



# Education Act 2005

## CHAPTER 18

### EDUCATION ACT 2005

#### PART 1

##### SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

#### CHAPTER 1

##### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

##### *Her Majesty's Inspectorate for England*

- 1 Her Majesty's Inspectorate of Schools in England
- 2 Functions of Her Majesty's Chief Inspector of Schools in England
- 3 Annual and other reports to Secretary of State
- 4 Powers of entry etc. for purposes of section 2

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- 6 Duty to notify parents of section 5 inspection
- 7 Duty to have regard to views of certain persons
- 8 Inspection at discretion of Chief Inspector
- 9 Power of Chief Inspector to treat other inspection as section 5 inspection
- 10 Power of entry etc. for purposes of inspection under section 5 or 8

##### *Publication of inspection reports*

- 11 Publication of inspection reports

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*Interpretation of Chapter*

- 12 Interpretation of Chapter 1

**CHAPTER 2**

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- 16 Destination of reports: non-maintained schools  
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40 Statement to be prepared by local education authority

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- 112 Power to provide that function of determining eligibility remains with LEA
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- 1 Chief Inspector’s other staff
- 2 Additional inspectors
- 3 Remuneration, pensions etc.
- 4 Official seal
- 5 Performance of functions
- 6 Documentary evidence

SCHEDULE 2 — Her Majesty’s Chief Inspector of Education and Training in Wales

- 1 Chief Inspector’s other staff
- 2 Additional inspectors
- 3 Remuneration, pensions etc.
- 4 Official seal
- 5 Performance of functions
- 6 Documentary evidence

SCHEDULE 3 — Registration of inspectors in Wales: tribunals hearing appeals under section 27

- 1 Constitution of tribunals

- 2 Procedure of tribunals
- 3 Staff

SCHEDULE 4 — School inspections in Wales under section 28

- 1 Interpretation
- 2 Selection of registered inspectors
- 3 Inspection teams
- 4 Enrolment of persons to act as team members
- 5 Training for inspections
- 6 Meeting with parents
- 7 Rights of entry etc.
- 8 Offence of obstructing inspector or inspection team
- 9 Replacement of inspector during course of inspection

SCHEDULE 5 — Sixth forms requiring significant improvement

- 1 In this Schedule “the 2000 Act” means the Learning and...
- 2 (1) Section 113 of the 2000 Act (inadequate sixth-forms) is...
- 3 (1) Schedule 7 to the 2000 Act (inadequate sixth forms)...

SCHEDULE 6 — Inspections of denominational education in Wales

- 1 Interpretation
- 2 Inspectors' reports
- 3 Action plans

SCHEDULE 7 — Inspection of child minding, day care and nursery education

Part 1 — CHILD MINDING AND DAY CARE: AMENDMENTS OF CHILDREN ACT 1989

- 1 (1) Section 79N of the Children Act 1989 (c. 41)...
- 2 Omit section 79P of the Children Act 1989 (early years...
- 3 (1) Section 79Q of the Children Act 1989 (inspection of...
- 4 (1) Section 79R of the Children Act 1989 (c. 41)...
- 5 (1) Section 79T of the Children Act 1989 (c. 41)...
- 6 In section 79U of the Children Act 1989 (rights of...

Part 2 — NURSERY EDUCATION: AMENDMENTS OF SCHOOL STANDARDS AND FRAMEWORK ACT 1998

- 7 (1) Section 122 of the School Standards and Framework Act...
- 8 Schedule 26 to the School Standards and Framework Act 1998...
- 9 (1) Paragraph 1 is amended as follows.
- 10 (1) Paragraph 2 is amended as follows.
- 11 In paragraph 3, before the “and” immediately following paragraph (a)...
- 12 For paragraphs 6 and 7 substitute— Inspections in England (1) The Chief Inspector for England— (a) shall at such...
- 13 At the end of the heading before paragraph 8 insert...
- 14 (1) Paragraph 8 is amended as follows.
- 15 (1) Paragraph 9 is amended as follows.
- 16 (1) Paragraph 10 is amended as follows.
- 17 For the heading before paragraph 11 substitute “Training of registered...
- 18 (1) Paragraph 11 is amended as follows.
- 19 In paragraph 12, for “6” substitute “6B”.
- 20 For paragraph 13 (and the heading immediately preceding it) substitute —...
- 21 For paragraph 14 substitute— (1) The annual report of the Chief Inspector for England...

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- 22 In paragraph 16, for “6” substitute “6A or 6B”.
- 23 For paragraph 17 substitute— Where an inspection in Wales is being conducted by a...
- 24 (1) Paragraph 18 is amended as follows.

#### SCHEDULE 8 — Inspection of independent schools

- 1 In this Schedule “the 2002 Act” means the Education Act...
- 2 After section 162 of the 2002 Act insert— Power to...
- 3 For sections 163 and 164 of the 2002 Act substitute—...
- 4 In section 165 of the 2002 Act (failure to meet...
- 5 In section 171 of the 2002 Act (interpretation of Chapter...

#### SCHEDULE 9 — Further amendments relating to school inspection

- 1 Parliamentary Commissioner Act 1967 (c. 13)
- 2 Employment and Training Act 1973 (c. 50)
- 3 House of Commons Disqualification Act 1975 (c. 24)
- 4 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 5 Education Reform Act 1988 (c. 40)
- 6 Tribunals and Inquiries Act 1992 (c. 53)
- 7 Judicial Pensions and Retirement Act 1993 (c. 8)
- 8 Disability Discrimination Act 1995 (c. 50)
- 9 Education Act 1996 (c. 56)
- 10 In Schedule 36 to the Education Act 1996 (uniform statutory...
- 11 Education Act 1997 (c. 44)
- 12 In section 39 of the Education Act 1997 (reports of...
- 13 In section 40 (inspector’s right of entry etc.), in subsection...
- 14 School Standards and Framework Act 1998 (c. 31)
- 15 (1) Section 15 of the School Standards and Framework Act...
- 16 (1) Section 16 of the School Standards and Framework Act...
- 17 In section 16A of the School Standards and Framework Act...
- 18 In section 17 of the School Standards and Framework Act...
- 19 In section 18 of the School Standards and Framework Act...
- 20 In section 18A of the School Standards and Framework Act...
- 21 In section 127 of the School Standards and Framework Act...
- 22 Government of Wales Act 1998 (c. 38)
- 23 Protection of Children Act 1999 (c. 14)
- 24 Learning and Skills Act 2000 (c. 21)
- 25 In section 86 of the Learning and Skills Act 2000...
- 26 (1) Section 118 of the Learning and Skills Act 2000...
- 27 (1) Section 128 of the Learning and Skills Act 2000...
- 28 Education Act 2002 (c. 32)
- 29 In section 159 of the Education Act 2002 (unregistered independent...
- 30 Nationality, Immigration and Asylum Act 2002 (c. 41)

#### SCHEDULE 10 — Proposals under section 66 for establishment of secondary schools: supplementary

##### Part 1 — INTRODUCTORY

- 1 This Schedule applies to proposals published under section 66.
- 2 In this Schedule “promoters”, in relation to any proposals, means...

##### Part 2 — APPROVAL OF PROPOSALS BY SCHOOL ORGANISATION COMMITTEE OR ADJUDICATOR

- 3 Submission of proposals to school organisation committee
- 4 Approval of proposals



- 5 Mandatory reference to adjudicator
- 6 Effect of reference to adjudicator
- 7 Proposals to establish Academy
- 8 Provision of information
  - Part 3 — DETERMINATION BY LEA WHETHER TO IMPLEMENT PROPOSALS
- 9 (1) Where the only proposals published in pursuance of a...
  - Part 4 — IMPLEMENTATION OF PROPOSALS
- 10 Requirement to implement proposal to establish maintained school
- 11 Proposals not falling to be implemented
- 12 Requirement to implement proposals relating to community school
- 13 Requirement to implement proposals relating to foundation or voluntary controlled school
- 14 Requirement to implement proposals relating to voluntary aided school
- 15 Proposals relating to Academy

#### SCHEDULE 11 — Rationalisation of school places in England

- Part 1 — INTRODUCTORY
- 1 In this Schedule “the 1998 Act” means the School Standards...
- 2 In this Schedule— (a) “powers to make or invite proposals...”
  - Part 2 — DIRECTIONS TO BRING FORWARD PROPOSALS
- 3 Directions to bring forward proposals to remedy excessive provision
- 4 Directions to bring forward proposals to remedy insufficient provision
- 5 Supplementary provisions
- 6 (1) Where a local education authority publish any proposals under...
  - Part 3 — PROPOSALS BY SECRETARY OF STATE
- 7 (1) Where— (a) in relation to the area of any...
  - Part 4 — PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH 7
- 8 Objections
- 9 Approval of proposals
- 10 Reference to adjudicator of other proposals
- 11 Local inquiry into proposals
- 12 Proposals relating to Academy
- 13 Implementation of proposals
  - Part 5 — TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF SEX DISCRIMINATION ACT 1975
- 14 (1) This paragraph applies to proposals for a school in...

#### SCHEDULE 12 — School organisation: further amendments

- 1 Education Act 1996 (c. 56)
- 2 In section 529 of the Education Act 1996 (power to...
- 3 In section 530 of the Education Act 1996 (compulsory purchase...
- 4 In section 580 of the Education Act 1996 (index), after...
- 5 (1) In Schedule 35A to the Education Act 1996 (Academies:...
- 6 School Standards and Framework Act 1998 (c. 31)
- 7 In section 33 of the School Standards and Framework Act...
- 8 In section 34 of the School Standards and Framework Act...
- 9 In section 138 of the School Standards and Framework Act...
- 10 In section 143 of the School Standards and Framework Act...
- 11 In Schedule 4 to the School Standards and Framework Act...
- 12 In Schedule 5 to the School Standards and Framework Act...
- 13 (1) Schedule 6 to the School Standards and Framework Act...
- 14 (1) Schedule 7 to the School Standards and Framework Act...

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- 15 (1) Schedule 22 to the School Standards and Framework Act...  
16 Education Act 2002 (c. 32)

SCHEDULE 13 — The Training and Development Agency for Schools

- 1 Supplementary powers  
2 Chief officer  
3 Tenure of members of the Agency  
4 If the Secretary of State is satisfied that a member...  
5 Salaries, allowances and pensions  
6 Staff  
7 (1) Employment with the Agency continues to be included among...  
8 Committees  
9 Delegation of functions  
10 Proceedings  
11 Without prejudice to any other rights the Assembly may require...  
12 (1) The Chief Inspector for England, or a representative of...  
13 The validity of any proceedings of the Agency or of...  
14 Subject to the preceding provisions of this Schedule, the Agency...  
15 Application of seal and proof of instruments  
16 Every document purporting to be an instrument made or issued...  
17 Accounts  
18 Annual reports  
19 Status of Agency

SCHEDULE 14 — Amendments relating to the training of the school workforce

- 1 Public Records Act 1958 (c. 51)  
2 Parliamentary Commissioner Act 1967 (c. 13)  
3 Superannuation Act 1972 (c. 11)  
4 House of Commons Disqualification Act 1975 (c. 24)  
5 Sex Discrimination Act 1975 (c. 65)  
6 In section 25 of the Sex Discrimination Act 1975 (general...  
7 Race Relations Act 1976 (c. 74)  
8 In Schedule 1A (bodies and other persons subject to general...  
9 Education (Fees and Awards) Act 1983 (c. 40)  
10 Education (No. 2) Act 1986 (c. 61)  
11 Education Act 1994 (c. 30)  
12 Omit sections 12 to 17 of the Education Act 1994....  
13 For section 18A of the Education Act 1994 substitute— Inspection...  
14 In section 19 of the Education Act 1994 (interpretation)—  
15 Omit Schedule 1 to the Education Act 1994.  
16 Education Act 1996 (c. 56)  
17 (1) Section 450 of the Education Act 1996 (prohibition of...  
18 Audit Commission Act 1998 (c. 18)  
19 Teaching and Higher Education Act 1998 (c. 30)  
20 (1) In section 28(1) of the Teaching and Higher Education...  
21 Government of Wales Act 1998 (c. 38)  
22 Freedom of Information Act 2000 (c. 36)  
23 Education Act 2002 (c. 32)  
24 In section 145 of the Education Act 2002 (specification of...  
25 Higher Education Act 2004 (c. 8)  
26 In section 24 of the Higher Education Act 2004 (condition...  
27 For section 27 of the Higher Education Act 2004 (power...  
28 (1) Section 28 of the Higher Education Act 2004 (c....

- 29 In section 29 of the Higher Education Act 2004 (sections...
- 30 In section 31 of the Higher Education Act 2004 (Director...
- 31 In section 34 of the Higher Education Act 2004 (approval...
- 32 In section 37 of the Higher Education Act 2004 (enforcement...
- 33 In section 38 of the Higher Education Act 2004 (enforcement...
- 34 In section 40 of the Higher Education Act 2004 (provision...
- 35 (1) Section 41 of the Higher Education Act 2004 (interpretation...
- 36 In section 48 of the Higher Education Act 2004 (c....

SCHEDULE 15 — Transitional and transitory provisions relating to Part 3

- 1 Interpretation
- 2 Renaming of Agency
- 3 Any reference to the Training and Development Agency for Schools...
- 4 Existing members of Agency
- 5 Inspection of teacher training
- 6 Duty to have regard to needs of disabled persons

SCHEDULE 16 — Funding of maintained schools

- 1 In this Schedule “the 1998 Act” means the School Standards...
- 2 Power to provide for budgets to relate to period other than financial year
- 3 Determination of budgets
- 4 After section 45A insert— Power to require LEAs in England...
- 5 For sections 45B and 45C of the 1998 Act substitute—...
- 6 Determination of schools' budget shares
- 7 Functions of schools forum
- 8 Certain regulations to be subject to affirmative procedure

SCHEDULE 17 — Foundation, voluntary and foundation special schools: disposal of land

- 1 Schedule 22 to the School Standards and Framework Act 1998...
- 2 (1) Paragraph 1 (disposal of land by governing body of...
- 3 In paragraph 2 (disposal of land by foundation body), in...
- 4 After paragraph 2 insert— Disposal of land by trustees of...
- 5 (1) Paragraph 3 (disposal of land by trustees of foundation,...
- 6 (1) Paragraph 5 (discontinuance of foundation, voluntary and foundation special...

SCHEDULE 18 — Further amendments related to provisions of Part 4

- 1 Children Act 1989 (c. 41)
- 2 Education Act 1996 (c. 56)
- 3 In section 444A of the Education Act 1996 (penalty notice...
- 4 The references in section 23(9) and (10) of the Anti-social...
- 5 (1) Section 494 of the Education Act 1996 (recoupment: excluded...
- 6 In section 566 of the Education Act 1996 (evidence: documents),...
- 7 School Standards and Framework Act 1998 (c. 31)
- 8 In section 50 of the School Standards and Framework Act...
- 9 In section 51A of the School Standards and Framework Act...
- 10 (1) Section 52 of the School Standards and Framework Act...
- 11 (1) In Schedule 15 to the School Standards and Framework...
- 12 Learning and Skills Act 2000 (c. 21)
- 13 (1) Section 36 of the Learning and Skills Act 2000...
- 14 Education Act 2002 (c. 32)
- 15 Anti-social Behaviour Act 2003 (c. 38)

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SCHEDULE 19 — Repeals

Part 1 — SCHOOL INSPECTIONS

Part 2 — SCHOOL ORGANISATION

Part 3 — TRAINING THE SCHOOL WORKFORCE

Part 4 — REPEALS RELATING TO PART 4