



# 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**

- (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").
- (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 is to serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector.
- (4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment, but—
  - (a) must 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, and
  - (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 does not affect his eligibility for appointment.
- (6) Schedule 1 makes further provision about the Chief Inspector and his staff.

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

- (1) The Chief Inspector has the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in England,
  - (b) how far that education meets the needs of the range of pupils at those schools,
  - (c) the educational standards achieved in those schools,
  - (d) the quality of the leadership in and management of those schools, including whether the financial resources made available to those schools are managed efficiently,
  - (e) the spiritual, moral, social and cultural development of pupils at those schools,
  - (f) the contribution made by those schools to the well-being of those pupils,
  - (g) the extent to which those schools are developing rigorous internal procedures of self-evaluation, and
  - (h) the behaviour and attendance of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector must—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State’s request, and
  - (b) inspect and report on such school, or class of school, in England as may be so specified.
- (3) In addition, the Chief Inspector must keep under review the extent to which any requirement imposed by or under this Part, or any other enactment, on any local education authority, proprietor of a school or governing body in relation to inspections of schools in England is complied with.
- (4) The Chief Inspector 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 is to 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 must have regard to such aspects of government policy as the Secretary of State may direct.

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

The Chief Inspector—

- (a) must make an annual report to the Secretary of State, who must 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 section to be published in such manner as he considers appropriate.

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

- (1) For the purposes of the exercise of any function conferred by or under section 2, the Chief Inspector has at all reasonable times, in relation to any school in England—
  - (a) a right of entry to the premises of the school, and

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- (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.
- (2) For the purposes of the exercise of any function conferred by or under section 2, the Chief Inspector has 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.
- (3) It is an offence intentionally to obstruct the Chief Inspector—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of section 2(2)(b), or
  - (b) in the exercise of any right under subsection (1) or (2) for the purposes of the exercise of any other function.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### *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 subsection (3), the schools to which this section applies are—
- (a) community, foundation and voluntary schools,
  - (b) community and foundation special schools,
  - (c) maintained nursery schools,
  - (d) 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).

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- (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 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 section 19 or 32 of that Act,
  - (d) a city technology college, city college for the technology of the arts or Academy in respect of which notice of termination of an agreement made under section 482 of the Education Act 1996 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.
- (5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on—
- (a) the quality of the education provided in the school,
  - (b) how far the education provided in the school meets the needs of the range of pupils at the school,
  - (c) the educational standards achieved in the school,
  - (d) the quality of the leadership in and management of the school, including whether the financial resources made available to the school are managed effectively,
  - (e) the spiritual, moral, social and cultural development of the pupils at the school, and
  - (f) the contribution made by the school to the well-being of those pupils.
- (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.

## **6 Duty to notify parents of section 5 inspection**

- (1) If the appropriate authority for a school to which section 5 applies is notified by, or under arrangements made by, the Chief Inspector that the Chief Inspector is proposing to inspect the school under that section, 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 local education 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.

## **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.

## **8 Inspection at discretion of Chief Inspector**

The Chief Inspector may inspect any school in England, in circumstances where he is not required by section 2(2)(b) or 5 to do so.

## **9 Power of Chief Inspector to treat other inspection as section 5 inspection**

If the Chief Inspector so elects in the case of any inspection under section 2(2)(b) or 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.

## **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”),

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- (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.

#### *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) Without prejudice to the generality of—
- (a) section 3(c), or
  - (b) subsection (1),
- the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.
- (3) For the purposes of the law of defamation any report published by the Chief Inspector under either of those provisions is privileged unless the publication is shown to have been made with malice.
- (4) Subsection (3) does not limit any privilege subsisting apart from that subsection.

#### *Interpretation of Chapter*

### **12 Interpretation of Chapter 1**

In this Chapter—

- “the Chief Inspector” means Her Majesty’s Chief Inspector of Schools in England;
- “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).