



Education and Skills Act 2008

2008 CHAPTER 25

PART 4

REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

CHAPTER 1

INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

Inspections and reports

108 Duty to inspect certain registered institutions at prescribed intervals

- (1) The Chief Inspector must—
 - (a) inspect each independent educational institution to which this section applies at such intervals as may be prescribed, and
 - (b) make a report to the Secretary of State, in relation to each inspection, on the extent to which any relevant standard is being met, and is likely to continue to be met, in relation to the institution.
- (2) In this section “any relevant standard”, in relation to an inspection, means any independent educational institution standard that is—
 - (a) specified by the Secretary of State for the purposes of the inspection, or
 - (b) considered to be relevant by the Chief Inspector in the circumstances of the case.
- (3) This section does not require the Chief Inspector to carry out an inspection or make a report if the Chief Inspector has been notified by the Secretary of State that the institution is to be inspected instead by an independent inspectorate.
- (4) An interval may be prescribed under subsection (1) by reference to the time of an inspection carried out—
 - (a) by the Chief Inspector in compliance with subsection (1), or

- (b) by an independent inspectorate as mentioned in subsection (3).
- (5) This section applies to any registered independent educational institution that is not—
 - (a) an Academy,
 - (b) a city technology college, or
 - (c) a city college for the technology of the arts.

109 Duty to inspect registered institution on direction of Secretary of State

- (1) The Secretary of State may at any time direct the Chief Inspector to inspect a registered independent educational institution specified in the direction.
- (2) Where such a direction is made the Chief Inspector must—
 - (a) inspect the institution, and
 - (b) make a report to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution.
- (3) The Secretary of State may at any time arrange for an independent inspectorate—
 - (a) to inspect a registered independent educational institution in relation to which it is approved under section 106, and
 - (b) to make a report to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution.
- (4) In this section “any relevant standard” means any independent educational institution standard that is—
 - (a) specified by the Secretary of State for the purposes of the inspection, or
 - (b) considered to be relevant by the person carrying out the inspection in the circumstances of the case.

110 Inspections under this Chapter: power of entry etc

- (1) This section applies to any inspection of a registered independent educational institution that is carried out by the Chief Inspector under this Chapter.
- (2) The Chief Inspector has at all reasonable times—
 - (a) a right of entry to the premises of the institution for the purposes of the inspection, and
 - (b) a right to inspect and take copies of any records kept by the institution and any other documents containing information relating to the institution that are required for the purposes of the inspection.
- (3) Section 58 of the Education Act 2005 (c. 18) (computer records) applies in relation to the inspection of records or other documents under subsection (2)(b).
- (4) This section does not confer power to inspect or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (c. 60) (legally privileged material etc).
- (5) It is an offence intentionally to obstruct a person in the exercise of the person’s functions in relation to the inspection.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

111 Fees for inspections by Chief Inspector under this Chapter

- (1) Regulations may require the proprietor of an institution to which this section applies to pay to the Chief Inspector a fee in respect of an inspection of the institution carried out by the Chief Inspector under this Chapter.
- (2) Regulations under this section must make provision for determining—
 - (a) the amount of any fee, and
 - (b) the time at which it must be paid.
- (3) Regulations under this section may make provision—
 - (a) for determining the amount of a fee by reference to circumstances obtaining at a time before the inspection to which it relates takes place;
 - (b) requiring two or more fees to be paid in respect of an inspection under section 108 (inspections at prescribed intervals);
 - (c) requiring a fee to be paid at a time before the inspection to which it relates takes place;
 - (d) prescribing circumstances in which the amount of a fee may be varied or a fee may be waived;
 - (e) conferring a discretion on the Secretary of State.
- (4) The power in subsection (3)(c)—
 - (a) does not include power to make provision requiring a fee in respect of an inspection under section 108 to be paid at any time at which an independent inspectorate is approved in relation to the institution;
 - (b) includes power to make provision as to circumstances in which a fee is not to be refunded (and any requirement to pay a fee is to be unaffected) if the inspection to which it relates does not take place.
- (5) Without prejudice to section 166(6), regulations under this section may make different provision—
 - (a) for inspections of different descriptions of institution, or
 - (b) for inspections carried out for different purposes or in different circumstances.
- (6) This section applies to any registered independent educational institution that is not—
 - (a) an Academy,
 - (b) a city technology college, or
 - (c) a city college for the technology of the arts.

112 Failure to pay fees

- (1) Where the proprietor of an institution fails to pay a fee in accordance with regulations under section 111, the Secretary of State may remove the institution from the register.
- (2) The Secretary of State must notify the proprietor of an institution of any decision to remove it from the register under this section.
- (3) The Secretary of State's decision does not have effect during the period in which—
 - (a) an appeal may be brought under section 124 against the decision, or
 - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

113 Publication of inspection reports

- (1) The Chief Inspector must comply with a direction given by the Secretary of State to publish the report of any inspection carried out by the Chief Inspector under this Chapter.
- (2) A report published by virtue of this section must be published in the prescribed manner.