
STATUTORY INSTRUMENTS

2018 No. 205

EDUCATION, ENGLAND

The Independent Educational Provision in
England (Inspection Fees) and Independent
School Standards (Amendment) Regulations 2018

Made - - - - *16th February 2018*
Laid before Parliament *23rd February 2018*
Coming into force - - *1st April 2018*

The Secretary of State, in exercise of the powers conferred by sections 94(1) and (2), 111(1), (2), (3)(a) and (c) and (4)(b), and 166(6) of the Education and Skills Act 2008 ^{M1}, makes the following Regulations:

Marginal Citations

M1 2008 c.25 (“the 2008 Act”); [section 111](#) was amended by section 23 of the [Children, Schools and Families Act 2010](#) (c. 26). See section 168(1) for the definition of “prescribed” and “regulations”.

Citation, commencement and interpretation

^{F1}1.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019](#) (S.I. 2019/995), [regs. 1\(1\), 9\(1\)](#) (with reg. 9(2)(3))

Fees for inspections by the Chief Inspector

^{F1}2.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019](#) (S.I. 2019/995), [regs. 1\(1\), 9\(1\)](#) (with reg. 9(2)(3))

Changes to legislation: There are currently no known outstanding effects for the The Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018. (See end of Document for details)

Composition of the overall inspection fee and time for payment

F13.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Fee not to be refunded where inspection does not take place

F14.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Fee for a pre-registration inspection

F15.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Fees for progress monitoring inspections and time at which they must be paid

F16.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Amount of fees in respect of an inspection to which regulation 6 applies

F17.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Notifications

F18.

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Amendment of the Education (Independent School Standards) Regulations 2014

9.—(1) The Education (Independent School Standards) Regulations 2014 are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “the National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges”; and
- (b) in the definitions of “the National Minimum Standards for Boarding Schools” and “the National Minimum Standards for Residential Special Schools”, for “November 2012” in both places where it occurs, substitute “ April 2015 ”.

(3) In paragraph 8(b) of Part 3 of the Schedule, omit “or the National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges”.

Revocations and saving

^{F1}**10.**

F1 Regulations revoked (except reg. 9) (1.7.2019) by [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(S.I. 2019/995\)](#), **regs. 1(1), 9(1)** (with reg. 9(2)(3))

Department for Education

Agnew
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by way of powers in the Education and Skills Act 2008. Their purpose is to revoke and replace the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009 (“the 2009 Regulations”) (S.I. 2009/1607), which have been the main piece of legislation in this area. In addition, these Regulations make amendments to the Education (Independent School Standards) Regulations 2014 (2014/3283).

Regulation 2 makes provision for the requirement to pay fees to Her Majesty's Chief Inspector of Education, Children and Skills (the Chief Inspector) in respect of inspections under section 109 of the Education and Skills Act 2008. Fees are not required to be paid under regulation 2 for certain types of inspections.

Regulation 3 and Table 1 set out the way that the fees are determined. The fees for the inspections referred to in regulation 2 are being increased above the rate of inflation. The fee is payable over the course of three years, and the effect of the regulation is that payment may be due under these Regulations before an inspection has happened. Regulation 4 provides for certain circumstances in which a fee will not be refunded, even if the inspection does not take place at all (for example, in circumstances where the fee has been paid, but the school ceases to be registered).

Regulation 5 makes provision for a new fee that is to payable to the Chief Inspector in respect of pre-registration inspections.

Regulation 6 requires fees to be payable in respect of progress monitoring inspections. Regulation 6 introduces a new requirement to pay a fee in respect of a third and subsequent progress monitoring inspections. Fees for the first and second progress monitoring inspections are not being increased. Regulation 7 sets out the amount of the fee and how it is to be calculated. Regulation 8 sets out the requirement of giving notice in respect of a requirement to pay a fee to the Chief Inspector.

Regulation 10 makes revocation and saving provisions. Savings are made in respect of cases where an inspection took place under the 2009 Regulations before these Regulations come into force. The effect of regulation 10(2) is to preserve the obligation to make the payment under the 2009 Regulations, notwithstanding their revocation.

Regulation 9 makes a number of minor amendments to the Education (Independent School Standards) Regulations 2014 consequential on the publication of new National Minimum Standards in 2015. A copy of the National Minimum Standards may be found on <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards> and <https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards> or can be obtained in alternate formats from the Independent Education and Boarding Team, Department for Education, Bishopsgate House, Feetham, Darlington, DL1 5QE.

An impact assessment of the effect that this instrument will have on the costs of business and the public and voluntary sector is available from the Independent Education and Boarding Team, Department for Education, Bishopsgate House, Feethams, Darlington, DL1 5QE and accessible on the Department's internet website at <http://www.education.gov.uk>. Copies have also been placed in the Library of each House of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018.