



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

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

### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

#### *f<sup>1</sup>* Investigation of complaints

#### Textual Amendments

- F1** Ss. 11A-11C and preceding cross-heading inserted (28.3.2007) by [Education and Inspections Act 2006](#) (c. 40), [ss. 160, 188](#); [S.I. 2007/935](#), [art. 3](#)

#### **11A Power of Chief Inspector to investigate complaints about schools**

- (1) The Chief Inspector may investigate a qualifying complaint if he thinks it is appropriate to do so—
- (a) for the purpose of determining whether it is or may be appropriate to have regard to the matters raised by the complaint in carrying out any of his functions in relation to schools in England, and
  - (b) in particular, for the purpose of determining, in the light of the complaint—
    - (i) when to carry out an inspection under section 5 (insofar as the timing of such an inspection is within his discretion), and
    - (ii) whether it would be appropriate to carry out an inspection under section 8(2).
- (2) A complaint is a qualifying complaint if—
- (a) it is about a matter relating to a relevant school and that matter—

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- (i) falls within a prescribed description, and
  - (ii) does not fall within any prescribed exception,
  - (b) it is made in writing to the Chief Inspector, and
  - (c) it is made by a person who satisfies prescribed conditions.
- (3) The conditions prescribed for the purposes of subsection (2)(c) may, in particular, require that the person has, before making the complaint to the Chief Inspector, taken advantage of other procedures of a prescribed description for dealing with the complaint.
- (4) Regulations may enable the Chief Inspector to determine that a condition prescribed for the purposes of subsection (2)(c) by virtue of subsection (3) is not to apply in relation to a person making a complaint.
- (5) In this section, “ relevant school ” means any of the schools mentioned in paragraphs (a) to (g) of section 5(2).

#### **11B Investigations under section 11A**

- (1) This section applies where a qualifying complaint is made to the Chief Inspector by a person who is a registered parent of a registered pupil at the school to which the complaint relates.
- (2) If the Chief Inspector so requests for the purposes of an investigation of the complaint, the governing body of the school to which the complaint relates must provide him with—
- (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.
- (3) If the complaint relates to a maintained school and the Chief Inspector so requests for the purposes of an investigation of the complaint, the [F<sup>2</sup>local authority] who maintain the school must provide him with—
- (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.
- (4) If, for the purposes of an investigation of the complaint, it appears to the Chief Inspector to be appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates—
- (a) he must give notice to that effect to—
    - (i) the governing body of the school (unless the school falls within subparagraph (ii)), or
    - (ii) if the school is a maintained school which does not have a delegated budget, the [F<sup>2</sup>local authority] who maintain the school, and
  - (b) on being so notified, the governing body or (as the case may be) the [F<sup>2</sup>local authority] must co-operate with the Chief Inspector in the making of arrangements for the meeting.
- (5) In particular, the governing body or (as the case may be) the [F<sup>2</sup>local authority] must if so requested by the Chief Inspector—

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- (a) allow the meeting to be held on the premises of the school,
  - (b) fix a date for the meeting which is consistent with any request made by the Chief Inspector for that purpose, and
  - (c) take such steps as are specified by the Chief Inspector to give—
    - (i) the registered parents of registered pupils at the school, and
    - (ii) if the school is a maintained school which has a delegated budget, the [F2local authority] who maintain the school,such notice as the Chief Inspector may specify of the date, time and place of the meeting and of its purpose.
- (6) The following persons (in addition to the registered parents of registered pupils at the school) may attend a meeting held in pursuance of subsection (5)—
- (a) a representative of the governing body of the school, and
  - (b) if the school is a maintained school, a representative of the [F2local authority] who maintain the school.
- (7) In this section—
- “ governing body ”, in relation to a relevant school which is not a maintained school, means the proprietor of the school;
  - “ maintain ”, in relation to school, has the same meaning as in the School Standards and Framework Act 1998;
  - “ maintained school ” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
  - “ qualifying complaint ” is to be read in accordance with section 11A(2);
  - “ relevant school ” has the meaning given by section 11A(5).

#### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(2\)](#)

### 11C Reports of investigations

- (1) This section applies where, for the purposes of an investigation of a qualifying complaint to which section 11B applies the Chief Inspector—
- (a) requests information as mentioned in subsection (2) or (3) of that section, or
  - (b) gives notice in pursuance of subsection (4)(a) of that section that he considers it appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates.
- (2) The Chief Inspector may, if he considers it appropriate to do so, prepare a report of the outcome of the investigation by him of the complaint.
- (3) If the Chief Inspector prepares a report under subsection (2) he must send a copy of the report to—
- (a) the governing body of the school (unless the school falls within paragraph (b)), or
  - (b) if the school is a maintained school which does not have a delegated budget, the [F2local authority] who maintain the school.

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- (4) The body to whom a report is sent under subsection (3) must, if so requested by the Chief Inspector, provide a copy of the report to the registered parents of registered pupils at the school to which the complaint relates.
- (5) In this section, “governing body” and “qualifying complaint” have the same meaning as in section 11B. ]

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