



# School Inspections Act 1996 (repealed)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.

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*Status: Point in time view as at 01/10/2002.*

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- (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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[<sup>F1F2</sup>(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.

[ For the purposes of the exercise of any function conferred by or under this section the <sup>F1</sup>(8A) Chief Inspector for England shall have at all reasonable times—

- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in England, any pupils who—
  - (i) are registered at the school, and
  - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,
 are provided with part of their education by any person (“the provider”);
- (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
- (c) a right to inspect and take copies of—
  - (i) any records kept by the provider relating to the provision of that education, and
  - (ii) any other documents containing information so relating,
 which the Chief Inspector 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) [<sup>F3</sup>or (8A)] 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(8A) inserted (1.10.2002 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 179(2)(a)**, 216(4)(with ss. 210(8), 214(4)); [S.I. 2002/2439](#), **art. 3**
- F2** 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**
- F3** Words in s. 2(9)(b) inserted (1.10.2002 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 179(2)(b)**, 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), **art. 3**

#### 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**

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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; <sup>F4</sup> . . .
  - <sup>F5</sup>(aa) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age, are receiving part of their education from any person (“the provider”);
  - (ab) a right of entry to any premises of the provider used in connection with the provision by him of that education;]
  - (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 [<sup>F6</sup>and]
  - <sup>F7</sup>(c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider, which the Inspector 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.

#### Textual Amendments

- F4** Words in s. 3(3) repealed (1.10.2002 for E.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
- F5** S. 3(1)(aa)(ab) inserted (1.10.2002 for E.) by Education Act 2002 (c. 32), ss. 179(3)(a), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
- F6** S. 3(3)(c) and preceding word inserted (1.10.2002) by Education Act 2002 (c. 32), ss. 179(2)(b), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
- F7** S. 3(3)(c) and preceding word inserted (1.10.2002) by Education Act 2002 (c. 32), ss. 179(2)(b), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

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#### 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 [<sup>F8</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] (“the Chief Inspector for Wales).
- (2) Her Majesty may by Order in Council appoint persons as [<sup>F9</sup>Her Majesty's Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru].
- (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.

#### Textual Amendments

- F8** Words in s. 4(1) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.  
**F9** Words in s. 4(2) substituted (1.1.2001) by 2000 c. 21, s. 73(b); S.I. 2000/3230, art. 2, Sch.

#### 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

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- (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 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.
- [<sup>F10F11</sup>(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.

[ For the purposes of the exercise of any function conferred by or under this section the  
<sup>F10</sup>(8A) Chief Inspector for Wales shall have at all reasonable times—

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- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in Wales, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,
 are provided with part of their education by any person (“the provider”);
  - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education; and
  - (c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of that education, and
    - (ii) any other documents containing information so relating,
 which the Chief Inspector 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
  - (b) in the exercise of any right under subsection (8) [<sup>F12</sup>or (8A)] 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.
- [<sup>F13</sup>(11) This section does not apply in relation to education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000.]

#### Textual Amendments

- F10** S. 5(8A) inserted (1.10.2002) by Education Act 2002 (c. 32), ss. 179(4), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F11** 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
- F12** Words in s. 5(9)(b) inserted (1.10.2002) by Education Act 2002 (c. 32), ss. 179(4)(b), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, {art. 3}, S.I. 2002/3185, art. 4, Sch. Pt. I
- F13** S. 5(11) inserted (28.7.2000 for specified purposes otherwise 1.4.2001) by 2000 c. 21, s. 149, Sch. 9 para. 65; S.I. 2001/1274, art. 2, Sch. Pt. I

#### 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
- S. 5(7)(a) modified (1.4.2001) by 2000 c. 21, s. 86(1); S.I. 2001/1274, art. 2, Sch. 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 [<sup>F14</sup>Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] (in this section referred to as “Inspectors”).

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- (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; <sup>F15</sup> . . .
  - <sup>F16</sup>(aa) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
    - (i) are registered at the school, and
    - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age, are receiving part of their education from any person (“the provider”);
  - (ab) a right of entry to any premises of the provider used in connection with the provision by him of that education;]
  - (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 [<sup>F17</sup>and]
  - <sup>F17</sup>(c) a right to inspect and take copies of—
    - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
    - (ii) any other documents containing information relating to the provision of such education by the provider,
 which the Inspector 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.
- <sup>F18</sup>(11) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000 that is provided by the school.]

#### Textual Amendments

- F14** Words in s. 6(1) substituted (1.1.2001) by 2000 c. 21, s. 73(b); S.I. 2000/3230, art. 2, Sch.
- F15** Word in s. 6(3) repealed (1.10.2002) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. III
- F16** S. 6(3)(aa)(ab) inserted (1.10.2002) by Education Act (c. 32), {ss. 179(5)(a)}, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. III
- F17** S. 6(3)(c) and preceding word inserted (1.10.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 179(5)(b), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F18** S. 6(11) inserted (28.7.2000 for specified purposes otherwise 1.4.2001) by 2000 c. 21, s. 149, Sch. 9 para. 66; S.I. 2001/1274, art. 2 Sch. Pt. I

#### Modifications etc. (not altering text)

- C7** S. 6(3)(a)(b) extended (1.4.2001) by 2000 c. 21, s. 128(2)(a); S.I. 2001/1274, art. 2 Sch. Pt. I



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### *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.
- (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.

[<sup>F19</sup>and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this subsection.]
- (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.

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### Textual Amendments

**F19** Words in s. 7(3) added (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para.2** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

## 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 [<sup>F20</sup>, 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—
  - (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

**F20** 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

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- (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 <sup>F21</sup> . . . 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.

**Textual Amendments**

**F21** Words in s. 9(3)(a) omitted (1.10.1998) by virtue of 1998 c. 31, s. 135, **Sch. 28 Pt. I para.3** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**

*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 [<sup>F22</sup> . . .] [<sup>F23</sup>(4A)], the schools to which this section applies are—
  - [<sup>F24</sup>(a) community, foundation and voluntary schools;]
  - [<sup>F25</sup>(b) . . . . .]
  - [<sup>F26</sup>(c) community and foundation special schools;]
  - [<sup>F27</sup>(d) special schools which are not community or foundation special schools but are for the time being approved by the Secretary of State under section 342 of the <sup>M1</sup>Education Act 1996 (approval of special schools);]
  - (e) independent schools approved by the Secretary of State under section 347(1) of the <sup>M2</sup>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; [<sup>F28</sup>and]
  - [<sup>F29</sup>(gg) [<sup>F30</sup>Academies]; and]
  - (h) maintained nursery schools.

<sup>F31</sup>(4) . . . . .

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- [<sup>F32</sup>(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.
- [<sup>F33</sup>(4B) In subsection (4A) a “closing school means—
- (a) a community, foundation or voluntary or community or foundation special school in respect of which proposals to discontinue the school have been approved, adopted or determined under Schedule 6 or 7 to the School Standards and Framework Act 1998 [<sup>F34</sup>or approved under Schedule 7 to the Learning and Skills Act 2000];
  - (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of that Act;
  - (c) a community, foundation or voluntary or community or foundation special school in respect of which the Secretary of State has given a direction to discontinue the school under section 19 or 32 of that Act;
  - (d) a city technology college [<sup>F35</sup>, city college for the technology of the arts or [<sup>F36</sup>Academy]] in respect of which notice of termination of an agreement made under section 482 of the <sup>M3</sup>Education Act 1996 has been given;
  - (e) a special school which is not a community or foundation special school but which is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 and which the proprietor has decided to close; or
  - (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
  - [<sup>F37</sup>(aa) education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000]
- , 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.

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### Textual Amendments

- F22** Words in s. 10(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(2)(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F23** 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**
- F24** S. 10(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F25** S. 10(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(2)(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F26** S. 10(3)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, Sch. 1
- F27** S. 10(3)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(2)(e)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F28** Word in s. 10(3)(g) repealed (28.7.2000 for specified purposes and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154, **Sch. 11**
- F29** S. 10(3)(gg) inserted (28.7.2000 for specified purposes and otherwise *prosp.*) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(2)**
- F30** Words in s. 10(3)(gg) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. 2 para. 7(2)(a)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F31** S. 10(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 191(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F32** 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**
- F33** S. 10(4B) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 191(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F34** Words in s. 10(4B)(a) inserted (28.7.2000 for specified purposes otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 21, s. 149, **Sch. 9 para. 67(3)**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/2705, art. 2(1), **Sch. Pt. I**
- F35** Words in s. 10(4B)(d) substituted (28.7.2000 for specified purposes otherwise *prosp.*) by virtue of 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(4)**
- F36** Words in s. 10(4B)(d) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216(4), **Sch. 7 Pt. 2 para. 7(2)(b)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F37** S. 10(8)(aa) inserted (28.7.2000 for specified purposes and 1.4.2001 (W.) otherwise *prosp.*) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 67(5)**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

### Modifications etc. (not altering text)

- C8** 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.  
**M3** 1996 c. 56.

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