
STATUTORY INSTRUMENTS

1998 No. 1866

EDUCATION, ENGLAND AND WALES

WALES

The Education (School Inspection) (Wales) Regulations 1998

Made - - - - - *23rd July 1998*
Laid before Parliament *5th August 1998*
Coming into force - - - *1st September 1998*

In exercise of the powers conferred on the Secretary of State by sections 10(1) and (6), 15(2), 16(4) (b) and (c), 17(2)(a), (3), (4) and (6)(b), 18(3)(a), 20(4)(b) and (c), 21(2)(a), (3), (4) and (5)(b), 23(7), 24(5)(b) and 45(3) and (4) of, paragraph 6 of Schedule 3 to, and paragraphs 2(1), (2) and (4)(b) and 3(1), (2) and (3)(b) of Schedule 4 to, the School Inspections Act 1996(1) and section 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(2), the Secretary of State for Wales hereby makes the following Regulations:

PART I
GENERAL

Citation, commencement, application and revocation

1.—(1) These Regulations may be cited as the Education (School Inspection) (Wales) Regulations 1998 and shall come into force on 1st September 1998.

(2) As from that date, the Regulations listed in the Schedule shall be revoked.

(3) These Regulations apply only in relation to schools in Wales.

Interpretation

2.—(1) In these Regulations—

“bank holiday” means a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(3);

(1) 1996 c. 57; sections 16(4)(c) and 20(4)(c) of the School Inspections Act 1996 were amended by Schedule 6, paragraph 7 of the Education Act 1997 (c. 44).
(2) 1996 c. 56; see section 579(1) for the meaning of “regulations”.
(3) 1971 c. 80.

“school year” means the period of twelve months commencing on 1st August;

“the 1996 Act” means the School Inspections Act 1996;

“working day” means a day which is not a Saturday, a Sunday, a bank holiday or part of a holiday longer than a week taken by the school in question; and

any reference to a child who is looked after by a local authority shall have the same meaning as in section 22 of the Children Act 1989(4).

(2) Where these Regulations require an act to be done within a specified period from a specified date the period begins immediately after that date.

(3) In these Regulations, unless the context otherwise requires, a reference—

(a) to the Schedule is to the Schedule to these Regulations;

(b) to a numbered regulation is to the regulation in these Regulations bearing that number;

(c) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

PART II

SCHOOL INSPECTIONS

3. In this Part of these Regulations—

“action plan” means the written statement referred to, in the case of a school of any kind mentioned in section 11(2) of the 1996 Act, in section 17(1) of that Act or, in the case of any other school, in section 21(1) of that Act;

“appropriate authority” shall be construed, in the case of a school of any kind mentioned in section 11(2) of the 1996 Act, in accordance with section 11(4) of that Act and, in the case of any other school, in accordance with section 11(5) of that Act;

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

“inspection” means an inspection of a school under section 10 of the 1996 Act;

“inspection team” has the meaning set out in paragraph 3(1) of Schedule 3 to the 1996 Act;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in Wales and any additional inspector;

“registered inspector” means an inspector registered under section 7(2) of the 1996 Act;

“school”, where used without qualification, means a school to which section 10 of the 1996 Act applies.

Intervals for inspection

4. The Chief Inspector shall secure that an inspection is carried out in respect of every school—

(a) in the case of a secondary school before 1st September 2004 and thereafter at intervals of six years; and

(b) in the case of a school which is not a secondary school before 1st September 2005 and thereafter at intervals of six years.

(4) 1989 c. 41.

Notification of inspection

5.—(1) Where an inspection is arranged, the appropriate authority shall, for the purpose of paragraph 6(a) of Schedule 3 to the 1996 Act, take such steps as are reasonably practicable to notify—

- (a) in the case of a county, voluntary or maintained special school which has a delegated budget, a person appearing to them to be an appropriate officer of the local education authority;
- (b) in the case of a county, voluntary or maintained special school which does not have a delegated budget, the chairman of the governing body;
- (c) in the case of a grant-maintained or grant-maintained special school, the Secretary of State;
- (d) in the case of a voluntary school or a grant-maintained school which, immediately before it became a grant-maintained school, was a voluntary school, the person who appoints the school's foundation governors and, in the case of an aided or special agreement school, the appropriate diocesan authority (if different);
- (e) in the case of a school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 25 to the Education Act 1996, that person;
- (f) in the case of an aided or grant-maintained secondary school the instrument of government of which names a person as a sponsor of the school, that person;
- (g) in the case of a special school which is not maintained by a local education authority, or an independent school approved by the Secretary of State under section 347(1) of the Education Act 1996, the Secretary of State, a further education funding council or any local education authority, if that body are paying fees in respect of the provision of education to any person at the school;
- (h) in the case of any school at which a registered pupil is a child who is looked after by the local authority, a person appearing to them to be an appropriate officer of that local authority; and
- (i) in the case of a secondary school, the Training and Enterprise Council for the area in which the school is located, and such members of the local business community as the appropriate authority think fit, having regard, in particular, to the desirability of notifying members who employ or have recently employed former pupils of the school,

of the time when the inspection is to take place.

(2) In this regulation—

- (a) the expression “a school which has a delegated budget” has the meaning given to that expression in section 115(b) of the Education Act 1996;
- (b) the expression “appropriate diocesan authority” has the meaning given to that expression in section 311 of the Education Act 1996;
- (c) the reference to a group of grant-maintained schools is a reference to a group of such schools conducted by a single governing body under Chapter IX of Part III of the Education Act 1996; and
- (d) the expression “externally appointed core governor” has the meaning which that expression has in paragraph 2 to Schedule 25 of the Education Act 1996.

Meeting with parents

6. The appropriate authority, in arranging a meeting pursuant to paragraph 6(b) of Schedule 3 to the 1996 Act, shall—

- (a) arrange for the meeting to take place at a time before the time when the inspection is to begin;
- (b) in selecting the time and place for the meeting, have regard to the convenience of the parents;
- (c) take such steps as are reasonably practicable to give written notification at least three weeks in advance of the time when, and place where, the meeting is to be held to—
 - (i) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of the local authority; and
 - (ii) in the case of a special school not being a school maintained by a local education authority, or an independent school approved by the Secretary of State under section 347(1) of the Education Act 1996, a further education funding council or any local education authority, if that body are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests;
- (d) not permit anyone to attend the meeting except—
 - (i) the registered inspector and the inspection team;
 - (ii) any person whom the registered inspector wishes to attend the meeting for the purpose of providing administrative support or recording what is said;
 - (iii) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of that local authority;
 - (iv) in the case of a special school not being a school maintained by a local education authority, or an independent school approved by the Secretary of State under section 347(1) of the Education Act 1996, a person appearing to the appropriate authority to be an appropriate officer of a further education funding council or any local education authority, if that body are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests;
 - (v) any member of the Inspectorate monitoring the inspection under section 3(2) of the 1996 Act;
- (e) arrange for the registered inspector to have control of the meeting in all other respects.

Reports

7.—(1) The carrying out of an inspection shall be completed by the expiry of the period of two weeks beginning when the inspection begins to be carried out.

(2) For the purposes of section 15(2) of the 1996 Act there is prescribed, as the period within which the making of the report of an inspection is to be completed, the period of five weeks from the date on which the inspection is completed, or, where it is necessary to provide a translation into Welsh or English, the period of seven weeks from that date.

(3) For the purposes of sections 16(4)(c) and 20(4)(c) of the 1996 Act there is prescribed as the period within which the appropriate authority should 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 of the report of an inspection, the period of ten working days from the date of receipt of the report by the authority.

Action Plans

8.—(1) For the purposes of sections 17(2)(a) and 21(2)(a) of the 1996 Act there is prescribed, as the period within which the appropriate authority are to prepare an action plan, the period of forty working days from the date they receive the report, or where it is necessary to provide a translation into Welsh or English, the period of forty five working days from that date.

(2) For the purposes of section 17(3) and (4) and section 21(3) and (4) of the 1996 Act there is prescribed, as the period within which the appropriate authority are to distribute in accordance with those enactments copies of an action plan prepared by them—

- (a) where the report does not state that the registered inspector is of the opinion that special measures are required to be taken in relation to the school, or where it does so and also states that the Chief Inspector disagrees with his opinion, five working days from the date on which the appropriate authority complete the preparation of the action plan; and
- (b) where the person making the report states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, two days from the date on which the appropriate authority complete the preparation of the action plan.

(3) Where an action plan has been prepared by the appropriate authority they shall send copies of it together with any translation into Welsh or English (in addition to the persons mentioned in, as the case may be, sections 17(3) to (5) or 21(3) and (4)) as follows—

- (a) in all cases, to all persons employed at the school;
- (b) in the case of a secondary school, to the Training and Enterprise Council for the area in which the school is situated; and
- (c) in the case of a special school not being maintained by a local education authority, or an independent school approved by the Secretary of State under section 347(1) of the Education Act 1996, to a further education funding council or any local education authority, if that body are paying fees in respect of the provision of education to any person at the school.

(4) For the purposes of calculating the period prescribed by paragraph (2)(b) no account shall be taken of Saturday, Sunday, Good Friday and Christmas Day or any day which is a bank holiday.

Statements

9.—(1) For the purposes of section 18(3)(a) of the 1996 Act there is prescribed, as the period within which a local education authority are to prepare the statement referred to in section 18(2), the period of—

- (a) ten days from the date on which they receive a copy of the action plan in respect of the school in question; or
- (b) twelve days from the expiry of the period prescribed by regulation 8(1),

whichever first occurs.

(2) For the purposes of calculating the period prescribed by paragraph (1) no account shall be taken of Saturday, Sunday, Good Friday and Christmas Day or any day which is a bank holiday.

Fees for provision of the report and summary and of the action plan

10. Subject to paragraph (2), an appropriate authority may require payment of a fee (not exceeding the cost of supply) where they provide—

- (a) under sections 16(4)(b) or 20(4) of the 1996 Act—
 - (i) a copy of a report to any person other than a person who is entitled to receive a copy of that report under section 16(1) to (3) of that Act; or
 - (ii) a copy of a summary to any person to whom they have previously provided a copy of that summary; or
- (b) under sections 17(6)(b) or 21(5)(b) of the 1996 Act, a copy of an action plan to any person—

- (i) who is not otherwise entitled to receive a copy of that action plan and whose home or whose principal office is located outside a radius of three miles from the school; or
- (ii) to whom they have previously provided a copy of that action plan.

PART III

INSPECTIONS OF DENOMINATIONAL EDUCATION

11. In this Part of these Regulations—

“action plan” means the written statement referred to in paragraph 3(1) of Schedule 4 to the 1996 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;

“inspection” means an inspection of a school under section 23 of the 1996 Act; and

“inspector” means the person conducting the inspection.

Intervals for inspection

12. Where the governing body of a voluntary or grant-maintained school are required by section 23 of the 1996 Act to secure that the denominational education given to any pupils or the content of the school’s collective worship (or both) are inspected they shall secure that the inspection takes place—

- (a) in the case of a secondary school, before 1st September 2004 and thereafter at intervals of six years; and
- (b) in the case of a school which is not a secondary school, before 1st September 2005 and thereafter at intervals of six years.

Reports and Action Plans

13.—(1) An inspection shall be carried out during a period not exceeding two weeks.

(2) The inspector shall, within five weeks from the date when the inspection is completed or within seven weeks from that date where it is necessary to provide a translation into Welsh or English, prepare in writing a report of the inspection and a summary of the report.

(3) The governing body shall, within forty working days from the date when the inspector reported to them or within forty five working days from that date where it is necessary to provide a translation into Welsh or English, prepare an action plan.

(4) The governing body shall, within five working days from the date when they complete the preparation of the action plan, send copies of it to the following persons (in addition to the person mentioned in paragraph 3(2) of Schedule 4 to the 1996 Act)—

- (a) all persons employed as teachers at the school or to participate in the school’s collective worship;
- (b) in the case of a school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 25 to the Education Act 1996, that person; and

- (c) in the case of an aided or grant-maintained secondary school the instrument of government of which names a person as a sponsor of the school, that person.

Fees for provision of the report and summary and of the action plan

14.—(1) Subject to paragraph (2), a governing body may require payment of a fee (not exceeding the cost of supply) where they provide—

- (a) under paragraph (2)(4)(b) of Schedule 4 to the 1996 Act—
- (i) a copy of a report to any person who asks for one;
 - (ii) a copy of a summary to any person to whom they have previously provided a copy of that summary; or
- (b) under paragraph 3(3)(b) of Schedule 4 to the 1996 Act a copy of an action plan to any person—
- (i) who is not otherwise entitled to receive a copy of that action plan and whose home or whose principal office is located outside a radius of three miles from the school; or
 - (ii) to whom they have previously provided a copy of that action plan.

(2) A governing body may not require payment of a fee under paragraph (1) if the document containing the copy of the report or summary, as the case may be, forms part of or is otherwise bound with a document containing a copy of the report or summary referred to in regulation 7 of these Regulations and a fee has been paid under regulation 10 of these Regulations.

PART IV

LOCAL EDUCATION AUTHORITY ACCOUNTS

15.—(1) For each financial year in which a local education authority provide a school inspection service, the authority shall keep accounts in respect of the service provided by them in that year.

(2) In this regulation—

“financial year” means a period of twelve months beginning with 1st April; and

“school inspection service” has the meaning set out in section 24(2) of the 1996 Act.

Signed by authority of the Secretary of State for Wales

23rd July 1998

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 1(2)

<i>Regulations Revoked</i>	<i>References</i>
The Education (School Inspection) (Wales) (No. 2) Regulations 1993	S.I. 1993/1982
The Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1993	S.I. 1993/2968
The Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1996	S.I. 1996/1934
The Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1997	S.I. 1997/1833

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education (School Inspection) (Wales) (No. 2) Regulations 1993, as amended by the Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1993, the Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1996 and the Education (School Inspection) (Wales) (No. 2) (Amendment) Regulations 1997.

Minor and drafting amendments apart, the main change made by these Regulations is that a six-yearly cycle will now apply for all inspections under sections 10 and 23 of the School Inspections Act 1996. This replaces the five-yearly cycle under the 1993 Regulations. The first inspections must take place before 1st September 2004, in the case of a secondary school, or before 1st September 2005, in any other case—see regulations 4 and 12.