

SCHEDULES

SCHEDULE 2

SCHOOL INSPECTIONS

PART I

INSPECTIONS UNDER SECTION 9

- 1 In this Part of this Schedule—
- “appropriate authority” means—
- (a) in the case of a maintained school (other than a grant-maintained school) whose governing body does not have a delegated budget, the local education authority for that school;
 - (b) in the case of a school falling within paragraph (e), (f) or (g) of section 9(3), the proprietor of the school;
 - (c) in any other case, the school’s governing body; and
- “inspection” means an inspection of a school under section 9.

Selection of registered inspectors

- 2 Before entering into any arrangement for an inspection, the Chief Inspector shall, after consulting the appropriate authority for the school concerned as to the tender specification, invite tenders from at least two registered inspectors who can reasonably be expected—
- (a) to wish to tender for the proposed inspection; and
 - (b) to tender at arm’s length from each other.

Inspection teams

- 3 (1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who are fit and proper persons for carrying out the inspection.
- (2) It shall be the duty of the registered inspector to ensure that—
- (a) at least one member of the inspection team is a person—
 - (i) without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity); and
 - (ii) whose primary function on the team is not that of providing financial or business expertise; and
 - (b) no member of the inspection team falls within a category of person prescribed for the purposes of this sub-paragraph.

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- (3) Otherwise, the composition of the inspection team shall be determined by the registered inspector, subject to his complying with any condition imposed under section 10(5)(c).
- (4) Any experience of a kind mentioned in sub-paragraph (2)(a) which it is reasonable to regard as insignificant, having regard to the purposes of sub-paragraph (2), may be ignored by the registered inspector.
- (5) It shall be the duty of the registered inspector to ensure that no person takes any part in an inspection if he has, or has at any time had, any connection with—
 - (a) the school in question,
 - (b) any person who is employed at the school,
 - (c) any person who is a member of the school’s governing body, or
 - (d) the proprietor of the school,
 of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that school.

Training for inspections

- 4 (1) No person shall conduct an inspection of a school in England, or act as a member of an inspection team for such a school, unless he has in the opinion of the Chief Inspector for England, satisfactorily completed a course of training provided by or complying with arrangements approved by that Chief Inspector.
- (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 for England.
- (3) Where the Chief Inspector for England 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.
- 5 (1) No person shall conduct an inspection of a school in Wales, or act as a member of an inspection team for such a school, unless he has in the opinion of the Chief Inspector for Wales, satisfactorily completed a course of training provided by or complying with arrangements approved by that Chief Inspector.
- (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 for Wales.
- (3) Where the Chief Inspector 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.

Meeting with parents

- 6 Where an inspection is arranged, the appropriate authority for the school concerned shall—
 - (a) take such steps as are reasonably practicable to notify—
 - (i) the parents of registered pupils at the school, and
 - (ii) such other persons as may be prescribed,
 of the time when the inspection is to take place; and

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- (b) arrange a meeting, in accordance with such provisions as may be prescribed, between the inspector conducting the inspection and those parents of registered pupils at the school who wish to attend.

Rights of entry etc.

- 7 A registered inspector conducting an inspection, and the members of his inspection team, shall have at all reasonable times—
- (a) a right of entry to the premises of the school concerned; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.

Offence of obstructing inspector or inspection team

- 8 (1) It shall be an offence wilfully to obstruct—
- (a) a registered inspector, or
 - (b) a member of an inspection team,
- in the exercise of his functions in relation to the inspection of a school.
- (2) Any person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level four on the standard scale.

Inspectors' reports

- 9 (1) An inspection shall be carried out within such period as may be prescribed.
- (2) When an inspection has been completed, the registered inspector shall, before the end of the prescribed period, prepare in writing a report of the inspection and a summary of the report.
- (3) The registered inspector shall, without delay, send the report and summary to the appropriate authority for the school concerned and send copies of the report and summary to the Chief Inspector and to—
- (a) the local education authority, in the case of a maintained school (other than a grant-maintained school) for which the governing body are the appropriate authority;
 - (b) the governing body (if any), in the case of a maintained school for which the local education authority are the appropriate authority; or
 - (c) the Secretary of State, in the case of any other school.
- (4) In the case of—
- (a) a voluntary school, or
 - (b) a grant-maintained school which was a voluntary school immediately before it became a grant-maintained school,
- the registered inspector shall also send a copy of the report and summary to the person who appoints the school's foundation governors.
- (5) The appropriate authority shall—
- (a) make any report and summary sent to the authority under sub-paragraph (3) available for inspection by members of the public, at such times and at such a place as may be reasonable;

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- (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of the prescribed fee, to any person who asks for one; and
- (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.

(6) In addition—

- (a) the governing body of a special school which is not maintained by a local education authority, and
- (b) the proprietor of an independent school approved by the Secretary of State under section 11(3)(a) of the Education Act 1981 (schools suitable for children for whom statements are maintained under section 7 of that Act),

shall, without delay, send a copy of any report and summary sent to the governing body or proprietor under sub-paragraph (3) to any local education authority who are paying fees to the school concerned in respect of a registered pupil at the school.

Action plans

- 10 (1) The appropriate authority to whom an inspector has reported under this Part of this Schedule shall, before the end of the prescribed period, prepare a written statement (“the action plan”) of the action which they propose to take in the light of his report and the period within which they propose to take it.
- (2) Where an action plan has been prepared by an appropriate authority they shall, before the end of the prescribed period, send copies of it to the Chief Inspector and—
- (a) where the appropriate authority are the governing body of a maintained school (other than a grant-maintained school), to the local education authority,
 - (b) where the appropriate authority are the local education authority, to the governing body (if any), or
 - (c) in any other case, to the Secretary of State,
- and to such other persons (if any), in such circumstances, as may be prescribed.
- (3) In the case of—
- (a) a voluntary school, or
 - (b) a grant-maintained school which was a voluntary school immediately before it became a grant-maintained school,
- the appropriate authority shall also send a copy of the action plan to the person who appoints the school’s foundation governors.
- (4) In addition—
- (a) the governing body of a special school which is not maintained by a local education authority, and
 - (b) the proprietor of an independent school approved by the Secretary of State under section 11(3)(a) of the Education Act 1981 (schools suitable for children for whom statements are maintained under section 7 of that Act),
- shall, without delay, send a copy of any action plan prepared by the governing body or proprietor to any local education authority who are paying fees to the school concerned in respect of a registered pupil at the school.
- (5) The appropriate authority shall—

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- (a) make any action plan prepared by them available for inspection by members of the public, at such times and at such a place as may be reasonable;
 - (b) provide a copy of the action plan, free of charge or in prescribed cases on payment of the prescribed fee, to any person who asks for one; and
 - (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school receives a copy of the action plan as soon as is reasonably practicable.
- (6) Where the governing body of a maintained school which is not a nursery school have prepared an action plan, they shall include in their governors' report a statement of the extent to which the proposals set out in the action plan have been carried into effect.
- (7) In sub-paragraph (6) “governors' report” means—
- (a) in the case of a grant-maintained school, the report referred to in section 58(5)(j) of the Education Reform Act 1988; and
 - (b) in the case of any other kind of maintained school, the report referred to in section 30 of the Education (No.2) Act 1986.
- (8) Sub-paragraph (6) applies only in relation to the most recent action plan for the school in question.

Schools considered to be at risk

- 11 (1) Where the registered inspector conducting an inspection of a school is of the opinion that the school is failing, or is likely to fail, to give its pupils an acceptable standard of education, he shall express that opinion in his report of the inspection.
- (2) The Secretary of State may make regulations with a view to securing that, where such an opinion is expressed in a registered inspector's report, the implementation of the action plan prepared for the school following the report is monitored, in accordance with the provisions of the regulations, by such persons as may be prescribed.
- (3) The regulations may, in particular, make provision for reports to be made, by such persons and at such intervals as may be prescribed, with respect to the action taken under the action plan for the school.

Reserve powers of the Chief Inspectors

- 12 (1) Where an inspection of a school is required under section 9 but the Chief Inspector is satisfied that it is not reasonably practicable to secure that the school is inspected by a suitable registered inspector, he shall secure that it is inspected—
- (a) if it is a school in England, by one of Her Majesty's Inspectors of Schools in England; and
 - (b) if it is a school in Wales, by one of Her Majesty's Inspectors of Schools in Wales.
- (2) Where an inspection is conducted by an Inspector by virtue of this paragraph, the provisions of this Act shall have effect in relation to the inspection as if the Inspector were a registered inspector.