



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 7

SUPPLEMENTARY

58 Inspection of computer records

A person authorised by any provision of this Part to inspect records or other documents—

- (a) is entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
- (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).

Modifications etc. (not altering text)

- C1** S. 58 applied (6.4.2007) by [Childcare Act 2006 \(c. 21\), ss. 77\(6\), 109; S.I. 2007/1019, art. 4](#)
- C2** S. 58 applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\), reg. 2, Sch. para. 2\(b\)](#)
S. 58 applied (E.) (1.9.2005) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\), reg. 2, Sch. para. 4\(2\)\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 7. (See end of Document for details)

- C3** S. 58 applied (1.9.2005 for E. and 1.9.2006 for W.) by 2002 c. 32, s. 164(6) (as substituted by Education Act 2005 (c. 18), ss. 54, 125, **Sch. 8 para. 3**); S.I. 2005/2034, **art. 4**, S.I. 2006/1338, {art. 3}, Sch. 1
- C4** S. 58 applied (1.9.2005 for E. and 1.9.2006 for W.) by 2002 c. 32, s. 162B(3) (as inserted by Education Act 2005 (c. 18), ss. 54, 125, **Sch. 8 para. 2**); S.I. 2005/2034, **art. 4**, S.I. 2006/1338, {art. 3}, Sch. 1
- C5** S. 58 applied (3.10.2005 for E. and 1.9.2006 for W.) by 1998 c. 31 Sch. 26 para. 18(3) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, **Sch. 7 para. 24(3)**); S.I. 2005/2034, **art. 6**, S.I. 2006/1338, {art. 3}, Sch. 1
- C6** S. 58 applied by 2006 c. 21, s. 98D(9) (as inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 199**, 269(2))
- C7** S. 58 applied by 2006 c. 21, s. 78A(7) (as inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 49**; S.I. 2014/889, arts. 3(m), 7(e))
- C8** S. 58 applied (5.1.2015) by Education and Skills Act 2008 (c. 25), **ss. 97(2)**, 110(3), 173(4); S.I. 2014/3364, art. 2(d)(g)
- C9** S. 58 applied (9.11.2015) by The Children Act 2004 (Joint Area Reviews) Regulations 2015 (S.I. 2015/1792), reg. 1(1), **Sch. para. 3**

Commencement Information

- II** S. 58 wholly in force at 1.9.2006; s. 58 not in force at Royal Assent see s. 125; s. 58 in force for E. at 1.9.2005 by S.I. 2005/2034, **art. 4**; S. 58 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

59 Combined reports

- (1) For the purposes of this section “the inspection enactments” are—
- (a) this Part,
 - [^{F1}(b) Part 2 of the Children and Families (Wales) Measure 2010 (child minding and day care for children),]
 - (c) section 122 of, and Schedule 26 to, the School Standards and Framework Act 1998 (c. 31) (inspection of nursery education[^{F2}in Wales]), ^{F3}...
 - (d) Chapter 1 of Part 10 of the Education Act 2002 (c. 32) (regulation of independent schools[^{F4}in Wales]), [^{F5F6}...
 - (e) Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (regulation of early years and later years provision in England)[^{F7}, and
 - (f) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational provision in England).]
- (2) Where, following inspections conducted under two or more inspection enactments by one person or two or more different persons, that person is (or those persons are) required to make a report under each of those enactments, nothing in any of those enactments is to be regarded as preventing him (or them) from—
- (a) including those reports in a single document (“a combined report”), and
 - (b) to such extent as he considers (or they consider) appropriate, combining the substantive reports required by those enactments.
- [^{F8}(2A) Subsection (2) does not apply so as to authorise the making of a combined report by the Chief Inspector for England (as to which section 152 of the Education and Inspections Act 2006 applies instead).]
- (3) Where a combined report is made, any reference in the inspection enactments to the publication of a report, or to the giving, or making available, to any person of a copy of a report is to be read so far as necessary as a reference to the publication of the

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combined report, or to the giving or making available to that person of a copy of the combined report.

- (4) The Chief Inspector [^{F9}for Wales] may arrange for a combined report to be published in any manner he considers appropriate, but this subsection does not limit any duty as to publication imposed by any of the inspection enactments.

[^{F10}(5) In this section—

“ the Chief Inspector for England ” means Her Majesty's Chief Inspector of Education, Children's Services and Skills; and

“ the Chief Inspector for Wales ” means Her Majesty's Chief Inspector of Education and Training in Wales.]

Textual Amendments

- F1** S. 59(1)(b) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 18**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 23)
- F2** Words in s. 59(1)(c) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 44(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Word in s. 59(1)(c) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 44(c), **3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F4** Words in s. 59(1)(d) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 28(2)**; S.I. 2014/3364, art. 2(z)
- F5** S. 59(1)(e) and word inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 44(d)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F6** Word in s. 59(1)(d) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4)(4), **Sch. 2**; S.I. 2014/3364, art. 2(aa)
- F7** S. 59(1)(f) and word inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 28(3)**; S.I. 2014/3364, art. 2(z)
- F8** S. 59(2A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(2)**; S.I. 2007/935, art. 5(w)(gg)
- F9** Words in s. 59(4) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(3)**; S.I. 2007/935, art. 5(w)(gg)
- F10** S. 59(5) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 105(4)**; S.I. 2007/935, art. 5(w)(gg)

Commencement Information

- I2** S. 59 wholly in force at 1.9.2006; s. 59 not in force at Royal Assent see s. 125; s. 59 in force for E. at 3.10.2005 by S.I. 2005/2034, art. 6; s. 59 in force for W. at 1.9.2006 by S. I. 2006/1338, art. 3, Sch. 1

60 Repeal of School Inspections Act 1996

The School Inspections Act 1996 (c. 57) (which is superseded by the provisions of this Part) shall cease to have effect.

Commencement Information

- I3** S. 60 wholly in force at 1.9.2006; s. 60 not in force at Royal Assent see s. 125; s. 60 in force for E. at 1.9.2005 by S.I. 2005/2034, art. 4; S. 60 in force for W. at 1.9.2006 by S. I. 2006/1338, art. 3, Sch. 1

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 7. (See end of Document for details)

61 Further amendments relating to school inspection

Schedule 9 contains further amendments related to the provisions of this Part.

Commencement Information

- I4** S. 61 partly in force; s. 61 not in force at Royal Assent see s. 125; s. 61 in force for certain purposes for E. and for certain purposes for E.W. at 1.9.2005 by [S.I. 2005/2034](#), arts. {4}, {5}; s. 61 in force for certain purposes for W. and for certain purposes for E.W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [4](#), [Schs. 1](#), [2](#)

62 Power of Assembly to change inspection framework for Wales

- (1) The Assembly may by order—
- (a) make provision in relation to Wales corresponding to—
 - (i) that made in relation to England by any English inspection provision, or
 - (ii) that which could be made in relation to England by regulations under any English inspection provision,
 - (b) repeal any Welsh inspection provision which does not correspond to an English inspection provision, and
 - (c) make such provision as the Assembly thinks fit in connection with any provision made by virtue of paragraph (a) or (b).
- (2) In relation to section 39 (statement to be prepared by appropriate authority for maintained school), the power conferred by paragraph (b) of subsection (1) includes power, instead of repealing the section, to limit the cases in which it applies.
- (3) The powers conferred by paragraphs (a) and (c) of subsection (1) include power to amend or repeal any enactment (whenever passed or made), including any provision of this Act.
- (4) For the purposes of this section—
- (a) an English inspection provision is any provision of—
 - (i) Chapters 1 and 2,
 - (ii) sections 48 and 49 (denominational education in England),
 - (iii) Schedule 26 to the School Standards and Framework Act 1998 (c. 31) (nursery education), so far as relating to England, or
 - ^{F11}(iv) sections 106 to 113 of the Education and Skills Act 2008 (independent educational institutions in England),]
 - (b) a Welsh inspection provision is any provision of—
 - (i) Chapters 3 and 4,
 - (ii) section 50 and Schedule 6 (denominational education in Wales),
 - (iii) section 52 (provision of inspection services by ^{F12}local authorities] in Wales),
 - (iv) Schedule 26 to the School Standards and Framework Act 1998 (nursery education), so far as relating to Wales, or
 - (v) sections 163 and 164 of the Education Act 2002 (independent schools in Wales).

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- (5) In this section “enactment” includes an enactment comprised in subordinate legislation, within the meaning of the Interpretation Act 1978 (c. 30).

Textual Amendments

- F11** S. 62(4)(a)(iv) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 29**; S.I. 2014/3364, art. 2(z)
- F12** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(3)**

63 Interpretation of Part 1

- (1) In this Part—

“Church of England school”, “Church in Wales school”, “Roman Catholic Church school” and “appropriate diocesan authority”, in each case, have the meaning given by section 142 of the School Standards and Framework Act 1998 (c. 31);

“delegated budget” has the same meaning as in section 49 of the School Standards and Framework Act 1998;

“denominational education” has the meaning given by section 47.

- (2) References in this Part to special measures being, or not being, required to be taken in relation to a school are to be read in accordance with section 44(1).
- (3) References in this Part to a school requiring, or not requiring, significant improvement are to be read in accordance with section 44(2).

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Chapter 7.