



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 2

PROCEDURE FOR INSPECTIONS UNDER CHAPTER 1

Destination of reports^[F1] and interim statements] and measures required: non-maintained schools

Textual Amendments

- F1** Words in Pt. 1 Ch. 2 Crossheading inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. **225(5)**, 269(4); S.I. 2009/3317, art. 2, Sch.

16 Destination of reports: non-maintained schools

- (1) The Chief Inspector must ensure that a copy of the report of any section 5 inspection of a school other than a maintained school is sent without delay to the proprietor of the school.
- (2) In the case of a special school which is not a community or foundation special school, the proprietor must without delay send a copy of any report sent to him under subsection (1) to any ^[F2]local authority that are paying fees in respect of the attendance of a registered pupil at the school.
- (3) The proprietor of the school must—
 - (a) make any report sent to him under subsection (1) available for inspection by members of the public at such times and at such place as may be reasonable,

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Destination of reports and interim statements and measures required: non-maintained schools. (See end of Document for details)

- (b) provide a copy of the report, free of charge or in prescribed cases on payment of such fee as he thinks fit (not exceeding the cost of supply) to any person who asks for one, and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the report within such period following receipt of the report by the proprietor as may be prescribed.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

[^{F3}16A Destination of interim statements: non-maintained schools

- (1) The Chief Inspector must ensure that a copy of any interim statement about a school other than a maintained school is sent without delay to the proprietor of the school.
- (2) In the case of a special school which is not a community or foundation special school, the proprietor must without delay send a copy of any interim statement sent to the proprietor under subsection (1) to any [^{F2}local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (3) The proprietor of the school must—
 - (a) make any statement sent to the proprietor under subsection (1) available for inspection by members of the public at such times and at such place as may be reasonable,
 - (b) provide one copy of the statement free of charge to any person who asks for one, and
 - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement within such period following receipt of the statement by the proprietor as may be prescribed.]

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

F3 S. 16A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 225(6), 269(4)**; S.I. 2009/3317, art. 2, Sch.

17 Statement to be prepared by proprietor of school

- (1) [^{F4}Subsection (1A) applies]Where there is sent to the proprietor of a school other than a maintained school a report of a section 5 inspection in which the Chief Inspector states—
 - (a) that he is of the opinion that special measures are required to be taken in relation to the school, or
 - (b) that he is of the opinion that the school requires significant improvement,

^{F5}

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[^{F6}(1A) The proprietor must—

- (a) consider what action to take in the light of the report,
- (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
- (c) consider whether those arrangements are to include the appointment of a specified person for that purpose, and
- (d) prepare a written statement—
 - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
 - (ii) of the arrangements he proposes to make for the purpose mentioned in paragraph (b).

(1B) Subsection (1C) applies where—

- (a) the proprietor of a school has prepared a statement under subsection (1A) in relation to the school,
- (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
- (c) no subsequent inspection of the school has been made under section 5.

(1C) The Secretary of State may by notice require the proprietor to—

- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (1A)(b), and
- (b) prepare a written statement—
 - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
 - (ii) of the arrangements the proprietor proposes to make for the purpose mentioned in subsection (1A)(b)".

(1D) For the purposes of subsections (1B) and (1C) an “interim inspection” is an inspection under section 8 [^{F7}which is not treated as a section 5 inspection by virtue of section 9].]

(2) It is the duty of the proprietor of the school to prepare the statement within the period allowed by this subsection, that is—

- (a) such period as may be prescribed, or
- (b) if—
 - (i) the report states that the Chief Inspector is of the opinion that special measures are required to be taken in relation to the school, and
 - (ii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,

such shorter period as the Secretary of State may direct;

but this subsection does not relieve the proprietor of the school of any duty to prepare a statement which has not been performed within that period.

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- (3) Where [^{F8}a statement under subsection (1A) or (1C)] has been prepared by the proprietor of the school, he must, before the end of the prescribed period, send copies of it—
- (a) to the Chief Inspector,
 - [^{F9}(aa) in the case of a statement under subsection (1C), to the Secretary of State,]
 - and
 - (b) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) In the case of a special school which is not a community or foundation special school, the proprietor of the school must, before the end of the prescribed period, send a copy of any such statement prepared by him to any [^{F2}local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- [^{F10}(5) In performing his functions under subsections (1A)(a), (b), (c) and (d) and (1C)(a) and (b), the proprietor must have regard to any guidance given from time to time by the Secretary of State.]

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**
- F4** Words in s. 17(1) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(2)(a)**; S.I. 2007/935, **art. 5(j)(cc)**
- F5** Words in s. 17(1)(b) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 184, 188, **Sch. 7 para. 2(2)(b)**, **Sch. 18 Pt. 4**; S.I. 2007/935, **art. 5(cc)(ii)**
- F6** S. 17(1A)-(1D) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(3)**; S.I. 2007/935, **art. 5(j)(cc)**
- F7** Words in s. 17(1D) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(8)**, 82(1)(b)
- F8** Words in s. 17(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(4)(a)**; S.I. 2007/935, **art. 5(j)(cc)**
- F9** S. 17(3)(aa) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(4)(b)**; S.I. 2007/935, **art. 5(j)(cc)**
- F10** S. 17(5) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 2(5)**; S.I. 2007/935, **art. 5(j)(cc)**

Modifications etc. (not altering text)

- C1** S. 17: power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)
- C2** S. 17(2): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Cross Heading:
Destination of reports and interim statements and measures required: non-maintained schools.