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STATUTORY INSTRUMENTS

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**2020 No. 1258**

**EDUCATION, ENGLAND**

**The Education (Exemption from School and Further Education Institutions Inspections) (England) (Amendment) Regulations 2020**

*Made - - - - 12th November 2020*  
*Coming into force in accordance with regulation 1(1)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5(4A) and 120(2) of the Education Act 2005<sup>(1)</sup> and section 125(1A) of the Education and Inspections Act 2006<sup>(2)</sup>.

In accordance with section 121(2B)<sup>(3)</sup> of the Education Act 2005 and section 182(3) of the Education and Inspections Act 2006<sup>(4)</sup> a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Exemption from School and Further Education Institutions Inspections) (England) (Amendment) Regulations 2020 and come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

**Revocation of the Education (Exemption from School Inspection) (England) Regulations 2012**

2. The Education (Exemption from School Inspection) (England) Regulations 2012<sup>(5)</sup> are revoked.

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(1) 2005 c. 18 (“the 2005 Act”). Section 5(4A) was inserted by section 40(2)(b) of the Education Act 2011 (c. 21) (“the 2011 Act”). See section 12 for the meaning of “prescribed” and “regulations”.

(2) 2006 c. 40 (“the 2006 Act”). Section 125(1A) was inserted by section 42(2)(b) of the 2011 Act.

(3) Section 121 was amended by section 40(9) of the 2011 Act.

(4) Section 182 was amended by section 42(11) of the of the 2011 Act.

(5) S.I. 2012/1293.

### **Amendment of the Education (School Inspection) (England) Regulations 2005**

3.—(1) The Education (School Inspection) (England) Regulations 2005(6) are amended as follows.

(2) After regulation 3A insert—

#### **“First inspection of a school which has ceased to be an exempt school**

**3B.**—(1) This regulation applies in the case of a school to which, immediately before this regulation came into force, section 5 of the 2005 Act(7) (duty to inspect certain schools at prescribed intervals) did not apply as a result of the Education (Exemption from School Inspection) (England) Regulations 2012(8) (a “former exempt school”).

(2) The Chief Inspector(9) must, before 1st August 2026, carry out a section 5 inspection(10), or an initial section 8 inspection, of the former exempt school.

(3) In this regulation, “initial section 8 inspection” means an inspection carried out under section 8(2) of the 2005 Act(11) (other inspections) for the purposes of determining whether the school would be likely to achieve a grade of “outstanding” for the quality of education it provides if a section 5 inspection were carried out.

(4) Paragraph (5) applies where, having carried out an initial section 8 inspection of a former exempt school for the purposes of paragraph (2), the Chief Inspector is satisfied that the evidence does not suggest that the school would not achieve a grade of “outstanding” for the quality of education it provides if a section 5 inspection were carried out.

(5) For the purposes of regulation 3—

(a) the initial section 8 inspection of the former exempt school is to be treated as the earlier section 5 inspection of that school in determining the first interval between inspections taking place on or after the day on which this regulation came into force; and

(b) the school is to be treated as having been awarded in that earlier section 5 inspection a grade of “outstanding” for the quality of education it provides.

(6) Where paragraph (5) does not apply, the Chief Inspector must carry out a section 5 inspection of the school before 1st August 2027.

(7) Any inspection of a former exempt school that was carried out before the day on which this regulation came into force is to be ignored in determining under regulation 3 the intervals between inspections taking place on or after that day.

(8) For the purposes of this regulation an inspection is treated as being carried out at the time at which it is begun.”.

### **Revocation of the Further Education Institutions (Exemption from Inspection) (England) Regulations 2012**

4. The Further Education Institutions (Exemption from Inspection) (England) Regulations 2012(12) are revoked.

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(6) [S.I. 2005/2038](#) (“the 2005 Regulations”), as amended by [S.I. 2015/170](#) and [S.I. 2015/1639](#); there are other amendments but none is relevant.

(7) See regulation 2(1) of the 2005 Regulations for the definition of “the 2005 Act”.

(8) Those regulations were made under section 5(4A) of the 2005 Act. See in particular regulations 3 and 4; these prescribe those schools not subject to routine inspection for the purposes of section 5(4B) of the 2005 Act.

(9) See section 12 of the 2005 Act, as amended by paragraph 103 of Schedule 14 of the 2006 Act, for the definition of “Chief Inspector”.

(10) See regulation 2(1) of the 2005 Regulations for the definition of “section 5 inspection”.

(11) Section 8 was substituted by paragraph 100 of Schedule 14 to the 2006 Act and amended by section 40(4) of the 2011 Act.

(12) [S.I. 2012/2576](#).

12th November 2020

*Nick Gibb*  
Minister of State  
Department for Education

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke the Education (Exemption from School Inspection) (England) Regulations 2012 ([S.I. 2012/1293](#)), with the effect that any school within scope of those Regulations ceases to be an exempt school. An “exempt school” is a school which may not be subject to routine inspections under section 5(1)(a) of the Education Act 2005 ([c. 18](#)).

In consequence of the revocation of [S.I. 2012/1293](#), a new regulation 3B is inserted into the Education (School Inspection) (England) Regulations 2005 ([S.I. 2005/2038](#)). Regulation 3B makes provision in respect of the first routine inspection of a former exempt school.

These Regulations also revoke the Further Education Institutions (Exemption from Inspection) (England) Regulations 2012 ([S.I. 2012/2576](#)), with the effect that any institution within the scope of those Regulations is no longer exempt from routine inspection.

An impact assessment has not been produced for these Regulations as there is no, or no significant, impact on business, charities or voluntary bodies and these Regulations have no or a minimal impact on the public sector.