MEMORANDUM SUBMITTED BY DEPARTMENT FOR EDUCATION ON DRAFT REGULATIONS ON CLAUSE 41 (E 92)

Reference: EBCC/2011/Note 10

To aid the Committee’s consideration of the Education Bill, this note provides a draft of regulations intended to be made under the delegated power in clause 41.

STATUTORY INSTRUMENTS

[2011] No. [ ]

EDUCATION, ENGLAND

Further Education Institutions (Exemption from Inspection) (England) Regulations [2011]

Made - - - - [ ] 2011
Laid before Parliament [ ] 2011
Coming into force - - [ ] 2011

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections [125(1A) and 181(1) and 2(a)] 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 and come into force on [ ] [2011].

(2) These Regulations apply in relation to 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(b) are those falling within section 91(3) of the Further and Higher Education Act 1992(c).

(a) c.40.
(b) Section 125(1A) was inserted into the 2006 Act by [section [ ]] of the Education Act 2011.
(c) c. 13. Section 91(3) was amended by the Apprenticeships, Skills, Children and Learning Act 2009, section 125 and by paragraphs 1 and 13 of Schedule 8 to that Act.
Circumstances prescribed for the purposes of section 125(1A) of the 2006 Act

4. The circumstances prescribed for the purposes of section 125(1A) of the 2006 Act are that the institution’s overall effectiveness was judged to be in the highest category in its most recent inspection under section 125 of the 2006 Act.

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 [41] of the Education Act 2011) which provides for the Chief Inspector’s duty under section 125 of that Act to inspect all institutions within the further education sector at such intervals specified by the Secretary of State not to apply to certain categories of institution in certain circumstances. Section 125(1B) of the 2006 Act provides that further education institutions which are not subject to such routine inspection are known as “exempt institutions”. Section 123(4)(b) of the 2006 Act provides that institutions within the further education sector are those falling within section 91(3) of the Further and Higher Education Act 1992 (“the 1992 Act”) i.e. institutions conducted by further education corporations, designated institutions for the purposes of Part 1 of the 1992 Act, and sixth form colleges.

Regulation 3 provides that the categories of institution that may be exempt from routine inspection are all those falling within section 91(3) of the 1992 Act i.e. all categories of institution within the further education sector.

Under regulation 4, further education institutions will be exempt where the institution’s overall effectiveness was judged to be in the highest category (currently the “outstanding” category) in its most recent inspection under section 125 of the 2006 Act.

March 2011