



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

#### SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

#### *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").
- (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 is to serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector.
- (4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment, but—
  - (a) must 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, and
  - (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 does not affect his eligibility for appointment.
- (6) Schedule 1 makes further provision about the Chief Inspector and his staff.

## **2 Functions of Her Majesty’s Chief Inspector of Schools in England**

- (1) The Chief Inspector has the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in England,
  - (b) how far that education meets the needs of the range of pupils at those schools,
  - (c) the educational standards achieved in those schools,
  - (d) the quality of the leadership in and management of those schools, including whether the financial resources made available to those schools are managed efficiently,
  - (e) the spiritual, moral, social and cultural development of pupils at those schools,
  - (f) the contribution made by those schools to the well-being of those pupils,
  - (g) the extent to which those schools are developing rigorous internal procedures of self-evaluation, and
  - (h) the behaviour and attendance of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector must—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State’s request, and
  - (b) inspect and report on such school, or class of school, in England as may be so specified.
- (3) In addition, the Chief Inspector must keep under review the extent to which any requirement imposed by or under this Part, or any other enactment, on any local education authority, proprietor of a school or governing body in relation to inspections of schools in England is complied with.
- (4) The Chief Inspector 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 is to 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 must have regard to such aspects of government policy as the Secretary of State may direct.

## **3 Annual and other reports to Secretary of State**

The Chief Inspector—

- (a) must make an annual report to the Secretary of State, who must 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 section to be published in such manner as he considers appropriate.

## **4 Powers of entry etc. for purposes of section 2**

- (1) For the purposes of the exercise of any function conferred by or under section 2, the Chief Inspector has at all reasonable times, in relation to any school in England—
  - (a) a right of entry to the premises of the school, and

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (2) For the purposes of the exercise of any function conferred by or under section 2, the Chief Inspector has at all reasonable times—
- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in England, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,are provided with part of their education by any person (“the provider”),
  - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education, and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of that education, and
    - (ii) any other documents containing information so relating,which the Chief Inspector requires for those purposes.
- (3) It is an offence intentionally to obstruct the Chief Inspector—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of section 2(2)(b), or
  - (b) in the exercise of any right under subsection (1) or (2) for the purposes of the exercise of any other function.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.