

*Status: Point in time view as at 18/09/2012.*

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## SCHEDULES

### SCHEDULE 12

#### THE CHIEF INSPECTOR AND OTHER INSPECTORS ETC.

#### PART 2

#### INSPECTORS ETC. ACTING ON BEHALF OF CHIEF INSPECTOR

##### *Delegation of functions*

- 9 (1) Anything authorised or required by or under any enactment to be done by the Chief Inspector may be done by—
- (a) any HMI,
  - (b) any other member of the staff of the Office, <sup>F1</sup>...
  - (c) any additional inspector,<sup>F2</sup>or ]
  - <sup>F2</sup>(d) any inspection administrator,]
- who is authorised generally or specially for the purpose by the Chief Inspector.
- (2) But sub-paragraph (1) has effect subject to—
- (a) sub-paragraph (3) below and paragraphs 10(2)<sup>F3</sup>, 11(4) and 11A(3) ], and
  - (b) any contrary provision made by any enactment.
- (3) The making of any report of an inspection of a school under section 5 of EA 2005 which states the opinion that special measures are required to be taken in relation to the school must be personally authorised by—
- (a) the Chief Inspector, or
  - (b) an HMI who is authorised by the Chief Inspector for the purposes of this sub-paragraph.
- (4) Without prejudice to the generality of sub-paragraph (1) above, references to the Chief Inspector—
- (a) in section 10 of EA 2005 (power of entry for purposes of inspection under s. 5 or 8), or
  - (b) in any other enactment by virtue of which any power of entry is exercisable by the Chief Inspector, or otherwise having effect in connection with any such power of entry,
- include references to any person authorised to act on his behalf under sub-paragraph (1).
- (5) In sub-paragraph (4) the reference to any power of entry includes a reference to a power to inspect documents or a power conferred in connection with the inspection of documents.

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#### Textual Amendments

- F1** Word in Sch. 12 para. 9(1)(b) repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(2), 269(4), **Sch. 16 Pt. 8**; S.I. 2009/3317, art. 2, Sch.
- F2** Sch. 12 para. 9(1)(d) and word inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 226(2)**, 269(4); S.I. 2009/3317, art. 2, Sch.
- F3** Words in Sch. 12 para. 9(2)(a) substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 226(3)**, 269(4); S.I. 2009/3317, art. 2, Sch.

#### Commencement Information

- I1** Sch. 12 para. 9 in force at 1.4.2007 by S.I. 2007/935, **art. 5(gg)**

*Inspectors etc. to have necessary qualifications, experience and skills*

- 10 (1) This paragraph applies where—
- (a) an HMI,
  - (b) a member of the staff of the Office, <sup>F4</sup>...
  - (c) an additional inspector, [<sup>F5</sup>or ]
  - [<sup>F5</sup>(d) an inspection administrator,]
- is authorised to act on behalf of the Chief Inspector in connection with the carrying out of any of the activities within his remit.
- (2) The Chief Inspector must ensure that the person concerned has such qualifications, experience and skills as are necessary to secure that he is able to perform the function, or (as the case may be) assist with its performance, in an effective manner.

#### Textual Amendments

- F4** Word in Sch. 12 para. 10(1)(b) repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(4), 269(4), **Sch. 16 Pt. 8**; S.I. 2009/3317, art. 2, Sch.
- F5** Sch. 12 para. 10(1)(d) and word inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 226(4)**, 269(4); S.I. 2009/3317, art. 2, Sch.

#### Commencement Information

- I2** Sch. 12 para. 10 in force at 1.4.2007 by S.I. 2007/935, **art. 5(gg)**

*Additional inspectors*

- 11 (1) The Chief Inspector may enter into arrangements with such persons as he thinks fit for them to assist him in the performance of his functions in a particular case or class of case.
- (2) The Chief Inspector may also enter into arrangements with persons (“inspection service providers”) under which they provide the services of inspectors to carry out inspections on behalf of the Chief Inspector.
- (3) A person assisting the Chief Inspector in pursuance of arrangements under subparagraph (1) or (2) is to be known as an additional inspector.
- (4) The Chief Inspector may not authorise an additional inspector to conduct an inspection of a school under section 5 of EA 2005 unless—

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- (a) the inspection is to be supervised by an HMI, or
- (b) the additional inspector has previously conducted an inspection under that section under the supervision of an HMI to the satisfaction of the HMI.

(5) In sub-paragraph (4)(b) the reference to an HMI is, in relation to an inspection conducted before the commencement of this paragraph, to be read as a reference to one of Her Majesty's Inspectors of Schools in England.

#### Commencement Information

**I3** Sch. 12 para. 11 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

#### *Inspection administrators*

[<sup>F6</sup>11A(1) The Chief Inspector may enter into arrangements with inspection service providers under which they provide the services of persons to provide administrative support in connection with the carrying out of inspections.

- (2) A person providing administrative support in pursuance of arrangements under sub-paragraph (1) is to be known as an inspection administrator.
- (3) The Chief Inspector may not authorise an inspection administrator to conduct an inspection.]

#### Textual Amendments

**F6** Sch. 12 para. 11A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 226\(5\)](#), [269\(4\)](#); [S.I. 2009/3317](#), [art. 2](#), Sch.

#### *Provisions relating to additional inspectors provided by inspection service providers*

- 12 (1) This paragraph applies to arrangements made with inspection service providers under paragraph 11(2) (“ISP arrangements”).
- (2) In pursuance of his duty under paragraph 10(2), so far as applying to additional inspectors provided under ISP arrangements, the Chief Inspector—
- (a) must publish in such manner as he thinks fit, and
  - (b) may from time to time revise,
- a statement of the matters mentioned in sub-paragraph (3).
- (3) The matters are—
- (a) the qualifications or experience (or both) that are to be required of additional inspectors provided under ISP arrangements, and
  - (b) the standards that such additional inspectors are to be required to meet in the exercise of their functions and the skills that they are to be required to demonstrate in the exercise of those functions.
- (4) ISP arrangements must be made on terms that require the inspection service provider to secure compliance with any requirements that are for the time being published under sub-paragraph (2).

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- (5) Where the Chief Inspector has entered into any ISP arrangements, he must publish, at intervals of not more than 12 months, a list of the names of the persons who are, at a specified date, currently notified to him by the inspection service provider as persons with whom the provider proposes to make arrangements for the carrying out of inspections on behalf of the Chief Inspector.

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**Commencement Information**

**I4** Sch. 12 para. 12 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

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