



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

#### SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

### CHAPTER 4

#### PROCEDURE FOR INSPECTIONS UNDER CHAPTER 3

#### *Destination of reports and measures required: non-maintained schools*

#### **41 Destination of reports: non-maintained schools**

- (1) In the case of a report of a section 28 inspection of a school other than a maintained school, the person making the report must without delay—
  - (a) send a copy of the report together with the summary of it—
    - (i) to the proprietor of the school, and
    - (ii) (unless the person making it is a member of the Inspectorate) to the Chief Inspector, and
  - (b) if the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) the report states that the Chief Inspector agrees with his opinion,send a copy of the report and summary to the Assembly.
- (2) In a case where—
  - (a) a report of an inspection of a school other than a maintained school is made by a member of the Inspectorate, and

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**Changes to legislation:** There are currently no known outstanding effects for the Education Act 2005, Cross  
 Heading: Destination of reports and measures required: non-maintained schools. (See end of Document for details)

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- (b) he is required by section 35(1)(b) to state in the report that he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,  
 he must send a copy of the report together with the summary of it to the proprietor of the school and to the Assembly.
- (3) In the case of a special school which is not a community <sup>F1</sup>... special school, the proprietor of the school must without delay send a copy of any report and summary sent to him under subsection (1) or (2) to any [<sup>F2</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (4) The proprietor of the school must—
  - (a) make any report and summary sent to him under subsection (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable,
  - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as he thinks fit (not exceeding the cost of supply) to any person who asks for one, and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary within such period following receipt of the report by the authority as may be prescribed.

#### Textual Amendments

- F1** Words in s. 41(3) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 22\(4\)](#); S.I. 2013/1800, art. 3(j)
- F2** 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\(2\)](#)

#### Commencement Information

- II** S. 41 partly in force; s. 41 not in force at Royal Assent, see s. 125; s. 41 in force for certain purposes at 1.9.2006 by [S.I. 2006/1338](#), [art. 4\(1\)](#), [Sch. 2](#) (subject to [art. 4\(2\)](#))

## 42 Statement to be prepared by proprietor of school

- (1) Where there is sent to the proprietor of a school other than a maintained school—
  - (a) a report of a section 28 inspection of the school, or
  - (b) a report of an inspection of the school made by a member of the Inspectorate in which that person is required by section 35(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,
 the proprietor of the school must prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it.
- (2) It is the duty of the proprietor to prepare the statement within the period allowed by this subsection, that is—
  - (a) such period as may be prescribed, or
  - (b) if—

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- (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement, and
  - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
  - (iii) the Assembly is of the opinion that the urgency of the case requires a shorter period,such shorter period as the Assembly may direct;
- but this subsection does not relieve the proprietor of the school of any duty to prepare a statement which has not been performed within that period.
- (3) Where such a statement has been prepared by the proprietor of the school, he must, before the end of the prescribed period, send copies of it—
  - (a) to the Chief Inspector,
  - (b) to the Assembly, and
  - (c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) In the case of a special school which is not a community <sup>F3</sup>... special school, the proprietor of the school must, before the end of the prescribed period, send a copy of any such statement prepared by him to any [<sup>F2</sup>local authority] that is paying fees in respect of the attendance of a registered pupil at the school.
- (5) The proprietor of the school must—
  - (a) make any statement prepared by him under this section available for inspection by members of the public, at such times and at such place as may be reasonable,
  - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as he thinks fit (not exceeding the cost of supply) to any person who asks for one, and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.
- (6) The duty under subsection (5)(c) is to be taken to be satisfied by the proprietor of the school if he—
  - (a) takes such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by the proprietor which—
    - (i) summarises the statement, and
    - (ii) contains a statement of the right to request a copy of it under paragraph (b), and
  - (b) provides a copy of the statement to every registered parent of a registered pupil at the school who asks for one.

#### Textual Amendments

- F2** 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)**
- F3** Words in s. 42(4) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 22(5)**; S.I. 2013/1800, art. 3(j)

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#### Commencement Information

- I2** S. 42 partly in force; s. 42 not in force at Royal Assent, see s. 125; s. 41 in force for certain purposes at 1.9.2006 by [S.I. 2006/1338](#), [art. 4\(1\)](#), [Sch. 2](#) (subject to [art. 4\(2\)](#))

**Changes to legislation:**

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