Education and Inspections Act 2006

CHAPTER 40

EDUCATION AND INSPECTIONS ACT 2006

PART 1

EDUCATION FUNCTIONS OF LOCAL AUTHORITIES

1 Duties in relation to high standards and the fulfilment of potential
2 Duties in relation to diversity and choice
3 Duty to consider parental representations
4 Duty to identify children not receiving education
5 School improvement partners
6 Functions in respect of youth work, recreation etc

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Establishment of new schools

6A Requirement to seek proposals for establishment of new Academies
7 Invitation for proposals for establishment of new schools
7A Withdrawal of notices under section 7
8 Proposals under section 7 relating to community or community special schools
9 Consultation and publicity in relation to notice and proposals under section 7
10 Publication of proposals with consent of Secretary of State
11 Publication of proposals to establish maintained schools: special cases
12 Establishment of school as federated school
13 Schools established outside area of relevant local authority
14 Local authority in England not to establish school in Wales
Discontinuance of schools
15 Proposals for discontinuance of schools maintained by local authority
16 Consultation in relation to proposals under section 15
17 Direction requiring discontinuance of community or foundation special school

Alterations to schools
18 Alterations that may be made under section 19
19 Publication of proposals for alteration of school
20 Restriction on power of governing body to publish foundation proposals
21 Proposals under section 19: procedure
22 Right of governing body to determine own foundation proposals
23 Rights of interested bodies in relation to proposals under section 21
24 Proposals under section 19: implementation

Removal of foundation or reduction in foundation governors
25 Proposals for removal of foundation or reduction in foundation governors
26 Proposals under section 25: procedure
27 Proposals under section 25: implementation

General
28 Restriction on establishment, alteration or discontinuance of schools
29 Abolition of school organisation committees
30 Amendments relating to school organisation
31 Transitional provisions
32 Interpretation of Part 2

PART 3
FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

Foundation, voluntary and foundation special schools
33 Requirements as to foundations
34 Parent councils for certain foundation or foundation special schools
35 Funding of voluntary aided schools: meaning of “capital expenditure”
36 Disposals and changes of use of land
37 Staff at foundation or voluntary schools with religious character

General duties of governing body
38 General duties of governing body of maintained school

School admissions
39 General restriction on selection by ability
40 Code for school admissions
41 Role of admission forums
42 Support for parental preferences
43 Duty of governing body to implement decisions relating to admissions
44 Prohibition on interviews
45 Admission arrangements for schools with religious character: 
consultation and objections
46 Restrictions on alteration of admission arrangements
47 Objections to admission arrangements
48 Looked after children to whom section 87(2) of SSFA 1998 applies
49 Procedure for giving directions under section 96 of SSFA 1998
50 Direction to admit looked after child to specified school
51 Directions to admit child to specified school: supplementary provisions
52 Power of Assembly to make regulations about looked after children
53 Schools with pre-1998 arrangements for selection by ability or aptitude
54 Pupil banding

Miscellaneous
55 Right of sixth-form pupils to be excused from attendance at religious 
worship
56 Charges for music tuition
57 School funding
58 Removal of requirement to issue code of practice as to relationships 
between local authorities and maintained schools in England etc

PART 4

SCHOOLS CAUSING CONCERN: ENGLAND

Introduction
59 Meaning of “maintained school” and “eligible for intervention”

Schools that are eligible for intervention
60 Performance standards and safety warning notice
60A Teachers' pay and conditions warning notice
60B Coasting schools
61 School requiring significant improvement
62 School requiring special measures

Intervention by local authority
63 Power of local authority to require governing body to enter into 
arrangements
64 Power of local authority etc. to appoint additional governors
65 Power of local authority to provide for governing body to consist of 
interim executive members
66 Power of local authority to suspend right to delegated budget

Intervention by Secretary of State
66A Power of Secretary of State to require governing body to enter into 
arrangements
67 Power of Secretary of State to appoint additional governors
68 Power of Secretary of State to direct closure of school
69 Power of Secretary of State to provide for governing body to consist of 
interim executive members
69A Power of Secretary of State to direct local authority to give performance 
standards and safety warning notice
69B  Power of Secretary of State to direct local authority to give teachers' pay and conditions warning notice

**Governing bodies consisting of interim executive members: further provisions**

70  Governing bodies consisting of interim executive members

**Interaction between different intervention powers etc**

70A  Duties for local authorities and Secretary of State to notify each other
70B  Restriction on use of local authority intervention powers
70C  Secretary of State's power to take over responsibility for interim executive members

**Amendments relating to schools causing concern**

71  Amendments relating to schools causing concern

**Supplementary**

72  Duty of local authority to have regard to guidance
73  Interpretation of Part 4

### PART 5

**CURRICULUM AND ENTITLEMENTS**

74  Curriculum requirements for the fourth key stage
75  Education and training to satisfy entitlements

### PART 6

**SCHOOL TRAVEL AND SCHOOL FOOD**

**Travel to schools etc**

76  Local authorities in England: duty to promote sustainable modes of travel etc
77  Local authorities in England: provision of travel arrangements etc for children
78  Local authorities in England: school travel schemes
79  Piloting of school travel scheme provisions
80  Power to repeal school travel scheme provisions etc
81  Local authorities in England: provision of transport etc for certain adult learners
82  Amendments of section 444 of EA 1996 in relation to school travel
83  Learning and Skills Council for England: transport etc for persons of sixth form age
84  Local authorities in England: duty to have regard to religion or belief in exercise of travel functions
85  Further amendments relating to travel to schools etc

**Food and drink provided on school premises etc**

86  Provision of food and drink on school premises etc
87  Power to charge for provision of meals etc
PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1

SCHOOL DISCIPLINE

Certain schools required to have behaviour policy

88 Responsibility of governing body for discipline
89 Determination by head teacher of behaviour policy

Enforcement of discipline (including compliance with instructions)

90 Meaning of “disciplinary penalty”
91 Enforcement of disciplinary penalties: general
92 Enforcement of disciplinary penalties: detention outside school sessions

Use of reasonable force

93 Power of members of staff to use force

Confiscation from pupils

94 Defence where confiscation lawful

Interpretation of Chapter 1

95 Interpretation of Chapter 1

Repeals

96 Repeals consequential on provisions of Chapter 1

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Parenting contracts and parenting orders

97 Parenting contracts
98 Parenting orders in case of exclusion or misbehaviour
99 Parenting contracts and parenting orders: further provisions

Excluded pupils

100 Duty of governing body or proprietor where pupil excluded for fixed period
101 Duty of local authority in relation to excluded pupils
102 Reintegration interviews
103 Duty of parent in relation to excluded pupil
104 Notice to parent relating to excluded pupil
105 Penalty notice in respect of presence of excluded pupil in public place
106 Penalty notices: supplemental
107 Penalty notices: amendments of Police Reform Act 2002
108 Removal of excluded pupils to designated premises
School attendance

109 Failure to secure school attendance
110 Sums received under section 444A of EA 1996

Interpretation of Chapter 2

111 Meaning of “maintained school” and “relevant school” in Chapter 2

PART 8
INSPECTIONS

CHAPTER 1

THE OFFICE AND THE CHIEF INSPECTOR

The Office

112 The Office for Standards in Education, Children’s Services and Skills

The Chief Inspector and other inspectors

113 Her Majesty's Chief Inspector of Education, Children's Services and Skills
114 Her Majesty's Inspectors of Education, Children's Services and Skills
115 Further provision about Chief Inspector and other inspectors etc.

Functions: the Office

116 Functions of the Office
117 Performance of Office's functions

Functions: the Chief Inspector

118 Functions of the Chief Inspector
119 Performance of Chief Inspector's functions

The Children's Rights Director

120 Children’s Rights Director

Annual reports etc.

121 Annual and other reports to Secretary of State

CHAPTER 2

GENERAL TRANSFER OF FUNCTIONS

122 General transfer of functions to the Chief Inspector

CHAPTER 3

INSPECTION OF FURTHER EDUCATION AND TRAINING ETC.
Education and training to which this Chapter applies

Education and training to which this Chapter applies

Inspection

Inspection of education and training to which this Chapter applies
Inspection of further education institutions
Other inspections
Action plans
Area inspections
Reports of area inspections
Action plans following area inspections

Powers of entry etc.

Power of entry
Power to inspect documents, etc.

Other provisions

Framework for inspections
Abolition of Adult Learning Inspectorate

CHAPTER 4

INSPECTION AND REVIEW OF LOCAL AUTHORITIES IN ENGLAND

Functions to which this Chapter applies and related activities

Inspections and annual reviews

Inspection of local authorities in England
Reports of inspections under section 136
Annual reviews of local authorities in England

Powers of entry etc.

Power of entry
Power to inspect documents, etc.

Supplementary

Power to require information etc.
Interpretation etc.

CHAPTER 5

INSPECTION OF CAFCASS FUNCTIONS

Inspection of CAFCASS functions
Power of entry
Power to inspect documents, etc.
CHAPTER 6

FURTHER PROVISIONS RELATING TO FUNCTIONS OF CHIEF INSPECTOR

Functions

146 Inspection of secure training centres and secure colleges
147 Inspection of premises in connection with adoption and fostering functions
148 Transfer of certain CSCI functions to the Chief Inspector
149 Interaction with other authorities

General provisions

150 Evidence of authority
151 Publication of inspection reports
152 Combined reports
153 Use of information

CHAPTER 7

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

154 Duty to report on contribution of certain schools to community cohesion
155 Payment of annual fee to the Chief Inspector by local authorities
156 Removal of HMICA's duty to inspect performance of Assembly's functions relating to family proceedings

Supplementary

157 Minor and consequential amendments
158 Transitional provisions and savings
159 Interpretation of Part 8

PART 9

MISCELLANEOUS

Investigation of complaints by Chief Inspector

160 Power of Chief Inspector to investigate complaints by parents about schools

Powers to facilitate innovation

161 Powers to facilitate innovation

References to “local education authority” or “children's services authority”

162 Power to repeal references to “local education authority” and “children's services authority” etc

 Provision of advice by adjudicator

163 Provision of advice by adjudicator
SCHEDULES

SCHEDULE 1 — Amendments related to section 6

... 

1 . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Education Act 1996 (c. 56)

2 EA 1996 is amended as follows.
3 In section 312 (meaning of “special educational needs”), in subsection...
4 In section 508 (functions in respect of facilities for recreation... 
5 In section 510 (provision of clothing), in subsection (4)(c), for...
6 In section 547 (nuisance or disturbance on school premises), in...

SCHEDULE 2 — Proposals for establishment or discontinuance of schools in England

Part 1 — INTRODUCTORY

Application of Schedule

1 (1) This Schedule applies to proposals published under section 7,...

“The relevant authority”

2 In this Schedule “the relevant authority” means—

“Proposers”

3 In this Schedule “proposers”, in relation to any proposals, means...

“Academy proposals” and “non-Academy proposals”

3A In this Schedule— (a) “ Academy proposals ” means proposals...

References to persons by whom proposals are made

4 For the purposes of this Schedule— (a) proposals under section...

Objections and comments

5 Regulations may make provision— (a) for the making of objections...

Part 2 — CONSIDERATION OF PROPOSALS...

Consideration of proposals

5A (1) Academy proposals do not require consideration under paragraph 8...
6 All proposals under section 7, 10 or 11 require consideration...
7 (1) Proposals under section 15 require consideration under paragraph 8...
7A (1) This paragraph applies where proposals under section 7 consist...
8  (1) Proposals which require consideration under this paragraph, other than...

  Consideration of proposals that are related to other proposals

9  (1) The requirement to consider proposals under paragraph 8 only...

Duty to refer to adjudicator certain proposals made by or involving relevant authority

10 (1) The relevant authority must refer to the adjudicator, within...

  Duty to refer proposals to adjudicator in prescribed cases

11 Regulations may make provision requiring the relevant authority in prescribed...

Duty to refer proposals to adjudicator in pursuance of direction by Secretary of State

12 (1) The Secretary of State may at any time give...

  Duty to refer proposals to adjudicator where determination delayed

13 If by the end of such period as may be...

  Reference to adjudicator at request of aggrieved person after determination under paragraph 8(4)

14 (1) The relevant authority must if so requested within a...

  Duty to refer related proposals

15 Where the relevant authority are required under any of paragraphs...

  Withdrawal of proposals before determination

16 (1) Nothing in paragraph 8(1) to (4) prevents the proposers...

  Effect of referring proposals to adjudicator

17 (1) Where any proposals are referred to the adjudicator under...

...
Requirement to implement proposals

21 (1) Where— (a) any proposals have been approved under paragraph...

Proposals not falling to be implemented

22 (1) Where, by virtue of paragraph 21(3), paragraph 21(1) ceases...

Proposals relating to community schools, community special schools or maintained nursery schools

23 (1) This paragraph applies to proposals which fall to be...

Proposals relating to foundation or voluntary controlled schools

24 (1) This paragraph applies to proposals which fall to be...

Proposals relating to voluntary aided school

25 (1) This paragraph applies to proposals which fall to be...

Proposals relating to foundation special schools

26 (1) This paragraph applies to proposals which fall to be...

Proposals relating to Academy

27 Where proposals published under section 7 to establish an Academy...

Part 4 — PROVISION OF PREMISES AND OTHER ASSISTANCE IN CONNECTION WITH ESTABLISHMENT OF NEW SCHOOL

Provision of site and buildings for proposed foundation, voluntary controlled or foundation special school

28 (1) This paragraph applies where a local education authority are...

Grants in respect of certain expenditure relating to proposed voluntary aided school

29 (1) This paragraph applies where any proposers are required by...

Assistance for proposers of proposed voluntary aided school

30 A local education authority may give to persons required by...

Duty to transfer interest in premises provided under paragraph 30

31 (1) Where assistance under paragraph 30 consists of the provision...

SCHEDULE 3 — Amendments relating to school organisation

Local Government Act 1972 (c. 70)

1 In section 177 of the Local Government Act 1972 (provisions...

Local Government Act 1974 (c. 7)

2 In section 25 of the Local Government Act 1974 (authorities...
... 

Diocesan Boards of Education Measure 1991 (No. 2) 
(1) Section 3 of the Diocesan Boards of Education Measure...

Further and Higher Education Act 1992 (c. 13) 
(1) Section 58 of the Further and Higher Education Act...

Education Act 1996 (c. 56) 
(1) Section 5 of EA 1996 (primary schools, secondary schools...
(1) Section 7 of EA 1996 (determination of cases in...
(1) Section 529 of EA 1996 (power to accept gifts...
(1) Section 530 of EA 1996 (compulsory purchase of land)...
(1) In Schedule 35A to EA 1996 (Academies: land) paragraph...

School Standards and Framework Act 1998 (c. 31) 
(1) Section 20 of SSFA 1998 (new categories of maintained...
(1) In section 21 of SSFA 1998 (kinds of foundation and...
(1) In section 22 of SSFA 1998 (maintenance and other funding...
(1) In section 25 of SSFA 1998 (adjudicators), in subsection (2),...
(1) Omit section 27 of SSFA 1998 (power to require committees...
(1) Omit section 28A of SSFA 1998 (proposals for establishment of...
(1) In section 30 of SSFA 1998 (notice by governing body...

Learning and Skills Act 2000 (c. 21) 
(1) Section 79 of SSFA 1998 (stamp duty) is amended...
(1) In section 82 of SSFA 1998 (modification of trust deeds)...
(1) Section 109 of SSFA 1998 (proposals by governing body...
(1) Section 143 of SSFA 1998 (index)—
(1) Schedule 3 to SSFA 1998 (funding of foundation, voluntary...
(1) In Schedule 5 to SSFA 1998 (adjudicators), in paragraph 5(1)...

Learning and Skills Act 2000 (c. 21) 
In section 113 of the Learning and Skills Act 2000...
In section 113A of the Learning and Skills Act 2000...
Schedule 7 to the Learning and Skills Act 2000 (sixth...
(1) Paragraph 32 is amended as follows. In paragraph 33(b), for “school organisation committee” substitute “local...”
(1) Paragraph 34, for “school organisation committee” substitute “local...
(1) Paragraph 35 is amended as follows. In paragraph 36, in sub-paragraphs (2) and (3), for “school...
For paragraph 37 substitute— (1) The local education authority— (a) may, if they think...
In Schedule 7A to the Learning and Skills Act 2000,...

Education Act 2002 (c. 32)
(1) Section 129 of EA 2002 (transfer of employment) is...
In Schedule 1 to EA 2002 (incorporation and powers of...

Education Act 2005 (c. 18)
Omit sections 64 to 67 of EA 2005 (which relate...
(1) Section 68 of EA 2005 (proposals for establishment of...
In section 69 of EA 2005 (local authority not...
Omit section 73 of EA 2005 (interpretation of Part 2),....
Omit Schedules 10 and 11 to EA 2005 (which relate...

SCHEDULE 4 — Disposals and changes of use of land
Part 1 — AMENDMENTS TO SCHEDULE 22 TO SSFA 1998
Schedule 22 to SSFA 1998 (disposal of land by foundation,...
Before Part 1 of the Schedule insert— Part A1 Foundation,...
In the heading to Part 1 of the Schedule after...
(1) Paragraph 1 is amended as follows.
(1) Paragraph 2 is amended as follows.
(1) Paragraph 2A is amended as follows.
(1) Paragraph 3 is amended as follows.
(1) Paragraph 4 is amended as follows.
(1) Paragraph 5 is amended as follows.
(1) Paragraph 6 is amended as follows.
In paragraph 7, in sub-paragraphs (2)(ii), (3)(c) and (6), for...
In paragraph 8(2)— (a) for “Secretary of State” substitute “...
After paragraph 8 insert— Part 2A Maintained school: transfer of...
In paragraph 9(1)— (a) after “paragraph” insert “A5, A11,...
(1) Paragraph 10 is amended as follows.
(1) Paragraph 11 is amended as follows.
After paragraph 11 insert— (1) For the purposes of paragraph 11(1)(a), “proper accounting practices”,...
Part 2 — AMENDMENTS TO SECTION 77 OF SSFA 1998
(1) Section 77 of SSFA 1998 (control of disposals or...
Part 3 — CONSEQUENTIAL AMENDMENTS
In section 75(2) of SSFA 1998 (transfer of land by...
In section 79(1)(b) of SSFA 1998 (stamp duty exemption for...
In section 138 of SSFA 1998 (orders and regulations), in...
In Schedule 3 to SSFA 1998 (funding of foundation, voluntary...
In Schedule 32 to SSFA 1998 (transitional provisions and savings),...

SCHEDULE 5 — Funding of maintained schools
In section 17(6) of SSFA 1998 (power of local authority...}
2 (1) Section 47A of SSFA 1998 (schools forums) is amended...
3 (1) Section 48 of SSFA 1998 (local education authorities' financial...
4 In section 49 of SSFA 1998 (maintained schools to have...
5 (1) Schedule 14 to SSFA 1998 (approval, imposition and revision...
6 In Schedule 15 to SSFA 1998 (suspension of financial delegation),...

SCHEDULE 6 — Governing bodies consisting of interim executive members

Interpretation of Schedule

1 (1) In this Schedule— “the appropriate authority” means— where this...

Governing body to consist of members appointed by appropriate authority

2 (1) The governing body of the school shall consist of...

Effect of notice under section 65(1) or 69(1)

3 (1) On the date specified in the notice under section...

Interim executive members

4 (1) The number of interim executive members must not be...
5 (1) Every appointment of an interim executive member must be...
5A Where the appropriate authority is a local authority the Secretary...

Duty of appropriate authority to inform other persons

6 (1) The appropriate authority must give a copy of the...

Power to specify duration of interim period

7 The appropriate authority may in the notice under section 65(1)...  

Chairman

8 The appropriate authority may nominate one of the interim executive...

Remuneration and allowances

9 The appropriate authority may pay to any interim executive member...

Duty of interim executive board

10 (1) During the interim period, the interim executive board shall...

Proceedings of interim executive board

11 (1) The interim executive board may determine their own procedure....

Effect on suspension of delegated budget

12 (1) If, immediately before the date specified in the notice...

Exclusion of certain statutory provisions

13 (1) Regulations made by virtue of subsection (2) or (3)...  
14 During the interim period— (a) the local education authority may...
Closure of school

15 (1) At any time during the interim period, the interim...

16 (1) Where during the interim period— (a) the Secretary of...

Notice of resumption of government by normally constituted governing body

17 (1) Where— (a) the notice under section 65(1) or 69(1)...

Time when interim executive members cease to hold office

18 (1) The interim executive members vacate office—

Establishment of normally constituted governing body

19 (1) Where interim executive members are to vacate office on...

SCHEDULE 7 — Amendments relating to schools causing concern

Part 1 — PRINCIPAL AMENDMENTS

Statement to be prepared by local authority following adverse report on maintained school

1 (1) Section 15 of EA 2005 (measures to be taken...

Statement to be prepared by proprietor following adverse report on non-maintained school

2 (1) Section 17 of EA 2005 (statement to be prepared...

School Standards and Framework Act 1998 (c. 31)

3 In the heading to Chapter 4 of Part 1 of...

4 (1) Section 14 of SSFA 1998 (powers of intervention exercisable...

5 (1) Section 15 of SSFA 1998 (cases where local authority...

6 (1) Section 16 of SSFA 1998 (power of local authority...

7 (1) Section 16A of SSFA 1998 (power of local authority...

8 (1) Section 17 of SSFA 1998 (power of local authority...

9 In the italic heading immediately preceding section 18 of SSFA...

10 (1) Section 18 of SSFA 1998 (power of Secretary of...

11 In section 18A of SSFA 1998 (power of Secretary of...

12 (1) Section 19 of SSFA 1998 (power of Secretary of...

13 In section 19A of SSFA 1998 (governing bodies consisting of...

14 (1) Section 62 of SSFA 1998 ( local authority ’s...

15 In section 142 of SSFA 1998 (interpretation), in subsection (4)—...

16 In section 143 of SSFA 1998 (index) in the entry...

17 In Schedule 1A to SSFA 1998, for “Secretary of State”...

Learning and Skills Act 2000 (c. 21)

18 .............

Education Act 2002 (c. 32)

19 In section 25 of EA 2002 (federations: supplementary provisions), in...

20 After section 62 of EA 2002 insert— Power to require...

21 .............

22 (1) Section 64 (provisions supplementary to section 63) is amended...
Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 22 April 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Education Act 2005 (c. 18)

23 In section 5 of EA 2005 (duty to inspect schools...
24 In section 18 of EA 2005 (interpretation of Chapter 2...

SCHEDULE 8 — Travel to schools etc: meaning of “eligible child”
After Schedule 35A to EA 1996 insert— SCHEDULE 35B Meaning...

SCHEDULE 9 — School travel schemes
After Schedule 35B to EA 1996 (inserted by section 77...

SCHEDULE 10 — Further amendments relating to travel to schools etc

Public Passenger Vehicles Act 1981 (c. 14)
1 In section 46 of the Public Passenger Vehicles Act 1981...

Transport Act 1985 (c. 67)
2 (1) Section 6 of the Transport Act 1985 (registration of...

Education Act 1996 (c. 56)
3 In section 455(1) of EA 1996 (permitted charges), in paragraph...
4 (1) Section 509 of EA 1996 (provision of transport etc...
5 In section 509AB of EA 1996 (further provision about transport...

SCHEDULE 11 — The Office for Standards in Education, Children's Services and Skills

Membership
1 The Office is to consist of— (a) a chairman appointed...

Terms of appointment
2 (1) The chairman and the appointed members hold and vacate...
3 A person appointed as chairman or appointed member—
4 The previous appointment of a person as chairman or appointed...

Remuneration of members
5 (1) The Office must pay to the chairman and each...

Staff
6 (1) The Office has power to appoint staff—

Committees
7 (1) The Office may establish committees, and any committee so...

Procedure etc.
8 (1) The Office may make such provision as it thinks...
Performance of functions

9 Anything authorised or required to be done by the Office...

Execution of documents

10 The application of the seal of the Office must be...

Evidence

11 The Documentary Evidence Act 1868 (c. 37) shall have effect...

Supplementary powers

12 (1) The Office has power— (a) to enter into contracts,...
13 (1) The Office may do anything that it considers is...

SCHEDULE 12 — The Chief Inspector and other inspectors etc.
Part 1 — The Chief Inspector

Remuneration, pensions etc. of Chief Inspector

1 (1) The Office is to pay the Chief Inspector such...

Temporary appointment of Chief Inspector; performance of functions during vacancy or incapacity etc.

2 (1) If there is a vacancy in the office of...
3 (1) The Chief Inspector may designate an HMI to perform...

Execution of documents

4 The application of the Chief Inspector’s seal must be authenticated...

Evidence

5 The Documentary Evidence Act 1868 (c. 37) shall have effect...

Ancillary powers

6 The Chief Inspector may do anything that he considers necessary...

Nature of functions conferred on Chief Inspector

7 (1) Functions conferred on the Chief Inspector by virtue of...

Relationship between Chief Inspector and the Office

8 (1) For all purposes relating to the government department constituted...
Part 2 — Inspectors etc. acting on behalf of Chief Inspector

Delegation of functions

9 (1) Anything authorised or required by or under any enactment...

Inspectors etc. to have necessary qualifications, experience and skills

10 (1) This paragraph applies where— (a) an HMI,
Additional inspectors

11 (1) The Chief Inspector may enter into arrangements with such...

11A Inspection administrators

Provisions relating to additional inspectors provided by inspection service providers

12 (1) This paragraph applies to arrangements made with inspection service...

SCHEDULE 13 — Interaction with other authorities

Inspection authorities and inspection functions

1 (1) In this Schedule references to inspection authorities are to...

Public authorities

2 (1) In this Schedule “public authority”— (a) includes any person...

Delegation of inspection functions to public authorities

3 (1) The Chief Inspector may delegate any of his inspection...

Inspection programmes and inspection frameworks

4 (1) The Chief Inspector must from time to time, or...

Inspections by other inspectors of institutions within Chief Inspector’s remit

5 (1) If— (a) an inspection authority is proposing to carry...

Co-operation

6 The Chief Inspector must co-operate with— (a) the inspection authorities, ...

Joint action

7 The Chief Inspector may act jointly with another public authority...

Advice or assistance for other public authorities

8 (1) The Chief Inspector may, if he thinks it appropriate...

Inspections carried out under arrangements

9 (1) The Chief Inspector may make arrangements with a public...

Charges

10 The Chief Inspector may, with the consent of the Secretary...

SCHEDULE 14 — Minor and consequential amendments relating to Part 8

Public Records Act 1958 (c. 51)

1 In Part 2 of the Table in paragraph 3 of...
Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of...

Employment and Training Act 1973 (c. 50)

4 In section 10B(1) of the Employment and Training Act 1973...

House of Commons Disqualification Act 1975 (c. 24)

5 (1) Schedule 1 to the House of Commons Disqualification Act...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

Race Relations Act 1976 (c. 74)

7 In Part 2 of Schedule 1A to the Race Relations...

Education Reform Act 1988 (c. 40)

8 In section 226(2)(b) (services for schools in other member States...

Children Act 1989 (c. 41)

9 The Children Act 1989 has effect subject to the following...
10 Omit section 26ZA (representations: further consideration).
11 In section 26A(2A) (advocacy services) omit “26ZA or”.
12 In section 65(6)(a) (persons disqualified from carrying on, or being...
13 In section 79B(1) (other definitions etc.) for “Her Majesty's Chief...
14 In section 79N (general functions of Chief Inspector) omit subsections...
15 In section 79R (reports of inspections) omit subsection (4).
16 (1) Section 87 (welfare of children in boarding schools and...
17 In Schedule 2 (local authority support for children and families)...

Further and Higher Education Act 1992 (c. 13)

18 In section 57(3) of the Further and Higher Education Act...

Education Act 1994 (c. 30)

19 (1) Section 18B (inspection of teacher training) is amended as...

Education Act 1997 (c. 44)

20 The Education Act 1997 has effect subject to the following...
21 In section 26(2) (supplementary provisions relating to discharge by Authority...
22 (1) Section 38 (inspection of local authorities) is amended as...
23 In section 39(4) (reports of inspections under s. 38 etc.)—....
24 Omit section 41 (inspections involving collaboration of Audit Commission).
25 In Schedule 4 (the Qualifications and Curriculum Authority), in paragraph...

Audit Commission Act 1998 (c. 18)

26 The Audit Commission Act 1998 has effect subject to the...
27 In section 33(6) (consultation before studies for improving economy etc.)...
28 In section 34(6) (consultation before studies as to impact of...
29 (1) Section 37 (assistance to CHAI and CSCI) is...
30 In section 49(1) (restriction on disclosure of information) after paragraph...
31 In Schedule 1 (the Audit Commission) omit paragraph 8(2)(e).

Data Protection Act 1998 (c. 29)

32 In section 31(6) of the Data Protection Act 1998 (personal...

School Standards and Framework Act 1998 (c. 31)

33 SSFA 1998 has effect subject to the following amendments.
34 In section 139(2)(b) (payments into Consolidated Fund) omit “Her Majesty's...
35 (1) Schedule 26 (inspection of nursery education) is amended as...

Protection of Children Act 1999 (c. 14)

36 In section 2A(2) of the Protection of Children Act 1999...

Local Government Act 1999 (c. 27)

37 In section 25(2) of the Local Government Act 1999 (coordination...

Care Standards Act 2000 (c. 14)

38 The Care Standards Act 2000 has effect subject to the...
39 In section 5(1) (registration authorities) for paragraph (a)(ii) substitute...
40 (1) Section 8 (general functions of the Assembly) is amended...
41 In section 10(6) (inquiries relating to exercise of functions by...
42 In section 11(4) (keeping of registers) for “or the CSCI”...
43 In section 12(2) (applications for registration) for “or the CSCI”...
44 In section 15(3)(a) (fees for applications by registered persons) for...
45 In section 16(3)(a) (annual fee payable by persons registered under...
46 In section 22(7)(i)(l) (fees in respect of notifications) for “or...
47 In section 29(1)(a) (proceedings for offences) for “or the CSCI”...
48 In section 31(7) (requirement to arrange for inspection of premises)...
49 In section 36A (voluntary adoption agencies: distribution of functions) for...
50 In section 42(5) (power to extend application of Part 2)...
51 Omit section 45(4) (inspection of premises used in discharge of...
52 In section 55(3)(e) (persons who may be treated as social...
53 (1) Section 113A (fees payable under Part 2) is amended...
54 In section 121(13) (interpretation), at the appropriate place in the...
Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 22 April 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Learning and Skills Act 2000 (c. 21)**

55  The Learning and Skills Act 2000 has effect subject to...
56  Omit sections 52 to 72 (inspections in England).
57  (1) Section 82 (inspections of education and training provided under...
58  Omit— (a) section 90 (preliminary transfers: FEFC for England), and...
59  In section 94(2) (stamp duty) for “section 90 or 92”...
60  In section 95(1)(b) (contracts of employment) for “section 90 or...
61  In section 113A(1)(a) (restructuring of sixth-form education) for “section 65”...
62  In section 118(1) (inspection)— (a) for “Her Majesty's Chief Inspector...
63  In section 150(4)(a) (Wales) omit “90.”.
64  Omit section 151(2) (transitional provisions).
65  Omit Schedule 6 (the Adult Learning Inspectorate).
66  (1) Schedule 7 (sixth forms requiring significant improvement) is amended...
67  Omit Part 3 of Schedule 10 (transitional provisions).


68  In Part 2 of Schedule 1 (relevant authorities for purposes...

**Freedom of Information Act 2000 (c. 36)**

69  (1) Schedule 1 to the Freedom of Information Act 2000...

**Education Act 2002 (c. 32)**

70  EA 2002 has effect subject to the following amendments.
71  In section 1(3) (purpose and interpretation of Chapter 1) for...
72  In section 151 (childcare functions of HM Chief Inspector and...
73  (1) Section 162A (power to inspect registered schools in England)...n
74  In section 162B (inspections under section 162A: supplementary) omit subsection...
75  In section 171 (interpretation of Chapter 1), in the definition...

**Adoption and Children Act 2002 (c. 38)**

76  In section 99 of the Adoption and Children Act 2002...

**Courts Act 2003 (c. 39)**

77  The Courts Act 2003 has effect subject to the following...
78  In section 58 (inspectors of court administration etc. ) omit...
79  (1) Section 59 (functions of inspectors) is amended as follows....
80  In section 60 (functions of Chief Inspector) for subsection (4)...n
81  In section 61 (rights of entry and inspection) for subsections...

**Health and Social Care (Community Health and Standards) Act 2003 (c. 43)**

82  The Health and Social Care (Community Health and Standards) Act...
83  In section 76(2) (matters to which the CSCI is to...
84  Omit section 77(3) (advice as to standards prepared and published...
85  (1) Section 79 (annual reviews) is amended as follows.
86  Omit section 80(5) (duty to take into account standards prepared...
87  In section 81(2) (duties of the CSCI on awarding lowest...
For section 96 substitute— Additional functions (1) The Assembly shall have such additional functions in relation...

Omit section 110 (transfer to the CSCI of functions under...

Omit section 112 (inspection of secure training centres by the...

(1) Section 120 (co-operation etc.) is amended as follows.

In section 133(1)(a) (failure in discharge of functions: CSCI) omit...

(1) Section 148 (interpretation of Part 2) is amended as...

In Schedule 7 (CSCI: supplementary) omit paragraph 5(2).

The Children Act 2004 has effect subject to the following...

(1) Section 20 (joint area reviews) is amended as follows....

In section 23 (sections 20 to 22: interpretation) for subsection...

EA 2005 has effect subject to the following amendments.

For section 8 substitute— Other inspections (1) If requested to do so by the Secretary of...

In section 9 (power of Chief Inspector to treat other...

In section 11 (publication of inspection reports) omit subsections (2)...

In section 12 (interpretation of Chapter 1) for “Her Majesty's...

In section 18 (interpretation of Chapter 2) for “Her Majesty's...

(1) Section 59 (combined reports) is amended as follows.

In section 100(1) (interpretation of Part 3) in the definition...

Omit Schedule 1 (provisions relating to HM Chief Inspector of...

The Childcare Act 2006 has effect subject to the following...

Omit section 14 (inspection).

Omit section 31 (general functions of Chief Inspector).

In section 50 (report of inspections) omit subsection (4).

In section 61 (report of inspections) omit subsection (4).

(1) Section 77 (powers of entry) is amended as follows....

(1) Section 79 (power of constable to assist in exercise...

Omit section 80 (combined reports).

Omit section 81 (information to be included in annual reports)....

In section 98(1) (interpretation of Part 3), in the definition...

SCHEDULE 15 — Transitional provisions and savings relating to Part 8

Staff transfer schemes

(1) The Secretary of State may make a scheme (a...
Schemes: supplementary
5 A staff transfer scheme, a property transfer scheme or a...

Saving for previous transfer schemes
6 Paragraphs 58 and 60 of Schedule 14 to this Act...

Preparation for performance of functions by the new Chief Inspector
7 (1) The Secretary of State may by regulations confer on...

First annual report of the new Chief Inspector
8 (1) The first annual report made by the new Chief...

Interpretation
9 In this Schedule— “the ALI” means the Adult Learning Inspectorate;...

SCHEDULE 16 — Powers to facilitate innovation
Part 1 — AMENDMENTS OF CHAPTER 1 OF PART 1 OF EA 2002
1 (1) Section 1 of EA 2002 (purpose and interpretation of...
2 (1) Section 2 of EA 2002 (power to suspend statutory...
3 (1) Section 4 of EA 2002 (applications for orders under...

Part 2 — CONSEQUENTIAL AMENDMENT
4 In section 24 of the Anti-social Behaviour Act 2003 (c....

SCHEDULE 17 — Miscellaneous amendments relating to Wales
Schools in Wales causing concern: warning notice by local education authority
1 (1) Section 15 of SSFA 1998 (cases where local education...

Local authority's reserve power to prevent breakdown of discipline
2 In section 62 of SSFA 1998 (local authority's...

Orders and regulations made by Assembly under SSFA 1998
3 (1) Section 138 of SSFA 1998 (orders and regulations) is...

Meaning of “the Assembly” in SSFA 1998
4 In section 142(1) of SSFA 1998 (general interpretation), before the...
5 In section 143 of SSFA 1998 (index), after the entry...

Power of Assembly to require local authority to obtain advisory services
6 In section 63 of EA 2002 (power to require local...

SCHEDULE 18 — Repeals
Part 1 — REPEALS COMING INTO FORCE ON ROYAL ASSENT
Part 2 — REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 188(2)
Part 3 — SCHOOL ORGANISATION
Part 4 — SCHOOLS CAUSING CONCERN
Part 5 — INSPECTIONS
Part 6 — OTHER REPEALS
## Changes to legislation:

Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 22 April 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

### Changes and effects yet to be applied to:

- s. 88(1) words inserted by 2015 c. 20 Sch. 16 para. 1(3)
- s. 88(2) words inserted by 2015 c. 20 Sch. 16 para. 1(4)
- s. 88(4)(a) and word omitted by 2015 c. 20 Sch. 16 para. 1(5)(a)
- s. 88(4)(b) words omitted by 2015 c. 20 Sch. 16 para. 1(5)(b)
- s. 88(5) word substituted by 2008 c. 25 Sch. 1 para. 39(a)
- s. 88(5) word substituted by 2008 c. 25 Sch. 1 para. 39(b)
- s. 89(2) omitted by 2015 c. 20 Sch. 16 para. 1(6)(a)
- s. 89(3) words omitted by 2015 c. 20 Sch. 16 para. 1(6)(b)
- s. 162(5A)(b) words inserted by 2010 nawm 1 Sch. 1 para. 20(b)
- s. 167 repealed by 2010 nawm 1 Sch. 2
- s. 173 omitted by 2018 anaw 2 Sch. 1 para. 6(j)(i)
- s. 174 omitted by 2018 anaw 2 Sch. 1 para. 6(j)(ii)
- Sch. 2 para. 19 coming into force by S.I. 2007/935 art. 7(n) (Amendment not applied to legislation.gov.uk. The words ", 19" in art. 7(n) omitted (19.4.2007) by virtue of S.I. 2007/1271, art. 4. Sch. 2 para. 19 already brought wholly into force on 1.4.2007 by S.I. 2007/935, art. 5(aa.).)
- Sch. 14 para. 62 repealed by 2008 c. 25 Sch. 2
- Sch. 14 para. 73(3) repealed by 2008 c. 25 Sch. 2
- Sch. 14 para. 75 repealed by 2008 c. 25 Sch. 2
- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by S.I. 2008/54 art. 2
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by S.I. 2007/1271 art. 4
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by S.I. 2007/1271 art. 5

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by 2010 c. 26 s. 7
- s. 88(A1) inserted by 2015 c. 20 Sch. 16 para. 1(2)
- s. 93A inserted by 2009 c. 22 s. 246
- s. 93A(7) words inserted by S.I. 2016/413 reg. 235 (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by 2010 nawm 1 Sch. 1 para. 20(a)