



School Inspections Act 1996 (repealed)

1996 CHAPTER 57

PART I

SCHOOL INSPECTIONS

CHAPTER I

SCHOOL INSPECTORS AND INSPECTIONS CARRIED OUT BY THEM

Her Majesty's Inspectorate for England

1 Her Majesty's Inspectorate of Schools in England.

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Schools in England ("the Chief Inspector for England").
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Schools in England.
- (3) Any person appointed as one of Her Majesty's Inspectors of Schools in England shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for England.
- (4) The Chief Inspector for England shall hold and vacate office in accordance with the terms of his appointment, but—
 - (a) shall not be appointed for a term of more than five years;
 - (b) may at any time resign by giving written notice to the Secretary of State;
 - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for England shall not affect his eligibility for re-appointment.

Status: Point in time view as at 01/09/1997.

Changes to legislation: School Inspections Act 1996 (repealed), Chapter 1 is up to date with all changes known to be in force on or before 31 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for England and his staff.

2 Functions of the Chief Inspector for England.

- (1) The Chief Inspector for England shall have the general duty of keeping the Secretary of State informed about—
- (a) the quality of the education provided by schools in England;
 - (b) the educational standards achieved in those schools;
 - (c) whether the financial resources made available to those schools are managed efficiently; and
 - (d) the spiritual, moral, social and cultural development of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector for England shall—
- (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State's request;
 - (b) inspect and report on such school, or class of school, in England as may be so specified.
- (3) The Chief Inspector for England shall, in addition, have the following specific duties—
- (a) establishing and maintaining the register mentioned in section 7(1);
 - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in England under section 10 and the making of reports of such inspections;
 - (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in England) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
 - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in England is complied with;
 - (e) promoting efficiency in the conduct and reporting of inspections of schools in England by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for England may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in England.
- (5) The Chief Inspector for England shall have such other functions in connection with schools in England, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for England shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for England—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
 - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and
 - (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.

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- [^{F1}(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for England shall have at all reasonable times, in relation to any school in England—
- (a) a right of entry to the premises of the school; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for England—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
 - (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.]

(10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Textual Amendments

F1 S. 2(8)(9) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.2**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**

Modifications etc. (not altering text)

C1 S. 2(7)(a) modified (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

S. 2(7)(a) modified (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79N(6) (as inserted by **The Care Standards Act 2000 (c. 14), s. 79(1)**); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920, **art. 3(3)(b)**, (with transitional provisions in Sch. 1-3)

C2 S. 2(7)(b) extended (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

S. 2(7)(b) modified (2.7.2001 for E. 1.4.2002 for W.) 1989 c. 41, s. 79N(6) (as inserted by **The Care Standards Act 2000 (c. 14), s. 79(1)**); S.I. 2001/2041, **art. 2(1)(a)** (with Sch.); S.I. 2002/920 {art. 3(3)(b)}, (with transitional provisions in Sch. 1-3)

3 Power of Chief Inspector for England to arrange for inspections.

- (1) The Chief Inspector for England may cause any school in England to be inspected by one or more of Her Majesty’s Inspectors of Schools in England (in this section referred to as “Inspectors”).
- (2) Where an inspection of a school in England is being conducted by a registered inspector under section 10 of this Act, the Chief Inspector for England may arrange for that inspection to be monitored by one or more Inspectors.
- (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
 - (a) a right of entry to the premises of the school; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions.
- (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.

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- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Modifications etc. (not altering text)

- C3** S. 3(3)(a)(b) extended (1.4.2001) by 2000 c. 21, s. 118(5)(a); S.I. 2001/654, art. 2, Sch. Pt. II
 S. 3(3)(a)(b) extended (1.4.2001) by 1973 c. 50, s. 10B(6)(a) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2, Sch. 2 Pt. II

Her Majesty's Inspectorate for Wales

4 Her Majesty's Inspectorate of Schools in Wales.

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Schools in Wales ("the Chief Inspector for Wales).
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Schools in Wales.
- (3) Any person appointed as one of Her Majesty's Inspectors of Schools in Wales shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for Wales.
- (4) The Chief Inspector for Wales shall hold and vacate office in accordance with the terms of his appointment, but—
 - (a) shall not be appointed for a term of more than five years;
 - (b) may at any time resign by giving written notice to the Secretary of State;
 - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for Wales shall not affect his eligibility for re-appointment.
- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for Wales and his staff.

Modifications etc. (not altering text)

- C4** S. 4(4): transfer of functions (16.2.2000) by S.I. 2000/253, arts. 2, Sch. 1

5 Functions of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales shall have the general duty of keeping the Secretary of State informed about—
 - (a) the quality of the education provided by schools in Wales;
 - (b) the educational standards achieved in those schools;
 - (c) whether the financial resources made available to those schools are managed efficiently; and
 - (d) the spiritual, moral, social and cultural development of pupils at those schools.

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- (2) When asked to do so by the Secretary of State, the Chief Inspector for Wales shall—
- (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State’s request;
 - (b) inspect and report on such school, or class of school, in Wales as may be so specified.
- (3) The Chief Inspector for Wales shall, in addition, have the following specific duties—
- (a) establishing and maintaining the register mentioned in section 7(2);
 - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in Wales under section 10 and the making of reports of such inspections;
 - (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in Wales) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
 - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in Wales is complied with;
 - (e) promoting efficiency in the conduct and reporting of inspections of schools in Wales by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for Wales may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in Wales.
- (5) The Chief Inspector for Wales shall have such other functions in connection with schools in Wales, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for Wales shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for Wales—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
 - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and
 - (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.
- [^{F2}(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for Wales shall have at all reasonable times, in relation to any school in Wales—
- (a) a right of entry to the premises of the school; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for Wales—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or

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- (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.]
- (10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Textual Amendments

F2 S. 5(8)(9) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.3**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**

Modifications etc. (not altering text)

C5 S. 5(7)(a) modified (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

C6 S. 5(7)(b) extended (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para.14** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

6 Power of Chief Inspector for Wales to arrange for inspections.

- (1) The Chief Inspector for Wales may cause any school in Wales to be inspected by one or more of Her Majesty's Inspectors of Schools in Wales (in this section referred to as "Inspectors").
- (2) Where an inspection of a school in Wales is being conducted by a registered inspector under section 10, the Chief Inspector for Wales may arrange for that inspection to be monitored by one or more Inspectors.
- (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
 - (a) a right of entry to the premises of the school; and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions.
- (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Registered inspectors

7 Registration of inspectors.

- (1) No person shall conduct an inspection of any school in England under section 10(1) unless he is registered as an inspector in a register kept by the Chief Inspector for England for the purposes of this Part.
- (2) No person shall conduct an inspection of any school in Wales under section 10(2) unless he is registered as an inspector in a register kept by the Chief Inspector for Wales for the purposes of this Part.

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- (3) The Chief Inspector shall not register a person under this section unless, having regard to any conditions that he proposes to impose under subsection (5)(c), it appears to him that that person—
 - (a) is a fit and proper person for discharging the functions of a registered inspector; and
 - (b) will be capable of conducting inspections under this Part competently and effectively.
- (4) An application for registration under this section—
 - (a) shall be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct; and
 - (b) shall be accompanied by the prescribed fee.
- (5) On an application duly made under this section the Chief Inspector may—
 - (a) register the applicant;
 - (b) refuse to register him; or
 - (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (6) Conditions imposed under subsection (5)(c) may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under subsection (5)(c), he shall be taken to be authorised to act as a registered inspector only so far as those conditions permit.
- (8) The period for which any registration is to have effect shall be determined by the Chief Inspector and shall be entered in the register kept by him.
- (9) Nothing in subsection (8) is to be taken as preventing a registered inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.
- (10) Subsections (1) and (2) have effect subject to section 12.

8 Removal from register and imposition or variation of conditions.

- (1) If the Chief Inspector is satisfied that any of the conditions mentioned in subsection (2) is satisfied with respect to an inspector registered in his register, he may remove the name of that inspector from that register.
- (2) The conditions are that—
 - (a) he is no longer a fit and proper person for discharging the functions of a registered inspector under this Part;
 - (b) he is no longer capable of conducting inspections under this Part competently and effectively;
 - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) and subject to which his registration has effect;
 - (d) he has [^{F3}, without reasonable explanation,] produced a report of an inspection which is, in whole or in part, seriously misleading.
- (3) If the Chief Inspector is satisfied—

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- (a) that he is authorised by subsection (2) to remove the name of an inspector from his register, or
 - (b) that it would otherwise be in the public interest to act under this subsection,
- he may vary any condition subject to which the registration of that inspector has effect or vary that registration by imposing a condition subject to which it will have effect.
- (4) Either Chief Inspector may, in exercising his functions under this section with respect to a registered inspector, have regard to any action taken by the other Chief Inspector with respect to that registered inspector.

Textual Amendments

F3 Words in s. 8(2)(d) substituted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.4**; S.I. 1997/1468, arts. 2,4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. I)

9 Appeals in relation to registration.

- (1) Any person who is aggrieved by—
- (a) the refusal of the Chief Inspector to renew his registration under section 7,
 - (b) the imposition or variation of any condition subject to which he is registered under that section,
 - (c) the removal of his name from the relevant register under section 8,
- may appeal against the Chief Inspector’s decision to a tribunal constituted in accordance with Schedule 2 to this Act.
- (2) No such decision of the Chief Inspector shall have effect until—
- (a) the disposal of any appeal against it which is duly made under this section; or
 - (b) the period within which an appeal may be made has expired without an appeal having been made.
- (3) Subsection (2) shall not apply where the Chief Inspector—
- (a) is satisfied that the circumstances of the case are exceptional and justify the decision in question taking effect immediately, or earlier than would otherwise be the case; and
 - (b) notifies the person concerned to that effect.
- (4) On determining any appeal under this section, the tribunal may—
- (a) confirm, reverse or vary the decision appealed against; or
 - (b) remit the case to the Chief Inspector with directions as to the action to be taken by him.
- (5) Schedule 2 to this Act makes further provision with respect to tribunals constituted to hear appeals under this section.

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Inspections by registered inspectors

10 Inspection of certain schools by registered inspectors.

- (1) It shall be the duty of the Chief Inspector for England to secure that every school in England to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(1).
- (2) It shall be the duty of the Chief Inspector for Wales to secure that every school in Wales to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(2).
- (3) Subject to subsection (4) [^{F4}or (4A)], the schools to which this section applies are—
 - (a) county schools;
 - (b) voluntary schools;
 - (c) special schools;
 - (d) grant-maintained schools;
 - (e) independent schools approved by the Secretary of State under section 347(1) of the ^{M1}Education Act 1996 (approval of independent schools as suitable for admitting children with statements);
 - (f) city technology colleges;
 - (g) city colleges for the technology of the arts; and
 - (h) maintained nursery schools.
- (4) This section does not apply to any school conducted by an education association in accordance with Part II.

[^{F5}(4A) This section does not apply to any school—

- (a) which is a closing school (as defined by subsection (4B)), and
- (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.

(4B) In subsection (4A) a “closing school means—

- (a) a county, voluntary or maintained nursery school in respect of which the Secretary of State has under section 169 of the ^{M2}Education Act 1996 approved proposals by the local education authority to cease to maintain the school;
- (b) a voluntary school in respect of which the governing body have given notice of their intention to discontinue the school under section 173 of that Act;
- (c) a grant-maintained school in respect of which—
 - (i) the Secretary of State has under section 269 of that Act approved proposals for the discontinuance of the school, or
 - (ii) the funding authority have made a determination under that section to adopt proposals for the discontinuance of the school;
- (d) a maintained or grant-maintained special school in respect of which the Secretary of State has under section 340 of that Act approved proposals for the discontinuance of the school;
- (e) a city technology college or city college for the technology of the arts in respect of which notice of termination of an agreement made under section 482 of that Act has been given; or

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- (f) an independent school falling within subsection (3)(e) which the proprietor has decided to close.]
- (5) It shall be the general duty of any registered inspector conducting an inspection under this section to report on—
- (a) the quality of the education provided by the school;
 - (b) the educational standards achieved in the school;
 - (c) whether the financial resources made available to the school are managed efficiently; and
 - (d) the spiritual, moral, social and cultural development of pupils at the school.
- (6) In prescribing the intervals mentioned in subsections (1) and (2) the Secretary of State may make provision as to the period within which the first inspection of a school under this section is to begin.
- (7) Subsections (1) and (2) have effect subject to section 12.
- (8) An inspection which is required under this section shall not extend to—
- (a) denominational education, or
 - (b) the content of collective worship which falls to be inspected under section 23.
- (9) Schedule 3 to this Act makes further provision with respect to inspections under this section.

Textual Amendments

- F4** Words in s. 10(3) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 6(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**
- F5** S. 10(4A)(4B) inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para. 6(3)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**

Modifications etc. (not altering text)

- C7** S. 10 applied (with modifications)(1.9.1997) by S.I. 1994/2103, **Sch. 1 Pt. I para. 3A** (as substituted (1.9.1997) by S.I. 1997/1966, reg. 1(2), **Sch. Pt. II(a)**)

Marginal Citations

- M1** 1996 c. 56.
M2 1996 c. 56.

Status:

Point in time view as at 01/09/1997.

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