

2001 No. 799

**EDUCATION, ENGLAND
EMPLOYMENT AND TRAINING, ENGLAND AND
WALES**

**The Post-16 Education and Training Inspection Regulations
2001**

<i>Made - - - -</i>	<i>6th March 2001</i>
<i>Laid before Parliament</i>	<i>9th March 2001</i>
<i>Coming into force</i>	<i>1st April 2001</i>

In exercise of the powers conferred on the Secretary of State by sections 53(1)(e) and (2), 58(3), 60(1)(d), 64(3), 67(5), 71 and 152 of the Learning and Skills Act 2000^(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Post-16 Education and Training Inspection Regulations 2001 and shall come into force on 1st April 2001.

Interpretation

2.—(1) In these Regulations:—

“the Act” means the Learning and Skills Act 2000;

“the Chief Inspector of Schools” means Her Majesty’s Chief Inspector of Schools in England;

“Inspectorate” means either the Adult Learning Inspectorate or the Chief Inspector of Schools;

“joint inspection” means an inspection by both the Adult Learning Inspectorate and the Chief Inspector of Schools;

“provider” means a person providing education or training;

“sole inspection” means an inspection by either the Adult Learning Inspectorate or the Chief Inspector of Schools;

“the two Inspectorates” means the Adult Learning Inspectorate and the Chief Inspector of Schools.

^(a) 2000 c. 21.

(2) Any reference in these Regulations to the Adult Learning Inspectorate includes a reference to the Chief Inspector of Adult Learning.

(3) Where these Regulations require an act to be done within a specified period from a specified date, the period begins immediately after that date.

PART II

JOINT INSPECTIONS

Establishing whether a joint inspection may be conducted

3.—(1) An Inspectorate which is proposing to conduct an inspection pursuant to Part III of the Act must, before beginning such inspection, ascertain whether the education or training to be inspected falls within the remits of the two Inspectorates.

(2) The provider of the education or training to be inspected must give to an Inspectorate such information or other assistance as that Inspectorate may reasonably require for the purpose of enabling it to comply with the duty in paragraph (1) above.

(3) Where it appears to an Inspectorate that the education or training falls within the remits of the two Inspectorates it must so inform that other Inspectorate and (where he had asked that the inspection be conducted) the Secretary of State.

Circumstances in which a joint inspection is to be conducted

4. Where a person provides education or training which falls within the remits of the two Inspectorates:

- (a) the Secretary of State may require the two Inspectorates to carry out a joint inspection of the education or training under the direction of the Chief Inspector of Schools; or
- (b) the Chief Inspector of Schools may require the Adult Learning Inspectorate to participate in a joint inspection of the education or training under the direction of the Chief Inspector of Schools.

Planning a joint inspection

5.—(1) A joint inspection must be carried out by a single team of inspectors made up of—

- (a) persons authorised under paragraph 5(1) of Schedule 1 to the School Inspections Act 1996^(a) by the Chief Inspector of Schools;
- (b) Inspectors of Adult Learning or persons authorised by the Chief Inspector of Adult Learning; or
- (c) a mixed group of such persons,

in accordance with a plan prepared by the Chief Inspector of Schools.

(2) The plan must (in the circumstances set out in paragraph 5(1)(c)) include details of the proportion of inspectors falling within paragraph (1)(a) and (b).

Reports following a joint inspection

6.—(1) Where a joint inspection has been completed, the Chief Inspector of Schools must make a written report.

(2) The report—

- (a) must state whether the Chief Inspector of Schools considers the education and 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) When making his written report, the Chief Inspector of Schools must reflect the collective judgement of the inspectors who conducted the joint inspection.

(4) Subject to paragraph (3) above, section 62(5) to (7) of the Act applies to reports of joint inspections as it applies to reports following inspections under that section.

^(a) 1996 c. 57.

Action plans following a joint inspection

7. The provider whose education or training was 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 that action is to be taken.

PART III

PUBLICATION OF ACTION PLANS

Publication etc. of statements (action plans) following inspection reports

8.—(1) This regulation prescribes, for the purposes of section 58(3), 64(3) and 71(3) of the Act, the period within which the statement required to be prepared by section 58(2) or 64(2) of the Act or regulation 7 must be published, the manner of publication and the persons to whom copies must be sent.

(2) The person making the statement must publish it (in accordance with paragraph (4)) within two months from the date on which he receives the report (pursuant to section 56(5)(d) or 62(5)(c) of the Act or pursuant to section 62(5)(c) of the Act as applied by regulation 6(4));

(3) For the purposes of paragraph (3) where the person making the statement is an institution which arranges education or training by reference to terms, any period falling outside a term of the institution shall be disregarded.

(4) The person making the statement must publish the statement by making copies available on request to any person to whom he is providing education or training which was the subject matter of the inspection, to any employer of such a person who has made arrangements with him relating to the provision of such education or training and to any other person who appears to him to have an interest in such education or training.

(5) The person providing the statement must send copies to—

- (a) the Chief Inspector of Schools where the inspection was conducted by him or was a joint inspection;
- (b) the Adult Learning Inspectorate where the inspection was conducted by them or was a joint inspection;
- (c) the Learning and Skills Council for England; and
- (d) any body which the person making the statement is aware is providing public funds in respect of education or training which was the subject matter of the joint inspection.

Publication etc. of statements (action plans) following area inspection reports

9.—(1) This regulation prescribes for the purposes of section 67(5) of the Act the period within which the statement required to be prepared under section 67(2) or (3) of the Act must be published, the manner of publication and the persons to whom copies must be sent.

(2) The person making the statement must publish it (in accordance with paragraph (4)) within three months from the date on which he is directed to prepare the statement under section 67(2) or (3) of the Act.

(3) For the purposes of paragraph (2) where the inspection under section 65 of the Act includes any institution which arranges education or training by reference to terms any period falling outside the term of any such institution shall be disregarded.

(4) The person making the statement must publish it by making copies available on request to any person who appears to have an interest in the education or training which was the subject matter of the inspection.

(5) The person making the statement shall send copies to—

- (a) the Chief Inspector of Schools;
- (b) the Adult Learning Inspectorate;
- (c) any body which the person making the statement is aware is providing public funds to any provider in respect of the education and training which was the subject matter of the inspection; and

- (d) each provider who provides the education or training which was the subject matter of the inspection.

PART IV

REMITTS OF INSPECTORATES

Remit of Adult Learning Inspectorate

10. The training of persons who will themselves provide training mentioned in section 53(1)(b) or (d) of the Act is prescribed for the purpose of section 53(1)(e) of the Act (which provides that the Adult Learning Inspectorate's remit includes such other education or training as may be prescribed).

Remit of the Chief Inspector of Schools

11.—(1) The following education and training as prescribed for the purposes of section 60(1)(d) of the Act (which provides that the extended remit of the Chief Inspector of Schools includes such other education or training as may be prescribed)—

- (a) LSC or HEFCE funded training, wherever conducted, to fit persons to be teachers or lecturers of further education;
- (b) education or training provided for persons outside 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.

(2) In paragraph (1) above "LSCE or HEFCE funded training" means training funded wholly or partly by the Learning and Skills Council for England or the Higher Education Funding Council for England.

6th March 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for joint inspections, by the Adult Learning Inspectorate and Her Majesty's Chief Inspector of Schools in England, of those institutions which provide education or training which falls within the remits of both Inspectorates (which remits are set out in Part III of the Learning and Skills Act 2000). They also make provisions for the publication of action plans following inspection and for expending the remit of the Adult Learning Inspectorate and the Chief Inspector of Schools in England.

Part II makes provision with respects to joint inspections.

Regulation 3 requires each Inspectorate, when proposing to conduct an inspection of an education or training provider, to ascertain whether such provision falls within the remits of both Inspectorates and, if it does, to tell the other Inspectorate and the Secretary of State (where the latter had initially requested the inspection). The provider must supply such information as is reasonably required by an Inspectorate for this purpose.

Regulation 4 requires a joint inspection to be conducted when the Secretary of State asks the two Inspectorates to conduct one. The Chief Inspector may also initiate a joint inspection by the two Inspectorates.

Regulation 5 requires the Chief Inspector to draw up a plan in accordance with which the joint inspection will be conducted.

Regulation 6 deals with reports following joint inspections. It also requires the Chief Inspector's report to reflect the collective judgement of those conducting the inspection, and applies provisions of the Act relating to publication and sending of copies of reports.

Regulation 7 requires an action plan to be published by the provider.

Regulations 8 and 9 prescribe the persons to whom copies of action plans required to be prepared following inspection reports (including reports of area inspections) must be sent.

Regulation 10 expands the remit of the Adult Learning Inspectorate to include the inspection of training provided to those who themselves train others.

Regulation 11 expands the remit of Her Majesty's Chief Inspector of Schools in England to include the inspection of education and training provided to teachers and lecturers of further education and also the state funded education and training provided in institutions outside the further education sector (which includes that provided to 16 to 18 year olds with learning difficulties and to students of dance and drama).

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STATUTORY INSTRUMENTS

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