



Education Act 1993

1993 CHAPTER 35

PART V

SCHOOLS FAILING TO GIVE AN ACCEPTABLE STANDARD OF EDUCATION

CHAPTER I

IDENTIFICATION OF SCHOOLS REQUIRING SPECIAL MEASURES

Inspections and reports

205 Section 9 inspections by members of the Inspectorate

- (1) Where an inspection of a school is required under section 9 of the Education (Schools) Act 1992 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 by a member of the Inspectorate.
- (2) Where an inspection is conducted by a member of the Inspectorate by virtue of this section, that Act shall have effect (unless the context otherwise requires) in relation to the inspection as if the member of the Inspectorate were a registered inspector.
- (3) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 2(2)(b), 3(1), 6(2)(b) or 7(1) of that Act, that inspection shall be treated for the purposes of section 9(1) and (2) of that Act and sections 209 to 212 of this Act as if it were an inspection under section 9 of that Act and the member of the Inspectorate were a registered inspector.

206 Section 9 inspections by registered inspectors

- (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.

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- (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 subsection (2) above 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 subsection (2) above 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 subsection (7)(b) below) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.
- (6) Where a subsequent draft is submitted under subsection (5) above, 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.

207 Reports of inspections by members of the Inspectorate

- (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 6(2)(b) or 7(1) of the Education (Schools) Act 1992 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—
 - (a) prepare in writing a report of the inspection and a summary of the report, and
 - (b) 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—
 - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but

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- (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 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—
 - (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 member of the Inspectorate shall state his opinion in the report.

208 Timing of section 9 inspections by registered inspectors

- (1) The carrying out of a section 9 inspection shall be completed by the time allowed under subsection (2) below and the making of the report required by section 206 of this Act shall be completed within the period allowed under subsection (2) below.
- (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.
- (3) The Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
 - (a) the inspector,
 - (b) the local education authority in the case of a county, voluntary or maintained special school, and
 - (c) the governing body.
- (4) This section does not apply to a section 9 inspection carried out by a member of the Inspectorate.

209 Destination of reports

- (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, if it is a grant-maintained or grant-maintained special school, to the Secretary of State, and
 - (b) if in the case of a county, voluntary or maintained special school 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

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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 section 207(1)(b) of this Act 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 the Secretary of State.
- (3) In any case, copies of the report and summary shall be sent by the person who made the report—
- (a) to the Chief Inspector (unless the report was made by a member of the Inspectorate),
 - (b) to the head teacher of the school,
 - (c) in the case of a county, voluntary or maintained special school, to whichever of the local education authority and the governing body are not the appropriate authority,
 - (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority,
 - (e) to any person named as a sponsor of the school in the instrument of government, and
 - (f) in the case of any school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 8 to this Act, to that person.
- (4) The appropriate authority shall—
- (a) make a copy of any report and summary sent to the authority under subsection (1) or (2) above 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
 - (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.