



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 2

REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

CHAPTER 2

QUALITY ASSURANCE AND IMPROVING QUALITY

Inspection of further education or training etc.

57 Duty of the Chief Inspector to inspect and report

- (1) The Chief Inspector must inspect—
- (a) further education or training funded or otherwise secured by the Commission;
 - (b) further education or training funded or otherwise secured by the Welsh Ministers;
 - (c) further education or training funded by a local authority;
 - (d) further education or training where the Commission or a local authority is contemplating giving funding to the provider of the further education or training;
 - (e) education or training provided for persons of compulsory school age by a tertiary education provider in Wales that is an institution within the further education sector or the higher education sector;
 - (f) education or training provided in Wales and specified by the Welsh Ministers in regulations (if any).
- (2) Paragraphs (a), (b) and (c) of subsection (1) do not apply to—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Cross Heading: Inspection of further education or training etc.. (See end of Document for details)

- (a) education of a kind that may or must be inspected under Part 1 of the [Education Act 2005 \(c. 18\)](#) (school inspections), or
 - (b) if the funding mentioned in those paragraphs is given for a specific purpose, education or training at which that support is not directed.
- (3) The Chief Inspector must publish a report of each inspection carried out under this section including views on—
- (a) the quality of the education or training inspected,
 - (b) the standards achieved by those receiving that education or training, and
 - (c) whether the financial resources made available to the provider of the education or training are managed efficiently and used in a way which provides value for money.
- (4) The Welsh Ministers may, by regulations,—
- (a) require inspections under subsection (1) (except paragraph (d)) to be conducted at intervals specified in the regulations;
 - (b) require reports under subsection (3) to be made before the end of a period specified in the regulations.
- (5) Before making regulations under this section the Welsh Ministers must consult—
- (a) the Commission;
 - (b) the Chief Inspector.

Commencement Information

- 11** S. 57 not in force at Royal Assent, see [s. 148\(2\)](#)
- 12** S. 57 in force at 4.9.2023 for specified purposes by [S.I. 2023/919](#), [art. 3\(bb\)](#)

PROSPECTIVE

58 Power of the Chief Inspector to inspect and report

- (1) The Chief Inspector may inspect, and report on, any education or training described in section 57(1).
- (2) The Chief Inspector may inspect, and report on, any education or training—
 - (a) which is not of a kind described in section 57(1), but
 - (b) which could be funded in one of the ways mentioned in that section, if the provider of the education or training asks the Chief Inspector to do so.
- (3) The Chief Inspector may charge for the cost of an inspection conducted under subsection (2).
- (4) Subsections (3) to (5) of section 57 apply to a report under subsection (1) as they apply to a report under that section.
- (5) The Chief Inspector may arrange for a report of an inspection carried out as a result of a request under subsection (2) to be published.

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Commencement Information

I3 S. 58 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

59 Duty to provide information and advice to the Commission

- (1) This section applies in relation to education or training described in section 57(1) that is funded or otherwise secured by the Commission.
- (2) The Chief Inspector must keep the Commission informed about—
 - (a) the quality of the education or training to which this section applies,
 - (b) the standards achieved by those receiving that education or 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.
- (3) When asked to do so by the Commission, the Chief Inspector must—
 - (a) give the Commission advice on such matters, relating to education or training to which this section applies, as the Commission may specify;
 - (b) inspect such education or training, or such class of education or training, to which this section applies as the Commission may specify;
 - (c) report on the result of an inspection conducted under this section.

Commencement Information

I4 S. 59 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

60 Duty to provide information and advice to the Welsh Ministers

- (1) This section applies in relation to education and training described in section 57(1) that is not funded or otherwise secured by the Commission.
- (2) The Chief Inspector must keep the Welsh Ministers informed about—
 - (a) the quality of the education or training to which this section applies,
 - (b) the standards achieved by those receiving that education or 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.
- (3) When asked to do so by the Welsh Ministers, the Chief Inspector must—
 - (a) give the Welsh Ministers advice on such matters, relating to education or training to which this section applies, as the Welsh Ministers may specify;
 - (b) inspect such education or training, or such class of education or training, to which this section applies as the Welsh Ministers may specify;
 - (c) report on the result of an inspection conducted under this section.

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Commencement Information

I5 S. 60 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

61 Additional functions of the Chief Inspector

- (1) The Welsh Ministers may, by regulations, confer other functions on the Chief Inspector in connection with the education or training described in section 57(1).
- (2) The functions conferred by the regulations may (among other things) include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision of such education or training.

Commencement Information

I6 S. 61 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

62 Action plans following inspections by the Chief Inspector

- (1) This section applies if the Chief Inspector publishes a report of an inspection.
- (2) But it does not apply to a report of an inspection conducted—
 - (a) as a result of a request under section 58(2), or
 - (b) under section 63.
- (3) The person responsible for the management of the provider of the education or training which is the subject of the report must prepare a written statement of the action which the person proposes to take in the light of the report and the period within which the person proposes to take it.
- (4) The person making the statement must publish it.
- (5) Subsection (6) applies if—
 - (a) a person subject to the duties in subsections (3) and (4) is the governing body of a registered provider, and
 - (b) the education or training which is the subject of the report relates to the provider’s category of registration.
- (6) Compliance with the duties in subsections (3) and (4) is to be treated as an ongoing registration condition that applies to the registered provider for the purposes of section 39 (directions in respect of failure to comply with ongoing registration conditions) and section 41 (de-registration).
- (7) Subsection (8) applies if the education or training which is the subject of the report is funded by the Commission or the Welsh Ministers under Part 3 of this Act.

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- (8) Compliance with the duties in subsections (3) and (4) is to be treated as a requirement of the terms and conditions of funding under this Act.

Commencement Information

I7 S. 62 not in force at Royal Assent, see [s. 148\(2\)](#)

63 Area inspections

- (1) The Chief Inspector may inspect—
- the quality and availability of a description of education or training, in a specified area in Wales, for persons who are aged 15 or over,
 - the standards achieved by those receiving that education or training, and
 - whether the financial resources made available to those providing that education or training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector must carry out an inspection of the type described in subsection (1) (“an area inspection”) if requested to do so by—
- the Commission;
 - the Welsh Ministers.
- (3) The education or training that may be made the subject of an area inspection is any education or training described in section 57 or within the remit of the Chief Inspector as a result of any other enactment.
- (4) But the power to require the Chief Inspector to carry out an area inspection may only be exercised—
- in the case of the Commission, in respect of a description of education or training funded or otherwise secured by the Commission;
 - in the case of the Welsh Ministers, in respect of a description of education or training other than education or training funded or otherwise secured by the Commission.
- (5) An area inspection may extend to considering—
- the manner in which any financial resources have been applied by a person described in subsection (6) in respect of the education or training inspected, and
 - whether any such financial resources have been applied in a way which provides value for money.
- (6) The persons mentioned in subsection (5) are—
- the Commission;
 - the Welsh Ministers;
 - a local authority.
- (7) The following persons must provide such information as the Chief Inspector may reasonably require in connection with the inspection—
- persons responsible for the management of any provider of education or training which is the subject of an area inspection;

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- (b) any local authority within the area which is the subject of an area inspection;
 - (c) the Commission;
 - (d) the Welsh Ministers.
- (8) On completing an area inspection, the Chief Inspector must publish a report.
- (9) The Welsh Ministers may, by regulations—
- (a) make further provision with respect to the duty to provide information imposed by this section;
 - (b) require reports under subsection (8) to be published before the end of a period specified in the regulations.
- (10) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the [Education Act 2005 \(c. 18\)](#).
- (11) In subsection (1)—
- “persons who are aged 15” (“*personau sy’n 15 oed*”) includes persons for whom education is being provided at a school who will attain that age in the current school year;
 - “specified” (“*penodedig*”) means—
 - (a) in the case of an area inspection requested under subsection (2), specified in the request;
 - (b) in the case of an area inspection carried out by the Chief Inspector other than by request, specified by the Chief Inspector.

Commencement Information

I8 S. 63 not in force at Royal Assent, see [s. 148\(2\)](#)

I9 S. 63 in force at 1.11.2023 for specified purposes by [S.I. 2023/1106, art. 2](#)

PROSPECTIVE

64 Right of entry and offences

- (1) When conducting an inspection under this Chapter, the Chief Inspector 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 which are 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.
- (2) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (1) may be exercised only if the employer has been given reasonable notice.
- (3) The right to inspect conferred by subsection (1)(c) includes the right to have access to, and to inspect and check the operation of, any computer and any associated apparatus

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or material which is or has been in use in connection with the records or documents in question.

- (4) That right also includes the right to such assistance from—
- (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,
- as the Chief Inspector may reasonably require.
- (5) It is an offence wilfully to obstruct the Chief Inspector in the exercise of functions in relation to an inspection under this Chapter.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) The powers conferred by this section do not include the power to enter a dwelling without the agreement of the occupier.
- (8) In this section, “premises” means premises in Wales or England.

Commencement Information

I10 S. 64 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

65 Surveys and studies

- (1) The Commission may direct the Chief Inspector to carry out—
- (a) a survey of Wales, or of an area within Wales specified in the direction, in respect of matters specified in the direction relating to policy concerned with further education or training;
 - (b) a comparative study of the provision made outside Wales in respect of matters specified in the direction relating to further education or training.
- (2) The Chief Inspector may, without being directed to, carry out a survey or study of that kind.

Commencement Information

I11 S. 65 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

66 Annual reports

- (1) The annual report of the Chief Inspector required by section 21(1)(a) of the [Education Act 2005 \(c. 18\)](#) must include an account of the exercise of functions of the Chief Inspector under this Chapter.

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- (2) The power conferred by that section to make other reports includes a power to make reports with respect to matters relating to education or training described in section 57(1).

Commencement Information

I12 S. 66 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

67 Annual plan of the Chief Inspector

- (1) The Chief Inspector must, for each financial year, prepare a plan setting out estimates of—
- (a) the expenditure necessary, in the financial year to which the plan relates, in order to secure that the functions of the Chief Inspector are exercised effectively, and
 - (b) the income which the Chief Inspector will receive in that financial year and which may be applied towards meeting the expenses of the Chief Inspector.
- (2) The plan must contain proposals for the management of any funds which may be provided to the Chief Inspector in that financial year under—
- (a) section 68 of this Act (funding by the Commission), and
 - (b) section 104(4) of the [Government of Wales Act 1998 \(c. 38\)](#) (funding by the Welsh Ministers).
- (3) The plan must be submitted, for the purposes of consultation, to—
- (a) the Commission, and
 - (b) the Welsh Ministers,
- by such time before the beginning of the financial year to which it relates as they may jointly direct.
- (4) The Chief Inspector may publish the plan after it has been approved by—
- (a) the Commission, and
 - (b) the Welsh Ministers.

Commencement Information

I13 S. 67 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

68 Funding of inspections and reports on further education and training etc.

- (1) The Commission must provide such funding to the Chief Inspector as it considers appropriate for the exercise of the Chief Inspector's functions, so far as the functions relate to education or training that is funded or otherwise secured by the Commission.

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- (2) In deciding what funding it considers appropriate, the Commission must have regard in particular to what the Commission considers the Chief Inspector needs to spend in order to exercise the functions.
- (3) Before the beginning of each financial year, the Commission must consult the Chief Inspector about the funding it is to provide to the Chief Inspector in that financial year.
- (4) The Commission must—
 - (a) approve such part (or parts) of the plan prepared by the Chief Inspector under section 67 as relate to functions in respect of which the Commission is required to provide funding under this section, and
 - (b) determine the amount of the funding it will provide under this section in accordance with the plan in so far as it is approved by the Commission.
- (5) But before it approves the plan under subsection (4) the Commission may require the Chief Inspector to modify the plan.
- (6) Section 104 of the [Government of Wales Act 1998 \(c. 38\)](#) is amended as follows—
 - (a) after subsection (1) insert—

“(1A) But the Welsh Ministers are not responsible for providing funding to the Chief Inspector for the discharge of the Chief Inspector’s functions under Chapter 2 of Part 2 of the Tertiary Education and Research (Wales) Act 2022 so far as they relate to education or training that is funded or otherwise secured by the Commission for Tertiary Education and Research.”;
 - (b) in subsection (4A), for paragraph (a) substitute—

“(a) approve such part (or parts) of the plan prepared by the Chief Inspector under section 67 of the Tertiary Education and Research (Wales) Act 2022 as relate to functions in respect of which they are required to provide funding under this section, and”.

Commencement Information

I14 S. 68 not in force at Royal Assent, see [s. 148\(2\)](#)

Status:

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