



Standards in Scotland's Schools etc. Act 2000

2000 asp 6

Inspections

9 Inspection of education authority

- (1) On any occasion on which they are requested to do so by the Scottish Ministers, or at such intervals as appear to the Scottish Ministers to be appropriate, Her Majesty's Inspectors, or any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty's Inspectors and any such person), shall inspect an education authority so as to review the way in which the authority are exercising their functions in relation to the provision of school education.
- (2) A request under subsection (1) above may relate to those functions generally or to such matters in relation to those functions as may be specified in the request.
- (3) The education authority shall give all assistance which they are reasonably able to give to whomever is carrying out the inspection.

10 Code of practice as regards inspection of education authority

The Scottish Ministers may, for the purposes of—

- (a) giving practical guidance on matters relating to inspections under section 9 of this Act (including, without prejudice to that generality, such matters as the making and publishing of reports on the matters reviewed); and
- (b) promoting what appear to them to be desirable practices with respect to those matters,

from time to time prepare, approve and issue such codes of practice as in their opinion are suitable for those purposes.

[^{F1}10A Duty of Her Majesty's Inspectors to make reference to Scottish Ministers

- (1) This section applies where, after an inspection under section 9 of this Act, Her Majesty's Inspectors identify that an education authority require to take action to

Changes to legislation: There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Cross Heading: Inspections. (See end of Document for details)

secure improvement in the way the authority exercise a function in relation to the provision of school education.

- (2) If it appears to Her Majesty's Inspectors that—
- (a) having been given sufficient opportunity to secure improvement in the way they exercise a function identified under subsection (1) above, the education authority are failing or have failed to take satisfactory action to do so; and
 - (b) having regard to the seriousness of that failure, an enforcement direction is justified,
- they shall make a reference to the Scottish Ministers.
- (3) A reference under subsection (2) above shall—
- (a) be in writing;
 - (b) specify the failure mentioned in subsection (2)(a) above; and
 - (c) include recommendations as to the action which, in the opinion of Her Majesty's Inspectors, the education authority require to take to remedy or prevent the recurrence of that failure.
- (4) Where Her Majesty's Inspectors make a reference under subsection (2) above, they shall inform the education authority of the making of that reference.

Textual Amendments

- F1** Ss. 10A - 10C inserted (31.1.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), ss. 2, 9(2); S.S.I. 2005/10, art. 3(a)

10B Preliminary notice

- (1) Where, on a reference under section 10A(2) of this Act, it appears to the Scottish Ministers that—
- (a) the education authority are failing or have failed to take satisfactory action to secure improvement in the way they exercise the function mentioned in section 10A(2)(a) of this Act; and
 - (b) an enforcement direction is justified,
- they may serve a preliminary notice on the authority.
- (2) A preliminary notice is a notice which—
- (a) informs the education authority of the apparent failure mentioned in subsection (1)(a) above; and
 - (b) requires the authority to submit to the Scottish Ministers, within such time as is specified in the notice, a written response which—
 - (i) states that the authority have not so failed and gives reasons supporting that statement; or
 - (ii) states that the authority have so failed but gives reasons why an enforcement direction should not be given to them.

Textual Amendments

- F1** Ss. 10A - 10C inserted (31.1.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), ss. 2, 9(2); S.S.I. 2005/10, art. 3(a)

10C Enforcement direction

- (1) Where, following service under section 10B(1) of this Act of a preliminary notice and the expiry of the time specified in it, it still appears to the Scottish Ministers that—
 - (a) the education authority are failing or have failed to take satisfactory action to secure improvement in the way they exercise the function mentioned in section 10A(2)(a) of this Act; and
 - (b) having regard to the seriousness of that failure, action under this section is justified,they may give the authority an enforcement direction.
- (2) An enforcement direction is a direction in writing by the Scottish Ministers requiring the education authority to which it is given to take, within such time as is specified in the direction, such action as is so specified, being action calculated to remedy or prevent the recurrence of the failure mentioned in subsection (1)(a) above.
- (3) Where two or more courses of action are specified in an enforcement direction, the Scottish Ministers may specify for each a different time within which it is to be taken.
- (4) An enforcement direction may place such conditions as the Scottish Ministers may specify in it upon the exercise of such functions of the education authority in relation to the provision of school education as are so specified.
- (5) The Scottish Ministers may vary an enforcement direction by giving a further such direction.
- (6) A further such direction need not proceed upon a further preliminary notice under section 10B(1) of this Act.
- (7) An enforcement direction may be revoked by the Scottish Ministers.
- (8) Before giving, varying or revoking an enforcement direction, the Scottish Ministers shall consult Her Majesty's Inspectors.
- (9) An education authority to which an enforcement direction is given shall comply with it.
- (10) The Scottish Ministers may, instead of or as well as giving an enforcement direction, make such recommendations to the education authority as they think appropriate.
- (11) If the Scottish Ministers exercise their power to give, vary or revoke an enforcement direction they shall—
 - (a) prepare a report on their exercise of that power; and
 - (b) lay that report before the Scottish Parliament.]

Textual Amendments

- F1** Ss. 10A - 10C inserted (31.1.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), ss. 2, 9(2); S.S.I. 2005/10, art. 3(a)

11 Inspection of educational establishment

In section 66 of the 1980 Act (which makes provision for the inspection of educational establishments)—

Changes to legislation: There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Cross Heading: Inspections. (See end of Document for details)

- (a) in subsection (1), for the words from “other persons” to the end there shall be substituted “ any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty’s Inspectors and any such person) ”; and
- (b) after that subsection there shall be inserted—

“(1AA) If requested to do so by the Scottish Ministers—

- (a) Her Majesty’s Inspectors or any person appointed by the Scottish Ministers for the purposes of this section shall give advice to the Scottish Ministers on such matter as may be specified in the request;
- (b) Her Majesty’s Inspectors or any such person (or Her Majesty’s Inspectors and any such person) may, as respects a matter so specified, inspect and report on a school (including any establishment in which school education is provided in pursuance of arrangements entered into under section 35 of this Act), or class of schools, so specified.”.

12 Code of practice as regards inspection of educational establishment

After section 66 of the 1980 Act there shall be inserted—

“66A Code of practice as regards inspections under section 66

- (1) Subject to subsection (2) below, the Scottish Ministers may, for the purposes of—
 - (a) giving practical guidance on matters relating to inspections under section 66 of this Act (including, without prejudice to that generality, such matters as the making and publishing of reports on those inspections); and
 - (b) promoting what appear to them to be desirable practices with respect to these matters,
 from time to time prepare, approve and issue such codes of practice as in their opinion are suitable for those purposes.
- (2) Subsection (1) above does not apply in relation to inspections of educational establishments which are institutions for the provision of any form of further education.”.

Changes to legislation:

There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Cross Heading: Inspections.