



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

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

### CHAPTER 4

#### PROCEDURE FOR INSPECTIONS UNDER CHAPTER 3

#### *Inspections and reports: all schools*

#### **33 Duty to report on section 28 inspections**

Where a section 28 inspection by a registered inspector or a member of the Inspectorate has been completed, the inspector must make in writing a report of the inspection and a summary of the report.

#### **34 Section 28 inspections by registered inspectors**

- (1) Where a section 28 inspection was conducted by a registered inspector and he is of the opinion—
  - (a) that special measures are required to be taken in relation to the school, or
  - (b) that the school requires significant improvement,he must submit a draft of the report of the inspection to the Chief Inspector.
- (2) If the Chief Inspector so requests, an inspector who has submitted a draft under subsection (1) must provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (3) The Chief Inspector must inform an inspector who has submitted a draft under subsection (1) whether he agrees or disagrees with the inspector's opinion.
- (4) Where—

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- (a) the Chief Inspector informs the inspector that he disagrees with the inspector's opinion, but
- (b) the inspector remains of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement,

the inspector may not make a report stating that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by subsection (6)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.

- (5) Where a subsequent draft is submitted under subsection (4), the Chief Inspector must inform the inspector whether he agrees or disagrees with the inspector's opinion.
- (6) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement must—
  - (a) state his opinion, and
  - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (7) If a report of an inspection of a school by a registered inspector is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,

the registered inspector must state his opinion in the report (whether or not he is required by subsection (6) also to state the opinion that the school requires significant improvement).
- (8) If a report of an inspection of a school by a registered inspector is made in circumstances where—
  - (a) he is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school the person making the report stated that in his opinion the school did require significant improvement and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,

the registered inspector must state his opinion in the report.

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**Modifications etc. (not altering text)**

**C1** S. 34(1)-(6) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21 Sch. 7 para. 7(2)(b) (as substituted by Education Act 2005 (c. 18), ss. 46, 125, **Sch. 5 para. 3(9)**); S.I. 2006/1338, **art. 3**, Sch.

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### **35 Reports of inspections by members of the Inspectorate**

- (1) Where on the completion of any inspection of a school under section 20(2)(b) or 24(1) by a member of the Inspectorate, that person 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—
  - (a) prepare in writing a report of the inspection and a summary of the report, and
  - (b) state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken in relation to the school and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,the member of the Inspectorate must prepare a report of the inspection and a summary of the report and state his opinion in the report (whether or not he is required by subsection (1)(b) also to state the opinion that the school requires significant improvement).
- (3) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
  - (a) he is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion the school did require significant improvement and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,the member of the Inspectorate must prepare a report of the inspection and a summary of the report and state his opinion in the report.
- (4) A report of a section 28 inspection of a school by a member of the Inspectorate must, if 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, state his opinion.
- (5) If a report of a section 28 inspection of a school by a member of the Inspectorate is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,the member of the Inspectorate must state his opinion in the report (whether or not he is required by subsection (4) also to state the opinion that the school requires significant improvement).

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- (6) If a report of a section 28 inspection of a school by a member of the Inspectorate is made in circumstances where—
- (a) he is of the opinion that the school does not require significant improvement and that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion the school did require significant improvement and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,
 the member of the Inspectorate must state his opinion in the report.

**Modifications etc. (not altering text)**

**C2** S. 35(1) applied (with modifications) (1.9.2006 for W.) by 2000 c. 21, Sch. 7 para. 7 (as substituted by Education Act 2005 (c. 18), ss. 46, 125, Sch. 5 para. 3(9)); S.I. 2006/1338, art. 3, Sch. 1

**36 Timing of section 28 inspections by registered inspectors**

- (1) The carrying out of a section 28 inspection must be completed by the time allowed under subsection (2), and the making of the report required by section 33 must be completed within the period allowed under that subsection.
- (2) The time, and the period, allowed are such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.
- (3) In the case of an inspection of a maintained school, the Chief Inspector must give notice of any extension under subsection (2) to—
  - (a) the inspector,
  - (b) the [<sup>F1</sup>local authority] in the case of a maintained school, and
  - (c) the governing body.
- (4) In the case of an inspection of a school falling within section 28(2)(d), the Chief Inspector must give notice of any extension under subsection (2) to—
  - (a) the inspector,
  - (b) the proprietor of the school, and
  - (c) the Assembly.
- (5) This section does not apply to a section 28 inspection carried out by a member of the Inspectorate.

**Textual Amendments**

**F1** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2005, Cross Heading:  
Inspections and reports: all schools.