

2005 No. 2038

EDUCATION, ENGLAND

The Education (School Inspection) (England) Regulations 2005

Made - - - - - *21st July 2005*

Laid before Parliament *1st August 2005*

Coming into force - - - *1st September 2005*

In exercise of the powers conferred on the Secretary of State by sections 5(1)(a), 6(1)(b), 13(2)(b), 14(4)(b) and (c), 15(3)(a), 16(3)(b) and (c), 17(2)(a), 48(2) and (3), 49(1), (2) and (4)(c) and 120(2) of the Education Act 2005(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

PART 1

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Education (School Inspection) (England) Regulations 2005 and shall come into force on 1st September 2005.

(2) The Regulations listed in the Schedule are revoked in relation to England.

Interpretation

2.—(1) In these Regulations—

“the 2005 Act” means the Education Act 2005;

“inspection” in Part 2 of these Regulations means an inspection of a school under section 5 of the 2005 Act and in Part 3 of these Regulations means an inspection of a school under section 48 of the 2005 Act;

“inspector” in Part 3 of these Regulations means the person conducting the inspection;

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971;

“school year” means the period of 12 months commencing on 1st August;

“working day” means any day which is not a Saturday, a Sunday, a public 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(a).

(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.

PART 2 SCHOOL INSPECTIONS

Intervals for inspection

3. The Chief Inspector shall inspect each school to which section 5 of the 2005 Act applies by 1st August 2009 and, following that inspection, shall thereafter inspect each such school within 3 school years from the end of the school year in which the last inspection of the school took place.

Notification of an inspection

4.—(1) Where the appropriate authority has been notified of an inspection it must, for the purpose of section 6(1) of the 2005 Act, take such steps as are reasonably practicable to notify—

- (a) in the case of a school maintained by a local education authority and 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 school maintained by a local education authority and which does not have a delegated budget, the chairman of the governing body;
- (c) in the case of a voluntary school, the person who appoints the school's foundation governors and, in the case of a voluntary aided school the appropriate diocesan authority (if different);
- (d) in the case of a special school which is not maintained by a local education authority, any local authority which is paying fees in respect of the provision of education to any person at that school;
- (e) 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
- (f) in the case of a secondary school, the local learning and skills council for the area in which the school is located,

of the time when the inspection is to take place.

(2) In this regulation a reference to a school which has a delegated budget is a reference to a school which has a delegated budget within the meaning of Part 2 of the School Standards and Framework Act 1998(b).

Review of report

5. For the purpose of section 13(2)(b) of the 2005 Act there is prescribed, as the period within which the governing body in the case of a maintained school and the proprietor in the case of any other school may make comments on the draft report where the Chief Inspector is of the opinion that the school requires special measures or significant improvement, the period of 5 working days from the date of receipt of the draft report.

(a) 1989 c.41; section 22 was amended by section 107 and paragraph 19 of schedule 5 to the Local Government Act 2000 (c.22); section 2 of the Children (Leaving Care) Act 2000 (c.35); section 116(2) of the Adoption and Children Act 2002 (c.38) and section 52 of the Children Act 2004 (c.31).
(b) 1998 c.31.

Destination of reports

6. For the purposes of sections 14(4)(c) and 16(3)(c) of the 2005 Act there is prescribed, as the period within which the appropriate authority or the proprietor of the school respectively must 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 report of an inspection, the period of 5 working days from the date of receipt of the report by the authority or by the proprietor as the case may be.

Statements

7. For the purposes of sections 15(3)(a) and 17(2)(a) of the 2005 Act there is prescribed, as the period within which the local education authority or the proprietor of the school is to prepare the statement referred to in sections 15(2) or 17(1) of that Act respectively, the period of 10 working days from the date of receipt of the report by the local education authority or by the proprietor as the case may be.

Fees for provision of the report

8. The appropriate authority or the proprietor of the school may in all cases require payment of a fee (not exceeding the cost of supply) where they provide, under section 14(4)(b) or 16(3)(b) of the 2005 Act respectively, a copy of the report to any person who asks for one.

PART 3

INSPECTIONS OF RELIGIOUS EDUCATION

Choice of inspectors

9. For the purpose of section 48(2) of the 2005 Act there is prescribed, as the person with whom the foundation governors or the governing body must consult when choosing a person to carry out an inspection under section 48—

- (a) in the case of a school designated as Church of England or Roman Catholic, the appropriate diocesan authority;
- (b) in the case of a school designated as Jewish, the Jewish Studies Education Inspection Service;
- (c) in the case of a school designated as Methodist, the Education Secretary to the Methodist Church;
- (d) in the case of a school designated as Muslim, the Association of Muslim Schools;
- (e) in the case of a school designated as Sikh, the Network of Sikh Organisations; and
- (f) in the case of a school designated as Seventh Day Adventist, the Education Department of the British Union Conference of the Seventh Day Adventist.

Intervals for inspection

10. The governing body shall secure that any denominational education given to pupils and the content of the school's collective worship is inspected by 1st August 2009 and, following that inspection, shall thereafter secure that further such inspections are carried out within 3 school years from the end of the school year in which the last such inspection took place.

Procedure for inspections

11.—(1) For the purpose of section 49(1) of the 2005 Act there is prescribed, as the period within which an inspection must be carried out, the period of 10 working days.

(2) For the purpose of section 49(2) of the 2005 Act there is prescribed, as the period in which the person conducting the inspection must prepare a report in writing of the inspection, the period of 15 working days from completion of the inspection.

Fees for provision of the report

12. The governing body may require payment of a fee (not exceeding the cost of supply) in all cases where they provide, under section 49(4)(c) of the 2005 Act, a copy of the report to any person who asks for one.

21st July 2005

Jacqui Smith
Minister of State
Department for Education and Skills

SCHEDULE

Regulation 1(2)

<i>Regulations revoked</i>	<i>References</i>
The Education (School Inspection) Regulations 1997	SI 1997/1966
Education (School Inspection) (Amendment) Regulations 1999	SI 1999/601
Education (School Inspection) (England) (Amendment) (No. 2) Regulations 1999	SI 1999/2545

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Education (School Inspection) Regulations 1997 which are revoked by these Regulations. These Regulations provide:

- (a) that the Chief Inspector shall inspect schools to which section 5 of the Education Act 2005 applies within 3 school years of the last inspection;
- (b) whom the appropriate authority must notify of an inspection when they themselves have received notification;
- (c) that where the school is identified as requiring special measures or significant improvement the governing body or proprietor has 5 working days to comment on the draft report;
- (d) that the appropriate authority or proprietor is to send a copy of the report of the inspection to parents;
- (e) that where the school is identified as requiring special measures or significant improvement the local education authority or the proprietor must prepare a statement of action within 10 working days; and
- (f) that the appropriate authority or the proprietor may charge a fee for providing a copy of the report to any person who asks for one.

In relation to inspections of religious education in schools designated as having a religious character these Regulations provide:

- (a) whom the foundation governors or governing body must consult in choosing the person to carry out the inspection;
- (b) that inspections are to be carried out within 3 school years of the last inspection;
- (c) that such inspections must be carried out within 10 working days;
- (d) that a report must be prepared within 15 working days of completion of the inspection; and
- (e) that the governing body may charge a fee for providing a copy of the report to any person who asks for one.

STATUTORY INSTRUMENTS

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