



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART III

#### INSPECTIONS IN ENGLAND

#### CHAPTER I

#### THE ADULT LEARNING INSPECTORATE

#### *The Inspectorate*

#### 52 The Inspectorate

- (1) There shall be a body corporate called the Adult Learning Inspectorate.
- (2) The Inspectorate is to consist of 9 members appointed by the Secretary of State.
- (3) The Secretary of State must appoint one of the members as chairman and another of the members as the Inspectorate's chief officer.
- (4) The chief officer is to be known as the Chief Inspector of Adult Learning.
- (5) In appointing any member, the Secretary of State must have regard to the desirability of appointing a person who has experience relevant to the Inspectorate's functions.
- (6) The Secretary of State may make grants to the Inspectorate of such amounts and subject to such conditions as he thinks fit.
- (7) The conditions may—
  - (a) set the Inspectorate's budget for any of its financial years;
  - (b) require it to use the grants for specified purposes;
  - (c) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by him if any condition imposed is not complied with;

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- (d) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.
- (8) Schedule 6 contains provisions about the Inspectorate.

### **53 The Inspectorate’s remit**

- (1) The Inspectorate’s remit is—
  - (a) further education for persons aged 19 or over which is wholly or partly funded by the Learning and Skills Council for England;
  - (b) training for persons aged 16 or over so far as it takes place wholly or partly at the premises of an employer and is wholly or partly funded by the Council;
  - (c) further education funded by a local education authority in England for persons aged 19 or over;
  - (d) training for persons aged 16 or over which is funded by the Secretary of State under section 2 of the Employment and Training Act 1973;
  - (e) such other education or training as may be prescribed by regulations made by the Secretary of State.
- (2) Regulations made under subsection (1)(e) may include within the Inspectorate’s remit training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training which otherwise falls within the Inspectorate’s remit.
- (3) “Further education” has the same meaning as it has in the Education Act 1996.

#### *Functions of the Inspectorate and the Chief Inspector*

### **54 Functions of the Inspectorate and Chief Inspector**

- (1) The Inspectorate must keep the Secretary of State informed about—
  - (a) the quality of the education and training within its remit;
  - (b) the standards achieved by those receiving that education and 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) When asked to do so by the Secretary of State, the Inspectorate must give the Secretary of State advice on such matters relating to education or training within its remit as he may specify.
- (3) When asked to do so by the Secretary of State, the Chief Inspector of Adult Learning must conduct inspections of such education or training, or such class of education or training, within the Inspectorate’s remit, at such intervals, as the Secretary of State may specify.
- (4) The Inspectorate is to have such other functions in connection with education and training within its remit as the Secretary of State may specify.
- (5) The Chief Inspector is to have such other functions in connection with education and training within the Inspectorate’s remit as the Secretary of State may specify.

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- (6) The functions specified under subsection (4) or (5) 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 falls within the Inspectorate's remit.
- (7) In exercising their functions, the Inspectorate and the Chief Inspector must have regard to such aspects of government policy as the Secretary of State may specify.

## **55 Inspections under section 54**

- (1) When an inspection asked for under section 54(3) has been completed, the Chief Inspector of Adult Learning must make a written report on it if asked to do so by the Secretary of State.
- (2) The report—
  - (a) must state whether the Chief Inspector considers the education or training inspected to be of a quality adequate to meet the reasonable needs of those receiving it; and
  - (b) may deal with such other matters as he considers relevant.
- (3) The Chief Inspector must send copies of the report to—
  - (a) the Secretary of State;
  - (b) the Learning and Skills Council for England;
  - (c) any local education authority providing funds for the education or training inspected; and
  - (d) the provider of the inspected education or training.
- (4) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (5) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

## **56 General powers**

- (1) The Inspectorate may give advice to the Secretary of State on any matter relating to education or training within its remit.
- (2) The Inspectorate may inspect, and report on, any education or training within its remit.
- (3) The Inspectorate may inspect any education or training—
  - (a) which is not within its remit, but
  - (b) which would be if it were funded in one of the ways mentioned in section 53, if asked to do so by the provider of the education or training.
- (4) The Inspectorate may charge for the cost of an inspection conducted under subsection (3).
- (5) The Inspectorate must send copies of a report of an inspection conducted under this section otherwise than as a result of a request under subsection (3) to—
  - (a) the Secretary of State;
  - (b) the Learning and Skills Council for England;
  - (c) any local education authority providing funds for the education or training inspected; and

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- (d) the provider of the inspected education or training.
- (6) Copies may also be sent to such other persons as the Inspectorate considers appropriate.
- (7) The Inspectorate must arrange for the report to be published in such manner as it considers appropriate.
- (8) The Inspectorate may arrange for a report of an inspection carried out as a result of a request under subsection (3) to be published.

## **57 Right of entry and offences**

- (1) This section applies to an inspection conducted under this Chapter other than one conducted as a result of a request under section 56(3).
- (2) An inspector taking part in the inspection 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 person providing that education or training 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.
- (3) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (2) may be exercised only if the employer has been given reasonable notice in writing.
- (4) The right to inspect records conferred by subsection (2)(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.
- (5) That right also includes the right to require—
  - (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,to afford the Inspectorate or any inspector such assistance as he may reasonably require.
- (6) It is an offence wilfully to obstruct any person exercising functions in relation to an inspection.
- (7) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) “Inspector”, in relation to an inspection, means an employee of the Inspectorate taking part in the inspection or any person appointed by the Inspectorate to assist with the inspection and includes the Chief Inspector of Adult Learning where the inspection is being conducted by him.

## **58 Action plans**

- (1) This section applies if the Inspectorate or the Chief Inspector of Adult Learning publishes a report of an inspection conducted otherwise than as a result of a request under section 56(3).
- (2) The provider of the education or training which is the subject of the report must make 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.
- (3) 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 Secretary of State; and
  - (b) send copies of it to such persons as may be so prescribed.
- (4) The requirements of subsection (2) may be waived by the Inspectorate or the Chief Inspector.

## **59 Annual report**

- (1) The Inspectorate must make an annual report to the Secretary of State.
- (2) The Secretary of State must lay a copy of the annual report before each House of Parliament.
- (3) The annual report must be in such form and contain such information as the Secretary of State specifies in directions given to the Inspectorate.
- (4) The Inspectorate may make such other reports to the Secretary of State, with respect to matters relating to education or training within its remit, as it considers appropriate.
- (5) The Inspectorate may publish any report made under this section in such manner as it considers appropriate.

## **CHAPTER II**

### **HER MAJESTY’S CHIEF INSPECTOR OF SCHOOLS IN ENGLAND**

#### *The Chief Inspector’s extended remit*

## **60 The extended remit**

- (1) The following kinds of education and training are brought within the remit of Her Majesty’s Chief Inspector of Schools in England by this Chapter—
  - (a) secondary education provided in institutions which are in England and within the further education sector;
  - (b) further education provided in the further education sector which is suitable to the requirements of those aged 16 or over but under 19 and funded wholly or partly by the Learning and Skills Council for England;
  - (c) further education provided by local education authorities in England for persons aged under 19;

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- (d) such other education or training (which may, in particular, include training of or for teachers or lecturers) as may be prescribed by regulations made by the Secretary of State.
- (2) “Secondary education” and “further education” have the same meaning as they have in the Education Act 1996.

### *Additional functions*

## **61 Additional functions of the Chief Inspector**

- (1) Her Majesty’s Chief Inspector of Schools in England must keep the Secretary of State informed about—
  - (a) the quality of the education and training brought within the Chief Inspector’s remit by this Chapter;
  - (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 Secretary of State, the Chief Inspector must—
  - (a) give him advice on such matters, relating to education or training brought within the Chief Inspector’s remit by this Chapter, as the Secretary of State may specify;
  - (b) inspect such education or training, or such class of education or training, within that remit as the Secretary of State may specify;
  - (c) report on the result of an inspection conducted under this section.
- (3) The Chief Inspector is to have such other functions in connection with education and training brought within the Chief Inspector’s remit by this Chapter, including functions with respect to the training of or for teachers or lecturers, as the Secretary of State may specify.

## **62 Inspection of further education institutions**

- (1) Her Majesty’s Chief Inspector of Schools in England must inspect all institutions within the further education sector other than those providing education or training falling wholly within the remit of the Adult Learning Inspectorate.
- (2) Inspections are to be conducted at such intervals as may be specified by the Secretary of State.
- (3) When the Chief Inspector has completed an inspection under this section he must make a written report.
- (4) The report—
  - (a) must state whether the Chief Inspector considers the education or training inspected to be adequate to meet the reasonable needs of those receiving it; and
  - (b) may deal with such other matters as the Chief Inspector considers relevant.
- (5) Copies of the report must be sent to—
  - (a) the Secretary of State;

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- (b) the Learning and Skills Council for England;
  - (c) the provider of the education or training inspected.
- (6) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (7) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

### **63 Right of entry and offences**

- (1) This section applies to an inspection conducted under section 61(2)(b), 62, 65 or 68(2).
- (2) When conducting an inspection, Her Majesty’s Chief Inspector of Schools in England 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 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 Chief Inspector requires for the purposes of the inspection.
- (3) The right to inspect conferred by subsection (2)(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 require—
- (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,
- to afford the Chief Inspector such assistance as he may reasonably require.
- (5) It is an offence wilfully to obstruct the Chief Inspector in the exercise of functions in relation to an inspection.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **64 Action plans**

- (1) This section applies if Her Majesty’s Chief Inspector of Schools in England publishes a report of an inspection conducted under section 61(2)(b), 62 or 68(2).
- (2) 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.
- (3) 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 Secretary of State; and
  - (b) send copies of it to such persons as may be so prescribed.
- (4) The requirements of subsection (2) may be waived by the Chief Inspector.

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## **65 Area inspections**

- (1) If asked to do so by the Secretary of State, Her Majesty’s Chief Inspector of Schools in England must inspect—
  - (a) the quality and availability of a specified description of education or training, in a specified area in England, for persons who are aged 16 or over but under 19;
  - (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 may, without being asked to, conduct such an inspection.
- (3) If financial resources have been applied by the Learning and Skills Council for England 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—
  - (a) the Chief Inspector’s remit (whether as a result of this Chapter or of any other enactment); or
  - (b) the Adult Learning Inspectorate’s remit.
- (5) If, in connection with an area inspection, the Chief Inspector asks the Chief Inspector of Adult Learning for advice on a matter relating to education or training within the Inspectorate’s remit, he must give such advice as he considers likely to be appropriate for the purposes of the inspection.
- (6) If the Chief Inspector asks the Chief Inspector of Adult Learning to undertake a specified part of an area inspection, he must do so.
- (7) A provider of education or training which is the subject of an area inspection must—
  - (a) provide the Chief Inspector with any information reasonably asked for by him in connection with the inspection;
  - (b) provide the Chief Inspector of Adult Learning with any information reasonably asked for by him in connection with the inspection.
- (8) Any local education authority whose area, or part of whose area, is within the area which is the subject of an area inspection must provide the Chief Inspector with such information as the Chief Inspector may reasonably ask for in connection with the inspection.
- (9) “Area inspection” means an inspection under this section.

## **66 Reports of area inspections**

- (1) On completing an area inspection, Her Majesty’s Chief Inspector of Schools in England must make a written report.
- (2) In preparing the report the Chief Inspector must ensure that the views of the Chief Inspector of Adult Learning in relation to the subject matter of the inspection, so far as—



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- (a) the Chief Inspector is aware of them, and
  - (b) they relate to matters within the Inspectorate’s remit,
- are properly recorded in the report.
- (3) The Chief Inspector must send a copy of the report to—
- (a) the Secretary of State,
  - (b) the Learning and Skills Council for England;
  - (c) the Adult Learning Inspectorate;
  - (d) each local education authority whose area, or part of whose area, falls within the area which is the subject of the inspection; and
  - (e) such other persons as he considers appropriate.
- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

## **67 Action plans following section 65 inspections**

- (1) This section applies if Her Majesty’s Chief Inspector of Schools in England publishes a report of an area inspection conducted under section 65.
- (2) The Secretary of State may direct the Learning and Skills Council for England 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 Secretary of State 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 Secretary of State 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 Secretary of State; and
  - (b) send copies of it to such persons as may be so prescribed.

## **68 Further powers of the Chief Inspector**

- (1) Her Majesty’s Chief Inspector of Schools in England may give advice to the Secretary of State on any matter relating to education or training of a kind brought within his remit by this Chapter.
- (2) The Chief Inspector may—
- (a) inspect any education or training of that kind;
  - (b) report to the Secretary of State on any such inspection; and
  - (c) arrange for any such report to be published in such manner as he considers appropriate.

## CHAPTER III

### THE COMMON INSPECTION FRAMEWORK AND JOINT INSPECTIONS

#### *The Common Inspection Framework*

#### **69 The framework**

- (1) The Inspectorate and Her Majesty’s Chief Inspector of Schools in England must devise a common set of principles applicable to all inspections conducted under this Part.
- (2) When they have settled those principles in accordance with the provisions of section 70 they must set them out in a document to be known as the Common Inspection Framework (but referred to in this Part as “the framework”).
- (3) They must then publish the framework in such a way as they consider appropriate.
- (4) The first framework must be settled and come into effect by such date as the Secretary of State may direct.
- (5) The Inspectorate and the Chief Inspector, acting together, may at any time revise the framework.

#### **70 Preparation of the framework**

- (1) The Inspectorate and Her Majesty’s Chief Inspector of Schools in England must prepare a draft of the proposed framework and publish it in such a way as they think best calculated to draw it to the attention of the public.
- (2) They must consult—
  - (a) the Secretary of State,
  - (b) the Learning and Skills Council for England, and
  - (c) such other persons as they consider appropriate,about the draft framework, allowing at least three months for those consulted to respond.
- (3) In settling the terms of the framework the Inspectorate and the Chief Inspector must have regard to the results of their consultations on the draft.
- (4) If at any time while preparing the draft framework or settling the terms of the framework, the Inspectorate and the Chief Inspector are unable to agree on any matter—
  - (a) they may refer their disagreement to the Secretary of State; and
  - (b) must have regard to any advice that he gives them.
- (5) If they are still unable to agree on the matter they must tell the Secretary of State and comply with any direction that he gives them as to how to resolve their disagreement.
- (6) If the Inspectorate and the Chief Inspector propose to revise the framework they must prepare a draft of the proposed revision and publish it, together with an explanation of the effect that it would have, in such a way as they think best calculated to draw it to the attention of the public.
- (7) Subsections (2) to (5) apply equally to a revision of the framework.

### *Joint inspections*

#### **71 Joint inspections**

- (1) The Secretary of State may by regulations make provision for inspections to be carried out under this Part as joint inspections under the direction of Her Majesty's Chief Inspector of Schools in England in cases in which a person provides—
  - (a) education or training of a kind that is within the remit of the Inspectorate, and
  - (b) education or training of a kind brought within the Chief Inspector's remit by Chapter II.
- (2) The regulations may, in particular, make provision—
  - (a) as to the circumstances in which a joint inspection must be conducted;
  - (b) as to the circumstances in which a joint inspection may be conducted;
  - (c) for establishing the circumstances of a particular case;
  - (d) requiring a joint inspection to be conducted according to a plan prepared by the Chief Inspector in accordance with the regulations;
  - (e) for provisions of this Part to apply in relation to a joint inspection with such modifications as may be prescribed;
  - (f) for the preparation and publication of a single report by the Chief Inspector of the results of a joint inspection;
  - (g) for the making by such persons as may be prescribed of written statements of proposed action (in the light of the report) and of the period within which any such action may be taken.
- (3) The person making a statement required by provision made as a result of subsection (2) (g) must—
  - (a) publish it within such period, and in such manner, as may be prescribed; and
  - (b) send copies of it to such persons as may be prescribed.

## **CHAPTER IV**

### **GENERAL**

#### **72 Defamation**

- (1) For the purposes of the law of defamation a report published under a provision of, or made as a result of, 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.