



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *Education and training outside schools*

#### **177 Meaning of “secondary education”**

- (1) Section 2 of the Education Act 1996 (c. 56) (definition of primary, secondary and further education) is amended as follows.
- (2) In subsection (2B) (which extends “secondary education” to include education received partly at a school and partly at another institution)—
  - (a) in paragraph (b), after “another institution” there is inserted “or any other establishment”, and
  - (b) after “other institution” there is inserted “or establishment”.
- (3) After subsection (6) there is inserted—

“(6A) In the context of the definitions of secondary education and further education, references in this section to education include vocational, social, physical and recreational training.”
- (4) The Education Acts shall have effect in their application to persons receiving secondary education within section 2(2B) of the Education Act 1996 (c. 56) with such modifications as may be specified in an order under this subsection.
- (5) The power to make an order under subsection (4) is exercisable—
  - (a) in relation to England, by the Secretary of State, and
  - (b) in relation to Wales, by the National Assembly for Wales.

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*Status: This is the original version (as it was originally enacted).*

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## **178 Training and education provided in the workplace for 14 to 16 year olds**

- (1) The Learning and Skills Act 2000 (c. 21) is amended as follows.
- (2) In section 5 (provision of financial resources)—
- (a) after subsection (1)(e) there is inserted—
- “(ea) persons providing or proposing to provide, wholly or partly at the premises of an employer, education or training that is suitable to the requirements of pupils who—
- (i) have attained the age of 15 or will attain that age in the current school year, but
- (ii) have not ceased to be of compulsory school age;”,
- and
- (b) after subsection (3) there is inserted—
- “(4) For the purposes of subsection (1)(ea) “compulsory school age”, “pupil” and “school year” have the same meaning as in the Education Act 1996.”
- (3) In section 65 (area inspections in England)—
- (a) in subsection (1)(a) for “16” there is substituted “15”, and
- (b) after subsection (9) there is inserted—
- “(10) In subsection (1)(a) “persons who are aged 15” includes persons for whom education is being provided at a school who will attain that age in the current school year; and for this purpose “school” and “school year” have the same meaning as in the Education Act 1996.”
- (4) In section 83 (area inspections in Wales)—
- (a) in subsection (1)(a) for “16” there is substituted “15”, and
- (b) after subsection (10) there is inserted—
- “(11) In subsection (1)(a) “persons who are aged 15” includes persons for whom education is being provided at a school who will attain that age in the current school year; and for this purpose “school” and “school year” have the same meaning as in the Education Act 1996.”

## **179 Rights of entry in relation to inspections**

- (1) The School Inspections Act 1996 (c. 57) is amended as follows.
- (2) In section 2 (functions of the Chief Inspector for England)—
- (a) after subsection (8) (rights of entry etc.) there is inserted—
- “(8A) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for England shall have at all reasonable times—
- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in England, any pupils who—
- (i) are registered at the school, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,  
are provided with part of their education by any person (“the provider”);
    - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
    - (c) a right to inspect and take copies of—
      - (i) any records kept by the provider relating to the provision of that education, and
      - (ii) any other documents containing information so relating,  
which the Chief Inspector requires for those purposes.”, and
  - (b) in subsection (9)(b) (which makes it an offence to obstruct the exercise by the Chief Inspector of his rights of entry), after “subsection (8)” there is inserted “or (8A)”.
- (3) In section 3 (power of Chief Inspector for England to arrange for inspections), in subsection (3) (rights of entry etc.)—
  - (a) after paragraph (a) there is inserted—
    - “(aa) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
      - (i) are registered at the school, and
      - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,  
are receiving part of their education from any person (“the provider”);
    - (ab) a right of entry to any premises of the provider used in connection with the provision by him of that education;”, and
  - (b) after paragraph (b) there is inserted “and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider,  
which the Inspector considers relevant to the discharge of his functions.”
- (4) In section 5 (functions of the Chief Inspector for Wales)—
  - (a) after subsection (8) (rights of entry etc.) there is inserted—
    - “(8A) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for Wales shall have at all reasonable times—
      - (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in Wales, any pupils who—
        - (i) are registered at the school, and

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- (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,  
are provided with part of their education by any person (“the provider”);
  - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of that education, and
    - (ii) any other documents containing information so relating,  
which the Chief Inspector requires for those purposes.”, and
  - (b) in subsection (9)(b) (which makes it an offence to obstruct the exercise by the Chief Inspector of his rights of entry), after “subsection (8)” there is inserted “or (8A)”.
- (5) In section 6 (power of Chief Inspector for Wales to arrange for inspections), in subsection (3) (rights of entry etc.)—
- (a) after paragraph (a) there is inserted—
    - “(aa) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
      - (i) are registered at the school, and
      - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,  
are receiving part of their education from any person (“the provider”);
    - (ab) a right of entry to any premises of the provider used in connection with the provision by him of that education;”, and
  - (b) after paragraph (b) there is inserted “and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider,  
which the Inspector considers relevant to the discharge of his functions.”
- (6) In Schedule 3 (inspections by registered inspectors under section 10), in paragraph 7 (rights of entry etc.), after sub-paragraph (2) there is inserted—
- “(3) A registered inspector conducting an inspection of a school, and the members of his inspection team, shall also have at all reasonable times—
    - (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by the school, any pupils who—
      - (i) are registered at the school, and

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- (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,  
are receiving part of their education from any person (“the provider”);
- (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
- (c) a right to inspect and take copies of—
  - (i) any records kept by the provider relating to the provision of that education, and
  - (ii) any other documents containing information so relating, which the inspector or (as the case may be) member of the team requires for the purposes of the inspection.”

## **180 Inspections of LEAs: rights of entry etc.**

For section 40 of the Education Act 1997 (c. 44) (inspector’s rights of entry etc.) there is substituted—

### **“40 Inspector’s rights of entry etc.**

- (1) This section applies where a local education authority are inspected under section 38.
- (2) The inspector, and any person assisting him, shall have at all reasonable times a right of entry to—
  - (a) the premises of the local education authority,
  - (b) the premises of any school maintained by the authority, and
  - (c) any other premises at which relevant section 19 education is provided, other than premises which are or form part of a private dwelling house but are not a school.
- (3) The inspector, and any person assisting him, shall also have at all reasonable times a right to inspect and take copies of—
  - (a) any records kept by, and any other documents containing information relating to, the local education authority or any school maintained by the authority, and
  - (b) any records kept by a person who provides relevant section 19 education that relate to the provision of that education, and any other documents containing information that so relates;which he considers relevant to the exercise of his functions.
- (4) Section 42 of the School Inspections Act 1996 (inspection of computer records) shall apply for the purposes of subsection (3) as it applies for the purposes of Part 1 of that Act.
- (5) Without prejudice to subsections (2) and (3), the local education authority and the governing body of any school maintained by the authority—
  - (a) shall give the inspector and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give, and

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- (b) shall secure that all such assistance is also given by persons who work at the school.
- (6) It shall be an offence wilfully to obstruct the inspector or any person assisting him in the exercise of his functions in relation to the inspection.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—
  - “document” and “records” each include information recorded in any form; and
  - “relevant section 19 education” means education provided to a child by virtue of arrangements made by the local education authority under section 19 of the Education Act 1996 (exceptional provision of education at schools or otherwise).”