



School Inspections Act 1996 (repealed)

1996 CHAPTER 57

PART I

SCHOOL INSPECTIONS

CHAPTER II

PROCEDURE FOR INSPECTIONS UNDER CHAPTER I

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

16 Destination of reports.

- (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^{F1}. . .; and
 - (b) if in the case of [^{F2}a community, foundation or voluntary or community or foundation special school][^{F3}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,

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Changes to legislation: School Inspections Act 1996 (repealed), Cross Heading: Destination of reports and special measures: schools within s. 11(2) is up to date with all changes known to be in force on or before 19 June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)

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 [^{F4}a community, foundation or voluntary or community or foundation special school][^{F5}or maintained nursery school], to whichever of the local education authority and the governing body are not the appropriate authority;^{F6} . . .
- (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority [^{F7}and
- (da) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.]
- ^{F8}(e)
- ^{F8}(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 [^{F9}within such period following receipt of the report by the authority as may be prescribed].

[^{F10}(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

F1 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**

F2 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**

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- F3** 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. 1
- F4** 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](#)
- F5** 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. 1
- F6** 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](#)
- F7** 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. 1
- F8** 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](#)
- F9** 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)
- F10** 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)

- C1** 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)}
- C2** 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\(b\)](#)
- C3** 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](#)

[^{F11}16A Duty to notify where inspection shows school causing concern

- (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).

Status: Point in time view as at 31/03/2004.

Changes to legislation: School Inspections Act 1996 (repealed), Cross Heading: Destination of reports and special measures: schools within s. 11(2) is up to date with all changes known to be in force on or before 19 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)

- (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

F11 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](#)

17 Special measures by appropriate authority.

- (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 [^{F12}a community, foundation or voluntary or community or foundation special school][^{F13}or maintained nursery school], to whichever of the governing body and the local education authority are not the appropriate authority; [^{F14}and]
 - ^{F15}(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 [^{F16}a community, foundation or voluntary or community or foundation special school][^{F17}or maintained nursery school]—

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- (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;
 - ^{F18}(b)
 - ^{F18}(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.
- ^{F19}(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 ^{F20}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

- F12** 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**
- F13** 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.
- F14** 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**
- F15** 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**

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- F16** 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**
- F17** 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.
- F18** 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**
- F19** S. 17(6A) inserted (4.4.1997) by S.I. 1997/1142, **art. 2**
- F20** 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**

Modifications etc. (not altering text)

- C4** 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**
- C5** 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)})
- C6** 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.

(1) This section applies in circumstances where—

- (a) in a report of an inspection of [F21 a community, foundation or voluntary or community or foundation special school][F22 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
- (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) the local education authority have received a copy of a statement prepared under section 17 in response to the report, or
 - (ii) the period prescribed for the purposes of subsection (3) of that section has expired.

(2) The local education authority shall—

- (a) 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
- (b) 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 [F23 a voluntary aided school]—
 - (i) to the person who appoints the foundation governors, and
 - (ii) (if different) to the appropriate appointing authority.

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- (3) It is the duty of the local education authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
 - (b) 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

- F21** 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**
- F22** 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.
- F23** 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)

- C7** 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)**
- C8** 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)**
- C9** 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.

- (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,

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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(2).

Status:

Point in time view as at 31/03/2004.

Changes to legislation:

School Inspections Act 1996 (repealed), Cross Heading: Destination of reports and special measures: schools within s. 11(2) is up to date with all changes known to be in force on or before 19 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.