

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by way of powers in the Education and Skills Act 2008. Their purpose is to revoke and replace the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009 (“the 2009 Regulations”) (S.I. 2009/1607), which have been the main piece of legislation in this area. In addition, these Regulations make amendments to the Education (Independent School Standards) Regulations 2014 (2014/3283).

Regulation 2 makes provision for the requirement to pay fees to Her Majesty's Chief Inspector of Education, Children and Skills (the Chief Inspector) in respect of inspections under section 109 of the Education and Skills Act 2008. Fees are not required to be paid under regulation 2 for certain types of inspections.

Regulation 3 and Table 1 set out the way that the fees are determined. The fees for the inspections referred to in regulation 2 are being increased above the rate of inflation. The fee is payable over the course of three years, and the effect of the regulation is that payment may be due under these Regulations before an inspection has happened. Regulation 4 provides for certain circumstances in which a fee will not be refunded, even if the inspection does not take place at all (for example, in circumstances where the fee has been paid, but the school ceases to be registered).

Regulation 5 makes provision for a new fee that is to payable to the Chief Inspector in respect of pre-registration inspections.

Regulation 6 requires fees to be payable in respect of progress monitoring inspections. Regulation 6 introduces a new requirement to pay a fee in respect of a third and subsequent progress monitoring inspections. Fees for the first and second progress monitoring inspections are not being increased. Regulation 7 sets out the amount of the fee and how it is to be calculated. Regulation 8 sets out the requirement of giving notice in respect of a requirement to pay a fee to the Chief Inspector.

Regulation 10 makes revocation and saving provisions. Savings are made in respect of cases where an inspection took place under the 2009 Regulations before these Regulations come into force. The effect of regulation 10(2) is to preserve the obligation to make the payment under the 2009 Regulations, notwithstanding their revocation.

Regulation 9 makes a number of minor amendments to the Education (Independent School Standards) Regulations 2014 consequential on the publication of new National Minimum Standards in 2015. A copy of the National Minimum Standards may be found on <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards> and <https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards> or can be obtained in alternate formats from the Independent Education and Boarding Team, Department for Education, Bishopsgate House, Feetham, Darlington, DL1 5QE.

An impact assessment of the effect that this instrument will have on the costs of business and the public and voluntary sector is available from the Independent Education and Boarding Team, Department for Education, Bishopsgate House, Feethams, Darlington, DL1 5QE and accessible on the Department's internet website at <http://www.education.gov.uk>. Copies have also been placed in the Library of each House of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018.