

Changes to legislation: Education and Inspections Act 2006, SCHEDULE 13 is up to date with all changes known to be in force on or before 03 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 13

Section 149

INTERACTION WITH OTHER AUTHORITIES

Inspection authorities and inspection functions

- 1 (1) In this Schedule references to inspection authorities are to be read in accordance with sub-paragraph (2) or (3), as the case may be.
- (2) For the purposes of paragraph 4 or 5 the inspection authorities are—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Chief Inspector of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (d) [^{F1}Her Majesty's Chief Inspector of Probation for England and Wales][^{F2}, and]
 - ^{F3}(e)
 - ^{F4}(f)
 - ^{F5}(g) the Care Quality Commission, ^{F6}...]]
 - ^{F6}(h)
- (3) For the purposes of paragraph 6 the inspection authorities are—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Inspectors of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (d) [^{F7}Her Majesty's Inspectorate of Probation for England and Wales],
 - ^{F8}(e)
 - ^{F9}(f) the Care Quality Commission.]
- (4) In this Schedule “inspection functions” means functions relating to, or connected with, inspections.

Textual Amendments

- F1** Words in Sch. 13 para. 1(2)(d) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), **Sch. 1 para. 27(2)(g)**
- F2** Word in Sch. 13 para. 1(2)(d) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 69(2)(a)(i)**; S.I. 2015/841, art. 3(x)
- F3** Sch. 13 para. 1(2)(e) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 22(a)** (with art. 2)
- F4** Sch. 13 para. 1(2)(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 81(2)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb)36

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- F5** Sch. 13 para. 1(2)(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 81\(2\)\(b\)](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)
- F6** Sch. 13 para. 1(2)(h) omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 69\(2\)\(a\)\(ii\)](#); S.I. 2015/841, art. 3(x)
- F7** Words in Sch. 13 para. 1(3)(d) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [Sch. 1 para. 26\(2\)\(h\)](#)
- F8** Sch. 13 para. 1(3)(e) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 22\(b\)](#) (with art. 2)
- F9** Sch. 13 para. 1(3)(f) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 69\(2\)\(b\)](#); S.I. 2015/841, art. 3(x)

Modifications etc. (not altering text)

- C1** Sch. 13 para. 1 modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), arts. 1(1), [3\(13\)](#)

Commencement Information

- I1** Sch. 13 para. 1 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Public authorities

- 2 (1) In this Schedule “public authority”—
- (a) includes any person certain of whose functions are functions of a public nature, but
 - (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (2) Subject to paragraph 8(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.

Commencement Information

- I2** [Sch. 13 para. 2](#) in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Delegation of inspection functions to public authorities

- 3 (1) The Chief Inspector may delegate any of his inspection functions (to such extent as he may determine) to another public authority.
- (2) If the carrying out of an inspection is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Chief Inspector.

Commencement Information

- I3** [Sch. 13 para. 3](#) in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Inspection programmes and inspection frameworks

- 4 (1) The Chief Inspector must from time to time, or at such times as the Secretary of State may specify by order, prepare—

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- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
 - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector must consult—
 - (a) the Secretary of State,
 - (b) the inspection authorities, and
 - (c) any other person or body specified by an order made by the Secretary of State;and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) The Chief Inspector may determine that any document or combination of documents prepared for the purposes of any other enactment or enactments is to be treated as a document prepared for the purposes of sub-paragraph (1)(b) (so long as any requirements applying under or by virtue of this paragraph are complied with in relation to the document or documents concerned).

Commencement Information

I4 Sch. 13 para. 4 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Inspections by other inspectors of institutions within Chief Inspector's remit

- 5 (1) If—
- (a) an inspection authority is proposing to carry out an inspection that would involve inspecting a specified institution, and
 - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that institution, or would do so if carried out in a particular manner,
- the Chief Inspector must, subject to sub-paragraph (5), give a notice to that authority requiring it not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) In sub-paragraph (1)(a) “specified institution” means a person or body specified by order made by the Secretary of State.
 - (3) A person or body may be specified under sub-paragraph (2) only if the person or body—
 - (a) discharges functions or carries on other activities in relation to which the Chief Inspector exercises inspection functions by virtue of any enactment, or
 - (b) is a person or body in respect of whom the Chief Inspector is the registration authority by virtue of any enactment.
 - (4) A person or body may be specified under sub-paragraph (2) in relation to particular functions that it has.

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In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.

- (5) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (6) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (7).

- (7) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the institution in question, or
 - (b) would not do so if carried out in a particular manner,
- may give consent to the inspection being carried out, or being carried out in that manner.
- (8) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
 - (b) provision prescribing the period within which notices are to be given;
 - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
 - (d) provision for revising or withdrawing notices;
 - (e) provision for setting aside notices not validly given.

Commencement Information

I5 Sch. 13 para. 5 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Co-operation

- 6 The Chief Inspector must co-operate with—
- (a) the inspection authorities, and
 - (b) any other public authority specified by order made by the Secretary of State, where it is appropriate to do so for the efficient and effective exercise of his functions.

Commencement Information

I6 Sch. 13 para. 6 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Joint action

- 7 The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective exercise of his functions.

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I7 Sch. 13 para. 7 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Advice or assistance for other public authorities

- 8 (1) The Chief Inspector may, if he thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.
- [^{F10}(1A) The Chief Inspector may do anything the Chief Inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).]
- [^{F11}(2) Anything done under this paragraph may be done on such terms as the Chief Inspector thinks fit.]
- (3) In this paragraph the reference to another public authority includes a public authority in the Channel Islands or the Isle of Man.

Textual Amendments

- F10** Sch. 13 para. 8(1A) inserted (4.4.2014) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 69(3)(a); S.I. 2014/900, art. 2(l)(v)
- F11** Sch. 13 para. 8(2) substituted (4.4.2014) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 69(3)(b); S.I. 2014/900, art. 2(l)(v)

Commencement Information

I8 Sch. 13 para. 8 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Inspections carried out under arrangements

- 9 (1) The Chief Inspector may make arrangements with a public authority for the carrying out by him—
- (a) in England or Wales, or
 - (b) in Northern Ireland,
- of inspections of any institution or matter which he is not required or authorised to carry out by virtue of any other enactment.
- (2) The Chief Inspector may make arrangements with a public authority or the relevant overseas authority for the carrying out by him outside the United Kingdom of inspections of any institution or matter.
- (3) “The relevant overseas authority” means the authority in the jurisdiction concerned that is responsible for the institution or other matter.
- (4) Inspections under this paragraph may be carried out on such terms as the Chief Inspector thinks fit.

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Commencement Information

I9 Sch. 13 para. 9 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

Charges

- 10 The Chief Inspector may, with the consent of the Secretary of State, enter into arrangements for charges to be made—
- (a) for [^{F12}doing anything] under paragraph 8; or
 - (b) for carrying out inspections under paragraph 9.

Textual Amendments

F12 Words in Sch. 13 para. 10(a) substituted (4.4.2014) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 69(4); S.I. 2014/900, art. 2(l)(v)

Commencement Information

I10 Sch. 13 para. 10 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\(a\)](#)