

Status: Point in time view as at 01/09/1997.

Changes to legislation: Education Act 1997, SCHEDULE 6 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 42.

SCHOOL INSPECTIONS

Introductory

1 In this Schedule “the 1996 Act” means the ^{M1}School Inspections Act 1996.

Marginal Citations

M1 1996 c. 57.

Rights of entry etc. for Chief Inspectors

2 For subsections (8) and (9) of section 2 of the 1996 Act (functions of Chief Inspector for England) there shall be substituted—

“(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for England shall have at all reasonable times, in relation to any school in England—

- (a) a right of entry to the premises of the school; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.

(9) It shall be an offence wilfully to obstruct the Chief Inspector for England—

- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
- (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.”

3 For subsections (8) and (9) of section 5 of the 1996 Act (functions of Chief Inspector for Wales) there shall be substituted—

“(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for Wales shall have at all reasonable times, in relation to any school in Wales—

- (a) a right of entry to the premises of the school; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.

(9) It shall be an offence wilfully to obstruct the Chief Inspector for Wales—

- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or

Status: Point in time view as at 01/09/1997.

Changes to legislation: Education Act 1997, SCHEDULE 6 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.”

Removal of inspectors from register

- 4 In subsection (2)(d) of section 8 of the 1996 Act (removal from register and imposition or variation of conditions to be satisfied by registered inspector) for “knowingly or recklessly” there shall be substituted “ , without reasonable explanation, ”.

Commencement Information

- I1** Sch. 6 para. 4 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

- 5 In paragraph 9(2)(d) of Schedule 1 to the ^{M2}Nursery Education and Grant-Maintained Schools Act 1996 (removal from register and imposition or variation of conditions to be satisfied by nursery education inspector) for “knowingly or recklessly” there shall be substituted “ , without reasonable explanation, ”.

Commencement Information

- I2** Sch. 6 para. 5 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

Marginal Citations

- M2** 1996 c. 50.

Inspections of closing schools

- 6 (1) Section 10 of the 1996 Act (inspections by registered inspectors) shall be amended as follows.
- (2) In subsection (3) (schools to which the section applies) after “subsection (4)” there shall be inserted “ or (4A) ”.
- (3) After subsection (4) there shall be inserted—
- “(4A) This section does not apply to any school—
- (a) which is a closing school (as defined by subsection (4B)), and
- (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4B) In subsection (4A) a “closing school” means—
- (a) a county, voluntary or maintained nursery school in respect of which the Secretary of State has under section 169 of the ^{M3}Education Act 1996 approved proposals by the local education authority to cease to maintain the school;

Status: Point in time view as at 01/09/1997.

Changes to legislation: Education Act 1997, SCHEDULE 6 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a voluntary school in respect of which the governing body have given notice of their intention to discontinue the school under section 173 of that Act;
- (c) a grant-maintained school in respect of which—
 - (i) the Secretary of State has under section 269 of that Act approved proposals for the discontinuance of the school, or
 - (ii) the funding authority have made a determination under that section to adopt proposals for the discontinuance of the school;
- (d) a maintained or grant-maintained special school in respect of which the Secretary of State has under section 340 of that Act approved proposals for the discontinuance of the school;
- (e) a city technology college or city college for the technology of the arts in respect of which notice of termination of an agreement made under section 482 of that Act has been given; or
- (f) an independent school falling within subsection (3)(e) which the proprietor has decided to close.”

Marginal Citations

M3 1996 c. 56.

Publication of inspection reports

- 7 In each of sections 16(4)(c) and 20(4)(c) of the 1996 Act (appropriate authority to take steps to secure that registered parents receive copies of the summary of the inspection report) for “as soon as is reasonably practicable” there shall be substituted “ within such period following receipt of the report by the authority as may be prescribed ”.

Commencement Information

I3 Sch. 6 para. 7 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

Computer records

- 8 In section 42 of the 1996 Act (inspection of computer records for the purposes of Part I)—
- (a) after “records” (in both places) there shall be inserted “ or other documents ”; and
 - (b) at the end there shall be added “ (including, in particular, the making of information available for inspection or copying in a legible form) ”.

Delegation of functions of Chief Inspectors

- 9 In paragraph 5(3) of Schedule 1 to the 1996 Act (performance of functions of Chief Inspectors), for “in conducting an inspection under section 2(2)(b) or section 5(2)(b)” there shall be substituted “ under sub-paragraph (1) or (2) ”.

Status: Point in time view as at 01/09/1997.

Changes to legislation: Education Act 1997, SCHEDULE 6 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Tenders and consultation

10 For paragraph 2 of Schedule 3 to the 1996 Act (selection of registered inspectors) there shall be substituted—

- “2 (1) Before entering into any arrangement for an inspection, the Chief Inspector shall invite tenders from at least two persons who can reasonably be expected to tender for the proposed inspection and to do so at arm’s length from each other, and each of whom is either—
- (a) a registered inspector, or
 - (b) a person who the Chief Inspector is satisfied would, if his tender were successful, arrange with a registered inspector for the inspection to be carried out.
- (2) Before an inspection takes place the Chief Inspector shall consult the appropriate authority about the inspection.”

Inspection teams

11 For paragraph 3(1) of Schedule 3 to the 1996 Act (inspection teams) there shall be substituted—

- “(1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who—
- (a) are fit and proper persons for carrying out the inspection; and
 - (b) will be capable of assisting in the inspection competently and effectively.”

Rights of entry etc. for registered inspectors

12 (1) The existing provisions of paragraph 7 of Schedule 3 to the 1996 Act (rights of entry) shall become sub-paragraph (1) of that paragraph.

(2) After that sub-paragraph there shall be inserted—

- “(2) Where—
- (a) pupils registered at the school concerned are, by arrangement with another school, receiving part of their education at the other school, and
 - (b) the inspector is satisfied that he cannot properly discharge his duty under section 10(5) in relation to the school concerned without inspecting the provision made for those pupils at that other school,
- sub-paragraph (1) shall apply in relation to that other school as it applies in relation to the school concerned.”

Status:

Point in time view as at 01/09/1997.

Changes to legislation:

Education Act 1997, SCHEDULE 6 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.