



Education and Inspections Act 2006

2006 CHAPTER 40

PART 8

INSPECTIONS

CHAPTER 3

INSPECTION OF FURTHER EDUCATION AND TRAINING ETC.

Education and training to which this Chapter applies

123 Education and training to which this Chapter applies

- (1) This Chapter applies to the following kinds of education and training—
- (a) secondary education provided in institutions which are in England and are within the further education sector;
 - (b) further education for persons aged 16 or over but under 19 which is provided in such institutions and wholly or partly funded by the [^{F1}YPLA or the Chief Executive];
 - (c) further education for persons aged 19 or over which is wholly or partly funded by the [^{F2}YPLA or the Chief Executive];
 - (d) further education for persons aged under 19 which is provided by [^{F3}local authorities] in England;
 - (e) further education for persons aged 19 or over which is funded by such authorities;
 - (f) training for persons aged 16 or over which is funded by the Secretary of State under section 2 of the Employment and Training Act 1973 (c. 50);
 - (g) training for persons aged 16 or over if it is training the whole or part of which takes place at the premises of an employer and which is wholly or partly funded by the [^{F4}YPLA or the Chief Executive];

Status: Point in time view as at 01/02/2012.

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- (h) such other education or training as may be prescribed by regulations made by the Secretary of State.
- (2) The training which may be prescribed by regulations under subsection (1)(h) includes training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training falling within subsection (1)(a) to (g).
- (3) If regulations made by the Secretary of State so provide—
- (a) the provision of information, advice or guidance falling within [F⁵section 61(4)(f) or 100(1)(j) of the Apprenticeships, Skills, Children and Learning Act 2009], or
 - (b) the provision of any description of such information, advice or guidance specified in the regulations,
- is to be treated for the purposes of this Chapter as training to which it applies.
- (4) In this Chapter—
- (a) “further education” and “secondary education” have the same meanings as in EA 1996, and
 - (b) any reference to institutions which are within the further education sector is to be read in accordance with section 91(3) of the Further and Higher Education Act 1992 (c. 13).

Textual Amendments

- F1** Words in s. 123(1)(b) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 61\(a\)](#) (with art. 2(3))
- F2** Words in s. 123(1)(c) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 61\(b\)](#) (with art. 2(3))
- F3** Words in s. 123(1)(d) substituted (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. 14\(6\)](#)
- F4** Words in s. 123(1)(g) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 61\(b\)](#) (with art. 2(3))
- F5** Words in s. 123(3)(a) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 61\(c\)](#) (with art. 2(3))

Commencement Information

- I1** S. 123 partly in force; s. 123 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see [s. 188\(1\)](#)
- I2** S. 123 in force at 1.4.2007 in so far as not already in force by [S.I. 2007/935](#), [art. 5\(u\)](#)

Inspection

124 Inspection of education and training to which this Chapter applies

- (1) The Chief Inspector must conduct—
- (a) inspections of such education or training to which this Chapter applies as may be specified by the Secretary of State, and

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- (b) inspections of such class of education or training to which this Chapter applies as may be so specified.
- (2) The inspections are to be conducted at such intervals as may be specified by the Secretary of State.
- (3) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (4) The report—
 - (a) must state whether the Chief Inspector considers the education or training inspected to be of a quality adequate to meet the reasonable needs of those receiving it, and
 - (b) may deal with such other matters as he considers relevant.
- (5) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State,
 - [^{F6}(b) the YPLA,]
 - [^{F6}(ba) the Chief Executive,]
 - (c) any [^{F7}local authority in England] providing funds for the education or training inspected, and
 - (d) the provider of the education or training inspected.
- (6) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (7) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

Textual Amendments

- F6** S. 124(5)(b)(ba) substituted for s. 124(5)(b) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 62** (with art. 2(3))
- F7** Words in s. 124(5)(c) substituted (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. 14(7)**

Commencement Information

- I3** S. 124 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(u)**

125 Inspection of further education institutions

- (1) The Chief Inspector must inspect all institutions within the further education sector [^{F8}subject to subsection (1A)].
- [^{F9}(1A) The Secretary of State may by regulations provide that the duty of the Chief Inspector in subsection (1) does not apply to prescribed categories of institution in prescribed circumstances.
- (1B) An institution to which the duty in subsection (1) does not apply by virtue of regulations under subsection (1A) is an “exempt institution”.]

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- (2) [^{F10}Inspections under subsection (1)] are to be conducted at such intervals as may be specified by the Secretary of State.
- (3) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (4) The report—
 - (a) must state whether the Chief Inspector considers the education or training inspected to be of a quality adequate to meet the reasonable needs of those receiving it, and
 - (b) may deal with such other matters as he considers relevant.
- (5) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State,
 - [^{F11}(b) the YPLA,]
 - [^{F11}(ba) the Chief Executive, and]
 - (c) the provider of the education or training inspected.
- (6) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (7) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

Textual Amendments

- F8** Words in s. 125(1) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(2)(a)**, 82(1)(d)
- F9** S. 125(1A)(1B) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(2)(b)**, 82(1)(d)
- F10** Words in s. 125(2) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(2)(c)**, 82(1)(d)
- F11** S. 125(5)(b)(ba) substituted for s. 125(5)(b) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 63** (with art. 2(3))

Commencement Information

- I4** S. 125 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(u)**

126 Other inspections

- (1) The Chief Inspector may inspect any education or training to which this Chapter applies (in a case where he is not required to do so by virtue of any provision of this Chapter).
- [^{F12}(1A) The Chief Inspector must inspect an exempt institution if requested to do so by the Secretary of State.]
- (2) The Chief Inspector may inspect any education or training to which this Chapter does not apply if—
 - (a) it is further education (whether for persons aged 16 or over but under 19, or for persons aged 19 or over) or training for persons aged 16 or over, and
 - (b) he is requested to conduct the inspection by the provider of the education or training.

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- [^{F13}(2A) On completing an inspection under subsection (1) or (1A) conducted in response to a request from the Secretary of State or any other person or body, the Chief Inspector must—
- (a) make a written report on the inspection;
 - (b) arrange for the report to be published in such manner as the Chief Inspector considers appropriate.]
- (3) On completing an inspection under this section [^{F14}conducted in any other case], the Chief Inspector may—
- (a) make a written report on it;
 - (b) arrange for the report to be published in such manner as he considers appropriate.
- (4) If the Chief Inspector makes a report of an inspection conducted under subsection (1) [^{F15}or (1A)], he must send copies of the report to—
- (a) the Secretary of State,
 - [^{F16}(b) the YPLA,]
 - [^{F16}(ba) the Chief Executive,]
 - (c) any [^{F17}local authority in England] providing funds for the education or training inspected, and
 - (d) the provider of the education or training inspected.
- (5) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- [^{F18}(5A) In the case of an inspection conducted under subsection (1) in response to a request from the provider of the education or training concerned, the Chief Inspector may charge the provider for the cost of the inspection.]
- (6) In the case of an inspection conducted under subsection (2) the Chief Inspector may charge the provider of the education or training concerned for the cost of the inspection.
- (7) For the purposes of that subsection it is immaterial whether the education or training concerned is provided in the United Kingdom or elsewhere.
- [^{F19}(8) In this section “exempt institution” has the meaning given by section 125(1B).]

Textual Amendments

- F12** S. 126(1A) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(4)**, 82(1)(d)
- F13** S. 126(2A) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(5)**, 82(1)(d)
- F14** Words in s. 126(3) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(6)**, 82(1)(d)
- F15** Words in s. 126(4) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(7)**, 82(1)(d)
- F16** S. 126(4)(b)(ba) substituted for s. 126(4)(b) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 64** (with art. 2(3))
- F17** Words in s. 126(4)(c) substituted (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. 14(7)**
- F18** S. 126(5A) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 42(8)**, 82(3); S.I. 2012/84, art. 3
- F19** S. 126(8) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 42(9)**, 82(1)(d)

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Commencement Information

I5 S. 126 in force at 1.4.2007 by [S.I. 2007/935, art. 5\(u\)](#)

127 Action plans

- (1) This section applies where the Chief Inspector publishes a report of an inspection conducted under section 124 or 125 or section 126(1) [^{F20}or (1A)].
- (2) The provider of the education or training which is the subject of the report must prepare a written statement of—
 - (a) the action which he proposes to take in the light of the report, and
 - (b) the period within which he proposes to take that action.
- (3) That person must—
 - (a) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State; and
 - (b) send copies of it to such persons as may be so prescribed.
- (4) The requirements of subsection (2) may be waived by the Chief Inspector.

Textual Amendments

F20 Words in [s. 127\(1\)](#) inserted (15.11.2011) by [Education Act 2011 \(c. 21\), ss. 42\(10\), 82\(1\)\(d\)](#)

Commencement Information

- I6** S. 127 partly in force; s. 127 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see [s. 188\(1\)](#)
- I7** S. 127 in force at 1.4.2007 in so far as not already in force by [S.I. 2007/935, art. 5\(u\)](#)

128 Area inspections

- (1) If requested to do so by the Secretary of State, the Chief Inspector must inspect—
 - (a) the quality and availability of a specified description of education or training, in a specified area in England, for persons who are aged 15 or over but under 19;
 - (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 may conduct such an inspection without being requested to do so.
- (3) Subsection (4) applies if financial resources have been applied by—
 - [^{F21}(a) the YPLA,]
 - [^{F21}(aa) the Chief Executive, or]
 - (b) a [^{F22}local authority in England],
 in respect of education or training which is being inspected under this section.
- (4) In such a case the inspection may extend to considering whether the application of those resources in that way—

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- (a) constituted an efficient and effective use of the resources for the purpose of meeting the needs of persons within subsection (1)(a) as regards education or training of the kind in question, and
 - (b) was appropriate to secure value for money.
- (5) The education or training that may be made the subject of an inspection under this section (“an area inspection”) is—
- (a) any education or training to which this Chapter applies, or
 - (b) any other education or training within the scope of the Chief Inspector's functions.
- (6) A provider of education or training which is the subject of an area inspection must provide the Chief Inspector with any information reasonably requested by him in connection with the inspection.
- (7) Any [^{F23}local authority in England] whose area is wholly or partly within the area which is the subject of an area inspection must provide the Chief Inspector with any information reasonably requested by him in connection with the inspection.
- (8) In subsection (1)(a) the reference to persons who are aged 15 includes persons—
- (a) for whom education is being provided at a school, and
 - (b) who will attain that age in the current school year;
- and for this purpose “school” and “school year” have the same meanings as in EA 1996.

Textual Amendments

- F21** S. 128(3)(a)(aa) substituted for s. 128(3)(a) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 65](#) (with art. 2(3))
- F22** Words in s. 128(3)(b) substituted (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. 14\(7\)](#)
- F23** Words in s. 128(7) substituted (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. 14\(7\)](#)

Commencement Information

- I8** S. 128 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(u\)](#)

129 Reports of area inspections

- (1) On completing an area inspection conducted under section 128, the Chief Inspector must make a written report on it.
- (2) The Chief Inspector must send copies of the report to—
- (a) the Secretary of State,
 - [^{F24}(b) the YPLA,]
 - [^{F24}(ba) the Chief Executive, and]
 - (c) each [^{F25}local authority in England] whose area is wholly or partly within the area subject to the inspection.
- (3) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.

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- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

Textual Amendments

- F24** S. 129(2)(b)(ba) substituted for s. 129(2)(b) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 66** (with art. 2(3))
- F25** Words in s. 129(2)(c) substituted (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. 14(7)**

Commencement Information

- I9** S. 129 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(u)**

130 Action plans following area inspections

- (1) This section applies where the Chief Inspector publishes a report of an area inspection conducted under section 128.
- (2) The Secretary of State may direct [^{F26}a relevant body] to prepare a written statement of—
- (a) the action which it proposes to take in the light of the report, and
 - (b) the period within which it proposes to take that action.
- (3) The Secretary of State may direct a [^{F27}local authority in England] whose area is wholly or partly within the area covered by the report to prepare a written statement of—
- (a) the action which they propose to take in the light of the report, and
 - (b) the period within which they propose to take that action.
- (4) In preparing a statement under subsection (2) or (3) the [^{F28}body] or the authority must consult such persons as the Secretary of State may direct.
- (5) The [^{F29}body] or the authority must—
- (a) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State; and
 - (b) send copies of it to such persons as may be so prescribed.

[^{F30}(6) In this section “relevant body” means the YPLA or the Chief Executive.]

Textual Amendments

- F26** Words in s. 130(2) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 67(a)** (with art. 2(3))
- F27** Words in s. 130(3) substituted (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. 14(7)**
- F28** Word in s. 130(4) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 67(b)** (with art. 2(3))

Status: Point in time view as at 01/02/2012.

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F29 Word in s. 130(5) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 67\(b\)](#) (with art. 2(3))

F30 S. 130(6) inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 67\(c\)](#) (with art. 2(3))

Commencement Information

I10 S. 130 partly in force; s. 130 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)

I11 S. 130 in force at 1.4.2007 in so far as not already in force by [S.I. 2007/935](#), [art. 5\(u\)](#)

Powers of entry etc.

131 Power of entry

- (1) This section applies to an inspection conducted by the Chief Inspector under this Chapter, other than one conducted under section 126(2).
- (2) When conducting such an inspection, the Chief Inspector may, at any reasonable time, enter—
 - (a) any premises on which the education or training inspected is provided;
 - (b) any premises of the provider of that education or training which are used in connection with its provision.
- (3) In respect of education or training provided by an employer in the workplace, the power of entry conferred by subsection (2) may be exercised only if the employer has been given reasonable notice in writing.

Commencement Information

I12 S. 131 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(u\)](#)

132 Power to inspect documents, etc.

- (1) This section applies to any inspection conducted by the Chief Inspector under this Chapter, other than one conducted under section 126(2).
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection, he may inspect, take copies of, or take away any documents relating to the education or training inspected which are on any premises in relation to which he exercises his power of entry under section 131.
- (3) The power in subsection (2) includes—
 - (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
 - (b) in relation to any such documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) In connection with inspecting any such documents the Chief Inspector—

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- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents; and
 - (b) may require a person within subsection (5) to afford him such reasonable assistance as he may require for that purpose.
- (5) A person is within this subsection if he is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (6) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (7) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 131 or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I13 S. 132 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(u\)](#)

Other provisions

133 Framework for inspections

- (1) The Chief Inspector must devise—
- (a) a common set of principles applicable to all inspections conducted under this Chapter, or
 - (b) two or more common sets of principles each of which is applicable to a particular description of such inspections.
- (2) A set of principles devised under subsection (1)(a) or (b) is referred to in this section as a “framework”.
- (3) If the Chief Inspector devises two or more frameworks under subsection (1)(b), he must ensure that, taken together, they cover all inspections conducted under this Chapter.
- (4) The Chief Inspector must publish a framework in such manner as he considers appropriate.
- (5) The Chief Inspector may at any time revise a framework.
- (6) The Chief Inspector must publish a revised framework in such manner as he considers appropriate.

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Commencement Information

I14 S. 133 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(u)**

134 Abolition of Adult Learning Inspectorate

- (1) The Adult Learning Inspectorate is abolished on the appointed day.
- (2) In this section “the appointed day” means the day appointed under section 188 for the coming into force of this section.

Commencement Information

I15 S. 134 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(u)**

Status:

Point in time view as at 01/02/2012.

Changes to legislation:

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