STATUTORY INSTRUMENTS

2024 No. 908

EDUCATION, ENGLAND

The Education (School Inspection) (England) (Amendment) Regulations 2024

Made - - - -	*5th September 2024*
Laid before Parliament	*9th September 2024*
Coming into force	*30th September 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 5(1)(a) and 120(2) of the Education Act 2005(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (School Inspection) (England) (Amendment) Regulations 2024.

(2) These Regulations come into force on 30th September 2024.

(3) These Regulations extend to England and Wales.

Amendment of the Education (School Inspection) (England) Regulations 2005

2.—(1) The Education (School Inspection) (England) Regulations 2005(**b**) are amended as follows.

(2) In regulation 3 (intervals for inspection: general)—

(a) in paragraph (3), for the words from "where" to the end substitute "where no relevant section 8 inspection is carried out subsequent to the earlier section 5 inspection";

(b) in paragraph (5)—

(i) omit "the school is awarded a grade of "good" or better in the earlier section 5 inspection for the quality of education it provides, and";

(ii) for the words "subsequently carried out" substitute "carried out subsequent to the earlier section 5 inspection".

(c) in paragraph (9)—

(i) in sub-paragraph (a), for the words from "the school" to the end substitute "the quality of education provided in the school has been maintained, has improved or has deteriorated since the earlier section 5 inspection was carried out";

(**a**) 2005 c. 18. Section 5 was amended by the Education and Inspections Act 2006 (c. 40), Schedule 7, paragraph 23; the Academies Act 2010 (c. 32), Schedule 2, paragraph 17; the Education Act 2011 (c. 21), section 40(2) and section 41(1) and Schedule 13, paragraph 15(2). For the definition of "prescribed" see section 12.

(**b**) S.I. 2005/2038. Regulation 3 was substituted by S.I. 2015/170 and amended by S.I. 2021/845. Regulation 3A was inserted by S.I. 2015/1639 and amended by S.I. 2021/845. Regulation 3B was inserted by S.I. 2020/1258. There are other amendments to S.I. 2005/2038, but none are relevant.

(ii) omit sub-paragraph (b) and the "and" before it;

(3) In regulation 3A (intervals for inspection: first inspection of certain new schools with predecessor schools: general)—

(a) in paragraph (1)(a), for the words from "was awarded" to the end substitute "has had a section 5 inspection";

(b) in paragraph (4)—

(i) in sub-paragraph (a), for the words from "the new school" to the end substitute "the quality of education provided in the new school has been maintained, has improved or has deteriorated since the most recent section 5 inspection of a predecessor school was carried out";

(ii) omit sub-paragraph (b) and the "and" before it.

(4) In regulation 3B (first inspection of a school which has ceased to be an exempt school)—

(a) in paragraph (3), for the words from "the school" to the end substitute "the quality of education provided in the school has been maintained or has deteriorated since the most recent section 5 inspection of the school or a predecessor school was carried out";

(b) omit paragraph (4), (5)(b) and the "and" before it, and (6).

Signed on behalf of the Secretary of State

Catherine McKinnell
Minister of State
Department for Education

5th September 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (School Inspection) (England) Regulations 2005 (S.I. 2005/2038) ("the 2005 Regulations") prescribe the intervals at which inspections of schools in England required by the Education Act 2005 (c. 18) (the "2005 Act") must take place, amongst other things.

Section 5(1)(a) of the 2005 Act imposes a duty on His Majesty's Chief Inspector of Education, Children's Services and Skills to inspect certain schools at intervals prescribed in the 2005 Regulations.

The 2005 Regulations prescribed, as a general rule, that the intervals at which such inspections are carried out are not to exceed five years from the end of the school year in which the earlier inspection was carried out (the school year starting on the 1st August). However, they previously provided that, where a school is awarded a grade of "good" or better for the quality of the education it provides in a section 5 inspection, the five year period is to run from the date of an inspection under section 8 of the 2005 Act ("a relevant section 8 inspection"). This was previously defined as a later inspection essentially aimed at testing whether the school was likely to achieve a grade of "good" or better if a section 5 inspection was carried out again. The grading of "good" or better referred to a system of overall effectiveness judgment used for schools which the Secretary of State has directed the Chief Inspector to cease using.

Regulation 2(2) amends regulation 3 of the 2005 Regulations to take account of the Secretary of State's direction. It achieves this by redefining "relevant section 8 inspection" to omit the references to overall effectiveness judgments. The new definition of "relevant section 8 inspection" requires the purpose of such inspections to be to determine whether the quality of education provided in the school has been maintained, has improved or has deteriorated since the school's earlier section 5 inspection was carried out. The effect of this is that inspection intervals will remain the same.

Regulation 2(3) and (4) make related amendments to regulations 3A and 3B of the 2005 Regulations. These provisions deal respectively with inspection intervals for new schools with predecessor schools which have had section 5 inspections, and schools which were previously exempt from the duty in section 5 of the 2005 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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