



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

#### SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

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

- C1 Pt. 1 applied in part (with modifications) (1.2.2008) by Education (Pupil Referral Units) (Application of Enactments)(England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 21**
- C2 Pt. 1 applied (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 137(3), 269(4)**; S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)
- C3 Pt. 1 applied in part (with modifications) (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), reg. 3, **Sch. 1 para. 21**
- C4 Pt. 1 applied (with modifications) (W.) (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007(S.I. 2007/1069), reg. 3, {Sch. 1 para. 11}
- C5 Pt. 1 applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 3, **Sch. 1 para. 11**

### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

*Her Majesty's Inspectorate for England*

## 1 Her Majesty's Inspectorate of Schools in England

F1 .....

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

**2 Functions of Her Majesty's Chief Inspector of Schools in England**

**F2** .....

**Textual Amendments**

**F2** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

**3 Annual and other reports to Secretary of State**

**F3** .....

**Textual Amendments**

**F3** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

**4 Powers of entry etc. for purposes of section 2**

**F4** .....

**Textual Amendments**

**F4** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

*Inspections*

**5 Duty to inspect certain schools at prescribed intervals**

- (1) It is the duty of the Chief Inspector—
  - (a) to inspect under this section every school in England to which this section applies, at such intervals as may be prescribed, and
  - (b) when the inspection has been completed, to make a report of the inspection in writing.
- (2) Subject to [<sup>F5</sup>subsections (3) and (4A)], the schools to which this section applies are—
  - (a) community, foundation and voluntary schools,
  - (b) community and foundation special schools,
  - (c) maintained nursery schools,
  - [<sup>F6</sup>(d) Academy schools,

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- (da) alternative provision Academies,]
  - (e) city technology colleges,
  - (f) city colleges for the technology of the arts, and
  - (g) special schools which are not community or foundation special schools but are for the time being approved by the Secretary of State under section 342 of the Education Act 1996 (c. 56) (approval of special schools).
- (3) This section does not apply to any school—
- (a) which is a closing school (as defined by subsection (4)), and
  - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4) In subsection (3)(a) a “closing school” means—
- (a) any community, foundation or voluntary school, community or foundation special school or maintained nursery school in respect of which proposals to discontinue the school have been approved, adopted or determined under any enactment,
  - (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of the School Standards and Framework Act 1998 (c. 31),
  - (c) a community, foundation or voluntary or community or foundation special school in respect of which the Secretary of State has given a direction to discontinue the school under [F7section 17 or 68 of the Education and Inspections Act 2006] ,
  - [F8(d) an Academy in respect of which notice of termination of Academy arrangements has been given, or]
  - (e) a special school which is not a community or foundation special school but is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 and which the proprietor has decided to close.
- [F9(4A) Regulations may provide that this section does not apply to prescribed categories of school in prescribed circumstances.
- (4B) A school to which this section does not apply by virtue of regulations under subsection (4A) is an “exempt school”.]
- [F10(5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on the quality of education provided in the school.
- (5A) The Chief Inspector's report under subsection (5) must in particular cover—
- (a) the achievement of pupils at the school;
  - (b) the quality of teaching in the school;
  - (c) the quality of the leadership in and management of the school;
  - (d) the behaviour and safety of pupils at the school.
- (5B) In reporting under subsection (5), the Chief Inspector must consider—
- (a) the spiritual, moral, social and cultural development of pupils at the school;
  - (b) the extent to which the education provided at the school meets the needs of the range of pupils at the school, and in particular the needs of—
    - (i) pupils who have a disability for the purposes of the Equality Act 2010, and

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(ii) pupils who have special educational needs.]

(6) Subsection (1) has effect subject to section 9.

(7) An inspection which is required under this section must not extend to—

- (a) denominational education, or
- (b) the content of collective worship which falls to be inspected under section 48.

#### Textual Amendments

- F5** Words in s. 5(2) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(a)**, 82(1)(b)
- F6** [S. 5\(2\)\(d\)\(da\)](#) substituted for [s. 5\(2\)\(d\)](#) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 15(2)**; [S.I. 2012/924](#), art. 2
- F7** Words in s. 5(4)(c) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 23**; [S.I. 2007/935](#), **art. 5(cc)**
- F8** [S. 5\(4\)\(d\)](#) substituted (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), s. 19(2), **Sch. 2 para. 17**; [S.I. 2010/1937](#), art. 2, **Sch. 1**
- F9** [S. 5\(4A\)\(4B\)](#) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(b)**, 82(1)(b)
- F10** [S. 5\(5\)-\(5B\)](#) substituted for [s. 5\(5\)\(5A\)](#) (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 41(1)**, 82(1)(c)

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

- C6** [S. 5](#): 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](#))
- C7** [S. 5\(1\)](#): 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](#))

## 6 Duty to notify parents of section 5 inspection

(1) If the appropriate authority for a school <sup>F11</sup>... is notified by, or under arrangements made by, the Chief Inspector that the Chief Inspector is proposing to inspect the school under [<sup>F12</sup>section 5], the appropriate authority must take such steps as are reasonably practicable to notify—

- (a) the registered parents of registered pupils at the school, and
- (b) such other persons as may be prescribed,

of the time when the inspection is to take place.

(2) Any notification given under subsection (1)(a) must include a statement, in a form approved by the Chief Inspector, inviting the registered parents of registered pupils to inform the Chief Inspector of their views on matters relating to the school.

(3) In subsection (1) “appropriate authority” means—

- (a) in relation to a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school, the school's governing body or, if the school does not have a delegated budget, the [<sup>F13</sup>local authority], and
- (b) in relation to a school falling within any of paragraphs (d) to (g) of section 5(2), the proprietor of the school.

#### Textual Amendments

- F11** Words in [s. 6\(1\)](#) omitted (15.11.2011) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(a)**, 82(1)(b)

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- F12** Words in s. 6(1) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(b)**, 82(1)(b)
- F13** 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)**

## 7 Duty to have regard to views of certain persons

In conducting an inspection of a school under section 5, the matters to which the Chief Inspector must have regard include any views expressed to him by any of the following persons—

- (a) the head teacher,
- (b) in the case of a maintained school, the governing body,
- (c) in the case of any other school, the proprietor of the school,
- (d) any person prescribed for the purposes of section 6(1)(b),
- (e) members of the staff of the school,
- (f) registered pupils at the school, and
- (g) the registered parents of registered pupils.

### [<sup>F14</sup>8 Other inspections

- (1) If requested to do so by the Secretary of State, the Chief Inspector must inspect and report on such school, or class of school, in England as is specified in the request.
- (2) The Chief Inspector may inspect any school in England in circumstances where he is not required to do so by section 5 or subsection (1) above.]
- [<sup>F15</sup>(3) If the Chief Inspector carries out an inspection of a school under subsection (2) in response to a request from the appropriate authority for the school, the Chief Inspector may charge the appropriate authority for the cost of the inspection.
- (4) In subsection (3), “appropriate authority” has the meaning given by section 6(3).]

#### Textual Amendments

- F14** S. 8 substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 157, 188, Sch. 14 para. 100**; [S.I. 2007/935](#), **art. 5(w)(gg)**
- F15** S. 8(3)(4) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 40(4)**, 82(3); [S.I. 2012/84](#), **art. 3**

## 9 Power [<sup>F16</sup>or duty] to treat other inspection as section 5 inspection

- [<sup>F17</sup>(1)] If the Chief Inspector so elects in the case of any inspection under section <sup>F18</sup>. . . 8 of a school to which section 5 applies, that inspection is to be treated for the purposes of section 5(1) and of Chapter 2 as if it were an inspection under section 5.
- [<sup>F19</sup>(2) In the case of an inspection of an exempt school under section 8, the Chief Inspector may elect to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.
- (3) In the case of an inspection of an exempt school under section 8(1), the Secretary of State may require the Chief Inspector to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

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- (4) In the case of an inspection of a school under section 8(2) which is carried out in response to a request from the appropriate authority for the school, the Chief Inspector must treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.
- (5) In subsection (4), “appropriate authority” has the meaning given by section 6(3).]

#### **Textual Amendments**

- F16** Words in Pt. 1 Ch. 1 Crossheading substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(c), 82(1)(b)**
- F17** S. 9(1): s. 9 renumbered as s. 9(1) (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(a), 82(1)(b)**
- F18** Words in s. 9 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 157, 184, 188, Sch. 14 para. 101, Sch. 18 Pt. 5; S.I. 2007/935, art. 5(ii)**
- F19** S. 9(2)-(5) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(b), 82(1)(b)**

## **10 Power of entry etc. for purposes of inspection under section 5 or 8**

- (1) When inspecting a school under section 5 or 8, the Chief Inspector has at all reasonable times—
- (a) a right of entry to the premises of the school,
  - (b) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,
 are receiving part of their education from any person (“the provider”),
  - (c) a right of entry to any premises of the provider used in connection with the provision by him of that education,
  - (d) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions, and
  - (e) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider,
 which the Chief Inspector considers relevant to the discharge of his functions.
- (2) It is an offence intentionally to obstruct the Chief Inspector in relation to the inspection of a school for the purposes of section 5 or 8.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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

- C8** S. 10(1)(a) applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), **reg. 2, Sch. para. 4(2)(b)**

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- C9** S. 10(1)(a) applied (9.11.2015) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2015 \(S.I. 2015/1792\)](#), reg. 1(1), **Sch. para. 3**
- C10** S. 10(1)(d) applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 2, **Sch. para. 4(2)(b)**
- C11** S. 10(1)(d) applied (9.11.2015) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2015 \(S.I. 2015/1792\)](#), reg. 1(1), **Sch. para. 3**

## **[<sup>F20</sup>10A Interim statements between inspections**

- (1) The Chief Inspector may make a statement (an “interim statement”) about a school in England to which section 5 applies.
- (2) An interim statement is a statement—
  - (a) that the Chief Inspector is of the opinion that it is not necessary for the school to be inspected under section 5 for at least a year after the date on which the statement is made,
  - (b) setting out the Chief Inspector's reasons for forming that opinion, and
  - (c) containing such other information (if any) as the Chief Inspector considers appropriate.
- (3) The Chief Inspector may arrange for an interim statement to be published in such manner as the Chief Inspector considers appropriate.
- (4) Section 151 of the Education and Inspections Act 2006 (publication of inspection reports: privilege and electronic publication) applies in relation to an interim statement as it applies in relation to a report.]

### **Textual Amendments**

- F20** S. 10A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. **225(2)**, **269(4)**; S.I. 2009/3317, art. 2, Sch.

## *Publication of inspection reports*

### **11 Publication of inspection reports**

- (1) The Chief Inspector may arrange for any report of an inspection carried out by him under any provision of this Chapter (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision) to be published in such manner as he considers appropriate.
- (2) <sup>F21</sup> .....
- (3) <sup>F21</sup> .....
- (4) <sup>F21</sup> .....

### **Textual Amendments**

- F21** S. 11(2)-(4) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 102, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

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

- C12** S. 11 applied (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 75(6)**, 173(4); S.I. 2008/3077, art. 4(a)
- C13** S. 11(2)-(4) applied (1.9.2008 in so far as not already in force) by [Childcare Act 2006 \(c. 21\)](#), **ss. 50(4)**, 109(2); S.I. 2008/2261, art. 2 (with Sch. 1)

*f<sup>F22</sup>Investigation of complaints*

**Textual Amendments**

- F22** Ss. 11A-11C and preceding cross-heading inserted (28.3.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 160**, 188; S.I. 2007/935, **art. 3**

**11A Power of Chief Inspector to investigate complaints about schools**

- (1) The Chief Inspector may investigate a qualifying complaint if he thinks it is appropriate to do so—
- (a) for the purpose of determining whether it is or may be appropriate to have regard to the matters raised by the complaint in carrying out any of his functions in relation to schools in England, and
  - (b) in particular, for the purpose of determining, in the light of the complaint—
    - (i) when to carry out an inspection under section 5 (insofar as the timing of such an inspection is within his discretion), and
    - (ii) whether it would be appropriate to carry out an inspection under section 8(2).
- (2) A complaint is a qualifying complaint if—
- (a) it is about a matter relating to a relevant school and that matter—
    - (i) falls within a prescribed description, and
    - (ii) does not fall within any prescribed exception,
  - (b) it is made in writing to the Chief Inspector, and
  - (c) it is made by a person who satisfies prescribed conditions.
- (3) The conditions prescribed for the purposes of subsection (2)(c) may, in particular, require that the person has, before making the complaint to the Chief Inspector, taken advantage of other procedures of a prescribed description for dealing with the complaint.
- (4) Regulations may enable the Chief Inspector to determine that a condition prescribed for the purposes of subsection (2)(c) by virtue of subsection (3) is not to apply in relation to a person making a complaint.
- (5) In this section, “relevant school” means any of the schools mentioned in paragraphs (a) to (g) of section 5(2).

**11B Investigations under section 11A**

- (1) This section applies where a qualifying complaint is made to the Chief Inspector by a person who is a registered parent of a registered pupil at the school to which the complaint relates.



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- (2) If the Chief Inspector so requests for the purposes of an investigation of the complaint, the governing body of the school to which the complaint relates must provide him with—
- (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.
- (3) If the complaint relates to a maintained school and the Chief Inspector so requests for the purposes of an investigation of the complaint, the [F13local authority] who maintain the school must provide him with—
- (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.
- (4) If, for the purposes of an investigation of the complaint, it appears to the Chief Inspector to be appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates—
- (a) he must give notice to that effect to—
    - (i) the governing body of the school (unless the school falls within subparagraph (ii)), or
    - (ii) if the school is a maintained school which does not have a delegated budget, the [F13local authority] who maintain the school, and
  - (b) on being so notified, the governing body or (as the case may be) the [F13local authority] must co-operate with the Chief Inspector in the making of arrangements for the meeting.
- (5) In particular, the governing body or (as the case may be) the [F13local authority] must if so requested by the Chief Inspector—
- (a) allow the meeting to be held on the premises of the school,
  - (b) fix a date for the meeting which is consistent with any request made by the Chief Inspector for that purpose, and
  - (c) take such steps as are specified by the Chief Inspector to give—
    - (i) the registered parents of registered pupils at the school, and
    - (ii) if the school is a maintained school which has a delegated budget, the [F13local authority] who maintain the school,such notice as the Chief Inspector may specify of the date, time and place of the meeting and of its purpose.
- (6) The following persons (in addition to the registered parents of registered pupils at the school) may attend a meeting held in pursuance of subsection (5)—
- (a) a representative of the governing body of the school, and
  - (b) if the school is a maintained school, a representative of the [F13local authority] who maintain the school.
- (7) In this section—
- “ governing body ”, in relation to a relevant school which is not a maintained school, means the proprietor of the school;
- “ maintain ”, in relation to school, has the same meaning as in the School Standards and Framework Act 1998;

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“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;  
 “qualifying complaint” is to be read in accordance with section 11A(2);  
 “relevant school” has the meaning given by section 11A(5).

#### **Textual Amendments**

**F13** 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)**

### **11C Reports of investigations**

- (1) This section applies where, for the purposes of an investigation of a qualifying complaint to which section 11B applies the Chief Inspector—
  - (a) requests information as mentioned in subsection (2) or (3) of that section, or
  - (b) gives notice in pursuance of subsection (4)(a) of that section that he considers it appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates.
- (2) The Chief Inspector may, if he considers it appropriate to do so, prepare a report of the outcome of the investigation by him of the complaint.
- (3) If the Chief Inspector prepares a report under subsection (2) he must send a copy of the report to—
  - (a) the governing body of the school (unless the school falls within paragraph (b)), or
  - (b) if the school is a maintained school which does not have a delegated budget, the <sup>F13</sup>local authority] who maintain the school.
- (4) The body to whom a report is sent under subsection (3) must, if so requested by the Chief Inspector, provide a copy of the report to the registered parents of registered pupils at the school to which the complaint relates.
- (5) In this section, “governing body” and “qualifying complaint” have the same meaning as in section 11B. ]

#### **Textual Amendments**

**F13** 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)**

### *Interpretation of Chapter*

### **12 Interpretation of Chapter 1**

In this Chapter—

“the Chief Inspector” means <sup>F23</sup>Her Majesty’s Chief Inspector of Education, Children’s Services and Skills];  
<sup>F24</sup>“exempt school” has the meaning given in section 5(4B);  
 “prescribed” means prescribed by regulations;

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“regulations” means regulations made by the Secretary of State under this Chapter;

“well-being”, in relation to pupils at a school, is a reference to their well-being having regard to the matters mentioned in section 10(2) of the Children Act 2004 (c. 31).

#### Textual Amendments

- F23** Words in s. 12 substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 103](#); [S.I. 2007/935](#), [art. 5\(w\)\(gg\)](#)
- F24** Words in s. 12 inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), [ss. 40\(6\)](#), [82\(1\)\(b\)](#)

## CHAPTER 2

### PROCEDURE FOR INSPECTIONS UNDER CHAPTER 1

#### *Inspections and reports: all schools*

#### **13 Duties of Chief Inspector where school causes or has caused concern**

- (1) If, on completion of a section 5 inspection of a school, the Chief Inspector is of the opinion—
- that special measures are required to be taken in relation to the school, or
  - that the school requires significant improvement,
- he must comply with subsections (2) and (3).
- (2) The Chief Inspector must—
- send a draft of the report of the inspection—
    - in the case of a maintained school, to the governing body, and
    - in the case of any other school, to the proprietor of the school, and
  - consider any comments on the draft that are made to him within the prescribed period by the governing body or proprietor, as the case may be.
- (3) If, after complying with subsection (2), the Chief Inspector is of the opinion that the case falls within paragraph (a) or (b) of subsection (1)—
- he must without delay give a notice in writing, stating that the case falls within paragraph (a) or (b) of subsection (1)—
    - to the Secretary of State,
    - in the case of a maintained school, to the <sup>F13</sup>local authority], and
    - in the case of any other school, to the proprietor of the school, and
  - he must state his opinion in the report of the inspection.
- (4) If a report of a section 5 inspection is made in circumstances where—
- in the latest report of an inspection of the school, the Chief Inspector stated that in his opinion special measures were required to be taken in relation to the school, but
  - the Chief Inspector is of the opinion that special measures are not required to be taken in relation to the school,

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

he must state his opinion in the report (whether or not he is required by subsection (3) (b) also to state the opinion that the school requires significant improvement).

- (5) If a report of a section 5 inspection is made in circumstances where—
- (a) in the latest report of an inspection of the school, the Chief Inspector stated that in his opinion the school required significant improvement, but
  - (b) the Chief Inspector is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school,

he must state his opinion in the report.

#### Textual Amendments

**F13** 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\(2\)](#)

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

- C14** S. 13: 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) (which affecting provision expires (9.12.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 5)
- C15** S. 13(1)-(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, [Sch. 7 para. 7](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, [Sch. 5 para. 3\(9\)](#)); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), [Sch. 1](#)
- C16** S. 13(1)-(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, [Sch. 7 para. 7](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, [Sch. 5 para. 3\(9\)](#)); S.I. 2005/2034, [art. 4](#), S.I. 2006/1338, {art. 3}, [Sch. 1](#)
- C17** S. 13(2)(b): 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) (which affecting provision expires (9.12.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 5)
- C18** S. 13(1)-(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, [Sch. 7 para. 7](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, [Sch. 5 para. 3\(9\)](#)); S.I. 2005/2034, [art. 4](#), S.I. 2006/1338, {art. 3}, [Sch. 1](#)

*Destination of reports<sup>F25</sup> and interim statements] and measures required: maintained schools*

#### Textual Amendments

**F25** Words in Pt. 1 Ch. 2 Crossheading inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 225\(3\)](#), 269(4); S.I. 2009/3317, [art. 2](#), [Sch.](#)

## 14 Destination of reports: maintained schools

- (1) The Chief Inspector must ensure that a copy of the report of any section 5 inspection of a maintained school is sent without delay to the appropriate authority for the school.
- (2) The Chief Inspector must ensure that copies of the report are sent—
  - (a) to the head teacher of the school,
  - (b) to whichever of the [<sup>F13</sup>local authority] and the governing body are not the appropriate authority,

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (c) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority, and
- (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.

<sup>F26</sup>(3) .....

(4) The appropriate authority must—

- (a) make a copy of any report sent to the authority under subsection (1) 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, 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 report within such period following receipt of the report by the authority as may be prescribed.

#### Textual Amendments

- F13** 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)**
- F26** S. 14(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 25**; S.I. 2012/924, art. 2

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

- C19** S. 14(2) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by [2000 c. 21, Sch. 7 para. 13\(3\)\(a\)\(i\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2005/2034, art. 4, S.I. 2006/1338, {art. 3}, Sch. 1
- C20** S. 14(2) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by [2000 c. 21, Sch. 7 para. 6\(3\)\(a\)\(i\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2005/2034, art. 4, S.I. 2006/1338, {art. 3}, Sch. 1
- C21** S. 14(4) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by [2000 c. 21, Sch. 7 para. 13\(3\)\(a\)\(ii\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2005/2034, art. 4, S.I. 2006/1338, {art. 3}, Sch. 1
- C22** S. 14(4) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by [2000 c. 21, Sch. 7 para. 6\(3\)\(a\)\(ii\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2005/2034, art. 4, S.I. 2006/1338, {art. 3}, Sch. 1

#### <sup>F27</sup> 14A Destination of interim statements: maintained schools

- (1) The Chief Inspector must ensure that a copy of any interim statement about a maintained school is sent without delay to the appropriate authority for the school.
- (2) The Chief Inspector must ensure that copies of the statement are sent—
  - (a) to the head teacher of the school,
  - (b) to whichever of the [<sup>F13</sup>local authority] and the governing body are not the appropriate authority, and
  - (c) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

<sup>F28</sup>(3) .....

(4) The appropriate authority must—

- (a) make a copy of any statement sent to the authority under subsection (1) available for inspection by members of the public at such times and at such places as may be reasonable,
- (b) provide one copy of the statement free of charge 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 statement within such period following receipt of the statement by the authority as may be prescribed.]

#### Textual Amendments

- F13** 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)**
- F27** S. 14A inserted (12.1.2010 for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 225(4), 269(4)**; S.I. 2009/3317, art. 2, Sch.
- F28** S. 14A(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 26**; S.I. 2012/924, art. 2

## 15 Measures to be taken by [<sup>F13</sup>local authority]

(1) [<sup>F29</sup>Subsection (2)] applies where, in a report of a section 5 inspection of a maintained school, the Chief Inspector stated either—

- (a) that in his opinion special measures were required to be taken in relation to the school, or
- (b) that in his opinion the school required significant improvement.

[<sup>F30</sup>( 2 ) The [<sup>F13</sup>local authority] must—

- (a) consider what action to take in the light of the report,
- (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
- (c) consider whether those arrangements are to include the appointment of a specified person for that purpose,
- (d) prepare a written statement—
  - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
  - (ii) of the arrangements they propose to make for the purpose mentioned in paragraph (b), and
- (e) send a copy of the statement prepared under paragraph (d) to—
  - (i) the Chief Inspector,
  - (ii) in the case of a voluntary aided school, the person who appoints the foundation governors and (if different) the appropriate appointing authority, and
  - (iii) such other persons as the Secretary of State may specify.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (2A) Subsection (2B) applies where—
- (a) the [F13]local authority] have prepared a statement under subsection (2) in relation to a school,
  - (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
  - (c) no subsequent inspection of the school has been made under section 5.
- (2B) The Secretary of State may by notice require the [F13]local authority] to—
- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (2)(b),
  - (b) prepare a written statement—
    - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
    - (ii) of the arrangements they propose to make for the purpose mentioned in subsection (2)(b), and
  - (c) send a copy of the statement to the Secretary of State and to the persons mentioned in subsection (2)(e)(i) to (iii).
- (2C) For the purposes of subsections (2A) and (2B) an “interim inspection” is an inspection under section 8 [F31]which is not treated as a section 5 inspection by virtue of section 9].]
- (3) It is the duty of the [F13]local authority] to prepare [F32]a statement under subsection (2) or (2B)] 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 Chief Inspector is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) 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 [F13]local authority] of any duty to prepare a statement which has not been performed within that period.
- [F33](4) In performing their functions under subsections (2)(a), (b), (c) and (d) and (2B)(a) and (b), the [F13]local authority] must have regard to any guidance given from time to time by the Secretary of State.]

#### Textual Amendments

- F13** 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\(2\)](#)
- F29** Words in s. 15(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, [Sch. 7 para. 1\(2\)](#); [S.I. 2007/935](#), [art. 5\(j\)\(ce\)](#)
- F30** S. 15(2)-(2C) substituted (1.4.2007) for s. 15(2) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, [Sch. 7 para. 1\(3\)](#); [S.I. 2007/935](#), [art. 5\(j\)\(ce\)](#)
- F31** Words in s. 15(2C) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), [ss. 40\(7\)](#), 82(1)(b)
- F32** Words in s. 15(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, [Sch. 7 para. 1\(4\)](#); [S.I. 2007/935](#), [art. 5\(j\)\(ce\)](#)



*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

**F33** S. 15(4) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 1(5)**; S.I. 2007/935, **art. 5(j)(cc)**

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

**C23** S. 15: 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)

**C24** S. 15(2)(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 13(3)(a)(iii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2005/2034, **art. 4**; S.I. 2006/1338, **art. 3**, Sch. 1

**C25** S. 15(2)(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 6(3)(a)(iii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2005/2034, **art. 4**; S.I. 2006/1338, **art. 3**, Sch. 1

**C26** S. 15(2)(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 13(3)(a)(iii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2005/2034, **art. 4**; S.I. 2006/1338, **art. 3**, Sch. 1

**C27** S. 15(2)(3) applied (with modifications) (1.9.2005 for E. and 1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 6(3)(a)(iii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2005/2034, **art. 4**; S.I. 2006/1338, **art. 3**, Sch. 1

**C28** S. 15(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)

*Destination of reports<sup>F34</sup> and interim statements]  
 and measures required: non-maintained schools*

**Textual Amendments**

**F34** Words in Pt. 1 Ch. 2 Crossheading inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. **225(5)**, 269(4); S.I. 2009/3317, art. 2, Sch.

**16 Destination of reports: non-maintained schools**

- (1) The Chief Inspector must ensure that a copy of the report of any section 5 inspection of a school other than a maintained school is sent without delay to the proprietor of the school.
- (2) In the case of a special school which is not a community or foundation special school, the proprietor must without delay send a copy of any report sent to him under subsection (1) to any [<sup>F13</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (3) The proprietor of the school must—
  - (a) make any report sent to him under subsection (1) 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, free of charge or in prescribed cases on payment of such fee as he thinks 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 report within such period following receipt of the report by the proprietor as may be prescribed.



*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

#### Textual Amendments

**F13** 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)**

### [<sup>F35</sup>16A Destination of interim statements: non-maintained schools

- (1) The Chief Inspector must ensure that a copy of any interim statement about a school other than a maintained school is sent without delay to the proprietor of the school.
- (2) In the case of a special school which is not a community or foundation special school, the proprietor must without delay send a copy of any interim statement sent to the proprietor under subsection (1) to any [<sup>F13</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (3) The proprietor of the school must—
  - (a) make any statement sent to the proprietor under subsection (1) available for inspection by members of the public at such times and at such place as may be reasonable,
  - (b) provide one copy of the statement free of charge 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 statement within such period following receipt of the statement by the proprietor as may be prescribed.]

#### Textual Amendments

**F13** 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)**

**F35** S. 16A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 225(6), 269(4)**; S.I. 2009/3317, art. 2, Sch.

### 17 Statement to be prepared by proprietor of school

- (1) [<sup>F36</sup>Subsection (1A) applies]Where there is sent to the proprietor of a school other than a maintained school a report of a section 5 inspection in which the Chief Inspector states—
  - (a) that he is of the opinion that special measures are required to be taken in relation to the school, or
  - (b) that he is of the opinion that the school requires significant improvement,

<sup>F37</sup> .....

[<sup>F38</sup>(1A) The proprietor must—

- (a) consider what action to take in the light of the report,
- (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (c) consider whether those arrangements are to include the appointment of a specified person for that purpose, and
  - (d) prepare a written statement—
    - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
    - (ii) of the arrangements he proposes to make for the purpose mentioned in paragraph (b).
- (1B) Subsection (1C) applies where—
- (a) the proprietor of a school has prepared a statement under subsection (1A) in relation to the school,
  - (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
  - (c) no subsequent inspection of the school has been made under section 5.
- (1C) The Secretary of State may by notice require the proprietor to—
- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (1A)(b), and
  - (b) prepare a written statement—
    - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
    - (ii) of the arrangements the proprietor proposes to make for the purpose mentioned in subsection (1A)(b)”.
- (1D) For the purposes of subsections (1B) and (1C) an “interim inspection” is an inspection under section 8 [<sup>F39</sup>which is not treated as a section 5 inspection by virtue of section 9].]
- (2) It is the duty of the proprietor of the school 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 Chief Inspector is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) 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 proprietor of the school of any duty to prepare a statement which has not been performed within that period.
- (3) Where [<sup>F40</sup>a statement under subsection (1A) or (1C)] has been prepared by the proprietor of the school, he must, before the end of the prescribed period, send copies of it—
- (a) to the Chief Inspector,
  - [<sup>F41</sup>(aa) in the case of a statement under subsection (1C), to the Secretary of State,]
  - and
  - (b) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (4) In the case of a special school which is not a community or foundation special school, the proprietor of the school must, before the end of the prescribed period, send a copy of any such statement prepared by him to any [<sup>F13</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- [<sup>F42</sup>(5) In performing his functions under subsections (1A)(a), (b), (c) and (d) and (1C)(a) and (b), the proprietor must have regard to any guidance given from time to time by the Secretary of State.]

#### Textual Amendments

- F13** 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)**
- F36** Words in s. 17(1) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(2)(a)**; S.I. 2007/935, **art. 5(j)(cc)**
- F37** Words in s. 17(1)(b) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 184, 188, **Sch. 7 para. 2(2)(b)**, **Sch. 18 Pt. 4**; S.I. 2007/935, **art. 5(cc)(ii)**
- F38** S. 17(1A)-(1D) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(3)**; S.I. 2007/935, **art. 5(j)(cc)**
- F39** Words in s. 17(1D) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(8)**, 82(1)(b)
- F40** Words in s. 17(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(4)(a)**; S.I. 2007/935, **art. 5(j)(cc)**
- F41** S. 17(3)(aa) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(4)(b)**; S.I. 2007/935, **art. 5(j)(cc)**
- F42** S. 17(5) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(5)**; S.I. 2007/935, **art. 5(j)(cc)**

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

- C29** S. 17: 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)
- C30** S. 17(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)

### *Interpretation of Chapter*

## 18 Interpretation of Chapter 2

In this Chapter—

“the appropriate appointing authority”, in relation to a voluntary aided school, means—

(a) the appropriate diocesan authority, if it is a Church of England school <sup>F43</sup> . . . or a Roman Catholic Church school, or

(b) in any other case, the person who appoints the foundation governors;

“the appropriate authority”, in relation to a maintained school, means the school's governing body or, if the school does not have a delegated budget, the [<sup>F13</sup>local authority];

“the Chief Inspector” means [<sup>F44</sup>Her Majesty's Chief Inspector of Education, Children's Services and Skills];

[<sup>F45</sup>“ interim statement ” means an interim statement under section 10A; ]

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;  
 “prescribed” means prescribed by regulations;  
 “regulations” means regulations made by the Secretary of State under this Chapter;  
 “section 5 inspection” means an inspection under section 5.

#### **Textual Amendments**

- F13** 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)**
- F43** Words in s. 18 in the definition of "the appropriate appointing authority" repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 184, 188, **Sch. 7 para. 24**; Sch. 18 Pt. 4; S.I. 2007/935, **art. 5(w)(cc)(ii)**
- F44** Words in s. 18 in the definition of "the Chief Inspector" substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, **Sch. 14 para. 104**; S.I. 2007/935, **art. 5(w)(gg)**
- F45** Words in s. 18 inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 225(7)**, 269(4); S.I. 2009/3317, art. 2, Sch.

## **CHAPTER 3**

### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: WALES

#### *Her Majesty's Inspectorate for Wales*

#### **19 Her Majesty's Inspectorate of Education and Training in Wales**

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru (“the Chief Inspector”).
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (3) Any person appointed as one of Her Majesty's Inspectors of Education and Training in Wales is to serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector.
- (4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment, but—
  - (a) must not be appointed for a term of more than five years,
  - (b) may at any time resign by giving written notice to the Assembly, and
  - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector does not affect his eligibility for appointment.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (6) [<sup>F46</sup>If the Assembly considers that any of the powers conferred by subsection (1), (2) and (4)(c) ought to be exercised, the Assembly must advise the Secretary of State on any recommendation to be made to Her Majesty as to the exercise of the power.]
- (7) The terms of a person's appointment under subsection (2) are to be determined by the Chief Inspector with the approval of the Assembly.
- (8) Schedule 2 makes further provision about the Chief Inspector and his staff.

#### Textual Amendments

**F46** S. 19(6) omitted (W.) (1.9.2014) by virtue of [Education \(Wales\) Act 2014 \(anaw 5\)](#), **ss. 43, 50(4)**; [S.I. 2014/1605](#), art. 3

## 20 Functions of Chief Inspector

- (1) The Chief Inspector has the general duty of keeping the Assembly informed about—
- the quality of the education provided by schools in Wales,
  - how far that education meets the needs of the range of pupils at those schools,
  - the educational standards achieved in those schools,
  - the quality of the leadership in and management of those schools, including whether the financial resources made available to those schools are managed efficiently,
  - the spiritual, moral, social and cultural development of pupils at those schools, and
  - the contribution made by those schools to the well-being of those pupils.
- [<sup>F47</sup>(g) actions taken at maintained schools to promote healthy eating and drinking.]
- (2) When asked to do so by the Assembly, the Chief Inspector must—
- give advice to the Assembly on such matters as may be specified in the Assembly's request, and
  - inspect and report on such school, or class of school, in Wales as may be so specified.
- (3) In addition, the Chief Inspector has the following specific duties—
- establishing and maintaining the register mentioned in section 25(1);
  - giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in Wales under section 28 and the making of reports of such inspections;
  - keeping under review the system of inspecting schools under that section and, in particular, the standard of such inspections and of the reports made by registered inspectors;
  - keeping under review the extent to which any requirement imposed by or under this Part, or any other enactment, on any registered inspector, [<sup>F13</sup>local authority], proprietor of a school or governing body in relation to inspections of schools in Wales is complied with;
  - promoting efficiency in the conduct and reporting of inspections of schools in Wales by encouraging competition in the provision of services by registered inspectors.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (4) The Chief Inspector may at any time give advice to the Assembly on any matter connected with schools, or a particular school, in Wales.
- (5) The Chief Inspector is to have such other functions in connection with schools in Wales, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Assembly.
- (6) In exercising his functions, the Chief Inspector must have regard to such aspects of policy adopted or formulated by the Assembly as the Assembly may direct.
- (7) This section does not apply in relation to education which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21).

#### Textual Amendments

- F13** 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)**
- F47** [S. 20\(1\)\(g\)](#) inserted (2.9.2013) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), **ss. 3(2), 12(3)**; S.I. 2013/1985, **art. 2(b)**

## 21 Annual and other reports to Assembly

- (1) The Chief Inspector—
  - (a) must make an annual report to the Assembly,
  - (b) may make such other reports to the Assembly, with respect to matters which fall within the scope of his functions, as he considers appropriate, and
  - (c) may arrange for any report made by him under this section to be published in such manner as he considers appropriate.
- (2) The Assembly must publish any report that is made to it under subsection (1)(a).

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

- C31** [S. 21\(1\)\(b\)](#) modified (1.9.2006 for W.) by [1998 c. 31, Sch. 26 para. 14\(2\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), **ss. 53, 119, 125, Sch. 7 para. 21**); S.I. 2006/1338, **art. 3, Sch. 1**

## 22 Power of Assembly to establish advisory panel

- (1) The Assembly may by regulations—
  - (a) establish a panel for the purpose of providing advice to the Assembly on matters relating to the functions that are at any time exercisable by the Chief Inspector under this Part or any other enactment, and
  - (b) make provision as to the functions of the panel.
- (2) The regulations may in particular—
  - (a) make provision about the appointment of members of the panel,
  - (b) make provision for remuneration and allowances to be paid to members of the panel,
  - (c) require the panel and the Chief Inspector to co-operate with each other,
  - (d) require the panel to make reports to the Assembly.

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*Status: Point in time view as at 01/12/2020.*

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## **23 Powers of entry etc. of Chief Inspector**

- (1) For the purposes of the exercise of any function conferred by or under section 20, the Chief Inspector has at all reasonable times, in relation to any school in Wales—
  - (a) a right of entry to the premises of the school, and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.
- (2) For the purposes of the exercise of any function conferred by or under section 20, the Chief Inspector has at all reasonable times—
  - (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in Wales, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,are provided with part of their education by any person (“the provider”),
  - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education, and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of that education, and
    - (ii) any other documents containing information so relating,which the Chief Inspector requires for those purposes.
- (3) It is an offence intentionally to obstruct the Chief Inspector—
  - (a) in the exercise of his functions in relation to the inspection of a school for the purposes of section 20(2)(b), or
  - (b) in the exercise of any right under subsection (1) or (2) for the purposes of the exercise of any other function.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **24 Power of Chief Inspector to arrange for inspections**

- (1) The Chief Inspector may cause any school in Wales to be inspected by one or more of Her Majesty's Inspectors of Education and Training in Wales (in this section referred to as “Inspectors”).
- (2) Where an inspection of a school in Wales is being conducted by a registered inspector under section 28, the Chief Inspector may arrange for that inspection to be monitored by one or more Inspectors.
- (3) An Inspector inspecting a school, or monitoring an inspection, under this section has at all reasonable times—
  - (a) a right of entry to the premises of the school,
  - (b) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,

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- are receiving part of their education from any person (“the provider”),
- (c) a right of entry to any premises of the provider used in connection with the provision by him of that education,
  - (d) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions, and
  - (e) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider,
 which the Inspector considers relevant to the discharge of his functions.
- (4) It is an offence intentionally to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21) that is provided by the school.

### *Registered inspectors*

## **25 Registration of inspectors in Wales**

- (1) No person may conduct an inspection of any school in Wales under section 28 unless—
- (a) he is a member of the Inspectorate, or
  - (b) he is registered as an inspector in a register kept by the Chief Inspector for the purposes of this Chapter.
- (2) The Chief Inspector may not register a person under this section unless, having regard to any conditions that he proposes to impose under subsection (4)(c), it appears to him that that person—
- (a) is a fit and proper person for discharging the functions of a registered inspector, and
  - (b) will be capable of conducting inspections under this Chapter competently and effectively,
- and no person may be so registered if he falls within a category of persons prescribed for the purposes of this subsection.
- (3) An application for registration under this section—
- (a) must be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct, and
  - (b) must be accompanied by the prescribed fee.
- (4) On an application duly made under this section the Chief Inspector may—
- (a) register the applicant,
  - (b) refuse to register him, or



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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

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- (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (5) The matters to which the Chief Inspector may have regard in deciding whether to register the applicant include, in particular—
  - (a) the extent to which the Chief Inspector proposes to exercise his discretion under subsection (1) of section 28 to secure that inspections under that section are conducted by members of the Inspectorate rather than registered inspectors, and
  - (b) the extent to which there is a need for registered inspectors in Wales.
- (6) Conditions under subsection (4)(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 subsection (4)(c), he is to be taken to be authorised to act as a registered inspector only so far as those conditions permit.
- (8) The period for which any registration is to have effect is to be determined by the Chief Inspector and must be entered in the register kept by him.
- (9) Nothing in subsection (8) is to be taken as preventing a registered inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.

## **26 Removal from register and imposition or variation of conditions**

- (1) If the Chief Inspector is satisfied that any of the conditions mentioned in subsection (2) is satisfied with respect to an inspector registered in the register, he may remove the name of that inspector from the register.
- (2) The conditions are that—
  - (a) he is no longer a fit and proper person for discharging the functions of a registered inspector under this Chapter;
  - (b) he is no longer capable of conducting inspections under this Chapter competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 25(4)(c) and subject to which his registration has effect;
  - (d) he has, without reasonable explanation, produced a report of an inspection which is, in whole or in part, seriously misleading.
- (3) If the Chief Inspector is satisfied—
  - (a) that he is authorised by subsection (2) to remove the name of an inspector from the register, or
  - (b) that it would otherwise be in the public interest to act under this subsection, he may vary any condition subject to which the registration of that inspector has effect or vary that registration by imposing a condition subject to which it will have effect.

## **27 Appeals in relation to registration**

- (1) Any person who is aggrieved by—

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (a) the refusal of the Chief Inspector to renew his registration under section 25,
  - (b) the imposition or variation of any condition subject to which he is registered under that section, or
  - (c) the removal of his name from the register under section 26,
- may appeal against the Chief Inspector's decision to a tribunal constituted in accordance with Schedule 3.
- (2) Where—
- (a) a decision to refuse to renew a person's registration under section 25 is expressed to be based on the ground—
    - (i) that there is a reduced need for registered inspectors in Wales, or
    - (ii) that there is no longer any need for registered inspectors in Wales, and
  - (b) the tribunal is satisfied that the decision was based on one of those grounds, the tribunal must confirm the decision to refuse renewal.
- (3) No decision of the Chief Inspector falling within (1)(b) or (c) is to have effect until—
- (a) the disposal of any appeal against the decision which is duly made under this section, or
  - (b) the period within which an appeal may be made has expired without an appeal having been made.
- (4) Subsection (3) does 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 section, 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.
- (6) Schedule 3 makes further provision with respect to tribunals constituted to hear appeals under this section.

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

C32 S. 27 applied (with modifications) (16.5.2006) by S.I. 2006/1338, art. 6, Sch. 4 para. 5

*Inspections by registered inspectors and members of the Inspectorate*

**28 Duty to arrange regular inspections of certain schools**

- (1) It is the duty of the Chief Inspector to secure that every school in Wales to which this section applies is inspected under this section, at such intervals as may be prescribed, by an inspector registered under section 25 or by a member of the Inspectorate.
- (2) Subject to subsection (3), the schools to which this section applies are—
- (a) community, foundation and voluntary schools,
  - (b) community<sup>F48</sup>... special schools,
  - (c) maintained nursery schools, and

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- (d) special schools which are not community or foundation special schools but are for the time being approved by the Assembly under section 342 of the Education Act 1996 (c. 56) (approval of special schools).
- (3) This section does not apply to any school—
- (a) which is a closing school (as defined by subsection (4)), and
  - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4) In subsection (3)(a) a “closing school” means—
- (a) any community, foundation or voluntary school, community<sup>F49</sup> ... special school or maintained nursery school in respect of which proposals to discontinue the school have been approved, adopted [<sup>F50</sup>, confirmed] or determined under any enactment,
  - (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under [<sup>F51</sup>section 80 of the School Standards and Organisation (Wales) Act 2013],
  - (c) a community, foundation or voluntary or community<sup>F52</sup> ... special school in respect of which the Assembly has given a direction to discontinue the school under [<sup>F53</sup>section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013], or
  - (d) a special school which is not a community<sup>F54</sup> ... special school but is for the time being approved by the Assembly under section 342 of the Education Act 1996 (c. 56) and which the proprietor has decided to close.
- (5) It is the general duty of any inspector conducting an inspection under this section to report on—
- (a) the quality of the education provided in the school,
  - (b) how far the education provided in the school meets the needs of the range of pupils at the school,
  - (c) the educational standards achieved in the school,
  - (d) the quality of the leadership in and management of the school, including whether the financial resources made available to the school are managed effectively,
  - (e) the spiritual, moral, social and cultural development of the pupils at the school, and
  - (f) the contribution made by the school to the well-being of those pupils.
- (6) Subsection (1) has effect subject to section 32.
- (7) An inspection which is required under this section must not extend to—
- (a) denominational education,
  - (b) education which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21), or
  - (c) the content of collective worship which falls to be inspected under section 50.
- (8) Schedule 4 makes further provision with respect to inspections under this section.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

### Textual Amendments

- F48** Words in s. 28(2)(b) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(a\)](#); S.I. 2013/1800, art. 3(j)
- F49** Words in s. 28(4)(a) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(b\)\(i\)](#); S.I. 2013/1800, art. 3(j)
- F50** Word in s. 28(4)(a) inserted (W.) (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), [Sch. 1 para. 96](#) (with art. 7)
- F51** Words in s. 28(4)(b) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(b\)\(ii\)](#); S.I. 2013/1800, art. 3(j)
- F52** Words in s. 28(4)(c) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(b\)\(iii\)](#); S.I. 2013/1800, art. 3(j)
- F53** Words in s. 28(4)(c) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(b\)\(iii\)](#); S.I. 2013/1800, art. 3(j)
- F54** Words in s. 28(4)(d) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(2\)\(b\)\(iv\)](#); S.I. 2013/1800, art. 3(j)

### Modifications etc. (not altering text)

- C33** [S. 28](#): power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 7](#) (with [ss. 88-90](#)) (which affecting provision expires (25/09/2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C34** [S. 28\(1\)](#): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 7](#) (with [ss. 88-90](#)) (which affecting provision expires (25/09/2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

## *Publication of inspection reports*

### 29 Publication of inspection reports

- (1) The Chief Inspector may, in the case of—
- (a) any report by a member of the Inspectorate of an inspection carried out by him under any provision of this Chapter (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision), or
  - (b) any report of an inspection under section 28 made by a registered inspector, arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (2) Without prejudice to the generality of—
- (a) section 21(1)(c), or
  - (b) subsection (1),
- the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.
- (3) For the purposes of the law of defamation any report published by the Chief Inspector under either of those provisions is privileged unless the publication is shown to have been made with malice.
- (4) Subsection (3) does not limit any privilege subsisting apart from that subsection.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

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

- C35** S. 29(2)-(4) applied ( 1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 13B(4) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, Sch. 7 para. 20); S.I. 2006/1338, art. 3, Sch. 1
- C36** S. 29(2)-(4) applied (1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 13B(4) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, Sch. 7 para. 20); S.I. 2006/1338, art. 3, Sch. 1
- C37** S. 29(2)-(4) applied (1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 13B(4) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, Sch. 7 para. 20); S.I. 2006/1338, art. 3, Sch. 1

### *Receipts*

## **30 Payment of fees into Consolidated Fund**

- (1) Any sums received by the Chief Inspector under—
- (a) section 25(3)(b), or
  - (b) paragraph 4(3) or 5(2) of Schedule 4,
- must be paid into the Consolidated Fund.
- (2) Subsection (1) has effect subject to paragraph 4 of Schedule 6 to the Government of Wales Act 1998 (c. 38) (Treasury power to direct that requirement for payment into Consolidated Fund not to apply in relation to specified sums received by the Chief Inspector).

### *Interpretation of Chapter*

## **31 Interpretation of Chapter 3**

- (1) In this Chapter—
- “the Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales;
  - [<sup>F55</sup> “ maintained school ” means a community, foundation or voluntary school, a community<sup>F56</sup> ... special school, a maintained nursery school or a pupil referral unit in Wales. ]
  - “member of the Inspectorate” means the Chief Inspector, any of Her Majesty's Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2;
  - “prescribed” means prescribed by regulations;
  - “regulations” means regulations made by the Assembly under this Chapter;
  - “well-being”, in relation to pupils at a school, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004 (c. 31).
- (2) For the purposes of this Chapter any reference to a condition imposed under section 25(4)(c) includes a reference to a condition imposed under section 26(3).

#### **Textual Amendments**

- F55** Words in s. 31(1) inserted (2.9.2013) by Healthy Eating in Schools (Wales) Measure 2009 (nawm 3), ss. 3(3), 12(3); S.I. 2013/1985, art. 2(b)

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

**F56** Words in s. 31(1) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(3\)](#); S.I. 2013/1800, art. 3(j)

## CHAPTER 4

### PROCEDURE FOR INSPECTIONS UNDER CHAPTER 3

#### *Introductory*

### **32 Inspections by members of the Inspectorate**

- (1) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 20(2)(b) or 24(1), that inspection is to be treated for the purposes of the relevant provisions as if it were an inspection under section 28.
- (2) In subsection (1) “the relevant provisions” means sections 28(1) and (5) and 35 and—
  - (a) (in the case of an inspection of a maintained school) sections 38 to 40, and
  - (b) (in the case of an inspection of a school other than a maintained school), sections 41 and 42.

#### *Inspections and reports: all schools*

### **33 Duty to report on section 28 inspections**

Where a section 28 inspection by a registered inspector or a member of the Inspectorate has been completed, the inspector must make in writing a report of the inspection and a summary of the report.

### **34 Section 28 inspections by registered inspectors**

- (1) Where a section 28 inspection was conducted by a registered inspector and he is of the opinion—
  - (a) that special measures are required to be taken in relation to the school, or
  - (b) that the school requires significant improvement,
 he must submit a draft of the report of the inspection to the Chief Inspector.
- (2) If the Chief Inspector so requests, an inspector who has submitted a draft under subsection (1) must provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (3) The Chief Inspector must inform an inspector who has submitted a draft under subsection (1) whether he agrees or disagrees with the inspector's opinion.
- (4) 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 or that the school requires significant improvement,

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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 (6)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.

- (5) Where a subsequent draft is submitted under subsection (4), the Chief Inspector must inform the inspector whether he agrees or disagrees with the inspector's opinion.
- (6) 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 or that the school requires significant improvement must—
  - (a) state his opinion, and
  - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (7) 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 must state his opinion in the report (whether or not he is required by subsection (6) also to state the opinion that the school requires significant improvement).
- (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 the school does not require significant improvement and 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 the school did require significant improvement 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 must state his opinion in the report.

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

C38 S. 34(1)-(6) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 7(2)(b) (as substituted by Education Act 2005 (c. 18), ss. 46, 125, Sch. 5 para. 3(9)); S.I. 2006/1338, art. 3, Sch. 1

## 35 Reports of inspections by members of the Inspectorate

- (1) Where on the completion of any inspection of a school under section 20(2)(b) or 24(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 or that the school requires significant improvement, he must—
  - (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 in relation to the school 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 must prepare a report of the inspection and a summary of the report and state his opinion in the report (whether or not he is required by subsection (1)(b) also to state the opinion that the school requires significant improvement).
- (3) 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 the school does not require significant improvement and 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 the school did require significant improvement 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 must prepare a report of the inspection and a summary of the report and state his opinion in the report.
- (4) A report of a section 28 inspection of a school by a member of the Inspectorate must, if he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement, state his opinion.
- (5) If a report of a section 28 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 must state his opinion in the report (whether or not he is required by subsection (4) also to state the opinion that the school requires significant improvement).
- (6) If a report of a section 28 inspection of a school by a member of the Inspectorate is made in circumstances where—
- (a) he is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school, but



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- (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion the school did require significant improvement 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 must state his opinion in the report.

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

**C39** S. 35(1) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 7 (as substituted by Education Act 2005 (c. 18), ss. 46, 125, Sch. 5 para. 3(9)); S.I. 2006/1338, art. 3, Sch. 1

**36 Timing of section 28 inspections by registered inspectors**

- (1) The carrying out of a section 28 inspection must be completed by the time allowed under subsection (2), and the making of the report required by section 33 must be completed within the period allowed under that subsection.
- (2) The time, and the period, allowed are 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 maintained school, the Chief Inspector must give notice of any extension under subsection (2) to—
- (a) the inspector,
  - (b) the [<sup>F13</sup>local authority] in the case of a maintained school, and
  - (c) the governing body.
- (4) In the case of an inspection of a school falling within section 28(2)(d), the Chief Inspector must give notice of any extension under subsection (2) to—
- (a) the inspector,
  - (b) the proprietor of the school, and
  - (c) the Assembly.
- (5) This section does not apply to a section 28 inspection carried out by a member of the Inspectorate.

**Textual Amendments**

**F13** 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)

*Destination of reports and measures required: maintained schools*

**37 Duty to notify where inspection shows maintained school causing concern**

- (1) Subsection (2) applies in relation to a maintained school where—
- (a) following an inspection of the school under Chapter 3 by a member of the Inspectorate, that member has informed the Chief Inspector of his opinion—

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- (i) that special measures are required to be taken in relation to the school,  
or
- (ii) that the school requires significant improvement, or
- (b) the Chief Inspector agrees with the opinion of a registered inspector, expressed in a draft report submitted to the Chief Inspector under section 34(1)—
  - (i) that special measures are required to be taken in relation to the school,  
or
  - (ii) that the school requires significant improvement.
- (2) Where this subsection applies, the Chief Inspector must without delay give the Assembly and the [<sup>F13</sup>local authority] notice in writing stating that the case falls within paragraph (a) or (b) of subsection (1).

#### **Textual Amendments**

**F13** 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)**

### **38 Destination of reports: maintained schools**

- (1) In the case of a report of a section 28 inspection of a maintained school, the person making the report must without delay send a copy of the report together with a summary of it to the appropriate authority for the school.
- (2) In a case where—
  - (a) a report of an inspection of a maintained school is made by a member of the Inspectorate, and
  - (b) he is required by section 35 to state in the report that he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,
 the member of the Inspectorate must send a copy of the report together with the summary of it to the appropriate authority for the school.
- (3) In any case, copies of the report and summary referred to in subsection (1) or (2) must 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) to whichever of the [<sup>F13</sup>local authority] and the governing body are not the appropriate authority,
  - (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority, and
  - (e) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) The appropriate authority must—
  - (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,

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- (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 within such period following receipt of the report by the authority as may be prescribed.
- (5) Subsection (6) applies to a report of an inspection of a maintained school if—
- (a) the inspection was a section 28 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 must send a copy (together with a copy of the summary, if there is one) to the [<sup>F57</sup>Assembly] .

#### Textual Amendments

- F13** 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)**
- F57** Word in s. 38(6) substituted (W.) (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 97** (with art. 7)

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

- C40** S. 38(2) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 13(3)(b)(i) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C41** S. 38(2) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 6(3)(b)(i) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C42** S. 38(4) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 13(3)(b)(ii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C43** S. 38(4) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 6(3)(b)(ii) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1

### 39 Statement to be prepared by appropriate authority for school

- (1) Where there is sent to the appropriate authority for a maintained school either—
- (a) a report of a section 28 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 35(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,
- the appropriate authority must 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.

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- (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 or that the school requires significant improvement, 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 Assembly is of the opinion that the urgency of the case requires a shorter period,
 such shorter period as the Assembly 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) Subject to subsection (4), where such a statement has been prepared by the appropriate authority, they must, before the end of the prescribed period, send copies of it—
- (a) to the Chief Inspector,
  - (b) to whichever of the governing body and the [<sup>F13</sup>local authority] are not the appropriate authority, and
  - (c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) Where the report in question is a report of a section 28 inspection of a school, subsection (3)(a) does not require a copy of the statement to be sent to the Chief Inspector unless the report states that the person making it is of the opinion—
- (a) that special measures are required to be taken in relation to the school, or
  - (b) that the school requires significant improvement.
- (5) If in the case of a maintained 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 or that the school requires significant improvement, 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 must, before the end of the prescribed period, send a copy of the statement to the Assembly.
- (6) In the case of a school having foundation governors, the appropriate authority must also send a copy of the statement to the person who appoints them and (if different) to the appropriate appointing authority.
- (7) The appropriate authority must—
- (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), to any person who asks for one, and

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- (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.
- (8) The duty under subsection (7)(c) is to 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 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), and
  - (b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.
- (9) Where the governing body of a school have prepared a statement under this section, they must in the report under section 30 of the Education Act 2002 (c. 32) (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

- F13** 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)**

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

- C44** S. 39 applied (with modifications) (1.9.2006 for W.) by [2000 c. 21 Sch. 7 para. 13\(3\)\(b\)\(iii\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); [S.I. 2006/1338](#), **art. 3**, Sch. 1
- C45** S. 39 applied (with modifications) (1.9.2006 for W.) by [2000 c. 21 Sch. 7 para. 6\(3\)\(b\)\(iii\)](#) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); [S.I. 2006/1338](#), **art. 3**, Sch. 1
- C46** S. 39: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C47** S. 39(2): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

## 40 Statement to be prepared by <sup>F13</sup>local authority

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a maintained school the governing body of which have a delegated budget, the person who made the report stated that in his opinion—
    - (i) special measures were required to be taken in relation to the school, or
    - (ii) the school required significant improvement, 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—

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- (i) the [F13]local authority] have received a copy of a statement prepared under section 39 in response to the report, or
  - (ii) the period prescribed for the purposes of subsection (3) of that section has expired.
- (2) The [F13]local authority] must—
- (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), together with their comments on any statement prepared under section 39 of which they have received a copy, to the Assembly and the Chief Inspector and, in the case of a voluntary aided school—
    - (i) to the person who appoints the foundation governors, and
    - (ii) (if different) to the appropriate appointing authority.
- (3) It is the duty of the [F13]local 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 Assembly is of the opinion that the urgency of the case requires a shorter period, such shorter period as the Assembly may direct;
- but this subsection does not relieve the [F13]local authority] of any duty to prepare a statement which has not been performed within that period.

#### Textual Amendments

**F13** 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)**

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

- C48** S. 40: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C49** S. 40: power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C50** S. 40(2)(3) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 13(3)(b)(iv) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C51** S. 40(2)(3) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 6(3)(b)(iv) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C52** S. 40(2)(3) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 13(3)(b)(iv) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(14)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1
- C53** S. 40(2)(3) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 6(3)(b)(iv) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 46, 125, **Sch. 5 para. 3(8)(c)**); S.I. 2006/1338, **art. 3**, Sch. 1

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

*Destination of reports and measures required: non-maintained schools*

**41 Destination of reports: non-maintained schools**

- (1) In the case of a report of a section 28 inspection of a school other than a maintained school, the person making the report must without delay—
  - (a) send a copy of the report together with the summary of it—
    - (i) to the proprietor of 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 or that the school requires significant improvement 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 Assembly.
- (2) In a case where—
  - (a) a report of an inspection of a school other than a maintained school is made by a member of the Inspectorate, and
  - (b) he is required by section 35(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 or that the school requires significant improvement,he must send a copy of the report together with the summary of it to the proprietor of the school and to the Assembly.
- (3) In the case of a special school which is not a community <sup>F58</sup>... special school, the proprietor of the school must without delay send a copy of any report and summary sent to him under subsection (1) or (2) to any [<sup>F13</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (4) The proprietor of the school must—
  - (a) make any report and summary sent to him 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 he thinks 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 within such period following receipt of the report by the authority as may be prescribed.

**Textual Amendments**

- F13** 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)**
- F58** Words in s. 41(3) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 22(4)**; S.I. 2013/1800, art. 3(j)



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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

### **Commencement Information**

- II** S. 41 partly in force; s. 41 not in force at Royal Assent, see s. 125; s. 41 in force for certain purposes at 1.9.2006 by S.I. 2006/1338, **art. 4(1)**, **Sch. 2** (subject to **art. 4(2)**)

## **42 Statement to be prepared by proprietor of school**

- (1) Where there is sent to the proprietor of a school other than a maintained school—
- (a) a report of a section 28 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 35(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,
- the proprietor of the school must prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it.
- (2) It is the duty of the proprietor 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 or that the school requires significant improvement, 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 Assembly is of the opinion that the urgency of the case requires a shorter period,
 such shorter period as the Assembly may direct;
- but this subsection does not relieve the proprietor of the school 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 proprietor of the school, he must, before the end of the prescribed period, send copies of it—
- (a) to the Chief Inspector,
  - (b) to the Assembly, 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 special school which is not a community <sup>F59</sup>... special school, the proprietor of the school must, before the end of the prescribed period, send a copy of any such statement prepared by him to any [<sup>F13</sup>local authority] that is paying fees in respect of the attendance of a registered pupil at the school.
- (5) The proprietor of the school must—
- (a) make any statement prepared by him 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 he thinks fit (not exceeding the cost of supply) to any person who asks for one, and



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- (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.
- (6) The duty under subsection (5)(c) is to be taken to be satisfied by the proprietor of the school if he—
- (a) takes 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 the proprietor which—
    - (i) summarises the statement, and
    - (ii) contains a statement of the right to request a copy of it under paragraph (b), and
  - (b) provides a copy of the statement to every registered parent of a registered pupil at the school who asks for one.

#### Textual Amendments

- F13** 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)**
- F59** Words in s. 42(4) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 22(5)**; S.I. 2013/1800, art. 3(j)

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

- C54** S. 42: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C55** S. 42(2): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

#### Commencement Information

- I2** S. 42 partly in force; s. 42 not in force at Royal Assent, see s. 125; s. 41 in force for certain purposes at 1.9.2006 by S.I. 2006/1338, **art. 4(1)**, **Sch. 2** (subject to **art. 4(2)**)

### *Interpretation of Chapter*

#### 43 Interpretation of Chapter 4

In this Chapter—

“the appropriate appointing authority”, in relation to a voluntary aided school, means—

- (a) the appropriate diocesan authority, if it is a Church in Wales school, a Church of England school or a Roman Catholic Church school, or
- (b) in any other case, the person who appoints the foundation governors;

“the appropriate authority”, in relation to a maintained school, means the school's governing body or, if the school does not have a delegated budget, the <sup>[F13]</sup>local authority];

“the Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales;

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

“maintained school” means a community, foundation or voluntary school, a community<sup>F60</sup> ... special school or a maintained nursery school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty's Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Assembly under this Chapter;

“section 28 inspection” means an inspection under section 28.

#### Textual Amendments

**F13** 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)**

**F60** Words in s. 43 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 22(6)**; S.I. 2013/1800, art. 3(j)

## CHAPTER 5

### SCHOOLS CAUSING CONCERN

#### 44 Categories of schools causing concern

(1) For the purposes of this Part, special measures are required to be taken in relation to a school if—

- (a) the school is failing to give its pupils an acceptable standard of education, and
- (b) the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school.

(2) For the purposes of this Part, a school requires significant improvement if, although not falling within subsection (1), it is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

#### Commencement Information

**I3** S.44 wholly in force at 1.9.2006; s. 44 not in force at Royal Assent see s. 125; s. 44 in force for E. at 1.9.2005 by [S.I. 2005/2034, art. 4](#); S. 44 in force for W. at 1.9.2006 by [S. I. 2006/1338, art. 3, Sch. 1](#)

*<sup>F61</sup>Sixth forms requiring significant improvement in Wales*

#### Textual Amendments

**F61** [Ss. 44A-44F](#) and cross-heading inserted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), **ss. 77, 100(4)**; S.I. 2013/1800, art. 3(d)

#### 44A Schools with sixth forms

(1) Sections 44B to 44D apply to a maintained school in Wales which—

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

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- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
- (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
  - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

#### **44B Inspection reports on schools with sixth forms requiring significant improvement**

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

#### **44C Report after area inspection on schools with sixth forms requiring significant improvement**

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

#### **44D Copies of report and action plan**

- (1) This section applies to a report of an inspection under Chapter 3 which—
- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
  - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.
- (2) The person making the report must send a copy (together with a copy of the summary, if there is one)—
- (a) to the Welsh Ministers, and
  - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies—

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- (a) section 38(2) (additional copies),
  - (b) section 38(4) (publication by appropriate authority),
  - (c) section 39 (action plan by appropriate authority), and
  - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions—
- (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
  - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

**44E Report on sixth form schools causing concern after area inspection**

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that—
- (a) special measures are required to be taken in relation to a sixth form school, or
  - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

**44F Interpretation of sections 44A to 44E**

In sections 44A to 44E—

“the appropriate authority”, in relation to a maintained school, means the school's governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty's Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.]

<sup>F62</sup>**45 Cases where Secretary of State or Assembly may direct closure of school**

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*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

**Textual Amendments**

**F62** S. 45 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 8\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

**F63 46 Sixth forms requiring significant improvement**

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**Textual Amendments**

**F63** S. 46 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(7\)\(a\)](#); S.I. 2013/1800, art. 3(j)

**CHAPTER 6**

OTHER INSPECTIONS: ENGLAND AND WALES

*Inspection of religious education*

**47 Meaning of “denominational education”**

In this Part “denominational education”, in relation to a school, 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.

**Commencement Information**

**I4** 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

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- 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—
- “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)**

**C56** 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)

**C57** 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

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (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)**

- C58** 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)
- C59** 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
  - (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.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (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.

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

- C60** S. 50: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- C61** S. 50(4): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

*[<sup>F13</sup>local authority] inspections*

**51 Power of [<sup>F13</sup>local authority] to inspect maintained school for specific purpose**

- (1) Where—
- (a) for the purpose of enabling them to exercise any [<sup>F64</sup>education] function of theirs, a [<sup>F13</sup>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,
- 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 [<sup>F13</sup>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**

- F64** 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**

- I5** 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 [<sup>F65</sup>local authorities] in Wales**

- (1) Any [<sup>F13</sup>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 [<sup>F13</sup>local authority] in Wales, means a service providing for the inspection of schools under section 28 or 50 by officers of the authority.



*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (3) Any school inspection service provided by a [<sup>F13</sup>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 [<sup>F13</sup>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—
- (a) make provision as to the making of tenders by [<sup>F65</sup>local authorities] in Wales (as required by paragraph 2 of Schedule 4),
  - (b) make provision with respect to the accounts to be kept by [<sup>F65</sup>local authorities] in connection with any school inspection services provided by them, and
  - (c) make such incidental and supplemental provision with respect to school inspection services provided by [<sup>F65</sup>local authorities] as the Assembly considers appropriate.

#### Textual Amendments

- F65** 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)**

### *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

- I6** 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

- I7** 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**

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*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

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### *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—
  - (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).

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

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- (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.
- (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—

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- (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.

## CHAPTER 7

### SUPPLEMENTARY

#### 58 Inspection of computer records

A person authorised by any provision of this Part to inspect records or other documents—

- (a) is entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
- (b) may require—
  - (i) the person by whom or on whose behalf the computer is or has been so used, or
  - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).

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

- C62** S. 58 applied (6.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 77(6)**, 109; S.I. 2007/1019, **art. 4**
- C63** S. 58 applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), **reg. 2**, **Sch. para. 2(b)**
- S. 58 applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), **reg. 2**, **Sch. para. 4(2)(b)**

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)*

- C64** S. 58 applied (1.9.2005 for E. and 1.9.2006 for W.) by 2002 c. 32, s. 164(6) (as substituted by Education Act 2005 (c. 18), ss. 54, 125, **Sch. 8 para. 3**); S.I. 2005/2034, **art. 4**, S.I. 2006/1338, {art. 3}, Sch. 1
- C65** S. 58 applied (1.9.2005 for E. and 1.9.2006 for W.) by 2002 c. 32, s. 162B(3) (as inserted by Education Act 2005 (c. 18), ss. 54, 125, **Sch. 8 para. 2**); S.I. 2005/2034, **art. 4**, S.I. 2006/1338, {art. 3}, Sch. 1
- C66** S. 58 applied (3.10.2005 for E. and 1.9.2006 for W.) by 1998 c. 31 Sch. 26 para. 18(3) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, **Sch. 7 para. 24(3)**); S.I. 2005/2034, **art. 6**, S.I. 2006/1338, {art. 3}, Sch. 1
- C67** S. 58 applied by 2006 c. 21, s. 98D(9) (as inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 199**, 269(2))
- C68** S. 58 applied by 2006 c. 21, s. 78A(7) (as inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 49**; S.I. 2014/889, arts. 3(m), 7(e))
- C69** S. 58 applied (5.1.2015) by Education and Skills Act 2008 (c. 25), **ss. 97(2)**, 110(3), 173(4); S.I. 2014/3364, art. 2(d)(g)
- C70** S. 58 applied (9.11.2015) by The Children Act 2004 (Joint Area Reviews) Regulations 2015 (S.I. 2015/1792), reg. 1(1), **Sch. para. 3**

#### Commencement Information

- I8** S. 58 wholly in force at 1.9.2006; s. 58 not in force at Royal Assent see s. 125; s. 58 in force for E. at 1.9.2005 by S.I. 2005/2034, **art. 4**; S. 58 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

## 59 Combined reports

- (1) For the purposes of this section “the inspection enactments” are—
- this Part,
  - <sup>F66</sup>(b) Part 2 of the Children and Families (Wales) Measure 2010 (child minding and day care for children),]
  - section 122 of, and Schedule 26 to, the School Standards and Framework Act 1998 (c. 31) (inspection of nursery education<sup>F67</sup> in Wales), <sup>F68</sup> ...
  - Chapter 1 of Part 10 of the Education Act 2002 (c. 32) (regulation of independent schools<sup>F69</sup> in Wales), <sup>F70F71</sup> ...
  - Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (regulation of early years and later years provision in England)]<sup>F72</sup>, and
  - Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational provision in England).]
- (2) Where, following inspections conducted under two or more inspection enactments by one person or two or more different persons, that person is (or those persons are) required to make a report under each of those enactments, nothing in any of those enactments is to be regarded as preventing him (or them) from—
- including those reports in a single document (“a combined report”), and
  - to such extent as he considers (or they consider) appropriate, combining the substantive reports required by those enactments.
- <sup>F73</sup>(2A) Subsection (2) does not apply so as to authorise the making of a combined report by the Chief Inspector for England (as to which section 152 of the Education and Inspections Act 2006 applies instead).]
- (3) Where a combined report is made, any reference in the inspection enactments to the publication of a report, or to the giving, or making available, to any person of a copy of a report is to be read so far as necessary as a reference to the publication of the

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combined report, or to the giving or making available to that person of a copy of the combined report.

- (4) The Chief Inspector [<sup>F74</sup>for Wales] may arrange for a combined report to be published in any manner he considers appropriate, but this subsection does not limit any duty as to publication imposed by any of the inspection enactments.

[<sup>F75</sup>(5) In this section—

“ the Chief Inspector for England ” means Her Majesty's Chief Inspector of Education, Children's Services and Skills; and

“ the Chief Inspector for Wales ” means Her Majesty's Chief Inspector of Education and Training in Wales. ]

#### Textual Amendments

- F66** S. 59(1)(b) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 18**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 23)
- F67** Words in s. 59(1)(c) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 44(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F68** Word in s. 59(1)(c) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 44(c), **3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F69** Words in s. 59(1)(d) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 28(2)**; S.I. 2014/3364, art. 2(z)
- F70** S. 59(1)(e) and word inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 44(d)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F71** Word in s. 59(1)(d) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4)(4), **Sch. 2**; S.I. 2014/3364, art. 2(aa)
- F72** S. 59(1)(f) and word inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 28(3)**; S.I. 2014/3364, art. 2(z)
- F73** S. 59(2A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(2)**; S.I. 2007/935, art. 5(w)(gg)
- F74** Words in s. 59(4) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(3)**; S.I. 2007/935, art. 5(w)(gg)
- F75** S. 59(5) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(4)**; S.I. 2007/935, art. 5(w)(gg)

#### Commencement Information

- I9** S. 59 wholly in force at 1.9.2006; s. 59 not in force at Royal Assent see s. 125; s. 59 in force for E. at 3.10.2005 by S.I. 2005/2034, art. 6; s. 59 in force for W. at 1.9.2006 by S. I. 2006/1338, art. 3, Sch. 1

## 60 Repeal of School Inspections Act 1996

The School Inspections Act 1996 (c. 57) (which is superseded by the provisions of this Part) shall cease to have effect.

#### Commencement Information

- I10** S. 60 wholly in force at 1.9.2006; s. 60 not in force at Royal Assent see s. 125; s. 60 in force for E. at 1.9.2005 by S.I. 2005/2034, art. 4; S. 60 in force for W. at 1.9.2006 by S. I. 2006/1338, art. 3, Sch. 1

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## 61 Further amendments relating to school inspection

Schedule 9 contains further amendments related to the provisions of this Part.

### Commencement Information

- I11** S. 61 partly in force; s. 61 not in force at Royal Assent see s. 125; s. 61 in force for certain purposes for E. and for certain purposes for E.W. at 1.9.2005 by [S.I. 2005/2034](#), arts. {4}, {5}; s. 61 in force for certain purposes for W. and for certain purposes for E.W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3, 4](#), [Schs. 1, 2](#)

## 62 Power of Assembly to change inspection framework for Wales

- (1) The Assembly may by order—
  - (a) make provision in relation to Wales corresponding to—
    - (i) that made in relation to England by any English inspection provision, or
    - (ii) that which could be made in relation to England by regulations under any English inspection provision,
  - (b) repeal any Welsh inspection provision which does not correspond to an English inspection provision, and
  - (c) make such provision as the Assembly thinks fit in connection with any provision made by virtue of paragraph (a) or (b).
- (2) In relation to section 39 (statement to be prepared by appropriate authority for maintained school), the power conferred by paragraph (b) of subsection (1) includes power, instead of repealing the section, to limit the cases in which it applies.
- (3) The powers conferred by paragraphs (a) and (c) of subsection (1) include power to amend or repeal any enactment (whenever passed or made), including any provision of this Act.
- (4) For the purposes of this section—
  - (a) an English inspection provision is any provision of—
    - (i) Chapters 1 and 2,
    - (ii) sections 48 and 49 (denominational education in England),
    - (iii) Schedule 26 to the School Standards and Framework Act 1998 (c. 31) (nursery education), so far as relating to England, or
    - <sup>F76</sup>(iv) sections 106 to 113 of the Education and Skills Act 2008 (independent educational institutions in England),]
  - (b) a Welsh inspection provision is any provision of—
    - (i) Chapters 3 and 4,
    - (ii) section 50 and Schedule 6 (denominational education in Wales),
    - (iii) section 52 (provision of inspection services by <sup>F65</sup>local authorities] in Wales),
    - (iv) Schedule 26 to the School Standards and Framework Act 1998 (nursery education), so far as relating to Wales, or
    - (v) sections 163 and 164 of the Education Act 2002 (independent schools in Wales).

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- (5) In this section “enactment” includes an enactment comprised in subordinate legislation, within the meaning of the Interpretation Act 1978 (c. 30).

#### **Textual Amendments**

- F65** 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)**
- F76** [S. 62\(4\)\(a\)\(iv\)](#) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 29**; [S.I. 2014/3364](#), art. 2(z)

### **63 Interpretation of Part 1**

- (1) In this Part—

“Church of England school”, “Church in Wales school”, “Roman Catholic Church school” and “appropriate diocesan authority”, in each case, have the meaning given by section 142 of the School Standards and Framework Act 1998 (c. 31);

“delegated budget” has the same meaning as in section 49 of the School Standards and Framework Act 1998;

“denominational education” has the meaning given by section 47.

- (2) References in this Part to special measures being, or not being, required to be taken in relation to a school are to be read in accordance with section 44(1).
- (3) References in this Part to a school requiring, or not requiring, significant improvement are to be read in accordance with section 44(2).



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**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2005, Part 1.