides the Inspectorate with a power to inspect other training on request, for instance, that which is funded wholly by an employer. In such circumstances, the Inspectorate may charge for the cost of an inspection.
101. **Section 57** provides that the Chief Inspector will have a reasonable right of access to the premises of the providers being inspected, including access to electronic information held on computers. This right will, in general, be exercised by inspectors fulfilling the functions of the Chief Inspector, as a result of paragraph 5 of Schedule 1 to the School Inspections Act 1996. The inspectors will also be able to take copies of any records and documents relating to the education and training provision being inspected. Obstruction of an inspector in these circumstances will be an offence, and anyone found guilty is liable to a fine up to a maximum of level 4 on the standard scale, which is currently £2,500.
102. **Section 58** requires a provider of education or training to prepare an action plan following the publication of an inspection report, indicating the actions, and the timing of the actions, he proposes in the light of the findings within the report. There is a regulation-making power to govern publication and dissemination of the plans.
103. **Section 59** imposes a duty on the Inspectorate to produce an annual report on its activities which the Secretary of State must lay before Parliament. It also permits the Inspectorate to make reports on education or training within its remit at other times.