



Llywodraeth Cymru  
Welsh Government

PUBLICATION, DOCUMENT

# Regulating the inspection of Further Education and Training

We are consulting on the draft Regulations that will replace the Inspection of Education and Training (Wales) Regulations 2001 (as amended).

**First published:** 4 April 2025

**Last updated:** 4 April 2025

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/regulating-inspection-further-education-and-training-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

# Contents

**Summary** (<https://www.gov.wales/pdf-optimised/node/67692#169213>)

**Where are we now** (<https://www.gov.wales/pdf-optimised/node/67692#169215>)

**The Tertiary Education and Research (Wales) Act** (<https://www.gov.wales/pdf-optimised/node/67692#169217>)

**What changes are we proposing** (<https://www.gov.wales/pdf-optimised/node/67692#169219>)

**Consultation questions** (<https://www.gov.wales/pdf-optimised/node/67692#169221>)

**Your rights** (<https://www.gov.wales/pdf-optimised/node/67692#169223>)

**UK General Data Protection Regulation (UK GDPR)** (<https://www.gov.wales/pdf-optimised/node/67692#169225>)

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/regulating-inspection-further-education-and-training-html> for the latest version.

Get **information on copyright** (<https://www.gov.wales/copyright-statement>).

# Summary

From April 2026, the Commission for Tertiary Education and Research (now known as Medr) will become responsible for the oversight and funding of Estyn's core inspection work and thematic reviews of the further education and training specified in section 57(1) of the Tertiary Education and Research (Wales) Act 2022 ("TERA"). Estyn will also be under a duty to provide advice and guidance relating to the inspection and quality of post compulsory further education and training (including school sixth form element of school inspection).

We are consulting on the draft Inspection of Education and Training (Wales) Regulations 2026 ('the 2026 Regulations') which will revoke and replace the Inspection of Education and Training (Wales) Regulations 2001 ('the 2001 Regulations') (as amended most recently by the Education (Amendments Relating to the Intervals for Inspection of Education and Training) (Wales) Regulations 2020). The 2001 Regulations require the inspection of further education and training to be carried out at specified intervals and require inspection reports and action plans to be completed within a specified period.

The aim of the 2026 Regulations is to ensure inspection intervals (the period required between inspections) and the specified period in which reports need to be completed provide sufficient flexibility for Estyn to exercise its duties effectively and in a timely manner.

Whilst there is no intention to alter the policy intent in respect of the intervals of inspections as set out in the 2001 Regulations, we are consulting on a proposed change to the reporting period for Estyn inspections of further education and training. The 2001 Regulations require that a report be published within 70 working days from the date on which the inspection is completed. We propose reducing that period to 35 working days starting with the working day after the day an inspection is completed, to bring the sector into alignment with Estyn inspections of schools.

# Where are we now

The framework for education and training inspections is currently set out under the Learning and Skills Act 2000 (“the 2000 Act”). By virtue of section 73 of the 2000 Act, responsibility for the inspection of schools falls to His Majesty’s Chief Inspector of Education and Training in Wales (Estyn), and section 75 extends the remit to cover further education and training.

Part IV of the 2000 Act provides that inspections must be carried out in respect of specific education or training brought within the remit of Estyn by that Part, and provides duties and powers for Estyn to carry out area inspections.

The 2001 Regulations detail the current inspection intervals and reporting periods which apply to Estyn. They also outline the requirement that an action plan must be published by the body concerned within a specific time period and further publication requirements for action plans.

The 2001 Regulations (as amended most recently by the Education (Amendments Relating to the Intervals for Inspection of Education and Training) (Wales) Regulations 2020) require that:

- following the conclusion of the previous eight year inspection period ending on 31st August 2024, inspections will be conducted at least once within every six years
- inspection reports must be made within the period of 70 working days from the date on which the inspection or area inspection is completed
- action plans must be published within the period of 20 working days from the date on which the body concerned received a copy of the inspection report

# The Tertiary Education and Research (Wales) Act

The Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) received Royal Assent on 8 September 2022. The 2022 Act provided for the establishment of Medr and the dissolution of the Higher Education Funding Council for Wales (“HEFCW”). Medr was established as a legal entity on 15 December 2022 and became operational on 1 August 2024, with HEFCW also being dissolved on that date.

Following the commencement of all relevant provision within the 2022 Act, Medr will be responsible for strategy, funding, and oversight of the following sectors:

- Further education, including colleges and school sixth-forms.
- Higher education, including research and innovation.
- Adult education and adult community learning.
- Apprenticeships and training.

Sections 57 to 68 of the 2022 Act contain the functions of Estyn, previously set out in Part 4 of the Learning and Skills Act 2000, in respect of the inspection of post-16 education and training, set out the requirements on Medr in respect of its role in the strategic oversight and funding of the inspection of further education and training, along with the duties of persons responsible for providing the education being inspected.

Section 57(4) of the 2022 Act provides the power for the Welsh Ministers to make regulations specifying the intervals at which inspections of specific education and training are required to be conducted and the period in which reports on such inspections are required to be made.

Section 57(5) of the 2022 Act sets out the requirement for the Welsh Ministers to consult with Medr (and Estyn) before making these Regulations.

Section 62 of the 2022 Act outlines the requirements for the provider of education and training which is subject to a report: the person responsible for the management of the provider must prepare and publish a written statement of the action which the person proposes to take in the light of the report and the period within which the person proposes to take it.

Section 63(9)(b) of the 2022 Act provides the power for the Welsh Ministers to make regulations specifying the period in which reports on area inspections are required to be published.

## What changes are we proposing

Welsh Government policy in respect of inspection intervals in respect of both the specific further education or training inspections (under section 57(1) of the Act) and area inspections (under section 63 of the Act) remains unchanged and will continue to apply to the Estyn funding and planning cycle in future years.

The 2026 regulations will not alter the requirements in respect of inspection intervals as currently set out in the 2001 Regulations (as amended) but will confirm that the existing arrangements in respect of six yearly inspection intervals will continue following the commencement of the relevant functions relating to the quality of further education and training as set out in the 2022 Act.

In order to ensure no gap in the inspection of further education and training, the 2026 Regulations provide for a number of scenarios:

- Where the education or training has not been inspected under section 77 of the LSA 2000 or the section 57 of the 2022 Act, an inspection must be completed within six years of Estyn being subject to a duty to inspect the education or training under those sections,
- Where the education or training has been inspected under section 77 of the

LSA 2000 but that inspection did not occur between 1 September 2024 and 31 March 2026, an inspection must be completed at least once between 1 April 2026 and 31 August 2030,

- In all other cases, an inspection must be completed at least once within the period of six years beginning with 1 September 2030, and at least once within every subsequent six-year period beginning at the end of the previous period

Welsh Government policy in respect of the timing of inspection reports in respect of inspections of further education and training has changed.

The proposed change will reduce Estyn's reporting period from 70 to 35 working days from the working day after the day an inspected is completed.

This would bring the timing of inspection reports for further education and training into alignment with the reporting period for schools, increasing consistency across the different educational sectors and enabling further education and training providers to act upon Estyn recommendations more quickly than the current Regulations allow.

In developing this policy proposal, the Welsh Government has engaged with Medr and Estyn with both organisations agreeing with the proposed change.

## Consultation questions

### Question 1

Do you agree with the proposal to revoke and replace the Inspection of Education and Training (Wales) Regulations 2001 to consolidate and reflect the statutory role of the Commission in exercising its statutory duties and functions as set out in the Tertiary Education and Research (Wales) Act 2022?

## Question 2

Do you agree with the transitional arrangements included within the draft regulations as set out in the table in regulation 2 which ensures the continuity of the current 6-year inspection period that started under the 2001 Regulations?

## Question 3

Do you agree with amending the timeframe within which further education and training inspection reports must be made, from 70 working days to 35 working days to be in line with other inspections undertaken by Estyn?

## Question 4

What, in your opinion, would be the likely effects of the legislation on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

## Question 5

In your opinion, could the legislation be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or

- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Please use the consultation response form to respond to the above questions.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

## Data Protection Officer

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail: [dataprotectionofficer@gov.wales](mailto:dataprotectionofficer@gov.wales) (<mailto:dataprotectionofficer@gov.wales>)

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/regulating-inspection-further-education-and-training-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

## Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 0303 123 1113  
Website: [ico website](https://ico.org.uk/) (<https://ico.org.uk/>)

## UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (for example, a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/regulating-inspection-further-education-and-training-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

**This document may not be fully accessible.**

For more information refer to our [accessibility statement](https://www.gov.wales/accessibility-statement-govwales) (<https://www.gov.wales/accessibility-statement-govwales>).

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/regulating-inspection-further-education-and-training-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).