



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

#### SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

#### *Inspections*

### 5 Duty to inspect certain schools at prescribed intervals

- (1) It is the duty of the Chief Inspector—
  - (a) to inspect under this section every school in England to which this section applies, at such intervals as may be prescribed, and
  - (b) when the inspection has been completed, to make a report of the inspection in writing.
- (2) Subject to [<sup>F1</sup>subsections (3) and (4A)], the schools to which this section applies are—
  - (a) community, foundation and voluntary schools,
  - (b) community and foundation special schools,
  - (c) maintained nursery schools,
  - [<sup>F2</sup>(d) Academy schools,
  - (da) alternative provision Academies,]
  - (e) city technology colleges,
  - (f) city colleges for the technology of the arts, and
  - (g) 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 Education Act 1996 (c. 56) (approval of special schools).
- (3) This section does not apply to any school—

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

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- (a) which is a closing school (as defined by subsection (4)), 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.

(4) In subsection (3)(a) a “closing school” means—

- (a) any community, foundation or voluntary school, community or foundation special school or maintained nursery school in respect of which proposals to discontinue the school have been approved, adopted or determined under any enactment,
- (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of the School Standards and Framework Act 1998 (c. 31),
- (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 [<sup>F3</sup>section 17 or 68 of the Education and Inspections Act 2006] ,
- [<sup>F4</sup>(d) an Academy in respect of which notice of termination of Academy arrangements has been given, or]
- (e) a special school which is not a community or foundation special school but 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.

[<sup>F5</sup>(4A) Regulations may provide that this section does not apply to prescribed categories of school in prescribed circumstances.

(4B) A school to which this section does not apply by virtue of regulations under subsection (4A) is an “exempt school”.]

[<sup>F6</sup>(5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on the quality of education provided in the school.

(5A) The Chief Inspector's report under subsection (5) must in particular cover—

- (a) the achievement of pupils at the school;
- (b) the quality of teaching in the school;
- (c) the quality of the leadership in and management of the school;
- (d) the behaviour and safety of pupils at the school.

(5B) In reporting under subsection (5), the Chief Inspector must consider—

- (a) the spiritual, moral, social and cultural development of pupils at the school;
- (b) the extent to which the education provided at the school meets the needs of the range of pupils at the school, and in particular the needs of—
  - (i) pupils who have a disability for the purposes of the Equality Act 2010, and
  - (ii) pupils who have special educational needs.]

(6) Subsection (1) has effect subject to section 9.

(7) An inspection which is required under this section must not extend to—

- (a) denominational education, or
- (b) the content of collective worship which falls to be inspected under section 48.

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

#### Textual Amendments

- F1** Words in s. 5(2) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(a)**, 82(1)(b)
- F2** [S. 5\(2\)\(d\)\(da\)](#) substituted for [s. 5\(2\)\(d\)](#) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 15(2)**; [S.I. 2012/924](#), art. 2
- F3** Words in s. 5(4)(c) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 23**; [S.I. 2007/935](#), art. 5(cc)
- F4** [S. 5\(4\)\(d\)](#) substituted (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), s. 19(2), **Sch. 2 para. 17**; [S.I. 2010/1937](#), art. 2, Sch. 1
- F5** [S. 5\(4A\)\(4B\)](#) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(b)**, 82(1)(b)
- F6** [S. 5\(5\)-\(5B\)](#) substituted for [s. 5\(5\)\(5A\)](#) (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 41(1)**, 82(1)(c)

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

- C1** [S. 5](#): power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with [ss. 88-90](#))
- C2** [S. 5\(1\)](#): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with [ss. 88-90](#))

## 6 Duty to notify parents of section 5 inspection

- (1) If the appropriate authority for a school <sup>F7</sup>... is notified by, or under arrangements made by, the Chief Inspector that the Chief Inspector is proposing to inspect the school under [<sup>F8</sup>section 5], the appropriate authority must take such steps as are reasonably practicable to notify—
- the registered parents of registered pupils at the school, and
  - such other persons as may be prescribed,
- of the time when the inspection is to take place.
- (2) Any notification given under subsection (1)(a) must include a statement, in a form approved by the Chief Inspector, inviting the registered parents of registered pupils to inform the Chief Inspector of their views on matters relating to the school.
- (3) In subsection (1) “appropriate authority” means—
- in relation to a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school, the school's governing body or, if the school does not have a delegated budget, the [<sup>F9</sup>local authority], and
  - in relation to a school falling within any of paragraphs (d) to (g) of section 5(2), the proprietor of the school.

#### Textual Amendments

- F7** Words in [s. 6\(1\)](#) omitted (15.11.2011) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(a)**, 82(1)(b)
- F8** Words in [s. 6\(1\)](#) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(b)**, 82(1)(b)
- F9** 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(2)**

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## 7 Duty to have regard to views of certain persons

In conducting an inspection of a school under section 5, the matters to which the Chief Inspector must have regard include any views expressed to him by any of the following persons—

- (a) the head teacher,
- (b) in the case of a maintained school, the governing body,
- (c) in the case of any other school, the proprietor of the school,
- (d) any person prescribed for the purposes of section 6(1)(b),
- (e) members of the staff of the school,
- (f) registered pupils at the school, and
- (g) the registered parents of registered pupils.

### [<sup>F10</sup>8 Other inspections

- (1) If requested to do so by the Secretary of State, the Chief Inspector must inspect and report on such school, or class of school, in England as is specified in the request.
- (2) The Chief Inspector may inspect any school in England in circumstances where he is not required to do so by section 5 or subsection (1) above.]

[<sup>F11</sup>(3) If the Chief Inspector carries out an inspection of a school under subsection (2) in response to a request from the appropriate authority for the school, the Chief Inspector may charge the appropriate authority for the cost of the inspection.

- (4) In subsection (3), “appropriate authority” has the meaning given by section 6(3).]

#### Textual Amendments

- F10** S. 8 substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 100](#); S.I. 2007/935, [art. 5\(w\)\(gg\)](#)
- F11** S. 8(3)(4) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 40\(4\)](#), 82(3); S.I. 2012/84, [art. 3](#)

## 9 Power [<sup>F12</sup>or duty] to treat other inspection as section 5 inspection

[<sup>F13</sup>(1)] If the Chief Inspector so elects in the case of any inspection under section <sup>F14</sup>. . . 8 of a school to which section 5 applies, that inspection is to be treated for the purposes of section 5(1) and of Chapter 2 as if it were an inspection under section 5.

[<sup>F15</sup>(2) In the case of an inspection of an exempt school under section 8, the Chief Inspector may elect to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

- (3) In the case of an inspection of an exempt school under section 8(1), the Secretary of State may require the Chief Inspector to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.
- (4) In the case of an inspection of a school under section 8(2) which is carried out in response to a request from the appropriate authority for the school, the Chief Inspector must treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

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(5) In subsection (4), “appropriate authority” has the meaning given by section 6(3).]

#### Textual Amendments

- F12** Words in Pt. 1 Ch. 1 Crossheading substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(c), 82(1)(b)**
- F13** S. 9(1): s. 9 renumbered as s. 9(1) (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(a), 82(1)(b)**
- F14** Words in s. 9 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, [Sch. 14 para. 101](#), **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5(ii)**
- F15** S. 9(2)-(5) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(5)(b), 82(1)(b)**

## 10 Power of entry etc. for purposes of inspection under section 5 or 8

- (1) When inspecting a school under section 5 or 8, the Chief Inspector has at all reasonable times—
- (a) a right of entry to the premises of the school,
  - (b) 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”),
  - (c) a right of entry to any premises of the provider used in connection with the provision by him of that education,
  - (d) 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, and
  - (e) 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 Chief Inspector considers relevant to the discharge of his functions.
- (2) It is an offence intentionally to obstruct the Chief Inspector in relation to the inspection of a school for the purposes of section 5 or 8.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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

- C3** S. 10(1)(a) 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)**
- C4** S. 10(1)(a) applied (9.11.2015) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2015 \(S.I. 2015/1792\)](#), [reg. 1\(1\)](#), **Sch. para. 3**
- C5** S. 10(1)(d) 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)**

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**C6** S. 10(1)(d) applied (9.11.2015) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2015 \(S.I. 2015/1792\)](#), reg. 1(1), **Sch. para. 3**

**[<sup>F16</sup>10A Interim statements between inspections**

- (1) The Chief Inspector may make a statement (an “interim statement”) about a school in England to which section 5 applies.
- (2) An interim statement is a statement—
  - (a) that the Chief Inspector is of the opinion that it is not necessary for the school to be inspected under section 5 for at least a year after the date on which the statement is made,
  - (b) setting out the Chief Inspector's reasons for forming that opinion, and
  - (c) containing such other information (if any) as the Chief Inspector considers appropriate.
- (3) The Chief Inspector may arrange for an interim statement to be published in such manner as the Chief Inspector considers appropriate.
- (4) Section 151 of the Education and Inspections Act 2006 (publication of inspection reports: privilege and electronic publication) applies in relation to an interim statement as it applies in relation to a report.]

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**Textual Amendments**

**F16** S. 10A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 225(2), 269(4)**; S.I. 2009/3317, art. 2, Sch.

**Changes to legislation:**

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