

Explanatory Memorandum to the Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010

This Explanatory Memorandum has been prepared by the Public Services and Improvement Directorate of the Public Services and Local Government Delivery Directorate General and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010.

Carwyn Jones

First Minister

17 May 2010

Description

1. These regulations amend the:
 - Education (Inspection of Nursery Education) (Wales) Regulations 1999,
 - Inspection of Education and Training (Wales) Regulations 2001,
 - Education (School Inspection) (Wales) Regulations 2006, and
 - Education of Careers and Related Services (Wales) Regulations 2006.

With effect from 1 September 2010 the amendments update the various regulations to require Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyffordiant yng Nghymru ("the Chief Inspector for Wales") to secure that all new providers are inspected within six years of their establishment and for all other providers to be inspected within six years of the date they were last inspected.

Matters of Special Interest to the Constitutional Affairs Committee

2. None.

Legislative Background

3. Provisions in the School Standards and Framework Act 1998 as amended; the Learning and Skills Act 2000; and the Education Act 2005 place a duty on the Chief Inspector for Wales to arrange regular inspections of nursery education; maintained schools; further education and training for persons aged

16 and over; and careers provision at such intervals as may be prescribed in regulations made by the Welsh Ministers.

4. The powers to make regulations conferred on the:

- Secretary of State by section 122(1) and section 138(7) and (8) of, and paragraph 6B(1)(a) of Schedule 26, to the School Standards and Framework Act 1998 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999;
- National Assembly for Wales by sections 77(2) and (9), section 150 and section 152 of the Learning and Skills Act 2000; and the
- Secretary of State by section 28(1), sections 50(4) and (8) and section 120(2) of, and paragraph 2(1) of Schedule 6, to the Education Act 2005 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999,

are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. These regulations follow the negative resolution procedure.

Purpose and Intended Effect of the legislation

5. The purpose and intended effect of the regulations is to renew the six year cycle from a common date; continue to ensure appropriate inspection coverage; and provide the Chief Inspector for Wales with the flexibility to conduct more than one inspection of individual providers within the six year cycle, should the need arise.

Policy Background

6. The Chief Inspector for Wales is independent of the Welsh Assembly Government although the functions of the Chief Inspector for Wales are funded by it. The Chief Inspector for Wales is responsible for a wide range of cyclical inspection programmes, known as the “Common Inspection Framework,” to ensure regular inspection of providers across almost all areas of education and training in Wales.

7. The current cycle will come to an end in August 2010. With that in mind, the Chief Inspector for Wales has considered the efficacy of the cycle as part of an overall review of the Inspectorate. That has led to a number of amendments to the current regulations consonant with the Chief Inspector’s for Wales’s plans to begin introducing, from 1 September 2010, its new Common Inspection Framework (now designed to maximise the contribution inspections can make towards delivering the Assembly Government’s policy for promoting improvement in education and training, public service inspection and the follow-through to the “Making the Connections” agenda).

8. The content of the amending regulations has been discussed with the Chief Inspector for Wales who is content that they will fulfil the purpose for which they are intended and have the desired effect.

Consultation

9. From 14 January to 7 April 2009 Estyn consulted widely with the general public and other stakeholders on its proposals for new inspection arrangements. The 2009 exercise built on an earlier informal consultation in 2008 when Estyn asked the general public, special interest groups and the teaching profession how they thought inspections could give them the information they needed about education and training in Wales.

10. Estyn encouraged a wide response to the 2009 consultation through the use of letters and emails, e-bulletins, advertising on sites used by those with an interest in education and training, and press advertisements throughout Wales. The consultation document and questions were made available in printed and electronic format, with a choice of response formats – electronic or printed questionnaire, letter or telephone interview. Estyn also held meetings and open forums with groups of stakeholders where its proposals were discussed and responses noted.

11. Estyn's proposals were grouped under 7 main headings:

- more proportionate inspection;
- a streamlined framework of inspection indicators and grades;
- greater emphasis on the user;
- extended use of HMI-led inspection teams with strong 'peer inspector involvement';
- more emphasis on building capacity for self-evaluation and improvement;
- clearer, more accessible reports; and
- shorter periods of notice.

12. There were 280 responses, of which one third were submitted on behalf of an organisation, for example, a school, local authority or professional body: all of the sectors inspected by Estyn responded.

13. The outcome of the consultation was overwhelmingly positive and has helped inform the design of the new Common Inspection Framework. Responses to "more proportionate inspection" proposals were generally favourable with no substantive objection to all providers having a core inspection within a six year cycle with follow-up visits in proportion to and responsive to particular issues relating to the provider.

Regulatory Impact Assessment

14. A Regulatory Impact Assessment has not been prepared as these regulations do not place any new obligation, duty or cost on another body and have no impact on Welsh Ministers' statutory duties (sections 77 to 79 Government of Wales Act 2006) or statutory partners (sections 73 to 75 Government of Wales Act 2006).