

**Education and Lifelong Learning Committee**

**THE INSPECTION OF EDUCATION AND TRAINING (WALES) REGULATIONS 2001**

**Note on the significance of the Regulations and the Committee's powers**

As regards the significance of the regulations, the short answer is that they supplement provisions of the Act, which would otherwise be incomplete. They fill in the detail as it were. Until regulations are in force there is a lacuna in the legislative framework for inspections under the Learning and Skills Act. For example, the regulations prescribe the time by which the inspection reports and action plans required by the Act must be prepared, so until the regulations are in force the duties under the Act to prepare these reports and plans are incomplete. You will see that the coming into force date is specified as 1 August. Ideally the regulations should have been in place on 1 April when the inspection provisions came into force. While I understand that the absence of regulations is very unlikely to cause any problems in the short term, if they are delayed beyond August the risk of problems arising will obviously increase.

As regards the powers of the committee to amend the draft, these are set out in SO 22.6 - 22.8. The committee "may recommend approval of the draft, amendments to it, or its rejection". It must then make its report to the Assembly and the relevant Assembly Minister. The Minister then decides whether to proceed with the order. If she decides to proceed with it she arranges for it to be laid before the Assembly amended as she considers appropriate, together with the explanatory memorandum, and submits the draft order to the Legislation committee. It is for the Deputy Presiding Officer to determine when the report must be made, and I understand that a period of 3 weeks has been specified for this.

### Information for Business Committee on planning and handling Assembly Subordinate Legislation

<b>Working Title:</b>	The Inspection of Education and Training (Wales) Regulations 2001
<b>Enabling Power:</b>	Sections 77(2) and (4), 80(4), 83(9) and 84(5) of the Learning and Skills Act 2000
<b>Assembly Minister:</b>	Jane Davidson
<b>Current stage:</b>	Submission to Business Committee
<b>Standing Order:</b>	22 – posted to intranet 24/4/01
<b>Effect:</b>	Part IV of the Learning and Skills Act 2000 extends the remit of Her Majesty's Chief Inspector of Education and Training in Wales to include the inspection of post 16 education and training. The framework for such inspections is set out in the Act, but the detail - relating to inspection intervals, the period within which inspection reports must be made, and the period within which action plans must be prepared in response to inspection reports and to whom such reports must be copied, is to be prescribed in regulations made by the National Assembly.
<b>Category :</b>	Routine (but not necessarily non controversial)
<b>Financial Implications:</b>	No
<b>Regulatory Appraisal:</b>	No
<b>Consultation:</b>	
i) with stakeholders	Yes
ii) with subject committee	No
<b>Expected Procedure :</b>	Accelerated
<b>Target Date Business Committee:</b>	Tuesday 01/05/01
<b>Target Making:</b>	Tuesday 05/06/01
<b>Target Commencement:</b>	Wednesday 01/08/01

**To: Business Committee**

**From: Jane Davidson AM**

## THE INSPECTION OF EDUCATION AND TRAINING (WALES) REGULATIONS 2001

The Inspection of Education and Training (Wales) Regulations prescribe periods and procedures with regard to the carrying out of inspections, the issue of reports, and the preparation of action plans relating to the extended functions of the Chief Inspector of Education and Training in Wales provided for under section 75 of the Learning and Skills Act 2000.

1. This Memorandum is submitted to the Business Committee in relation to The Inspection of Education and Training (Wales) Regulations 2001, in accordance with Standing Order 22.5.

### **Background**

2. Part IV of the Learning and Skills Act 2000 extends the remit of Her Majesty's Chief Inspector of Education and Training in Wales to include the inspection of post 16 education and training. The framework for such inspections is set out in the Act, but the detail - relating to inspection intervals, the period within which inspection reports must be made, and the period within which action plans must be prepared in response to inspection reports and to whom such reports must be copied, is to be prescribed in regulations made by the National Assembly.

### **Recommendation**

3. As these regulations deal with matters of detail not considered controversial, and the intervals for inspection and timescales for the preparation of reports/action plans are broadly in line with existing arrangements, I recommend that they should not be considered by the Education and Lifelong Learning Committee.

### **Financial Implications**

4. Any expenditure incurred by Estyn as a result of the Inspection of Education and Training (Wales) Regulations 2001 will be accommodated within the provision of the Estyn Main Expenditure Group approved by the Assembly for 2001-02. There are no additional financial implications for the Assembly as a result of the regulations.

### **Regulatory Appraisal**

4. The draft regulations have been out for consultation with those bodies on which they will impact. Responses to the consultation indicated broad contentment with the arrangements and timescales proposed. General concerns about the length of the inspection cycle will be addressed when Estyn goes out to wide consultation shortly on its proposals to establish common principles and a common basis for all inspections by 2004.

**Compliance**

- 5. The power to make these Regulations is under sections 77(2) and (4), 80(4), 83(9) and 84(5) of the Learning and Skills Act 2000. These functions have been delegated to the Minister. I confirm that the Assembly Compliance Office has been consulted and cleared the compliance aspects.
- 6. I also confirm that the proposed legislation (as far as applicable):
  - has due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998, section 120);
  - is compatible with the Assembly’s scheme for sustainable development (section 121);
  - is compatible with Community law (section 106);
  - is compatible with the Assembly’s obligations under human rights legislation (section 107); and
  - is compatible with any international obligations of the United Kingdom.

Policy Division contact: Mrs Angela Powell  
Schools Performance Division  
Ext: 6013

**Date:**.....

**Minister**.....

NATIONAL ASSEMBLY FOR WALES

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STATUTORY INSTRUMENTS

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2001 No. (W.)

EDUCATION, WALES

The Inspection of Education and Training (Wales) Regulations 2001

**EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

Part IV of the Learning and Skills Act 2000 extends the remit of Her Majesty's Chief Inspector of Education and Training in Wales to cover the kinds of education and training referred to in section 75 of that Act. The framework for such inspections is set out in the Act, but the Act provides for much of the detail to be set out in Regulations made by the National Assembly. Under the Act inspections must be carried out in respect of specific education or training brought within the remit of the Chief Inspector for Wales by the Act, but the Chief Inspector may also carry out area inspections. These Regulations deal with both forms of inspection.

Regulation 1 contains definitions.

Regulation 2 provides for inspections of specific education or training to be carried out at five yearly intervals.

Regulation 3 sets out the period within which inspection reports (for both inspections and area inspections) are to be made.

Regulation 4 sets out the period within which action plans must be published and provides for the manner of publication of such plans. It also specifies the persons or bodies to whom a copy of an action plan must be sent. It applies in relation to both inspections and area inspections.

**2001 No. (W. )**

**EDUCATION, WALES**

**The Inspection of Education and Training (Wales) Regulations 2001**

*Made* 2001

*Coming into force* 1st August 2001

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 77(2) and (4), 80(4) 83 (9) and 84(5) of the Learning and Skills Act 2000(1).

**Citation, commencement, application and interpretation**

**1.** —(1) These Regulations are called the Inspection of Education and Training (Wales) Regulations 2001 and come into force on 1<sup>st</sup> August 2001.

(2) They apply only to Wales.

(3) In these Regulations references to sections are to sections of the Learning and Skills Act 2000.

(4) In these Regulations -

“action plan” (“*cynllun gweithredu*”) means the written statement referred to in section 80(3), 84(2) or 84(3);

“area inspection” (“*arolygiad ardal*”) means an inspection under section 83;

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(1) 2000 c.21. For the meaning of “prescribed” in section 77 see subsection (9) of that section.

“the Chief Inspector” (“*y Prif Arolygydd*”) means Her Majesty’s Chief Inspector of Education and Training in Wales<sup>(2)</sup>;

“inspection” (“*arolygiad*”) (without more) means an inspection of education or training brought within the remit of the Chief Inspector by section 75, but does not include an area inspection;

“inspection report” (“*adroddiad arolygu*”) means the report on an inspection or area inspection which the Chief Inspector is required to make under section 76(2)(c), 77(3) or 83(8);

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales; and

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, a Sunday, a bank holiday or (where the education and training inspected is provided at an educational institution) part of a holiday longer than a week taken by the institution in question.

### **Inspection intervals**

**2.**—Inspections are to be conducted within five years of the date on which these Regulations come into force, and then within each five year period of the date of the last inspection.

### **Inspection reports**

**3.** Inspection reports must be made within the period of 55 working days from the date on which the inspection or area inspection is completed or, where it is necessary to provide a translation into Welsh or English, the period of 65 working days from that date.

### **Action plans**

**4.**—(1) An action plan must be published within the period of 40 working days or, where it is necessary to provide a translation into Welsh or English, the period of 50 working days from (in either case) the date on which the body concerned received a copy of the inspection report.

(2) An action plan must be published by making it available at the offices of the body concerned for inspection by members of the public at all reasonable times, and on any internet web-site of that body.

(3) A copy of an action plan must be sent to each of the following –

- (a) the Chief Inspector;
- (b) the National Assembly;
- (c) the National Council for Education and Training for Wales;
- (d) any local education authority or other body or person providing financial support in respect of any education or training inspected (unless that authority, person or body prepared the action plan).

(4) A copy of an action plan must also be sent to any member of the public who requests a copy (free of charge).

(5) In this regulation, “the body concerned” (“*y corff o dan sylw*”) means the body who, under section 80(3) or subsection (2) or (3) of section 84 (as the case may be), is required to prepare the action plan.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(3)</sup>

Date

The Presiding Officer of the National Assembly

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<sup>(2)</sup> See section 4 of the School Inspections Act 1996 (c.57). The current title, Her Majesty’s Chief Inspector of Education and Training in Wales, was substituted by section 73(1) of the Learning and Skills Act 2000.

<sup>(3)</sup> 1998 c.38.