

2012 No. 2576

EDUCATION, ENGLAND

**The Further Education Institutions (Exemption from Inspection)
(England) Regulations 2012**

<i>Made</i>	- - - -	<i>10th October 2012</i>
<i>Laid before Parliament</i>		<i>15th October 2012</i>
<i>Coming into force</i>	- -	<i>5th November 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 125(1A) of the Education and Inspections Act 2006(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Further Education Institutions (Exemption from Inspection) (England) Regulations 2012 and come into force on 5th November 2012.

(2) These Regulations apply in relation to institutions in England only.

Interpretation

2. In these Regulations “the 2006 Act” means the Education and Inspections Act 2006.

Categories of institution prescribed for the purposes of section 125(1A) of the 2006 Act

3. The categories of institution that are prescribed for the purposes of section 125(1A) of the 2006 Act are—

- (a) those falling within section 91(3) of the Further and Higher Education Act 1992(b); and
- (b) 16 to 19 Academies(c).

Circumstance prescribed for the purposes of section 125(1A) of the 2006 Act

4. The circumstance prescribed for the purposes of section 125(1A) of the 2006 Act is that the institution was awarded the highest grade for its overall effectiveness in the most recent inspection of that institution under section 125 of the 2006 Act.

(a) 2006 c. 40. Section 125(1A) was inserted by section 42 of the Education Act 2011 (c. 21).

(b) 1992 c. 13. Section 91(3) was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), Schedule 8, paragraphs 1 and 13(1) and (2).

(c) Section 1B of the Academies Act 2010 (c. 32) provides that an Academy which meets the requirements of that section is to be known as a 16 to 19 Academy. Section 1B was inserted into the Academies Act 2010 by section 53 of the Education Act 2011.

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
10th October 2012

Jo Swinson
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 125(1A) of the Education and Inspections Act 2006 (“the 2006 Act”) (inserted by section 42 of the Education Act 2011). Section 125(1A) of the 2006 Act provides that the duty of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills under that section (to inspect all institutions within the further education sector and all 16 to 19 Academies at such intervals as may be specified by the Secretary of State) does not apply to prescribed categories of institution in prescribed circumstances.

Regulation 3 prescribes the categories of institution that may be exempt from routine inspection. It provides that all those institutions falling within section 91(3) of the Further and Higher Education Act 1992 (all categories of institutions within the further education sector) and 16 to 19 Academies are prescribed.

Regulation 4 prescribes the circumstance in which such institutions will be exempt from routine inspection: the institution’s overall effectiveness must have been awarded the highest grade (currently the “outstanding” grade) in its most recent inspection under section 125 of the 2006 Act.

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations. The instrument has a minimal impact on the public sector. The Explanatory Memorandum is published alongside the regulations on www.legislation.gov.uk.

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