



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 8

#### INSPECTIONS

#### CHAPTER 1

##### THE OFFICE AND THE CHIEF INSPECTOR

###### *The Office*

#### **112 The Office for Standards in Education, Children's Services and Skills**

- (1) There is to be a body corporate known as the Office for Standards in Education, Children's Services and Skills.
- (2) In this Part that body is referred to as "the Office".
- (3) The Office is to perform its functions on behalf of the Crown.
- (4) Schedule 11 makes further provision about the Office.

###### *The Chief Inspector and other inspectors*

#### **113 Her Majesty's Chief Inspector of Education, Children's Services and Skills**

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Education, Children's Services and Skills.
- (2) In this Part the holder of that office is referred to as "the Chief Inspector".
- (3) The Chief Inspector is to be a member of the Office (see paragraph 1 of Schedule 11).

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- (4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment.
- (5) Those terms are to be determined by the Secretary of State.
- (6) But the Chief Inspector—
  - (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 grounds that he is unable or unfit to carry out the duties of his office.
- (7) The previous appointment of a person as Chief Inspector does not affect his eligibility for appointment.
- (8) The office of Her Majesty’s Chief Inspector of Schools in England is abolished.
- (9) But any person holding that office immediately before the appointed day is to become, as from that day, Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.
- (10) As from the appointed day—
  - (a) the Order in Council by which such a person was appointed has effect as if it were an Order in Council under subsection (1) appointing him as Chief Inspector, and
  - (b) the terms of his appointment have effect as if determined under subsection (5).
- (11) In this section “the appointed day” means the day appointed under section 188 for the coming into force of this section.

#### **114 Her Majesty’s Inspectors of Education, Children’s Services and Skills**

- (1) Her Majesty may by Order in Council appoint persons as Her Majesty’s Inspectors of Education, Children’s Services and Skills.
- (2) In this Part a person so appointed is referred to as an “HMI”.
- (3) An HMI is to serve, in accordance with the terms of his appointment, as a member of the staff of the Office.
- (4) Those terms are to be determined by the Chief Inspector.
- (5) A person’s appointment as HMI ends when he ceases to serve as a member of the staff of the Office.
- (6) Any person who—
  - (a) is one of Her Majesty’s Inspectors of Schools in England immediately before the appointed day, and
  - (b) is then serving as member of the staff of Her Majesty’s Chief Inspector of Schools in England or of the Adult Learning Inspectorate,
 is to become, as from that day, one of Her Majesty’s Inspectors of Education, Children’s Services and Skills.
- (7) As from the appointed day—
  - (a) the Order in Council by which such a person was appointed has effect as if it were an Order in Council under subsection (1) appointing him as an HMI, and

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- (b) the terms of his appointment have effect as if determined under subsection (4).
- (8) In this section “the appointed day” means the day appointed under section 188 for the coming into force of this section.

### **115 Further provision about Chief Inspector and other inspectors etc.**

Schedule 12 makes further provision about the Chief Inspector and persons acting on his behalf.

#### *Functions: the Office*

### **116 Functions of the Office**

- (1) The Office has the following functions—
  - (a) to determine strategic priorities for the Chief Inspector in connection with the performance of his functions;
  - (b) to determine strategic objectives and targets relating to such priorities; and
  - (c) to secure that the Chief Inspector’s functions are performed efficiently and effectively.
- (2) The Office is to have such other functions in connection with the performance of the Chief Inspector’s functions as may be assigned to it by the Secretary of State.

### **117 Performance of Office’s functions**

- (1) The Office is to perform its functions for the general purpose of encouraging—
  - (a) the improvement of activities within the Chief Inspector’s remit,
  - (b) the carrying on of such activities as user-focused activities, and
  - (c) the efficient and effective use of resources in the carrying on of such activities.
- (2) In performing its functions the Office is to have regard to—
  - (a) the need to safeguard and promote the rights and welfare of children;
  - (b) views expressed by relevant persons about activities within the Chief Inspector’s remit;
  - (c) levels of satisfaction with such activities on the part of relevant persons;
  - (d) the need to promote the efficient and effective use of resources in the carrying on of such activities;
  - (e) the need to ensure that action by the Chief Inspector in relation to such activities is proportionate to the risks against which it would afford safeguards;
  - (f) any developments in approaches to inspection or regulatory action; and
  - (g) best practice amongst persons performing functions comparable to those of the Chief Inspector.
- (3) In performing its functions the Office must also have regard to such aspects of government policy as the Secretary of State may direct.
- (4) In this section—
  - (a) “children” means persons under the age of 18;

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- (b) “relevant persons”, in relation to activities within the Chief Inspector’s remit, means persons who have an interest in such activities, whether—
    - (i) as persons for whose benefit they are carried on, or
    - (ii) as parents (if they are carried on for the benefit of children), or
    - (iii) as employers;
  - (c) “parents” includes persons—
    - (i) who are not parents of children but have parental responsibility for them (within the meaning of the Children Act 1989 (c. 41)), or
    - (ii) who have care of children.
- (5) Subsection (6) provides for the interpretation, for the purposes of this Part, of references to activities within the Chief Inspector’s remit and related expressions.
- (6) For those purposes—
- (a) “activities” includes—
    - (i) the provision of any form of education, training or care,
    - (ii) the provision of any form of services or facilities, and
    - (iii) the performance of any function;
  - (b) activities are within the Chief Inspector’s remit—
    - (i) if he exercises any inspection function in relation to them, or
    - (ii) if they are services of the kind provided by persons in respect of whom he is the registration authority by virtue of any enactment; and
  - (c) references to persons for whose benefit activities are carried on are, in relation to activities within paragraph (a)(i) or (ii), references to persons for whom the education, training or care is provided, or (as the case may be) for whom the services or facilities are provided.

*Functions: the Chief Inspector*

## **118 Functions of the Chief Inspector**

- (1) The Chief Inspector has the general duty of keeping the Secretary of State informed about—
  - (a) the quality of activities within the Chief Inspector’s remit and (where appropriate) the standards achieved by those for whose benefit such activities are carried on,
  - (b) improvements in the quality of such activities and in any such standards,
  - (c) the extent to which such activities are being carried on as user-focused activities, and
  - (d) the efficient and effective use of resources in the carrying on of such activities and services.
- (2) If requested to do so by the Secretary of State, the Chief Inspector must provide the Secretary of State with information or advice on such matters relating to activities within the Chief Inspector’s remit as are specified in the request.
- (3) The Chief Inspector may at any time give advice to the Secretary of State on any matter connected with any activities within his remit, including advice relating to a particular establishment, institution or agency.

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- (4) The Chief Inspector is to have such other functions in connection with activities within his remit as may be assigned to him by the Secretary of State.
- (5) Subsection (6) applies where the Chief Inspector is requested under subsection (2) to provide the Secretary of State with information or advice on matters relating to activities within the Chief Inspector's remit.
- (6) Any enactment by virtue of which—
  - (a) an inspection may be conducted by the Chief Inspector in relation to the activities in question (whether or not in pursuance of any duty), or
  - (b) any power of entry is exercisable by him in relation to those activities,is to have effect, with any necessary modifications, so as to enable him to conduct an inspection, or exercise any such power, for the purpose of complying with the request.
- (7) In subsection (6) any reference to a power of entry includes a reference to a power to inspect documents or a power conferred in connection with the inspection of documents.
- (8) Nothing in this section prejudices the operation of any other enactment relating to functions of the Chief Inspector.

## **119 Performance of Chief Inspector's functions**

- (1) The Chief Inspector is to perform his functions for the general purpose of encouraging—
  - (a) the improvement of activities within the Chief Inspector's remit,
  - (b) the carrying on of such activities as user-focused activities, and
  - (c) the efficient and effective use of resources in the carrying on of such activities.
- (2) The Chief Inspector must ensure—
  - (a) that his functions are performed efficiently and effectively, and
  - (b) that, so far as practicable, those functions are performed in a way that responds to—
    - (i) the needs of persons for whose benefit activities within the Chief Inspector's remit are carried on, and
    - (ii) the views expressed by other relevant persons about such activities.
- (3) In performing his functions the Chief Inspector must have regard to—
  - (a) the matters mentioned in section 117(2); and
  - (b) such aspects of government policy as the Secretary of State may direct.
- (4) In this section "relevant persons" has the same meaning as in section 117.

### *The Children's Rights Director*

## **120 Children's Rights Director**

- (1) One of the persons appointed to the staff of the Office under paragraph 6 of Schedule 11 is to be appointed as Children's Rights Director.

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- (2) The Children’s Rights Director is to have such functions in relation to the performance by the Chief Inspector of functions within subsection (3) as may be prescribed by regulations made by the Secretary of State.
- (3) The following functions of the Chief Inspector are functions within this subsection—
  - (a) his functions under section 87 of the Children Act 1989 (c. 41) (welfare of children in boarding schools and colleges),
  - (b) his functions under Part 2 of the Care Standards Act 2000 (c. 14) (registration and standards), and
  - (c) his functions under Chapter 4 of this Part (inspection and review of local authorities in England) in connection with the inspection and review of the performance by such authorities of their functions within section 135(1)(d) and (e).

*Annual reports etc.*

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

- (1) The Chief Inspector must make an annual report to the Secretary of State.
- (2) The Secretary of State must lay a copy of any such report before each House of Parliament.
- (3) The Chief Inspector may make to the Secretary of State such other reports relating to matters which fall within the scope of the Chief Inspector’s functions as he considers appropriate.
- (4) The Chief Inspector may arrange for any report made by him under this section to be published in such manner as he considers appropriate.