

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 1: School Inspections and Other Inspections by School Inspectors

Chapter 2 – Procedure for Inspections under Chapter 1

Section 13: Duties of Chief Inspector where school causes or has caused concern

39. This section covers circumstances where a school which has been inspected under section 5 is judged by the Chief Inspector to require either special measures or significant improvement (see notes on Chapter 5: schools causing concern); or cases where such a designation is already in place and the judgement is that it should be changed or removed. The section re-enacts section 14 of SIA 1996 as it applies to England, but reflecting the new significant improvement category, removing the requirement for inspectors to produce a summary of their inspection reports, and introducing a review procedure. The section also re-enacts section 16A of SIA 1996 as it applies to England, with changes to terminology as set out at section 44, and to the arrangements for notifying the local education authority when a maintained school receives a designation.
40. *Subsections (1), (2) and (3)* provide that where an inspection of a maintained school identifies that the school requires significant improvement or special measures, the Chief Inspector must send a draft of the report to the governing body in the case of a maintained school and to the proprietor in the case of any other school and to consider any comments made by them within a set period. If the Chief Inspector is still of the opinion that the school requires significant improvement or special measures he must inform the Secretary of State and the local education authority in the case of a maintained school or the proprietor in any other case of this immediately in writing. He must also state that opinion in a report of the inspection. Thus, in the case of maintained schools, the local education authority will in future receive such notification direct from the Chief Inspector, rather than as at present from the Secretary of State.
41. Under *subsection (4)*, where in the previous report of an inspection the school was designated as requiring special measures, but the Chief Inspector is now of the opinion that the school no longer requires special measures, he must state his opinion in a report. If he considers that a designation of significant improvement rather than special measures is appropriate, he must also state his opinion in the report, as required by subsection (3).
42. Under *subsection (5)*, in the case of a school already designated as requiring significant improvement, if the Chief Inspector is of the opinion that neither a significant improvement nor a special measures designation is required, he must state his opinion in the report.

Section 14: Destination of reports: maintained schools

43. This section re-enacts the elements of section 16 of SIA 1996 relating to the destination of reports for all maintained schools, as they apply to England, but removing the requirement for inspectors to send summary reports. It specifies the persons to whom the inspector must send a copy of an inspection report following either a section 5 inspection or following any inspection of a maintained school. The requirements in section 16 of SIA 1996 relating to special measures are now included as part of section 13 (see above).
44. *Subsection (4)* requires the appropriate authority (defined in section 18) to make a copy of all inspection reports it receives available for public inspection, to provide a copy to anyone who asks for one, and to make arrangements for parents of pupils at the school to receive a copy of the report.

Section 15: Measures to be taken by local education authority

45. This section re-enacts section 17(1) to (3) of SIA 1996, modified to reflect the new arrangements for the revised categories of schools causing concern defined in sections 44 and 46 and Schedule 5.
46. *Subsections (2) and (3)* place a duty on local education authorities to prepare a written statement of the action they propose to take, and the timetable for this action, when a school is judged to require special measures or significant improvement. The deadline for local education authorities to produce their action statements will be prescribed in regulations; the intention is that this will be 10 working days from the publication of the inspection report, but the Secretary of State may require a shorter period in urgent cases. Where the local education authority propose to take no action in response to the inspection report, their statement must set out their reasons for not doing so. The local education authority are required to send their statement to the Secretary of State, the Chief Inspector and the appointing body of foundation governors in the case of a voluntary-aided school.

Section 16: Destination of reports: non-maintained schools

47. This section re-enacts the elements of section 20 of SIA 1996 relating to the destination of reports for all non-maintained schools, as they apply to England, with the changes to terminology set out in section 44. This covers the distribution of reports of section 5 inspections for Academies, city technology colleges, city colleges for the technology of the arts and non-maintained special schools. These reports must be sent to the proprietor of the school. The requirements in section 20 of SIA 1996 relating to schools requiring special measures are now included as part of section 13 (see above).
48. *Subsection (2)* places a duty on the proprietor of a non-maintained special school to send a copy of the report to any local education authority which is paying fees for pupils at that school.
49. *Subsection (3)* requires the proprietor to make a copy of all inspection reports it receives available for public inspection, to provide a copy to anyone who asks for one, and to make arrangements for parents of pupils at the school to receive a copy of the report. This mirrors the duty in section 14 on the local education authority or other appropriate authority in relation to reports on maintained schools.

Section 17: Statement to be prepared by proprietor of school

50. This section specifies the action to be taken by the proprietor of a non-maintained school which requires special measures or significant improvement. Current requirements are set out in section 21 of SIA 1996. The proprietor is required to prepare a statement of the action he proposes to take and the timescale for this action when he is sent an inspection report that states the school requires special measures or significant improvement.

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

51. *Subsection (2)* provides for this statement of action to be prepared within a prescribed period, intended to be 10 working days from the date of publication of the inspection report (as for local education authorities under section 15) or such shorter period as the Secretary of State may direct in urgent cases.
52. *Subsections (3) and (4)* provide for copies of this statement to be sent to the Chief Inspector, to any other prescribed persons and, in the case of a non-maintained special school, to any local education authority which are paying fees for a pupil at the school.