
STATUTORY INSTRUMENTS

1998 No. 1866

The Education (School Inspection) (Wales) Regulations 1998

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.

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.