

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 8 – Inspections

Chapter 3 – Inspection of Further Education and Training etc

553. This Chapter covers the inspection of further education colleges and other education and training providers. It also covers area inspections, which are concerned with the provision of education or training, in a specified area in England, for persons who are aged 15 or over but under 19.

Section 123: Education and training to which this Chapter applies

554. This section sets out the education and training to which the Chapter applies.

555. *Subsection (1)* sets out the kinds of education and training which will be within the Chief Inspector's remit, of which some are currently within the remit of ALI and some are already within the remit of the Chief Inspector of Schools. These will include further education and work-based training. There is also provision for such other education or training as may be prescribed by regulations made by the Secretary of State to be brought into the Chief Inspector's remit.

556. *Subsection (2)* provides that the training which may be prescribed under *subsection (1)(h)* can include the training of teachers and trainers.

557. *Subsection (3)* allows the provision of information and adult guidance, or the provision of any description of such information, advice and guidance to be treated as training for the purposes the Chapter, if regulations so provide.

Section 124: Inspection of education and training to which this Chapter applies

558. This section creates a duty for the Chief Inspector to inspect the education and training that is within his remit and is specified by the Secretary of State.

559. When the Chief Inspector has completed the inspection, he has a duty to make a written report on it. The report of an inspection must state whether the education and training inspected is of a quality adequate to meet the reasonable needs of those receiving it. The Chief Inspector must arrange for the report to be published. He must send copies to specified recipients. He may also send copies to anyone else he considers appropriate.

Section 125: Inspection of further education institutions

560. This section requires the Chief Inspector to inspect all further education institutions. When the Chief Inspector has completed the inspection, he has a duty to report on it. The Chief Inspector's responsibilities with regard to a report of an inspection are as in section 116.

Section 126: Other inspections

561. This section gives the Chief Inspector additional powers in relation to the education and training within his remit.
562. *Subsection (1)* gives the Chief Inspector power to inspect education and training in cases when he is not required to do so by virtue of any other provision, for example when he identifies a particular issue of concern. He may make a report of such an inspection and if he does so he may publish it. The Chief Inspector's responsibilities with regard to distribution of a report of such an inspection are as in section 124.
563. *Subsection (2)* gives the Chief Inspector the power to carry out inspections of further education and training that are commissioned and paid for by providers of education and training. It gives the Chief Inspector the power to inspect any education and training that is not in his remit if it is further education or training within the subsection and he is requested to do so by the provider of the education or training. He can charge for such an inspection. This section gives the Chief Inspector the power to make a report of such an inspection and the power to publish it. *Subsection (7)* enables the Chief Inspector to conduct inspections under subsection (2) outside the United Kingdom.

Section 127: Action plans

564. This section covers the action to be taken after all inspections other than inspections commissioned under section 126(2). It requires the provider of the education and training inspected to provide a written action plan together with a timetable setting out when the action will be taken. The person must publish the plan within a period prescribed by regulations made by the Secretary of State and send copies to a list of persons so prescribed. .
565. *Subsection (4)* allows the Chief Inspector to waive the requirement for an action plan. He might do so where, for example, the standard of provision was particularly high and appropriate action was already underway and incorporated into existing plans.

Section 128: Area inspections

566. *Subsection (1)* requires the Chief Inspector, if requested by the Secretary of State to do so, to carry out an inspection covering the whole of a specified area (which would normally reflect the way in which local education authorities and/or local Learning and Skills Councils are organised territorially). He will be under a duty to inspect the quality and availability of provision in that area for persons aged 15 or over but under 19 as well as the standards they achieve. Included in the scope of the inspections are those who will reach the age of 15 in the current school year.
567. *Subsection (2)* allows the Chief Inspector to carry out such inspections without being requested to do so.
568. *Subsections (3) and (4)* extend the powers of the Chief Inspector so that he can investigate value for money issues.
569. *Subsection (5)* defines what education or training may be made the subject of an area inspection. Broadly this includes all 14-19 provision within the national curriculum, further education and work-based training.
570. *Subsections (6) and (7)* set out the duties and responsibilities of education and training providers as well as local education authorities in respect of supplying any information required for an area inspection.
571. *Subsection (8)* explains what is meant by the reference in *subsection (1)(a)* to persons who are aged 15.

Section 129: Reports of area inspections

572. This section makes it a requirement for the Chief Inspector to make a written report on completing an area inspection.
573. The Chief Inspector must also make arrangements for the report to be published. The report must be sent to the Secretary of State, the Learning and Skills Council for England and each local education authority whose area is wholly or partly within the area subject to the inspection. Copies may be sent to anyone else the Chief Inspector considers appropriate.

Section 130: Action plans following area inspections

574. This section covers the action to be taken following the publication of an area inspection report. It allows the Secretary of State to require either the Learning and Skills Council or a local education authority to prepare a written action plan, together with a timetable setting out when the action will be taken by them. The Learning and Skills Council or local education authority must publish the plan within a specified period (which it is expected will not normally exceed three months from the date of publishing the inspection report) and send copies to a list of persons – both the timeframe and list of persons to be prescribed by regulations.

Section 131: Power of entry

575. This section gives a power of entry to the Chief Inspector when conducting any inspections under Chapter 3 except those commissioned by providers. It gives him the power to enter premises where the education or training to be inspected is provided or which are used in connection with the provision of the education or training.
576. *Subsection (3)* provides that any right to access an employer's premises can only be exercised if reasonable notice has been given in writing.

Section 132: Power to inspect documents, etc.

577. This section provides that, where the Chief Inspector exercises his power of entry under section 131 (power of entry) for the purpose of carrying out an inspection, he may require the production of documents, including computer records and inspect and take copies of documents and remove them from the premises under inspection. He may also inspect computers and he may require assistance from a person operating a computer.
578. The section provides that obstructing the exercise of the powers under this section or section 131, or failing to comply with a requirement under this section, without reasonable excuse is an offence for which a person is liable on summary conviction to a fine not exceeding level 4 on the standard scale (£2,500).

Section 133: Framework for inspections

579. This section requires a framework or frameworks to be devised and published by the Chief Inspector. The framework or frameworks will lay out a common set or sets of principles which cover all inspections conducted under this Chapter. It allows the Chief Inspector to revise the framework and he must publish any revised framework.

Section 134: Abolition of Adult Learning Inspectorate

580. This section abolishes the Adult Learning Inspectorate on the appointed day as all of its inspection functions will in future be performed by the Chief Inspector