



Education and Inspections Act 2006

2006 CHAPTER 40

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

- (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.

The Chief Inspector and other inspectors

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

- (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).

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- (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.

114 Her Majesty’s Inspectors of Education, Children’s Services and Skills

- (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”.
- (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

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- (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.

115 Further provision about Chief Inspector and other inspectors etc.

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

Functions: the Office

116 Functions of the Office

- (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.
- (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.

117 Performance of Office’s functions

- (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;
 - (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;

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- (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.
- (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.

Functions: the Chief Inspector

118 Functions of the Chief Inspector

- (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.

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- (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.
- (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.

119 Performance of Chief Inspector's functions

- (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); 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.

The Children's Rights Director

120 Children's Rights Director

- (1) One of the persons appointed to the staff of the Office under paragraph 6 of Schedule 11 is to be appointed as Children's Rights Director.

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- (2) The Children’s Rights Director is to have such functions in relation to the performance by the Chief Inspector of functions within subsection (3) as may be prescribed by regulations made by the Secretary of State.
- (3) The following functions of the Chief Inspector are functions within this subsection—
- (a) his functions under section 87 of the Children Act 1989 (c. 41) (welfare of children in boarding schools and colleges),
 - (b) his functions under Part 2 of the Care Standards Act 2000 (c. 14) (registration and standards), and
 - (c) his functions under Chapter 4 of this Part (inspection and review of local authorities in England) in connection with the inspection and review of the performance by such authorities of their functions within section 135(1)(d) and (e).

Annual reports etc.

121 Annual and other reports to Secretary of State

- (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.

CHAPTER 2

GENERAL TRANSFER OF FUNCTIONS

122 General transfer of functions to the Chief Inspector

- (1) Subject to the following provisions of this Part, the functions of the existing Chief Inspector under or by virtue of any enactment are transferred to the new Chief Inspector.
- (2) In this section—
 - “the existing Chief Inspector” means Her Majesty’s Chief Inspector of Schools in England, and
 - “the new Chief Inspector” means the Chief Inspector appointed under Chapter 1 of this Part.

CHAPTER 3

INSPECTION OF FURTHER EDUCATION AND TRAINING ETC.

Education and training to which this Chapter applies

123 Education and training to which this Chapter applies

- (1) This Chapter applies to the following kinds of education and training—
- (a) secondary education provided in institutions which are in England and are within the further education sector;
 - (b) further education for persons aged 16 or over but under 19 which is provided in such institutions and wholly or partly funded by the Learning and Skills Council for England;
 - (c) further education for persons aged 19 or over which is wholly or partly funded by the Council;
 - (d) further education for persons aged under 19 which is provided by local education authorities in England;
 - (e) further education for persons aged 19 or over which is funded by such authorities;
 - (f) training for persons aged 16 or over which is funded by the Secretary of State under section 2 of the Employment and Training Act 1973 (c. 50);
 - (g) training for persons aged 16 or over if it is training the whole or part of which takes place at the premises of an employer and which is wholly or partly funded by the Council;
 - (h) such other education or training as may be prescribed by regulations made by the Secretary of State.
- (2) The training which may be prescribed by regulations under subsection (1)(h) includes training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training falling within subsection (1)(a) to (g).
- (3) If regulations made by the Secretary of State so provide—
- (a) the provision of information, advice or guidance falling within section 5(1)(i) of the Learning and Skills Act 2000 (c. 21) (Council to secure provision of financial resources), or
 - (b) the provision of any description of such information, advice or guidance specified in the regulations,
- is to be treated for the purposes of this Chapter as training to which it applies.
- (4) In this Chapter—
- (a) “further education” and “secondary education” have the same meanings as in EA 1996, and
 - (b) any reference to institutions which are within the further education sector is to be read in accordance with section 91(3) of the Further and Higher Education Act 1992 (c. 13).

Inspection

124 Inspection of education and training to which this Chapter applies

- (1) The Chief Inspector must conduct—
 - (a) inspections of such education or training to which this Chapter applies as may be specified by the Secretary of State, and
 - (b) inspections of such class of education or training to which this Chapter applies as may be so specified.
- (2) The inspections are to be conducted at such intervals as may be specified by the Secretary of State.
- (3) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (4) The report—
 - (a) must state whether the Chief Inspector considers the education or training inspected to be of a quality adequate to meet the reasonable needs of those receiving it, and
 - (b) may deal with such other matters as he considers relevant.
- (5) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State,
 - (b) the Council,
 - (c) any local education authority providing funds for the education or training inspected, and
 - (d) the provider of the education or training inspected.
- (6) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (7) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

125 Inspection of further education institutions

- (1) The Chief Inspector must inspect all institutions within the further education sector.
- (2) The inspections are to be conducted at such intervals as may be specified by the Secretary of State.
- (3) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (4) The report—
 - (a) must state whether the Chief Inspector considers the education or training inspected to be of a quality adequate to meet the reasonable needs of those receiving it, and
 - (b) may deal with such other matters as he considers relevant.
- (5) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State,
 - (b) the Council, and

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- (c) the provider of the education or training inspected.
- (6) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (7) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

126 Other inspections

- (1) The Chief Inspector may inspect any education or training to which this Chapter applies (in a case where he is not required to do so by virtue of any provision of this Chapter).
- (2) The Chief Inspector may inspect any education or training to which this Chapter does not apply if—
 - (a) it is further education (whether for persons aged 16 or over but under 19, or for persons aged 19 or over) or training for persons aged 16 or over, and
 - (b) he is requested to conduct the inspection by the provider of the education or training.
- (3) On completing an inspection under this section, the Chief Inspector may—
 - (a) make a written report on it;
 - (b) arrange for the report to be published in such manner as he considers appropriate.
- (4) If the Chief Inspector makes a report of an inspection conducted under subsection (1), he must send copies of the report to—
 - (a) the Secretary of State,
 - (b) the Council,
 - (c) any local education authority providing funds for the education or training inspected, and
 - (d) the provider of the education or training inspected.
- (5) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (6) In the case of an inspection conducted under subsection (2) the Chief Inspector may charge the provider of the education or training concerned for the cost of the inspection.
- (7) For the purposes of that subsection it is immaterial whether the education or training concerned is provided in the United Kingdom or elsewhere.

127 Action plans

- (1) This section applies where the Chief Inspector publishes a report of an inspection conducted under section 124 or 125 or section 126(1).
- (2) The provider of the education or training which is the subject of the report must prepare a written statement of—
 - (a) the action which he proposes to take in the light of the report, and
 - (b) the period within which he proposes to take that action.

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- (3) That person must—
 - (a) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State; and
 - (b) send copies of it to such persons as may be so prescribed.
- (4) The requirements of subsection (2) may be waived by the Chief Inspector.

128 Area inspections

- (1) If requested to do so by the Secretary of State, the Chief Inspector must inspect—
 - (a) the quality and availability of a specified description of education or training, in a specified area in England, for persons who are aged 15 or over but under 19;
 - (b) the standards achieved by those receiving that education or training; and
 - (c) whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector may conduct such an inspection without being requested to do so.
- (3) Subsection (4) applies if financial resources have been applied by—
 - (a) the Council, or
 - (b) a local education authority,
 in respect of education or training which is being inspected under this section.
- (4) In such a case the inspection may extend to considering whether the application of those resources in that way—
 - (a) constituted an efficient and effective use of the resources for the purpose of meeting the needs of persons within subsection (1)(a) as regards education or training of the kind in question, and
 - (b) was appropriate to secure value for money.
- (5) The education or training that may be made the subject of an inspection under this section (“an area inspection”) is—
 - (a) any education or training to which this Chapter applies, or
 - (b) any other education or training within the scope of the Chief Inspector’s functions.
- (6) A provider of education or training which is the subject of an area inspection must provide the Chief Inspector with any information reasonably requested by him in connection with the inspection.
- (7) Any local education authority whose area is wholly or partly within the area which is the subject of an area inspection must provide the Chief Inspector with any information reasonably requested by him in connection with the inspection.
- (8) In subsection (1)(a) the reference to persons who are aged 15 includes persons—
 - (a) for whom education is being provided at a school, and
 - (b) who will attain that age in the current school year;
 and for this purpose “school” and “school year” have the same meanings as in EA 1996.

129 Reports of area inspections

- (1) On completing an area inspection conducted under section 128, the Chief Inspector must make a written report on it.
- (2) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State,
 - (b) the Council, and
 - (c) each local education authority whose area is wholly or partly within the area subject to the inspection.
- (3) Copies may also be sent to such other persons as the Chief Inspector considers appropriate.
- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

130 Action plans following area inspections

- (1) This section applies where the Chief Inspector publishes a report of an area inspection conducted under section 128.
- (2) The Secretary of State may direct the Council to prepare a written statement of—
 - (a) the action which it proposes to take in the light of the report, and
 - (b) the period within which it proposes to take that action.
- (3) The Secretary of State may direct a local education authority whose area is wholly or partly within the area covered by the report to prepare a written statement of—
 - (a) the action which they propose to take in the light of the report, and
 - (b) the period within which they propose to take that action.
- (4) In preparing a statement under subsection (2) or (3) the Council or the authority must consult such persons as the Secretary of State may direct.
- (5) The Council or the authority must—
 - (a) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State; and
 - (b) send copies of it to such persons as may be so prescribed.

Powers of entry etc.

131 Power of entry

- (1) This section applies to an inspection conducted by the Chief Inspector under this Chapter, other than one conducted under section 126(2).
- (2) When conducting such an inspection, the Chief Inspector may, at any reasonable time, enter—
 - (a) any premises on which the education or training inspected is provided;
 - (b) any premises of the provider of that education or training which are used in connection with its provision.

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- (3) In respect of education or training provided by an employer in the workplace, the power of entry conferred by subsection (2) may be exercised only if the employer has been given reasonable notice in writing.

132 Power to inspect documents, etc.

- (1) This section applies to any inspection conducted by the Chief Inspector under this Chapter, other than one conducted under section 126(2).
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection, he may inspect, take copies of, or take away any documents relating to the education or training inspected which are on any premises in relation to which he exercises his power of entry under section 131.
- (3) The power in subsection (2) includes—
- (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
 - (b) in relation to any such documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) In connection with inspecting any such documents the Chief Inspector—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents; and
 - (b) may require a person within subsection (5) to afford him such reasonable assistance as he may require for that purpose.
- (5) A person is within this subsection if he is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (6) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (7) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 131 or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Other provisions

133 Framework for inspections

- (1) The Chief Inspector must devise—
- (a) a common set of principles applicable to all inspections conducted under this Chapter, or

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- (b) two or more common sets of principles each of which is applicable to a particular description of such inspections.
- (2) A set of principles devised under subsection (1)(a) or (b) is referred to in this section as a “framework”.
- (3) If the Chief Inspector devises two or more frameworks under subsection (1)(b), he must ensure that, taken together, they cover all inspections conducted under this Chapter.
- (4) The Chief Inspector must publish a framework in such manner as he considers appropriate.
- (5) The Chief Inspector may at any time revise a framework.
- (6) The Chief Inspector must publish a revised framework in such manner as he considers appropriate.

134 Abolition of Adult Learning Inspectorate

- (1) The Adult Learning Inspectorate is abolished on the appointed day.
- (2) In this section “the appointed day” means the day appointed under section 188 for the coming into force of this section.

CHAPTER 4

INSPECTION AND REVIEW OF LOCAL AUTHORITIES IN ENGLAND

Functions to which this Chapter applies

135 Functions to which this Chapter applies and related activities

- (1) This Chapter applies to the following functions of a local authority in England—
 - (a) the functions conferred on the authority under Part 1 of the Childcare Act 2006 (c. 21),
 - (b) the functions conferred on or exercisable by the authority in their capacity as a local education authority,
 - (c) the functions conferred on the authority under sections 10, 12 and 17 to 19 of the Children Act 2004 (c. 31),
 - (d) the social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)) of the authority, so far as relating to persons aged under 18,
 - (e) (whether or not within paragraph (d)) functions conferred on or exercisable by the authority under the Children Act 1989 (c. 41), the Adoption (Intercountry Aspects) Act 1999 (c. 18) or the Adoption and Children Act 2002 (c. 38) and functions continuing to be exercisable by the authority under the Adoption Act 1976 (c. 36), and
 - (f) such other functions of the authority as may be prescribed by regulations made by the Secretary of State.

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- (2) In this Chapter “related activity”, in relation to a function to which this Chapter applies, means (subject to subsections (3) and (4)) anything done in any place by, or pursuant to arrangements made by, the authority under section 2(1)(a) or (b) of the Local Government Act 2000 (c. 22) (promotion of economic and social well-being) which is similar in nature to anything which could be done by the authority in the performance of the function in question.
- (3) In relation to a function within subsection (1)(c), (d) or (e), anything done as mentioned in subsection (2) is a “related activity” only if it is done in relation to or for the benefit of—
- (a) persons aged under 18,
 - (b) persons aged 18 or over in relation to whom the authority have functions under any of sections 23C to 24D of the Children Act 1989, or
 - (c) persons not within paragraph (a) or (b) in connection with adoption or special guardianship.

In paragraph (c) “special guardianship” means special guardianship under sections 14A to 14G of the Children Act 1989.

- (4) In relation to a function prescribed by regulations under subsection (1)(f), anything done as mentioned in subsection (2) is a “related activity” only if it is prescribed as such by the regulations.
- (5) On the coming into force of this Chapter the Commission for Social Care Inspection is to cease to have functions under Chapter 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) in relation to anything which may be inspected by the Chief Inspector under this Chapter.

Inspections and annual reviews

136 Inspection of local authorities in England

- (1) The Chief Inspector may inspect—
- (a) the overall performance by any local authority in England of the functions to which this Chapter applies, or
 - (b) the performance by any such authority of any particular function or functions comprised in the functions to which this Chapter applies.
- (2) An inspection under subsection (1) of the performance by an authority of any function must include an inspection of any related activity.
- (3) When requested to do so by the Secretary of State, the Chief Inspector must conduct an inspection under this section in relation to the local authority specified in the request.
- (4) Such a request may specify particular matters which the Chief Inspector must inspect.

137 Reports of inspections under section 136

- (1) On completing an inspection under section 136, the Chief Inspector must make a written report on the matters which were the subject of the inspection.
- (2) The Chief Inspector must send copies of the report to—
- (a) the local authority in England which was inspected, and

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- (b) the Secretary of State.
- (3) Where an authority receive a copy of a report under this section, they must prepare a written statement of—
 - (a) the action which they propose to take in the light of the report, and
 - (b) the period within which they propose to take that action.
- (4) The authority must publish—
 - (a) the report, and
 - (b) the statement prepared under subsection (3),within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State.
- (5) Such regulations may provide for the authority to charge a reasonable fee for providing a person with a copy of a document published under subsection (4).
- (6) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate.

138 Annual reviews of local authorities in England

- (1) In each financial year the Chief Inspector must review the overall performance by each local authority in England of the functions to which this Chapter applies.
- (2) A review under subsection (1) of the performance of functions must include a review of related activities.
- (3) After conducting a review under this section in relation to an authority the Chief Inspector must award the authority a performance rating in respect of the matters reviewed.
- (4) In this section “financial year” means a period of 12 months ending with 31st March in any year.

Powers of entry etc.

139 Power of entry

- (1) This section applies to—
 - (a) any inspection conducted by the Chief Inspector under section 136, and
 - (b) any review conducted by him under section 138.
- (2) The Chief Inspector may, at any reasonable time, enter any premises for the purposes of the inspection or review, other than any premises excluded by subsection (3).
- (3) The premises excluded by this subsection are any domestic premises that are not a school (within the meaning of EA 1996).

140 Power to inspect documents, etc.

- (1) This section applies to—
 - (a) any inspection conducted by the Chief Inspector under section 136, and
 - (b) any review conducted by him under section 138.

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- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection or review, he may do any of the following—
- (a) inspect, take copies of, or take away any documents which—
 - (i) relate to the performance by the local authority being inspected or reviewed of any function to which this Chapter applies, or to any related activity, and
 - (ii) are on any premises in relation to which he exercises his power of entry under section 139,
 - (b) inspect or take away any other item which is on the premises,
 - (c) interview in private—
 - (i) any person working on the premises, or
 - (ii) (subject to subsection (3)) any person accommodated or cared for there, and
 - (d) make any other examination into the state and management of the premises and treatment of persons accommodated or cared for there.
- (3) Subsection (2)(c)(ii) does not apply unless consent to the interview is given by or on behalf of the person concerned.
- (4) The power in subsection (2)(a) includes—
- (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
 - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (5) In connection with inspecting any such documents, the Chief Inspector—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (6) A person is within this subsection if he is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) The Chief Inspector may—
- (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 139 or this section, and
 - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (9) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 139 or this section, or
 - (b) fails to comply with any requirement imposed under this section,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Supplementary

141 Power to require information etc.

- (1) The Chief Inspector may at any time require any person within subsection (2) to provide him with any information, documents or other items—
 - (a) which relates or relate to the performance by a local authority in England of any of the functions to which this Chapter applies or any related activity, and
 - (b) which the Chief Inspector considers it necessary or expedient to have for the purposes of, or in connection with, the performance by him of any function under this Chapter.
- (2) The persons within this subsection are—
 - (a) the local authority;
 - (b) any person with whom the authority have entered into arrangements—
 - (i) in the performance of any of the functions to which this Chapter applies, or
 - (ii) in connection with any related activity.
- (3) The power in subsection (1) includes, in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

142 Interpretation etc.

- (1) In this Chapter “related activity”, in relation to a function of a local authority to which this Chapter applies, has the meaning given by section 135(2) to (4).
- (2) For the purposes of this Chapter, references to the performance by a local authority in England of any function include references to—
 - (a) anything done in any place by the authority in the performance of the function, and
 - (b) anything done in any place by another person pursuant to arrangements made by the authority in the performance of the function.
- (3) This Chapter applies in relation to the Isles of Scilly subject to such modifications as may be specified by order made by the Secretary of State.

CHAPTER 5

INSPECTION OF CAFCASS FUNCTIONS

143 Inspection of CAFCASS functions

- (1) The Chief Inspector must inspect the performance of CAFCASS functions.
- (2) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (3) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State, and
 - (b) CAFCASS.
- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.
- (5) In this Chapter—
 - (a) “CAFCASS” means the Children and Family Court Advisory and Support Service, and
 - (b) “CAFCASS functions” means the functions of CAFCASS and its officers.

144 Power of entry

- (1) This section applies to an inspection conducted by the Chief Inspector under section 143.
- (2) The Chief Inspector may, at any reasonable time, enter for the purposes of the inspection—
 - (a) any premises occupied by CAFCASS,
 - (b) any premises occupied by any organisation with whom arrangements have been made under section 13 of the 2000 Act (other powers of CAFCASS) in respect of the performance of any CAFCASS functions, and so occupied in connection with the performance of any such functions, or
 - (c) any premises occupied by any individual in connection with the performance of functions of an officer of the Service in accordance with arrangements under that section.
- (3) Subsection (2) does not confer a power of entry to any part of any domestic premises.
- (4) In this section and section 145 “officer of the Service” is to be construed in accordance with section 11(3) of the 2000 Act (establishment of CAFCASS).
- (5) In this section “the 2000 Act” means the Criminal Justice and Court Services Act 2000 (c. 43).

145 Power to inspect documents, etc.

- (1) This section applies to any inspection conducted by the Chief Inspector under section 143.

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

- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection, he may inspect, take copies of, or take away any documents kept by CAFCASS, or otherwise relating to the performance of CAFCASS functions, which—
 - (a) are on any premises in relation to which he exercises his power of entry under section 144, or
 - (b) are kept by an officer of the Service on domestic premises.
- (3) The power in subsection (2) includes—
 - (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
 - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) In connection with inspecting any such documents the Chief Inspector—
 - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents; and
 - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (5) Where any such computer, apparatus or material is kept on domestic premises—
 - (a) subsection (4) does not apply, but
 - (b) the Chief Inspector may require a person within subsection (6) to give him possession of it for the purpose of inspecting it and checking its operation.
- (6) A person is within this subsection if he is—
 - (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) Where the Chief Inspector takes possession of anything under subsection (5)—
 - (a) he may retain it for as long as he considers that it is necessary to retain it for the purposes of the inspection under section 143, but
 - (b) once he considers that it is no longer necessary to retain it for those purposes, he must arrange for it to be returned to the person from whose possession it was taken.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.

CHAPTER 6

FURTHER PROVISIONS RELATING TO FUNCTIONS OF CHIEF INSPECTOR

Functions

146 Inspection of secure training centres

- (1) The Chief Inspector and the Secretary of State may make arrangements for the Chief Inspector to conduct inspections of secure training centres in England.
- (2) Inspections under this section shall be on such terms, including terms as to payments to be made to the Chief Inspector in respect of such inspections, as the Chief Inspector and the Secretary of State may agree in the arrangements.
- (3) In this section “secure training centre” has the same meaning as in section 43(1)(d) of the Prison Act 1952 (c. 52).

147 Inspection of premises in connection with adoption and fostering functions

- (1) The Secretary of State may by regulations require the Chief Inspector to arrange for premises which are used by a local authority in England in their performance of relevant functions to be inspected on such occasions or at such intervals as may be specified in the regulations.
- (2) An inspection under this section is to be regarded for all purposes as undertaken under section 136.
- (3) In this section “relevant functions”, in relation to a local authority, has the same meaning as in Part 3 of the Care Standards Act 2000 (c. 14).

148 Transfer of certain CSCI functions to the Chief Inspector

- (1) The functions of the CSCI under Part 2 of the Care Standards Act 2000 (registration and standards) as the registration authority in relation to—
 - (a) children’s homes,
 - (b) residential family centres,
 - (c) fostering agencies,
 - (d) voluntary adoption agencies, and
 - (e) adoption support agencies,are transferred to the Chief Inspector.
- (2) The Chief Inspector shall make available to the public information about services of the kind provided by persons for whom he is (in accordance with subsection (1)) the registration authority under Part 2 of the Care Standards Act 2000.
- (3) The functions of the CSCI under sections 65 and 87 to 87D of the Children Act 1989 (c. 41) (functions relating to children’s homes, boarding schools and colleges) are transferred to the Chief Inspector.
- (4) In this section “the CSCI” means the Commission for Social Care Inspection.

149 Interaction with other authorities

Schedule 13 contains provisions authorising or requiring the Chief Inspector to take certain action in relation to other authorities, including the carrying out of inspections under arrangements with them.

General provisions

150 Evidence of authority

- (1) This section applies to any person exercising (in accordance with paragraph 9 of Schedule 12)—
 - (a) any power of entry conferred on the Chief Inspector by virtue of any enactment,
 - (b) any power to inspect documents so conferred, or
 - (c) any power so conferred in connection with the inspection of documents.
- (2) Any such person must, if so required, produce a duly authenticated document showing his authority to exercise the power concerned.
- (3) Nothing in this section applies in relation to any exercise of the power conferred by section 141(1).

151 Publication of inspection reports

- (1) For the purposes of the law of defamation, a report made by the Chief Inspector which—
 - (a) is published under any enactment, or
 - (b) is not so published but is made in pursuance of his functions under any enactment,is privileged unless its publication is shown to have been made with malice.
- (2) Where by virtue of any enactment the Chief Inspector has power to arrange for a report made by him to be published in a manner determined by him, he may (if he considers it appropriate to do so) arrange for the report to be published by electronic means only.
- (3) Nothing in this section—
 - (a) limits any privilege subsisting apart from subsection (1), or
 - (b) prejudices the generality of any power of the Chief Inspector subsisting apart from subsection (2).

152 Combined reports

- (1) Nothing in any enactment prevents the Chief Inspector from—
 - (a) combining in a single document two or more reports which are required to be made by him under any enactment or enactments, or
 - (b) combining in a single document one or more such reports and one or more reports which are required to be made by one or more other persons under any enactment or enactments,and (in either case) combining the substantive reports to such extent as he considers appropriate.

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

- (2) In this section such a document is referred to as a “combined report”.
- (3) Where a combined report is made, any reference in any enactment—
 - (a) to the publication of a report, or
 - (b) to the giving or making available to any person of a copy of a report,
 is to be read, so far as necessary, as a reference to the publication of the combined report, or to the giving or making available to that person of a copy of the combined report.
- (4) The Chief Inspector may arrange for a combined report to be published in any manner he considers appropriate, but this subsection does not limit any duty as to publication imposed by any enactment.
- (5) The provisions of section 151 apply to a combined report (whether or not they would otherwise so apply).

153 Use of information

Information obtained by the Chief Inspector in connection with any of his functions may be used by him in connection with any of his other functions.

CHAPTER 7

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

154 Duty to report on contribution of certain schools to community cohesion

In section 5 of EA 2005 (duty to inspect certain schools in England at particular intervals), in subsection (5) (which lists matters on which the Chief Inspector is under a general duty to report)—

- (a) omit the word “and” at the end of paragraph (e), and
- (b) at the end insert—
 - “(g) the contribution made by the school to community cohesion.”

155 Payment of annual fee to the Chief Inspector by local authorities

- (1) Regulations made by the Secretary of State may require a local authority in England to pay to the Chief Inspector an annual fee in respect of the discharge by the authority of any of their relevant functions specified in the regulations.
- (2) The regulations must specify—
 - (a) the amount of the fee, and
 - (b) the time at which it is to be paid.
- (3) The Chief Inspector may make a scheme under subsection (4) that is to have effect at a time when no regulations are in force under subsection (1).

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

- (4) A scheme under this subsection (“a scheme”) may provide for a local authority in England to be required to pay to the Chief Inspector an annual fee in respect of the discharge by the authority of any of their relevant functions specified in the scheme.
- (5) The amount of the fee payable by virtue of a scheme is to be such as may be specified in, or calculated or determined under, the scheme.
- (6) A scheme may include provision—
 - (a) for different fees to be paid in different cases or classes of case;
 - (b) for the amount of a fee to be determined by the Chief Inspector in accordance with specified factors;
 - (c) for the time by which a fee must be paid;
 - (d) for varying or revoking a previous scheme.
- (7) Before making a scheme the Chief Inspector must consult such persons as he considers appropriate.
- (8) The Chief Inspector must arrange for a scheme to be published in such manner as he considers appropriate.
- (9) A local authority in England must provide the Chief Inspector with such information as he requires for the purpose of determining the amount of a fee payable by the authority by virtue of a scheme.
- (10) A fee payable by virtue of this section may be recovered summarily as a civil debt.
- (11) But subsection (10) is not to be read as prejudicing any other method of recovery.
- (12) In this section “relevant functions”, in relation to a local authority, has the same meaning as in Part 3 of the Care Standards Act 2000 (c. 14).

156 Removal of HMICA’s duty to inspect performance of Assembly’s functions relating to family proceedings

Section 38 of the Children Act 2004 (c. 31) (under which Her Majesty’s Inspectorate of Court Administration must, at the request of the Assembly, inspect and report on the performance of the Assembly’s functions under Part 4 of that Act) ceases to have effect.

Supplementary

157 Minor and consequential amendments

Schedule 14 contains minor and consequential amendments relating to the provision made by this Part.

158 Transitional provisions and savings

Schedule 15 contains—

- (a) provision for the transfer of staff, property, rights and liabilities in connection with the establishment of the Office, and
- (b) other transitional provisions and savings.

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

159 Interpretation of Part 8

(1) In this Part—

“activities within the Chief Inspector’s remit” and related expressions are to be construed in accordance with section 117(6);

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“the Council” means the Learning and Skills Council for England;

“document” means anything in which information of any description is recorded, including personal records as defined by section 12 of the Police and Criminal Evidence Act 1984 (c. 60);

“domestic premises” means premises which are used wholly or mainly as a private dwelling;

“functions” includes powers and duties;

an “HMI” means one of Her Majesty’s Inspectors of Education, Children’s Services and Skills;

“local authority in England” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London (in their capacity as a local authority);
- (f) the Council of the Isles of Scilly;

“the Office” means the Office for Standards in Education, Children’s Services and Skills;

“the registration authority” means the person exercising functions relating to registration.

(2) In this Part any reference to the carrying on of activities as “user-focused” activities is a reference to the carrying on of the activities in a way that focuses on the needs of those for whose benefit the activities are carried on.