

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 28

#### SCHOOL INSPECTIONS IN WALES UNDER SECTION 28

##### *Interpretation*

- 1 In this Schedule—
- “appropriate authority” means—
- (a) in relation to a community, foundation or voluntary school, a community<sup>F1</sup>... special school or a maintained nursery school, the school's governing body or, if the school does not have a delegated budget, the [<sup>F2</sup>local authority], and
  - (b) in relation to a school falling within section 28(2)(d), the proprietor of the school;
- “inspection” means an inspection under section 28.

##### **Textual Amendments**

- F1** Words in Sch. 4 para. 1 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(8\)](#); S.I. 2013/1800, art. 3(j)
- F2** 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\(2\)](#)

##### *Selection of registered inspectors*

- 2 (1) Before entering into any arrangement for an inspection by a registered inspector, the Chief Inspector must invite tenders from at least two persons who can reasonably be expected to tender for the proposed inspection and to do so at arm's length from each other, and each of whom is either—
- (a) a registered inspector, or
  - (b) a person who the Chief Inspector is satisfied would, if his tender were successful, arrange with a registered inspector for the inspection to be carried out.
- (2) Before an inspection takes place the Chief Inspector must consult the appropriate authority about the inspection.

##### *Inspection teams*

- 3 (1) Every inspection must be conducted by a registered inspector or member of the Inspectorate with the assistance of a team (“an inspection team”); and no person may act as a member of an inspection team unless—
- (a) he is enrolled in the list kept by the Chief Inspector under paragraph 4, or

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- (b) he is a member of the Inspectorate and (if he is not the Chief Inspector) is authorised so to act by the Chief Inspector.
- (2) It is the duty of the inspector conducting the inspection to ensure that—
- (a) at least one member of the inspection team is a person—
    - (i) without personal experience in the management of any school or in the provision of education in any school (otherwise than as a governor or in any other voluntary capacity), and
    - (ii) whose primary function on the team is not that of providing financial or business expertise, and
  - (b) no member of the inspection team falls within a category of person prescribed for the purposes of this sub-paragraph.
- (3) Otherwise, the composition of the inspection team is to be determined by the inspector conducting the inspection, subject (in the case of a registered inspector) to his complying with any condition imposed under section 25(4)(c).
- (4) Any experience of a kind mentioned in sub-paragraph (2)(a) which it is reasonable to regard as insignificant, having regard to the purposes of sub-paragraph (2), may be ignored by the inspector conducting the inspection.
- (5) It is the duty of the inspector conducting the inspection to ensure that no person takes part in an inspection if he has, or has at any time had, any connection with—
- (a) the school in question,
  - (b) any person who is employed at the school,
  - (c) any person who is a member of the school's governing body, or
  - (d) the proprietor of the school,
- of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that school.

*Enrolment of persons to act as team members*

- 4 (1) The Chief Inspector must keep a list of persons who may act as members of an inspection team by virtue of paragraph 3(1)(a) (“the list”).
- (2) The Chief Inspector may not enrol any person in the list unless, having regard to any conditions that he proposes to impose under section 25(4)(c) (as it applies in accordance with sub-paragraph (4) of this paragraph), it appears to him that that person—
- (a) is a fit and proper person for carrying out an inspection, and
  - (b) will be capable of assisting in an inspection competently and effectively.
- (3) An application for enrolment in the list must (except in such circumstances as may be prescribed) be accompanied by the prescribed fee.
- (4) Subsections (3)(a), (4), (5)(b) and (6) to (9) of section 25 apply in relation to the enrolment of a person in the list and acting as a member of an inspection team as they apply in relation to the registration of a person under subsection (1) of that section and to acting as a registered inspector, but as if the reference in subsection (5)(b) of that section to the need for registered inspectors were a reference to the need for enrolled persons.

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- (5) Sections 26 and 27 and Schedule 3 apply in relation to enrolment on the list and to a person so enrolled as they apply in relation to registration under section 25(1) and to a person so registered, but with any necessary modifications.
- (6) In its application to an enrolled person in accordance with sub-paragraph (5), section 26 has effect as if the conditions mentioned in subsection (2) of that section were that—
- (a) that person is no longer a fit and proper person to act as a member of an inspection team;
  - (b) he is no longer capable of assisting in an inspection competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 25(4)(c) (as it applies in accordance with sub-paragraph (4)).
- (7) Without prejudice to the generality of paragraph 2(1) of Schedule 3, regulations under that provision may provide that, where a person is appealing simultaneously —
- (a) against a decision of the Chief Inspector relating to that person's registration, and
  - (b) against a decision of the Chief Inspector relating to that person's enrolment in the list,
- both appeals are to be heard at the same time.

#### *Training for inspections*

- 5 (1) No person who is not a member of the Inspectorate may conduct an inspection of a school in Wales, or act as a member of an inspection team for such a school, unless he has, in the opinion of the Chief Inspector, satisfactorily completed a course of training provided by, or complying with arrangements approved by, the Chief Inspector.
- (2) Where the Chief Inspector provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.
- (3) Sub-paragraph (1) does not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector.

#### *Meeting with parents*

- 6 Where an inspection is arranged, the appropriate authority for the school concerned must—
- (a) take such steps as are reasonably practicable to notify—
    - (i) the parents of registered pupils at the school, and
    - (ii) such other persons as may be prescribed,of the time when the inspection is to take place, and
  - (b) arrange a meeting, in accordance with such provisions as may be prescribed, between the inspector conducting the inspection and those parents of registered pupils at the school who wish to attend.

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*Rights of entry etc.*

- 7 (1) An inspector conducting an inspection, and the members of his inspection team, have at all reasonable times—
- (a) a right of entry to the premises of the school concerned, 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 the purposes of the inspection.
- (2) Where—
- (a) pupils registered at the school concerned are, by arrangement with another school, receiving part of their education at the other school, and
  - (b) the inspector is satisfied that he cannot properly discharge his duty under section 28(5) in relation to the school concerned without inspecting the provision made for those pupils at that other school,
- sub-paragraph (1) applies in relation to that other school as it applies in relation to the school concerned.
- (3) An inspector conducting an inspection of a school, and the members of his inspection team, also 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 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”);
  - (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 inspector or (as the case may be) member of the team requires for the purposes of the inspection.

*Offence of obstructing inspector or inspection team*

- 8 (1) It is an offence intentionally to obstruct—
- (a) the inspector conducting the inspection, or
  - (b) a member of an inspection team,
- in the exercise of his functions in relation to an inspection of a school.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

*Replacement of inspector during course of inspection*

- 9 (1) This paragraph applies to an inspection where, at any time—
- (a) after the meeting required by paragraph 6 is held, but
  - (b) before the making of the report of the inspection is completed,

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the inspector conducting the inspection becomes (for any reason) unable to continue to discharge his functions as an inspector in relation to the inspection.

- (2) If the conditions set out in sub-paragraph (3) are satisfied—
- (a) the Chief Inspector may arrange for that person to be replaced as the inspector conducting the inspection by another person who is either a registered inspector or a member of the Inspectorate, and
  - (b) if he does so, anything done by or in relation to that person in connection with the inspection is, so far as necessary for his effectual replacement by that other inspector, to be regarded as done by or in relation to that other inspector.
- (3) The conditions are—
- (a) that the appropriate authority for the school concerned have given the Chief Inspector notice in writing of their agreement to the inspector mentioned in sub-paragraph (1) being replaced under this paragraph, and
  - (b) that the replacement inspector does not have, and has not at any time had, any connection of the kind mentioned in paragraph 3(5) with the school in question or with any other person mentioned there.

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