

## SCHEDULES

### SCHEDULE 1

Sections 1(6) and 5(6).

#### HER MAJESTY’S CHIEF INSPECTORS

##### *The Chief Inspectors' other staff*

- 1 The Chief Inspector may, with the approval of the Treasury as to numbers and terms and conditions of service, appoint such staff, in addition to Inspectors who are members of his staff by virtue of section 1(3) or (as the case may be) 5(3), as he thinks fit.

##### *Additional inspectors*

- 2 (1) The Chief Inspector may arrange for such persons as he thinks fit to assist him in the discharge of any of his functions in relation to a particular case or class of case.
- (2) Any person assisting the Chief Inspector under any such arrangements shall be known as an additional inspector.
- (3) Any arrangements which provide for assistance by persons who are not members of the Chief Inspector’s staff shall be made on terms agreed by him with the Treasury.
- (4) An additional inspector acting within the authority conferred on him by the Chief Inspector shall have all the powers of an Inspector.

##### *Remuneration, pensions etc.*

- 3 (1) There shall be paid to the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any such Chief Inspector as may be determined by the Secretary of State, there shall be paid such pension, allowance or gratuity to or in respect of him, or such contributions or payments towards provision for such a pension, allowance or gratuity, as may be so determined.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him such sum by way of compensation as may be determined by the Secretary of State.
- (4) The approval of the Treasury shall be required for the making of a determination under this paragraph.
- (5) Any determination made under this paragraph with respect to one Chief Inspector may be different to any corresponding determination made with respect to the other Chief Inspector.

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*Expenses of the Chief Inspector and his staff*

- 4        There shall be paid out of money provided by Parliament—
- (a)    the remuneration of, and any travelling or other allowances payable under this Act to, the Chief Inspector and any staff of his;
  - (b)    any sums payable under this Act to or in respect of the Chief Inspector; and
  - (c)    any expenses duly incurred by the Chief Inspector or by any of his staff in consequence of the provisions of this Act.

*Official seal*

- 5        The Chief Inspector shall have an official seal for the authentication of documents required for the purposes of his functions.

*Performance of functions*

- 6        (1) Anything authorised or required by or under this Act or any other enactment to be done by the Chief Inspector for England may be done by—
- (a)    any of Her Majesty’s Inspectors of Schools in England,
  - (b)    any other member of his staff, or
  - (c)    any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for England.
- (2) Anything authorised or required by or under this Act or any other enactment to be done by the Chief Inspector for Wales may be done by—
- (a)    any of Her Majesty’s Inspectors of Schools in Wales,
  - (b)    any other member of his staff, or
  - (c)    any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for Wales.

*Documentary evidence*

- 7        The Documentary Evidence Act 1868 shall have effect, in relation to the Chief Inspector for England and in relation to the Chief Inspector for Wales, as if—
- (a)    he were included in the first column of the Schedule to that Act;
  - (b)    he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
  - (c)    the regulations referred to in that Act included any document issued by him or by any such person.

*The Parliamentary Commissioner*

- 8        In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), the following entries shall be inserted at the appropriate places—

“Office of Her Majesty’s Chief Inspector of Schools in England.”

“Office of Her Majesty’s Chief Inspector of Schools in Wales.”

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### *Disqualification*

- 9 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) the following entries shall be inserted at the appropriate places—
- “Her Majesty’s Chief Inspector of Schools in England.”
- “Her Majesty’s Chief Inspector of Schools in Wales.”
- (2) The same entries shall be inserted at the appropriate places in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

## SCHEDULE 2

Sections 9(7) and 13(9).

### 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—

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- (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.
- (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.

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*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
  - (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

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- (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;
  - (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—

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- (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—
- (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

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- (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.

## PART II

### INSPECTIONS OF DENOMINATIONAL EDUCATION

- 13 In this Part of this Schedule—
- “inspection” means an inspection of a school under section 13; and
  - “inspector” means the person conducting the inspection.

#### *Inspectors' reports*

- 14
- (1) An inspection shall be carried out within such period as may be prescribed.
  - (2) When an inspection has been completed, the 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 inspector shall, without delay, send the report and summary to the governing body for the school concerned.
  - (4) The governing body shall—
    - (a) make any such report and its accompanying summary 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 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 for whom the school provides denominational education receives a copy of the summary as soon as is reasonably practicable.

#### *Additional action plans*

- 15
- (1) The governing body 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 additional 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 additional action plan has been prepared by a governing body, they shall, before the end of the prescribed period, send copies of it to the person who appoints the school’s foundation governors and—
    - (a) in the case of a voluntary school, to the local education authority, or
    - (b) in the case of a grant-maintained school, to the Secretary of State,
 and to such other persons (if any), in such circumstances, as may be prescribed.
  - (3) The governing body shall—



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- (a) make any additional 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 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 for whom the school provides denominational education receives a copy of the plan as soon as is reasonably practicable.
- (4) Where the governing body of a school have prepared an additional action plan, they shall include in their governors' report a statement of the extent to which the proposals set out in the plan have been carried into effect.
- (5) In sub-paragraph (4) “governors' report” means—
- (a) in the case of a voluntary school, the report referred to in section 30 of the Education (No. 2) Act 1986; and
  - (b) in the case of a grant-maintained school, the report referred to in section 58(5)(j) of the Education Reform Act 1988.
- (6) Sub-paragraph (4) applies only in relation to the most recent additional action plan for the school in question.

### SCHEDULE 3

Section 12(5).

#### TRIBUNALS HEARING APPEALS UNDER SECTION 12

##### *Constitution of tribunals*

- 1 (1) A tribunal constituted to hear an appeal under section 12 (“a tribunal”) shall consist of—
- (a) a Chairman appointed by the Lord Chancellor; and
  - (b) two other members appointed by the Secretary of State.
- (2) To be qualified for appointment as Chairman of a tribunal, a person must have a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).

##### *Procedure of tribunals*

- 2 (1) The Secretary of State may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, tribunals.
- (2) The regulations may, in particular, make provision—
- (a) as to the period within which, and manner in which, appeals must be brought;
  - (b) for the holding of hearings in private in prescribed circumstances;
  - (c) as to the persons who may appear on behalf of the parties;
  - (d) for enabling hearings to be conducted even though a member of the tribunal, other than the Chairman, is absent;
  - (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents;

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- (f) requiring persons to attend the proceedings and give evidence;
- (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f);
- (h) authorising the administration of oaths to witnesses;
- (i) as to the withdrawal of appeals;
- (j) as to costs and expenses incurred by any party to the proceedings; and
- (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the Chairman of the tribunal hearing that appeal.

### *Staff*

- 3 (1) The Secretary of State may, with the consent of the Treasury, make such provision as he thinks fit for—
- (a) the allocation of staff for any tribunal;
  - (b) the remuneration of members of tribunals and the reimbursement of their expenses;
  - (c) defraying any reasonable expenses incurred by any tribunal.
- (2) Any sums payable under any provision made by the Secretary of State under sub-paragraph (1) shall be paid out of money provided by Parliament.

## SCHEDULE 4

Section 21(7).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Education Act 1944 (c. 31)*

- 1 In section 77(1) of the Education Act 1944 (inspection of educational establishments)—
- (a) the words “a school” shall be omitted; and
  - (b) for “which is not” there shall be substituted “which is neither a school nor”.

#### *The Tribunals and Inquiries Act 1971 (c. 62)*

- 2 In section 13(1) of the Tribunals and Inquiries Act 1971 (appeals from certain tribunals), after “6(a)” there shall be inserted “or (d)”.
- 3 In paragraph 6 of Part I of Schedule 1 to the Act of 1971 (tribunals under direct supervision of Council), after sub-paragraph (c) there shall be inserted the following sub-paragraph—
- “(d) a tribunal constituted in accordance with Schedule 3 to the Education (Schools) Act 1992.”

#### *The Education Act 1980 (c. 20)*

- 4 (1) In section 8 of the Education Act 1980 (information as to schools and admission arrangements), the following subsections shall be substituted for subsections (5) and (6)—
- “(5) The governors of each school maintained by a local education authority—

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- (a) shall publish such information as respects that school as may be required by regulations made by the Secretary of State; and
  - (b) may publish such other information with respect to the school as they think fit.
- (5A) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (5B) Every local education authority shall publish such information as may be required by regulations made by the Secretary of State with respect to their policy and arrangements in respect of any matter relating to primary or secondary education in their area.
- (6) A local education authority may, with the agreement of the governors of any school maintained by the authority, publish on behalf of the governors the particulars or information relating to the school which are referred to in subsection (2) or (5) above.”
- (2) In section 9 of the Act of 1980 (nursery schools and special schools) in subsection (2), for “(5) and (7)” there shall be substituted “(5) to (7)”.

*The Education (No. 2) Act 1986 (c. 61)*

- 5 In section 30 of the Education (No. 2) Act 1986 (governors' annual report to parents in case of county, voluntary and maintained special schools), the following subsection shall be added at the end—
- “(5) The Secretary of State may by order make such amendments of subsection (2) above as he considers expedient.”

*The Education Reform Act 1988 (c. 40)*

- 6 (1) Section 22 of the Education Reform Act 1988 (provision of information) shall be amended as follows.
- (2) In subsection (2), the following shall be added at the end—
- “; and
  - (d) the educational achievements of pupils at such categories of school as may be prescribed (including results of the kind mentioned in paragraph (c)).”
- (3) In subsection (5), the following paragraphs shall be inserted after paragraph (a)—
- “(aa) the pupil concerned;
  - (ab) in the case of a pupil who has transferred to a different school, the head teacher of that school;”.
- (4) In subsection (5), in the words following paragraph (c)—
- (a) after “governing body” there shall be inserted “the head teacher”; and
  - (b) the words “by that body or authority” shall be omitted.
- 7 In section 226 of the Act of 1988 (services for schools in other member States providing education for British children), in subsection (2)(b), for the words from

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“school” to the end of the paragraph there shall be substituted “by, or under the direction of, one or more of Her Majesty’s Inspectors of Schools for England”.

## SCHEDULE 5

Section 21(8).

## REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	In section 77, in subsection (1), the words “a school”, and subsections (5) and (6).
1988 c. 40.	The Education Reform Act 1988.	In section 22, in subsection (2), the second “and” and in subsection (5) the words “by that body or authority”. In Schedule 1, paragraph 5.