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## SCHEDULES

### SCHEDULE 3

Section 10.

#### INSPECTIONS UNDER SECTION 10

1 In this Schedule—

[<sup>F1</sup>“appropriate authority means—

- (a) in relation to a community, foundation or voluntary or community or foundation special school, the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority;
- (b) in relation to a maintained nursery school, the local education authority;
- (c) in the case of a school falling within paragraph (d), (e), (f) or (g) of section 10(3), the proprietor of the school;]

“inspection means an inspection under section 10.

#### Annotations:

#### Amendments (Textual)

- F1** Sch. 3 para. 1: Definition of “appropriate authority” substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.203 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

#### *Selection of registered inspectors*

[<sup>F2</sup> (1) Before entering into any arrangement for an inspection, the Chief Inspector shall invite tenders from at least two persons who can reasonably be expected to tender for the proposed inspection and to do so at arm’s length from each other, and each of whom is either—

- (a) a registered inspector, or
- (b) a person who the Chief Inspector is satisfied would, if his tender were successful, arrange with a registered inspector for the inspection to be carried out.

(2) Before an inspection takes place the Chief Inspector shall consult the appropriate authority about the inspection.]

#### Annotations:

#### Amendments (Textual)

- F2** Sch. 3 para. 2 substituted (1.9.1997) by 1997 c. 44 s. 42, Sch. 6 para.10; S.I. 1997/1468, art. 2, Sch. 1 Pt.II

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### *Inspection teams*

- 3 [F3(1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”); and no person shall act as a member of an inspection team unless—
- (a) he is enrolled in the list kept by the Chief Inspector under paragraph 3A; or
  - (b) he is a member of the Inspectorate and (if he is not the Chief Inspector) is authorised so to act by the Chief Inspector.]
- (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.
- (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 7(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.

#### **Annotations:**

##### **Amendments (Textual)**

**F3** Sch. 3 para. 3(1) substituted (19.12.2002 (W.) and otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 188, 216(4), [Sch. 16 para. 5](#) (with ss. 210(8), 214(4)); S.I.2002/3185, [art. 4](#)

### *[F4]Enrolment of persons to act as team members*

#### **Annotations:**

##### **Amendments (Textual)**

**F4** Sch. 3 para. 3A and crossheading inserted (1.10.1998) by [1998 c. 31](#), s. 135, [Sch. 28 Pt. I para. 4\(2\)](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, [Sch. 1 Pt.I](#) (with Sch. 2 Pt. I para. 5)

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- <sup>F5</sup>3A<sup>F6</sup>(1) The Chief Inspector shall keep a list of persons who may act as members of an inspection team by virtue of paragraph 3(1)(a)(“the list”).]
- (2) The Chief Inspector shall not enrol any person in the list unless, having regard to any conditions that he proposes to impose under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) below), it appears to him that that person—
- (a) is a fit and proper person for carrying out an inspection, and
  - (b) will be capable of assisting in an inspection competently and effectively.
- (3) An application for enrolment in the list shall (except in such circumstances as may be prescribed) be accompanied by the prescribed fee.
- (4) Subsections (5) to (9) of section 7 shall apply in relation to the enrolment of a person in the list and to acting as a member of an inspection team as they apply in relation to the registration of a person under subsection (1) or (2) of that section and to acting as a registered inspector.
- (5) Sections 8 and 9 and Schedule 2 shall (with any necessary modifications) apply in relation to enrolment in the list and to a person so enrolled as they apply in relation to registration under section 7(1) or (2) and to a person so registered.
- (6) In its application to an enrolled person in accordance with sub-paragraph (5) above, section 8 shall have effect as if the conditions mentioned in subsection (2) of that section were that—
- (a) that person is no longer a fit and proper person to act as a member of an inspection team;
  - (b) he is no longer capable of assisting in an inspection competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) above).
- (7) Without prejudice to the generality of paragraph 2(1) of Schedule 2, regulations under that provision may provide that, where a person is appealing simultaneously—
- (a) against a decision of the Chief Inspector relating to that person’s registration, and
  - (b) against a decision of the Chief Inspector relating to that person’s enrolment in the list,
- both appeals are to be heard at the same time.]

**Annotations:**

**Amendments (Textual)**

- F5** Sch. 3 para. 3A inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- F6** Sch. 3 para. 3A(1) substituted (19.12.2002 (W.) and otherwise prosp.) by Education Act 2002 (c. 32), ss. 188, 216(4), **Sch. 16 para. 6** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4

*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

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Inspector for England, satisfactorily completed a course of training provided by, or complying with arrangements approved by, that Chief Inspector.

- (2) 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.
- (3) 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.
- 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) 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.
- (3) 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.

#### *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 <sup>[F7]</sup>(1) 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.

- <sup>[F8]</sup>(2) Where—
- (a) pupils registered at the school concerned are, by arrangement with another school, receiving part of their education at the other school, and
- (b) the inspector is satisfied that he cannot properly discharge his duty under section 10(5) in relation to the school concerned without inspecting the provision made for those pupils at that other school,
- sub-paragraph (1) shall apply in relation to that other school as it applies in relation to the school concerned.]

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- [<sup>F9</sup>(3) A registered inspector conducting an inspection of a school, and the members of his inspection team, shall also have at all reasonable times—
- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by the school, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age, are receiving part of their education from any person (“the provider”);
  - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of that education, and
    - (ii) any other documents containing information so relating,which the inspector or (as the case may be) member of the team requires for the purposes of the inspection.]

**Annotations:**

**Amendments (Textual)**

- F7** Sch. 3 para. 7 renumbered as s. 7(1) (1.9.1997) as Sch. 3 para. 7(1) by 1997 c. 44, s. 42, **Sch. 6 para. 12(1)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F8** Sch. 3 para. 7(2) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 12(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F9** Sch. 3 para. 7(3) inserted (1.10.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), **ss. 179(6), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I

*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 an 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 4 on the standard scale.

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 1 modified by S.I. 2004/657 art. 3(b)
- Sch. 3 para. 1 savings for effects of 2002 c. 32 s. 215(2) Sch. 22 Pt. 3 by S.I. 2003/2959 reg. 8(2)
- Sch. 3 para. 1 word repealed by 2002 c. 32 Sch. 22 Pt. 3
- Sch. 3 para. 1 words repealed by 2002 c. 32 Sch. 22 Pt. 3
- Sch. 3 para. 9 and cross-heading added by 1998 c. 31 Sch. 28 Pt. 1 para. 5 (This amendment not applied to legislation.gov.uk. Sch. 28 Pt. 1 para. 5 repealed (1.9.2005 for E., 1.9.2006 for W.) without ever being in force by 2005 c. 18, Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6))

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act Education Acts modified (temp.) by 2006 c. 40 Sch. 6 para. 3(3)
- Act applied by 2002 c. 41 s. 36(9)(a)
- Act applied by S.I. 2005/397 Sch. 2 para. 2
- Act modified by 2005 c. 18 s. 96(2)
- Act repealed by 2005 c. 18 s. 60 Sch. 19 Pt. 1

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 1(b) repealed by 2002 c. 32 Sch. 21 para. 67(b) Sch. 22 Pt. 3
- Sch. 3 para. 1(a) words inserted by 2002 c. 32 Sch. 21 para. 67(a)

**Commencement Orders yet to be applied to the School Inspections Act 1996**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/124 art. 2-5 commences (2002 c. 32)
- S.I. 2003/1115 art. 2 3 commences (2002 c. 32)
- S.I. 2003/1667 art. 2-5 commences (2002 c. 32)
- S.I. 2003/1718 art. 4-6 Sch. commences (2002 c. 32)
- S.I. 2003/2961 art. 4-7 Sch. commences (2002 c. 32)
- S.I. 2004/1728 art. 4 5 Sch. commences (2002 c. 32)
- S.I. 2005/394 art. 2 commences (2004 c. 31)
- S.I. 2005/2034 art. 2-9 commences (2005 c. 18)
- S.I. 2005/2910 art. 4 Sch. commences (2002 c. 32)
- S.I. 2006/1338 art. 3-5 Sch. 1 2 commences (2005 c. 18)
- S.I. 2007/935 art. 2-7 commences (2006 c. 40)