

Status: Point in time view as at 01/08/1993.

Changes to legislation: There are currently no known outstanding effects for the Education (Schools) Act 1992, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 2

SCHOOL INSPECTIONS

PART I

INSPECTIONS UNDER SECTION 9

- 1 In this Part of this Schedule—
- “appropriate authority” means—
- (a) in the case of a maintained school (other than a grant-maintained school) whose governing body does not have a delegated budget, the local education authority for that school;
 - (b) in the case of a school falling within paragraph (e), (f) or (g) of section 9(3), the proprietor of the school;
 - (c) in any other case, the school’s governing body;
- [^{F1}“inspection by a member of the Inspectorate” means a section 9 inspection carried out by a member of the Inspectorate or an inspection under section 2(2)(b), 3(1), 6(2)(b) or 7(1),
- “member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in England or, as the case may be, Wales and any additional inspector, and
- “section 9 inspection” means an inspection under section 9,
- and for the purposes of this Part of this Schedule, special measures are required to be taken in relation to a school if the school is failing or likely to fail to give its pupils an acceptable standard of education.]

Textual Amendments

- F1** Words in [Sch. 2 para. 1](#) substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) by [1993 c. 35, s. 307\(1\)](#), [Sch. 19 para. 173\(3\)](#); [S.I. 1993/1975, art. 4\(2\)\(3\)](#).

Selection of registered inspectors

- 2 Before entering into any arrangement for an inspection, the Chief Inspector shall, after consulting the appropriate authority for the school concerned as to the tender specification, invite tenders from at least two registered inspectors who can reasonably be expected—
- (a) to wish to tender for the proposed inspection; and
 - (b) to tender at arm’s length from each other.

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Inspection teams

- 3
- (1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who are fit and proper persons for carrying out the inspection.
 - (2) It shall be the duty of the registered inspector to ensure that—
 - (a) at least one member of the inspection team is a person—
 - (i) without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity); and
 - (ii) whose primary function on the team is not that of providing financial or business expertise; and
 - (b) no member of the inspection team falls within a category of person prescribed for the purposes of this sub-paragraph.
 - (3) Otherwise, the composition of the inspection team shall be determined by the registered inspector, subject to his complying with any condition imposed under section 10(5)(c).
 - (4) Any experience of a kind mentioned in sub-paragraph (2)(a) which it is reasonable to regard as insignificant, having regard to the purposes of sub-paragraph (2), may be ignored by the registered inspector.
 - (5) It shall be the duty of the registered inspector to ensure that no person takes any part in an inspection if he has, or has at any time had, any connection with—
 - (a) the school in question,
 - (b) any person who is employed at the school,
 - (c) any person who is a member of the school’s governing body, or
 - (d) the proprietor of the school,
 of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that school.

Training for inspections

- 4
- (1) No person shall conduct an inspection of a school in England, or act as a member of an inspection team for such a school, unless he has in the opinion of the Chief Inspector for England, satisfactorily completed a course of training provided by or complying with arrangements approved by that Chief Inspector.
 - (2) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for England.
 - (3) Where the Chief Inspector for England provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.

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Commencement Information

I1 Sch. 2, para. 4 wholly in force at 31.8.1992 see s. 21(3) and S.I.1992/1157, art.2, Sch.

- 5
- (1) No person shall conduct an inspection of a school in Wales, or act as a member of an inspection team for such a school, unless he has in the opinion of the Chief Inspector for Wales, satisfactorily completed a course of training provided by or complying with arrangements approved by that Chief Inspector.
 - (2) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for Wales.
 - (3) Where the Chief Inspector for Wales provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.

Commencement Information

I2 Sch.2, para. 5 wholly in force at 31.8.1992 see s. 21(3) and S.I.1992/1157, art. 2, Sch.

Meeting with parents

- 6
- Where an inspection is arranged, the appropriate authority for the school concerned shall—
- (a) take such steps as are reasonably practicable to notify—
 - (i) the parents of registered pupils at the school, and
 - (ii) such other persons as may be prescribed,of the time when the inspection is to take place; and
 - (b) arrange a meeting, in accordance with such provisions as may be prescribed, between the inspector conducting the inspection and those parents of registered pupils at the school who wish to attend.

Rights of entry etc.

- 7
- A registered inspector conducting an inspection, and the members of his inspection team, shall have at all reasonable times—
- (a) a right of entry to the premises of the school concerned; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.

Offence of obstructing inspector or inspection team

- 8
- (1) It shall be an offence wilfully to obstruct—
 - (a) a registered inspector, or

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- (b) a member of an inspection team,
 in the exercise of his functions in relation to the inspection of a school.
- (2) Any person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level four on the standard scale.

Inspectors' reports

- [^{F2F3}9] (1) Where a section 9 inspection by a registered inspector has been completed, the inspector shall make in writing a report of the inspection and a summary of the report.
- (2) Where the inspector is of the opinion that special measures are required to be taken in relation to the school he shall submit a draft of the report of the inspection to the Chief Inspector.
- (3) If the Chief Inspector so requests, an inspector who has submitted a draft under sub-paragraph (2) shall provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (4) The Chief Inspector shall inform an inspector who has submitted a draft under sub-paragraph (2) whether he agrees or disagrees with the inspector's opinion.
- (5) Where—
- (a) the Chief Inspector informs the inspector that he disagrees with the inspector's opinion, but
 - (b) the inspector remains of the opinion that special measures are required to be taken in relation to the school,
- the inspector may not make a report expressing that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by sub-paragraph (7)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this sub-paragraph.
- (6) Where a subsequent draft is submitted under sub-paragraph (5), the Chief Inspector shall inform the inspector whether he agrees or disagrees with the inspector's opinion.
- (7) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school shall—
- (a) state his opinion, and
 - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (8) If a report of an inspection of a school by a registered inspector is made in circumstances where—
- (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
 - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the person making the report shall state his opinion in the report.]

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Textual Amendments

- F2** Sch. 2 paras. 9-12 shall cease to have effect in relation to county, voluntary, maintained special, grant maintained and grant maintained special schools (1.9.1993) by virtue of 1993 c. 35, s. 204(4); S.I. 1993/1975, art.7.
- F3** Sch. 2 paras. 9-9C substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) for para. 9 by 1993 c. 35, s. 307(1), Sch. 19 para. 173(5); S.I. 1993/1975, art. 4(2)(3).

- ^{F4}9A (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 6(2)(b) or 7(1) by a member of the Inspectorate, he is of the opinion that special measures are required to be taken in relation to the school, he shall—
- prepare in writing a report of the inspection and a summary of the report, and
 - state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
- he is of the opinion that special measures are not required to be taken in relation to the school, but
 - in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the member of the Inspectorate shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (3) A report of a section 9 inspection of a school by a member of the Inspectorate shall, if he is of the opinion that special measures are required to be taken in relation to the school, state his opinion.
- (4) If a report of a section 9 inspection of a school by a member of the Inspectorate is made in circumstances where—
- he is of the opinion that special measures are not required to be taken in relation to the school, but
 - in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the member of the Inspectorate shall state his opinion in the report.

Textual Amendments

- F4** Sch. 2 paras. 9-9C substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) for para. 9 by 1993 c. 35, s. 307(1), Sch. 19 para. 173(5); S.I. 1993/1975, art. 4(2)(3).

- ^{F5}9B (1) The carrying out of a section 9 inspection shall be completed by the time allowed under sub-paragraph (2) and the making of the report required by paragraph 9 shall be completed within the period allowed under sub-paragraph (2).
- (2) The time, and the period, allowed shall be such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.

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- (3) The Chief Inspector shall give notice in writing of any extension under sub-paragraph (2) to—
- (a) the inspector,
 - (b) the appropriate authority, and
 - (c) the Secretary of State, except in the case of a maintained nursery school.
- (4) This paragraph does not apply to a section 9 inspection carried out by a member of the Inspectorate.]

Textual Amendments

F5 Sch. 2 paras. 9-9C substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) for para. 9 by 1993 c. 35, s. 307(1), **Sch. 19 para. 173(5)**; S.I. 1993/1975, art. 4(2)(3).

- ^{F69C} (1) In the case of a report of a section 9 inspection of a school, the person making it shall without delay—
- (a) send a copy of the report together with the summary of it to the appropriate authority for the school, and
 - (b) if it 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, send a copy of the report and summary to the Secretary of State.
- (2) In the case of a report of an inspection of a school made by a member of the Inspectorate which is required by paragraph 9A to state that he is of the opinion that special measures are required to be taken in relation to the school, the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and to the Secretary of State.
- (3) In any case, copies of the report and summary shall be sent by the person who made the report to the Chief Inspector (unless the report was made by a member of the Inspectorate).
- (4) In the case of—
- (a) a special school which is not a maintained or grant-maintained special school, or
 - (b) an independent school approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements),
- the appropriate authority shall without delay send a copy of any report and summary sent to them under sub-paragraph (1) or (2) to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.
- (5) The appropriate authority shall—
- (a) make any report and summary sent to the authority under sub-paragraph (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable,
 - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one, and

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- (c) 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 as soon as is reasonably practicable.

Textual Amendments

F6 Sch. 2 paras. 9-9C substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) for para. 9 by 1993 c. 35, s. 307(1) Sch. 19 para. 173(5); S.I. 1993/1975, art. 4(2)(3).

Modifications etc. (not altering text)

C1 Sch. 2 para. 9C(4) modified (1.8.1993) by S.I. 1993/1975, art. 5(1)

Action plans

[^{F7F8}10(1) Where—

- (a) a report of a section 9 inspection of a school, or
(b) a report of an inspection of a school made by a member of the Inspectorate which is required by paragraph 9A to state that he is of the opinion that special measures are required to be taken in relation to the school,

is sent to the appropriate authority they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.

(2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this sub-paragraph, that is—

- (a) such period as may be prescribed, or
(b) if, in the case of any report where the person making it 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 Secretary of State is of the opinion that the urgency of the case requires a shorter period, such period as the Secretary of State may direct,

but this sub-paragraph does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.

(3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—

- (a) to the Chief Inspector,
(b) to the Secretary of State, except in the case of a maintained nursery school, and
(c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.

(4) In the case of—

- (a) a special school which is not a maintained or grant-maintained special school, or
(b) an independent school approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements),

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the appropriate authority shall, before the end of the prescribed period, send a copy of any such statement prepared by them to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

- (5) The appropriate authority shall—
- (a) make any statement prepared by them under this paragraph available for inspection by members of the public, at such times and at such place as may be reasonable,
 - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), and
 - (c) 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 statement as soon as is reasonably practicable.]

Schools considered to be at risk

- ^{F9F10}11(1) This paragraph applies in circumstances where—
- (a) in a report of an inspection of a school the person who made it expressed the opinion that special measures were required to be taken in relation to the school,
 - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
 - (c) a statement has been prepared under paragraph 10 or the period prescribed for the purposes of sub-paragraph (3) of that paragraph has expired, and
 - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not express the opinion in the report that special measures were not required to be taken in relation to the school.
- (2) Regulations may make provision with a view to securing that any measures taken by the appropriate authority for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where any report prepared in pursuance of a requirement imposed by virtue of sub-paragraph (4) above—
- (a) states that, in the opinion of the person who prepared the report, special measures are required to be taken in relation to the school, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
 - (b) states that, in the opinion of that person, special measures are not required to be taken in relation to the school,
- the regulations may make provision corresponding to any of the provisions made by this Part of this Schedule.]

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Textual Amendments

- F9** Sch. 2 paras. 9-12 shall cease to have effect in relation to county, voluntary, maintained special, grant maintained and grant maintained special schools (1.9.1993) by virtue of 1993 c. 35, s. 204(4); S.I. 1993/1975, art.7.
- F10** Sch. 2 para. 11 substituted (1.8.1993 for specified purposes and 1.9.1993 so far as not already in force) by 1993 c. 35, s. 307(1), Sch. 19 para. 173(6); S.I. 1993/1975, art. 4(2)(3).

Reserve powers of the Chief Inspectors

- 12 (1) Where an inspection of a school is required under section 9 but the Chief Inspector is satisfied that it is not reasonably practicable to secure that the school is inspected by a suitable registered inspector, he shall secure that it is inspected—
- (a) if it is a school in England, by one of Her Majesty’s Inspectors of Schools in England; and
 - (b) if it is a school in Wales, by one of Her Majesty’s Inspectors of Schools in Wales.
- (2) Where an inspection is conducted by an Inspector by virtue of this paragraph, the provisions of this Act shall have effect in relation to the inspection as if the Inspector were a registered inspector.

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