WELSH STATUTORY INSTRUMENTS

2006 No. 1714 (W.176)

EDUCATION, WALES

The Education (School Inspection) (Wales) Regulations 2006

Made - - - -	*27 June 2006*
Coming into force - -	*1 September2006*

In exercise of the powers conferred by sections 25(3)(b), 28(1) and (8), 36(2), 38(4), 39(2), (3), (5) and (7)(b), 40(3), 41(4), 42(2)(a), (3)(c), (4) and (5), 50(2), (4) and (8), 52(5)(b), 120(2) and 124(1) and (3) of, and paragraph 6 of Schedule 4 and paragraphs 2(1), (2) and (4) and 3(1), (2) and (3) of Schedule 6 to, the Education Act 2005(**1**), the National Assembly for Wales hereby makes the following Regulations:

PART 1

General

Title and commencement

1. The title of these Regulations is the Education (School Inspections) (Wales) Regulations 2006 and they come into force on 1 September 2006.

Revocation and amendment

2.—(1) The Education (School Inspection) (Wales) Regulations 1998(**2**), the Education (School Inspection) (Wales) (Amendment) Regulations 1999(**3**) and the Education (School Inspection) (Amendment) (Wales) Regulations 2004(**4**) are revoked.

(2) The Education (Registered Inspectors) (Fees) Regulations 1992(**5**) are revoked in relation to Wales.

(3) In the Annual Parents' Meeting (Exemptions) (Wales) Regulations 2005(**6**) —

(a) in paragraph (a) of regulation 5, for "section 10 of the School Inspections Act 1996" substitute " section 28 of the Education Act 2005"; and

(**1**) 2005 c. 18. For the meaning of "regulations" and "prescribed" *see* sections 31, 43 and 50 (8).
(**2**) S.I.1998/1866.
(**3**) S.I.1999/1440.
(**4**) S.I. 2004/784 (W.81).
(**5**) S.I.1992/2025.
(**6**) S.I.2005/2911 (W.208).

(b) in paragraph (b) of that regulation, for "prescribed by regulation 8(1) of the Education (School Inspection) (Wales) Regulations 1998" substitute "prescribed by regulations under, or directed by the National Assembly under, section 39(2) or 42(2) of that Act".

Interpretation: general

3.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the School Inspections Act 1996(**7**) (which is revoked by the 2005 Act);

"the 2005 Act" ("*Deddf 2005*") means the Education Act 2005;

"appropriate diocesan authority" ("*awdurdod esgobaethol priodol*"), "Church in Wales school" ("*ysgol yr Eglwys yng Nghymru*"), "Church of England school" ("*ysgol Eglwys Loegr*") and "Roman Catholic school" ("*ysgol yr Eglwys Gatholig Rufeinig*"), in each case, have the meanings given by section 142(1) of the School Standards and Framework Act 1998(**8**);

"bank holiday" ("*gwyl banc*") means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(**9**);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales; and

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, a Sunday, a bank holiday or part of a holiday longer than a week taken by the school in question.

(2) Where these Regulations require an act to be done within a specified period from a specified date the period begins immediately after that date.

(3) In order to give full effect to section 41(4)(c), the reference in that provision to "the authority" is to be read, for the purposes of regulation 9(3), as a reference to the proprietor of the school.

(4) Any reference in these Regulations to a section or Schedule (without more) is a reference to a section of, or Schedule to, the 2005 Act.

PART 2

School Inspections

Interpretation: Part 2

4.—(1) In this Part of these Regulations—

"action plan" ("*cynllun gweithredu*") means, in the case of a maintained school, the written statement referred to in section 39; or, in the case of a non-maintained special school, section 42;

"appropriate authority" ("*awdurdod priodol*"), in relation to a maintained school, means the school's governing body or, if the school does not have a delegated budget, the local education authority (subject, however, to regulation 7(2));

"Chief Inspector" ("*Prif Arolygydd*") means Her Majesty's Chief Inspector of Education and Training in Wales;

(**7**) 1996 c. 57.
(**8**) 1998.c.31, as amended by S.I. 2003/3037.
(**9**) 1971 c. 80.

"delegated budget" ("*cyllideb ddirprwyedig*") has the same meaning as in section 49 of the School Standards and Framework Act 1998;

"inspection" ("*arolygiad*") means an inspection under Chapter 3 of Part 1 of the 2005 Act (including a section 28 inspection);

"inspection team" ("*tîm arolygu*") has the meaning given by paragraph 3(1) of Schedule 4;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"member of the Inspectorate" "(*aelod o'r Arolygiaeth*") means the Chief Inspector, any of Her Majesty's Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"non-maintained special school" ("*ysgol arbennig nas cynhelir*") means a special school falling within section 28(2)(d);

"registered inspector" ("*arolygydd cofrestredig*") means an inspector registered under section 25;

"school" ("*ysgol*") (without more) means a school to which section 28 applies; and

"section 28 inspection" ("*arolygiad adran 28*") means an inspection under section 28.

(2) References in this Part to a child who is looked after by a local authority have the same meaning as in section 22(1) of the Children Act 1989(**10**).

(3) References in this Part to special measures being, or not being, required to be taken are to be read in accordance with section 44(1).

(4) References in this Part to a school requiring, or not requiring, significant improvement are to be read in accordance with section 44(2).

Registered inspectors: registration fee

5. For the purposes of subsection (3) (b) of section 25, there is prescribed as the fee which must accompany an application for registration under that section, a fee of £150.

Intervals for inspection

6.—(1) This regulation prescribes, for the purposes of subsection (1) of section 28, the intervals at which schools to which that section applies must be inspected under that section.

(2) The Chief Inspector must secure that a section 28 inspection is carried out in respect of every such school at intervals of six years.

(3) Intervals run from—

(a) the date on which the last inspection of the school (under the 1996 Act or the 2005 Act) was completed; or

(b) in the case of a school which has not previously been inspected (under either Act), the date on which pupils were first admitted to the school.

(**10**) 1989 c. 41. Section 22(1) was amended by Schedule 5 to the Local Government Act 2000 (c. 22), section 2(2) of the Children (Leaving Care) Act 2000 (c. 35) and section 116 of the Adoption and Children Act 2002(c. 38).

Notification of inspection

7.—(1) Where a section 28 inspection is arranged, the appropriate authority must, for the purpose of paragraph 6(a) of Schedule 4, take such steps as are reasonably practicable to notify—

(a) in the case of a maintained school which has a delegated budget, a person appearing to them to be an appropriate officer of the local education authority;

(b) in the case of a maintained school which does not have a delegated budget, the chairman of the governing body;

(c) in the case of a school which has foundation governors, the person who appoints those governors and, in the case of a voluntary aided school which is a Church in Wales school, a Church of England school or a Roman Catholic school, the appropriate diocesan authority (if different);

(d) in the case of a non-maintained special school, the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school;

(e) in the case of any school at which a registered pupil is a child who is looked after by the local authority, a person appearing to them to be an appropriate officer of that local authority; and

(f) in the case of a secondary school, such members of the local business community as the appropriate authority think fit, having regard, in particular, to the desirability of notifying members who employ, or have recently employed, former pupils of the school, of the time when the inspection is to take place.

(2) In accordance with the definition contained in paragraph 1 of Schedule 4, in this regulation and regulation 8 "appropriate authority" includes, in the case of a non-maintained special school, the proprietor of the school.

Meeting with parents

8. The appropriate authority, in arranging a meeting pursuant to paragraph 6(b) of Schedule 4 where a section 28 inspection is arranged, must—

(a) arrange for the meeting to take place before the time when the inspection is to begin;

(b) in selecting the time and place for the meeting, have regard to the convenience of the parents;

(c) take such steps as are reasonably practicable to give written notification at least three weeks in advance of the time when, and place where, the meeting is to be held to—

(i) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of the local authority; and

(ii) in the case of a non-maintained special school, the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests;

(d) not permit anyone to attend the meeting except—

(i) the inspector conducting the inspection and the inspection team;

(ii) any person whom the inspector conducting the inspection wishes to attend the meeting for the purpose of providing administrative support or recording what is said;

(iii) the parents of registered pupils at the school and, if a registered pupil is a child who is looked after by a local authority, a person appearing to the appropriate authority to be an appropriate officer of that local authority;

(iv) in the case of a non-maintained special school, a person appearing to the appropriate authority to be an appropriate officer of the National Assembly or any local education authority if the Assembly or authority are paying fees in respect of the provision of education to any person at the school and a parent of that person so requests; and

(v) any member of the Inspectorate monitoring the inspection under section 24(2); and

(e) arrange for the inspector conducting the inspection to have control of the meeting in all other respects.

Inspection reports

9.—(1) For the purposes of section 36, the carrying out of a section 28 inspection must be completed within the period of two weeks from the date on which the inspection began.

(2) For the purposes of that section there is prescribed, as the period within which the making of the report of such an inspection is to be completed, the period of 35 working days from the date on which the inspection was completed.

(3) For the purposes of sections 38(4)(c) and 41(4)(c), there is prescribed, as the period within which the appropriate authority or proprietor, as the case may be, must 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 of the report of an inspection, the period of ten working days following receipt of the report.

Action Plans

10.—(1) For the purposes of section 39(2)(a) and 42(2)(a) there is prescribed, as the period within which an action plan is to be prepared in respect of a maintained school or a non-maintained special school, the period of forty five working days from the date on which the appropriate authority or proprietor of the school, as the case may be, received the report of the inspection.

(2) For the purposes of section 39(3) and (5) and section 42(3) and (4) there is prescribed, as the period within which the appropriate authority or proprietor are to distribute, in accordance with those enactments, copies of such an action plan prepared by them,—

(a) where the person making the report of the inspection does not state that he or she is of the opinion that special measures are required to be taken in relation to the school or that the school requires significant improvement, five working days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan;

(b) where (in the case of a report by a registered inspector) the registered inspector states that he or she is of that opinion but it is also stated that the Chief Inspector disagrees with that opinion, five working days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan; and

(c) where the person making the report states that he or she 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 that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with that opinion, two days from the date on which the appropriate authority or proprietor, as the case may be, completed the preparation of the action plan.