



Education and Inspections Act 2006

2006 CHAPTER 40

PART 8 **U.K.**

INSPECTIONS

CHAPTER 4 **E+W**

INSPECTION AND REVIEW OF LOCAL AUTHORITIES IN ENGLAND

Functions to which this Chapter applies

135 **Functions to which this Chapter applies and related activities** **E+W**

- (1) This Chapter applies to the following functions of a local authority in England—
- (a) the functions conferred on the authority under Part 1 of the Childcare Act 2006 (c. 21),
 - (b) the functions conferred on or exercisable by the authority in their capacity as a local education authority,
 - (c) the functions conferred on the authority under sections 10, 12 and 17 to 19 of the Children Act 2004 (c. 31),
 - (d) the social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)) of the authority, so far as relating to persons aged under 18,
 - (e) (whether or not within paragraph (d)) functions conferred on or exercisable by the authority under the Children Act 1989 (c. 41), the Adoption (Intercountry Aspects) Act 1999 (c. 18) or the Adoption and Children Act 2002 (c. 38) and functions continuing to be exercisable by the authority under the Adoption Act 1976 (c. 36), and
 - (f) such other functions of the authority as may be prescribed by regulations made by the Secretary of State.

Status: Point in time view as at 01/09/2007.

Changes to legislation: Education and Inspections Act 2006, Chapter 4 is up to date with all changes known to be in force on or before 06 July 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)

- (2) In this Chapter “related activity”, in relation to a function to which this Chapter applies, means (subject to subsections (3) and (4)) anything done in any place by, or pursuant to arrangements made by, the authority under section 2(1)(a) or (b) of the Local Government Act 2000 (c. 22) (promotion of economic and social well-being) which is similar in nature to anything which could be done by the authority in the performance of the function in question.
- (3) In relation to a function within subsection (1)(c), (d) or (e), anything done as mentioned in subsection (2) is a “related activity” only if it is done in relation to or for the benefit of—
- (a) persons aged under 18,
 - (b) persons aged 18 or over in relation to whom the authority have functions under any of sections 23C to 24D of the Children Act 1989, or
 - (c) persons not within paragraph (a) or (b) in connection with adoption or special guardianship.
- In paragraph (c) “special guardianship” means special guardianship under sections 14A to 14G of the Children Act 1989.
- (4) In relation to a function prescribed by regulations under subsection (1)(f), anything done as mentioned in subsection (2) is a “related activity” only if it is prescribed as such by the regulations.
- (5) On the coming into force of this Chapter the Commission for Social Care Inspection is to cease to have functions under Chapter 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) in relation to anything which may be inspected by the Chief Inspector under this Chapter.

Commencement Information

- I1** S. 135 partly in force; s. 135 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)
- I2** S. 135 in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, art. 5(u)

Inspections and annual reviews

136 Inspection of local authorities in England **E+W**

- (1) The Chief Inspector may inspect—
- (a) the overall performance by any local authority in England of the functions to which this Chapter applies, or
 - (b) the performance by any such authority of any particular function or functions comprised in the functions to which this Chapter applies.
- (2) An inspection under subsection (1) of the performance by an authority of any function must include an inspection of any related activity.
- (3) When requested to do so by the Secretary of State, the Chief Inspector must conduct an inspection under this section in relation to the local authority specified in the request.
- (4) Such a request may specify particular matters which the Chief Inspector must inspect.

Status: Point in time view as at 01/09/2007.

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Commencement Information

I3 S. 136 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

137 Reports of inspections under section 136 **E+W**

- (1) On completing an inspection under section 136, the Chief Inspector must make a written report on the matters which were the subject of the inspection.
- (2) The Chief Inspector must send copies of the report to—
 - (a) the local authority in England which was inspected, and
 - (b) the Secretary of State.
- (3) Where an authority receive a copy of a report under this section, they must prepare a written statement of—
 - (a) the action which they propose to take in the light of the report, and
 - (b) the period within which they propose to take that action.
- (4) The authority must publish—
 - (a) the report, and
 - (b) the statement prepared under subsection (3),within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State.
- (5) Such regulations may provide for the authority to charge a reasonable fee for providing a person with a copy of a document published under subsection (4).
- (6) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate.

Commencement Information

- I4** S. 137 partly in force; s. 137 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)
- I5** S. 137 in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, art. 5(u)

138 Annual reviews of local authorities in England **E+W**

- (1) In each financial year the Chief Inspector must review the overall performance by each local authority in England of the functions to which this Chapter applies.
- (2) A review under subsection (1) of the performance of functions must include a review of related activities.
- (3) After conducting a review under this section in relation to an authority the Chief Inspector must award the authority a performance rating in respect of the matters reviewed.
- (4) In this section “financial year” means a period of 12 months ending with 31st March in any year.

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Commencement Information

I6 S. 138 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

Powers of entry etc.

139 Power of entry **E+W**

- (1) This section applies to—
 - (a) any inspection conducted by the Chief Inspector under section 136, and
 - (b) any review conducted by him under section 138.
- (2) The Chief Inspector may, at any reasonable time, enter any premises for the purposes of the inspection or review, other than any premises excluded by subsection (3).
- (3) The premises excluded by this subsection are any domestic premises that are not a school (within the meaning of EA 1996).

Commencement Information

I7 S. 139 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

140 Power to inspect documents, etc. **E+W**

- (1) This section applies to—
 - (a) any inspection conducted by the Chief Inspector under section 136, and
 - (b) any review conducted by him under section 138.
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection or review, he may do any of the following—
 - (a) inspect, take copies of, or take away any documents which—
 - (i) relate to the performance by the local authority being inspected or reviewed of any function to which this Chapter applies, or to any related activity, and
 - (ii) are on any premises in relation to which he exercises his power of entry under section 139,
 - (b) inspect or take away any other item which is on the premises,
 - (c) interview in private—
 - (i) any person working on the premises, or
 - (ii) (subject to subsection (3)) any person accommodated or cared for there, and
 - (d) make any other examination into the state and management of the premises and treatment of persons accommodated or cared for there.
- (3) Subsection (2)(c)(ii) does not apply unless consent to the interview is given by or on behalf of the person concerned.
- (4) The power in subsection (2)(a) includes—

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- (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
 - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (5) In connection with inspecting any such documents, the Chief Inspector—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (6) A person is within this subsection if he is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) The Chief Inspector may—
- (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 139 or this section, and
 - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (9) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 139 or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

18 S. 140 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

Supplementary

141 Power to require information etc. **E+W**

- (1) The Chief Inspector may at any time require any person within subsection (2) to provide him with any information, documents or other items—
- (a) which relates or relate to the performance by a local authority in England of any of the functions to which this Chapter applies or any related activity, and
 - (b) which the Chief Inspector considers it necessary or expedient to have for the purposes of, or in connection with, the performance by him of any function under this Chapter.
- (2) The persons within this subsection are—

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- (a) the local authority;
 - (b) any person with whom the authority have entered into arrangements—
 - (i) in the performance of any of the functions to which this Chapter applies, or
 - (ii) in connection with any related activity.
- (3) The power in subsection (1) includes, in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I9 S. 141 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

142 Interpretation etc. E+W

- (1) In this Chapter “related activity”, in relation to a function of a local authority to which this Chapter applies, has the meaning given by section 135(2) to (4).
- (2) For the purposes of this Chapter, references to the performance by a local authority in England of any function include references to—
- (a) anything done in any place by the authority in the performance of the function, and
 - (b) anything done in any place by another person pursuant to arrangements made by the authority in the performance of the function.
- (3) This Chapter applies in relation to the Isles of Scilly subject to such modifications as may be specified by order made by the Secretary of State.

Commencement Information

I10 S. 142 partly in force; s. 142 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)

I11 S. 142 in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, art. 5(u)

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