



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 3

SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: WALES

Her Majesty's Inspectorate for Wales

19 Her Majesty's Inspectorate of Education and Training in Wales

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ("the Chief Inspector").
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (3) Any person appointed as one of Her Majesty's Inspectors of Education and Training in Wales is to serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector.
- (4) The Chief Inspector holds and vacates office in accordance with the terms of his appointment, but—
 - (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 Assembly, and
 - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Her Majesty's Inspectorate for Wales. (See end of Document for details)

- (5) The previous appointment of a person as Chief Inspector does not affect his eligibility for appointment.
- (6) ^[F1]If the Assembly considers that any of the powers conferred by subsection (1), (2) and (4)(c) ought to be exercised, the Assembly must advise the Secretary of State on any recommendation to be made to Her Majesty as to the exercise of the power.]
- (7) The terms of a person's appointment under subsection (2) are to be determined by the Chief Inspector with the approval of the Assembly.
- (8) Schedule 2 makes further provision about the Chief Inspector and his staff.

Textual Amendments

- F1** S. 19(6) omitted (W.) (1.9.2014) by virtue of [Education \(Wales\) Act 2014 \(anaw 5\)](#), ss. 43, 50(4); S.I. 2014/1605, art. 3

20 Functions of Chief Inspector

- (1) The Chief Inspector has the general duty of keeping the Assembly informed about—
 - (a) the quality of the education provided by schools in Wales,
 - (b) how far that education meets the needs of the range of pupils at those schools,
 - (c) the educational standards achieved in those schools,
 - (d) the quality of the leadership in and management of those schools, including whether the financial resources made available to those schools are managed efficiently,
 - ^[F2](da) the development of pupils at maintained schools (except those over compulsory school age) by reference to the four purposes of a curriculum for those pupils,]
 - (e) the spiritual, moral, social and cultural development of pupils at those schools, and
 - (f) the contribution made by those schools to the well-being of those pupils.
 - ^[F3](g) actions taken at maintained schools to promote healthy eating and drinking.]

^[F4](1A) In subsection (1)(da)—

“maintained school” does not include a community special school established in a hospital, and

“the four purposes of a curriculum” for the pupils mentioned in paragraph (da) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021.]

- (2) When asked to do so by the Assembly, the Chief Inspector must—
 - (a) give advice to the Assembly on such matters as may be specified in the Assembly's request, and
 - (b) inspect and report on such school, or class of school, in Wales as may be so specified.
- (3) In addition, the Chief Inspector has the following specific duties—
 - (a) establishing and maintaining the register mentioned in section 25(1);

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Her Majesty's Inspectorate for Wales. (See end of Document for details)

- (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in Wales under section 28 and the making of reports of such inspections;
 - (c) keeping under review the system of inspecting schools under that section and, in particular, the standard of such inspections and of the reports made by registered inspectors;
 - (d) keeping under review the extent to which any requirement imposed by or under this Part, or any other enactment, on any registered inspector, [^{F5}local authority], proprietor of a school or governing body in relation to inspections of schools in Wales is complied with;
 - (e) promoting efficiency in the conduct and reporting of inspections of schools in Wales by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector may at any time give advice to the Assembly on any matter connected with schools, or a particular school, in Wales.
- (5) The Chief Inspector is to have such other functions in connection with schools in Wales, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Assembly.
- (6) In exercising his functions, the Chief Inspector must have regard to such aspects of policy adopted or formulated by the Assembly as the Assembly may direct.
- (7) This section does not apply in relation to education which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21).

Textual Amendments

- F2** S. 20(1)(da) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 8(2)(a)**
- F3** S. 20(1)(g) inserted (2.9.2013) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), **ss. 3(2), 12(3)**; S.I. 2013/1985, art. 2(b)
- F4** S. 20(1A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 8(2)(b)**
- F5** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

21 Annual and other reports to Assembly

- (1) The Chief Inspector—
- (a) must make an annual report to the Assembly,
 - (b) may make such other reports to the Assembly, with respect to matters which fall within the scope of his functions, as he considers appropriate, and
 - (c) may arrange for any report made by him under this section to be published in such manner as he considers appropriate.
- (2) The Assembly must publish any report that is made to it under subsection (1)(a).

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Her Majesty's Inspectorate for Wales. (See end of Document for details)

Modifications etc. (not altering text)

C1 S. 21(1)(b) modified (1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 14(2) (as substituted by Education Act 2005 (c. 18), ss. 53, 119, 125, Sch. 7 para. 21); S.I. 2006/1338, art. 3, Sch. 1

22 Power of Assembly to establish advisory panel

- (1) The Assembly may by regulations—
- (a) establish a panel for the purpose of providing advice to the Assembly on matters relating to the functions that are at any time exercisable by the Chief Inspector under this Part or any other enactment, and
 - (b) make provision as to the functions of the panel.
- (2) The regulations may in particular—
- (a) make provision about the appointment of members of the panel,
 - (b) make provision for remuneration and allowances to be paid to members of the panel,
 - (c) require the panel and the Chief Inspector to co-operate with each other,
 - (d) require the panel to make reports to the Assembly.

23 Powers of entry etc. of Chief Inspector

- (1) For the purposes of the exercise of any function conferred by or under section 20, the Chief Inspector has at all reasonable times, in relation to any school in Wales—
- (a) a right of entry to the premises of the school, and
 - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.
- (2) For the purposes of the exercise of any function conferred by or under section 20, the Chief Inspector has at all reasonable times—
- (a) a right of entry to any premises (other than school premises) on which, by virtue of arrangements made by a school in Wales, any pupils who—
 - (i) are registered at the school, and
 - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,
 are provided with part of their education by any person (“the provider”),
 - (b) a right of entry to any premises of the provider used in connection with the provision by him of that education, and
 - (c) a right to inspect and take copies of—
 - (i) any records kept by the provider relating to the provision of that education, and
 - (ii) any other documents containing information so relating,
 which the Chief Inspector requires for those purposes.
- (3) It is an offence intentionally to obstruct the Chief Inspector—
- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of section 20(2)(b), or

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Her Majesty's Inspectorate for Wales. (See end of Document for details)

- (b) in the exercise of any right under subsection (1) or (2) for the purposes of the exercise of any other function.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

24 Power of Chief Inspector to arrange for inspections

- (1) The Chief Inspector may cause any school in Wales to be inspected by one or more of Her Majesty's Inspectors of Education and Training in Wales (in this section referred to as “Inspectors”).
- (2) Where an inspection of a school in Wales is being conducted by a registered inspector under section 28, the Chief Inspector may arrange for that inspection to be monitored by one or more Inspectors.
- (3) An Inspector inspecting a school, or monitoring an inspection, under this section has at all reasonable times—
 - (a) a right of entry to the premises of the school,
 - (b) a right of entry to any other premises on which, by virtue of arrangements made by the school, any pupils who—
 - (i) are registered at the school, and
 - (ii) have attained the age of 15, or will attain that age in the current school year, but have not ceased to be of compulsory school age,are receiving part of their education from any person (“the provider”),
 - (c) a right of entry to any premises of the provider used in connection with the provision by him of that education,
 - (d) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions, and
 - (e) a right to inspect and take copies of—
 - (i) any records kept by the provider relating to the provision of education for pupils registered at the school, and
 - (ii) any other documents containing information relating to the provision of such education by the provider,which the Inspector considers relevant to the discharge of his functions.
- (4) It is an offence intentionally to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21) that is provided by the school.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Her Majesty's Inspectorate for Wales.