



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 2

PROCEDURE FOR INSPECTIONS UNDER CHAPTER 1

Inspections and reports: all schools

13 Duties of Chief Inspector where school causes or has caused concern

- (1) If, on completion of a section 5 inspection of a school, the Chief Inspector is of the opinion—
 - (a) that special measures are required to be taken in relation to the school, or
 - (b) that the school requires significant improvement,he must comply with subsections (2) and (3).
- (2) The Chief Inspector must—
 - (a) send a draft of the report of the inspection—
 - (i) in the case of a maintained school, to the governing body, and
 - (ii) in the case of any other school, to the proprietor of the school, and
 - (b) consider any comments on the draft that are made to him within the prescribed period by the governing body or proprietor, as the case may be.
- (3) If, after complying with subsection (2), the Chief Inspector is of the opinion that the case falls within paragraph (a) or (b) of subsection (1)—
 - (a) he must without delay give a notice in writing, stating that the case falls within paragraph (a) or (b) of subsection (1)—
 - (i) to the Secretary of State,

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- (ii) in the case of a maintained school, to the local education authority, and
 - (iii) in the case of any other school, to the proprietor of the school, and
 - (b) he must state his opinion in the report of the inspection.
- (4) If a report of a section 5 inspection is made in circumstances where—
- (a) in the latest report of an inspection of the school, the Chief Inspector stated that in his opinion special measures were required to be taken in relation to the school, but
 - (b) the Chief Inspector is of the opinion that special measures are not required to be taken in relation to the school,
- he must state his opinion in the report (whether or not he is required by subsection (3) (b) also to state the opinion that the school requires significant improvement).
- (5) If a report of a section 5 inspection is made in circumstances where—
- (a) in the latest report of an inspection of the school, the Chief Inspector stated that in his opinion the school required significant improvement, but
 - (b) the Chief Inspector is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school,
- he must state his opinion in the report.

Destination of reports and measures required: maintained schools

14 Destination of reports: maintained schools

- (1) The Chief Inspector must ensure that a copy of the report of any section 5 inspection of a maintained school is sent without delay to the appropriate authority for the school.
- (2) The Chief Inspector must ensure that copies of the report are sent—
 - (a) to the head teacher of the school,
 - (b) to whichever of the local education authority and the governing body are not the appropriate authority,
 - (c) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority, and
 - (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (3) If the school provides full-time education suitable to the requirements of pupils over compulsory school age, the Chief Inspector must ensure that a copy of the report is also sent to the Learning and Skills Council for England.
- (4) The appropriate authority must—
 - (a) make a copy of any report sent to the authority under subsection (1) available for inspection by members of the public at such times and at such place as may be reasonable,
 - (b) provide a copy of the report, free of charge or in prescribed cases on payment of such fee as they think 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 authority as may be prescribed.

15 Measures to be taken by local education authority

- (1) This section applies where, in a report of a section 5 inspection of a maintained school, the Chief Inspector stated either—
 - (a) that in his opinion special measures were required to be taken in relation to the school, or
 - (b) that in his opinion the school required significant improvement.
- (2) The local education authority must—
 - (a) prepare a written statement of any action they propose to take in the light of the report, and the period within which they propose to take such action, or, if they do not propose to take such action, of their reasons for not doing so, and
 - (b) send a copy of the statement prepared under paragraph (a) to the Chief Inspector and, in the case of a voluntary aided school—
 - (i) to the person who appoints the foundation governors, and
 - (ii) (if different) to the appropriate appointing authority.
- (3) It is the duty of the local education authority 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 local education authority of any duty to prepare a statement which has not been performed within that period.

Destination of reports and measures required: non-maintained schools

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 local education 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,
 - (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

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- (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.

17 Statement to be prepared by proprietor of school

- (1) 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, the proprietor of the school must prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it.
- (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.
- (3) Where such a statement 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, 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 local education authority that are paying fees in respect of the attendance of a registered pupil at the school.

Interpretation of Chapter

18 Interpretation of Chapter 2

In this Chapter—

“the appropriate appointing authority”, in relation to a voluntary aided school, means—

- (a) the appropriate diocesan authority, if it is a Church of England school, a Church in Wales school or a Roman Catholic Church school, or
- (b) in any other case, the person who appoints the foundation governors;

“the appropriate authority”, in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local education authority;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Schools in England;

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Secretary of State under this Chapter;

“section 5 inspection” means an inspection under section 5.