

SCHEDULES

SCHEDULE 26

INSPECTION OF NURSERY EDUCATION

Registration of nursery education inspectors

- 8 (1) Her Majesty's Chief Inspector of Schools in England shall establish and maintain a register of nursery education inspectors for England and Her Majesty's Chief Inspector of Schools in Wales shall establish and maintain a register of nursery education inspectors for Wales.
- (2) The Chief Inspector—
- (a) shall give guidance to registered nursery education inspectors and such other persons as he considers appropriate in connection with inspections under paragraph 6 and the making of reports of such inspections, and
 - (b) shall keep under review the system of inspections under paragraph 6 and, in particular, the standard of such inspections and of the reports made of them.
- (3) The Chief Inspector shall not register a person under this paragraph unless, having regard to any conditions that he proposes to impose under sub-paragraph (5)(c), it appears to him that the person—
- (a) is a fit and proper person for discharging the functions of a registered nursery education inspector, and
 - (b) will be capable of conducting inspections under paragraph 6 competently and effectively and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this sub-paragraph.
- (4) An application for registration under this paragraph—
- (a) shall be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct, and
 - (b) shall be accompanied by such fee (if any) as may be prescribed.
- (5) On an application duly made under this paragraph the Chief Inspector may—
- (a) register the applicant,
 - (b) refuse to register him, or
 - (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (6) Conditions imposed under sub-paragraph (5)(c) may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under sub-paragraph (5)(c), he shall be taken to be authorised to act as a registered nursery education inspector only so far as those conditions permit.

Status: This is the original version (as it was originally enacted).

- (8) The period for which any registration is to have effect shall be determined by the Chief Inspector and shall be entered in the register kept by him.
- (9) Nothing in sub-paragraph (8) is to be taken as preventing a registered nursery education inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.
- 9 (1) If the Chief Inspector is satisfied that any of the conditions mentioned in sub-paragraph (2) is satisfied with respect to a nursery education inspector registered in his register, he may remove the name of that inspector from that register.
- (2) The conditions are that—
- he is no longer a fit and proper person for discharging the functions of a registered nursery education inspector under paragraph 6,
 - he is no longer capable of conducting inspections under that paragraph competently and effectively,
 - there has been a significant failure on his part to comply with any condition imposed under paragraph 8(5)(c) subject to which his registration has effect,
 - he has, without reasonable explanation, produced a report of an inspection under paragraph 6 which is, in whole or in part, seriously misleading.
- (3) The Chief Inspector may vary any condition subject to which the registration of an inspector has effect, or vary the registration of an inspector by imposing a condition subject to which it will have effect, if he is satisfied—
- that he is authorised by sub-paragraph (1) to remove the name of the inspector from his register, or
 - that it would otherwise be in the public interest for him to do so.
- (4) References in this Schedule to a condition imposed under paragraph 8(5)(c) include a condition imposed under sub-paragraph (3).
- (5) Either Chief Inspector may, in exercising his functions under this paragraph with respect to a registered nursery education inspector, have regard to any action taken by the other Chief Inspector with respect to that inspector.
- 10 (1) Any person who is aggrieved by—
- the refusal of the Chief Inspector to renew his registration under paragraph 8,
 - the imposition or variation of any condition subject to which he is registered under that paragraph, or
 - the removal of his name from the register under paragraph 9,
- may appeal against the Chief Inspector's decision.
- (2) An appeal under sub-paragraph (1) shall be made to a tribunal with the same constitution as a tribunal to hear an appeal under section 9 of the School Inspections Act 1996; and paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 2 to that Act apply to tribunals to hear appeals under sub-paragraph (1) as they apply to tribunals to hear appeals under that section.
- (3) No decision against which an appeal may be made under sub-paragraph (1) shall have effect until—
- any appeal against it which is duly made is disposed of, or
 - the period within which an appeal may be made expires without an appeal being made.

Status: This is the original version (as it was originally enacted).

- (4) Sub-paragraph (3) shall not apply where the Chief Inspector—
 - (a) is satisfied that the circumstances of the case justify the decision in question taking effect immediately or earlier than would otherwise be the case, and
 - (b) notifies the person concerned to that effect.
- (5) On determining any appeal under this paragraph, the tribunal may—
 - (a) confirm, reverse or vary the decision appealed against, or
 - (b) remit the case to the Chief Inspector with directions as to the action to be taken by him.