

**Changes to legislation:** Education and Inspections Act 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 12

Section 115

#### THE CHIEF INSPECTOR AND OTHER INSPECTORS ETC.

##### PART 1

##### THE CHIEF INSPECTOR

###### *Remuneration, pensions etc. of Chief Inspector*

- 1 (1) The Office is to pay the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any Chief Inspector determined by the Secretary of State, the Office is to pay—
- (a) such pension, allowance or gratuity to or in respect of him, or
  - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as the Secretary of State may determine.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Office may pay to him such sum by way of compensation as the Secretary of State may determine.
- (4) Service as Chief Inspector is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (5) The Office must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (4) in the sums payable out of money provided by Parliament under that Act.

###### Commencement Information

II Sch. 12 para. 1 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

###### *Temporary appointment of Chief Inspector; performance of functions during vacancy or incapacity etc.*

- 2 (1) If there is a vacancy in the office of Chief Inspector, the Secretary of State may appoint a person to be Chief Inspector during such period (not exceeding one year) as he thinks fit.
- (2) Any such appointment is to be on such terms as the Secretary of State may determine.

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- (3) Those terms may include provision for the Secretary of State to terminate the appointment before the time when it would otherwise end.

**Commencement Information**

**I2** Sch. 12 para. 2 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

- 3 (1) The Chief Inspector may designate an HMI to perform his functions during any period when he is absent or unable to act.
- (2) If (at a time when no designation is in force under sub-paragraph (1)) it appears to the chairman of the Office that the Chief Inspector is, as a result of any incapacity—
- (a) unable to act, and
  - (b) unable to make a designation under that sub-paragraph,
- the chairman may designate an HMI to perform the Chief Inspector's functions so long as he remains in office and is unable to act.
- (3) For the purposes of this paragraph the Chief Inspector's functions include his functions as a member of the Office.

**Commencement Information**

**I3** Sch. 12 para. 3 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

*Execution of documents*

- 4 The application of the Chief Inspector's seal must be authenticated by the signature of—
- (a) the Chief Inspector, or
  - (b) some other person who has been authorised for that purpose by the Chief Inspector, whether generally or specially.

**Commencement Information**

**I4** Sch. 12 para. 4 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

*Evidence*

- 5 The Documentary Evidence Act 1868 (c. 37) shall have effect in relation to the Chief Inspector as if—
- (a) he were mentioned in the first column of the Schedule to that Act,
  - (b) he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
  - (c) the regulations referred to in that Act included any document issued by him or any such person.

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#### Commencement Information

**I5** Sch. 12 para. 5 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

#### *Ancillary powers*

- 6 The Chief Inspector may do anything that he considers necessary or expedient for the purposes of, or in connection with, his functions.

#### Commencement Information

**I6** Sch. 12 para. 6 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

#### *Nature of functions conferred on Chief Inspector*

- 7 (1) Functions conferred on the Chief Inspector by virtue of this Part or any other enactment are conferred on him in his capacity as holder of the office of Chief Inspector and not in his capacity as a member of the Office.
- (2) Sub-paragraph (1) does not apply to any function of the Chief Inspector under—
- (a) section 114(4),
  - (b) paragraph 6 or 12 of Schedule 11, or
  - (c) paragraph 3 of this Schedule.
- (3) References in this Part to functions of the Chief Inspector are references to functions conferred on him in his capacity as holder of the office of Chief Inspector.
- This is subject to paragraph 3(3).
- (4) Any proceedings brought in respect of any such function of the Chief Inspector are to be brought against the Chief Inspector in his capacity as holder of that office.

#### Commencement Information

**I7** Sch. 12 para. 7 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

#### *Relationship between Chief Inspector and the Office*

- 8 (1) For all purposes relating to the government department constituted by the Office, the Chief Inspector is to be regarded—
- (a) as part of that government department, whether acting in his capacity as holder of the office of Chief Inspector or in his capacity as a member of the Office, and
  - (b) as performing his functions (in whatever capacity) on behalf of it.
- (2) Sub-paragraph (1) applies subject to any provision made by virtue of sub-paragraph (3).
- (3) The Secretary of State may by order make such provision as he considers appropriate for—
- (a) supplementing or modifying the effect of sub-paragraph (1), or

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- (b) prescribing other matters in connection with responsibilities of the Chief Inspector in relation to the Office or otherwise connected with the relationship between them.
- (4) Such an order may in particular provide—
  - (a) for allocating functions, property, rights or liabilities as between the Office and the Chief Inspector;
  - (b) for conferring on the Chief Inspector responsibilities in relation to property, rights or liabilities of the Office, including responsibilities as to the conduct of proceedings;
  - (c) for the capacity in which the Chief Inspector is to discharge any such functions or responsibilities.

#### Commencement Information

**I8** Sch. 12 para. 8 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

## PART 2

### INSPECTORS ETC. ACTING ON BEHALF OF CHIEF INSPECTOR

#### *Delegation of functions*

- 9 (1) Anything authorised or required by or under any enactment to be done by the Chief Inspector may be done by—
- (a) any HMI,
  - (b) any other member of the staff of the Office, <sup>F1</sup>...
  - (c) any additional inspector,<sup>[F2]</sup>or ]
  - <sup>[F2]</sup>(d) any inspection administrator,]
- who is authorised generally or specially for the purpose by the Chief Inspector.
- (2) But sub-paragraph (1) has effect subject to—
- (a) sub-paragraph (3) below and paragraphs 10(2)<sup>[F3]</sup>, 11(4) and 11A(3) ], and
  - (b) any contrary provision made by any enactment.
- (3) The making of any report of an inspection of a school under section 5 of EA 2005 which states the opinion that special measures are required to be taken in relation to the school must be personally authorised by—
- (a) the Chief Inspector, or
  - (b) an HMI who is authorised by the Chief Inspector for the purposes of this sub-paragraph.
- (4) Without prejudice to the generality of sub-paragraph (1) above, references to the Chief Inspector—
- (a) in section 10 of EA 2005 (power of entry for purposes of inspection under s. 5 or 8), or
  - (b) in any other enactment by virtue of which any power of entry is exercisable by the Chief Inspector, or otherwise having effect in connection with any such power of entry,

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include references to any person authorised to act on his behalf under sub-paragraph (1).

- (5) In sub-paragraph (4) the reference to any power of entry includes a reference to a power to inspect documents or a power conferred in connection with the inspection of documents.

#### Textual Amendments

- F1** Word in Sch. 12 para. 9(1)(b) repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(2), 269(4), **Sch. 16 Pt. 8**; S.I. 2009/3317, art. 2, Sch.
- F2** Sch. 12 para. 9(1)(d) and word inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(2), 269(4); S.I. 2009/3317, art. 2, Sch.
- F3** Words in Sch. 12 para. 9(2)(a) substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(3), 269(4); S.I. 2009/3317, art. 2, Sch.

#### Commencement Information

- I9** Sch. 12 para. 9 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

*Inspectors etc. to have necessary qualifications, experience and skills*

- 10 (1) This paragraph applies where—

- (a) an HMI,  
(b) a member of the staff of the Office, <sup>F4</sup>...  
(c) an additional inspector,<sup>F5</sup> or ]  
<sup>F5</sup>(d) an inspection administrator,]

is authorised to act on behalf of the Chief Inspector in connection with the carrying out of any of the activities within his remit.

- (2) The Chief Inspector must ensure that the person concerned has such qualifications, experience and skills as are necessary to secure that he is able to perform the function, or (as the case may be) assist with its performance, in an effective manner.

#### Textual Amendments

- F4** Word in Sch. 12 para. 10(1)(b) repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(4), 269(4), **Sch. 16 Pt. 8**; S.I. 2009/3317, art. 2, Sch.
- F5** Sch. 12 para. 10(1)(d) and word inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 226(4), 269(4); S.I. 2009/3317, art. 2, Sch.

#### Commencement Information

- I10** Sch. 12 para. 10 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

*Additional inspectors*

- 11 (1) The Chief Inspector may enter into arrangements with such persons as he thinks fit for them to assist him in the performance of his functions in a particular case or class of case.

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- (2) The Chief Inspector may also enter into arrangements with persons (“inspection service providers”) under which they provide the services of inspectors to carry out inspections on behalf of the Chief Inspector.
- (3) A person assisting the Chief Inspector in pursuance of arrangements under sub-paragraph (1) or (2) is to be known as an additional inspector.
- (4) The Chief Inspector may not authorise an additional inspector to conduct an inspection of a school under section 5 of EA 2005 unless—
  - (a) the inspection is to be supervised by an HMI, or
  - (b) the additional inspector has previously conducted an inspection under that section under the supervision of an HMI to the satisfaction of the HMI.
- (5) In sub-paragraph (4)(b) the reference to an HMI is, in relation to an inspection conducted before the commencement of this paragraph, to be read as a reference to one of Her Majesty's Inspectors of Schools in England.

#### Commencement Information

**III** Sch. 12 para. 11 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

#### *Inspection administrators*

- [<sup>F6</sup>11A(1) The Chief Inspector may enter into arrangements with inspection service providers under which they provide the services of persons to provide administrative support in connection with the carrying out of inspections.
- (2) A person providing administrative support in pursuance of arrangements under sub-paragraph (1) is to be known as an inspection administrator.
  - (3) The Chief Inspector may not authorise an inspection administrator to conduct an inspection.]

#### Textual Amendments

**F6** Sch. 12 para. 11A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 226\(5\)](#), 269(4); [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

#### *Provisions relating to additional inspectors provided by inspection service providers*

- 12 (1) This paragraph applies to arrangements made with inspection service providers under paragraph 11(2) (“ISP arrangements”).
- (2) In pursuance of his duty under paragraph 10(2), so far as applying to additional inspectors provided under ISP arrangements, the Chief Inspector—
  - (a) must publish in such manner as he thinks fit, and
  - (b) may from time to time revise,
 a statement of the matters mentioned in sub-paragraph (3).
- (3) The matters are—
  - (a) the qualifications or experience (or both) that are to be required of additional inspectors provided under ISP arrangements, and

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- (b) the standards that such additional inspectors are to be required to meet in the exercise of their functions and the skills that they are to be required to demonstrate in the exercise of those functions.
- (4) ISP arrangements must be made on terms that require the inspection service provider to secure compliance with any requirements that are for the time being published under sub-paragraph (2).
- (5) Where the Chief Inspector has entered into any ISP arrangements, he must publish, at intervals of not more than 12 months, a list of the names of the persons who are, at a specified date, currently notified to him by the inspection service provider as persons with whom the provider proposes to make arrangements for the carrying out of inspections on behalf of the Chief Inspector.

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**Commencement Information**

**I12** Sch. 12 para. 12 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)