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STATUTORY INSTRUMENTS

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**1993 No. 1982**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Inspection)  
(Wales) (No. 2) Regulations 1993**

<i>Made</i>	- - - -	<i>5th August 1993</i>
<i>Laid before Parliament</i>		<i>10th August 1993</i>
<i>Coming into force</i>		
<i>Parts I, II and IV</i>		<i>1st September 1993</i>
<i>Remainder</i>		<i>1st October 1993</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 9(2) and (5), 13(6), 14(5)(b) and 19(3) of, and paragraphs 6, 9B(2), 9C(5)(b), 10(2)(a), (3), (4) and (5)(b), 14(1), (2) and (4)(b) and 15(1), (2) and (3)(b) of Schedule 2 to, the Education (Schools) Act 1992<sup>(1)</sup>, and sections 208(2), 209(4)(b), 210(2)(a), (3), (4) and 6(b), 211(3)(a) and 301(6) of the Education Act 1993, hereby makes the following Regulations:

**PART I  
GENERAL**

**Citation, commencement, application, amendment and revocation**

1.—(1) These Regulations may be cited as the Education (School Inspection) (Wales) (No. 2) Regulations 1993.

(2) Parts I, II and IV of these Regulations shall come into force on 1st September 1993, and Part III of these Regulations shall come into force on 1st October 1993.

(3) These Regulations apply only in relation to schools in Wales.

(4) Parts II and IV of the Education (School Inspection) (Wales) Regulations 1993<sup>(2)</sup> shall cease to have effect on 1st September 1993, and those Regulations shall be revoked on 1st October 1993.

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(1) 1992 c. 38; section 9 and paragraphs 1 to 7, 9 to 12, 14(4)(b) and (c) and 15(3)(b) and (c) of Schedule 2 are amended with effect from 1st September 1993 by paragraph 173 of Schedule 19 to the Education Act 1993 (c. 35).  
(2) S.I. 1993/1529.

## **Interpretation**

### **2.—(1) In these Regulations—**

“bank holiday” means a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(3)</sup>;

“school year” means the period of twelve months commencing on 1st August;

“the 1992 Act” means the Education (Schools) Act 1992<sup>(4)</sup>;

“working day” means any day which is not a Saturday, a Sunday, a Bank Holiday or part of a holiday longer than a week taken by a school under inspection; and

any reference to a child who is looked after by a local authority shall have the same meaning as in section 22 of the Children Act 1989<sup>(5)</sup>.

(2) Where these Regulations require an act to be done within a specified period from a specified date the period begins immediately after that date.

(3) Unless the context otherwise requires, any reference in a regulation of these Regulations to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

## **PART II**

### **SCHOOL INSPECTIONS**

### **3. In this Part of these Regulations—**

“action plan” means the written statement referred to, in the case of a school of any kind mentioned in section 204(1) of the 1993 Act, in section 210(1) of that Act or, in the case of any other school, in paragraph 10(1) of Schedule 2 to the 1992 Act;

“appropriate authority” shall be construed, in the case of a school of any kind mentioned in section 204(1) of the 1993 Act, in accordance with section 204(2) of that Act and, in the case of any other school, in accordance with paragraph 1 of Schedule 2 to the 1992 Act;

“Chief Inspector” means Her Majesty’s Chief Inspector of Schools in Wales;

“inspection”, except in regulation 7(3)(b), means an inspection of a school under section 9 of the 1992 Act, and in that regulation means an inspection under sections 6(2)(b), 7(1) or 9 of that Act;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in Wales and any additional inspector;

“registered inspector” means an inspector registered under section 10(2) of the 1992 Act;

“school”, where used without qualification, means a school to which section 9 of the 1992 Act applies; and

“the 1993 Act” means the Education Act 1993.

## **Intervals for inspection**

**4.** The Chief Inspector shall ensure that every school in Wales to which section 9 of the Act applies is inspected by an inspector registered under section 10(2) of the Act:

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(3) 1971 c. 80.

(4) 1992 c. 38.

(5) 1989 c. 41.

- (a) (i) in the case of a secondary school, on or after 1st September 1993 and before 1st August 1998;
- (a) (ii) in any other case, on or after 1st September 1994 and before 1st August 1999; and
- (b) thereafter in either case above, within five school years from the end of the school year in which the last inspection took place.

### **Notification of inspection**

5.—(1) Where an inspection is arranged, the appropriate authority shall, for the purposes of paragraph 6 of Schedule 2 to the 1992 Act, take such steps as are reasonably practicable to notify—

- (a) in the case of a county, voluntary or maintained special school which has a delegated budget, a person appearing to them to be an appropriate officer of the local education authority;
- (b) in the case of a county, voluntary or maintained special school which does not have a delegated budget, the chairman of the governing body;
- (c) in the case of a grant-maintained or grant-maintained special school(6), the funding authority;
- (d) in the case of a voluntary school or a grant-maintained school which, immediately before it became a grant-maintained school, was a voluntary school, the person who appoints the school's foundation governors and, in the case of an aided or special agreement school, the appropriate diocesan authority (if different);
- (e) in the case of a school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 8 to the 1993 Act(7), that person;
- (f) in the case of an aided or grant-maintained secondary school the instrument of government of which names a person as a sponsor of the school(8), that person;
- (g) in the case of an independent school approved by the Secretary of State under section 11(3) (a) of the Education Act 1981(9), the funding authority, a further education funding council or any local education authority, if that body are paying fees in respect of the provision of education to any person at the school;
- (h) in the case of any school at which a registered pupil is a child who is looked after by a local authority, a person appearing to them to be an appropriate officer of that local authority; and
- (i) in the case of a secondary school, the Training and Enterprise Council for the area in which the school is located, and such members of the local business community as the appropriate authority thinks fit, having regard, in particular, to the desirability of notifying members who employ or have recently employed former pupils of the school

of the time when the inspection is to take place.

- (2) In this regulation—

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(6) Sections 182 to 186 of the Education Act 1993 are not in force on the date on which these Regulations are made.

(7) Chapter IX of Part II of, and Schedule 8 to, the Education Act 1993 are not in force on the date on which these Regulations are made.

(8) Provision for an instrument of government of an aided or grant-maintained secondary school to name a person as sponsor is made by section 4A of the Education (No. 2) Act 1986 (c. 61) (inserted by section 271(1) of the Education Act 1993) and section 66 of the 1993 Act respectively. Neither provision is in force on the date on which these Regulations are made.

(9) 1981 c. 60.

- (i) the expression “a school which has a delegated budget” has the meaning given to that expression in section 33(6)(b) of the Education Reform Act 1988(10) ;
- (ii) the expression “appropriate diocesan authority” means–
  - (a) in relation to a school in which the religious education provided is provided in accordance with the faith and practice of the Church in Wales, the Diocesan Board of Education for the diocese of the Church in Wales in which the school is situated, and
  - (b) in relation to a school in which the religious education provided is provided in accordance with the faith and practice of the Roman Catholic Church, the bishop of the Roman Catholic diocese in which the school is situated;
    - (iii) the reference to a group of grant–maintained schools is a reference to a group of such schools conducted by a single governing body under Chapter IX of Part II of the 1993 Act; and
    - (iv) the expression “externally appointed core governor” has the meaning which that expression has in paragraph 2 of Schedule 8 to the 1993 Act.

### **Meeting with parents**

6. The appropriate authority, in arranging a meeting pursuant to paragraph 6(b) of Schedule 2 to the 1992 Act, shall:

- (a) arrange for the meeting to take place at a time before the time when the inspection is to begin;
- (b) in selecting the time and place for the meeting, have regard to the convenience of parents;
- (c) take such steps as are reasonably practicable to give written notification at least three weeks in advance of the time when, and place where, the meeting is to be held to–
  - (i) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of that local authority; and
  - (ii) in the case of an independent school approved by the Secretary of State under section 11(3)(a) of the Education Act 1981, a further education funding council or any local education authority if that body is paying fees in respect of the provision of education to any person at the school and a parent of that pupil so requests;
- (d) not permit anyone to attend the meeting except–
  - (i) the registered inspector and members of the inspection team;
  - (ii) any person whom the registered inspector wishes to attend the meeting for the purposes of providing administrative support or of recording what is said;
  - (iii) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of that local authority;
  - (iv) in the case of an independent school approved by the Secretary of State under section 11(3)(a) of the Education Act 1981, a person appearing to the appropriate authority to be an appropriate officer of a further education funding council or any local education authority if that body is paying fees in respect of the provision of education to any person at the school and a parent of that person so requests;
  - (v) any member of the Inspectorate monitoring the inspection under section 7(2) of the 1992 Act;

- (e) arrange for the registered inspector to have control of the meeting in all other respects.

### **Reports, action plans and statements**

7.—(1) The carrying out of an inspection shall be completed by the expiry of the period of two weeks beginning when the inspection begins to be carried out.

(2) For the purposes of paragraph 9B(2) of Schedule 2 to the 1992 Act and section 208(2) of the 1993 Act there is prescribed, as the period within which the making of the report of an inspection and a summary of the report is to be completed, the period of five weeks, or a period of seven weeks where it is necessary to provide a translation into Welsh or English, from the date on which the inspection is completed.

(3) For the purposes of paragraph 10(2) of Schedule 2 to the 1992 Act and section 210(2) of the 1993 Act there is prescribed, as the period within which the appropriate authority is to prepare an action plan,—

- (a) where the report does not state that the registered inspector is of the opinion that special measures are required to be taken in relation to the school, or where it does so and also states that the Chief Inspector disagrees with his opinion, the period of forty working days, or a period of forty–five days where it is necessary to provide a translation into Welsh or English, from the date when the inspector reported to them; and
  - (b) where the person making a report of an inspection of a school states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, the period of forty days, or forty–five days where it is necessary to provide a translation into Welsh or English, from the date on which they receive the report.
- (4) (a) In the circumstances referred to in paragraph (3)(a) the appropriate authority shall, within five working days from the date on which they complete the preparation of the action plan, send copies of it together with any translation into Welsh or English to the persons mentioned in paragraph (5) (in addition to those persons to whom they are required to send copies pursuant to paragraph 10(3) and (4) of Schedule 2 to the 1992 Act or section 210(3) and (5) of the 1993 Act, as the case may be).
- (b) In the circumstances referred to in paragraph (3)(b) the appropriate authority shall, within two days from the date following that on which they complete the preparation of the action plan, send copies of it together with any translation into Welsh or English to the persons mentioned in paragraph (5) (in addition to those persons to whom they are required to send copies pursuant to paragraph 10(3) and (4) of Schedule 2 to the 1992 Act or section 210(3) and (5) of the 1993 Act, as the case may be).
- (5) The persons referred to in paragraph (4)(a) and (b) are—
- (a) all persons employed at the school; and
  - (b) in the case of a secondary school, the Training and Enterprise Council for the area in which the school is located.
  - (c) in the case of an independent school approved by the Secretary of State under Section 11(3) (a) of the Education Act 1981, a further education funding council or any local education authority, if that body is paying fees in respect of the provision of education to any person at the school.

(6) For the purposes of section 211(3) of the 1993 Act there is prescribed, as the period within which a local education authority is to prepare the statement referred to in section 211(2), the period of ten days from the date on which they receive the action plan in respect of the school in question.

(7) For the purposes of calculating the periods referred to in paragraphs (3)(b), (4)(b) and (6), no account shall be taken of Saturday, Sunday, Good Friday and Christmas Day or any day which is a bank holiday.

### **Fees for provision of the report and summary and of the action plan**

**8.—**(1) Subject to paragraph (2), an appropriate authority may require payment of a fee (not exceeding the cost of supply) where they provide,—

- (a) under paragraph 9C(5)(b) of Schedule 2 to the 1992 Act or section 209(4) of the 1993 Act (as the case may be),—
  - (i) a copy of a report to a person who is not otherwise entitled to receive a copy of that report; or
  - (ii) a copy of a report to any person who is not a parent of a registered pupil at the school; or
  - (iii) a copy of a report to any person who is not a parent of a child aged between three years and nineteen years living within a radius of three miles of the school; or
  - (iv) a copy of a summary to any person to whom they have previously provided a copy of that report.
- (b) under paragraph 10(5)(b) of Schedule 2 to the 1992 Act or section 210(6)(b) of the 1993 Act (as the case may be), a copy of an action plan to any person—
  - (i) who is not otherwise entitled to receive a copy of that action plan and whose home or whose principal office is located outside a radius of three miles from the school; or
  - (ii) to whom they have previously provided a copy of that action plan.

(2) An appropriate authority may not require payment by the funding authority of a fee under paragraph (1) where they provide to the funding authority a copy of a report or action plan in respect of a grant-maintained or grant-maintained special school and they have not previously provided a copy of that report or action plan to the authority.

## **PART III**

### **INSPECTIONS OF DENOMINATIONAL EDUCATION**

**9.** In this Part of these Regulations—

“additional action plan” means the written statement referred to in paragraph 15(1) of Schedule 2 to the 1992 Act;

“denominational education”, in relation to a school, means any religious education which—

- (i) is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum, but
- (ii) is not required by any enactment to be given in accordance with an agreed syllabus;

“inspection” means an inspection of school under section 13 of the 1992 Act<sup>(11)</sup> ; and

“inspector” means the person conducting the inspection.

### **Intervals for inspection**

**10.** Where the governing body of a voluntary or grant-maintained school are required by section 13 of the 1992 Act to secure that the denominational education given to any pupils or the

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<sup>(11)</sup> Section 13(1) to (3) and (7) is amended with effect from 1st October 1993 by section 259 of the Education Act 1993

content of the school's collective worship (or both) are inspected they shall secure that that inspection takes place—

- (a) (i) in the case of a secondary school, on or after 1st October 1993 and before 1st August 1998 (unless that inspection took place in September 1993);
- (ii) in any other case, on or after 1st September 1994 and before 1st August 1999; and
- (b) thereafter, in either case, within five school years from the end of the school year in which the last inspection took place.

### **Reports and additional action plans**

**11.**—(1) An inspection shall be carried out during a period not exceeding two weeks.

(2) Within five weeks from the completion of the inspection or within seven weeks thereof where it is necessary to provide a translation into Welsh or English, the inspector shall prepare in writing a report of the inspection and a summary of the report.

(3) The governing body shall, within forty working days from the date when the inspector reported to them, or within forty-five working days thereof where it is necessary to provide a translation into Welsh or English, prepare an additional action plan.

(4) The governing body shall, within five working days from the date when they completed the preparation of the additional action plan, send copies of it together with any translation thereof to the following persons (in addition to the persons mentioned in paragraph 15(2) of Schedule 2 to the 1992 Act)—

- (a) all persons employed as teachers at the school;
- (b) in the case of a grant-maintained school, the funding authority;
- (c) in the case of a school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 8 to the Education Act 1993, that person; and
- (d) in the case of an aided or grant-maintained secondary school, the instrument of government of which names a person as a sponsor of the school, that person.

### **Fees for provision of the report and summary and of the additional action plan**

**12.**—(1) Subject to paragraph (2), a governing body may require payment of a fee (not exceeding the cost of supply), where they provide:

- (a) under paragraph 14(4)(b) of Schedule 2 to the 1992 Act—
  - (i) a copy of a report to any person who asks for one;
  - (ii) a copy of a summary to any person to whom they have previously provided a copy of that summary; or
- (b) under paragraph 15(3)(b) of Schedule 2 to the Act a copy of an additional action plan to any person—
  - (i) who is not otherwise entitled to receive a copy of that additional action plan and whose home or whose principal office is located outside a radius of three miles from the school; or
  - (ii) to whom they have previously provided a copy of that additional action plan.

(2) A governing body may not require payment by the funding authority of a fee under paragraph (1) where they provide to the funding authority a copy of a report or additional action

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plan in respect of a grant-maintained school and they have not previously provided a copy of that report or additional action plan to the authority.

## PART IV

### LOCAL EDUCATION AUTHORITY ACCOUNTS

**13.**—(1) For each financial year in which a local education authority provides a school inspection service, the authority shall keep accounts in respect of the service provided by them in that year.

(2) In this regulation—

“financial year” means a period of twelve months beginning with 1st April; and

“school inspection service” has the meaning set out in section 14(2) of the 1992 Act.

5th August 1993

*John Redwood*  
Secretary of State for Wales



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## EXPLANATORY NOTE

*(This note is not part of the Regulation)*

These Regulations replace the Education (School Inspection) (Wales) Regulations 1993 (S.I. 1993/1529) (“the 1993 Regulations”) which are revoked. These Regulations, which apply only to schools in Wales, fall into 4 parts. Parts I, II and IV come into force on, and replace Parts II and IV of the 1993 Regulations from 1st September 1993. Part III comes into force on and the remainder of the 1993 Regulations are revoked on 1st October 1993.

### **PART I**

Part I contains general information only.

### **PART II**

Part II contains provisions applying to the inspection of schools in Wales under section 9 of the Education (Schools) Act 1992.

Regulation 3 contains general information only.

Regulation 4 provides that the first inspection of a secondary school is to take place on or after 1st September 1993 and before 1st August 1998 and the first inspection of a school of any other type on or after 1st September 1994 and before 1st August 1999; subsequent inspections are to take place within 5 school years (defined by regulation 2 as years commencing on 1st August) from the end of the school year in which the last inspection took place.

The Regulations extend the categories of persons specified in regulation 4 of the 1993 Regulations as those to whom the appropriate authority must notify the time when the inspection is to take place by including the funding authority, in the case of a grant-maintained or grant-maintained special school, the appropriate diocesan authority (defined in regulation 5(2)), in the case of a voluntary school or former voluntary grant-maintained school where that authority does not appoint the school’s foundation governors, any person entitled to appoint an externally appointed care governor, in the case of a school in a group of grant-maintained schools, any person named as a sponsor of an aided or grant-maintained secondary school in the school’s instrument of government, the funding authority and a further education funding council if they are paying fees in respect of the education of a person at an approved independent school, and a local authority who is looking after a child (regulation 5).

Regulation 6 extends the requirements in regulation 5 of the 1993 Regulations regarding the meeting with parents required to be arranged under paragraph 6 of Schedule 2 to the 1992 Act by including a further education funding council paying fees in respect of the education of a person at an approved independent school.

Regulation 7 prescribes for the purposes of the Education Act 1993 and the Education (Schools) Act 1992–

- (a) the time by which the inspections are to be completed;
- (b) the period within which the report of the inspection is to be made;
- (c) the period within which the appropriate authority is to prepare an action plan following an inspection; and

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- (d) the period within which, and the persons to whom, the appropriate authority are to distribute copies of the action plan.

Shorter periods for the preparation and distribution of action plans are prescribed for cases in which the report concludes that special measures are needed in relation to the school, than for other cases.

Regulation 7 also prescribes the period within which, in the case of a report which concludes that special measures are needed in relation to a school, the local education authority is to prepare a statement of their proposed actions and their comments on the action plan under Section 211 of the 1993 Act.

Regulation 8 prescribes the cases in which a fee may be charged by an appropriate authority for the provision of copies of a report, summary or action plan.

### **PART III**

Part III contains provisions applying to the inspection of denominational education in schools in Wales under section 13 of the 1992 Act.

Regulation 9 contains general information only.

Regulation 10 provides that the first inspection of a secondary school is to take place on or after 1st October 1993 (unless that inspection took place in September 1993) and before 1st August 1998 and the first inspection of a school of any other type on or after 1st September 1994 and before 1st August 1999; subsequent inspections are to take place within 5 school years (defined by regulation 2 as years commencing on 1st August) from the end of the school year in which the last inspection took place.

The Regulations reproduce the requirements in regulation 9 of the 1993 Regulations regarding the periods for carrying out an inspection, the preparation of the report and summary and the preparation of an additional action plan. The Regulations extend the categories of persons entitled to receive copies of additional action plans by including the funding authority, in the case of grant-maintained schools, any person entitled to appoint an externally appointed core governor, in the case of a school in a group of grant-maintained schools and any person named as a sponsor of an aided or grant-maintained secondary school in the school's instrument of governors, (Regulation 11).

Regulation 12 prescribes the cases in which a fee may be charged for the provision of copies of the report, summary and additional action plan.

### **PART IV**

Part IV, regulation 13 reproduces the requirement in regulation 11 of the 1993 Regulations for local education authorities to keep accounts for each financial year in which they provide a school inspection service.