



Education and Inspections Act 2006

CHAPTER 40

EDUCATION AND INSPECTIONS ACT 2006

PART 1

EDUCATION FUNCTIONS OF LOCAL AUTHORITIES

- 1 Duties in relation to high standards and the fulfilment of potential
- 2 Duties in relation to diversity and choice
- 3 Duty to consider parental representations
- 4 Duty to identify children not receiving education
- 5 School improvement partners
- 6 Functions in respect of youth work, recreation etc

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Establishment of new schools

- 7 Invitation for proposals for establishment of new schools
- 8 Proposals under section 7 relating to community or community special schools
- 9 Consultation and publicity in relation to notice and proposals under section 7
- 10 Publication of proposals with consent of Secretary of State
- 11 Publication of proposals to establish maintained schools: special cases
- 12 Establishment of school as federated school
- 13 Schools established outside area of relevant LEA
- 14 LEA in England not to establish school in Wales

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Discontinuance of schools

- 15 Proposals for discontinuance of schools maintained by local education authority
- 16 Consultation in relation to proposals under section 15
- 17 Direction requiring discontinuance of community or foundation special school

Alterations to schools

- 18 Alterations that may be made under section 19
- 19 Publication of proposals for alteration of school
- 20 Restriction on power of governing body to publish foundation proposals
- 21 Proposals under section 19: procedure
- 22 Right of governing body to determine own foundation proposals
- 23 Rights of interested bodies in relation to proposals under section 21
- 24 Proposals under section 19: implementation

Removal of foundation or reduction in foundation governors

- 25 Proposals for removal of foundation or reduction in foundation governors
- 26 Proposals under section 25: procedure
- 27 Proposals under section 25: implementation

General

- 28 Restriction on establishment, alteration or discontinuance of schools
- 29 Abolition of school organisation committees
- 30 Amendments relating to school organisation
- 31 Transitional provisions
- 32 Interpretation of Part 2

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

Foundation, voluntary and foundation special schools

- 33 Requirements as to foundations
- 34 Parent councils for certain foundation or foundation special schools
- 35 Funding of voluntary aided schools: meaning of “capital expenditure”
- 36 Disposals and changes of use of land
- 37 Staff at foundation or voluntary schools with religious character

General duties of governing body

- 38 General duties of governing body of maintained school

School admissions

- 39 General restriction on selection by ability
- 40 Code for school admissions
- 41 Role of admission forums
- 42 Support for parental preferences
- 43 Duty of governing body to implement decisions relating to admissions
- 44 Prohibition on interviews

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 45 Admission arrangements for schools with religious character: consultation and objections
- 46 Restrictions on alteration of admission arrangements
- 47 Objections to admission arrangements
- 48 Looked after children to whom section 87(2) of SSFA 1998 applies
- 49 Procedure for giving directions under section 96 of SSFA 1998
- 50 Direction to admit looked after child to specified school
- 51 Directions to admit child to specified school: supplementary provisions
- 52 Power of Assembly to make regulations about looked after children
- 53 Schools with pre-1998 arrangements for selection by ability or aptitude
- 54 Pupil banding

Miscellaneous

- 55 Right of sixth-form pupils to be excused from attendance at religious worship
- 56 Charges for music tuition
- 57 School funding
- 58 Removal of requirement to issue code of practice as to relationships between LEAs and maintained schools in England etc

PART 4

SCHOOLS CAUSING CONCERN: ENGLAND

Introduction

- 59 Meaning of “maintained school” and “eligible for intervention”

Schools that are eligible for intervention

- 60 Warning notice by local education authority
- 61 School requiring significant improvement
- 62 School requiring special measures

Intervention by local education authority

- 63 Power of LEA to require governing body to enter into arrangements
- 64 Power of LEA etc. to appoint additional governors
- 65 Power of LEA to provide for governing body to consist of interim executive members
- 66 Power of LEA to suspend right to delegated budget

Intervention by Secretary of State

- 67 Power of Secretary of State to appoint additional governors
- 68 Power of Secretary of State to direct closure of school
- 69 Power of Secretary of State to provide for governing body to consist of interim executive members

Governing bodies consisting of interim executive members: further provisions

- 70 Governing bodies consisting of interim executive members

Amendments relating to schools causing concern

- 71 Amendments relating to schools causing concern

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Supplementary

- 72 Duty of LEA to have regard to guidance
- 73 Interpretation of Part 4

PART 5

CURRICULUM AND ENTITLEMENTS

- 74 Curriculum requirements for the fourth key stage
- 75 Education and training to satisfy entitlements

PART 6

SCHOOL TRAVEL AND SCHOOL FOOD

Travel to schools etc

- 76 LEAs in England: duty to promote sustainable modes of travel etc
- 77 LEAs in England: provision of travel arrangements etc for children
- 78 LEAs in England: school travel schemes
- 79 Piloting of school travel scheme provisions
- 80 Power to repeal school travel scheme provisions etc
- 81 LEAs in England: provision of transport etc for certain adult learners
- 82 Amendments of section 444 of EA 1996 in relation to school travel
- 83 Learning and Skills Council for England: transport etc for persons of sixth form age
- 84 LEAs in England: duty to have regard to religion or belief in exercise of travel functions
- 85 Further amendments relating to travel to schools etc

Food and drink provided on school premises etc

- 86 Provision of food and drink on school premises etc
- 87 Power to charge for provision of meals etc

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1

SCHOOL DISCIPLINE

Certain schools required to have behaviour policy

- 88 Responsibility of governing body for discipline
- 89 Determination by head teacher of behaviour policy

Enforcement of discipline (including compliance with instructions)

- 90 Meaning of “disciplinary penalty”
- 91 Enforcement of disciplinary penalties: general
- 92 Enforcement of disciplinary penalties: detention outside school sessions

Use of reasonable force

- 93 Power of members of staff to use force

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Confiscation from pupils

- 94 Defence where confiscation lawful

Interpretation of Chapter 1

- 95 Interpretation of Chapter 1

Repeals

- 96 Repeals consequential on provisions of Chapter 1

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Parenting contracts and parenting orders

- 97 Parenting contracts
98 Parenting orders in case of exclusion or misbehaviour
99 Parenting contracts and parenting orders: further provisions

Excluded pupils

- 100 Duty of governing body or proprietor where pupil excluded for fixed period
101 Duty of local education authority in relation to excluded pupils
102 Reintegration interviews
103 Duty of parent in relation to excluded pupil
104 Notice to parent relating to excluded pupil
105 Penalty notice in respect of presence of excluded pupil in public place
106 Penalty notices: supplemental
107 Penalty notices: amendments of Police Reform Act 2002
108 Removal of excluded pupils to designated premises

School attendance

- 109 Failure to secure school attendance
110 Sums received under section 444A of EA 1996

Interpretation of Chapter 2

- 111 Meaning of “maintained school” and “relevant school” in Chapter 2

PART 8

INSPECTIONS

CHAPTER 1

THE OFFICE AND THE CHIEF INSPECTOR

The Office

- 112 The Office for Standards in Education, Children's Services and Skills

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Chief Inspector and other inspectors

- 113 Her Majesty's Chief Inspector of Education, Children's Services and Skills
- 114 Her Majesty's Inspectors of Education, Children's Services and Skills
- 115 Further provision about Chief Inspector and other inspectors etc.

Functions: the Office

- 116 Functions of the Office
- 117 Performance of Office's functions

Functions: the Chief Inspector

- 118 Functions of the Chief Inspector
- 119 Performance of Chief Inspector's functions

The Children's Rights Director

- 120 Children's Rights Director

Annual reports etc.

- 121 Annual and other reports to Secretary of State

CHAPTER 2

GENERAL TRANSFER OF FUNCTIONS

- 122 General transfer of functions to the Chief Inspector

CHAPTER 3

INSPECTION OF FURTHER EDUCATION AND TRAINING ETC.

Education and training to which this Chapter applies

- 123 Education and training to which this Chapter applies

Inspection

- 124 Inspection of education and training to which this Chapter applies
- 125 Inspection of further education institutions
- 126 Other inspections
- 127 Action plans
- 128 Area inspections
- 129 Reports of area inspections
- 130 Action plans following area inspections

Powers of entry etc.

- 131 Power of entry
- 132 Power to inspect documents, etc.

Other provisions

- 133 Framework for inspections

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

134 Abolition of Adult Learning Inspectorate

CHAPTER 4

INSPECTION AND REVIEW OF LOCAL AUTHORITIES IN ENGLAND

Functions to which this Chapter applies

135 Functions to which this Chapter applies and related activities

Inspections and annual reviews

136 Inspection of local authorities in England

137 Reports of inspections under section 136

138 Annual reviews of local authorities in England

Powers of entry etc.

139 Power of entry

140 Power to inspect documents, etc.

Supplementary

141 Power to require information etc.

142 Interpretation etc.

CHAPTER 5

INSPECTION OF CAFCASS FUNCTIONS

143 Inspection of CAFCASS functions

144 Power of entry

145 Power to inspect documents, etc.

CHAPTER 6

FURTHER PROVISIONS RELATING TO FUNCTIONS OF CHIEF INSPECTOR

Functions

146 Inspection of secure training centres

147 Inspection of premises in connection with adoption and fostering functions

148 Transfer of certain CSCI functions to the Chief Inspector

149 Interaction with other authorities

General provisions

150 Evidence of authority

151 Publication of inspection reports

152 Combined reports

153 Use of information

CHAPTER 7

MISCELLANEOUS AND SUPPLEMENTARY

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Miscellaneous

- 154 Duty to report on contribution of certain schools to community cohesion
- 155 Payment of annual fee to the Chief Inspector by local authorities
- 156 Removal of HMICA's duty to inspect performance of Assembly's functions relating to family proceedings

Supplementary

- 157 Minor and consequential amendments
- 158 Transitional provisions and savings
- 159 Interpretation of Part 8

PART 9

MISCELLANEOUS

Investigation of complaints by Chief Inspector

- 160 Power of Chief Inspector to investigate complaints by parents about schools

Powers to facilitate innovation

- 161 Powers to facilitate innovation

References to “local education authority” or “children's services authority”

- 162 Power to repeal references to “local education authority” and “children's services authority” etc

Provision of advice by adjudicator

- 163 Provision of advice by adjudicator

Information about children receiving publicly-funded education

- 164 Information about children receiving funded education outside school

Further education

- 165 Power of members of staff of further education institutions to use force
- 166 Collaboration arrangements: maintained schools and further education bodies

Early years provision

- 167 Consultation with young pupils
- 168 Maintained nursery schools: amendment of sections 496 and 497 of EA 1996

Independent schools

- 169 Prohibition on participation in management of independent school
- 170 Prohibition on participation in management: supplementary
- 171 Prohibition on participation in management: transitional provision
- 172 Offences relating to independent schools

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Special educational needs

- 173 Special educational needs co-ordinators
- 174 Time limits relating to statements of special educational needs

Other miscellaneous provisions

- 175 Miscellaneous amendments relating to Wales
- 176 Support schemes relating to education and training for persons aged 10 to 15
- 177 University bodies: amendment of section 29 of Leasehold Reform Act 1967

PART 10

GENERAL

- 178 Framework power relating to Wales
- 179 Restrictions on framework power conferred by section 178
- 180 Functions to be exercisable by National Assembly for Wales
- 181 Orders and regulations: general provisions
- 182 Parliamentary control of orders and regulations
- 183 Power to make consequential and transitional provision etc
- 184 Repeals
- 185 Financial provisions
- 186 Abbreviations of Acts
- 187 General interpretation
- 188 Commencement
- 189 The appropriate authority by whom commencement order is made
- 190 Extent
- 191 Short title

SCHEDULES

SCHEDULE 1 — Amendments related to section 6

Disability Discrimination Act 1995 (c. 50)

- 1 (1) In paragraph 1 of Schedule 4C to the Disability...

Education Act 1996 (c. 56)

- 2 EA 1996 is amended as follows.
- 3 In section 312 (meaning of “special educational needs”), in subsection...
- 4 In section 508 (functions in respect of facilities for recreation...
- 5 In section 510 (provision of clothing), in subsection (4)(c), for...
- 6 In section 547 (nuisance or disturbance on school premises), in...

SCHEDULE 2 — Proposals for establishment or discontinuance of schools in England

Part 1 — INTRODUCTORY

Application of Schedule

- 1 (1) This Schedule applies to proposals published under section 7,...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“The relevant authority”

- 2 In this Schedule “the relevant authority” means—

“Proposers”

- 3 In this Schedule “proposers”, in relation to any proposals, means...

References to persons by whom proposals are made

- 4 For the purposes of this Schedule— (a) proposals under section...

Objections and comments

- 5 Regulations may make provision— (a) for the making of objections...
Part 2 — CONSIDERATION OF PROPOSALS BY LOCAL EDUCATION
AUTHORITY OR ADJUDICATOR

Proposals requiring consideration under paragraph 8

- 6 All proposals under section 7, 10 or 11 require consideration...
7 (1) Proposals under section 15 require consideration under paragraph
8...

Consideration of proposals

- 8 (1) Proposals which require consideration under this paragraph, other
than...

Consideration of proposals that are related to other proposals

- 9 (1) The requirement to consider proposals under paragraph 8 only...

Duty to refer to adjudicator certain proposals made by or involving relevant authority

- 10 (1) The relevant authority must refer to the adjudicator, within...

Duty to refer proposals to adjudicator in prescribed cases

- 11 Regulations may make provision requiring the relevant authority in
prescribed...

Duty to refer proposals to adjudicator in pursuance of direction by Secretary of State

- 12 (1) The Secretary of State may at any time give...

Duty to refer proposals to adjudicator where determination delayed

- 13 If by the end of such period as may be...

*Reference to adjudicator at request of aggrieved
person after determination under paragraph 8(4)*

- 14 (1) The relevant authority must if so requested within a...

Duty to refer related proposals

- 15 Where the relevant authority are required under any of paragraphs...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Withdrawal of proposals before determination

16 (1) Nothing in paragraph 8(1) to (4) prevents the proposers...

Effect of referring proposals to adjudicator

17 (1) Where any proposals are referred to the adjudicator under...

Proposals to establish Academy

18 (1) Regulations may provide that, where proposals published under section...

Determination whether to implement proposals not requiring consideration under paragraph 8

19 (1) Where any proposals have been made under section 15...

Provision of information

20 Regulations may require one or more of the following—

Part 3 — IMPLEMENTATION OF PROPOSALS

Requirement to implement proposals

21 (1) Where— (a) any proposals have been approved under paragraph...

Proposals not falling to be implemented

22 (1) Where, by virtue of paragraph 21(3), paragraph 21(1) ceases...

Proposals relating to community schools, community special schools or maintained nursery schools

23 (1) This paragraph applies to proposals which fall to be...

Proposals relating to foundation or voluntary controlled schools

24 (1) This paragraph applies to proposals which fall to be...

Proposals relating to voluntary aided school

25 (1) This paragraph applies to proposals which fall to be...

Proposals relating to foundation special schools

26 (1) This paragraph applies to proposals which fall to be...

Proposals relating to Academy

27 Where proposals published under section 7 to establish an Academy...

Part 4 — PROVISION OF PREMISES AND OTHER ASSISTANCE IN CONNECTION WITH ESTABLISHMENT OF NEW SCHOOL

Provision of site and buildings for proposed foundation, voluntary controlled or foundation special school

28 (1) This paragraph applies where a local education authority are...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Grants in respect of certain expenditure relating to proposed voluntary aided school

29 (1) This paragraph applies where any proposers are required by...

Assistance for proposers of proposed voluntary aided school

30 A local education authority may give to persons required by...

Duty to transfer interest in premises provided under paragraph 30

31 (1) Where assistance under paragraph 30 consists of the provision...

SCHEDULE 3 — Amendments relating to school organisation

Local Government Act 1972 (c. 70)

1 In section 177 of the Local Government Act 1972 (provisions...

Local Government Act 1974 (c. 7)

2 In section 25 of the Local Government Act 1974 (authorities...

Sex Discrimination Act 1975 (c. 65)

3 In section 27 of the Sex Discrimination Act 1975 (exception...

Diocesan Boards of Education Measure 1991 (No. 2)

4 (1) Section 3 of the Diocesan Boards of Education Measure...

5 (1) Section 7 of the Diocesan Boards of Education Measure...

Further and Higher Education Act 1992 (c. 13)

6 (1) Section 58 of the Further and Higher Education Act...

Education Act 1996 (c. 56)

7 (1) Section 5 of EA 1996 (primary schools, secondary schools...

8 In section 332B of EA 1996 (resolution of disputes), in...

9 (1) Section 394 of EA 1996 (determination of cases in...

10 (1) Section 529 of EA 1996 (power to accept gifts...

11 (1) Section 530 of EA 1996 (compulsory purchase of land)...

12 (1) In Schedule 35A to EA 1996 (Academies: land) paragraph...

School Standards and Framework Act 1998 (c. 31)

13 (1) Section 20 of SSFA 1998 (new categories of maintained...

14 In section 21 of SSFA 1998 (kinds of foundation and...

15 In section 22 of SSFA 1998 (maintenance and other funding...

16 In section 25 of SSFA 1998 (adjudicators), in subsection (2),...

17 Omit section 27 of SSFA 1998 (power to require committees...

18 (1) Section 28 of SSFA 1998 (proposals for establishment or...

19 Omit section 28A of SSFA 1998 (proposals for establishment of...

20 (1) Section 29 of SSFA 1998 (proposals for discontinuance of...

21 In section 30 of SSFA 1998 (notice by governing body...

22 In the italic heading before section 31 of SSFA 1998,...

23 (1) Section 31 of SSFA 1998 (proposals for establishment, alteration...

24 (1) Section 32 of SSFA 1998 (direction requiring discontinuance of...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 25 (1) Section 33 of SSFA 1998 (further provisions relating to...
- 26 (1) Section 35 of SSFA 1998 (school changing from one...
- 27 (1) Section 79 of SSFA 1998 (stamp duty) is amended...
- 28 In section 82 of SSFA 1998 (modification of trust deeds),...
- 29 (1) Section 109 of SSFA 1998 (proposals by governing body...
- 30 In section 143 of SSFA 1998 (index)—
- 31 (1) Schedule 3 to SSFA 1998 (funding of foundation, voluntary...
- 32 In Schedule 5 to SSFA 1998 (adjudicators), in paragraph 5(1)...
- 33 (1) Schedule 6 to SSFA 1998 (statutory proposals: procedure and...
- 34 In Schedule 8 to SSFA 1998 (changes of category of...

Learning and Skills Act 2000 (c. 21)

- 35 In section 113 of the Learning and Skills Act 2000...
- 36 In section 113A of the Learning and Skills Act 2000...
- 37 Schedule 7 to the Learning and Skills Act 2000 (sixth...
- 38 For paragraph 17 substitute — The Council shall send a copy of the published proposals—...
- 39 For paragraph 25 substitute — The Council shall send a copy of the published proposals—...
- 40 (1) Paragraph 32 is amended as follows.
- 41 In paragraph 33(b), for “school organisation committee” substitute “local...
- 42 In paragraph 34, for “school organisation committee” substitute “local...
- 43 (1) Paragraph 35 is amended as follows.
- 44 In paragraph 36, in sub-paragraphs (2) and (3), for “school...
- 45 For paragraph 37 substitute— (1) The local education authority— (a) may, if they think...
- 46 In Schedule 7A to the Learning and Skills Act 2000,...

Education Act 2002 (c. 32)

- 47 (1) Section 129 of EA 2002 (transfer of employment) is...
- 48 In Schedule 1 to EA 2002 (incorporation and powers of...

Education Act 2005 (c. 18)

- 49 Omit sections 64 to 67 of EA 2005 (which relate...
- 50 (1) Section 68 of EA 2005 (proposals for establishment of...
- 51 In section 69 of EA 2005 (LEA not to establish...
- 52 Omit section 73 of EA 2005 (interpretation of Part 2)...
- 53 Omit Schedules 10 and 11 to EA 2005 (which relate...

SCHEDULE 4 — Disposals and changes of use of land

Part 1 — AMENDMENTS TO SCHEDULE 22 TO SSFA 1998

- 1 Schedule 22 to SSFA 1998 (disposal of land by foundation,...
- 2 Before Part 1 of the Schedule insert— Part A1 Foundation,...
- 3 In the heading to Part 1 of the Schedule after...
- 4 (1) Paragraph 1 is amended as follows.
- 5 (1) Paragraph 2 is amended as follows.
- 6 (1) Paragraph 2A is amended as follows.
- 7 (1) Paragraph 3 is amended as follows.
- 8 (1) Paragraph 4 is amended as follows.

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 9 (1) Paragraph 5 is amended as follows.
- 10 (1) Paragraph 6 is amended as follows.
- 11 In paragraph 7, in sub-paragraphs (2)(ii), (3)(c) and (6), for...
- 12 In paragraph 8(2)— (a) for “Secretary of State” substitute “...
- 13 After paragraph 8 insert— Part 2A Maintained school: transfer of...
- 14 In paragraph 9(1)— (a) after “paragraph” insert “ A5, A11,...
- 15 (1) Paragraph 10 is amended as follows.
- 16 (1) Paragraph 11 is amended as follows.
- 17 After paragraph 11 insert— (1) For the purposes of paragraph 11(1)(a),
“proper accounting practices”,...
- Part 2 — AMENDMENTS TO SECTION 77 OF SSFA 1998
- 18 (1) Section 77 of SSFA 1998 (control of disposals or...
- Part 3 — CONSEQUENTIAL AMENDMENTS
- 19 In section 75(2) of SSFA 1998 (transfer of land by...
- 20 In section 79(1)(b) of SSFA 1998 (stamp duty exemption for...
- 21 In section 138 of SSFA 1998 (orders and regulations), in...
- 22 In Schedule 3 to SSFA 1998 (funding of foundation, voluntary...
- 23 In Schedule 32 to SSFA 1998 (transitional provisions and savings),...

SCHEDULE 5 — Funding of maintained schools

- 1 In section 17(6) of SSFA 1998 (power of LEA to...
- 2 (1) Section 47A of SSFA 1998 (schools forums) is amended...
- 3 (1) Section 48 of SSFA 1998 (local education authorities' financial...
- 4 In section 49 of SSFA 1998 (maintained schools to have...
- 5 (1) Schedule 14 to SSFA 1998 (approval, imposition and revision...
- 6 In Schedule 15 to SSFA 1998 (suspension of financial delegation),...

SCHEDULE 6 — Governing bodies consisting of interim executive members

Interpretation of Schedule

- 1 (1) In this Schedule— “the appropriate authority” means— where this...

Governing body to consist of members appointed by appropriate authority

- 2 (1) The governing body of the school shall consist of...

Effect of notice under section 65(1) or 69(1)

- 3 (1) On the date specified in the notice under section...

Interim executive members

- 4 (1) The number of interim executive members must not be...
- 5 (1) Every appointment of an interim executive member must be...

Duty of appropriate authority to inform other persons

- 6 (1) The appropriate authority must give a copy of the...

Power to specify duration of interim period

- 7 The appropriate authority may in the notice under section 65(1)...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Chairman

8 The appropriate authority may nominate one of the interim executive...

Remuneration and allowances

9 The appropriate authority may pay to any interim executive member...

Duty of interim executive board

10 (1) During the interim period, the interim executive board shall...

Proceedings of interim executive board

11 (1) The interim executive board may determine their own procedure....

Effect on suspension of delegated budget

12 (1) If, immediately before the date specified in the notice...

Exclusion of certain statutory provisions

13 (1) Regulations made by virtue of subsection (2) or (3)...

14 During the interim period— (a) the local education authority may...

Closure of school

15 (1) At any time during the interim period, the interim...

16 (1) Where during the interim period— (a) the Secretary of...

Notice of resumption of government by normally constituted governing body

17 (1) Where— (a) the notice under section 65(1) or 69(1)...

Time when interim executive members cease to hold office

18 (1) The interim executive members vacate office—

Establishment of normally constituted governing body

19 (1) Where interim executive members are to vacate office on...

SCHEDULE 7 — Amendments relating to schools causing concern

Part 1 — PRINCIPAL AMENDMENTS

Statement to be prepared by LEA following adverse report on maintained school

1 (1) Section 15 of EA 2005 (measures to be taken...

Statement to be prepared by proprietor following adverse report on non-maintained school

2 (1) Section 17 of EA 2005 (statement to be prepared...

Part 2 — MINOR AND CONSEQUENTIAL AMENDMENTS

School Standards and Framework Act 1998 (c. 31)

3 In the heading to Chapter 4 of Part 1 of...

4 (1) Section 14 of SSFA 1998 (powers of intervention exercisable...

5 (1) Section 15 of SSFA 1998 (cases where LEA may...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 6 (1) Section 16 of SSFA 1998 (power of LEA to...
- 7 (1) Section 16A of SSFA 1998 (power of LEA to...
- 8 (1) Section 17 of SSFA 1998 (power of LEA to...
- 9 In the italic heading immediately preceding section 18 of SSFA...
- 10 (1) Section 18 of SSFA 1998 (power of Secretary of...
- 11 In section 18A of SSFA 1998 (power of Secretary of...
- 12 (1) Section 19 of SSFA 1998 (power of Secretary of...
- 13 In section 19A of SSFA 1998 (governing bodies consisting of...
- 14 (1) Section 62 of SSFA 1998 (LEA's reserve power to...
- 15 In section 142 of SSFA 1998 (interpretation), in subsection (4)—...
- 16 In section 143 of SSFA 1998 (index) in the entry...
- 17 In Schedule 1A to SSFA 1998, for “Secretary of State”...

Learning and Skills Act 2000 (c. 21)

- 18 (1) Schedule 7 to the Learning and Skills Act 2000...

Education Act 2002 (c. 32)

- 19 In section 25 of EA 2002 (federations: supplementary provisions), in...
- 20 After section 62 of EA 2002 insert— Power to require...
- 21 (1) Section 63 of EA 2002 (power to require LEA...
- 22 (1) Section 64 (provisions supplementary to section 63) is amended...

Education Act 2005 (c. 18)

- 23 In section 5 of EA 2005 (duty to inspect schools...
- 24 In section 18 of EA 2005 (interpretation of Chapter 2...

SCHEDULE 8 — Travel to schools etc: meaning of “eligible child”
After Schedule 35A to EA 1996 insert— SCHEDULE 35B Meaning...

SCHEDULE 9 — School travel schemes
After Schedule 35B to EA 1996 (inserted by section 77...

SCHEDULE 10 — Further amendments relating to travel to schools etc

Public Passenger Vehicles Act 1981 (c. 14)

- 1 In section 46 of the Public Passenger Vehicles Act 1981...

Transport Act 1985 (c. 67)

- 2 (1) Section 6 of the Transport Act 1985 (registration of...

Education Act 1996 (c. 56)

- 3 In section 455(1) of EA 1996 (permitted charges), in paragraph...
- 4 (1) Section 509 of EA 1996 (provision of transport etc)...
- 5 In section 509AB of EA 1996 (further provision about transport...

SCHEDULE 11 — The Office for Standards in Education, Children's Services and Skills

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Membership

- 1 The Office is to consist of— (a) a chairman appointed...

Terms of appointment

- 2 (1) The chairman and the appointed members hold and vacate...
3 A person appointed as chairman or appointed member—
4 The previous appointment of a person as chairman or appointed...

Remuneration of members

- 5 (1) The Office must pay to the chairman and each...

Staff

- 6 (1) The Office has power to appoint staff—

Committees

- 7 (1) The Office may establish committees, and any committee so...

Procedure etc.

- 8 (1) The Office may make such provision as it thinks...

Performance of functions

- 9 Anything authorised or required to be done by the Office...

Execution of documents

- 10 The application of the seal of the Office must be...

Evidence

- 11 The Documentary Evidence Act 1868 (c. 37) shall have effect...

Supplementary powers

- 12 (1) The Office has power— (a) to enter into contracts,...
13 (1) The Office may do anything that it considers is...

SCHEDULE 12 — The Chief Inspector and other inspectors etc.

Part 1 — THE CHIEF INSPECTOR

Remuneration, pensions etc. of Chief Inspector

- 1 (1) The Office is to pay the Chief Inspector such...

Temporary appointment of Chief Inspector; performance of functions during vacancy or incapacity etc.

- 2 (1) If there is a vacancy in the office of...
3 (1) The Chief Inspector may designate an HMI to perform...

Execution of documents

- 4 The application of the Chief Inspector's seal must be authenticated...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Evidence

- 5 The Documentary Evidence Act 1868 (c. 37) shall have effect...

Ancillary powers

- 6 The Chief Inspector may do anything that he considers necessary...

Nature of functions conferred on Chief Inspector

- 7 (1) Functions conferred on the Chief Inspector by virtue of...

Relationship between Chief Inspector and the Office

- 8 (1) For all purposes relating to the government department constituted...
Part 2 — INSPECTORS ETC. ACTING ON BEHALF OF CHIEF INSPECTOR

Delegation of functions

- 9 (1) Anything authorised or required by or under any enactment...

Inspectors etc. to have necessary qualifications, experience and skills

- 10 (1) This paragraph applies where— (a) an HMI,

Additional inspectors

- 11 (1) The Chief Inspector may enter into arrangements with such...

Provisions relating to additional inspectors provided by inspection service providers

- 12 (1) This paragraph applies to arrangements made with inspection service...

SCHEDULE 13 — Interaction with other authorities

Inspection authorities and inspection functions

- 1 (1) In this Schedule references to inspection authorities are to...

Public authorities

- 2 (1) In this Schedule “public authority”— (a) includes any person...

Delegation of inspection functions to public authorities

- 3 (1) The Chief Inspector may delegate any of his inspection...

Inspection programmes and inspection frameworks

- 4 (1) The Chief Inspector must from time to time, or...

Inspections by other inspectors of institutions within Chief Inspector's remit

- 5 (1) If— (a) an inspection authority is proposing to carry...

Co-operation

- 6 The Chief Inspector must co-operate with— (a) the inspection authorities,...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Joint action

7 The Chief Inspector may act jointly with another public authority...

Advice or assistance for other public authorities

8 (1) The Chief Inspector may, if he thinks it appropriate...

Inspections carried out under arrangements

9 (1) The Chief Inspector may make arrangements with a public...

Charges

10 The Chief Inspector may, with the consent of the Secretary...

SCHEDULE 14 — Minor and consequential amendments relating to Part 8

Public Records Act 1958 (c. 51)

1 In Part 2 of the Table in paragraph 3 of...

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of...

Employment and Training Act 1973 (c. 50)

4 In section 10B(1) of the Employment and Training Act 1973...

House of Commons Disqualification Act 1975 (c. 24)

5 (1) Schedule 1 to the House of Commons Disqualification Act...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

Race Relations Act 1976 (c. 74)

7 In Part 2 of Schedule 1A to the Race Relations...

Education Reform Act 1988 (c. 40)

8 In section 226(2)(b) (services for schools in other member States...

Children Act 1989 (c. 41)

9 The Children Act 1989 has effect subject to the following...
10 Omit section 26ZA (representations: further consideration).
11 In section 26A(2A) (advocacy services) omit “26ZA or”.
12 In section 65(6)(a) (persons disqualified from carrying on, or being...
13 In section 79B(1) (other definitions etc.) for “Her Majesty's Chief...
14 In section 79N (general functions of Chief Inspector) omit subsections...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 15 In section 79R (reports of inspections) omit subsection (4).
- 16 (1) Section 87 (welfare of children in boarding schools and...
- 17 In Schedule 2 (local authority support for children and families)...

Further and Higher Education Act 1992 (c. 13)

- 18 In section 57(3) of the Further and Higher Education Act...

Education Act 1994 (c. 30)

- 19 (1) Section 18B (inspection of teacher training) is amended as...

Education Act 1997 (c. 44)

- 20 The Education Act 1997 has effect subject to the following...
- 21 In section 26(2) (supplementary provisions relating to discharge by Authority...
- 22 (1) Section 38 (inspection of LEAs) is amended as follows....
- 23 In section 39(4) (reports of inspections under s. 38 etc.)—...
- 24 Omit section 41 (inspections involving collaboration of Audit Commission).
- 25 In Schedule 4 (the Qualifications and Curriculum Authority), in paragraph...

Audit Commission Act 1998 (c. 18)

- 26 The Audit Commission Act 1998 has effect subject to the...
- 27 In section 33(6) (consultation before studies for improving economy etc....
- 28 In section 34(6) (consultation before studies as to impact of...
- 29 (1) Section 37 (assistance to CHAI and CSCI) is amended...
- 30 In section 49(1) (restriction on disclosure of information) after paragraph...
- 31 In Schedule 1 (the Audit Commission) omit paragraph 8(2)(e).

Data Protection Act 1998 (c. 29)

- 32 In section 31(6) of the Data Protection Act 1998 (personal...

School Standards and Framework Act 1998 (c. 31)

- 33 SSFA 1998 has effect subject to the following amendments.
- 34 In section 139(2)(b) (payments into Consolidated Fund) omit “Her Majesty's...
- 35 (1) Schedule 26 (inspection of nursery education) is amended as...

Protection of Children Act 1999 (c. 14)

- 36 In section 2A(2) of the Protection of Children Act 1999...

Local Government Act 1999 (c. 27)

- 37 In section 25(2) of the Local Government Act 1999 (coordination...

Care Standards Act 2000 (c. 14)

- 38 The Care Standards Act 2000 has effect subject to the...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 39 In section 5(1) (registration authorities) for paragraph (a)(ii) substitute
—
40 (1) Section 8 (general functions of the Assembly) is amended...
41 In section 10(6) (inquiries relating to exercise of functions by...
42 In section 11(4) (keeping of registers) for “or the CSCI”...
43 In section 12(2) (applications for registration) for “or the CSCI”...
44 In section 15(3)(a) (fees for applications by registered persons) for...
45 In section 16(3)(a) (annual fee payable by persons registered under...
46 In section 22(7)(i)(i) (fees in respect of notifications) for “or...
47 In section 29(1)(a) (proceedings for offences) for “or the CSCI”...
48 In section 31(7) (requirement to arrange for inspection of premises)...
49 In section 36A (voluntary adoption agencies: distribution of functions)
for...
50 In section 42(5) (power to extend application of Part 2)...
51 Omit section 45(4) (inspection of premises used in discharge of...
52 In section 55(3)(e) (persons who may be treated as social...
53 (1) Section 113A (fees payable under Part 2) is amended...
54 In section 121(13) (interpretation), at the appropriate place in the...

Learning and Skills Act 2000 (c. 21)

- 55 The Learning and Skills Act 2000 has effect subject to...
56 Omit sections 52 to 72 (inspections in England).
57 (1) Section 82 (inspections of education and training provided under...
58 Omit— (a) section 90 (preliminary transfers: FEFC for England), and...
59 In section 94(2) (stamp duty) for “section 90 or 92”...
60 In section 95(1)(b) (contracts of employment) for “section 90 or...
61 In section 113A(1)(a) (restructuring of sixth-form education) for
“section 65”...
62 In section 118(1) (inspection)— (a) for “Her Majesty's Chief Inspector...
63 In section 150(4)(a) (Wales) omit “90,”.
64 Omit section 151(2) (transitional provisions).
65 Omit Schedule 6 (the Adult Learning Inspectorate).
66 (1) Schedule 7 (sixth forms requiring significant improvement) is
amended...
67 Omit Part 3 of Schedule 10 (transitional provisions).

Regulation of Investigatory Powers Act 2000 (c. 23)

- 68 In Part 2 of Schedule 1 (relevant authorities for purposes...

Freedom of Information Act 2000 (c. 36)

- 69 (1) Schedule 1 to the Freedom of Information Act 2000...

Education Act 2002 (c. 32)

- 70 EA 2002 has effect subject to the following amendments.
71 In section 1(3) (purpose and interpretation of Chapter 1) for...
72 In section 151 (childcare functions of HM Chief Inspector and...
73 (1) Section 162A (power to inspect registered schools in England)...
74 In section 162B (inspections under section 162A: supplementary) omit
subsection...
75 In section 171 (interpretation of Chapter 1), in the definition...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Adoption and Children Act 2002 (c. 38)

76 In section 99 of the Adoption and Children Act 2002...

Courts Act 2003 (c. 39)

77 The Courts Act 2003 has effect subject to the following...
78 In section 58 (inspectors of court administration etc.) omit subsection...
79 (1) Section 59 (functions of inspectors) is amended as follows...
80 In section 60 (functions of Chief Inspector) for subsection (4)...
81 In section 61 (rights of entry and inspection) for subsections...

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

82 The Health and Social Care (Community Health and Standards) Act...
83 In section 76(2) (matters to which the CSCI is to...
84 Omit section 77(3) (advice as to standards prepared and published...
85 (1) Section 79 (annual reviews) is amended as follows.
86 Omit section 80(5) (duty to take into account standards prepared...
87 In section 81(2) (duties of the CSCI on awarding lowest...
88 For section 96 substitute— Additional functions (1) The Assembly shall
have such additional functions in relation...
89 Omit section 110 (transfer to the CSCI of functions under...
90 Omit section 112 (inspection of secure training centres by the...
91 (1) Section 120 (co-operation etc.) is amended as follows.
92 In section 133(1)(a) (failure in discharge of functions: CSCI) omit...
93 (1) Section 148 (interpretation of Part 2) is amended as...
94 In Schedule 7 (CSCI: supplementary) omit paragraph 5(2).

Children Act 2004 (c. 31)

95 The Children Act 2004 has effect subject to the following...
96 (1) Section 20 (joint area reviews) is amended as follows...
97 In section 23 (sections 20 to 22: interpretation) for subsection...

Education Act 2005 (c. 18)

98 EA 2005 has effect subject to the following amendments.
99 Omit sections 1 to 4 (appointment and functions of Her...
100 For section 8 substitute— Other inspections (1) If requested to do so by
the Secretary of...
101 In section 9 (power of Chief Inspector to treat other...
102 In section 11 (publication of inspection reports) omit subsections (2)...
103 In section 12 (interpretation of Chapter 1) for “Her Majesty’s...
104 In section 18 (interpretation of Chapter 2) for “Her Majesty’s...
105 (1) Section 59 (combined reports) is amended as follows.
106 In section 100(1) (interpretation of Part 3) in the definition...
107 Omit Schedule 1 (provisions relating to HM Chief Inspector of...

Childcare Act 2006 (c. 21)

108 The Childcare Act 2006 has effect subject to the following...
109 Omit section 14 (inspection).
110 Omit section 31 (general functions of Chief Inspector).
111 In section 50 (report of inspections) omit subsection (4).
112 In section 61 (report of inspections) omit subsection (4).

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 113 (1) Section 77 (powers of entry) is amended as follows....
- 114 (1) Section 79 (power of constable to assist in exercise...
- 115 Omit section 80 (combined reports).
- 116 Omit section 81 (information to be included in annual reports)....
- 117 In section 98(1) (interpretation of Part 3), in the definition...

SCHEDULE 15 — Transitional provisions and savings relating to Part 8

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a...

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a...

Continuity of exercise of functions etc.

- 3 (1) Anything which— (a) has been done (or has effect...
- 4 (1) A scheme made by the Secretary of State may...

Schemes: supplementary

- 5 A staff transfer scheme, a property transfer scheme or a...

Saving for previous transfer schemes

- 6 Paragraphs 58 and 60 of Schedule 14 to this Act...

Preparation for performance of functions by the new Chief Inspector

- 7 (1) The Secretary of State may by regulations confer on...

First annual report of the new Chief Inspector

- 8 (1) The first annual report made by the new Chief...

Interpretation

- 9 In this Schedule— “the ALI” means the Adult Learning Inspectorate;...

SCHEDULE 16 — Powers to facilitate innovation

Part 1 — AMENDMENTS OF CHAPTER 1 OF PART 1 OF EA 2002

- 1 (1) Section 1 of EA 2002 (purpose and interpretation of...
- 2 (1) Section 2 of EA 2002 (power to suspend statutory...
- 3 (1) Section 4 of EA 2002 (applications for orders under...

Part 2 — CONSEQUENTIAL AMENDMENT

- 4 In section 24 of the Anti-social Behaviour Act 2003 (c....

SCHEDULE 17 — Miscellaneous amendments relating to Wales

Schools in Wales causing concern: warning notice by local education authority

- 1 (1) Section 15 of SSFA 1998 (cases where local education...

LEA's reserve power to prevent breakdown of discipline

- 2 In section 62 of SSFA 1998 (LEA's reserve power to...

Status: Point in time view as at 12/12/2006.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Orders and regulations made by Assembly under SSFA 1998

- 3 (1) Section 138 of SSFA 1998 (orders and regulations) is...

Meaning of “the Assembly” in SSFA 1998

- 4 In section 142(1) of SSFA 1998 (general interpretation), before the...
5 In section 143 of SSFA 1998 (index), after the entry...

Power of Assembly to require LEA to obtain advisory services

- 6 In section 63 of EA 2002 (power to require LEA...

SCHEDULE 18 — Repeals

Part 1 — REPEALS COMING INTO FORCE ON ROYAL ASSENT

Part 2 — REPEALS COMING INTO FORCE IN ACCORDANCE WITH
SECTION 188(2)

Part 3 — SCHOOL ORGANISATION

Part 4 — SCHOOLS CAUSING CONCERN

Part 5 — INSPECTIONS

Part 6 — OTHER REPEALS

Status:

Point in time view as at 12/12/2006.

Changes to legislation:

Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.