

2003 No. 1926

EDUCATION, ENGLAND

**The Education (Independent School Inspection Fees and
Publication) (England) Regulations 2003**

Made - - - - - *25th July 2003*

Laid before Parliament *5th August 2003*

Coming into force - - - *1st September 2003*

In exercise of the powers conferred on the Secretary of State by sections 163(3)(b), 164(9) and 210(7) of the Education Act 2002(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Education (Independent School Inspection Fees and Publication) (England) Regulations 2003 and shall come into force on 1st September 2003.

2. These Regulations shall apply only in relation to England.

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply to any inspection under section 163(1)(a) of the 2002 Act.

(2) These Regulations shall not apply to—

- (a) the first inspection to follow an inspection under section 160(4) of the 2002 Act;
- (b) any inspection before 1st September 2005 of a school which was on 31st August 2003 provisionally registered in accordance with section 465(3) of the 1996 Act(b); and
- (c) any inspection of an Academy, city technology college or city college for the technology of the arts.

(3) Regulations 5 to 7 shall not apply to any inspection of a school approved under section 347(1) of the 1996 Act.

Interpretation

4. In these Regulations—

“the 1996 Act” means the Education Act 1996(c);

“the 2002 Act” means the Education Act 2002;

(a) 2002 c.32; see section 212(1) for the definition of “regulations”, by virtue of which these Regulations made by the Secretary of State apply only in relation to England. Section 212(1) also defines “prescribed”.

(b) Section 465 was repealed by section 215(2) of and Schedule 22 to the 2002 Act.

(c) 1996 c.56

“city technology college” or “city college for the technology of the arts” means a school established under section 482 of the 1996 Act^(a) before 26th July 2002 which is not an Academy;

“follow-up inspection” means a limited inspection which is prompted by concerns arising from a full inspection;

“full inspection” means an inspection of a school under section 163(1)(a) of the 2002 Act which is not a limited inspection;

“limited inspection” means an inspection of a school under section 163(1)(a) of the 2002 Act, the scope of which is limited pursuant to section 163(2)(b) of that Act to such of the independent school standards as may be specified in relation to that school; and

“school” means an independent school.

Fees payable on inspection by the Chief Inspector or a registered inspector

5.—(1) In respect of any full inspection of a school the proprietor shall pay the Chief Inspector a fee to be determined in accordance with paragraph (2).

(2) For a school which had, on the date to which the most recent annual return was made up, the number of registered pupils specified in column 1 of the Schedule, the fee payable under paragraph (1) shall be calculated using the corresponding formula in column 2.

6. The fee payable under regulation 5 is to be paid—

- (a) in a single payment within 28 days of the last day on which the inspection is conducted, or
- (b) in two equal instalments, the first to be paid within 28 days of the last day on which the inspection is conducted and the second to be paid within 28 days of the first anniversary of that date,

except that any outstanding fee must be paid in full prior to the closure of any school.

7.—(1) Where concerns arising from a full inspection of a school prompt one or more follow-up inspections, the proprietor shall pay the Chief Inspector—

- (a) in the case of a first such inspection, no fee; and
- (b) in the case of any subsequent such inspection, a fee equal to 25% of that payable in respect of the full inspection which prompted it.

(2) The fee payable under paragraph (1) is to be paid in a single payment within 28 days of the date on which payment is requested by the Chief Inspector, except that any outstanding fee must be paid in full prior to the closure of any school.

Publication of Inspection Reports

8. Where the registration authority requires publication of a report made under section 163(3)(a) of the 2002 Act the person who conducted the inspection shall—

- (a) send a copy of the inspection report and any summary of that report to the proprietor; and
- (b) place a copy of the inspection report and any summary of that report on their internet website.

25th July 2003

David Miliband
Minister of State
Department for Education and Skills

(a) Section 482 was substituted by section 65 of the 2002 Act.

SCHEDULE

Regulation 5(2)

<i>(1)</i> <i>Number of registered pupils on the date to which the last annual return was made up</i>	<i>(2)</i> <i>Amount of Fee</i>
Less than 50	£40 per pupil
50-149	£500 + £40 per pupil
150-385	£500 + £40 for each of the first 149 pupils + £15 for each further pupil
386+	£10,000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a structure for determining the fee, if any, that an independent school must pay when it is inspected by the Chief Inspector or by one or more registered inspectors under section 163(1)(a) of the Education Act 2002. The time allowed for payment is also specified.

Where publication of the report of such an inspection is required by the registration authority, regulation 8 sets out the manner in which this is to be done.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Independent Schools Registration Team, Department for Education and Skills, Ground Floor, Mowden Hall, Staindrop Road, Darlington DL3 9BG and accessible on the Department's internet website at www.dfes.gov.uk/ria/. Copies have also been placed in the Library of each House of Parliament.

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