

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 26 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

SCHEDULES

SCHEDULE 26

Section 122.

INSPECTION OF NURSERY EDUCATION [F1 IN WALES]

Textual Amendments

- F1** Words in Sch. 26 title inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(2); S.I. 2008/2261, art. 2 (with Sch. 1)

Introductory

- 1 (1) In this Schedule “relevant nursery education” means—
- [F2(z)a] nursery education provided in a maintained school [F3 in Wales] or a maintained nursery school [F3 in Wales];
 - (a) nursery education [F4 not falling within paragraph (za)] which is provided by a [F5 local authority][F6 in Wales];
 - [F7(b)] nursery education which is provided by any other person under arrangements made with that person by a [F5 local authority][F8 in Wales] in pursuance of the duty imposed on the authority by section 118 and in consideration of financial assistance provided by the authority under the arrangements.
 - [F9(c)]
- (2) In this Schedule “nursery education under consideration for funding” means nursery education provided by a person [F10 to whom a [F5 local authority][F11 in Wales] are considering giving financial assistance and whose provision of nursery education would fall to be taken into account by the authority in formulating proposals for the purposes of section 120(2)(a).][F10 with whom a [F5 local authority][F11 in Wales] are considering making arrangements in pursuance of the duty imposed on the authority by section 118 for the provision of nursery education in consideration of financial assistance provided by the authority under the arrangements.]
- [F12(3)] Where—
- (a) any education is for the time being provided at any premises for children who have not attained the age prescribed for the purposes of section 118(1)
 - (b) (“the prescribed age”), and
 - (b) that education is provided by a person—
 - (i) who proposes to provide nursery education at those premises for children who have attained the prescribed age, and
 - (ii) with whom a [F5 local authority][F13 in Wales] are considering making arrangements of the kind mentioned in sub-paragraph (2),
- the education is to be treated for the purposes of this Schedule as nursery education under consideration for funding even though it is provided for children who have not attained the prescribed age.]

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Textual Amendments

- F2** Sch. 26 para. 1(1)(za) inserted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(a)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F3** Words in Sch. 26 para. 1(1)(za) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F4** Words in Sch. 26 para. 1(1)(a) inserted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(b)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F6** Words in Sch. 26 para. 1(1)(a) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F7** Sch. 26 para. 1(1)(b) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(c)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F8** Words in Sch. 26 para. 1(1)(b) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(c)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F9** Sch. 26 para. 1(1)(c) repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F10** Words in Sch. 26 para. 1(2) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(3)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F11** Words in Sch. 26 para. 1(2) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(4)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F12** Sch. 26 para. 1(3) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(4)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F13** Words in Sch. 26 para. 1(3)(b)(ii) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(5)**; S.I. 2008/2261, art. 2 (with Sch. 1)

2 [F14(1) In this Schedule—

F15(a)

(b) “the Chief Inspector for Wales” means Her Majesty’s Chief Inspector of Education and Training in Wales, and

F16(c) “the Chief Inspector” (without more) means the Chief Inspector for Wales.]

(2) In this Schedule references to registered [F17Welsh] nursery education inspectors are to persons registered under paragraph 8.

[In this Schedule “members of the Welsh Inspectorate” means—

F18(3) (a) the Chief Inspector for Wales,

(b) Her Majesty’s Inspectors of Education and Training in Wales, and

(c) additional inspectors with whom the Chief Inspector for Wales has made arrangements to give him assistance under paragraph 2 of Schedule 2 to the Education Act 2005.]

F19(4)

[F20(5) In this Schedule, “well-being” in relation to children for whom nursery education is provided in Wales, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004.]]

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Textual Amendments

- F14** Sch. 26 para. 2(1) substituted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 10(2)** (with s. 119); S.I. 2005/2034, art. 6
- F15** Sch. 26 para. 2(1)(a) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(6)(a), **Sch. 3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F16** Sch. 26 para. 2(1)(c) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(6)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F17** Word in Sch. 26 para. 2(2) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 10(3)** (with s. 119); S.I. 2005/2034, art. 6
- F18** Sch. 26 para. 2(3) substituted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 10(4)** (with s. 119); S.I. 2005/2034, art. 6
- F19** Sch. 26 para. 2(4) repealed (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 10(5), **Sch. 19 Pt. 1** (with s. 119); S.I. 2005/2034, art. 6
- F20** Sch. 26 para. 2(5) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(7)**; S.I. 2008/2261, art. 2 (with Sch. 1)

General functions of the Chief Inspector

3 ^[F21](1) The Chief Inspector has the general duty of keeping ^[F22]the Assembly informed about—

- (a) the quality and standards of relevant nursery education,
- ^[F23](aa) how far relevant nursery education meets the needs of the range of children for whom it is provided,
- (ab) the quality of leadership and management in connection with the provision of relevant nursery education,
- (ac) the contribution of relevant nursery education to the well-being of the children for whom it is provided,^[F24] ...
- ^[F25](ad) the development of children for whom relevant nursery education is provided, by reference to the four purposes of a curriculum for those children, and]
- (b) the spiritual, moral, social and cultural development of children for whom relevant nursery education is provided.

^[F26](2) In sub-paragraph (1), the four purposes of a curriculum for the children mentioned in paragraph (ad) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021.]

Textual Amendments

- F21** Sch. 26 para. 3 renumbered as Sch. 26 para. 3(1) (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(10)(a)**
- F22** Words in Sch. 26 para. 3 substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(8)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F23** Sch. 26 para. 3(aa)-(ac) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 11** (with s. 119); S.I. 2005/2034, art. 6
- F24** Word in Sch. 26 para. 3(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(10)(b)(i)**

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- F25** Sch. 26 para. 3(1)(ad) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(10)(b)(ii)**
- F26** Sch. 26 para. 3(2) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(10)(c)**

4 When asked to do so by [^{F27}the Assembly], the Chief Inspector shall give advice to [^{F27}the Assembly] on such matters relating to relevant nursery education as may be specified in [^{F28}the Assembly's] request.

Textual Amendments

- F27** Words in Sch. 26 para. 4 substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(9)(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F28** Words in Sch. 26 para. 4 substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(9)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)

5 The Chief Inspector may at any time give advice to [^{F29}the Assembly] on any matter connected with—
(a) relevant nursery education generally, or
(b) relevant nursery education, or nursery education under consideration for funding, provided at particular premises.

Textual Amendments

- F29** Words in Sch. 26 para. 5 substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(10)**; S.I. 2008/2261, art. 2 (with Sch. 1)

^{F30} ...

Textual Amendments

- F30** Sch. 26 paras. 6A, 6B, 7 and cross-headings substituted for Sch. 26 paras. 6, 7 (1.8.2005 for E. for specified purposes, 3.10.2005 for E. so far as not already in force, 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 12** (with s. 119); S.I. 2005/2034, arts. 2, 6; S.I. 2006/1338, art. 3, **Sch. 1**

^{F30}6

[^{F30}Inspections in England

^{F31}6A

Textual Amendments

- F31** Sch. 26 para. 6A repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(11)(a), **Sch. 3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)

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Inspections in Wales

- 6B (1) The Chief Inspector for Wales—
- (a) shall secure that relevant nursery education provided in Wales is inspected by a member of the Welsh Inspectorate or a registered Welsh nursery education inspector at such intervals as may be prescribed,
 - (b) shall secure that relevant nursery education, or nursery education under consideration for funding, provided in Wales is inspected by a member of the Welsh Inspectorate or a registered Welsh nursery education inspector at any time when the National Assembly for Wales requires the Chief Inspector for Wales to secure its inspection, and
 - (c) may secure that any relevant nursery education, or nursery education under consideration for funding, provided in Wales is inspected by a member of the Welsh Inspectorate or a registered Welsh nursery education inspector at any other time when the Chief Inspector for Wales considers that it would be appropriate for it to be inspected.
- (2) Sub-paragraph (1)(a) does not apply to nursery education provided at a school to which section 28 of the Education Act 2005 (duty to arrange regular inspections of certain schools) applies.
- (3) The Chief Inspector for Wales may comply with sub-paragraph (1) either by organising inspections or by making arrangements with others for them to organise inspections.
- (4) A requirement such as is mentioned in sub-paragraph (1)(b) may relate to nursery education provided at particular premises or a class of premises.

[^{F30}Reports of inspections under paragraph ^{F32}... 6B

Textual Amendments

F32 Words in Sch. 26 para. 7 cross-heading repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(11)(b), Sch. 3 Pt. 2; S.I. 2008/2261, art. 2 (with Sch. 1)

- 7 A person conducting an inspection under paragraph ^{F33}... 6B shall report on—
- (a) the quality and standards of the nursery education provided,
 - (b) how far that nursery education meets the needs of the range of children for whom the education is provided,
 - (c) the quality of leadership and management in connection with the provision of the nursery education,
 - (d) the contribution made by that nursery education to the well-being of those children, and
 - (e) so far as it is reasonably practicable to do so, the spiritual, moral, social and cultural development of the children for whom the nursery education is provided.]

Textual Amendments

F33 Words in Sch. 26 para. 7 repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(11)(c), Sch. 3 Pt. 2; S.I. 2008/2261, art. 2 (with Sch. 1)

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Registration of nursery education inspectors [F34 for Wales]

Textual Amendments

F34 Words in Sch. 26 para. 8 heading inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 7 para. 13](#) (with s. 119); [S.I. 2005/2034, art. 6](#)

- 8 (1) ^{F35}... [^{F36}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] shall establish and maintain a register of nursery education inspectors for Wales.
- (2) The Chief Inspector [^{F37}for Wales]—
- (a) shall give guidance to registered [^{F38}Welsh] nursery education inspectors and such other persons as he considers appropriate in connection with inspections under paragraph [^{F39}6B] and the making of reports of such inspections, and
 - (b) shall keep under review the system of inspections under paragraph [^{F39}6B] and, in particular, the standard of such inspections and of the reports made of them.
- (3) The Chief Inspector [^{F37}for Wales] shall not register a person under this paragraph unless, having regard to any conditions that he proposes to impose under sub-paragraph [^{F40}(5B)], it appears to him that the person—
- (a) is a fit and proper person for discharging the functions of a registered [^{F41}Welsh] nursery education inspector, and
 - (b) will be capable of conducting inspections under paragraph [^{F42}6B] competently and effectively and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this sub-paragraph.
- ^{F43}(4) Subject to that, the Chief Inspector [^{F37}for Wales] shall register such persons as he considers appropriate.
- (5) The factors which the Chief Inspector [^{F37}for Wales] may take into account for the purposes of sub-paragraph (4) include the extent to which there is a need for registered inspectors in any part of ^{F44}... Wales.
- (5A) The Chief Inspector [^{F37}for Wales] may require payment of a fee before registering a person under sub-paragraph (4).
- (5B) Registration under sub-paragraph (4) may be subject to such conditions as the Chief Inspector [^{F37}for Wales] considers it appropriate to impose.]
- (6) Conditions imposed under sub-paragraph [^{F45}(5B)] may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under sub-paragraph [^{F45}(5B)], he shall be taken to be authorised to act as a [^{F46}registered Welsh nursery education inspector] only so far as those conditions permit.

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(8) The period for which any registration is to have effect shall be determined by the Chief Inspector [^{F37}for Wales] and shall be entered in the register kept by him.

^{F47}(9)

Textual Amendments

- F35** Words in Sch. 26 para. 8(1) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(2\)](#), [Sch. 19 Pt. 1](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F36** Words in Sch. 26 para. 8(1) substituted (W.) (1.1.2001) by [2000 c. 21](#), s. [73\(3\)\(a\)](#); [S.I. 2000/3230](#), art. 2, [Sch.](#)
- F37** Words in Sch. 26 para. 8(2)-(8) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(3\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F38** Word in Sch. 26 para. 8(2)(a) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(4\)\(b\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F39** Word in Sch. 26 para. 8(2) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(4\)\(a\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F40** Words in Sch. 26 para. 8(3) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(2\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 4; [S.I. 2004/1728](#), art. 5, [Sch. Pt. 2](#)
- F41** Word in Sch. 26 para. 8(3)(a) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(5\)\(a\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F42** Word in Sch. 26 para. 8(3)(b) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(5\)\(b\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F43** Sch. 26 para. 8(4)-(5B) substituted (2.9.2002 for E., 1.9.2004 for W.) for Sch. 26 para. 8(4)(5) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(3\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 4; [S.I. 2004/1728](#), art. 5, [Sch. Pt. 2](#)
- F44** Words in Sch. 26 para. 8(5) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(6\)](#), [Sch. 19 Pt. 1](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F45** Word in Sch. 26 para. 8(6)(7) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(4\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 4; [S.I. 2004/1728](#), art. 5, [Sch. Pt. 2](#)
- F46** Words in Sch. 26 para. 8(7) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(7\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F47** Sch. 26 para. 8(9) repealed (1.10.2002 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2005/1395](#), art. 4, [Sch.](#)

Modifications etc. (not altering text)

- C1** Sch. 26 para. 8(2)-(9) applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [1989 c. 41](#), s. [79P\(3\)](#) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [2000 c. 14](#), ss. [79\(1\)](#), [122](#)); [S.I. 2001/1210](#), art. 2(a); [S.I. 2001/2190](#), art. 2(1), [Sch.](#); [S.I. 2002/920](#), arts. [2](#), [3](#) (subject to [Schs. 1-3](#)); [S.I. 2002/2215](#), arts. [2](#), [3](#)

9 (1) If the Chief Inspector [^{F48}for Wales] is satisfied that any of the conditions mentioned in sub-paragraph (2) is satisfied with respect to a nursery education inspector registered in his register, he may remove the name of that inspector from that register.

(2) The conditions are that—

- (a) he is no longer a fit and proper person for discharging the functions of a registered [^{F49}Welsh] nursery education inspector under paragraph [^{F50}6B],

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- (b) he is no longer capable of conducting inspections under that paragraph competently and effectively,
 - (c) there has been a significant failure on his part to comply with any condition imposed under [^{F51}paragraph 8(5B)] subject to which his registration has effect,
 - (d) he has, without reasonable explanation, produced a report of an inspection under paragraph [^{F52}6B] which is, in whole or in part, seriously misleading.
- (3) The Chief Inspector [^{F53}for Wales] may vary any condition subject to which the registration of an inspector has effect, or vary the registration of an inspector by imposing a condition subject to which it will have effect, if he is satisfied—
- (a) that he is authorised by sub-paragraph (1) to remove the name of the inspector from his register, or
 - (b) that it would otherwise be in the public interest for him to do so.
- (4) References in this Schedule to a condition imposed under [^{F54}paragraph 8(5B)] include a condition imposed under sub-paragraph (3).

^{F55}(5)

Textual Amendments

- F48** Words in Sch. 26 para. 9(1) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(2\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F49** Word in Sch. 26 para. 9(2)(a) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(3\)\(a\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F50** Word in Sch. 26 para. 9(2)(a) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(3\)\(b\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F51** Words in Sch. 26 para. 9(2)(c) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 4; [S.I. 2004/1728](#), art. 5, Sch. Pt. 2
- F52** Word in Sch. 26 para. 9(2)(d) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(3\)\(b\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F53** Words in Sch. 26 para. 9(3) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(4\)](#) (with s. 119); [S.I. 2005/2034](#), art. 6
- F54** Words in Sch. 26 para. 9(4) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 4; [S.I. 2004/1728](#), art. 5, Sch. Pt. 2
- F55** Sch. 26 para. 9(5) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 15\(5\)](#), [Sch. 19 Pt. 1](#) (with s. 119); [S.I. 2005/2034](#), art. 6

Modifications etc. (not altering text)

- C2** Sch. 26 para. 9(1)-(4) applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [1989 c. 41](#), s. 79P(3) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [2000 c. 14](#), ss. 79(1), 122); [S.I. 2001/1210](#), art. 2(a); [S.I. 2001/2190](#), art. 2(1), [Sch.](#); [S.I. 2002/920](#), arts. 2, 3 (subject to [Schs. 1-3](#)); [S.I. 2002/2215](#), arts. 2, 3

- 10 (1) Any person who is aggrieved by—
- (a) the refusal of the Chief Inspector [^{F56}for Wales] to renew his registration under paragraph 8,

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- (b) the imposition or variation of any condition subject to which he is registered under that paragraph, or
 - (c) the removal of his name from the register under paragraph 9,
- may appeal against the Chief Inspector’s decision.

^{F57}(1A)

[An appeal under sub-paragraph (1) shall be made to a tribunal with the same ^{F58}(2) constitution as a tribunal to hear an appeal under section 27 of the Education Act 2005; and paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 3 to that Act apply to tribunals to hear appeals under sub-paragraph (1) as they apply to tribunals to hear appeals under that section.]

- (3) No decision against which an appeal may be made under sub-paragraph (1) shall have effect until—
 - (a) any appeal against it which is duly made is disposed of, or
 - (b) the period within which an appeal may be made expires without an appeal being made.
- (4) Sub-paragraph (3) shall not apply where the Chief Inspector [^{F59}for Wales]—
 - (a) is satisfied that the circumstances of the case justify the decision in question taking effect immediately or earlier than would otherwise be the case, and
 - (b) notifies the person concerned to that effect.
- (5) On determining any appeal under this paragraph, the tribunal may—
 - (a) confirm, reverse or vary the decision appealed against, or
 - (b) remit the case to the Chief Inspector [^{F59}for Wales] with directions as to the action to be taken by him.

Textual Amendments

- F56** Words in Sch. 26 para. 10(1) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 16\(2\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F57** Sch. 26 para. 10(1A) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 16\(3\)](#), [Sch. 19 Pt. 1](#) (with s. 119); S.I. 2005/2034, art. 6
- F58** Sch. 26 para. 10(2) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 16\(4\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F59** Words in Sch. 26 para. 10(4)(5) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 16\(5\)](#) (with s. 119); S.I. 2005/2034, art. 6

Modifications etc. (not altering text)

- C3** Sch. 26 para. 10 applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [1989 c. 41](#), s. 79P(3) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [2000 c. 14](#), ss. 79(1), 122); S.I. 2001/1210, art. 2(a); S.I. 2001/2190, art. 2(1), Sch.; S.I. 2002/920, arts. 2, 3 (subject to Schs. 1-3); S.I. 2002/2215, arts. 2, 3

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[^{F60}Training of registered Welsh nursery education inspectors]

Textual Amendments

F60 Sch. 26 para. 11 heading substituted (3.10.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 17](#) (with s. 119); [S.I. 2005/2034, art. 6](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#)

- 11 (1) A registered [^{F61}Welsh] nursery education inspector shall not conduct an inspection under paragraph 6 unless he has, in the opinion of the Chief Inspector [^{F62}for Wales], satisfactorily completed a course of training provided by, or complying with arrangements approved by, the Chief Inspector [^{F62}for Wales].
- (2) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector [^{F63}for Wales].
- (3) Where the Chief Inspector [^{F64}for Wales] provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.

Textual Amendments

- F61** Word in Sch. 26 para. 11(1) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 18\(2\)\(a\)](#) (with s. 119); [S.I. 2005/2034, art. 6](#)
- F62** Words in Sch. 26 para. 11(1) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 18\(2\)\(b\)](#) (with s. 119); [S.I. 2005/2034, art. 6](#)
- F63** Words in Sch. 26 para. 11(2) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 18\(3\)](#) (with s. 119); [S.I. 2005/2034, art. 6](#)
- F64** Words in Sch. 26 para. 11(3) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 18\(3\)](#) (with s. 119); [S.I. 2005/2034, art. 6](#)

Modifications etc. (not altering text)

- C4** Sch. 26 para. 11 applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [1989 c. 41, s. 79P\(3\)](#) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [2000 c. 14, ss. 79\(1\), 122](#)); [S.I. 2001/1210, art. 2\(a\)](#); [S.I. 2001/2190, art. 2\(1\), Sch.](#); [S.I. 2002/920, arts. 2, 3](#) (subject to [Schs. 1-3](#)); [S.I. 2002/2215, arts. {2}, 3](#)

Impartiality

- 12 A person shall not undertake an inspection under paragraph [^{F65}6B] of nursery education provided by a person at any premises, or accompany a person undertaking such an inspection, if he has, or has at any time had, any connection with—
- (a) the person by whom the education is provided (or, where it is provided by a body, any member of the body), or
- (b) any person employed by that person (whether or not at the premises), of a kind which might reasonably be taken to raise doubts about his ability to act impartially.

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Textual Amendments

- F65** Word in Sch. 26 para. 12 substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 19](#) (with s. 119); S.I. 2005/2034, art. 6

[^{F66}Reports of inspections: England

^{F67}13A

Textual Amendments

- F67** Sch. 26 para. 13A repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 2 para. 36(11)(d), [Sch. 3 Pt. 2](#); S.I. 2008/2261, art. 2 (with Sch. 1)

Reports of inspections: Wales

- 13B (1) Where a person has conducted an inspection under paragraph 6B he shall make his report in writing to the Chief Inspector for Wales within such period as may be prescribed, subject to any extension not exceeding three months which the Chief Inspector for Wales may consider necessary.
- (2) Once the report of an inspection has been made to the Chief Inspector for Wales under sub-paragraph (1) he shall without delay send a copy to such authorities and persons as may be prescribed.
- (3) Regulations may require any prescribed person to whom a copy of the report is sent under subsection (2) to make a copy of the report available for inspection by prescribed persons.
- (4) Subsections (2) to (4) of section 29 of the Education Act 2005 shall apply in relation to the publication of any such report in relation to Wales as they apply in relation to the publication of a report under any of the provisions mentioned in subsection (2) of that section.]

Annual reports of the Chief Inspector

[^{F69}(1)

- ^{F68}14 (2) The annual report of the Chief Inspector for Wales required by subsection (1)(a) of section 21 of the Education Act 2005 to be made to the National Assembly for Wales shall include an account of the exercise of the functions conferred or imposed on him by or under this Schedule; and the power conferred by subsection (1)(b) of that section to make other reports to the Assembly includes a power to make reports which fall within the scope of his functions by virtue of this Schedule.]

Textual Amendments

- F68** Sch. 26 para. 14 substituted (3.10.2005 for E. for specified purposes) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 21](#) (with s. 119); S.I. 2005/2034, art. 6
- F69** Sch. 26 para. 14(1) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 35(4), [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

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Reserve powers of the Chief Inspector

^{F70}15

Textual Amendments

F70 Sch. 26 para. 15 repealed (1.10.2002 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2005/1395, art. 4, Sch.

16 If the Chief Inspector elects in the case of an inspection within paragraph (b) or (c) of sub-paragraph (1) of paragraph ^{F71}[^{F72} ... 6B] that the inspection shall be treated as if it were an inspection within paragraph (a) of that sub-paragraph, the inspection shall be so treated.

Textual Amendments

F71 Words in [Sch. 26 para. 16](#) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 36\(11\)\(f\)](#), [Sch. 3 Pt. 2](#); S.I. 2008/2261, art. 2 (with [Sch. 1](#))

F72 Words in [Sch. 26 para. 16](#) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 22](#) (with s. 119); S.I. 2005/2034, art. 6

[^{F73}17 Where an inspection in Wales is being conducted by a registered Welsh nursery education inspector under paragraph 6B, the Chief Inspector for Wales may arrange for the inspection to be monitored by one or more members of the Welsh Inspectorate.]

Textual Amendments

F73 [Sch. 26 para. 17](#) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 23](#) (with s. 119); S.I. 2005/2034, art. 6

Rights of entry

18 (1) [^{F74}This paragraph applies to—

- (a) the Chief Inspector for England when conducting an inspection under paragraph 6A,
- (b) a registered Welsh nursery education inspector or member of the Welsh Inspectorate conducting an inspection under paragraph 6B, or
- (c) a member of the Welsh Inspectorate monitoring under paragraph 17 an inspection under paragraph 6B.]

(2) A person to whom this paragraph applies shall have at all reasonable times—

- (a) a right of entry to the premises at which the relevant nursery education concerned is provided; and
- (b) a right to inspect, and take copies of—
 - (i) any records kept by the person providing that education, and
 - (ii) any other documents containing information relating to the provision of that education,
 which he requires for the purposes of conducting or (as the case may be) monitoring the inspection.

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- (3) [^{F76}Section 58 of the Education Act 2005 (inspection of computer records for the purposes of Part 1 of that Act) shall apply for the purposes of this paragraph as it applies for the purposes of Part 1 of that Act.]
- (4) [^{F76}It shall be an offence—
- ^{F77}(a)
- (b) intentionally to obstruct a member of the Welsh Inspectorate or a registered Welsh nursery education inspector in the exercise of his functions in relation to an inspection under paragraph 6B.]
- (5) Any person guilty of an offence under sub-paragraph (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this paragraph “documents” and “records” each include information recorded in any form.]

Textual Amendments

- F74** Sch. 26 para. 18(1) substituted (3.10.2005 for E. for specified purposes) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 24(2)** (with s. 119); S.I. 2005/2034, art. 6
- F75** Sch. 26 para. 18(1)(a) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(11)(g), **Sch. 3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F76** Sch. 26 para. 18(3)(4) substituted (3.10.2005 for E. for specified purposes) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 24(3)** (with s. 119); S.I. 2005/2034, art. 6
- F77** Sch. 26 para. 18(4)(a) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(11)(g), **Sch. 3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 26 para. 14(1) repealed by [2006 c. 21 Sch. 2 para. 36\(11\)\(e\)](#) [Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 14(1) repealed (1.4.2007) by [2006 c. 40](#), Sch. 14 para. 35(4), Sch. 18 Pt. 5.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)