



Learning and Skills Act 2000

2000 CHAPTER 21

PART IV

INSPECTIONS IN WALES

Additional functions

76 Additional functions of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales must keep the National Assembly informed about—
 - (a) the quality of the education and training which is brought within the remit of the Chief Inspector for Wales by this Part;
 - (b) the standards achieved by those receiving that education and 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.
- (2) When asked to do so by the National Assembly, the Chief Inspector for Wales must—
 - (a) give the National Assembly advice on such matters, relating to education and training brought within the remit of the Chief Inspector for Wales by this Part, as the National Assembly may specify;
 - (b) inspect such education or training, or such class of education or training, within that remit as the National Assembly may specify;
 - (c) report on the result of an inspection conducted under this section.
- (3) The Chief Inspector for Wales is to have such other functions in connection with education and training brought within the remit of the Chief Inspector for Wales by this Part as the National Assembly may specify.
- (4) The functions specified under subsection (3) may include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training which is brought within the remit of the Chief Inspector for Wales by this Part.

Status: Point in time view as at 05/05/2010.

Changes to legislation: Learning and Skills Act 2000, Cross Heading: Additional functions is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) In exercising functions under this Part, the Chief Inspector for Wales must have regard to—
 - (a) advice given by the National Assembly; and
 - (b) such aspects of the National Assembly’s policy as the National Assembly may specify.

Commencement Information

II S. 76 not in force at Royal Assent see s. 154; s. 76 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. 1](#)

77 Inspections.

- (1) The Chief Inspector for Wales must inspect education and training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) Inspections are to be conducted at such intervals as may be prescribed.
- (3) The Chief Inspector for Wales must report in writing 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 report under subsection (3) must be made within such period as may be prescribed.
- (5) The Chief Inspector for Wales must without delay send a copy of the report under subsection (3) to—
 - (a) the National Assembly;
 - ^{F1}(b)
 - (c) any [^{F2}local authority][^{F3}in Wales] providing funds for the education or training inspected; and
 - (d) the provider of the inspected education or training.
- (6) Copies may also be sent to such other persons as the Chief Inspector for Wales considers appropriate.
- (7) A copy may be supplied under subsection (6) free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Chief Inspector for Wales may determine.
- (8) The Chief Inspector for Wales must arrange for the report to be published in such manner as he considers appropriate.
- (9) “Prescribed” means prescribed in regulations made by the National Assembly.

Textual Amendments

F1 S. 77(5)(b) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 65](#) (with art. 7)

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- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 46\(2\)](#)
- F3** Words in s. 77(5) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 46\(5\)](#)

Commencement Information

- I2** S. 77 not in force at Royal Assent see s. 154; s. 77 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

78 General powers.

- (1) The Chief Inspector for Wales may give advice to the National Assembly on any matter relating to education or training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) The Chief Inspector for Wales may inspect, and report on, any education or training of that kind.
- (3) The Chief Inspector for Wales may inspect any education or training—
 - (a) which is not of that kind, but
 - (b) which would be if it were funded in one of the ways mentioned in section 75, if the provider of the education or training asks the Chief Inspector for Wales to do so.
- (4) The Chief Inspector for Wales may charge for the cost of an inspection conducted under subsection (3).
- (5) Subsections (5) to (8) of section 77 apply to a report under subsection (2) as they apply to a report under that section.
- (6) The Chief Inspector for Wales may arrange for a report of an inspection carried out as a result of a request under subsection (3) to be published.

Commencement Information

- I3** S. 78 not in force at Royal Assent see s. 154; s. 78 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

79 Right of entry and offences.

- (1) When conducting an inspection under this Part, the Chief Inspector for Wales 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 in writing.

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- (3) The right to inspect records 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 or material which is or has been in use in connection with the records 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 for Wales may reasonably require.
- (5) It is an offence wilfully to obstruct the Chief Inspector for Wales in the exercise of functions in relation to an inspection under this Part.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I4 S. 79 not in force at Royal Assent see s. 154; s. 79 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

80 Action plans.

- (1) This section applies if the Chief Inspector for Wales 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 78(3); or
 - (b) under section 83.
- (3) The provider of the education or training which is 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 he proposes to take it.
- (4) The person making the statement must—
 - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
 - (b) send copies of it to such persons as may be so prescribed.

Commencement Information

I5 S. 80 not in force at Royal Assent see s. 154; s. 80 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

^{F4}81 Inspections of careers services etc.

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Textual Amendments

- F4** S. 81 repealed (1.4.2007) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2006/1338, art. 5, Sch. 3

82 Inspections of education and training provided under 1973 Act arrangements.

- (1) The Chief Inspector for Wales may, at the request of the Secretary of State or [^{F5}the Chief Inspector for England], inspect any education or training provided in Wales by the Secretary of State in accordance with arrangements made under section 2 of the ^{M1}Employment and Training Act 1973.
- (2) A report of an inspection conducted under this section at the request of the Secretary of State must be given to the Secretary of State.
- (3) The Secretary of State may arrange for the report to be published in such manner as he considers appropriate.
- (4) A report of an inspection conducted under this section at the request of [^{F6}the Chief Inspector for England must be given to that Chief Inspector].
- (5) [^{F7}The Chief Inspector for England] may arrange for the report to be published in such manner as [^{F8}he] considers appropriate.
- (6) The Chief Inspector for Wales must send a copy of any report under subsection (2) or (4) to the National Assembly.
- [^{F9}(7) In this section “the Chief Inspector for England” means Her Majesty's Chief Inspector of Education, Children's Services and Skills.]

Textual Amendments

- F5** Words in s. 82(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 57\(2\)](#); S.I. 2007/935, art. 5(gg)
- F6** Words in s. 82(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 57\(3\)](#); S.I. 2007/935, art. 5(gg)
- F7** Words in s. 82(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 57\(4\)](#); S.I. 2007/935, art. 5(gg)
- F8** Word in s. 82(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 57\(4\)](#); S.I. 2007/935, art. 5(gg)
- F9** S. 82(7) added (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 57\(5\)](#); S.I. 2007/935, art. 5(gg)

Commencement Information

- I6** S. 82 not in force at Royal Assent see s. 154; s. 82 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, [Sch. Pt. I](#)

Marginal Citations

- M1** 1973 c. 50.

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83 Area inspections.

- (1) If asked to do so by the National Assembly, the Chief Inspector for Wales must inspect—
 - ^{F10}(a) the quality and availability of a specified description of education or training, in a specified area in Wales, for persons who are aged [^{F10}15] or over;
 - (b) the standards achieved by those receiving that education or training; and
 - (c) whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector for Wales may, without being asked to, conduct such an inspection.
- (3) If financial resources have been applied by the [^{F11}National Assembly] or a [^{F2}local authority][^{F12} in Wales] in respect of education or training which is being inspected under this section, the inspection may extend to considering the manner in which those resources have been applied and whether they have been applied in a way which provides value for money.
- (4) The education or training that may be made the subject of an area inspection is any education or training within the remit of the Chief Inspector for Wales (whether as a result of this Part or of any other enactment).
- (5) A provider of education or training which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (6) The [^{F11}National Assembly] and any [^{F2}local authority][^{F13} in Wales] within the area which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (7) The National Assembly may by regulations make further provision with respect to the obligation to provide information imposed by this section.
- (8) On completing an area inspection, the Chief Inspector for Wales must make a written report.
- (9) Subsections (4), (5)(a) to (c) and (6) to (9) of section 77 apply to a report under this section as they apply to a report under that section.
- (10) “Area inspection” means an inspection under this section.
- ^{F14}(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.]

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F10** Word in s. 83(1)(a) substituted (1.8.2003 for W., 6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 178(4)(a), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1718](#), art. 4, Sch. Pt. I; [S.I. 2006/2895](#), art. 2

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- F11** Words in s. 83(3)(6) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 66** (with art. 7)
- F12** Words in s. 83(3) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 46(5)**
- F13** Words in s. 83(6) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 46(5)**
- F14** S. 83(11) inserted (1.8.2003 for W., 6.11.2006 for E.) by Education Act 2002 (c. 32), **ss. 178(4)(b), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2006/2895, art. 2

Commencement Information

- I7** S. 83 not in force at Royal Assent see s. 154; s. 83 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

84 Action plans following section 83 inspections.

- (1) This section applies if the Chief Inspector for Wales publishes a report of an area inspection conducted under section 83.

^{F15}(2)

- (3) The National Assembly may direct a [^{F2}local authority][^{F16}in Wales] whose area is wholly or partly in the area covered by the report to prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (4) In preparing the statement ^{F17}... the authority must consult such persons as the National Assembly may direct.
- (5) The person making the statement must—
 - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
 - (b) send copies of it to such persons as may be so prescribed.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 46(2)**
- F15** S. 84(2) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 67(a)** (with art. 7)
- F16** Words in s. 84(3) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 46(5)**
- F17** Words in s. 84(4) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 67(b)** (with art. 7)

Commencement Information

- I8** S. 84 not in force at Royal Assent see s. 154; s. 84 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

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85 Studies across Wales or of provision made outside Wales.

- (1) The National Assembly may direct the Chief Inspector for Wales to carry out—
 - (a) a survey of Wales, or of a specified area within Wales, in respect of specified matters relating to policy concerned with education or training for persons aged 16 or over; or
 - (b) a comparative study of the provision made outside Wales in respect of specified matters relating to such education or training.
- (2) The Chief Inspector for Wales may, without being directed to, carry out a survey or study of that kind.

Commencement Information

- I9** S. 85 not in force at Royal Assent see s. 154; s. 85 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

86 Annual reports.

- (1) The annual report of the Chief Inspector for Wales required by [^{F18}section 21(1)(a) of the Education Act 2005] must include an account of the exercise of functions of the Chief Inspector for Wales under this Part.
- (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 which is brought within the remit of the Chief Inspector for Wales by this Part.

Textual Amendments

- F18** Words in s. 86(1) substituted (1.9.2006) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 25; S.I. 2006/1338, art. 4\(1\), Sch. 2](#)

Commencement Information

- I10** S. 86 not in force at Royal Assent see s. 154; s. 86 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

87 Annual plan of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales must, for the purposes of the consultation required under section 104(4) of the 1998 Act (funding of HM Chief Inspector of Education and Training for Wales), prepare a plan for each financial year.
- (2) The plan must be submitted to the National Assembly by such time before the beginning of the financial year to which it relates as the National Assembly may direct.
- (3) The plan must contain 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 for Wales are discharged effectively; and
 - (b) the income which the Chief Inspector for Wales will receive in that financial year and which may be applied towards meeting the expenses of the Chief Inspector for Wales.

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- (4) The plan must also contain proposals for the management of any funds which may be provided by the National Assembly for that financial year.
- (5) The Chief Inspector for Wales may, after the plan has been approved under section 104(4A) of the 1998 Act, publish it in such manner and at such time as appear to the Chief Inspector for Wales to be appropriate.
- (6) “The 1998 Act” means the ^{M2}Government of Wales Act 1998.

Commencement Information

I11 S. 87 not in force at Royal Assent see s. 154; s. 87 in force (W.) at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#)

Marginal Citations

M2 1998 c. 38.

88 Defamation.

- (1) For the purposes of the law of defamation, any report under this Part is privileged unless its publication is shown to have been made with malice.
- (2) Nothing in subsection (1) limits any privilege subsisting apart from that subsection.

Commencement Information

I12 S. 88 not in force at Royal Assent see s. 154; s. 88 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

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