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# School Inspections Act 1996

## 1996 CHAPTER 57

An Act to consolidate provisions of the Education (Schools) Act 1992 and Part V of the Education Act 1993, with amendments to give effect to recommendations of the Law Commission. [24th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **Modifications etc. (not altering text)**

- C1** Act (except s. 4(4) and paras. 1, 2(3) and 3 of Sch. 1): certain functions transferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)  
Act modified (1.10.2000 for specified purposes and otherwise 1.4.2001 (E.) and otherwise 1.4.2002 (W.)) by [2000 c. 21, s. 113\(1\), Sch. 7 para. 3\(3\)](#); [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); [S.I. 2001/654, art. 2, Pt. II](#); [S.I. 2001/2705, art. 2, Sch. Pt. I](#)  
Act applied (1.6.2001) by [S.I. 2001/1507, reg. 2, Sch. 2 para. 2](#)

### **Commencement Information**

- II** Act wholly in force at 1.11.1996 see s.48(2).

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## PART I

### SCHOOL INSPECTIONS

#### CHAPTER I

#### SCHOOL INSPECTORS AND INSPECTIONS CARRIED OUT BY THEM

##### *Her Majesty's Inspectorate for England*

#### **1 Her Majesty's Inspectorate of Schools in England.**

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Schools in England ("the Chief Inspector for England).
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Schools in England.
- (3) Any person appointed as one of Her Majesty's Inspectors of Schools in England shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for England.
- (4) The Chief Inspector for England shall hold and vacate office in accordance with the terms of his appointment, but—
  - (a) shall not be appointed for a term of more than five years;
  - (b) may at any time resign by giving written notice to the Secretary of State;
  - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for England shall not affect his eligibility for re-appointment.
- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for England and his staff.

#### **2 Functions of the Chief Inspector for England.**

- (1) The Chief Inspector for England shall have the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in England;
  - (b) the educational standards achieved in those schools;
  - (c) whether the financial resources made available to those schools are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector for England shall—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State's request;
  - (b) inspect and report on such school, or class of school, in England as may be so specified.
- (3) The Chief Inspector for England shall, in addition, have the following specific duties—

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- (a) establishing and maintaining the register mentioned in section 7(1);
  - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in England under section 10 and the making of reports of such inspections;
  - (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in England) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
  - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in England is complied with;
  - (e) promoting efficiency in the conduct and reporting of inspections of schools in England by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for England may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in England.
- (5) The Chief Inspector for England shall have such other functions in connection with schools in England, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for England shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for England—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
  - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and
  - (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.
- [<sup>F1</sup>(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for England shall have at all reasonable times, in relation to any school in England—
- (a) a right of entry to the premises of the school; 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 those purposes.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for England—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
  - (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.]

(10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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#### Textual Amendments

**F1** S. 2(8)(9) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.2**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**

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**Modifications etc. (not altering text)**

- C2** S. 2(7)(a) modified (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**  
 S. 2(7)(a) modified (2.7.2001 for E. 1.4.2002 for W. ) by 1989 c. 41, s. 79N(6) (as inserted by **The Care Standards Act 2000 (c. 14), s. 79(1)**); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920, **art. 3(3)(b)**, (with transitional provisions in Sch. 1-3)
- C3** S. 2(7)(b) extended (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**  
 S. 2(7)(b) modified (2.7.2001 for E. 1.4.2002 for W.) 1989 c. 41, **s. 79N(6)** (as inserted by **The Care Standards Act 2000 (c. 14), s. 79(1)**); S.I. 2001/2041, **art. 2(1)(a)** (with Sch.); S.I. 2002/920 {art. 3(3)(b)}, (with transitional provisions in Sch. 1-3)

**3 Power of Chief Inspector for England to arrange for inspections.**

- (1) The Chief Inspector for England may cause any school in England to be inspected by one or more of Her Majesty’s Inspectors of Schools in England (in this section referred to as “Inspectors”).
- (2) Where an inspection of a school in England is being conducted by a registered inspector under section 10 of this Act, the Chief Inspector for England may arrange for that inspection to be monitored by one or more Inspectors.
- (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
  - (a) a right of entry to the premises of the school; 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 considers relevant to the discharge of his functions.
- (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**Modifications etc. (not altering text)**

- C4** S. 3(3)(a)(b) extended (1.4.2001) by 2000 c. 21, **s. 118(5)(a)**; S.I. 2001/654, art. 2, **Sch. Pt. II**  
 S. 3(3)(a)(b) extended (1.4.2001) by 1973 c. 50, **s. 10B(6)(a)** (as inserted (1.4.2001) by 2000 c. 21, **s. 122**); S.I. 2001/654, art. 2, **Sch. 2 Pt. II**

*Her Majesty’s Inspectorate for Wales*

**4 Her Majesty’s Inspectorate of Schools in Wales.**

- (1) Her Majesty may by Order in Council appoint a person to the office of [<sup>F2</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] (“the Chief Inspector for Wales”).

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- (2) Her Majesty may by Order in Council appoint persons as [<sup>F3</sup>Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru].
- (3) Any person appointed as one of Her Majesty’s Inspectors of Schools in Wales shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for Wales.
- (4) The Chief Inspector for Wales shall hold and vacate office in accordance with the terms of his appointment, but—
  - (a) shall not be appointed for a term of more than five years;
  - (b) may at any time resign by giving written notice to the Secretary of State;
  - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for Wales shall not affect his eligibility for re-appointment.
- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for Wales and his staff.

#### Textual Amendments

**F2** Words in s. 4(1) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.

**F3** Words in s. 4(2) substituted (1.1.2001) by 2000 c. 21, s. 73(b); S.I. 2000/3230, art. 2, Sch.

#### Modifications etc. (not altering text)

**C5** S. 4(4): transfer of functions (16.2.2000) by S.I. 2000/253, arts. 2, Sch. 1

## 5 Functions of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales shall have the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in Wales;
  - (b) the educational standards achieved in those schools;
  - (c) whether the financial resources made available to those schools are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector for Wales shall—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State’s request;
  - (b) inspect and report on such school, or class of school, in Wales as may be so specified.
- (3) The Chief Inspector for Wales shall, in addition, have the following specific duties—
  - (a) establishing and maintaining the register mentioned in section 7(2);
  - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in Wales under section 10 and the making of reports of such inspections;

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- (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in Wales) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
  - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in Wales is complied with;
  - (e) promoting efficiency in the conduct and reporting of inspections of schools in Wales by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for Wales may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in Wales.
- (5) The Chief Inspector for Wales shall have such other functions in connection with schools in Wales, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for Wales shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for Wales—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
  - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and
  - (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.
- [<sup>F4</sup>(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for Wales shall have at all reasonable times, in relation to any school in Wales—
- (a) a right of entry to the premises of the school; 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 those purposes.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for Wales—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
  - (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.]

(10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

[<sup>F5</sup>(11) This section does not apply in relation to education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000.]

#### Textual Amendments

**F4** S. 5(8)(9) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 3**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.**

**II**

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**F5** S. 5(11) inserted (28.7.2000 for specified purposes otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 65**; S.I. 2001/1274, art. 2, **Sch. Pt. I**

**Modifications etc. (not altering text)**

**C6** S. 5(7)(a) modified (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

S. 5(7)(a) modified (1.4.2001) by 2000 c. 21, s. 86(1); S.I. 2001/1274, art. 2, **Sch. Pt. I**

**C7** S. 5(7)(b) extended (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

## 6 Power of Chief Inspector for Wales to arrange for inspections.

- (1) The Chief Inspector for Wales may cause any school in Wales to be inspected by one or more of [<sup>F6</sup>Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] (in this section referred to as “Inspectors”).
  - (2) Where an inspection of a school in Wales is being conducted by a registered inspector under section 10, the Chief Inspector for Wales may arrange for that inspection to be monitored by one or more Inspectors.
  - (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
    - (a) a right of entry to the premises of the school; 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 considers relevant to the discharge of his functions.
  - (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.
  - (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- [<sup>F7</sup>(11) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000 that is provided by the school.]

**Textual Amendments**

**F6** Words in s. 6(1) substituted (1.1.2001) by 2000 c. 21, s. 73(b); S.I. 2000/3230, art. 2, **Sch.**

**F7** S. 6(11) inserted (28.7.2000 for specified purposes otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 66**; S.I. 2001/1274, art. 2 **Sch. Pt. I**

**Modifications etc. (not altering text)**

**C8** S. 6(3)(a)(b) extended (1.4.2001) by 2000 c. 21, s. 128(2)(a); S.I. 2001/1274, art. 2 **Sch. Pt. I**

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### *Registered inspectors*

#### **7 Registration of inspectors.**

- (1) No person shall conduct an inspection of any school in England under section 10(1) unless he is registered as an inspector in a register kept by the Chief Inspector for England for the purposes of this Part.
- (2) No person shall conduct an inspection of any school in Wales under section 10(2) unless he is registered as an inspector in a register kept by the Chief Inspector for Wales for the purposes of this Part.
- (3) The Chief Inspector shall not register a person under this section unless, having regard to any conditions that he proposes to impose under subsection (5)(c), it appears to him that that person—
  - (a) is a fit and proper person for discharging the functions of a registered inspector; and
  - (b) will be capable of conducting inspections under this Part competently and effectively.

[<sup>F8</sup>and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this subsection.]
- (4) An application for registration under this section—
  - (a) shall be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct; and
  - (b) shall be accompanied by the prescribed fee.
- (5) On an application duly made under this section the Chief Inspector may—
  - (a) register the applicant;
  - (b) refuse to register him; or
  - (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (6) Conditions imposed under subsection (5)(c) may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under subsection (5)(c), he shall be taken to be authorised to act as a registered inspector only so far as those conditions permit.
- (8) The period for which any registration is to have effect shall be determined by the Chief Inspector and shall be entered in the register kept by him.
- (9) Nothing in subsection (8) is to be taken as preventing a registered inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.
- (10) Subsections (1) and (2) have effect subject to section 12.



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### Textual Amendments

- F8** Words in s. 7(3) added (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para.2** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

## 8 Removal from register and imposition or variation of conditions.

- (1) If the Chief Inspector is satisfied that any of the conditions mentioned in subsection (2) is satisfied with respect to an inspector registered in his register, he may remove the name of that inspector from that register.
- (2) The conditions are that—
- he is no longer a fit and proper person for discharging the functions of a registered inspector under this Part;
  - he is no longer capable of conducting inspections under this Part competently and effectively;
  - there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) and subject to which his registration has effect;
  - he has [<sup>F9</sup>, without reasonable explanation,] produced a report of an inspection which is, in whole or in part, seriously misleading.
- (3) If the Chief Inspector is satisfied—
- that he is authorised by subsection (2) to remove the name of an inspector from his register, or
  - that it would otherwise be in the public interest to act under this subsection, he may vary any condition subject to which the registration of that inspector has effect or vary that registration by imposing a condition subject to which it will have effect.
- (4) Either Chief Inspector may, in exercising his functions under this section with respect to a registered inspector, have regard to any action taken by the other Chief Inspector with respect to that registered inspector.

### Textual Amendments

- F9** Words in s. 8(2)(d) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.4**; S.I. 1997/1468, arts. 2,4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. I)

## 9 Appeals in relation to registration.

- (1) Any person who is aggrieved by—
- the refusal of the Chief Inspector to renew his registration under section 7,
  - the imposition or variation of any condition subject to which he is registered under that section,
  - the removal of his name from the relevant register under section 8,
- may appeal against the Chief Inspector's decision to a tribunal constituted in accordance with Schedule 2 to this Act.
- (2) No such decision of the Chief Inspector shall have effect until—
- the disposal of any appeal against it which is duly made under this section; or

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- (b) the period within which an appeal may be made has expired without an appeal having been made.
- (3) Subsection (2) shall not apply where the Chief Inspector—
  - (a) is satisfied that the circumstances of the case <sup>F10</sup> . . . justify the decision in question taking effect immediately, or earlier than would otherwise be the case; and
  - (b) notifies the person concerned to that effect.
- (4) On determining any appeal under this section, the tribunal may—
  - (a) confirm, reverse or vary the decision appealed against; or
  - (b) remit the case to the Chief Inspector with directions as to the action to be taken by him.
- (5) Schedule 2 to this Act makes further provision with respect to tribunals constituted to hear appeals under this section.

#### Textual Amendments

**F10** Words in s. 9(3)(a) omitted (1.10.1998) by virtue of 1998 c. 31, s. 135, **Sch. 28 Pt. I para.3** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

### *Inspections by registered inspectors*

#### **10 Inspection of certain schools by registered inspectors.**

- (1) It shall be the duty of the Chief Inspector for England to secure that every school in England to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(1).
- (2) It shall be the duty of the Chief Inspector for Wales to secure that every school in Wales to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(2).
- (3) Subject to subsection [<sup>F11</sup> . . .] [<sup>F12</sup>(4A)], the schools to which this section applies are—
  - [<sup>F13</sup>(a) community, foundation and voluntary schools;]
  - [<sup>F14</sup>(b) . . . . .]
  - [<sup>F15</sup>(c) community and foundation special schools;]
  - [<sup>F16</sup>(d) special schools which are not community or foundation special schools but are for the time being approved by the Secretary of State under section 342 of the <sup>M1</sup>Education Act 1996 (approval of special schools);]
  - (e) independent schools approved by the Secretary of State under section 347(1) of the <sup>M2</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements);
  - (f) city technology colleges;
  - (g) city colleges for the technology of the arts; [<sup>F17</sup>and]
  - [<sup>F18</sup>(gg) [<sup>F19</sup>Academies]; and]
  - (h) maintained nursery schools.
- <sup>F20</sup>(4) . . . . .

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- [<sup>F21</sup>(4A) This section does not apply to any school—
- (a) which is a closing school (as defined by subsection (4B)), and
  - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- [<sup>F22</sup>(4B) In subsection (4A) a “closing school means—
- (a) a community, foundation or voluntary or community or foundation special school in respect of which proposals to discontinue the school have been approved, adopted or determined under Schedule 6 or 7 to the School Standards and Framework Act 1998 [<sup>F23</sup>or approved under Schedule 7 to the Learning and Skills Act 2000];
  - (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of that Act;
  - (c) a community, foundation or voluntary or community or foundation special school in respect of which the Secretary of State has given a direction to discontinue the school under section 19 or 32 of that Act;
  - (d) a city technology college [<sup>F24</sup>, city college for the technology of the arts or [<sup>F25</sup>Academy]] in respect of which notice of termination of an agreement made under section 482 of the <sup>M3</sup>Education Act 1996 has been given;
  - (e) a special school which is not a community or foundation special school but which is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 and which the proprietor has decided to close; or
  - (f) an independent school falling within subsection (3)(e) which the proprietor has decided to close.
- (5) It shall be the general duty of any registered inspector conducting an inspection under this section to report on—
- (a) the quality of the education provided by the school;
  - (b) the educational standards achieved in the school;
  - (c) whether the financial resources made available to the school are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at the school.
- (6) In prescribing the intervals mentioned in subsections (1) and (2) the Secretary of State may make provision as to the period within which the first inspection of a school under this section is to begin.
- (7) Subsections (1) and (2) have effect subject to section 12.
- (8) An inspection which is required under this section shall not extend to—
- (a) denominational education
  - [<sup>F26</sup>(aa) education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000]
- , or
- (b) the content of collective worship which falls to be inspected under section 23.
- (9) Schedule 3 to this Act makes further provision with respect to inspections under this section.

*Status: Point in time view as at 02/09/2002.*

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### Textual Amendments

- F11** Words in s. 10(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(2)(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F12** Words in s. 10(3) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 6(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F13** S. 10(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F14** S. 10(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(2)(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F15** S. 10(3)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F16** S. 10(3)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(e)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** Word in s. 10(3)(g) repealed (28.7.2000 for specified purposes and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154, **Sch. 11**
- F18** S. 10(3)(gg) inserted (28.7.2000 for specified purposes and otherwise *prosp.*) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(2)**
- F19** Words in s. 10(3)(gg) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. 2 para. 7(2)(a)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- F20** S. 10(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F21** S. 10(4A)(4B) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 6(3)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F22** S. 10(4B) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F23** Words in s. 10(4B)(a) inserted (28.7.2000 for specified purposes otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 149, **Sch. 9 para. 67(3)**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**
- F24** Words in s. 10(4B)(d) substituted (28.7.2000 for specified purposes otherwise *prosp.*) by virtue of 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(4)**
- F25** Words in s. 10(4B)(d) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. 2 para. 7(2)(b)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- F26** S. 10(8)(aa) inserted (28.7.2000 for specified purposes and 1.4.2001 (W.) otherwise *prosp.*) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(5)**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

### Modifications etc. (not altering text)

- C9** S. 10 applied (with modifications) (1.9.1997) by S.I. 1994/2103, **Sch. 1 Pt. I para. 3A** (as substituted (1.9.1997) by S.I. 1997/1966, reg. 1(2), **Sch. Pt. II(a)**)

### Marginal Citations

- M1** 1996 c. 56.  
**M2** 1996 c. 56.  
**M3** 1996 c. 56.

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## CHAPTER II

### PROCEDURE FOR INSPECTIONS UNDER CHAPTER I

#### Introductory

#### 11 Application of provisions of Chapter II.

- (1) Except as is otherwise provided in section 15, sections 13 to 15, in their application to—
  - (a) inspections under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, or
  - (b) inspections under section 10,apply irrespective of the nature of the schools inspected.
- (2) Except as is otherwise provided in section 18, sections 16 to 19, in their application to such inspections, apply with respect to [<sup>F27</sup>community, foundation or voluntary or community or foundation special schools.]
- (3) Sections 20 to 22, in their application to such inspections, apply with respect to schools not falling within subsection (2) above.
- (4) In this Chapter, in its application to an inspection of a school falling within subsection (2)—

“appropriate appointing authority means, in relation to any [<sup>F28</sup>voluntary aided]school—

  - (a) the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school, and
  - (b) in any other case, the person who appoints the foundation governors; and

[<sup>F29</sup>“appropriate authority means in relation to a community, foundation or voluntary or community or foundation special school, the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority.]
- (5) In this Chapter, in its application to an inspection of a school falling within subsection (3), “appropriate authority means—
  - (a) in the case of a school falling within [<sup>F30</sup>paragraph (d), (e), (f) [<sup>F31</sup>, (g) or (gg)] of section 10(3), the proprietor of the school;
  - (b) in the case of a maintained nursery school [<sup>F32</sup>. . .], the local education authority; and
  - (c) in any other case, the school’s governing body.
- (6) In this Chapter “section 10 inspection means an inspection under section 10.

#### Textual Amendments

**F27** Words in s. 11(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

**F28** Words in definition of “appropriate appointing authority in s. 11(4) substituted (1.9.1999) by virtue of 1998 c. 31, s. 140(1), **Sch. 30 para. 192(3)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.**

**1**

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- F29** Definition of “appropriate authority in s. 11(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(3)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F30** Words in s. 11(5)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 192(4)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F31** Words in s. 11(5)(a) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. II para. 7(3)**(with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F32** Words in s. 11(5)(b) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 192(4)(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

## 12 Inspections by members of the Inspectorate.

- (1) Where an inspection of a school is required under section 10 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 such an inspection is conducted by a member of the Inspectorate by virtue of this section, the following provisions, namely—
  - (a) section 10(1), (2) and (5) and Schedule 3, and
  - (b) section 13(1),
 shall (unless the context otherwise requires) have effect 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), 5(2)(b) or 6(1), that inspection shall be treated for the purposes of the relevant provisions—
  - (a) as if it were an inspection under section 10, and
  - (b) in the case of sections 10(1) and (2) and 13(1), as if the member of the Inspectorate were a registered inspector.
- (4) In subsection (3) “the relevant provisions means sections 10(1) and (2), 13(1) and 14 and—
  - (a) (in the case of an inspection of a school falling within section 11(2)) sections 16 to 19; and
  - (b) (in the case of an inspection of a school falling within section 11(3)) sections 20 to 22.

*Inspections and reports: all schools*

## 13 Section 10 inspections by registered inspectors.

- (1) Where a section 10 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 subsection (2) shall provide the Chief Inspector with such further information as the Chief Inspector may specify.

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- (4) The Chief Inspector shall inform an inspector who has submitted a draft under subsection (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 stating 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)) 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), 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—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,  
the registered inspector shall state his opinion in the report.
- (9) For the purposes of this Act 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.

**Modifications etc. (not altering text)**

**C10** S. 13(2)-(7) applied (with modifications) (1.10.2000 for specified purposes otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 113(1), Sch. 7 paras. 7, 14; S.I. 2000/2559, art. 2(1), Sch. Pt. I; S.I. 2001/654, art. 2, Sch. Pt. II; S.I. 2001/2705, art. 2, Sch. Pt. I

**14 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), 5(2)(b) or 6(1) by a member of the Inspectorate, that person 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—

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- (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—
    - (i) that person was a member of the Inspectorate, or
    - (ii) 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 10 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 10 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—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,
 the member of the Inspectorate shall state his opinion in the report.

## **15 Timing of section 10 inspections by registered inspectors.**

- (1) The carrying out of a section 10 inspection shall be completed by the time allowed under subsection (2) below, and the making of the report required by section 13 shall be completed within the period allowed under that subsection.
- (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) In the case of an inspection of a school falling within section 11(2) 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 [<sup>F33</sup>a community, foundation or voluntary or community or foundation special school]; and
  - (c) the governing body.
- (4) In the case of an inspection of a school falling within section 11(3) the Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector;
  - (b) the appropriate authority; and
  - (c) the Secretary of State, except where the school is a maintained nursery school.
- (5) This section does not apply to a section 10 inspection carried out by a member of the Inspectorate.



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### Textual Amendments

**F33** Words in s. 15(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.193** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Destination of reports and special measures: schools within s. 11(2)*

## 16 Destination of reports.

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(2), the person making the report shall without delay—
  - (a) send a copy of the report together with the summary of it to the appropriate authority for the school [<sup>F34</sup> . . .]; and
  - (b) if in the case of [<sup>F35</sup>a community, foundation or voluntary or community or foundation special school] the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) 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 a case where—
  - (a) a report of an inspection of a school falling within section 11(2) is made by a member of the Inspectorate, and
  - (b) he is required by section 14(1)(b) to state in the report 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 referred to in subsection (1) or (2) 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 [<sup>F36</sup>a community, foundation or voluntary or community or foundation special school], to whichever of the local education authority and the governing body are not the appropriate authority; [<sup>F37</sup>and]
  - (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority;
  - <sup>F38</sup>(e) .....
  - <sup>F38</sup>(f) .....
- (4) The appropriate authority shall—
  - (a) make a copy of any report and summary sent to the authority under subsection (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 [F39 within such period following receipt of the report by the authority as may be prescribed].

[F40(5) Subsection (6) applies to a report of an inspection of a school falling within section 11(2) if—

- (a) the inspection was a section 10 inspection or was carried out by a member of the Inspectorate, and
- (b) the school provides full-time education suitable to the requirements of pupils over compulsory school age.

[F40(6) The person making the report shall send a copy (together with a copy of the summary, if there is one) to—

- (a) the Learning and Skills Council for England, if the school is in England, or
- (b) the National Council for Education and Training for Wales, if the school is in Wales.]

#### Textual Amendments

- F34** Words in s. 16(1)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 194(2)(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F35** Words in s. 16(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 194(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F36** Words in s. 16(3)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 194(3)(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F37** Word in s. 16(3)(c) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 194(3)(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F38** S. 16(3)(e)(f) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 194(3)(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F39** Words in s. 16(4)(c) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 7**; S.I. 1997/1468, **arts. 2,4**, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. I)
- F40** S. 16(5)(6) inserted (28.7.2000 for specified purposes, 1.4.2001 in so far as not already in force) by 2000 c. 21, s. 149, **Sch. 9 para. 68**; S.I. 2001/654, art. 2, **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

#### Modifications etc. (not altering text)

- C11** S. 16 functions of a local education authority made exercisable (1.4.2002 (E.)) by authorised persons by (Contracting Out (Local Education Authority Functions) (England) Order 2002, S.I. 2002/928, **art. 3** {Sch. 3}
- C12** S. 16(3)(4) applied (with modifications) (1.10.2000 for specified purposes, 1.4.2001 in so far as not already in force (E.), 1.4.2002 in so far as not already in force (W.)) by 2000 c. 21, s. 113(1), **Sch. 7 paras. 6(3)(a)(b)(4), 13(3)(a)(b)**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2, **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**

#### [F41] 16A Duty to notify where inspection shows school causing concern

- (1) Subsection (2) applies in relation to a school falling within section 11(2) where—
- (a) following an inspection of the school under Part 1 by a member of the Inspectorate, that member has informed the Chief Inspector of his opinion—
- (i) that the school has serious weaknesses, or

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- (ii) that special measures are required to be taken in relation to the school,
  - (b) following an inspection of the school under Part 1 by a registered inspector, the Chief Inspector has been notified in writing by the inspector of the inspector's opinion that the school has serious weaknesses, or
  - (c) the Chief Inspector agrees with the opinion of a registered inspector, expressed in a draft report submitted to the Chief Inspector under section 13(2), that special measures are required to be taken in relation to the school.
- (2) Where this subsection applies, the Chief Inspector shall without delay give the Secretary of State a notice in writing stating that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (3) On receiving a notice under subsection (2), the Secretary of State shall without delay give the local education authority a notice in writing stating that he has been informed by the Chief Inspector that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (4) For the purposes of this section a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.]

#### Textual Amendments

**F41** S. 16A inserted (2.9.2002 for E. and otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 54, 216(4); S.I. 2002/2002, art. 4

## 17 Special measures by appropriate authority.

- (1) Where there is sent to the appropriate authority for a school falling within section 11(2) either—
- (a) a report of a section 10 inspection of the school, or
  - (b) a report of an inspection of the school by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,
- the appropriate authority 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 subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if—
    - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
    - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,
 such shorter period as the Secretary of State may direct;
- but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.

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- (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) in the case of [<sup>F42</sup>a community, foundation or voluntary or community or foundation special school], to whichever of the governing body and the local education authority are not the appropriate authority; [<sup>F43</sup>and]
  - <sup>F44</sup>(c) .....
  - (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) If in the case of [<sup>F45</sup>a community, foundation or voluntary or community or foundation special school]—
- (a) the statement is prepared in response to a report of an inspection of the school in which the person who made the report states that in his opinion special measures are required to be taken in relation to the school, and
  - (b) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion,
- the appropriate authority shall, before the end of the prescribed period, send a copy of the statement to the Secretary of State.
- (5) The appropriate authority shall also send a copy of the statement—
- (a) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority;
  - <sup>F46</sup>(b) .....
  - <sup>F46</sup>(c) .....
- (6) The appropriate authority shall—
- (a) make any statement prepared by them under this section 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.
- <sup>F47</sup>(6A) The duty under subsection (6)(c) shall be taken to be satisfied by the appropriate authority if they—
- (a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—
    - (i) summarises the statement, and
    - (ii) contains a statement of the right to request a copy of it under paragraph (b) below, and
  - (b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.]
- (7) Where the governing body of a school have prepared a statement under this section, they shall in the report [<sup>F48</sup>under section 42 of the School Standards and Framework Act 1998 (governors' reports),] state the extent to which the proposals set out in the

*Status: Point in time view as at 02/09/2002.*

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statement (or if there is more than one, the most recent statement) have been carried into effect.

#### Textual Amendments

- F42** Words in s. 17(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 195(2)(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F43** Word in s. 17(3)(b) inserted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 195(2)(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F44** S. 17(3)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 195(2)(b)**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F45** Words in s. 17(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 195(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F46** S. 17(5)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 195(4)**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F47** S. 17(6A) inserted (4.4.1997) by S.I. 1997/1142, **art. 2**
- F48** Words in s. 17(7) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 195(5)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 1**

#### Modifications etc. (not altering text)

- C13** S. 17 applied (with modifications) (1.10.2000 for specified purposes and otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 113(1), **Sch. 7 para. 6(3)(c)(4)**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**
- C14** S. 17 functions of a local education authority made exercisable (1.4.2002 (E.)) by authorised persons by (Contracting Out (Local Education Authority Functions) (England) Order 2002, S.I. 2002/928, **art. 3** {Sch. 3})

## 18 Additional special measures by local education authority.

(1) This section applies in circumstances where—

- (a) in a report of an inspection of [<sup>F49</sup>a community, foundation or voluntary or community or foundation special school] the governing body of which have a delegated budget, the person who made the report stated that in his opinion special measures were required to be taken in relation to the school; and
- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
- (c) either—
  - (i) the local education authority have received a copy of a statement prepared under section 17 in response to the report, or
  - (ii) the period prescribed for the purposes of subsection (3) of that section has expired.

(2) The local education authority shall—

- (a) prepare a written statement of any action they propose to take in the light of the report, and the period within which they propose to take such action, or, if they do not propose to take any such action, of their reasons for not doing so, and
- (b) send a copy of the statement prepared under paragraph (a) above, together with their comments on any statement prepared under section 17 of which they have received a copy, to the Secretary of State and the Chief Inspector and, in the case of [<sup>F50</sup>a voluntary aided school]—

*Status: Point in time view as at 02/09/2002.*

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- (i) to the person who appoints the foundation governors, and
  - (ii) (if different) to the appropriate appointing authority.
- (3) It is the duty of the local education authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such shorter period as the Secretary of State may direct;
- but this subsection does not relieve the local education authority of any duty to prepare a statement which has not been performed within that period.

#### Textual Amendments

- F49** Words in s. 18(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 196(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F50** Words in s. 18(2)(b) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 196(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C15** S. 18 functions of a local education authority made exercisable (1.4.2002) by authorised persons (E.) by **Contracting Out (Local Education Authority Functions) (England) Order 2002** (S.I. 2002/928), art. 3, **Sch. 3(c)**
- C16** S. 18(2)(3) applied (with modifications) (1.10.2000 for specified purposes, 1.4.2001 in so far as not already in force (E.) and 1.4.2002 in so far as not already in force (W.)) by 2000 c. 21, s. 113(1), **Sch. 7 paras. 6(3)(d)(4), 13(3)(d)**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**

## 19 Monitoring special measures and further inspections.

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school falling within section 11(2) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) a statement has been prepared under section 17, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section 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 state in the report that in his opinion 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—
- (a) the appropriate authority, and
  - (b) in the case of a school which has a delegated budget, the local education authority,
- for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.

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*Status: Point in time view as at 02/09/2002.*

*Changes to legislation: School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (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—
  - (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, 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) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,

the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(2).

*Destination of reports and special measures: schools within s. 11(3)*

## **20 Destination of reports.**

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(3), the person making the report shall without delay—
  - (a) send a copy of the report together with the summary of it—
    - (i) to the appropriate authority for the school, and
    - (ii) (unless the person making it is a member of the Inspectorate) to the Chief Inspector, and
  - (b) if the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) 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 a case where—
  - (a) a report of an inspection of a school falling within section 11(3) is made by a member of the Inspectorate, and
  - (b) he is required by section 14(1)(b) to state in the report 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 the case of—
  - (a) a special school which is not [<sup>F51</sup>a community or foundation special school], or
  - (b) an independent school approved by the Secretary of State under section 347(1) of the <sup>M4</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements),

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the appropriate authority shall without delay send a copy of any report and summary sent to them under subsection (1) or (2) to <sup>F52</sup>. . . any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

- (4) The appropriate authority shall—
- (a) make any report and summary sent to the authority under subsection (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
  - (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 [<sup>F53</sup>within such period following receipt of the report by the authority as may be prescribed].

#### Textual Amendments

- F51** Words in s. 20(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 197(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F52** Words in s. 20(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 197(b)**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F53** Words in s. 20(4)(c) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 7**; 1997/1468, art. 2, Sch. 1 Pt. II

#### Modifications etc. (not altering text)

- C17** S. 20 functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002, **S.I. 2002/928**, art. 3, **Sch. 3**

#### Marginal Citations

- M4** 1996 c. 56.

## 21 Special measures by appropriate authority.

- (1) Where there is sent to the appropriate authority for a school falling within section 11(3) either—
- (a) a report of a section 10 inspection of the school, or
  - (b) a report of an inspection of the school made by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,
- the appropriate authority 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 subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if—
    - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and



*Status: Point in time view as at 02/09/2002.*

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- (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
  - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,  
such shorter period as the Secretary of State may direct;  
but this subsection 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 [<sup>F54</sup>a community or foundation special school], or
  - (b) an independent school approved by the Secretary of State under section 347(1) of the <sup>M5</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements),the appropriate authority shall, before the end of the prescribed period, send a copy of any such statement prepared by them to [<sup>F55</sup>. . .] 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 section 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.
- [<sup>F56</sup>(6) The duty under subsection (5)(c) shall be taken to be satisfied by the appropriate authority if they—
  - (a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—
    - (i) summarises the statement, and
    - (ii) contains a statement of the right to request a copy of it under paragraph (b) below, and
  - (b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.]

#### Textual Amendments

**F54** Words in s. 21(4)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 198(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F55** Words in s. 21(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), 1 Sch. 30 para. 198(b), Sch.31 (with ss. 138(9), 144(6)); S. I. 1999/2323, art. 2(1), **Sch. 1**

*Status: Point in time view as at 02/09/2002.*

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**F56** S. 21(6) inserted (4.4.1997) by [S.I. 1997/1142](#), **art. 3**

**Modifications etc. (not altering text)**

**C18** S. 21: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out) (Local Education Authority Functions) (England) Order 2002 ([S.I. 2002/928](#)), art. 3, {Sch. 3(e)}

**Marginal Citations**

**M5** [1996 c. 56](#).

## 22 Monitoring special measures.

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school falling within section 11(3) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) a statement has been prepared under section 21 of this Act, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section 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 in the report state that, in his opinion, 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—
- (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, 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) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,

the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(3).

*Status: Point in time view as at 02/09/2002.*

*Changes to legislation: School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## CHAPTER III

### OTHER INSPECTIONS

#### *Religious education*

#### **23 Inspection of religious education.**

[<sup>F57</sup>(1) It shall be the duty of the governing body of any voluntary or foundation school, which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character, to secure that—

- (a) denominational education given to any pupils, and
- (b) the content of the school’s collective worship (required by section 70 of that Act),

are inspected under this section.]

<sup>F58</sup>(2) .....

<sup>F58</sup>(3) .....

(4) In this Act “denominational education, in relation to a school, means any religious education which—

- (a) is required by section 352(1)(a) of the Education Act 1996 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;

and in this section—

- (i) “the required provision for religious education means the provision for religious education for pupils at the school which is required as mentioned in paragraph (a) above, and
- (ii) references to collective worship are references to collective worship required by [<sup>F59</sup>section 70 of the School Standards and Framework Act 1998].

(5) An inspection under this section shall be conducted by a person chosen by—

- (a) the foundation governors, in the case of [<sup>F60</sup>a voluntary controlled school]; and
- (b) the governing body, in any other case.

(6) The person chosen need not be a registered inspector.

(7) Inspections under this section shall be carried out at such intervals as may be prescribed; and in prescribing the intervals the Secretary of State may make provision as to the period within which the first inspection under this section with respect to a school is to begin.

(8) It shall be the general duty of a person conducting an inspection under this section—

- (a) <sup>F61</sup> . . . to report on the quality of the denominational education provided by the school for pupils to whom denominational education is given by the school, or
- (b) <sup>F62</sup> . . . to report on the content of the school’s collective worship,

and any such person may report on the spiritual, moral, social and cultural development of pupils at the school.

*Status: Point in time view as at 02/09/2002.*

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- (9) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (10) Schedule 4 to this Act makes further provision with respect to inspections under this section.

#### Textual Amendments

- F57** S. 23(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 199(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F58** S. 23(2)(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 199(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F59** Words in s. 23(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 199(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F60** Words in s. 23(5)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 199(5)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F61** Words in s. 23(8)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 199(6)(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F62** Words in s. 23(8)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 199(6)(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, Sch.1

#### *Local authority inspection services*

### 24 Provision of inspection services by local education authorities.

- (1) Any local education authority may provide a school inspection service for schools within their area.
- (2) In this section “school inspection service, in relation to any local education authority, means a service providing for the inspection of schools under section 10 or 23 by officers of the authority.
- (3) Any school inspection service provided by a local education authority may, in addition to providing for the inspection of schools which are maintained by them, provide for the inspection of schools which are not maintained by them.
- (4) Any school inspection service provided by a local education authority shall be operated by the authority in such a way as can reasonably be expected to secure that the full cost of providing the service is recovered by way of charges made by the authority to those using the service.
- (5) The Secretary of State may by regulations—
- (a) make provision as to the making of tenders by local education authorities (as required by paragraph 2 of Schedule 3 to this Act);
  - (b) make provision with respect to the accounts to be kept by local education authorities in connection with any school inspection services provided by them; and
  - (c) make such incidental and supplemental provision with respect to school inspection services provided by local education authorities as the Secretary of State considers appropriate.

*Status: Point in time view as at 02/09/2002.*

*Changes to legislation: School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C19** S. 24 functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), art. 3, [Sch. 3\(f\)](#)

**25 Power of local education authority to inspect maintained school for specific purpose.**

(1) Where—

- (a) for the purpose of enabling them to exercise any function of theirs, a local education authority require information about any matter in connection with a school which is maintained by them, and
- (b) it is not reasonably practicable for them to obtain the information in any other manner,

they may cause an inspection of the school to be made by one or more of their officers for the purpose of obtaining the information.

(2) Any officer of a local education authority inspecting a school under this section shall have at all reasonable times a right of entry to the premises of the school.

**Modifications etc. (not altering text)**

- C20** S. 25(1) functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), art. 3, [Sch. 3\(g\)](#)

<sup>F63</sup>**PART II**

**Textual Amendments**

- F63** Pt. II repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a)(b), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, [Sch. 1 Pt.I](#)

*Miscellaneous powers and restrictions*

<sup>F64</sup>**26** .....

**Textual Amendments**

- F64** Ss. 26-30 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, [Sch. 1 Pt.I](#)

<sup>F65</sup>**27** .....

*Status: Point in time view as at 02/09/2002.*

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**Textual Amendments**

**F65** ss. 26-30 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

**F66**<sup>28</sup> .....

**Textual Amendments**

**F66** ss. 26-30 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

**F67**<sup>29</sup> .....

**Textual Amendments**

**F67** ss. 26-30 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

**F68**<sup>30</sup> .....

**Textual Amendments**

**F68** ss. 26-30 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

*Education associations*

**F69**<sup>31</sup> .....

**Textual Amendments**

**F69** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

**F70**<sup>32</sup> .....

**Textual Amendments**

**F70** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

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F71 **33** .....

**Textual Amendments**

**F71** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F72 **34** .....

**Textual Amendments**

**F72** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F73 **35** .....

**Textual Amendments**

**F73** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F74 **36** .....

**Textual Amendments**

**F74** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F75 **37** .....

**Textual Amendments**

**F75** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F76 **38** .....

**Textual Amendments**

**F76** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

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**F77** 39 .....

**Textual Amendments**

**F77** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

**F78** 40 .....

**Textual Amendments**

**F78** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

**F79** 41 .....

**Textual Amendments**

**F79** ss. 31-41 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 200(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

## PART III

### GENERAL

#### *Inspection of computer records*

#### **42 Inspection of computer records for purposes of Part I.**

Any person authorised by Part I to inspect records [<sup>F80</sup>or other documents]—

- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records [<sup>F80</sup>or other documents] in question; and
- (b) may require—
  - (i) the person by whom or on whose behalf the computer is or has been so used; or
  - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such assistance as he may reasonably require [<sup>F80</sup>(including, in particular, the making of information available for inspection or copying in a legible form)].



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### Textual Amendments

**F80** Words in s. 42 inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

### Modifications etc. (not altering text)

**C21** S. 42 extended (1.9.1997) by 1997 c. 44, s. 40(1); S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**  
S. 42 extended (1.10.1998) by 1994 c. 30, s. 18A(5) (as inserted by 1998 c. 30, s.20 (with s. 42(8)); S.I. 1998/2215, art. (2)  
S. 42 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 18(3)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**  
S. 42 applied (1.9.1999) by 1996 c. 50, **Sch. 1 para. 18** (as inserted by 1998 c. 31, s. 135, **Sch. 28**, Pt. II para. 8 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**  
S. 42 extended (1.4.2001) by 2000 c. 21, s. 118(5)(b); S.I. 2001/654, art. 2(2), **Sch. Pt. II**  
S. 42 extended (1.4.2001) by 1973 c. 50, s. 10B(6)(b) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2(2), **Sch. Pt. II**  
S. 42 extended (1.4.2001 (W.) otherwise prosp.) by 2000 c. 21, ss. 128(2)(b), 154; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**  
S. 42 applied (2.7.2001 (E.) and 2.4.2002 (W.)) by 1989 c. 41, s. 79(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2 (with transitional provisions and savings in Sch.); S.I. 2002/920, art. 3(3)(b) (with transitional provisions in Sch. 1-3))  
S. 42 applied (19.12.2002 (W.) and otherwise prosp.) by The Education Act 2002 (c.32), ss. 180, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4

### *F<sup>81</sup> Publication of reports*

### Textual Amendments

**F81** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

### **F<sup>82</sup> 42A Publication of inspection reports.**

- (1) The Chief Inspector may in the case of—
- (a) any report by a member of the Inspectorate of an inspection carried out by him under any provision of this Act (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision), or
  - (b) any report of an inspection under section 10 (other than one made by a member of the Inspectorate),
- arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (2) Without prejudice to the generality of—
- (a) section 2(7)(c) or 5(7)(c), or
  - (b) subsection (1) above,
- the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.

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- (3) For the purposes of the law of defamation any report published by the Chief Inspector under any of those provisions shall be privileged unless the publication is shown to be made with malice.
- (4) Nothing in subsection (3) shall be construed as limiting any privilege subsisting apart from that subsection.]

#### Textual Amendments

**F82** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

- C22** S. 42A applied (1.4.2001) by 2000 c. 21, s. 118(6); S.I. 2001/654, art. 2(2), **Sch. Pt. II**  
 S. 42A applied (1.4.2001) by 1973 c. 50, s. 10B(7) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2(2), **Sch. Pt. II**  
 S. 42A applied (1.4.2001 (W.) and otherwise prosp.) by 2000 c. 21, ss. 128(3), 154; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- C23** S. 42A(2)(3) applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 13(3)**(with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**  
 S. 42A(2)-(4) extended (1.10.1998) by 1994 c. 30, s. 18A(4) (as inserted by 1998 c. 30, s.20 (with s. 42(8)); S.I. 1998/2215, **art.2**)  
 S. 42A(2)-(4) extended (1.10.1998) by 1998 c. 30, s. 34(1)(8) (with s. 42(8)); S.I. 1998/2215, **art.2**  
 S. 42A(2)-(4) applied (1.10.1998) by 1997 c. 44, s. 39(4)(as amended by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**)  
 S. 42A(2)-(4) applied (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79R(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920, **art. 3(3)(b)** (with transitional provisions in Sch. 1-3)  
 S. 42A(2)-(4): power to apply (with modification) conferred (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79T(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920 {art. 3(3)(b)} (with transitional provisions in Sch. 1-3)

### *Financial provisions*

#### **43 Payment of fees into Consolidated Fund.**

Any sums received by the Chief Inspector under—

- (a) section 7(4)(b), or
- (b) paragraph 4(2) or 5(2) of Schedule 3,

shall be paid into the Consolidated Fund.

<sup>F83</sup> **44** .....

#### Textual Amendments

**F83** S. 44 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

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### *Orders and regulations*

#### **45 Orders and regulations.**

- (1) Any power conferred by this Act to make an order or regulations <sup>F84</sup> . . . shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing any such order or regulations <sup>F85</sup> . . . shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations made under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any such regulations may include provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of school for the purposes of the application of particular provisions of the regulations in relation to such schools.

#### **Textual Amendments**

**F84** Words in s. 45(1) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

**F85** Words in s. 45(2) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

### *Construction*

#### **46 Interpretation.**

- (1) In this Act—

“Chief Inspector (without more) shall be read—

- (a) in relation to any school in England or registration under section 7(1), as a reference to the Chief Inspector for England; and
- (b) in relation to any school in Wales or registration under section 7(2), as a reference to the Chief Inspector for Wales;

“Chief Inspector for England means the person referred to in section 1(1);

“Chief Inspector for Wales means the person referred to in section 4(1);

“Church in Wales school, “Church of England school and “Roman Catholic Church school, and “appropriate diocesan authority in each case, have the meaning given by [<sup>F86</sup>section 142 of the School Standards and Framework Act 1998;];

“delegated budget has the same meaning as in [<sup>F87</sup>section 49 of the School Standards and Framework Act 1998;];

“denominational education has the meaning given in section 23(4);

“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 authorised under paragraph 2 of Schedule 1;

“prescribed means prescribed by regulations;

“registered inspector means a person registered under section 7(1) or (2);

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“regulations means regulations made by the Secretary of State under this Act;

F88  
 . . .

- (2) References in this Act to special measures being, or not being, required to be taken in relation to a school shall be construed in accordance with section 13(9).
- (3) For the purposes of this Act any reference to a condition imposed under section 7(5)(c) includes a reference to a condition imposed under section 8(3).
- (4) This Act and the Education Act 1996 shall be construed as one.

#### Textual Amendments

- F86** S. 46(1): Words in the definition of “Church in Wales school substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 202(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F87** S. 46(1): Words in the definition of “delegated budget” substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 202(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F88** S. 46(1): Definition of “transfer date” repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 202(4), **Sch.31**; S.I. 1999/2323, **art. 2(1)**, Sch. 1

#### *Final provisions*

#### **47 Consequential amendments, repeals and transitional provisions.**

- (1) The enactments specified in Schedule 6 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 7 are repealed to the extent specified.
- (3) The transitional provisions contained in Schedule 8 shall have effect.

#### **48 Short title, commencement and extent.**

- (1) This Act may be cited as the School Inspections Act 1996.
- (2) This Act shall come into force on 1st November 1996.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) This section and paragraph 6 of Schedule 1 also extend to Scotland and Northern Ireland.
- (5) The amendments in Schedule 6 and the repeals in Schedule 7 have the same extent as the enactments to which they refer.

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## SCHEDULES

### SCHEDULE 1

Sections 1 and 4.

#### HER MAJESTY’S CHIEF INSPECTORS

##### *Chief Inspector’s other staff*

- 1 The Chief Inspector may, with the approval of the Treasury as to numbers and terms and conditions of service, appoint such staff, in addition to Inspectors who are members of his staff by virtue of section 1(3) or (as the case may be) 4(3) of this Act, as he thinks fit.

##### *Additional inspectors*

- 2 (1) The Chief Inspector may arrange for such persons as he thinks fit to assist him in the discharge of any of his functions in relation to a particular case or class of case.
- (2) Any person assisting the Chief Inspector under any such arrangements shall be known as an additional inspector.
- (3) Any arrangements which provide for assistance by persons who are not members of the Chief Inspector’s staff shall be made on terms agreed by him with the Treasury.
- (4) An additional inspector acting within the authority conferred on him by the Chief Inspector shall have all the powers of an Inspector.

##### *Remuneration, pensions etc.*

- 3 (1) There shall be paid to the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any such Chief Inspector as may be determined by the Secretary of State, there shall be paid—
- (a) such pension, allowance or gratuity to or in respect of him, or
  - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as may be so determined.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him such sum by way of compensation as may be determined by the Secretary of State.
- (4) Any determination of the Secretary of State under this paragraph requires the approval of the Minister for the Civil Service.

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- (5) Any determination made under this paragraph with respect to one Chief Inspector may be different from any corresponding determination made with respect to the other Chief Inspector.

**Modifications etc. (not altering text)**

**C24** Sch. 1 para. 3: transfer of functions (16.2.2000) by S.I. 2000/253, arts. 1(2), 2, Sch. 1

*Official seal*

- 4 The Chief Inspector shall have an official seal for the authentication of documents required for the purposes of his functions.

*Performance of functions*

- 5 (1) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for England may be done by—
- (a) any of Her Majesty’s Inspectors of Schools in England,
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for England.
- (2) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for Wales may be done by—
- (a) any of [<sup>F89</sup>Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru],
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for Wales.
- (3) Without prejudice to the generality of sub-paragraph (1) or (2), the references to the Chief Inspector in—
- (a) section 2(8) or (9), or
  - (b) section 5(8) or (9),
- include references to any person authorised to act on his behalf [<sup>F90</sup>under sub-paragraph (1) or (2)] (as the case may be).

**Textual Amendments**

**F89** Words in Sch. 1 para. 5(2) substituted (1.1.2001) by 2000 c. 21, s. 73(b); S.I. 2000/3230, art. 2, Sch.

**F90** Words in Sch. 1 para. 5(3) substituted (1.9.1997) by 1997 c. 44, s. 42, Sch. 6 para. 9; S.I. 1997/1468, art. 2, Sch. 1 Pt. II

*Documentary evidence*

- 6 The <sup>M6</sup>Documentary Evidence Act 1868 shall have effect, in relation to the Chief Inspector for England and in relation to the Chief Inspector for Wales, as if—

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- (a) he were included in the first column of the Schedule to that Act;
- (b) he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
- (c) the regulations referred to in that Act included any document issued by him or by any such person.

**Marginal Citations**

M6 1868 c. 37.

SCHEDULE 2

Section 9.

TRIBUNALS HEARING APPEALS UNDER SECTION 9

*Constitution of tribunals*

- 1 (1) A tribunal constituted to hear an appeal under section 9 of this Act (“a tribunal”) shall consist of—
- (a) a Chairman appointed by the Lord Chancellor; and
  - (b) two other members appointed by the Secretary of State.
- (2) To be qualified for appointment as Chairman of a tribunal, a person must have a 7 year general qualification (within the meaning of section 71 of the <sup>M7</sup>Courts and Legal Services Act 1990).
- (3) A person shall not be appointed after the day on which he attains the age of 70 to be the Chairman of a tribunal.

**Marginal Citations**

M7 1990 c. 41.

*Procedure of tribunals*

- 2 (1) The Secretary of State may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, tribunals.
- (2) The regulations may, in particular, make provision—
- (a) as to the period within which, and manner in which, appeals must be brought;
  - (b) for the holding of hearings in private in prescribed circumstances;
  - (c) as to the persons who may appear on behalf of the parties;
  - (d) for enabling hearings to be conducted even though a member of the tribunal, other than the Chairman, is absent;
  - (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents;
  - (f) requiring persons to attend the proceedings and give evidence;
  - (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f);

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- (h) authorising the administration of oaths to witnesses;
- (i) as to the withdrawal of appeals;
- (j) as to costs and expenses incurred by any party to the proceedings; and
- (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the Chairman of the tribunal hearing that appeal.

**Modifications etc. (not altering text)**

**C25** Sch. 2 para. 2 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

*Staff*

- 3 The Secretary of State may, with the consent of the Treasury, make such provision as he thinks fit for—
- (a) the allocation of staff for any tribunal;
  - (b) the remuneration of members of tribunals and the reimbursement of their expenses;
  - (c) defraying any reasonable expenses incurred by any tribunal.

**Modifications etc. (not altering text)**

**C26** Sch. 2 para. 3 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

SCHEDULE 3

Section 10.

INSPECTIONS UNDER SECTION 10

- 1 In this Schedule—
- [<sup>F91</sup>“appropriate authority means—
- (a) in relation to a community, foundation or voluntary or community or foundation special school, the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority;
  - (b) in relation to a maintained nursery school, the local education authority;
  - (c) in the case of a school falling within paragraph (d), (e), (f) or (g) of section 10(3), the proprietor of the school;]

“inspection means an inspection under section 10.

**Textual Amendments**

**F91** Sch. 3 para. 1: definition “appropriate authority” substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.203** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1



*Status: Point in time view as at 02/09/2002.*

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### *Selection of registered inspectors*

- [<sup>F92</sup> (1) Before entering into any arrangement for an inspection, the Chief Inspector shall invite tenders from at least two persons who can reasonably be expected to tender for the proposed inspection and to do so at arm's length from each other, and each of whom is either—
- (a) a registered inspector, or
  - (b) a person who the Chief Inspector is satisfied would, if his tender were successful, arrange with a registered inspector for the inspection to be carried out.
- (2) Before an inspection takes place the Chief Inspector shall consult the appropriate authority about the inspection.]

#### **Textual Amendments**

**F92** Sch. 3 para. 2 substituted (1.9.1997) by 1997 c. 44 s. 42, Sch. 6 para. 10; S.I. 1997/1468, art. 2, Sch. 1 Pt. II

### *Inspection teams*

- 3 [<sup>F93</sup>(1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team) consisting of persons who are enrolled in the list kept by the Chief Inspector under paragraph 3A.]
- (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 7(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.

*Status: Point in time view as at 02/09/2002.*

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#### Textual Amendments

**F93** Sch. 3 para. 3(1) substituted (1.1.2000 for certain purposes and 4.8.2000 for certain further purposes) by 1998 c. 31, ss. 135, 145(3), **Sch. 28 Pt. I para. 4(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2**

#### *[<sup>F94</sup>Enrolment of persons to act as team members]*

#### Textual Amendments

**F94** Sch. 3 para. 3A and crossheading inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, **Sch. 1 Pt. I** (with Sch. 2 Pt. I para. 5)

- <sup>F95</sup>3A (1) The Chief Inspector shall keep a list of persons who may act as members of an inspection team (“the list); and no person shall act as a member of an inspection team unless he is enrolled in the list.
- (2) The Chief Inspector shall not enrol any person in the list unless, having regard to any conditions that he proposes to impose under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) below), it appears to him that that person—
- (a) is a fit and proper person for carrying out an inspection, and
  - (b) will be capable of assisting in an inspection competently and effectively.
- (3) An application for enrolment in the list shall (except in such circumstances as may be prescribed) be accompanied by the prescribed fee.
- (4) Subsections (5) to (9) of section 7 shall apply in relation to the enrolment of a person in the list and to acting as a member of an inspection team as they apply in relation to the registration of a person under subsection (1) or (2) of that section and to acting as a registered inspector.
- (5) Sections 8 and 9 and Schedule 2 shall (with any necessary modifications) apply in relation to enrolment in the list and to a person so enrolled as they apply in relation to registration under section 7(1) or (2) and to a person so registered.
- (6) In its application to an enrolled person in accordance with sub-paragraph (5) above, section 8 shall have effect as if the conditions mentioned in subsection (2) of that section were that—
- (a) that person is no longer a fit and proper person to act as a member of an inspection team;
  - (b) he is no longer capable of assisting in an inspection competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) above).
- (7) Without prejudice to the generality of paragraph 2(1) of Schedule 2, regulations under that provision may provide that, where a person is appealing simultaneously—
- (a) against a decision of the Chief Inspector relating to that person’s registration, and

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- (b) against a decision of the Chief Inspector relating to that person's enrolment in the list,  
both appeals are to be heard at the same time.

#### Textual Amendments

**F95** Sch. 3 para. 3A inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

#### *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) 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.
- (3) 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.
- 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) 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.
- (3) 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.

#### *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.

*Status: Point in time view as at 02/09/2002.*

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*Rights of entry etc.*

- 7 [F96(1)]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.
- [F97(2) Where—
- (a) pupils registered at the school concerned are, by arrangement with another school, receiving part of their education at the other school, and
  - (b) the inspector is satisfied that he cannot properly discharge his duty under section 10(5) in relation to the school concerned without inspecting the provision made for those pupils at that other school,
- sub-paragraph (1) shall apply in relation to that other school as it applies in relation to the school concerned.]

**Textual Amendments**

- F96** Sch. 3 para. 7 renumbered as s. 7(1) (1.9.1997) as Sch. 3 para. 7(1) by 1997 c. 44, s. 42, **Sch. 6 para. 12(1)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F97** Sch. 3 para. 7(2) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 12(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

*Offence of obstructing inspector or inspection team*

- 8 (1) It shall be an offence wilfully to obstruct—
- (a) a registered inspector, or
  - (b) a member of an inspection team,
- in the exercise of his functions in relation to an 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 4 on the standard scale.

SCHEDULE 4

Section 23.

INSPECTIONS OF DENOMINATIONAL EDUCATION

*Construction*

- 1 In this Schedule—
- “inspection means an inspection of a school under section 23; and
- “inspector means the person conducting the inspection.

*Inspectors’ reports*

- 2 (1) An inspection shall be carried out within such period as may be prescribed.

*Status: Point in time view as at 02/09/2002.*

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- (2) When an inspection has been completed, the inspector shall, before the end of the prescribed period, prepare in writing a report of the inspection and a summary of the report.
- (3) The inspector shall, without delay, send the report and summary to the governing body for the school concerned.
- (4) The governing body shall—
  - (a) make any such report and its accompanying summary available for inspection by members of the public, at such times and at such a 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 parent of a registered pupil at the school—
    - (i) for whom the school provides denominational education, or
    - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,as the case may be, receives a copy of the summary as soon as is reasonably practicable.

#### *Action plans*

- 3 (1) The governing body to whom an inspector has reported under this Schedule shall, before the end of the prescribed period, prepare a written statement (“the action plan”) of the action which they propose to take in the light of his report and the period within which they propose to take it.
- (2) Where an action plan has been prepared by a governing body, they shall, before the end of the prescribed period, send copies of it to the person who appoints the school’s foundation [<sup>F98</sup>governors, to the local education authority and to such]other persons (if any), in such circumstances, as may be prescribed.
- (3) The governing body shall—
  - (a) make any action plan prepared by them available for inspection by members of the public, at such times and at such a place as may be reasonable;
  - (b) provide a copy of the plan, 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 parent of a registered pupil at the school—
    - (i) for whom the school provides denominational education, or
    - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,as the case may be, receives a copy of the plan as soon as is reasonably practicable.

*Status: Point in time view as at 02/09/2002.*

**Changes to legislation:** *School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Where the governing body of a school have prepared an action plan, they shall include in their governors' report a statement of the extent to which the proposals set out in the plan have been carried into effect.
- (5) In sub-paragraph (4) "governors' report"<sup>F99</sup> means the governors' report under section 42 of the School Standards and Framework Act 1998.]
- (6) Sub-paragraph (4) applies only in relation to the most recent action plan for the school in question.

#### Textual Amendments

- F98** Words in Sch. 4 para. 3(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 204(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F99** Words in Sch. 4 para. 3(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 204(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### <sup>F100</sup>SCHEDULE 5

#### Textual Amendments

- F100** Sch. 5 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 205, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**.

### SCHEDULE 6

Section 47(1).

#### CONSEQUENTIAL AMENDMENTS

#### Extent Information

- E1** Amendments in Sch. 6 are coextensive with the enactments to which they refer.

#### *Parliamentary Commissioner Act 1967 (c.13)*

- 1 Schedule 2 to the <sup>M9</sup>Parliamentary Commissioner Act 1967 shall continue to include the following entries (originally inserted by paragraph 8 of Schedule 1 to the Education (Schools) Act 1992)—

“Office of Her Majesty’s Chief Inspector of Schools in England.”

<sup>F101</sup> . . .

*Status: Point in time view as at 02/09/2002.*

*Changes to legislation: School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F101** Entry in Sch. 6 para. 1 repealed (1.7.1999) by 1998 c. 38, s. 152, **Sch. 18 Pt.I** (with ss. 137(1), 139(2), 143(2)); S.I. 1999/1290, **art. 4**

#### Marginal Citations

**M9** 1992 c. 38.

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 2 Part III of Schedule 1 to the <sup>M10</sup>House of Commons Disqualification Act 1975 shall continue to include the following entries (originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992)—

“Her Majesty’s Chief Inspector of Schools in England.”

“Her Majesty’s Chief Inspector of Schools in Wales.”

#### Marginal Citations

**M10** 1992 c. 38.

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 3 Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 shall continue to include the same entries as those specified in paragraph 2 above (also originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992).

#### *Education Reform Act 1988 (c. 40)*

- 4 (1) Section 226(2)(b) of the Education Reform Act 1988 (inspection of schools in other member States providing education for British children) shall continue to have effect with the following amendment (originally made by paragraph 7 of Schedule 4 to the Education (Schools) Act 1992).
- (2) For the words from “school to the end of the paragraph there is substituted “ by, or under the direction of, one or more of Her Majesty’s Inspectors of Schools for England ”.

#### *Tribunals and Inquiries Act 1992 (c. 53)*

- 5 In Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 15 of Part I, in sub-paragraph (d) for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

#### *Judicial Pensions and Retirement Act 1993 (c. 8)*

- 6 In section 26(8)(h) of the Judicial Pensions and Retirement Act 1993, for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

*Status: Point in time view as at 02/09/2002.*

**Changes to legislation:** *School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)*

F1027 .....

**Textual Amendments**

**F102** Sch. 6 para. 7 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 206, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

SCHEDULE 7

Section 47(2).

REPEALS

**Extent Information**

**E2** Repeals in Sch. 7 are coextensive with the enactments to which they refer.

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1992 c. 38.	Education (Schools) Act 1992.	The whole Act except sections 16, 17 and 21(5) and paragraphs 1 and 4 to 6 of Schedule 4.
1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 67.
1993 c. 35.	Education Act 1993.	Part V. Section 259. Section 299 so far as relating to section 225 or 226 of the Act. In section 306, the entries “appropriate appointing authority (in Part V), “appropriate authority (in Part V), “inspection by a member of the Inspectorate (in Part V), “member of the Inspectorate (in Part V), “section 9 inspection (in Part V), “special measures (in Part V) and “transfer date (in Part V). Schedule 12. In Schedule 19, paragraph 173.



*Status: Point in time view as at 02/09/2002.*

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## SCHEDULE 8

Section 47(3).

### TRANSITIONAL PROVISIONS

#### *Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions by this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act, or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by this Act, or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- (6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the<sup>M11</sup> Interpretation Act 1978 (but are without prejudice to any other provision of that Act); and sub-paragraph (1) has effect subject to any amendments of the law which give effect to recommendations of the Law Commission.

*Status: Point in time view as at 02/09/2002.*

**Changes to legislation:** *School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Marginal Citations

M11 1978 c. 30.

### *New documents referring to repealed enactments*

- 2 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference to or (as the context may require) including a reference to the corresponding provision of this Act.

### *Application of sections 2(9) and 5(9)*

- 3 Sections 2(9) and 5(9) shall not have effect in relation to anything done before they come into force.

### TABLE OF DERIVATIONS

#### Notes:

- 1 This Table shows the derivation of the provisions of the Bill.  
2 The following abbreviations are used in the Table:—

1992	= Education (Schools) Act 1992 (c.38)
1993	= Education Act 1993 (c.35)

- 3 The abbreviation “Law Com. Rec. No. followed by a number refers to a recommendation set out in the paragraph of that number in Appendix 1 to the Report of the Law Commission (Cm.3251).

Provision	Derivation
1	1992 s.1.
2(1) to (6)	1992 s.2.
(7)	1992 s.4.
(8) to (10)	Law Com. Rec. No.22.
3	1992 s.3.
4	1992 s.5.
5(1) to (6)	1992 s.6.
(7)	1992 s.8.
(8) to (10)	Law Com. Rec. No.22.
6	1992 s.7.
7(1) to (9)	1992 s.10.
(10)	Drafting.

*Status: Point in time view as at 02/09/2002.*

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8	1992 s.11.
9	1992 s.12.
10(1), (2)	1992 s.9(1), (2).
(3)	1992 s.9(3); 1993 Sch.19 para.173(1)(a).
(4)	1993 s.227(4).
(5), (6)	1992 s.9(4), (5).
(7)	Drafting.
(8)	1992 s.9(6); 1993 Sch.19 para.173(1)(b).
(9)	1992 s.9(7); 1993 Sch.19 para.173(1)(c).
11(1)	1992 s.9(7); 1993 s.204(1), (4), Sch.19 para.173(1)(c).
(2)	1993 s.204(1).
(3)	1992 s.9(7); 1993 s.204(4), Sch.19 para.173(1)(c).
(4)	1993 s.204(2).
(5)	1992 Sch.2 para.1.
(6)	1992 Sch.2 para.1; 1993 s.204(2), Sch.19 para.173(3).
12(1), (2)	1992 Sch.2 para.12(1), (2); 1993 s.205(1), (2), Sch.19 para.173(7); Law Com. Rec. No.23.
(3), (4)	1992 Sch.2 para.12(3); 1993 s.205(3), Sch.19 para.173(7); Law Com. Rec. No.23.
13(1) to (8)	1992 Sch.2 para.9; 1993 s.206, Sch.19 para.173(5).
(9)	1992 Sch.2 para.1; 1993 s.204(3), Sch.19 para.173(3).
14	1992 Sch.2 para.9A; 1993 s.207, Sch.19 para.173(5).
15(1), (2)	1992 Sch.2 para.9B(1), (2); 1993 s.208(1), (2), Sch.19 para.173(5).
(3)	1993 s.208(3).
(4)	1992 Sch.2 para.9B(3); 1993 Sch.19 para.173(5).
(5)	1992 Sch.2 para.9B(4); 1993 s.208(4), Sch.19 para.173(5).

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16	1993 s.209.
17	1993 s.210.
18	1993 s.211.
19	1993 s.212.
20(1)	1992 Sch.2 para.9C(1), (3); 1993 Sch.19 para.173(5).
(2)	1992 Sch.2 para.9C(2); 1993 Sch.19 para.173(5).
(3), (4)	1992 Sch.2 para.9C(4), (5); 1993 Sch.19 para.173(5).
21	1992 Sch.2 para.10; 1993 Sch.19 para.173(6).
22	1992 Sch.2 para.11; 1993 Sch.19 para.173(6).
23(1) to (4)	1992 s.13(1) to (3A); 1993 s.259(2).
(5) to (7)	1992 s.13(4) to (6).
(8)	1992 s.13(7); 1993 s.259(3).
(9), (10)	1992 s.13(8), (9).
24	1992 s.14.
25	1992 s.15.
26	1993 s.213.
27(1) to (8)	1993 s.214(1) to (8).
(9)	1993 s.204(2).
(10)	1993 s.214(9).
28	1993 s.215.
29	1993 s.216.
30	1993 s.217.
31	1993 s.218.
32	1993 s.219.
33	1993 s.220.
34	1993 s.221.
35	1993 s.222.
36	1993 s.223.
37	1993 s.224.
38	1993 s.225.
39	1993 s.226.
40	1993 s.227(1) to (3).

*Status: Point in time view as at 02/09/2002.*

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41(1), (2)	1993 s.228(1).
(3) to (5)	1993 s.228(2) to (4).
42	1992 s.18(3).
43	1992 s.20(2).
44(1)	1993 s.299(1) to (4).
(2)	1993 s.299(5).
45(1)	1992 s.19(1); 1993 s.301(1), (2).
(2)	1992 s.19(2); 1993 s.301(3).
(3), (4)	1992 s.19(3); 1993 s. 301(6); Law Com. Rec. No.24.
46(1)	1992 s.18(1); Interpretation Act 1978 (c. 30) s. 17(2)(a) (“denominational education); 1992 Sch.2 para.1 (“member of the Inspectorate); 1993 ss.204(2), 305(1), Sch.19 para.173(3).
(2)	Drafting.
(3)	1992 s.18(2).
(4)	1992 s.18(4); 1993 s.305(3).
47	Drafting.
48(1), (2)	Drafting.
(3)	1992 s.21(4); 1993 s.308(4); drafting.
(4)	1992 s.21(6); drafting.
(5)	Drafting.
Sch. 1	
paras.1, 2	1992 Sch.1 paras.1, 2.
para.3	1992 Sch.1 para.3; The Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995 (S.I. 995/269) Art.3, Sch. para.19.
para.4	1992 Sch.1 para.5.
para.5	1992 Sch.1 para.6; Law Com. Rec. No. 22.
para.6	1992 Sch.1 para.7.
Sch. 2	
para.1	1992 Sch.3 para.1; Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.67.
para.2	1992 Sch.3 para.2.
para.3	1992 Sch.3 para.3(1).

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*Status: Point in time view as at 02/09/2002.*

**Changes to legislation:** *School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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Sch. 3	
para.1	1992 Sch.2 para.1; 1993 Sch.19 para.173(3).
paras.2, 3	1992 Sch.2 paras. 2, 3; 1993 Sch.19 para.173(4).
para.4(1)	1992 Sch.2 para.4(1); 1993 Sch.19 para.173(4).
(2)	1992 Sch.2para.4(3).
(3)	1992 Sch.2para.4(2).
para.5(1)	1992 Sch.2 para.5(1); 1993 Sch.19 para.173(4).
(2)	1992 Sch.2 para.5(3).
(3)	1992 Sch.2 para.5(2).
paras.6, 7	1992 Sch.2 paras.6, 7; 1993 Sch.19 para.173(4).
para.8	1992 Sch.2 para.8.
Sch. 4	
para.1	1992 Sch.2 para.13.
para.2	1992 Sch.2 para.14; 1993 Sch.19 para.173(8).
para.3	1992 Sch.2 para.15; Interpretation Act 1978 (c. 30) s. 17(2)(a) (“governors’ report); 1993 Sch.19 para.173(9).
Sch. 5	1993 Sch.12.
Sch. 6	
para.1	1992 Sch.1 para.8.
paras.2, 3	1992 Sch.1 para.9.
paras.4 to 7	Drafting.
Sch. 7	Drafting.
Sch. 8	Drafting.

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**Status:**

Point in time view as at 02/09/2002.

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