

**2007 No. 603**

**CHILDREN AND YOUNG PERSONS, ENGLAND  
EDUCATION, ENGLAND**

**The Education and Inspections Act 2006 (Consequential  
Amendments) Regulations 2007**

<i>Made</i>	- - - -	<i>28th February 2007</i>
<i>Laid before Parliament</i>		<i>7th March 2007</i>
<i>Coming into force</i>	- -	<i>1st April 2007</i>

The Secretary of State in exercise of the powers conferred by section 183 of the Education and Inspections Act 2006(a) makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007 and come into force on 1st April 2007.

**Amendment of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003**

2. The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(b) are amended as follows—

- (a) in regulation 1 (interpretation)—
  - (i) omit the definition of “Commission”; and
  - (ii) insert in the appropriate place the following definition—

““Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”;
- (b) in regulation 3(2)(a) and (b) (statement of purpose) for “Commission” substitute “Chief Inspector”;
- (c) in regulation 4(b)(i) and (ii) (review of statement of purpose) for “Commission” substitute “Chief Inspector”;
- (d) in regulation 24G(3)(a) (records with respect to services) for “Commission” substitute “Chief Inspector”;
- (e) in regulation 24K(1A)(b) (notifiable events) for “Commission” substitute “Chief Inspector”.

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(a) 2006 c. 40.

(b) S.I. 2003/367, amended by S.I. 2004/664, 2005/3341.

### **Amendment of the Adoption Agencies Regulations 2005**

3. In regulation 2 (interpretation) of the Adoption Agencies Regulations 2005(a) in the definition of “registration authority” for “the Commission for Social Care Inspection” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”.

### **Amendment of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005**

4. In regulation 2 (interpretation) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(b) in the definition of “registration authority” for “the Commission for Social Care Inspection” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”.

### **Amendment of the Child Minding and Day Care (Suspension of Registration) (England) Regulations 2003**

5. In regulation 2 (interpretation) of the Child Minding and Day Care (Suspension of Registration) (England) Regulations 2003(c) in the definition of “Chief Inspector” for “Her Majesty’s Chief Inspector of Schools in England” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”.

### **Amendment of the Day Care and Child Minding (Disqualification) (England) Regulations 2005**

6. The Day Care and Child Minding (Disqualification) (England) Regulations 2005(d) are amended as follows—

- (a) in regulation 3(1) (interpretation)—
  - (i) omit the definition of “HMCI”; and
  - (ii) insert in the appropriate place the following definition—

““the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”;
- (b) in regulation 9 (waivers) for “HMCI” substitute “the Chief Inspector” in each place where it occurs;
- (c) in regulation 11 (appeals) for “HMCI” substitute “the Chief Inspector”.

### **Amendment of the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001**

7. In regulation 8(2)(a)(ii) (schools in which an induction period may be served) of the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001(e) for the words “Her Majesty’s Inspectors of Schools in England” substitute “Her Majesty’s Inspectors of Education, Children’s Services and Skills”.

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(a) S.I. 2005/389, to which there are amendments not relevant to these Regulations.  
(b) S.I. 2005/2720.  
(c) S.I. 2003/332.  
(d) S.I. 2005/2296, amended by S.I. 2007/197.  
(e) S.I. 2001/2897, relevant amending instruments are S.I. 2003/2148, 2005/1740.

### **Amendment of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001**

8. In regulation 24(1) (restriction on disclosure of statements) of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(a) for sub-paragraph (i) substitute—

- “(i) to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, exercising the right to inspect and take copies of a statement in accordance with section 10(1)(e) of the Education Act 2005(b) and section 140(2)(a) of the Education and Inspections Act 2006”.

### **Amendment of the National Care Standards Commission (Registration) Regulations 2001**

9. The National Care Standards Commission (Registration) Regulations 2001(c) are amended as follows—

- (a) in regulation 2 (interpretation) omit the definition of “Commission”;
- (b) for “Commission” substitute “registration authority”(d) in each place where it occurs in the following provisions—
  - (i) regulations 3, 4, 5, 6, 7(1)(b), 8(1), 9, 10, 11(2), 12(2) and (4), 13, 14, 15(2) and (5); and
  - (ii) paragraphs 4 and 10 of Schedule 2 and paragraphs 12 and 13 of Schedule 3.

### **Amendment of the Fostering Services Regulations 2002**

10. The Fostering Services Regulations 2002(e) are amended as follows—

- (a) in regulation 2 (interpretation)—
  - (i) omit the definition of “Commission”; and
  - (ii) insert in the appropriate place the following definition—

““Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”;
- (b) for “Commission” substitute “Chief Inspector” in each place where it occurs in the following provisions—
  - (i) regulations 3, 4(b), 5(2)(c), 6(3), 9, 10(1) and (3), 12(2), 18(4) and (7), 21(3), 40(7), 41(3), 42(2), 44(2) and (3), 45, 46(1) and (2), 47(1), 48 and 50(2) and (4); and
  - (ii) paragraph 13 of Schedule 5 and the heading in column 2 of the Table in Schedule 8.

### **Amendment of the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002**

11. Regulation 1 (citation, commencement and interpretation) of the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002(f) is amended as follows—

- (a) in the definition of “appropriate authority” for “Commission for Social Care Inspection” substitute “Chief Inspector”;
- (b) in the definition of “the Chief Inspector” for “Her Majesty’s Chief Inspector of Schools in England” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”;

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(a) S.I. 2001/3455, amended by S.I. 2006/3346; there are other amending instruments but none is relevant.

(b) 2005 c. 18.

(c) S.I. 2001/3969; relevant amending instruments are S.I. 2002/865, 2002/2469, 2003/369, 2003/1845, 2003/2323, 2004/664, 2004/696, 2004/2071.

(d) “Registration authority” is defined in section 5 of the Care Standards Act 2000 (c. 14).

(e) S.I. 2002/57; relevant amending instruments are S.I. 2002/865, 2004/664, 2006/1738.

(f) S.I. 2002/816, amended by S.I. 2004/664; there are other amending instruments but none is relevant.

- (c) in the definition of “registration authority” in paragraph (a) for “or the Commission for Social Care Inspection” substitute “, the Commission for Social Care Inspection or the Chief Inspector”.

#### **Amendment of the Residential Family Centres Regulations 2002**

**12.** The Residential Family Centres Regulations 2002(a) are amended as follows—

- (a) in regulation 2 (interpretation)—
  - (i) omit the definition of “Commission”; and
  - (ii) insert in the appropriate place the following definition—

““Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”;
- (b) for “Commission” substitute “Chief Inspector” in each place where it occurs in the following provisions—
  - (i) regulations 4, 5(2), 6(2), 9, 12(2), 17(3), 18, 20(4) and (7), 21(2), 23(2), 24(2) and (3), 25(5), 27, 28, 29(1), 30 and 31; and
  - (ii) the heading to column 2 of the Table in Schedule 5.

#### **Amendment of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005**

**13.** In regulation 2 (interpretation) of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005(b) in the definition of “the registration authority” for “the Commission for Social Care Inspection” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”.

#### **Amendment of the Children Act 2004 (Children’s Services) Regulations 2005**

**14.** Regulation 2 (children’s services) of the Children Act 2004 (Children’s Services) Regulations 2005(c) is amended as follows—

- (a) omit sub-paragraphs (q) and (t);
- (b) for sub-paragraph (r) substitute the following—

“(r) that may be inspected under section 118(1)(c) of the Learning and Skills Act 2000 (inspection of services to encourage, etc. effective participation by young persons in education or training);”;
- (c) after sub-paragraph (w) insert—

“(wa) that may be inspected under the following provisions of the Education and Inspections Act 2006—

  - (i) section 124(1) (inspection of education and training to which Chapter 3 of Part 8 applies);
  - (ii) section 125(1) (inspection of further education institutions);
  - (iii) section 128 (area inspections);
  - (iv) section 143 (inspections of CAFCASS functions);”.

#### **Amendment of the Children Act 2004 (Joint Area Reviews) Regulations 2005**

**15.** The Children Act 2004 (Joint Area Reviews) Regulations 2005(d) are amended as follows—

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(a) S.I. 2002/3213, amended by S.I. 2004/664; there are other amending instruments but none is relevant.  
(b) S.I. 2005/888, to which there are amendments not relevant to these Regulations.  
(c) S.I. 2005/1972.  
(d) S.I. 2005/1973.

- (a) in regulation 1(3) (citation, commencement, application and interpretation) insert in the appropriate place the following definition—
  - ““Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”.
- (b) in regulations 3(1) and (3) (report on a review) and 4 (written statement of proposed action) for “Chief Inspector of Schools” substitute “Chief Inspector”.
- (c) in paragraph 1 of the Schedule (provisions for the purposes of reviews) insert in the appropriate place the following definition—
  - ““the 2006 Act” means the Education and Inspections Act 2006;”.
- (d) for paragraphs 2 and 3 of the Schedule substitute—

**“Her Majesty’s Chief Inspector for Education, Children’s Services and Skills**

2.—(1) This paragraph applies where the Chief Inspector conducts a review of children’s services in so far as those services relate to functions in section 135 of the 2006 Act performed by a local authority in England or by another person pursuant to arrangements made by the authority in the performance of the function.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 139 and 140 (power of entry and power to inspect documents, etc.) and 141 (power to require information etc.) of, and Part 2 of Schedule 12 to, the 2006 Act apply to such an inspection as they apply for the purposes of an inspection of a local authority under section 136 of that Act.

3.—(1) This paragraph applies where the Chief Inspector conducts a review of children’s services in so far as those services relate to the education and training that may be made the subject of an area inspection under section 128(5) of the 2006 Act.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 131 and 132 (power of entry and power to inspect documents, etc.) and 128(3), (4), (6) and (7) (area inspections: further provisions) of, and Part 2 of Schedule 12 to, the 2006 Act apply to such an inspection as they apply to an inspection under section 128 of that Act.”

- (e) in paragraph 4(1) of the Schedule for “Chief Inspector of Schools” substitute “Chief Inspector”.
- (f) for paragraphs 5 and 6 of the Schedule substitute—

**“CAFCASS functions**

5.—(1) This paragraph applies where the Chief Inspector conducts a review of children’s services in so far as those services relate to the performance of CAFCASS functions.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 144 and 145 (power of entry and power to inspect documents, etc) of, and Part 2 of Schedule 12 to, the 2006 Act apply to such an inspection as they apply to an inspection under section 143 of that Act.

(3) In this paragraph—

- (a) “CAFCASS” means the Children and Family Court Advisory and Support Service; and
- (b) “CAFCASS functions” means the functions of CAFCASS and its officers.”

- (g) in paragraph 9 of the Schedule—

(i) for sub-paragraph (1) substitute—

“(1) This paragraph applies where an inspector of court administration conducts a review of children’s services in so far as those services relate to the system that supports the

carrying on of business of the Crown Court, county courts and magistrates' courts and the services provided for those courts.”; and

(ii) omit sub-paragraph (3).

**Amendment to the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005**

**16.** In regulation 2 (interpretation) of the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005(**a**) in paragraph 2(d)(v) for “the Commission for Social Care Inspection” substitute “Her Majesty’s Chief Inspector of Education, Children’s Services and Skills”.

**Amendment of the Education (Pupil Registration) (England) Regulations 2006**

**17.** In regulation 10(1) (inspection of registers) of the Education (Pupil Registration) (England) Regulations 2006(**b**)—

(a) for sub-paragraph (a) substitute—

“(a) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills; and”;

(b) omit sub-paragraph (b).

28th February 2007

*Jim Knight*  
Minister of State  
Department for Education and Skills

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(a) S.I. 2005/3222.  
(b) S.I. 2006/1751.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision consequential on Part 8 of the Education and Inspections Act 2006 (c. 40).

The amendments made by these Regulations reflect the transfer of functions under the Education and Inspections Act 2006 (“the Act”) to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”). The Chief Inspector’s functions will include those functions previously exercised by HM Chief Inspector of Schools, the Commission for Social Care Inspection, the Adult Learning Inspectorate and the functions of HM Inspectorate for Courts Administration for the inspection of the Children and Family Court Advisory and Support Service (CAFCASS).

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