

Consultation on proposed changes to Estyn inspection regime in Wales

28 May 2025  Trish D'Souza

The new post-16 regulator for post-16 provides in Wales, Medr, was established in August 2024 and is responsible for the funding and regulating of tertiary education and research including:

- Further education (e.g. colleges and sixth-forms).
- Higher education (including research and innovation).
- Adult education and adult community learning.
- Apprenticeships and training.

Proposed changes to the Inspection of Education and Training (Wales) Regulations 2001

Medr are consulting on the revocation of the Inspection of Education and Training (Wales) Regulations 2001 ("the 2001 Regulations") and replacing them with the Education and Training (Wales) Regulations 2026. The 2001 Regulations make reference to the Learning and Skills Act 2000 and relate to Estyn's inspection of the following:

- Education or training for persons over 16 where the provider is being supported financially by the Medr or a Local Authority in Wales (or where one of these bodies is contemplating giving them support).
- Education or training for persons of compulsory age within the further education sector;
- Part-time education suitable to the requirements of persons over compulsory school age provided by a maintained school.
- Full-time education suitable to the requirements of persons who have attained the age of 19 provided by a maintained school .
- Other education or training in Wales prescribed by regulations made by the Senedd.

The 2001 Regulations currently set out that the above types of education and training programmes must be inspected by Estyn at least every six years, and that inspection reports must be published by Estyn within 70 working days starting on the date the inspection is completed.

Following receipt of the inspection report, the education or training provider then has 20 days to prepare an action plan based on Estyn's findings and share this with the Chief Inspector of Education and Training in Wales and any other body providing them with financial support (e.g. the local authority).

How will things change?

It's proposed that 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 existing legislation, an inspection must be completed within six years of Estyn being subject to a duty to inspect the education or training.
- Where the education or training has been inspected 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.

The reasoning behind the proposed repeal of the 2001 Regulations is to bring Estyn inspections of the above types of training in line with the current requirements for schools. The 2026 Regulations would not change the requirement for inspections every six years, but the deadline for publication of reports would be reduced to 35 working days from the next working day after completion of the inspection, as with schools for students of compulsory school age.

A faster reporting turnaround

Educators will be all too familiar with the tense wait for the outcome of an inspection. The benefit of the 2026 Regulations will mean that institutions will not have as long to wait to hear back regarding their institution's performance. However, this transition to a shorter reporting period will need to reflect that the inspection of tertiary education programmes is far more complex than for schools following the national curriculum.

Tertiary education providers have far more autonomy in terms of curriculum, staff training, policies and their general offerings to students. The programmes and teaching style are often much more varied than the education provided by schools for students of compulsory school age. Estyn Inspection Officers may need more time to understand the individual characteristics of each institution.

Looking forward

It remains to be seen how Medr will direct Estyn's workflow moving forward. For example, will we see inspectors with more specialised knowledge of the different aspects of tertiary education, to help them get to grips with the programmes they are inspecting more swiftly? Or will inspections involve a greater number of officers, to streamline the report writing stage?

There's no suggestion that the timeline of 20 working days for providers to prepare an action plan is changing, meaning that providers could find themselves under more pressure from Estyn to react swiftly to the initial findings. The upside of this is that improvements may be implemented more swiftly, which may ultimately benefit students and the wider education sector.

Medr's consultation is open until 20 June 2025.

Contact



Trish D'Souza

Legal Director

trish.d'souza@brownejacobson.com

+44 (0)330 045 2193

Related expertise

Further education

Government

Higher education institutions and universities

