



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 3

SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: WALES

Inspections by registered inspectors and members of the Inspectorate

28 Duty to arrange regular inspections of certain schools

- (1) It is the duty of the Chief Inspector to secure that every school in Wales to which this section applies is inspected under this section, at such intervals as may be prescribed, by an inspector registered under section 25 or by a member of the Inspectorate.
- (2) Subject to subsection (3), the schools to which this section applies are—
 - (a) community, foundation and voluntary schools,
 - (b) community ^{F1}... special schools,
 - (c) maintained nursery schools, and
 - ^{F2}(d)
- (3) This section does not apply to any school—
 - (a) which is a closing school (as defined by subsection (4)), and
 - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4) In subsection (3)(a) a “closing school” means—
 - (a) any community, foundation or voluntary school, community ^{F3}... special school or maintained nursery school in respect of which proposals to

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- discontinue the school have been approved, adopted [^{F4}, confirmed] or determined under any enactment,
- (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under [^{F5}section 80 of the School Standards and Organisation (Wales) Act 2013],
- (c) a community, foundation or voluntary or community ^{F6}... special school in respect of which the Assembly has given a direction to discontinue the school under [^{F7}section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013], or
- ^{F8}(d)
- (5) It is the general duty of any inspector conducting an inspection under this section to report on—
- (a) the quality of the education provided in the school,
- (b) how far the education provided in the school meets the needs of the range of pupils at the school,
- (c) the educational standards achieved in the school,
- (d) the quality of the leadership in and management of the school, including whether the financial resources made available to the school are managed effectively,
- [^{F9}(da) the development of the pupils at the school (except those over compulsory school age) by reference to the four purposes of a curriculum for those pupils,]
- (e) the spiritual, moral, social and cultural development of the pupils at the school, and
- (f) the contribution made by the school to the well-being of those pupils.
- [^{F10}(5A) The duty to report on the matters mentioned in subsection (5)(da) does not apply in the case of an inspection conducted at a community special school established in a hospital.
- (5B) In subsection (5)(da), “the four purposes of a curriculum” for the pupils mentioned in paragraph (da) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021.]
- (6) Subsection (1) has effect subject to section 32.
- (7) An inspection which is required under this section must not extend to—
- (a) denominational education,
- (b) education which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21), or
- (c) the content of collective worship which falls to be inspected under section 50.
- (8) Schedule 4 makes further provision with respect to inspections under this section.

Textual Amendments

- F1** Words in s. 28(2)(b) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 22\(2\)\(a\)](#); S.I. 2013/1800, art. 3(j)
- F2** S. 28(2)(d) omitted (1.9.2021) by virtue of [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\), regs. 1, 7\(2\)](#)
- F3** Words in s. 28(4)(a) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 22\(2\)\(b\)\(i\)](#); S.I. 2013/1800, art. 3(j)

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- F4** Word in s. 28(4)(a) inserted (W.) (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 9(1), **Sch. 1 para. 96** (with art. 7)
- F5** Words in s. 28(4)(b) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 22(2)(b)(ii)**; S.I. 2013/1800, art. 3(j)
- F6** Words in s. 28(4)(c) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 22(2)(b)(iii)**; S.I. 2013/1800, art. 3(j)
- F7** Words in s. 28(4)(c) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 22(2)(b)(iii)**; S.I. 2013/1800, art. 3(j)
- F8** S. 28(4)(d) omitted (1.9.2021) by virtue of The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) Regulations 2021 (S.I. 2021/861), regs. 1, **7(2)**
- F9** S. 28(5)(da) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 8(3)(a)**
- F10** S. 28(5A)(5B) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 8(3)(b)**

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Changes and effects yet to be applied to :

- s. 28(2)(d) substituted by [2008 c. 25 Sch. 1 para. 27](#)
- s. 28(7)(a) words substituted by [2022 asc 1 Sch. 4 para. 18\(4\)](#)