



# Education Act 1997

## 1997 CHAPTER 44

### PART VI

#### INSPECTION OF LOCAL EDUCATION AUTHORITIES AND SCHOOL INSPECTIONS

#### CHAPTER I

##### INSPECTION OF LOCAL EDUCATION AUTHORITIES

### 38 Inspection of LEAs.

- (1) The Chief Inspector—
  - (a) may, and
  - (b) if requested to do so by the Secretary of State, shall, arrange for any local education authority to be inspected under this section.
- [<sup>F1</sup>(2) An inspection of a local education authority in England under this section shall consist of a review of the way in which the authority are performing any function conferred on them in their capacity as a local education authority, other than a function falling within the remit of the Adult Learning Inspectorate under section 53 of the Learning and Skills Act 2000 (c. 21).
- (2A) An inspection of a local education authority in Wales under this section shall consist of a review of the way in which the authority are performing—
  - (a) any function conferred on them in their capacity as a local education authority; and
  - (b) the functions conferred on them under sections 25 and 26 so far as relating to education, training or youth support services (within the meaning of section 123 of the Learning and Skills Act 2000).]
  - (3) A request by the Secretary of State under this section may relate to one or more local education authorities, and shall specify both—
    - (a) the local education authority or authorities concerned, and

*Status: Point in time view as at 01/09/2005. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1997, Section 38 is up to date with all changes known to be in force on or before 14 July 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) the functions of theirs to which the inspection is to relate.
- (4) Before making any such request the Secretary of State shall consult the Chief Inspector as to the matters to be specified in the request in accordance with subsection (3).
- (5) Any inspection under this section shall be conducted—
- (a) by one of Her Majesty’s Inspectors of Schools in England or (as the case may require) Wales, or
  - (b) by any additional inspector authorised under [<sup>F2</sup>paragraph 2 of Schedule 1 to the Education Act 2005 or (as the case requires) paragraph 2 of Schedule 2 to that Act] ;
- but he may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.
- (6) For the purposes of this section a local education authority shall provide the Chief Inspector with such information as may be prescribed, and shall do so in such form and—
- (a) within such period following a request made by the Chief Inspector in any prescribed circumstances, or
  - (b) at such other times,
- as regulations may provide.
- (7) In this section and sections 39 to 41 “the Chief Inspector” means—
- (a) in relation to a local education authority in England, Her Majesty’s Chief Inspector of Schools in England; and
  - (b) in relation to a local education authority in Wales, [<sup>F3</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
- and in those sections references to “the inspector” in relation to an inspection under this section are references to the person conducting the inspection.

#### Textual Amendments

- F1** S. 38(2)(2A) substituted for s. 38(2) (1.4.2005 for E., 31.7.2008 for W.) by [Children Act 2004 \(c. 31\), ss. 51, 67\(7\)\(e\)](#); S.I. 2005/394, [art. 2\(2\)\(e\)](#); S.I. 2008/1904, [art. 2](#)
- F2** Words in s. 38(5)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 11](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3, Sch. 1](#)
- F3** Words in s. 38(7)(a) substituted (1.1.2001) by [2000 c. 21, s. 73\(a\)](#); S.I. 2000/3230, [art. 2, Sch.](#)

#### Modifications etc. (not altering text)

- C1** S. 38(5) applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\), reg. 1\(1\), Sch. para. 2\(a\)](#)

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