
STATUTORY INSTRUMENTS

2002 No. 552

CHILDREN AND YOUNG PERSONS, ENGLAND

**The National Care Standards Commission (Inspection
of Schools and Colleges) Regulations 2002**

<i>Made</i>	- - - -	<i>7th March 2002</i>
<i>Laid before Parliament</i>		<i>11th March 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 87(6) and 104(4) of the Children Act 1989⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002, and shall come into force on 1st April 2002.

(2) These Regulations extend to England only⁽²⁾.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” means the Children Act 1989;

“authorised person” means a person authorised by the appropriate authority⁽³⁾ to exercise the power of entry conferred by section 87(5) of the 1989 Act; and

“relevant school or college” means a school or college to which section 87(1) of the 1989 Act applies.

(2) In these Regulations, a reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

(1) 1989 c. 41, Section 87 of the 1989 Act is amended by sections 105 and 116 of, and paragraphs 14(1) and (21) of Schedule 4 to, the Care Standards Act 2000 (c. 14). See section 105(1) of the 1989 Act for the definition of “prescribed”.

(2) The functions of the Secretary of State are, in relation to Wales, transferred to the National Assembly for Wales. See Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), and section 120(2) of the Care Standards Act 2000.

(3) The appropriate authority is, in relation to England, the National Care Standards Commission (see section 87(10) of the 1989 Act).

Inspection of premises

3.—(1) An authorised person may inspect any premises, or any part of any premises, which are, or are to be, the premises of a relevant school or college.

(2) An authorised person may carry out such examination into the state and management of the premises inspected under paragraph (1) as he considers necessary for the purposes of the inspection.

(3) An inspection under paragraph (1) may take place without notice to the relevant person⁽⁴⁾.

Inspection of records

4.—(1) An authorised person may inspect any record of a relevant school or college which is relevant to the discharge of the Commission’s duty under section 87(3) of the 1989 Act.

(2) The power in paragraph (1) includes power to require the relevant person to produce any records, wherever kept, for inspection on the premises.

(3) In this regulation, a reference to a record includes a record which is kept by means of a computer.

Inspection of children

5.—(1) Subject to the provisions of this regulation, an authorised person may, for the purpose of enabling the Commission to discharge its duty under section 87(3) of the 1989 Act, carry out an inspection of children who are provided with accommodation by a relevant school or college.

(2) An inspection may include a physical examination of a child if the authorised person considers it necessary, and provided that—

- (a) he is a registered medical practitioner or a registered nurse;
- (b) he has reasonable cause to believe that the welfare of the child in question is not being adequately safeguarded or promoted by the relevant person; and
- (c) the child consents to the examination, or is incapable of giving his consent.

(3) An examination under paragraph (2) shall take place in private.

(4) Subject to paragraph (5), an authorised person may interview in private, or solicit written or verbal expressions of opinion from any child or group of children who consent to be interviewed or to express their views, as the case may be.

(5) An authorised person may not interview any individual child in private unless—

- (a) the child concerned has expressly asked to be interviewed alone and in private; or
- (b) the authorised person considers on reasonable grounds that such an interview is necessary to enable the Commission to discharge its duty under section 87(3) of the 1989 Act.

(6) No inspection may be carried out under this regulation in respect of—

- (a) any child of a member of staff of a relevant school or college; or
- (b) any other child living with such a member of staff as a member of his household,

Unless the child is also a pupil or student of the school or college.

Inspection—general

6. An authorised person may in carrying out any inspection under these Regulations—

(4) See section 87(11) and (12) of the 1989 Act for the meaning of “relevant person”.

- (a) require any person to afford him such facilities and assistance with respect to matters within that person's control as are necessary to enable the authorised person to exercise his powers under these Regulations; and
- (b) take such photographs, measurements and recordings as he considers necessary to enable him to exercise his powers.

Revocation

7. The Inspection of Premises, Children and Records (Independent Schools) Regulations 1991(5) are revoked.

Signed by authority of the Secretary of State for Health

7th March 2002

Jacqui Smith
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the inspection of schools and colleges providing accommodation for children. Section 87(5) of the Children Act 1989 (as amended by the Care Standards Act 2000), confers power on a person authorised by the National Care Standards Commission to enter the premises of a school or college accommodating children, in order to determine whether the welfare of the children is being adequately safeguarded and promoted. A person so authorised may inspect the premises of the school or college, its records, and the children accommodated there, as provided for by these Regulations.