

**2005 No. 2299**

**EDUCATION, ENGLAND**

**The Nursery Education (Inspection) (England) Regulations 2005**

*Made* - - - - *16th August 2005*

*Laid before Parliament* *26th August 2005*

*Coming into force* - - *3rd October 2005*

In exercise of the powers conferred on the Secretary of State by paragraphs 6A(1)(a), (4) and (5) and 13A(1)(b) and (2) of Schedule 26 to the School Standards and Framework Act 1998(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Nursery Education (Inspection) (England) Regulations 2005 and shall come into force on 3rd October 2005.

(2) The Nursery Education (England) Regulations 2000(b) are revoked.

**Interpretation**

2.—(1) In these Regulations—

“year” means the period of 12 months commencing on 1st August; and

“the 1998 Act” means the School Standards and Framework Act 1998.

(2) For the purposes of paragraph 6A(5) of Schedule 26 to the 1998 Act there is prescribed as the responsible person—

- (a) in the case of relevant nursery education provided at an independent school the proprietor of the school;
- (b) in the case of relevant nursery education provided by a local authority under section 18 of the Children Act 1989(c)—
  - (i) the person in charge of the place at which the education is provided; or
  - (ii) in the case of relevant nursery education provided by that authority at home to children with special educational needs, the local authority;
- (c) in the case of relevant nursery education provided by that person a person registered by the Chief Inspector under section 79D(1)(a) or (5) of the Children Act 1989; or
- (d) in any other case any person in receipt of funding from the local education authority for the provision of relevant nursery education.

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(a) 1998 c.31; paragraphs 6A and 13A of Schedule 26 were inserted respectively by and paragraphs 12 and 20 of Schedule 7 to the Education Act 2005 (c.18).

(b) S.I. 2000/107.

(c) 1989 c.41

### **Intervals for inspection**

3. The Chief Inspector shall inspect all relevant nursery education by 1st August 2009 and, following that inspection, shall thereafter inspect such relevant nursery education within 3 years from the end of the year in which the last inspection took place.

### **Notification of an inspection**

4. Where the responsible person has been notified of the fact that relevant nursery education or nursery education under consideration for funding provided by him is to be inspected under paragraph 6A of Schedule 26 to the 1998 Act he shall, for the purposes of paragraph 6A(4) of Schedule 26 to that Act, take such steps as are reasonably practicable to notify of that fact—

- (a) parents of children attending the relevant nursery education; and
- (b) a person appearing to them to be an appropriate officer of the local education authority.

### **Destination of reports**

5.—(1) For the purposes of paragraph 13A(1)(b)(ii) of Schedule 26 to the 1998 Act there are prescribed as authorities and persons to whom the Chief Inspector shall send a copy of the report—

- (a) the local education authority for the area in which the relevant nursery education which is the subject of the report is provided; and
- (b) in the case of relevant nursery education provided at an independent school—
  - (i) the head teacher of the school, and
  - (ii) where the school is approved by the Secretary of State under section 347 of the Education Act 1996(a) (approval of independent schools for children with statements), any local education authority paying fees in respect of the attendance of a registered pupil at the school.

(2) For the purposes of paragraph 13A(2)(b) of Schedule 26 to the 1998 Act, the responsible person must take such steps as are reasonably practicable to provide a copy of the report to—

- (a) parents of children attending the relevant nursery education, within 5 working days of receipt; and
- (b) any person, including any person to whom they have previously provided a copy, who asks for one, provided that any fee charged under regulation 6 is first paid.

(3) In this regulation “working day” means any day which is not a Saturday, a Sunday or a public holiday.

### **Fees for provision of copies**

6. Where a responsible person is required to provide a copy of the report under regulation 5(2)(b) he may charge a fee not exceeding the cost of supply.

16th August 2005

*Beverley Hughes*  
Minister of State  
Department for Education and Skills

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(a) 1996 c.56.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and re-enact with modifications the Nursery Education (England) Regulations 2000. The Regulations:

- (a) change the interval within which the Chief Inspector must inspect relevant nursery education (as defined in paragraph 1 of Schedule 26 to the School Standards and Framework Act 1998) from 4 years to within 3 years of the year of the last inspection;
- (b) introduce a new requirement for the responsible person, where they have been notified of an inspection themselves, to notify the local education authority and parents;
- (c) re-enact the requirement for the Chief Inspector to send prescribed persons a copy of the report;
- (d) introduce a new requirement for the responsible person to send parents a copy of the report; and
- (e) introduce a new requirement for the responsible person to provide any person with a copy of the report, if asked, on payment of a fee not exceeding the cost of supply.

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STATUTORY INSTRUMENTS

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