

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 1: School Inspections and Other Inspections by School Inspectors

Chapter 7 - Supplementary

Section 58: Inspection of computer records

132. This section re-enacts section 42 of SIA 1996 without change. It allows any person engaged in the activities within Part 1 of the Act reasonable access to computer records and associated materials and to inspect such records and materials.

Section 59: Combined reports

133. This section applies to inspections carried out under:
- i) this Part of the Act;
 - ii) Part 10A of the Children Act 1989 (child minding and day care for children);
 - iii) section 122 of, and Schedule 26 to, the School Standards and Framework Act 1998 (inspection of nursery education); and
 - iv) Chapter 1 of Part 10 of the Education Act 2002 (regulation of independent schools).
134. *Subsection (2)* allows for the reports of inspections carried out under two or more of the above mentioned provisions to be produced as a combined report. This provision gives the Chief Inspectors for England and Wales and others responsible for making inspection reports the flexibility to merge two or more reports into a single report.
135. *Subsection (3)* ensures that, where combined reports of different types of inspection are made, any legal requirements as to the publication or distribution of a report that apply to the different inspections apply equally to combined reports. *Subsection (4)* makes provision for the Chief Inspector for England (or for Wales) to publish combined reports in any manner he considers appropriate, but makes clear that this does not override any duties as to publication in other legislation.

Section 61: Further amendments relating to school inspection

136. This section introduces Schedule 9, setting out amendments to existing legislation as a consequence of the changes to categorisation of schools causing concern set out in section 44.

Schedule 9: Amendments relating to school inspections

137. This Schedule contains a number of amendments to existing legislation which are consequential on the new inspection provisions and the removal of the current

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categorisation of a school with serious weaknesses and the introduction of the new significant improvement category. At present the Secretary of State, the Assembly and local education authorities have intervention powers in relation to a school with serious weaknesses, enabling them to add additional governors, take back a school's delegated budget or to provide for a governing body to be replaced with an interim executive board; in addition, the Secretary of State or the Assembly has power to direct a local education authority to obtain advisory services. The Schedule enables these powers to be exercised in relation to the new significant improvement category.

Section 62: Power of Assembly to change inspection framework for Wales

138. This section provides a new order-making power giving the Assembly flexibility to make changes to primary legislation to adjust elements of the inspection system in Wales. This will enable the Assembly, should it so wish, to mirror the approach being taken forward in England, either in part or in full.
139. Provisions in relation to school inspection in Wales in this Act mainly re-enact existing provisions in SIA 1996, with minor amendments. In Wales, a new inspection system was introduced under a Common Inspection Framework by Estyn, in September 2004. The Framework is underpinned by secondary legislation made by the Assembly. In addition, Estyn has issued guidance on notice of inspection, the role of self-evaluation and matching the scale of inspection to need.