

REGULATORY APPRAISAL

EDUCATION, WALES

THE INSPECTION OF THE CAREERS AND RELATED SERVICES (WALES) REGULATIONS 2006

Background

1. Section 8 of the Employment and Training Act 1973 (as amended) places a duty on the National Assembly for Wales to secure the provision of careers services to certain persons receiving education and under section 9 of that Act it has the power to provide careers services for others. The Assembly has made arrangements under section 10 of that Act to provide careers services in Wales. Section 2 of the same Act also gives the National Assembly for Wales powers to arrange for the provision of related services pertaining to Education Business Links and information, advice and guidance for adults.
2. The statutory careers service client group comprises:
 - people undergoing full time education at any educational institution, other than an educational institution within the higher education sector. It includes people on part time education where the education undergone by the persons is to fit them for employment; and
 - people aged under 21 who have left education (other than higher education) or full time training up to two years earlier.
3. The adult group comprises:
 - all adults outside of the New Deal, administered by Jobcentre Plus, and is mainly for adults that have been unemployed for six months or more. Support includes access to information, advice and guidance and the telephone helpline “learndirect”.
4. Education Business Links comprises:
 - Work Experience;
 - Teacher Placements in Industry and Business;
 - Employer support for the curriculum;
 - Employer Mentoring; and
 - Business Awareness and Enterprise.
5. The National Assembly for Wales has made arrangements (under section 10 of the Employment and Training Act 1973) to provide careers services and related services in Wales through annually agreed contracts with six

careers companies, limited by guarantee, which together make up Careers Wales.

6. Careers services and related services provided by Careers Wales are currently inspected by the Chief Inspector for Education and Training in Wales under sections 35 and 35A of the Teacher and Higher Education Act 1998. These powers have been exercised since 1999-2000 and a body of Inspection Reports of Careers Wales companies and services are available on the National Assembly Website. These arrangements provide the Chief Inspector with only limited powers as inspections of these services can only be carried out at the request of the Welsh Assembly Government. Arrangements for inspections of careers services and related services are currently set out in an annual statement of arrangements between the Welsh Assembly Government and Estyn. The arrangements are out of step with all other inspections of education and training in Wales, particularly since the introduction of the Common Inspection Framework. The Common Inspection Framework focuses on the achievement of learners: the quality of the education and training provided and the effectiveness and efficiency of leadership and management. It is a framework that is applied to the inspection of most education and training provision in Wales.
7. Sections 55 -57 of the Education Act 2005 make new provision extending the remit of the Chief Inspector for Wales in relation to the inspection of careers services and related services in Wales. This Act gives the Chief Inspector the power to determine the programme of inspection, to produce independent reports on inspection findings and to undertake an inspection without the agreement of the Assembly. Details of the inspection procedures are to be set out in Regulations by the National Assembly for Wales.

Purpose and intended effect of the measure

8. Provisions in the Act require that careers services and related services in Wales are inspected by the Chief Inspector at intervals to be prescribed by Regulations to be made by the National Assembly for Wales. These Regulations will also require the Chief Inspector to publish inspection reports on Careers Wales and require providers of Careers Wales to prepare a written statement in response to an inspection report and to set out matters to be covered in the statement, the timescale for its preparation and publication arrangements. These Regulations will bring the inspection arrangements for careers services and related services delivered by Careers Wales in line with all other inspections of education and training in Wales. The new Regulations are to take effect from 1 April 2007.

Risk Assessment

9. Failure to make this legislation would threaten the legitimacy of the inspection process. The Chief Inspector would not have the framework of inspection procedures to go with the new powers contained within the Education Act 2005. It could undermine the importance that the National

Assembly for Wales attaches to the provision of high quality information, advice and guidance and related services for individuals as a driver of lifelong learning. Users of the service could possibly be disadvantaged if the Chief inspector did not have the flexibility to carry out inspections as set out in the Regulations.

Options

Option 1: Do Nothing

10. Failure to make this legislation would threaten the legitimacy of the inspection process. Whilst the inspection arrangements could continue to be negotiated with the Assembly through an annual Statement of Arrangements, which would specify the Careers Wales company inspections and Careers Wales thematic inspections to be undertaken, this would not give the Chief Inspector the flexibility to inspect Careers Wales that was intended in the Education Act 2005.

Option 2: Make the Legislation

11. The legislation proposed will ensure that the same standards and rigour are applied to Careers Wales as to other areas of inspection of education and training in Wales.

Benefits

12. These Regulations will specify the timing and response to inspections by the Chief Inspector, and will ensure that the assessment of the quality of careers and related services and their continuous improvement are in tandem with inspections of other learning, which they support. Individuals seeking information, advice and guidance on learning and career routes will have access to services that are independently inspected and the findings published. There will be a commitment to continuous improvement through the development of post inspection action plans to address inspection recommendations. The Regulations will ensure that the same standards and rigour are applied to Careers Wales as to other areas of inspection of Education and Training in Wales. If the Regulations are not made the Chief Inspector would not have prescribed details of the inspection procedures for the inspection of Careers Wales services.

Costs

13. There are no financial implications as a consequence of this legislation for the National Assembly, Estyn or Local Authorities. Provision for the inspection of Careers Wales services is currently part of the Education and Lifelong Learning Main Expenditure Group as part of Estyn's overall funding provision for the inspection of education and training provision in Wales. Careers Services and Related Services provided by Careers Wales are currently inspected by the Chief Inspector for Education and Training in Wales and, therefore, the formalisation of these arrangements will not in themselves add to the current volume of inspections carried out by Estyn.

Consultation

With Stakeholders

14. It was decided that a formal consultation with external stakeholders was not required as there was nothing to be gained from a formal consultation, which would have only issued to Estyn and Careers Wales as the new arrangements do not impact on any other organisations. These Regulations are essentially a tidying up exercise that put the inspection of services provided by Careers Wales on a similar basis to the inspection of other education and training Wales that comes within the Chief Inspector's remit. There will be no change to the inspection process nor are there any additional costs to the Chief Inspector. Careers Wales and Estyn have already been consulted on the changes and kept informed of developments through regular meetings with both parties. Careers Wales recognise that the new inspection arrangements provide parity of esteem with all other inspections of education and training undertaken by Estyn. Estyn has had the opportunity to comment on the detail of the new inspection arrangements set out in the draft Regulations and has indicated that it is content with the draft as written.

With Subject Committee

15. These Regulations were first notified to the then Education and Lifelong Learning Committee via the list of forthcoming legislation on 30 November 2005, (ELL(2) 13-05, P.09, item no: ELL 70-05), and have remained on the list ever since. However, title at the time was inspection of careers services and related services in Wales. They were not identified for detailed scrutiny.

Review

16. The new procedures for inspecting Careers Wales will be monitored and informed through regular meetings (three meetings per year) between Welsh Assembly Government officials and Estyn that take place as part of the agreed Statement of Arrangements.

Summary

17. The new inspection arrangements brought about by these Regulations will ensure that the same standards and rigour are applied to Careers Wales as to other areas of inspection of Education and Training in Wales that fall within the Chief inspector's remit. The new inspection arrangements reflect the importance that the National Assembly attaches to the provision of careers and related services as a driver of Lifelong Learning.