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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1714**

**The Education (School Inspection) (Wales) Regulations 2006**

**PART 1**

General

**Title and commencement**

1. The title of these Regulations is the Education (School Inspections) (Wales) Regulations 2006 and they come into force on 1 September 2006.

**Revocation and amendment**

2.—(1) The Education (School Inspection) (Wales) Regulations 1998(1), the Education (School Inspection) (Wales) (Amendment) Regulations 1999(2) and the Education (School Inspection) (Amendment) (Wales) Regulations 2004(3) are revoked.

(2) The Education (Registered Inspectors) (Fees) Regulations 1992(4) are revoked in relation to Wales.

(3) In the Annual Parents' Meeting (Exemptions) (Wales) Regulations 2005(5) —

(a) in paragraph (a) of regulation 5, for “section 10 of the School Inspections Act 1996” substitute “section 28 of the Education Act 2005”; and

(b) in paragraph (b) of that regulation, for “prescribed by regulation 8(1) of the Education (School Inspection) (Wales) Regulations 1998” substitute “prescribed by regulations under, or directed by the National Assembly under, section 39(2) or 42(2) of that Act”.

**Interpretation: general**

3.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the School Inspections Act 1996(6) (which is revoked by the 2005 Act);

“the 2005 Act” (“*Deddf 2005*”) means the Education Act 2005;

“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”), “Church in Wales school” (“*ysgol yr Eglwys yng Nghymru*”), “Church of England school” (“*ysgol Eglwys Loegr*”) and “Roman Catholic school” (“*ysgol yr Eglwys Gatholig Rufeinig*”), in each case, have the meanings given by section 142(1) of the School Standards and Framework Act 1998(7);

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(1) [S.I.1998/1866](#).

(2) [S.I.1999/1440](#).

(3) [S.I. 2004/784 \(W.81\)](#).

(4) [S.I.1992/2025](#).

(5) [S.I.2005/2911 \(W.208\)](#).

(6) 1996 c. 57.

(7) [1998.c.31](#), as amended by [S.I. 2003/3037](#).

“bank holiday” (“*gwyl banc*”) means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(8);

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales; and

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, a Sunday, a bank holiday or part of a holiday longer than a week taken by the school in question.

(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) In order to give full effect to section 41(4)(c), the reference in that provision to “the authority” is to be read, for the purposes of regulation 9(3), as a reference to the proprietor of the school.

(4) Any reference in these Regulations to a section or Schedule (without more) is a reference to a section of, or Schedule to, the 2005 Act.

## PART 2

### School Inspections

#### Interpretation: Part 2

4.—(1) In this Part of these Regulations—

“action plan” (“*cynllun gweithredu*”) means, in the case of a maintained school, the written statement referred to in section 39; or, in the case of a non-maintained special school, section 42;

“appropriate authority” (“*awdurdod priodol*”), in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local education authority (subject, however, to regulation 7(2));

“Chief Inspector” (“*Prif Arolygydd*”) means Her Majesty’s Chief Inspector of Education and Training in Wales;

“delegated budget” (“*cyllideb ddirprwyedig*”) has the same meaning as in section 49 of the School Standards and Framework Act 1998;

“inspection” (“*arolygiad*”) means an inspection under Chapter 3 of Part 1 of the 2005 Act (including a section 28 inspection);

“inspection team” (“*tîm arolygu*”) has the meaning given by paragraph 3(1) of Schedule 4;

“maintained school” (“*ysgol a gynhelir*”) means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“member of the Inspectorate” (“*aelod o'r Arolygiaeth*”) means the Chief Inspector, any of Her Majesty’s Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“non-maintained special school” (“*ysgol arbennig nas cynhelir*”) means a special school falling within section 28(2)(d);

“registered inspector” (“*arolygydd cofrestredig*”) means an inspector registered under section 25;

“school” (“*ysgol*”) (without more) means a school to which section 28 applies; and

“section 28 inspection” (“*arolygiad adran 28*”) means an inspection under section 28.

(2) References in this Part to a child who is looked after by a local authority have the same meaning as in section 22(1) of the Children Act 1989(9).

(3) References in this Part to special measures being, or not being, required to be taken are to be read in accordance with section 44(1).

(4) References in this Part to a school requiring, or not requiring, significant improvement are to be read in accordance with section 44(2).

### **Registered inspectors: registration fee**

5. For the purposes of subsection (3) (b) of section 25, there is prescribed as the fee which must accompany an application for registration under that section, a fee of £150.

### **Intervals for inspection**

6.—(1) This regulation prescribes, for the purposes of subsection (1) of section 28, the intervals at which schools to which that section applies must be inspected under that section.

(2) The Chief Inspector must secure that a section 28 inspection is carried out in respect of every such school at intervals of six years.

(3) Intervals run from—

- (a) the date on which the last inspection of the school (under the 1996 Act or the 2005 Act) was completed; or
- (b) in the case of a school which has not previously been inspected (under either Act), the date on which pupils were first admitted to the school.

### **Notification of inspection**

7.—(1) Where a section 28 inspection is arranged, the appropriate authority must, for the purpose of paragraph 6(a) of Schedule 4, take such steps as are reasonably practicable to notify—

- (a) in the case of a maintained 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 maintained school which does not have a delegated budget, the chairman of the governing body;
- (c) in the case of a school which has foundation governors, the person who appoints those governors and, in the case of a voluntary aided school which is a Church in Wales school, a Church of England school or a Roman Catholic school, the appropriate diocesan authority (if different);
- (d) in the case of a non-maintained special school, the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school;
- (e) in the case of any school at which a registered pupil is a child who is looked after by the local authority, a person appearing to them to be an appropriate officer of that local authority; and
- (f) in the case of a secondary school, such members of the local business community as the appropriate authority think fit, having regard, in particular, to the desirability of notifying

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(9) 1989 c. 41. Section 22(1) was amended by Schedule 5 to the Local Government Act 2000 (c. 22), section 2(2) of the Children (Leaving Care) Act 2000 (c. 35) and section 116 of the Adoption and Children Act 2002(c. 38).

members who employ, or have recently employed, former pupils of the school, of the time when the inspection is to take place.

(2) In accordance with the definition contained in paragraph 1 of Schedule 4, in this regulation and regulation 8 “appropriate authority” includes, in the case of a non-maintained special school, the proprietor of the school.

### **Meeting with parents**

8. The appropriate authority, in arranging a meeting pursuant to paragraph 6(b) of Schedule 4 where a section 28 inspection is arranged, must—

- (a) arrange for the meeting to take place 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 the 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 the local authority; and
  - (ii) in the case of a non-maintained special school, the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests;
- (d) not permit anyone to attend the meeting except—
  - (i) the inspector conducting the inspection and the inspection team;
  - (ii) any person whom the inspector conducting the inspection wishes to attend the meeting for the purpose of providing administrative support or 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 a non-maintained special school, a person appearing to the appropriate authority to be an appropriate officer of the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests; and
  - (v) any member of the Inspectorate monitoring the inspection under section 24(2); and
- (e) arrange for the inspector conducting the inspection to have control of the meeting in all other respects.

### **Inspection reports**

9.—(1) For the purposes of section 36, the carrying out of a section 28 inspection must be completed within the period of two weeks from the date on which the inspection began.

(2) For the purposes of that section there is prescribed, as the period within which the making of the report of such an inspection is to be completed, the period of 35 working days from the date on which the inspection was completed.

(3) For the purposes of sections 38(4)(c) and 41(4)(c), there is prescribed, as the period within which the appropriate authority or proprietor, as the case may be, must take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school

receives a copy of the summary of the report of an inspection, the period of ten working days following receipt of the report.

### **Action Plans**

**10.**—(1) For the purposes of section 39(2)(a) and 42(2)(a) there is prescribed, as the period within which an action plan is to be prepared in respect of a maintained school or a non-maintained special school, the period of forty five working days from the date on which the appropriate authority or proprietor of the school, as the case may be, received the report of the inspection.

(2) For the purposes of section 39(3) and (5) and section 42(3) and (4) there is prescribed, as the period within which the appropriate authority or proprietor are to distribute, in accordance with those enactments, copies of such an action plan prepared by them,—

- (a) where the person making the report of the inspection does not state that he or she is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement, five working days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan;
- (b) where (in the case of a report by a registered inspector) the registered inspector states that he or she is of that opinion but it is also stated that the Chief Inspector disagrees with that opinion, five working days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan; and
- (c) where the person making the report states that he or she is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with that opinion, two days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan.

(3) For the purposes of section 39(3)(c) and 42(3)(c), where an action plan has been prepared in respect of a maintained school or non-maintained special school, the appropriate authority or proprietor, as the case may be, must send copies of it to the following (in addition to the persons mentioned in, as the case may be, sections 39(3) to (6) or 42(3) and (4))—

- (a) in all cases, to all persons who are employed at the school and who have requested a copy; and
- (b) in the case of a secondary school, to the National Assembly (if the Assembly is not otherwise entitled to a copy).

(4) For the purposes of calculating the period prescribed by paragraph (2)(c) no account is to be taken of Saturday, Sunday, Good Friday and Christmas Day or any day which is a bank holiday.

### **Statements**

**11.**—(1) For the purposes of section 40(3)(a), there is prescribed, as the period within which a local education authority are to prepare the statement referred to in section 40(2), the period of—

- (a) ten days from the date on which they receive a copy of the action plan in respect of the maintained school in question; or
- (b) twelve days from the expiry of the period prescribed by regulation 10(2),

whichever first occurs.

(2) For the purposes of calculating the period prescribed by paragraph (1) no account is to 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**

**12.**—(1) An appropriate authority or proprietor of a non-maintained special school may require payment of a fee (not exceeding the cost of supply) where they provide—

- (a) under section 38(4)(b) or 41(4)(b)—
  - (i) a copy of a report to any person who is not otherwise entitled to receive a copy of that report and whose home or principal office is located outside a radius of 4.828032 kilometres (three miles) of the school; or
  - (ii) a copy of a summary to any person to whom they have previously provided a copy of that summary; or
- (b) under section 39(7)(b) or 42(5)(b), 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 principal office is located outside a radius of 4.828032 kilometres (three miles) of the school; or
  - (ii) to whom they have previously provided a copy of that action plan.

## **PART 3**

### **Inspections of Denominational Education**

#### **Interpretation: Part 3**

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

“action plan” (“*cynllun gweithredu*”) means the written statement referred to in paragraph 3(1) of Schedule 6;

“collective worship” (“*addoli ar y cyd*”) means collective worship required by section 70 of the School Standards and Framework Act 1998;

“denominational education” (“*addysg enwadol*”), in relation to a school, means any religious education which—

- (a) is required by section 101(1)(a) of the Education Act 2002(10) to be included in the school’s basic curriculum, but
- (b) is not required by any enactment to be given in accordance with an agreed syllabus;

“inspection” (“*arolygiad*”) means an inspection of a school under section 50; and

“inspector” (“*arolygydd*”) means the person conducting the inspection.

#### **Intervals for inspection**

**14.**—(1) Where the governing body of a voluntary or foundation school are required by section 50(1) to secure that denominational education given to any pupils and the content of the school’s collective worship are inspected they must secure that the inspection takes place at intervals of six years.

(2) Intervals run from—

- (a) the date on which the last such inspection at the school (under the 1996 Act or 2005 Act) was completed; or

- (b) in the case of a school at which such an inspection has not previously taken place (under either Act), the date on which pupils were first admitted to the school.

### **Choice of inspector**

**15.** For the purposes of section 50(2)(a) and (b), there is prescribed, as a person who the foundation governors or governing body (as the case may be) of a Church in Wales school, Church of England school or Roman Catholic school must consult before choosing a person to conduct an inspection, the appropriate diocesan authority.

### **Reports and Action Plans**

**16.—(1)** In this regulation, references to paragraphs and sub-paragraphs (without more) are to paragraphs and sub-paragraphs of Schedule 6.

(2) For the purposes of paragraph 2(1), there is prescribed, as the period within which an inspection must be carried out, the period of two weeks from the date on which the inspection began.

(3) For the purposes of paragraph 2(2), there is prescribed, as the period within which the inspector must prepare a report in writing of the inspection and a summary of the report, the period of 35 working days from the date on which the inspection was completed.

(4) For the purposes of paragraph 3(1), there is prescribed, as the period within which the governing body must prepare an action plan, the period of forty five working days from the date on which the inspector reported to them.

(5) For the purposes of paragraph 3(2), there is prescribed, as the period within which the governing body must send copies of the action plan to the persons referred to in that sub-paragraph, five working days from the date on which they completed the preparation of the action plan.

(6) For the purposes of that sub-paragraph, there are prescribed, as persons to whom copies of the action plan must be sent in the circumstances mentioned in paragraph (7) of this regulation (in addition to the persons mentioned in sub-paragraph 3(2)), all persons who are either persons employed as teachers at the school or persons (other than pupils) who, although not so employed, participate in the school's collective worship ("relevant persons").

(7) The circumstances are that the relevant persons have requested copies of the action plan.

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

**17.—(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 2(4)(b) of Schedule 6—

- (i) a copy of a report to any person who asks for one and whose home or principal office is located outside a radius of 4.828032 kilometres (three miles) of the school; or
- (ii) a copy of a summary to any person to whom they have previously provided a copy of that summary; or

(b) under paragraph 3(3)(b) of Schedule 6, 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 principal office is located outside a radius of 4.828032 kilometres (three miles) of the school; or
- (ii) to whom they have previously provided a copy of that action plan.

(2) A governing body may not require payment of a fee under paragraph (1)(a) if the document containing the copy of the report or summary, as the case may be, forms part of or is otherwise bound

with a document containing a copy of the report or summary referred to in regulation 9 of these Regulations and a fee has been paid under regulation 12 of these Regulations.

## **PART 4**

### Local Education Authority school inspection services

#### **Requirement to keep accounts**

**18.**—(1) For the purposes of section 52(5)(b), for each financial year in which a local education authority provide a school inspection service, the authority must keep accounts in respect of the service provided by them in that year.

(2) In this regulation—

“financial year” (*“blwyddyn ariannol”*) means a period of twelve months beginning with 1 April; and

“school inspection service” (*“gwasanaeth arolygu ysgolion”*) has the meaning given in section 52(2).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**11**).

27 June 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly