

SCHEDULES

SCHEDULE 28

Section 135.

AMENDMENTS RELATING TO SCHOOL AND NURSERY INSPECTIONS

PART I

SCHOOL INSPECTIONS

Introductory

1 In this Part of this Schedule “the 1996 Act” means the School Inspections Act 1996.

Persons who may be registered inspectors

2 In section 7(3) of the 1996 Act (registration of inspectors), at the end there shall be added—

“and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this subsection.”

Decisions of Chief Inspector having immediate effect

3 In section 9(3)(a) of the 1996 Act (circumstances where Chief Inspector’s decision to revoke registration may take immediate effect), the words “are exceptional and” shall be omitted.

Enrolment of persons to act as team members

4 (1) For paragraph 3(1) of Schedule 3 to the 1996 Act (inspection teams) there shall be substituted—

“(1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who are enrolled in the list kept by the Chief Inspector under paragraph 3A.”

(2) After paragraph 3 of that Schedule there shall be inserted—

“Enrolment of persons to act as team members

3A (1) The Chief Inspector shall keep a list of persons who may act as members of an inspection team (“the list”); and no person shall act as a member of an inspection team unless he is enrolled in 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)

Status: This is the original version (as it was originally enacted).

- (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.”

Replacement of inspectors

5 After paragraph 8 of Schedule 3 to the 1996 Act there shall be added—

“Replacement of inspector during course of inspection

- 9 (1) This paragraph applies to an inspection where, at any time—
- (a) after the meeting required by paragraph 6 is held, but
 - (b) before the making of the report of the inspection is completed,
- the inspector conducting the inspection becomes (for any reason) unable to continue to discharge his functions as an inspector in relation to the inspection.

Status: This is the original version (as it was originally enacted).

- (2) If the conditions set out in sub-paragraph (3) are satisfied—
- (a) the Chief Inspector may arrange for that person to be replaced as the inspector conducting the inspection by another registered inspector; and
 - (b) if he does so, anything done by or in relation to that person in connection with the inspection shall, so far as necessary for his effectual replacement by that other inspector, be regarded as done by or in relation to that other inspector.
- (3) The conditions are—
- (a) that the appropriate authority for the school concerned have given the Chief Inspector notice in writing of their agreement to the inspector mentioned in sub-paragraph (1) being replaced under this paragraph; and
 - (b) that the replacement inspector does not have, and has not at any time had, any connection of the kind mentioned in paragraph 3(5) with the school in question or with any other person mentioned there.”

PART II

NURSERY INSPECTIONS

Persons who may be registered nursery education inspectors

- 6 In paragraph 8(3) of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 (registration of nursery education inspectors), at the end there shall be added—

“and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this sub-paragraph.”

Decisions of Chief Inspector having immediate effect

- 7 In paragraph 10(4)(a) of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 (circumstances where Chief Inspector’s decision to revoke registration may take immediate effect), the words “are exceptional and” shall be omitted.

Powers of entry of registered nursery education inspectors

- 8 After paragraph 17 of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 there shall be added—

“Rights of entry

- 18 (1) This paragraph applies to—
- (a) a registered nursery education inspector or member of the Inspectorate conducting an inspection under paragraph 6, or
 - (b) a member of the Inspectorate monitoring such an inspection under paragraph 17.

Status: This is the original version (as it was originally enacted).

- (2) A person to whom this paragraph applies shall have at all reasonable times—
 - (a) a right of entry to the premises at which the funded nursery education concerned is provided; and
 - (b) a right to inspect, and take copies of—
 - (i) any records kept by the person providing that education, and
 - (ii) any other documents containing information relating to the provision of that education,which he requires for the purpose of conducting or (as the case may be) monitoring the inspection.
- (3) Section 42 of the School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of this paragraph as it applies for the purposes of Part I of that Act.
- (4) It shall be an offence wilfully to obstruct a member of the Inspectorate or a registered nursery education inspector in the exercise of his functions in relation to an inspection under paragraph 6.
- (5) Any person guilty of an offence under sub-paragraph (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this paragraph “documents” and “records” each include information recorded in any form.”