



# Education Act 2005

## 2005 CHAPTER 18

### PART 1

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

#### CHAPTER 1

#### SCHOOL INSPECTORS AND SCHOOL INSPECTIONS: ENGLAND

#### *Inspections*

### 5 Duty to inspect certain schools at prescribed intervals

- (1) It is the duty of the Chief Inspector—
  - (a) to inspect under this section every school in England to which this section applies, at such intervals as may be prescribed, and
  - (b) when the inspection has been completed, to make a report of the inspection in writing.
- (2) Subject to [<sup>F1</sup>subsections (3) and (4A)], the schools to which this section applies are—
  - (a) community, foundation and voluntary schools,
  - (b) community and foundation special schools,
  - (c) maintained nursery schools,
  - [<sup>F2</sup>(d) Academy schools,
  - (da) alternative provision Academies,]
  - (e) city technology colleges,
  - (f) city colleges for the technology of the arts, and
  - (g) special schools which are not community or foundation special schools but are for the time being approved by the Secretary of State under section 342 of the Education Act 1996 (c. 56) (approval of special schools).
- (3) This section does not apply to any school—

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**Changes to legislation:** *Education Act 2005, Section 5 is up to date with all changes known to be in force on or before 10 May 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*

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- (a) which is a closing school (as defined by subsection (4)), and
  - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4) In subsection (3)(a) a “closing school” means—
- (a) any community, foundation or voluntary school, community or foundation special school or maintained nursery school in respect of which proposals to discontinue the school have been approved, adopted or determined under any enactment,
  - (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of the School Standards and Framework Act 1998 (c. 31),
  - (c) a community, foundation or voluntary or community or foundation special school in respect of which the Secretary of State has given a direction to discontinue the school under [<sup>F3</sup>section 17 or 68 of the Education and Inspections Act 2006] ,
  - [<sup>F4</sup>(d) an Academy in respect of which notice of termination of Academy arrangements has been given, or]
  - (e) a special school which is not a community or foundation special school but is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 and which the proprietor has decided to close.
- [<sup>F5</sup>(4A) Regulations may provide that this section does not apply to prescribed categories of school in prescribed circumstances.
- (4B) A school to which this section does not apply by virtue of regulations under subsection (4A) is an “exempt school”.]
- [<sup>F6</sup>(5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on the quality of education provided in the school.
- (5A) The Chief Inspector's report under subsection (5) must in particular cover—
- (a) the achievement of pupils at the school;
  - (b) the quality of teaching in the school;
  - (c) the quality of the leadership in and management of the school;
  - (d) the behaviour and safety of pupils at the school.
- (5B) In reporting under subsection (5), the Chief Inspector must consider—
- (a) the spiritual, moral, social and cultural development of pupils at the school;
  - (b) the extent to which the education provided at the school meets the needs of the range of pupils at the school, and in particular the needs of—
    - (i) pupils who have a disability for the purposes of the Equality Act 2010, and
    - (ii) pupils who have special educational needs.]
- (6) Subsection (1) has effect subject to section 9.
- (7) An inspection which is required under this section must not extend to—
- (a) denominational education, or
  - (b) the content of collective worship which falls to be inspected under section 48.

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### Textual Amendments

- F1** Words in s. 5(2) substituted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(a)**, 82(1)(b)
- F2** [S. 5\(2\)\(d\)\(da\)](#) substituted for [s. 5\(2\)\(d\)](#) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 15(2)**; S.I. 2012/924, art. 2
- F3** Words in s. 5(4)(c) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 71, 188, **Sch. 7 para. 23**; S.I. 2007/935, **art. 5(cc)**
- F4** [S. 5\(4\)\(d\)](#) substituted (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), s. 19(2), **Sch. 2 para. 17**; S.I. 2010/1937, art. 2, Sch. 1
- F5** [S. 5\(4A\)\(4B\)](#) inserted (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 40(2)(b)**, 82(1)(b)
- F6** [S. 5\(5\)-\(5B\)](#) substituted for [s. 5\(5\)\(5A\)](#) (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 41(1)**, 82(1)(c)

### Modifications etc. (not altering text)

- C1** [S. 5](#): power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)
- C2** [S. 5\(1\)](#): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)

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**Changes and effects yet to be applied to :**

- s. 5(2)(g) substituted by [2008 c. 25 Sch. 1 para. 26](#)