



# School Inspections Act 1996 (repealed)

## 1996 CHAPTER 57

### PART I **E+W**

#### SCHOOL INSPECTIONS

### CHAPTER II **E+W**

#### PROCEDURE FOR INSPECTIONS UNDER CHAPTER I

##### *Introductory*

#### 11 Application of provisions of Chapter II. **E+W**

- (1) Except as is otherwise provided in section 15, sections 13 to 15, in their application to—
  - (a) inspections under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, or
  - (b) inspections under section 10,apply irrespective of the nature of the schools inspected.
- (2) Except as is otherwise provided in section 18, sections 16 to 19, in their application to such inspections, apply with respect to [<sup>F1</sup>community, foundation or voluntary or community or foundation special schools][<sup>F2</sup>or maintained nursery schools].
- (3) Sections 20 to 22, in their application to such inspections, apply with respect to schools not falling within subsection (2) above.
- (4) In this Chapter, in its application to an inspection of a school falling within subsection (2)—

“appropriate appointing authority means, in relation to any [<sup>F3</sup>voluntary aided] school—

  - (a) the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school, and

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(b) in any other case, the person who appoints the foundation governors; and  
 [F4“appropriate authority means in relation to a community, foundation or voluntary or community or foundation special school [F5or a maintained nursery school], the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority.]

(5) In this Chapter, in its application to an inspection of a school falling within subsection (3), “appropriate authority means—

- (a) in the case of a school falling within [F6“paragraph (d), F7 ...,] (f) [F8, (g) or (gg)] of section 10(3), the proprietor of the school; [F9and ]
- (b) [F10in the case of a maintained nursery school F11. . . , the local education authority; and]
- (c) in any other case, the school’s governing body.

(6) In this Chapter “section 10 inspection means an inspection under section 10.

#### Textual Amendments

- F1** Words in s. 11(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. art. 2(1), Sch. 1
- F2** Words in s. 11(2) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 60(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F3** Words in definition of “appropriate appointing authority in s. 11(4) substituted (1.9.1999) by virtue of 1998 c. 31, s. 140(1), **Sch. 30 para. 192(3)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Definition of “appropriate authority in s. 11(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(3)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** Words in s. 11(4) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 60(3)** (with ss. 210(8), 214(4) and (31.10.2005) (W.) The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), 21); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F6** Words in s. 11(5)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(4)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F7** Word in s. 11(5)(a) repealed (1.9.2003 for E., 1.1.2004 for W. ) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4) and (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), **8(2)**); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III
- F8** Words in s. 11(5)(a) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. II para. 7(3)**(with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F9** Word in s. 11(5)(a) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 60(4)(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F10** S. 11(5)(b) repealed (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 60(4)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4) and (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), **8(2)**); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F11** Words in s. 11(5)(b) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 192(4)(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

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

- C1** S. 11 modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(b)**

## 12 Inspections by members of the Inspectorate. **E+W**

- [<sup>F12</sup>(1) In any case where, by virtue of section 10, an inspection of a school is required to be carried out by a registered inspector, the Chief Inspector may, if he considers it expedient to do so, secure that the school is instead inspected by a member of the Inspectorate.]
- (2) Where such an inspection is conducted by a member of the Inspectorate by virtue of this section, the following provisions, namely—
- (a) section 10(1), (2) and (5) and Schedule 3, and
  - (b) section 13(1),
- shall (unless the context otherwise requires) have effect in relation to the inspection as if the member of the Inspectorate were a registered inspector.
- (3) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 2(2)(b), 3(1), 5(2)(b) or 6(1), that inspection shall be treated for the purposes of the relevant provisions—
- (a) as if it were an inspection under section 10, and
  - (b) in the case of sections 10(1) and (2) and 13(1), as if the member of the Inspectorate were a registered inspector.
- (4) In subsection (3) “the relevant provisions means sections 10(1) and (2), 13(1) and 14 and—
- (a) (in the case of an inspection of a school falling within section 11(2)) sections 16 to 19; and
  - (b) (in the case of an inspection of a school falling within section 11(3)) sections 20 to 22.

#### Textual Amendments

- F12** S. 12(1) substituted (19.12.2002 for W., 1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 16 para. 4 (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/1667](#), art. 4

*Inspections and reports: all schools*

## 13 Section 10 inspections by registered inspectors. **E+W**

- (1) Where a section 10 inspection by a registered inspector has been completed, the inspector shall make in writing a report of the inspection and a summary of the report.
- (2) Where the inspector is of the opinion that special measures are required to be taken in relation to the school he shall submit a draft of the report of the inspection to the Chief Inspector.

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- (3) If the Chief Inspector so requests, an inspector who has submitted a draft under subsection (2) shall provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (4) The Chief Inspector shall inform an inspector who has submitted a draft under subsection (2) whether he agrees or disagrees with the inspector's opinion.
- (5) Where—
  - (a) the Chief Inspector informs the inspector that he disagrees with the inspector's opinion, but
  - (b) the inspector remains of the opinion that special measures are required to be taken in relation to the school,

the inspector may not make a report stating that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by subsection (7)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.
- (6) Where a subsequent draft is submitted under subsection (5), the Chief Inspector shall inform the inspector whether he agrees or disagrees with the inspector's opinion.
- (7) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school shall—
  - (a) state his opinion, and
  - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (8) If a report of an inspection of a school by a registered inspector is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,

the registered inspector shall state his opinion in the report.
- (9) For the purposes of this Act special measures are required to be taken in relation to a school if the school is failing or likely to fail to give its pupils an acceptable standard of education.

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

**C2** S. 13(2)-(7) applied (with modifications) (1.10.2000 for specified purposes otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 113(1), Sch. 7 paras. 7, 14; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2, **Sch. Pt. II**; S.I. 2001/2705, art. 2, **Sch. Pt. I**

**14 Reports of inspections by members of the Inspectorate. E+W**

- (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, that person is of the opinion that special measures are required to be taken in relation to the school, he shall—
  - (a) prepare in writing a report of the inspection and a summary of the report, and

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- (b) state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion, the member of the Inspectorate shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (3) A report of a section 10 inspection of a school by a member of the Inspectorate shall, if he is of the opinion that special measures are required to be taken in relation to the school, state his opinion.
- (4) If a report of a section 10 inspection of a school by a member of the Inspectorate is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion, the member of the Inspectorate shall state his opinion in the report.

## **15 Timing of section 10 inspections by registered inspectors. E+W**

- (1) The carrying out of a section 10 inspection shall be completed by the time allowed under subsection (2) below, and the making of the report required by section 13 shall be completed within the period allowed under that subsection.
- (2) The time, and the period, allowed shall be such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.
- (3) In the case of an inspection of a school falling within section 11(2) the Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector;
  - (b) the local education authority in the case of [F13]a community, foundation or voluntary or community or foundation special school[F14] or maintained nursery school]; and
  - (c) the governing body.
- (4) In the case of an inspection of a school falling within section 11(3) the Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector;
  - (b) the appropriate authority; and
  - (c) the Secretary of State, [F15]except where the school is a maintained nursery school].

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- (5) This section does not apply to a section 10 inspection carried out by a member of the Inspectorate.

#### Textual Amendments

- F13** Words in s. 15(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.193** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F14** Words in s. 15(3)(b) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 61(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F15** Words in s. 15(4)(c) repealed (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 61(b)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

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

- C3** S. 15 modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(b)**

*Destination of reports and special measures: schools within s. 11(2)*

## 16 Destination of reports. **E+W**

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(2), the person making the report shall without delay—
- (a) send a copy of the report together with the summary of it to the appropriate authority for the school<sup>F16</sup>. . . ; and
  - (b) if in the case of [<sup>F17</sup>a community, foundation or voluntary or community or foundation special school][<sup>F18</sup>or maintained nursery school] the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) the report states that the Chief Inspector agrees with his opinion,
 send a copy of the report and summary to the Secretary of State.
- (2) In a case where—
- (a) a report of an inspection of a school falling within section 11(2) is made by a member of the Inspectorate, and
  - (b) he is required by section 14(1)(b) to state in the report that he is of the opinion that special measures are required to be taken in relation to the school,
- the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and the Secretary of State.
- (3) In any case, copies of the report and summary referred to in subsection (1) or (2) shall be sent by the person who made the report—
- (a) to the Chief Inspector (unless the report was made by a member of the Inspectorate);
  - (b) to the head teacher of the school;
  - (c) in the case of [<sup>F19</sup>a community, foundation or voluntary or community or foundation special school][<sup>F20</sup>or maintained nursery school], to whichever of

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- the local education authority and the governing body are not the appropriate authority,<sup>F21</sup> . . .
- (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority [<sup>F22</sup>and
- (da) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.]
- <sup>F23</sup>(e) . . . . .
- <sup>F23</sup>(f) . . . . .
- (4) The appropriate authority shall—
- (a) make a copy of any report and summary sent to the authority under subsection (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable;
- (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary [<sup>F24</sup>within such period following receipt of the report by the authority as may be prescribed].
- [<sup>F25</sup>(5) Subsection (6) applies to a report of an inspection of a school falling within section 11(2) if—
- (a) the inspection was a section 10 inspection or was carried out by a member of the Inspectorate, and
- (b) the school provides full-time education suitable to the requirements of pupils over compulsory school age.
- (6) The person making the report shall send a copy (together with a copy of the summary, if there is one) to—
- (a) the Learning and Skills Council for England, if the school is in England, or
- (b) the National Council for Education and Training for Wales, if the school is in Wales.]

### Textual Amendments

- F16** Words in s. 16(1)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 194(2)(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** Words in s. 16(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 194(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F18** Words in s. 16(1)(b) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 62** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F19** Words in s. 16(3)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 194(3)(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F20** Words in s. 16(3)(c) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 62** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F21** Word in s. 16(3)(c) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt 3; S.I. 2002/2439, **art. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 4**
- F22** S. 16(3)(da) and preceding word inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 188, 216(4), **Sch. 16 para. 7** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I

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- F23** S. 16(3)(e)(f) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 194(3)(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F24** Words in s. 16(4)(c) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 7**; S.I. 1997/1468, arts. 2,4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. I)
- F25** S. 16(5)(6) inserted (28.7.2000 for specified purposes, 1.4.2001 in so far as not already in force) by 2000 c. 21, s. 149, **Sch. 9 para. 68**; S.I. 2001/654, art. 2, **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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

- C4** S. 16 functions of a local education authority made exercisable (1.4.2002) by authorised persons (E.) by (Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), art. 3, {Sch. 3 para. (a)})
- C5** S. 16 modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), 3(b)
- C6** S. 16(3)(4) applied (with modifications) (1.10.2000 for specified purposes, 1.4.2001 in so far as not already in force (E.), 1.4.2002 in so far as not already in force (W.)) by 2000 c. 21, s. 113(1), Sch. 7 paras. 6(3)(a)(b)(4), 13(3)(a)(b); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2, **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**

### [<sup>F26</sup> 16A Duty to notify where inspection shows school causing concern **E+W**]

- (1) Subsection (2) applies in relation to a school falling within section 11(2) where—
  - (a) following an inspection of the school under Part 1 by a member of the Inspectorate, that member has informed the Chief Inspector of his opinion—
    - (i) that the school has serious weaknesses, or
    - (ii) that special measures are required to be taken in relation to the school,
  - (b) following an inspection of the school under Part 1 by a registered inspector, the Chief Inspector has been notified in writing by the inspector of the inspector’s opinion that the school has serious weaknesses, or
  - (c) the Chief Inspector agrees with the opinion of a registered inspector, expressed in a draft report submitted to the Chief Inspector under section 13(2), that special measures are required to be taken in relation to the school.
- (2) Where this subsection applies, the Chief Inspector shall without delay give the Secretary of State a notice in writing stating that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (3) On receiving a notice under subsection (2), the Secretary of State shall without delay give the local education authority a notice in writing stating that he has been informed by the Chief Inspector that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (4) For the purposes of this section a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.]

#### Textual Amendments

- F26** S. 16A inserted (2.9.2002 for E. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 54, 216(4); S.I. 2002/2002, art. 4



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**17 Special measures by appropriate authority. E+W**

- (1) Where there is sent to the appropriate authority for a school falling within section 11(2) either—
  - (a) a report of a section 10 inspection of the school, or
  - (b) a report of an inspection of the school by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,the appropriate authority shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this subsection, that is—
  - (a) such period as may be prescribed, or
  - (b) if—
    - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
    - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,such shorter period as the Secretary of State may direct;but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.
- (3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—
  - (a) to the Chief Inspector;
  - (b) in the case of [<sup>F27</sup>a community, foundation or voluntary or community or foundation special school][<sup>F28</sup>or maintained nursery school], to whichever of the governing body and the local education authority are not the appropriate authority; [<sup>F29</sup>and]
  - <sup>F30</sup>(c) .....
  - (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) If in the case of [<sup>F31</sup>a community, foundation or voluntary or community or foundation special school][<sup>F32</sup>or maintained nursery school]—
  - (a) the statement is prepared in response to a report of an inspection of the school in which the person who made the report states that in his opinion special measures are required to be taken in relation to the school, and
  - (b) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion,the appropriate authority shall, before the end of the prescribed period, send a copy of the statement to the Secretary of State.
- (5) The appropriate authority shall also send a copy of the statement—
  - (a) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority;
  - <sup>F33</sup>(b) .....

*Status: Point in time view as at 01/09/2004.*

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<sup>F33</sup>(c) .....

(6) The appropriate authority shall—

- (a) make any statement prepared by them under this section available for inspection by members of the public, at such times and at such place as may be reasonable;
- (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply); and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.

<sup>F34</sup>(6A) The duty under subsection (6)(c) shall be taken to be satisfied by the appropriate authority if they—

- (a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—
  - (i) summarises the statement, and
  - (ii) contains a statement of the right to request a copy of it under paragraph (b) below, and
- (b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.]

(7) Where the governing body of a school have prepared a statement under this section, they shall in the report <sup>F35</sup>under section 30 of the Education Act 2002 (governors' reports)] state the extent to which the proposals set out in the statement (or if there is more than one, the most recent statement) have been carried into effect.

#### Textual Amendments

- F27** Words in s. 17(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 195(2)(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F28** Words in s. 17(3)(b) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 63(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F29** Word in s. 17(3)(b) inserted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 195(2)(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F30** S. 17(3)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 195(2)(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F31** Words in s. 17(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 195(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F32** Words in s. 17(4) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 63(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F33** S. 17(5)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 195(4), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F34** S. 17(6A) inserted (4.4.1997) by S.I. 1997/1142, **art. 2**
- F35** Words in s. 17(7) substituted (1.10.2002 for E., 1.9.2004 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 63(b)**(with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2004/1728, art. 5, **Sch. Pt. 2**

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

- C7** S. 17 applied (with modifications) (1.10.2000 for specified purposes and otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 113(1), **Sch. 7 para. 6(3)(c)(4)**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**
- C8** S. 17 functions of a local education authority made exercisable (1.4.2002) by authorised persons (E.) by (Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), **art. 3**, {Sch. 3 para. (b)})
- C9** S. 17 modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(b)**

## 18 Additional special measures by local education authority. **E+W**

- (1) This section applies in circumstances where—
- in a report of an inspection of [<sup>F36</sup>a community, foundation or voluntary or community or foundation special school][<sup>F37</sup>or maintained nursery school] the governing body of which have a delegated budget, the person who made the report stated that in his opinion special measures were required to be taken in relation to the school; and
  - either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - either—
    - the local education authority have received a copy of a statement prepared under section 17 in response to the report, or
    - the period prescribed for the purposes of subsection (3) of that section has expired.
- (2) The local education authority shall—
- prepare a written statement of any action they propose to take in the light of the report, and the period within which they propose to take such action, or, if they do not propose to take any such action, of their reasons for not doing so, and
  - send a copy of the statement prepared under paragraph (a) above, together with their comments on any statement prepared under section 17 of which they have received a copy, to the Secretary of State and the Chief Inspector and, in the case of [<sup>F38</sup>a voluntary aided school]—
    - to the person who appoints the foundation governors, and
    - (if different) to the appropriate appointing authority.
- (3) It is the duty of the local education authority to prepare the statement within the period allowed by this subsection, that is—
- such period as may be prescribed, or
  - if the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such shorter period as the Secretary of State may direct;
- but this subsection does not relieve the local education authority of any duty to prepare a statement which has not been performed within that period.

#### Textual Amendments

- F36** Words in s. 18(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 196(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- F37** Words in s. 18(1)(a) inserted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 64](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F38** Words in s. 18(2)(b) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), [Sch. 30 para. 196\(3\)](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)

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

- C10** S. 18 functions of a local education authority made exercisable (1.4.2002) by authorised persons (E.) by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\), art. 3, Sch. 3\(c\)](#)
- C11** S. 18 modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\), arts. 1\(1\), 3\(b\)](#)
- C12** S. 18(2)(3) applied (with modifications) (1.10.2000 for specified purposes, 1.4.2001 in so far as not already in force (E.) and 1.4.2002 in so far as not already in force (W.)) by 2000 c. 21, s. 113(1), [Sch. 7 paras. 6\(3\)\(d\)\(4\), 13\(3\)\(d\)](#); S.I. 2000/2559, art. 2(1), [Sch. Pt. I](#); S.I. 2001/654, art. 2(2), [Sch. Pt. II](#); S.I. 2001/2705, art. 2(1), [Sch. Pt. I](#)

**19 Monitoring special measures and further inspections. E+W**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school falling within section 11(2) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) a statement has been prepared under section 17, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section has expired; and
  - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not state in the report that in his opinion special measures were not required to be taken in relation to the school.
- (2) Regulations may make provision with a view to securing that any measures taken by—
- (a) the appropriate authority, and
  - (b) in the case of a school which has a delegated budget, the local education authority,
- for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where—
- (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, but the grounds for that opinion are substantially different from the grounds for the

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opinion in any preceding report by a registered inspector or member of the Inspectorate, or

- (b) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,

the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(2).

*Destination of reports and special measures: schools within s. 11(3)*

## 20 Destination of reports. **E+W**

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(3), the person making the report shall without delay—

- (a) send a copy of the report together with the summary of it—
  - (i) to the appropriate authority for the school, and
  - (ii) (unless the person making it is a member of the Inspectorate) to the Chief Inspector, and
- (b) if the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
  - (i) that person is a member of the Inspectorate, or
  - (ii) the report states that the Chief Inspector agrees with his opinion,send a copy of the report and summary to the Secretary of State.

- (2) In a case where—

- (a) a report of an inspection of a school falling within section 11(3) is made by a member of the Inspectorate, and
- (b) he is required by section 14(1)(b) to state in the report that he is of the opinion that special measures are required to be taken in relation to the school,

the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and to the Secretary of State.

- (3) In the case of—

- (a) a special school which is not <sup>F39</sup> a community or foundation special school],  
<sup>F40</sup> . . .

<sup>F40</sup>(b) . . . . .

the appropriate authority shall without delay send a copy of any report and summary sent to them under subsection (1) or (2) to <sup>F41</sup> . . . any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

- (4) The appropriate authority shall—

- (a) make any report and summary sent to the authority under subsection (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable;
- (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary

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[<sup>F42</sup>within such period following receipt of the report by the authority as may be prescribed].

#### Textual Amendments

- F39** Words in s. 20(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 197(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F40** S. 20(3)(b) and word repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4) and (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), 8(2)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III
- F41** Words in s. 20(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 197(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F42** Words in s. 20(4)(c) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 7**; 1997/1468, art. 2, Sch. 1 Pt. II

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

- C13** S. 20 functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002, S.I. 2002/928, art. 3, **Sch. 3**

## 21 Special measures by appropriate authority. **E+W**

- (1) Where there is sent to the appropriate authority for a school falling within section 11(3) either—
- (a) a report of a section 10 inspection of the school, or
  - (b) a report of an inspection of the school made by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,
- the appropriate authority shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if—
    - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
    - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,
 such shorter period as the Secretary of State may direct;
- but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.
- (3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—
- (a) to the Chief Inspector;

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- (b) to the Secretary of State, [<sup>F43</sup>except in the case of a maintained nursery school];  
and
  - (c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) In the case of—
- (a) a special school which is not [<sup>F44</sup>a community or foundation special school],  
<sup>F45</sup>...
  - <sup>F45</sup>(b) .....
- the appropriate authority shall, before the end of the prescribed period, send a copy of any such statement prepared by them to <sup>F46</sup> . . . any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.
- (5) The appropriate authority shall—
- (a) make any statement prepared by them under this section available for inspection by members of the public, at such times and at such place as may be reasonable;
  - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply); and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.
- [<sup>F47</sup>(6) The duty under subsection (5)(c) shall be taken to be satisfied by the appropriate authority if they—
- (a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—
    - (i) summarises the statement, and
    - (ii) contains a statement of the right to request a copy of it under paragraph (b) below, and
  - (b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.]

#### Textual Amendments

- F43** Words in s. 21(3)(b) repealed (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 65](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F44** Words in s. 21(4)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), [Sch. 30 para. 198\(a\)](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)
- F45** S. 21(4)(b) and word repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4) and (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), regs. 1(1), 8(2)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III
- F46** Words in s. 21(4) repealed (1.9.1999) by 1998 c. 31, [s. 140\(1\)\(3\)](#), 1 Sch. 30 para. 198(b), Sch.31 (with ss. 138(9), 144(6)); S. I. 1999/2323, art. 2(1), [Sch. 1](#)
- F47** S. 21(6) inserted (4.4.1997) by S.I. 1997/1142, [art. 3](#)

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

- C14** S. 21: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out) (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), art. 3, {Sch. 3(e)}
- C15** S. 21 modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(b)**

**22 Monitoring special measures. E+W**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school falling within section 11(3) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) a statement has been prepared under section 21 of this Act, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section has expired, and
  - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not in the report state that, in his opinion, special measures were not required to be taken in relation to the school.
- (2) Regulations may make provision with a view to securing that any measures taken by the appropriate authority for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where—
- (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
  - (b) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,
- the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(3).



**Status:**

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**Changes to legislation:**

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