Education and Inspections Act 2006

2006 CHAPTER 40

PART 8 E+W

INSPECTIONS

CHAPTER 1 E+W

THE OFFICE AND THE CHIEF INSPECTOR

The Office

112 The Office for Standards in Education, Children's Services and Skills E+W

(1) There is to be a body corporate known as the Office for Standards in Education, Children's Services and Skills.

(2) In this Part that body is referred to as “the Office”.

(3) The Office is to perform its functions on behalf of the Crown.

(4) Schedule 11 makes further provision about the Office.

Commencement Information

I1 S. 112(1)-(3) in force at 12.12.2006 by S.I. 2006/2990, **art. 2(b)**

I2 S. 112(4) in force at 12.12.2006 for specified purposes by S.I. 2006/2990, **art. 2(c)**

I3 S. 112(4) in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, **art. 5(r)**

Changes to legislation: *Education and Inspections Act 2006, Chapter 1 is up to date with all changes known to be in force on or before 23 June 2024. 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*

The Chief Inspector and other inspectors

113 Her Majesty's Chief Inspector of Education, Children's Services and Skills E+W

(1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Education, Children's Services and Skills.

(2) In this Part the holder of that office is referred to as "the Chief Inspector".

(3) The Chief Inspector is to be a member of the Office (see paragraph 1 of Schedule 11).

(4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment.

(5) Those terms are to be determined by the Secretary of State.

(6) But the Chief Inspector—

(a) must not be appointed for a term of more than five years,

(b) may at any time resign by giving written notice to the Secretary of State, and

(c) may be removed from office by Her Majesty on the grounds that he is unable or unfit to carry out the duties of his office.

(7) The previous appointment of a person as Chief Inspector does not affect his eligibility for appointment.

(8) The office of Her Majesty's Chief Inspector of Schools in England is abolished.

(9) But any person holding that office immediately before the appointed day is to become, as from that day, Her Majesty's Chief Inspector of Education, Children's Services and Skills.

(10) As from the appointed day—

(a) the Order in Council by which such a person was appointed has effect as if it were an Order in Council under subsection (1) appointing him as Chief Inspector, and

(b) the terms of his appointment have effect as if determined under subsection (5).

(11) In this section "the appointed day" means the day appointed under section 188 for the coming into force of this section.

Commencement Information

I4 S. 113 partly in force; s. 113 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)

I5 S. 113 in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, **art. 5(s)**

114 Her Majesty's Inspectors of Education, Children's Services and Skills E+W

(1) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Education, Children's Services and Skills.

(2) In this Part a person so appointed is referred to as an "HMI".

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(3) An HMI is to serve, in accordance with the terms of his appointment, as a member of the staff of the Office.

(4) Those terms are to be determined by the Chief Inspector.

(5) A person's appointment as HMI ends when he ceases to serve as a member of the staff of the Office.

(6) Any person who—

(a) is one of Her Majesty's Inspectors of Schools in England immediately before the appointed day, and

(b) is then serving as member of the staff of Her Majesty's Chief Inspector of Schools in England or of the Adult Learning Inspectorate,

is to become, as from that day, one of Her Majesty's Inspectors of Education, Children's Services and Skills.

(7) As from the appointed day—

(a) the Order in Council by which such a person was appointed has effect as if it were an Order in Council under subsection (1) appointing him as an HMI, and

(b) the terms of his appointment have effect as if determined under subsection (4).

(8) In this section "the appointed day" means the day appointed under section 188 for the coming into force of this section.

Commencement Information

I6 S. 114 partly in force; s. 114 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)

I7 S. 114 in force at 1.4.2007 in so far as not already in force by S.I. 2007/935, **art. 5(s)**

115 Further provision about Chief Inspector and other inspectors etc. E+W

Schedule 12 makes further provision about the Chief Inspector and persons acting on his behalf.

Commencement Information

I8 S. 115 in force at 1.4.2007 by S.I. 2007/935, **art. 5(s)**

Functions: the Office

116 Functions of the Office E+W

(1) The Office has the following functions—

(a) to determine strategic priorities for the Chief Inspector in connection with the performance of his functions;

(b) to determine strategic objectives and targets relating to such priorities; and

(c) to secure that the Chief Inspector's functions are performed efficiently and effectively.

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(2) The Office is to have such other functions in connection with the performance of the Chief Inspector's functions as may be assigned to it by the Secretary of State.

Modifications etc. (not altering text)

C1 S. 116(1)(a) modified (temp.) (12.12.2006) by Office for Standards in Education, Children's Services and Skills (Transitional Provisions) Regulations 2006 (S.I. 2006/2991), regs. 1(1), **2(a)**

Commencement Information

I9 S. 116(1)(a)(b) in force at 12.12.2006 by S.I. 2006/2990, **art. 2(d)**

I10 S. 116(1)(c)(2) in force at 1.4.2007 by S.I. 2007/935, **art. 5(t)**

117 Performance of Office's functions E+W

(1) The Office is to perform its functions for the general purpose of encouraging—

(a) the improvement of activities within the Chief Inspector's remit,

(b) the carrying on of such activities as user-focused activities, and

(c) the efficient and effective use of resources in the carrying on of such activities.

(2) In performing its functions the Office is to have regard to—

(a) the need to safeguard and promote the rights and welfare of children;

[[F1](aa) any matters raised by the Children's Commissioner with the Office or the Chief Inspector;**]**

(b) views expressed by relevant persons about activities within the Chief Inspector's remit;

(c) levels of satisfaction with such activities on the part of relevant persons;

(d) the need to promote the efficient and effective use of resources in the carrying on of such activities;

(e) the need to ensure that action by the Chief Inspector in relation to such activities is proportionate to the risks against which it would afford safeguards;

(f) any developments in approaches to inspection or regulatory action; and

(g) best practice amongst persons performing functions comparable to those of the Chief Inspector.

(3) In performing its functions the Office must also have regard to such aspects of government policy as the Secretary of State may direct.

(4) In this section—

(a) "children" means persons under the age of 18;

(b) "relevant persons", in relation to activities within the Chief Inspector's remit, means persons who have an interest in such activities, whether—

(i) as persons for whose benefit they are carried on, or

(ii) as parents (if they are carried on for the benefit of children), or

(iii) as employers;

(c) "parents" includes persons—

(i) who are not parents of children but have parental responsibility for them (within the meaning of the Children Act 1989 (c. 41)), or

(ii) who have care of children.

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(5) Subsection (6) provides for the interpretation, for the purposes of this Part, of references to activities within the Chief Inspector's remit and related expressions.

(6) For those purposes—

(a) "activities" includes—

(i) the provision of any form of education, training or care,

(ii) the provision of any form of services or facilities, and

(iii) the performance of any function;

(b) activities are within the Chief Inspector's remit—

(i) if he exercises any inspection function in relation to them, or

(ii) if they are services of the kind provided by persons in respect of whom he is the registration authority by virtue of any enactment; and

(c) references to persons for whose benefit activities are carried on are, in relation to activities within paragraph (a)(i) or (ii), references to persons for whom the education, training or care is provided, or (as the case may be) for whom the services or facilities are provided.

Textual Amendments

F1 S. 117(2)(aa) inserted (1.4.2014) by Children and Families Act 2014 (c. 6), **ss. 116(2)(a)**, 139(5)

Commencement Information

I11 S. 117 in force at 12.12.2006 by S.I. 2006/2990, **art. 2(e)**

Functions: the Chief Inspector

118 Functions of the Chief Inspector E+W

(1) The Chief Inspector has the general duty of keeping the Secretary of State informed about—

(a) the quality of activities within the Chief Inspector's remit and (where appropriate) the standards achieved by those for whose benefit such activities are carried on,

(b) improvements in the quality of such activities and in any such standards,

(c) the extent to which such activities are being carried on as user-focused activities, and

(d) the efficient and effective use of resources in the carrying on of such activities and services.

(2) If requested to do so by the Secretary of State, the Chief Inspector must provide the Secretary of State with information or advice on such matters relating to activities within the Chief Inspector's remit as are specified in the request.

(3) The Chief Inspector may at any time give advice to the Secretary of State on any matter connected with any activities within his remit, including advice relating to a particular establishment, institution or agency.

(4) The Chief Inspector is to have such other functions in connection with activities within his remit as may be assigned to him by the Secretary of State.

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(5) Subsection (6) applies where the Chief Inspector is requested under subsection (2) to provide the Secretary of State with information or advice on matters relating to activities within the Chief Inspector's remit.

(6) Any enactment by virtue of which—

(a) an inspection may be conducted by the Chief Inspector in relation to the activities in question (whether or not in pursuance of any duty), or

(b) any power of entry is exercisable by him in relation to those activities,

is to have effect, with any necessary modifications, so as to enable him to conduct an inspection, or exercise any such power, for the purpose of complying with the request.

(7) In subsection (6) any reference to a power of entry includes a reference to a power to inspect documents or a power conferred in connection with the inspection of documents.

(8) Nothing in this section prejudices the operation of any other enactment relating to functions of the Chief Inspector.

Commencement Information

I12 S. 118 in force at 1.4.2007 by S.I. 2007/935, **art. 5(u)**

119 Performance of Chief Inspector's functions E+W

(1) The Chief Inspector is to perform his functions for the general purpose of encouraging—

(a) the improvement of activities within the Chief Inspector's remit,

(b) the carrying on of such activities as user-focused activities, and

(c) the efficient and effective use of resources in the carrying on of such activities.

(2) The Chief Inspector must ensure—

(a) that his functions are performed efficiently and effectively, and

(b) that, so far as practicable, those functions are performed in a way that responds to—

(i) the needs of persons for whose benefit activities within the Chief Inspector's remit are carried on, and

(ii) the views expressed by other relevant persons about such activities.

(3) In performing his functions the Chief Inspector must have regard to—

(a) the matters mentioned in section 117(2);

[[F2](aa) any matters raised by the Children's Commissioner with the Chief Inspector;**]** and

(b) such aspects of government policy as the Secretary of State may direct.

(4) In this section "relevant persons" has the same meaning as in section 117.

Textual Amendments

F2 S. 119(3)(aa) inserted (1.4.2014) by Children and Families Act 2014 (c. 6), **ss. 116(2)(b)**, 139(5)

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Commencement Information

I13 S. 119 in force at 1.4.2007 by S.I. 2007/935, **art. 5(u)**

The Children's Rights Director

[F3]120 Children's Rights Director E+W

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Textual Amendments

F3 S. 120 repealed (1.4.2014) by Children and Families Act 2014 (c. 6), **ss. 116(1)**, 139(5)

Annual reports etc.

121 Annual and other reports to Secretary of State E+W

(1) The Chief Inspector must make an annual report to the Secretary of State.

(2) The Secretary of State must lay a copy of any such report before each House of Parliament.

(3) The Chief Inspector may make to the Secretary of State such other reports relating to matters which fall within the scope of the Chief Inspector's functions as he considers appropriate.

(4) The Chief Inspector may arrange for any report made by him under this section to be published in such manner as he considers appropriate.

Commencement Information

I14 S. 121 in force at 1.4.2007 by S.I. 2007/935, **art. 5(u)**

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

- 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)