



Education Act 1997

1997 CHAPTER 44

PART VI

INSPECTION OF LOCAL EDUCATION AUTHORITIES AND SCHOOL INSPECTIONS

CHAPTER I

INSPECTION OF LOCAL EDUCATION AUTHORITIES

38 Inspection of LEAs.

- (1) The Chief Inspector—
 - (a) may, and
 - (b) if requested to do so by the Secretary of State, shall, arrange for any local education authority to be inspected under this section.
- (2) An inspection of a local education authority under this section shall consist of a review of the way in which the authority are performing any function of theirs (of whatever nature) which relates to the provision of education—
 - (a) for persons of compulsory school age (whether at school or otherwise), or
 - (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority.
- (3) A request by the Secretary of State under this section may relate to one or more local education authorities, and shall specify both—
 - (a) the local education authority or authorities concerned, and
 - (b) the functions of theirs to which the inspection is to relate.
- (4) Before making any such request the Secretary of State shall consult the Chief Inspector as to the matters to be specified in the request in accordance with subsection (3).
- (5) Any inspection under this section shall be conducted—

Status: Point in time view as at 01/09/1999.

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- (a) by one of Her Majesty’s Inspectors of Schools in England or (as the case may require) Wales, or
 - (b) by any additional inspector authorised under paragraph 2 of Schedule 1 to the ^{M1}School Inspections Act 1996;
- but he may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.
- (6) For the purposes of this section a local education authority shall provide the Chief Inspector with such information as may be prescribed, and shall do so in such form and—
- (a) within such period following a request made by the Chief Inspector in any prescribed circumstances, or
 - (b) at such other times,
- as regulations may provide.
- (7) In this section and sections 39 to 41 “the Chief Inspector” means—
- (a) in relation to a local education authority in England, Her Majesty’s Chief Inspector of Schools in England; and
 - (b) in relation to a local education authority in Wales, Her Majesty’s Chief Inspector of Schools in Wales;
- and in those sections references to “the inspector” in relation to an inspection under this section are references to the person conducting the inspection.

Marginal Citations

M1 1996 c. 57.

39 Reports of inspections under s. 38 and action plan by LEA.

- (1) Where an inspection under section 38 has been completed, the inspector shall make a written report on the matters reviewed in the course of the inspection, and shall send copies of the report to—
- (a) any local education authority to which the inspection relates; and
 - (b) the Secretary of State.
- (2) Where a local education authority receive a copy of a report under this section, they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (3) The authority shall publish—
- (a) the report, and
 - (b) the statement prepared under subsection (2),
- within such period, and in such manner, as may be prescribed.
- (4) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate ^{F1}; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).]

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Textual Amendments

- F1** Words in s. 39(4) inserted (1.10.1998) by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch.1 Pt. I

40 Inspector’s rights of entry etc.

- (1) The inspector in the case of any inspection under section 38, and any person assisting him, shall have at all reasonable times—
- (a) a right of entry to the premises of any local education authority to which the inspection relates, and
 - (b) a right to inspect, and take copies of, any records kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the exercise of his functions;
- and section 42 of the ^{M2}School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.
- (2) Without prejudice to subsection (1) above, a local education authority to which an inspection under section 38 relates shall give the inspector, and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give.
- (3) In the case of any inspection under section 38, subsection (1) above shall apply in relation to any school maintained by any local education authority to which the inspection relates as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—
- (a) the governing body of any such school shall give the inspector, and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give; and
 - (b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
- (4) In this section “document” and “records” each include information recorded in any form.

Marginal Citations

- M2** 1996 c. 57.

41 Inspections involving collaboration of Audit Commission.

- (1) If requested to do so by the Chief Inspector, the Audit Commission may assist with any inspection under section 38; and subsections (2) to (5) below have effect where the Commission assist with any such inspection.
- (2) Section 40 shall apply to the Commission and to any authorised person as it applies to the inspector.
- (3) Any information obtained by virtue of section 40 by a person falling within one of the categories mentioned in subsection (4) may be disclosed for the purposes of the

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inspection, or the preparation or making of the report under section 39(1), to a person falling within the other category.

- (4) Those categories are—
- (a) the Commission and any authorised person; and
 - (b) the inspector and any person assisting him.
- (5) Any report prepared under section 39(1) shall be prepared by the inspector acting in conjunction with the Commission.
- (6) The Commission shall not provide assistance under this section unless, before it does so, the Chief Inspector has agreed to pay the Commission an amount equal to the full costs incurred by the Commission in providing the assistance.
- (7) In this section—
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales; and
- “authorised person” means a person authorised by the Audit Commission for the purposes of this section.

Modifications etc. (not altering text)

C1 S. 41 restricted (11.9.1998) by 1998 c. 18, ss. 1(5), 55(2), **Sch. 1 para. 8(2)(e)**

CHAPTER II

SCHOOL INSPECTIONS

42 Miscellaneous amendments relating to school inspections.

Schedule 6 (which contains amendments relating to inspections under the ^{M3}School Inspections Act 1996 ^{F2}. . .) shall have effect.

Textual Amendments

F2 Words in s. 42 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.216, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

Marginal Citations

M3 1996 c. 57.

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