



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 6

OTHER INSPECTIONS: ENGLAND AND WALES

Inspection of religious education

47 Meaning of “denominational education”

[^{F1}(1)] In this Part “denominational education”, in relation to a school [^{F2}in England], means religious education which—

- (a) is required by section 80(1)(a) or 101(1)(a) of the Education Act 2002 (c. 32) to be included in the school's basic curriculum, but
- (b) is not required by any enactment to be given in accordance with an agreed syllabus.

[^{F3}(2)] In this Part, “denominational education”, in relation to a school in Wales, means teaching and learning in respect of Religion, Values and Ethics, which is provided—

- (a) under paragraph 7(3) or paragraph 8(4) of Schedule 1 to the Curriculum and Assessment (Wales) Act 2021, or
- (b) under section 61 of that Act, and in accordance with—
 - (i) any provisions of the school's trust deed that relate to teaching and learning in respect of the mandatory element of Religion, Values and Ethics, or
 - (ii) the tenets of the religion or religious denomination specified in relation to the school in an order under section 68A of the School Standards and Framework Act 1998.]

Status: Point in time view as at 25/09/2022.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 6. (See end of Document for details)

Textual Amendments

- F1** S. 47 renumbered as s. 47(1) (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 8(4)(a)**
- F2** Words in s. 47(1) inserted (1.9.2022 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 8(4)(b)**
- F3** S. 47(2) inserted (1.9.2022 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 8(4)(c)**

Commencement Information

- II** S.47 wholly in force at 1.9.2006; s. 47 not in force at Royal Assent see s. 125; s. 47 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), **art. 4**; S. 47 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), **art. 3**, [Sch. 1](#)

48 Inspection of religious education: England

- (1) It is the duty of the governing body of any voluntary or foundation school in England which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character to secure that—
- (a) any denominational education given to pupils, and
 - (b) the content of the school's collective worship,
- are inspected under this section.
- (2) An inspection under this section is to be conducted by a person chosen—
- (a) in the case of a voluntary controlled school, by the foundation governors after consultation with any person prescribed for the purposes of this subsection in relation to the religion or religious denomination that is specified in relation to the school under section 69(4) of the School Standards and Framework Act 1998, and
 - (b) in any other case, by the governing body after consultation with any person so prescribed.
- (3) Inspections under this section must be carried out at such intervals as may be prescribed.
- (4) It is the general duty of a person conducting an inspection under this section—
- (a) to report on the quality of the denominational education provided by the school for any pupils to whom denominational education is given by the school, and
 - (b) to report on the content of the school's collective worship,
- and any such person may report on the spiritual, moral, social and cultural development of pupils at the school.
- (5) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (6) In this section and section 49—

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“collective worship” means collective worship required by section 70 of the School Standards and Framework Act 1998 (c. 31);

“prescribed” means prescribed by regulations made by the Secretary of State.

Modifications etc. (not altering text)

- C1 S. 48: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88-90)
- C2 S. 48(3): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88-90)

49 Procedure for inspections under section 48

- (1) An inspection under section 48 must be carried out within such period as may be prescribed.
- (2) When the inspection has been completed, the person conducting the inspection must, before the end of the period prescribed for the purposes of this subsection, prepare in writing a report of the inspection.
- (3) The person conducting the inspection must, without delay, send the report to the governing body of the school concerned.
- (4) The governing body must—
 - (a) make any such report available for inspection by members of the public, at such times and at such a place as may be reasonable,
 - (b) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school—
 - (i) for whom the school provides denominational education, or
 - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 48,as the case may be, receives a copy of the report as soon as is reasonably practicable, and
 - (c) provide a copy of the report, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply) to any other person who asks for one.

Modifications etc. (not altering text)

- C3 S. 49: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88-90)
- C4 S. 49(1)(2): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88-90)

50 Inspection of religious education: Wales

- (1) It is the duty of the governing body of any voluntary or foundation school in Wales which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Assembly as having a religious character to secure that—
 - (a) any denominational education given to pupils, and

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- (b) the content of the school's collective worship,
are inspected under this section.
- (2) An inspection under this section is to be conducted by a person chosen—
- (a) in the case of a voluntary controlled school, by the foundation governors after consultation with any person prescribed for the purposes of this subsection in relation to the religion or religious denomination that is specified in relation to the school under section 69(4) of the School Standards and Framework Act 1998 (c. 31), and
- (b) in any other case, by the governing body after consultation with any person so prescribed.
- (3) The person chosen need not be registered as an inspector under section 25.
- (4) Inspections under this section must be carried out at such intervals as may be prescribed.
- (5) It is the general duty of a person conducting an inspection under this section—
- (a) to report on the quality of the denominational education provided by the school for any pupils to whom denominational education is given by the school, and
- (b) to report on the content of the school's collective worship,
and any such person may report on the spiritual, moral, social and cultural development of pupils at the school.
- (6) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (7) Schedule 6 makes further provision with respect to inspections under this section.
- (8) In this section (and that Schedule)—
- “collective worship” means collective worship required by section 70 of the School Standards and Framework Act 1998;
- “prescribed” means prescribed by regulations made by the Assembly.

[^{F4}local authority] inspections

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

51 Power of [^{F4}local authority] to inspect maintained school for specific purpose

- (1) Where—
- (a) for the purpose of enabling them to exercise any [^{F5}education] function of theirs, a [^{F4}local authority] require information about any matter in connection with a school which is maintained by them, and
- (b) it is not reasonably practicable for them to obtain the information in any other manner,

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they may cause an inspection of the school to be made by one or more of their officers for the purpose of obtaining the information.

- (2) An officer of a [F4]local authority] inspecting a school under this section has at all reasonable times a right of entry to the premises of the school.

Textual Amendments

- F5** Word in s. 51(1)(a) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 13(4)**

Commencement Information

- I2** S. 51 wholly in force; s. 51 not in force at Royal Assent see s. 125; s. 51 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), art. 4; S. 51 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), art. 3, Sch. 1

52 Provision of inspection services by [F6]local authorities] in Wales

- (1) Any [F4]local authority] in Wales may provide a school inspection service for schools within their area.
- (2) In this section “school inspection service”, in relation to any [F4]local authority] in Wales, means a service providing for the inspection of schools under section 28 or 50 by officers of the authority.
- (3) Any school inspection service provided by a [F4]local authority] in Wales may, in addition to providing for the inspection of schools which are maintained by them, provide for the inspection of schools which are not maintained by them.
- (4) Any school inspection service provided by a [F4]local authority] in Wales must be operated by the authority in such a way as can reasonably be expected to ensure that the full cost of providing the service is recovered by way of charges made by the authority to those using the service.
- (5) The Assembly may by regulations—
- make provision as to the making of tenders by [F6]local authorities] in Wales (as required by paragraph 2 of Schedule 4),
 - make provision with respect to the accounts to be kept by [F6]local authorities] in connection with any school inspection services provided by them, and
 - make such incidental and supplemental provision with respect to school inspection services provided by [F6]local authorities] as the Assembly considers appropriate.

Textual Amendments

- F6** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(3)**

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Inspection of child minding, day care and nursery education

53 Inspection of child minding, day care and nursery education

Schedule 7 contains amendments relating to the inspection of child minding, day care for children and nursery education.

Commencement Information

- I3** S. 53 partly in force; s. 53 not in force at Royal Assent see s. 125; s. 53 in force for certain purposes for E. and in force for certain purposes for E.W. at 3.10.2005 by [S.I. 2005/2034](#), arts. {6}, {7}; S. 53 in force for certain purposes for W. and in force for certain purposes for E.W. at 1.9.2006 by [S. I. 2006/1338](#), arts. {3}, {4}, Schs. 1, 2

Inspection of independent schools

54 Inspection of independent schools

Schedule 8 contains amendments relating to the inspection of independent schools.

Commencement Information

- I4** S. 54 wholly in force; s. 54 not in force at Royal Assent see s. 125; s. 54 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); S. 54 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

Inspection of careers services in Wales

55 Inspection of careers services in Wales

- (1) This section applies to relevant services provided in Wales in pursuance of arrangements made or directions given by the Assembly under section 10 of the Employment and Training Act 1973 (c. 50).
- (2) The Chief Inspector has the general duty of keeping the Assembly informed about the quality of the relevant services provided in Wales in accordance with such arrangements or directions.
- (3) In subsections (4) to (7) “a service provider” means a person who provides, or arranges for the provision of, relevant services in accordance with such arrangements or directions.
- (4) The Chief Inspector must inspect any service provider under this section at prescribed intervals.
- (5) When asked to do so by the Assembly, the Chief Inspector must—
 - (a) give advice to the Assembly on such matters relating to the provision of relevant services in Wales in pursuance of such arrangements or directions as may be specified in the Assembly's request, or
 - (b) inspect any service provider under this section.
- (6) The Chief Inspector may at any time—

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- (a) give advice to the Assembly relating to the provision of relevant services in Wales in pursuance of such arrangements or directions, or
 - (b) inspect any service provider under this section.
- (7) An inspection of any service provider under this section is to consist of a review of the way in which he is discharging his responsibilities under or by virtue of the arrangements or directions in question, having regard to any guidance given by the Assembly with respect to the provision of relevant services.
- (8) In this section and sections 56 and 57—
- “the Chief Inspector” means Her Majesty’s Chief Inspector for Education and Training in Wales;
 - “prescribed” means prescribed by regulations;
 - “regulations” means regulations made by the Assembly;
 - “relevant services” has the same meaning as in sections 8 and 9 of the Employment and Training Act 1973 (provision of careers services).

56 Inspection of services related to careers services in Wales

- (1) This section applies if a person (“a relevant provider”) who provides a relevant service to which section 55 applies also provides in Wales education, training or an advisory service—
- (a) in pursuance of arrangements made by the Assembly under section 2 of the Employment and Training Act 1973 (c. 50), or
 - (b) with the assistance of a grant or loan made under section 12(1) of the Industrial Development Act 1982 (c. 52).
- (2) The Chief Inspector has the general duty of keeping the Assembly informed about the quality of any education, training or advisory services falling within subsection (1) provided by relevant providers in Wales.
- (3) The Chief Inspector must inspect any relevant provider under this section at prescribed intervals.
- (4) When asked to do so by the Assembly, the Chief Inspector must—
- (a) give advice to the Assembly on such matters relating to the provision of education, training or advisory services falling within subsection (1) by relevant providers, or
 - (b) inspect any relevant provider under this section.
- (5) The Chief Inspector may at any time—
- (a) give advice to the Assembly relating to the provision of education, training or advisory services falling within subsection (1) by relevant providers, or
 - (b) inspect any relevant provider under this section.
- (6) An inspection of any relevant provider under this section is to consist of a review of the way in which he is providing the education, training or advisory service falling within subsection (1)(a) or (b).

57 Inspections under sections 55 and 56: further provisions

- (1) This section applies to any inspection under section 55 or 56.

Status: Point in time view as at 25/09/2022.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 6. (See end of Document for details)

- (2) The inspection must be conducted by one or more of the following—
 - (a) any of Her Majesty's Inspectors of Education and Training in Wales, or
 - (b) any additional inspector authorised under paragraph 2 of Schedule 2;
 but such an inspector or inspectors may be assisted by such other persons (whether or not members of the Chief Inspector's staff) as the Chief Inspector thinks fit.
- (3) In conducting the inspection, the inspector or inspectors must act in accordance with any instructions or guidelines given from time to time by the Assembly.
- (4) The inspector conducting the inspection, and any person assisting him by virtue of subsection (2), have at all reasonable times—
 - (a) a right of entry to any premises where the relevant services, or as the case requires the education, training or advisory services falling within section 56(1), are provided, and
 - (b) a right to inspect, and take copies of, any records or other documents kept by the person being inspected, which he requires for the purposes of the inspection.
- (5) It is an offence intentionally to obstruct—
 - (a) the inspector conducting the inspection, or
 - (b) any person assisting him by virtue of subsection (2),
 in the exercise of his functions in relation to the inspection.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Where the inspection has been completed, the Chief Inspector must—
 - (a) prepare a written report on the inspection within a prescribed period,
 - (b) send a copy of the report to—
 - (i) the person inspected,
 - (ii) the Assembly,
 - (iii) any prescribed person, and
 - (iv) any other person whom he considers appropriate, and
 - (c) publish the report in the prescribed manner or, if none is prescribed, in such manner as the Chief Inspector considers appropriate.
- (8) Subsections (3) and (4) of section 29 (which relate to defamation) apply to the publication of a report under this section as they apply to the publication of a report under either of the provisions mentioned in subsection (2) of that section.
- (9) Regulations may require the person inspected to prepare a written statement in response to the report of the inspection.
- (10) Regulations under subsection (9) may—
 - (a) prescribe the matters to be dealt with in the statement,
 - (b) prescribe the period within which it must be prepared, and
 - (c) require the person who prepared it to send copies of the statement to prescribed persons and to publish it in the prescribed manner.

Status:

Point in time view as at 25/09/2022.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Chapter 6.