



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

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

### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

#### *Her Majesty's Inspectorate for England*

## 1 Her Majesty's Inspectorate of Schools in England

<sup>F1</sup> .....

### Textual Amendments

**F1** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

## 2 Functions of Her Majesty's Chief Inspector of Schools in England

<sup>F2</sup> .....

### Textual Amendments

**F2** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 1. (See end of Document for details)*

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### 3 Annual and other reports to Secretary of State

F3 .....

#### Textual Amendments

**F3** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

### 4 Powers of entry etc. for purposes of section 2

F4 .....

#### Textual Amendments

**F4** Ss. 1-4 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, Sch. 14 para. 99, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(ii\)](#)

## *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>F5</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>F6</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—
- (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

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- 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>F7</sup>section 17 or 68 of the Education and Inspections Act 2006] ,
  - [<sup>F8</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>F9</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>F10</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.

#### Textual Amendments

- F5** Words in s. 5(2) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(a)**, 82(1)(b)
- F6** [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
- F7** 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)**
- F8** [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**

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 1. (See end of Document for details)*

- F9** S. 5(4A)(4B) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(b)**, 82(1)(b)  
**F10** 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>F11</sup>... is notified by, or under arrangements made by, the Chief Inspector that the Chief Inspector is proposing to inspect the school under [<sup>F12</sup>section 5], the appropriate authority must take such steps as are reasonably practicable to notify—
- (a) the registered parents of registered pupils at the school, and
  - (b) 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—
- (a) 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>F13</sup>local authority], and
  - (b) in relation to a school falling within any of paragraphs (d) to (g) of section 5(2), the proprietor of the school.

**Textual Amendments**

- F11** Words in s. 6(1) omitted (15.11.2011) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(a)**, 82(1)(b)  
**F12** Words in s. 6(1) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(3)(b)**, 82(1)(b)  
**F13** 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)**

## 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.

*Changes to legislation:* There are currently no known outstanding effects for the Education Act 2005, Chapter 1. (See end of Document for details)

## [<sup>F14</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>F15</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

- F14** 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\(w\)\(gg\)](#)
- F15** 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>F16</sup>or duty] to treat other inspection as section 5 inspection

- [<sup>F17</sup>(1)] If the Chief Inspector so elects in the case of any inspection under section <sup>F18</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>F19</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.
- (5) In subsection (4), “appropriate authority” has the meaning given by section 6(3).]

### Textual Amendments

- F16** Words in Pt. 1 Ch. 1 Crossheading substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), [ss. 40\(5\)\(c\)](#), 82(1)(b)
- F17** 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)
- F18** 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\(ii\)](#)
- F19** S. 9(2)-(5) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), [ss. 40\(5\)\(b\)](#), 82(1)(b)

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## 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)**
- 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>F20</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

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- (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**

**F20** 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.

*Publication of inspection reports*

**11 Publication of inspection reports**

- (1) The Chief Inspector may arrange for any report of an inspection carried out by him under any provision of this Chapter (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision) to be published in such manner as he considers appropriate.
- (2) <sup>F21</sup> .....
- (3) <sup>F21</sup> .....
- (4) <sup>F21</sup> .....

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**Textual Amendments**

**F21** S. 11(2)-(4) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 157, 184, 188**, Sch. 14 para. 102, **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5(gg)(ii)**

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

**C7** S. 11 applied (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 75(6), 173(4)**; S.I. 2008/3077, **art. 4(a)**

**C8** S. 11(2)-(4) applied (1.9.2008 in so far as not already in force) by [Childcare Act 2006 \(c. 21\)](#), **ss. 50(4), 109(2)**; S.I. 2008/2261, **art. 2** (with Sch. 1)

*<sup>F22</sup>Investigation of complaints*

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**Textual Amendments**

**F22** Ss. 11A-11C and preceding cross-heading inserted (28.3.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 160, 188**; S.I. 2007/935, **art. 3**

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## **11A Power of Chief Inspector to investigate complaints about schools**

- (1) The Chief Inspector may investigate a qualifying complaint if he thinks it is appropriate to do so—
  - (a) for the purpose of determining whether it is or may be appropriate to have regard to the matters raised by the complaint in carrying out any of his functions in relation to schools in England, and
  - (b) in particular, for the purpose of determining, in the light of the complaint—
    - (i) when to carry out an inspection under section 5 (insofar as the timing of such an inspection is within his discretion), and
    - (ii) whether it would be appropriate to carry out an inspection under section 8(2).
- (2) A complaint is a qualifying complaint if—
  - (a) it is about a matter relating to a relevant school and that matter—
    - (i) falls within a prescribed description, and
    - (ii) does not fall within any prescribed exception,
  - (b) it is made in writing to the Chief Inspector, and
  - (c) it is made by a person who satisfies prescribed conditions.
- (3) The conditions prescribed for the purposes of subsection (2)(c) may, in particular, require that the person has, before making the complaint to the Chief Inspector, taken advantage of other procedures of a prescribed description for dealing with the complaint.
- (4) Regulations may enable the Chief Inspector to determine that a condition prescribed for the purposes of subsection (2)(c) by virtue of subsection (3) is not to apply in relation to a person making a complaint.
- (5) In this section, “ relevant school ” means any of the schools mentioned in paragraphs (a) to (g) of section 5(2).

## **11B Investigations under section 11A**

- (1) This section applies where a qualifying complaint is made to the Chief Inspector by a person who is a registered parent of a registered pupil at the school to which the complaint relates.
- (2) If the Chief Inspector so requests for the purposes of an investigation of the complaint, the governing body of the school to which the complaint relates must provide him with—
  - (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.
- (3) If the complaint relates to a maintained school and the Chief Inspector so requests for the purposes of an investigation of the complaint, the [<sup>F13</sup>local authority] who maintain the school must provide him with—
  - (a) such information held by them as may be specified or described in the Chief Inspector's request, and
  - (b) such other information held by them as they consider may be relevant to the investigation.



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- (4) If, for the purposes of an investigation of the complaint, it appears to the Chief Inspector to be appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates—
- (a) he must give notice to that effect to—
    - (i) the governing body of the school (unless the school falls within subparagraph (ii)), or
    - (ii) if the school is a maintained school which does not have a delegated budget, the [F13local authority] who maintain the school, and
  - (b) on being so notified, the governing body or (as the case may be) the [F13local authority] must co-operate with the Chief Inspector in the making of arrangements for the meeting.
- (5) In particular, the governing body or (as the case may be) the [F13local authority] must if so requested by the Chief Inspector—
- (a) allow the meeting to be held on the premises of the school,
  - (b) fix a date for the meeting which is consistent with any request made by the Chief Inspector for that purpose, and
  - (c) take such steps as are specified by the Chief Inspector to give—
    - (i) the registered parents of registered pupils at the school, and
    - (ii) if the school is a maintained school which has a delegated budget, the [F13local authority] who maintain the school,such notice as the Chief Inspector may specify of the date, time and place of the meeting and of its purpose.
- (6) The following persons (in addition to the registered parents of registered pupils at the school) may attend a meeting held in pursuance of subsection (5)—
- (a) a representative of the governing body of the school, and
  - (b) if the school is a maintained school, a representative of the [F13local authority] who maintain the school.
- (7) In this section—
- “ governing body ”, in relation to a relevant school which is not a maintained school, means the proprietor of the school;
  - “ maintain ”, in relation to school, has the same meaning as in the School Standards and Framework Act 1998;
  - “ maintained school ” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
  - “ qualifying complaint ” is to be read in accordance with section 11A(2);
  - “ relevant school ” has the meaning given by section 11A(5).

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#### Textual Amendments

**F13** 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)**

## 11C Reports of investigations

- (1) This section applies where, for the purposes of an investigation of a qualifying complaint to which section 11B applies the Chief Inspector—

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- (a) requests information as mentioned in subsection (2) or (3) of that section, or
  - (b) gives notice in pursuance of subsection (4)(a) of that section that he considers it appropriate to hold a meeting for registered parents of registered pupils at the school to which the complaint relates.
- (2) The Chief Inspector may, if he considers it appropriate to do so, prepare a report of the outcome of the investigation by him of the complaint.
- (3) If the Chief Inspector prepares a report under subsection (2) he must send a copy of the report to—
- (a) the governing body of the school (unless the school falls within paragraph (b)), or
  - (b) if the school is a maintained school which does not have a delegated budget, the <sup>F13</sup>local authority who maintain the school.
- (4) The body to whom a report is sent under subsection (3) must, if so requested by the Chief Inspector, provide a copy of the report to the registered parents of registered pupils at the school to which the complaint relates.
- (5) In this section, “governing body” and “qualifying complaint” have the same meaning as in section 11B. ]

#### Textual Amendments

**F13** 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)**

### *Interpretation of Chapter*

## 12 Interpretation of Chapter 1

In this Chapter—

“the Chief Inspector” means <sup>F23</sup>Her Majesty’s Chief Inspector of Education, Children’s Services and Skills];

<sup>F24</sup>“exempt school” has the meaning given in section 5(4B);]

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Secretary of State under this Chapter;

“well-being”, in relation to pupils at a school, is a reference to their well-being having regard to the matters mentioned in section 10(2) of the Children Act 2004 (c. 31).

#### Textual Amendments

**F23** Words in s. 12 substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, **Sch. 14 para. 103**; [S.I. 2007/935](#), **art. 5(w)(gg)**

**F24** Words in s. 12 inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(6)**, 82(1)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2005, Chapter 1.