



Education Act 2011

2011 CHAPTER 21

PART 5

EDUCATIONAL INSTITUTIONS: OTHER PROVISIONS

Standards

40 School inspections: exempt schools

- (1) Part 1 of EA 2005 (school inspections and other inspections by school inspectors) is amended as set out in subsections (2) to (8).
- (2) In section 5 (duty to inspect certain schools at prescribed intervals)—
 - (a) in subsection (2), for “subsection (3)” substitute “ subsections (3) and (4A) ”;
 - (b) after subsection (4), insert—

“(4A) Regulations may provide that this section does not apply to prescribed categories of school in prescribed circumstances.

(4B) A school to which this section does not apply by virtue of regulations under subsection (4A) is an “exempt school”.
- (3) In section 6 (duty to notify parents of section 5 inspection), in subsection (1)—
 - (a) omit “to which section 5 applies”;
 - (b) for “that section” substitute “ section 5 ”.
- (4) In section 8 (other inspections), at the end insert—
 - (3) If the Chief Inspector carries out an inspection of a school under subsection (2) in response to a request from the appropriate authority for the school, the Chief Inspector may charge the appropriate authority for the cost of the inspection.
 - (4) In subsection (3), “appropriate authority” has the meaning given by section 6(3).”

*Changes to legislation: There are currently no known outstanding effects
for the Education Act 2011, Section 40. (See end of Document for details)*

(5) In section 9 (power of Chief Inspector to treat other inspection as section 5 inspection)

- (a) the existing provision is renumbered subsection (1);
- (b) at the end insert—

“(2) In the case of an inspection of an exempt school under section 8, the Chief Inspector may elect to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(3) In the case of an inspection of an exempt school under section 8(1), the Secretary of State may require the Chief Inspector to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(4) In the case of an inspection of a school under section 8(2) which is carried out in response to a request from the appropriate authority for the school, the Chief Inspector must treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(5) In subsection (4), “appropriate authority” has the meaning given by section 6(3).”;

- (c) in the heading, for “of Chief Inspector” substitute “ or duty ”.

(6) In section 12 (interpretation of Chapter 1), after the definition of “the Chief Inspector” insert—

““exempt school” has the meaning given in section 5(4B);”.

(7) In section 15 (measures to be taken by local authority), in subsection (2C) for the words from “in respect of” to the end substitute “ which is not treated as a section 5 inspection by virtue of section 9 ”.

(8) In section 17 (statement to be prepared by proprietor of school), in subsection (1D) for the words from “in respect of” to the end substitute “ which is not treated as a section 5 inspection by virtue of section 9 ”.

(9) In section 121 of EA 2005 (parliamentary control of subordinate legislation)—

- (a) in subsection (2)(a), after “subsection” insert “ (2A) or ”;
- (b) after subsection (2) insert—

“(2A) This subsection applies to regulations under section 5(4A) (power to prescribe schools exempt from inspection), apart from the first regulations to be made under that subsection.

(2B) A statutory instrument which contains (whether alone or with other provisions) regulations to which subsection (2A) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

II S. 40 partly in force: s. 40(1)-(3)(5)-(9) in force at Royal Assent

Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Section 40. (See end of Document for details)

I2 S. 40(4) in force at 1.2.2012 by S.I. 2012/84, art. 3

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2011, Section 40.