

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 8 – Inspections

Chapter 7 – Miscellaneous and supplementary

Section 154: Duty to report on contribution of certain schools to community cohesion

616. This section adds to the six areas currently covered by inspection reports under section 5 of the 2005 Act an additional element covering community cohesion. Inspection reports under that section will now need to cover:
- (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,
 - (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,
 - (f) the contribution made by the school to the well-being of those pupils, and
 - (g) the contribution made by the school to community cohesion.

Section 155: Payment of annual fee to the Chief Inspector by local authorities

617. This section re-enacts provision that was formerly contained in section 51 of the Care Standards Act 2000. The Secretary of State may make regulations requiring a local authority in England to pay a fee to the Office in respect of its “relevant functions”. The Chief Inspector may make a scheme setting the fee level for periods when no regulations made by the Secretary of State are in force. The section is intended to place local authorities on the same footing as independent providers of such services. “Relevant functions” are defined in Part 3 of the Care Standards Act 2000 as adoption and fostering functions. “Local authority in England” is defined in Section 159.

Section 156: Removal of HMICA’s duty to inspect performance of Assembly’s functions relating to family proceedings

618. This section repeals section 38 of the Children Act 2004. Accordingly it removes the duty on HMCI to inspect and report on the carrying out of the functions of the National Assembly for Wales in respect of family proceedings (pursuant to section 35 of the Children Act 2004) when requested to do so by the National Assembly for Wales. It is expected that, in practice, the Social Services Inspectorate Wales (a part of the National Assembly for Wales) will undertake inspection of those functions.

Section 157: Minor and consequential amendments

619. This section gives effect to Schedule 14.

Schedule 14: Minor and consequential amendments relating to Part 8

620. This Schedule makes consequential amendments, chiefly to provide for the Chief Inspector to take over functions of CSCI (in relation to children's social care), ALI and HMICA (in relation to the inspection of CAFCASS).

621. For example, the Care Standards Act 2000 is amended with the effect that CSCI remains the registration authority under Part 2 of that Act in respect of care homes, domiciliary care agencies, and nurse agencies and the Chief Inspector becomes the registration authority in respect of children's homes, residential family centres, fostering agencies, voluntary adoption agencies, and adoption support agencies.

622. The Health and Social Care (Community Health and Standards) Act 2003 is amended with the effect that CSCI is to be responsible for reviews and investigations of English local authority social services so far they are not inspected by the Chief Inspector under Chapter 4 of this Part of this Act.

Section 158: Transitional provisions

623. This section gives effect to Schedule 15.

Schedule 15: Transitional provisions relating to Part 8

624. *Paragraph 1* contains a power for the Secretary of State to make a scheme for staff of the ALI and the CSCI (who are not currently civil servants) to become staff of the Office. The Schedule provides that the scheme may contain provisions as to continuity of employment.

625. *Paragraph 2* contains a power for the Secretary of State to make a property transfer scheme, transferring to the Office or the Chief Inspector any property, rights and liabilities of the existing HM Chief Inspector of Schools, the Secretary of State, the Lord Chancellor, ALI or CSCI. Sub-paragraph (2) allows for the possibility of property, rights and liabilities of the ALI being transferred to a person other than the Office or the Chief Inspector.

626. *Paragraph 5* allows a scheme to contain supplementary, incidental, transitional or consequential provision.

627. *Paragraph 7* allows for the Office and HM Chief Inspector of Schools to prepare for the exercise of the Chief Inspector's functions of the Office under this Part. The Office may be established before the Chief Inspector acquires his functions under this Part and other enactments. The Secretary of State may make regulations which confer functions on the Office and HM Chief Inspector of Schools in England in respect of the period from the establishment of the Office to the day on which the Chief Inspector acquires his functions.

Section 159: Interpretation of Part 8

628. This section defines various expressions for the purposes of Part 8. In particular, it defines the local authorities in England to which the Part applies. They are county councils, and those "unitary" authorities in England which have education and children's services functions and certain functions under the Children Act 2004.