



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 3

SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: WALES

Registered inspectors

25 Registration of inspectors in Wales

- (1) No person may conduct an inspection of any school in Wales under section 28 unless—
 - (a) he is a member of the Inspectorate, or
 - (b) he is registered as an inspector in a register kept by the Chief Inspector for the purposes of this Chapter.
- (2) The Chief Inspector may not register a person under this section unless, having regard to any conditions that he proposes to impose under subsection (4)(c), it appears to him that that person—
 - (a) is a fit and proper person for discharging the functions of a registered inspector, and
 - (b) will be capable of conducting inspections under this Chapter competently and effectively,and no person may be so registered if he falls within a category of persons prescribed for the purposes of this subsection.
- (3) An application for registration under this section—
 - (a) must be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct, and
 - (b) must be accompanied by the prescribed fee.

Status: This is the original version (as it was originally enacted).

- (4) On an application duly made under this section the Chief Inspector may—
 - (a) register the applicant,
 - (b) refuse to register him, or
 - (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (5) The matters to which the Chief Inspector may have regard in deciding whether to register the applicant include, in particular—
 - (a) the extent to which the Chief Inspector proposes to exercise his discretion under subsection (1) of section 28 to secure that inspections under that section are conducted by members of the Inspectorate rather than registered inspectors, and
 - (b) the extent to which there is a need for registered inspectors in Wales.
- (6) Conditions under subsection (4)(c) may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under subsection (4)(c), he is to be taken to be authorised to act as a registered inspector only so far as those conditions permit.
- (8) The period for which any registration is to have effect is to be determined by the Chief Inspector and must be entered in the register kept by him.
- (9) Nothing in subsection (8) is to be taken as preventing a registered inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.

26 Removal from register and imposition or variation of conditions

- (1) If the Chief Inspector is satisfied that any of the conditions mentioned in subsection (2) is satisfied with respect to an inspector registered in the register, he may remove the name of that inspector from the register.
- (2) The conditions are that—
 - (a) he is no longer a fit and proper person for discharging the functions of a registered inspector under this Chapter;
 - (b) he is no longer capable of conducting inspections under this Chapter competently and effectively;
 - (c) there has been a significant failure on his part to comply with any condition imposed under section 25(4)(c) and subject to which his registration has effect;
 - (d) he has, without reasonable explanation, produced a report of an inspection which is, in whole or in part, seriously misleading.
- (3) If the Chief Inspector is satisfied—
 - (a) that he is authorised by subsection (2) to remove the name of an inspector from the register, or
 - (b) that it would otherwise be in the public interest to act under this subsection,
 he may vary any condition subject to which the registration of that inspector has effect or vary that registration by imposing a condition subject to which it will have effect.

27 Appeals in relation to registration

- (1) Any person who is aggrieved by—
 - (a) the refusal of the Chief Inspector to renew his registration under section 25,
 - (b) the imposition or variation of any condition subject to which he is registered under that section, or
 - (c) the removal of his name from the register under section 26,may appeal against the Chief Inspector's decision to a tribunal constituted in accordance with Schedule 3.
- (2) Where—
 - (a) a decision to refuse to renew a person's registration under section 25 is expressed to be based on the ground—
 - (i) that there is a reduced need for registered inspectors in Wales, or
 - (ii) that there is no longer any need for registered inspectors in Wales, and
 - (b) the tribunal is satisfied that the decision was based on one of those grounds,the tribunal must confirm the decision to refuse renewal.
- (3) No decision of the Chief Inspector falling within (1)(b) or (c) is to have effect until—
 - (a) the disposal of any appeal against the decision which is duly made under this section, or
 - (b) the period within which an appeal may be made has expired without an appeal having been made.
- (4) Subsection (3) does not apply where the Chief Inspector—
 - (a) is satisfied that the circumstances of the case justify the decision in question taking effect immediately, or earlier than would otherwise be the case, and
 - (b) notifies the person concerned to that effect.
- (5) On determining any appeal under this section, the tribunal may—
 - (a) confirm, reverse or vary the decision appealed against, or
 - (b) remit the case to the Chief Inspector with directions as to the action to be taken by him.
- (6) Schedule 3 makes further provision with respect to tribunals constituted to hear appeals under this section.