



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART III

#### INSPECTIONS IN ENGLAND

#### CHAPTER I

#### THE ADULT LEARNING INSPECTORATE

#### *The Inspectorate*

#### 52 The Inspectorate

- (1) There shall be a body corporate called the Adult Learning Inspectorate.
- (2) The Inspectorate is to consist of 9 members appointed by the Secretary of State.
- (3) The Secretary of State must appoint one of the members as chairman and another of the members as the Inspectorate's chief officer.
- (4) The chief officer is to be known as the Chief Inspector of Adult Learning.
- (5) In appointing any member, the Secretary of State must have regard to the desirability of appointing a person who has experience relevant to the Inspectorate's functions.
- (6) The Secretary of State may make grants to the Inspectorate of such amounts and subject to such conditions as he thinks fit.
- (7) The conditions may—
  - (a) set the Inspectorate's budget for any of its financial years;
  - (b) require it to use the grants for specified purposes;
  - (c) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by him if any condition imposed is not complied with;

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- (d) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.
- (8) Schedule 6 contains provisions about the Inspectorate.

### **53 The Inspectorate’s remit**

- (1) The Inspectorate’s remit is—
  - (a) further education for persons aged 19 or over which is wholly or partly funded by the Learning and Skills Council for England;
  - (b) training for persons aged 16 or over so far as it takes place wholly or partly at the premises of an employer and is wholly or partly funded by the Council;
  - (c) further education funded by a local education authority in England for persons aged 19 or over;
  - (d) 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;
  - (e) such other education or training as may be prescribed by regulations made by the Secretary of State.
- (2) Regulations made under subsection (1)(e) may include within the Inspectorate’s remit training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training which otherwise falls within the Inspectorate’s remit.
- (3) “Further education” has the same meaning as it has in the Education Act 1996.

#### *Functions of the Inspectorate and the Chief Inspector*

### **54 Functions of the Inspectorate and Chief Inspector**

- (1) The Inspectorate must keep the Secretary of State informed about—
  - (a) the quality of the education and training within its remit;
  - (b) the standards achieved by those receiving that education and 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) When asked to do so by the Secretary of State, the Inspectorate must give the Secretary of State advice on such matters relating to education or training within its remit as he may specify.
- (3) When asked to do so by the Secretary of State, the Chief Inspector of Adult Learning must conduct inspections of such education or training, or such class of education or training, within the Inspectorate’s remit, at such intervals, as the Secretary of State may specify.
- (4) The Inspectorate is to have such other functions in connection with education and training within its remit as the Secretary of State may specify.
- (5) The Chief Inspector is to have such other functions in connection with education and training within the Inspectorate’s remit as the Secretary of State may specify.

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- (6) The functions specified under subsection (4) or (5) 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 falls within the Inspectorate's remit.
- (7) In exercising their functions, the Inspectorate and the Chief Inspector must have regard to such aspects of government policy as the Secretary of State may specify.

## **55 Inspections under section 54**

- (1) When an inspection asked for under section 54(3) has been completed, the Chief Inspector of Adult Learning must make a written report on it if asked to do so by the Secretary of State.
- (2) 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.
- (3) The Chief Inspector must send copies of the report to—
  - (a) the Secretary of State;
  - (b) the Learning and Skills Council for England;
  - (c) any local education authority providing funds for the education or training inspected; and
  - (d) the provider of the inspected education or training.
- (4) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (5) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

## **56 General powers**

- (1) The Inspectorate may give advice to the Secretary of State on any matter relating to education or training within its remit.
- (2) The Inspectorate may inspect, and report on, any education or training within its remit.
- (3) The Inspectorate may inspect any education or training—
  - (a) which is not within its remit, but
  - (b) which would be if it were funded in one of the ways mentioned in section 53, if asked to do so by the provider of the education or training.
- (4) The Inspectorate may charge for the cost of an inspection conducted under subsection (3).
- (5) The Inspectorate must send copies of a report of an inspection conducted under this section otherwise than as a result of a request under subsection (3) to—
  - (a) the Secretary of State;
  - (b) the Learning and Skills Council for England;
  - (c) any local education authority providing funds for the education or training inspected; and

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- (d) the provider of the inspected education or training.
- (6) Copies may also be sent to such other persons as the Inspectorate considers appropriate.
- (7) The Inspectorate must arrange for the report to be published in such manner as it considers appropriate.
- (8) The Inspectorate may arrange for a report of an inspection carried out as a result of a request under subsection (3) to be published.

## **57 Right of entry and offences**

- (1) This section applies to an inspection conducted under this Chapter other than one conducted as a result of a request under section 56(3).
- (2) An inspector taking part in the inspection 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 person providing that education or training 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.
- (3) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (2) may be exercised only if the employer has been given reasonable notice in writing.
- (4) The right to inspect records conferred by subsection (2)(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.
- (5) That right also includes the right to require—
  - (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,
 to afford the Inspectorate or any inspector such assistance as he may reasonably require.
- (6) It is an offence wilfully to obstruct any person exercising functions in relation to an inspection.
- (7) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) “Inspector”, in relation to an inspection, means an employee of the Inspectorate taking part in the inspection or any person appointed by the Inspectorate to assist with the inspection and includes the Chief Inspector of Adult Learning where the inspection is being conducted by him.

## **58 Action plans**

- (1) This section applies if the Inspectorate or the Chief Inspector of Adult Learning publishes a report of an inspection conducted otherwise than as a result of a request under section 56(3).
- (2) The provider of the education or training which is the subject of the report must make 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.
- (3) 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 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 Inspectorate or the Chief Inspector.

## **59 Annual report**

- (1) The Inspectorate must make an annual report to the Secretary of State.
- (2) The Secretary of State must lay a copy of the annual report before each House of Parliament.
- (3) The annual report must be in such form and contain such information as the Secretary of State specifies in directions given to the Inspectorate.
- (4) The Inspectorate may make such other reports to the Secretary of State, with respect to matters relating to education or training within its remit, as it considers appropriate.
- (5) The Inspectorate may publish any report made under this section in such manner as it considers appropriate.