EXPLANATORY MEMORANDUM TO

THE EDUCATION AND INSPECTIONS ACT 2006 (INSPECTION OF LOCAL AUTHORITIES) REGULATIONS 2007
2007 No. 462

AND

THE EDUCATION AND INSPECTIONS ACT 2006 (PRESCRIBED EDUCATION AND TRAINING ETC) REGULATIONS 2007
2007 No. 464

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The regulations set out requirements, following certain inspection by HM Chief Inspector of Education, Children's Services and Skills ("the chief inspector"), for the publication of reports of the inspections; the bodies to whom copies of reports should be sent and the timescale for doing so; and sets out similar requirements for publication of action plans, in response to the reports, by the bodies inspected. The regulations apply to, respectively, inspections by the Chief Inspector of a local authority's education and children's social services functions; inspections by the Chief Inspector of further education and training.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Section 136 of the Education and Inspections Act 2006 ("the Act") provides for the inspection, by the Chief Inspector, of local authorities' education and children's social services functions, as defined in section 135 of the Act. This replaces currently separate provisions in: The Education Act 1997, for the inspection by HM Chief Inspector of Schools ("HMCI") of local authorities' education functions; and the Health and Social Care (Community Services) Act 2003, for the inspection, by the Commission for Social Care Inspection, of local authorities' social services functions. The regulations replace the currently similar regulations as to the publication of reports and action plans made under the 1997 Act. There were no similar regulations under the 2003 Act.

4.2 Section 123 of the Act sets out what education and training is within the remit of the Chief Inspector. Sections 124 and 125 of the Act provide for the inspection, by the Chief Inspector, of that education and training, the inspection of which was formerly carried out by the Adult Learning Inspectorate (ALI). The ALI is abolished by the Act. Section 128 of the Act provides for the inspection of education and training provision for pupils aged 14-19 in a local authority area, which were formerly conducted jointly by ALI and HMCI. Section 123(1)(h) provides that the Secretary of State may make regulations prescribing other education and training to be brought within the Chief Inspector's remit. Sections 127 and 130 make provision for the

preparation and publication of written statements (action plans) following an inspection, and for the time and manner of publication of the statements to be prescribed by regulations.

5. Extent

5.1 These instruments apply to England.

6. European Convention on Human Rights

6.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required:

7. Policy background

7.1 The government's proposals for a single inspectorate for education and children's social care were contained in the 2005 consultation paper *A Single Inspectorate of Children and Learners.* The single inspectorate – the Office for Standards in Education, Children's Services and Skills set up under the Education and Inspections Act 2006 - will mirror the integration of local authority services for education and children's social services, following the government's Green Paper "Every Child Matters" published in September 2003, and the Children Act 2004.

7.2 The new inspectorate will be responsible for inspecting that further education and training previously inspected by HMCI and the ALI under provisions of the Learning and Skills Act 2000. The education and training is brought into the remit of the new inspectorate, the Office for Standards in Education, Children's Services and Skills, by section 123 of the Act and the ALI is consequently abolished. The Education and Inspections Act 2006 (Prescribed Education and Training etc) Regulations 2007 replace regulations made under the 2000 Act. They prescribe additional education and training to be brought into the Chief Inspector's remit, which would not otherwise be included. After an inspection has taken place, the provider of the education has to produce a written statement or "action plan". The regulations set out when the action plan must be produced, and how it is to be published. They also make provision for action plans after an area inspection.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for these instruments as they have no impact on business, charities or voluntary bodies.

8.2 The Regulatory Impact Assessment which accompanied the 2005 consultation paper *A Single Inspectorate of Children and Learners* concluded that a single inspectorate would impact positively on a range of different sectors, and would deliver significant cost savings, although there would be some start up costs.

9. Contact

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