STATUTORY INSTRUMENTS

2021 No. 845

EDUCATION, ENGLAND

The Education (School Inspection) (England) (Coronavirus) (Amendment) Regulations 2021

Made - - - -	*14th July 2021*
Laid before Parliament	*16th July 2021*
Coming into force - -	*1st September 2021*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), 48(3) and 120(2) of the Education Act 2005(**a**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Education (School Inspection) (England) (Coronavirus) (Amendment) Regulations 2021.

(2) They come into force on 1st September 2021.

(3) They extend to England and Wales but apply in relation to England.

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

2. The Education (School Inspection) (England) Regulations 2005(**b**) are amended in accordance with regulations 3 to 5.

Amendments: regulation 3 and new regulation 3ZA (intervals for inspections)

3.—(1) In regulation 3—

(a) at the end of the heading insert ": general";

(b) at the end of paragraph (1) insert "(subject to regulation 3ZA)".

(2) After regulation 3 insert—

(**a**) 2005 c. 18. Section 5 was amended by the Education and Inspections Act 2006 (c. 40), Schedule 7, paragraph 23; the Education and Skills Act 2008 (c. 25), Schedule 1, paragraph 26; the Academies Act 2010 (c. 32); Schedule 2, paragraph 17; the Education Act 2011 (c. 21), section 40(2), section 41(1) and Schedule 13, paragraph 15(2). For the definitions of "prescribed" see sections 12 and 48(6).

(**b**) S.I. 2005/2038. Regulation 3 was substituted by S.I. 2015/170. Regulation 3A was inserted by S.I. 2015/1639. Regulation 10 was inserted by S.I. 2009/1564.

"**Intervals for inspection: 2 year extension in relation to certain inspections in the period beginning 1st September 2021 (modifications in consequence of coronavirus pandemic)**

3ZA.—(1) This regulation modifies regulation 3 in its application to certain circumstances.

(2) In the circumstances set out in paragraph (3), regulation 3(4) is to be read as if for "5 years" there were substituted "7 years".

(3) The circumstances are that the earlier section 5 inspection mentioned in regulation 3(4) was carried out in the period beginning with 1st August 2014 and ending with the end of 27th April 2021.

(4) In the circumstances set out in paragraph (5), regulation 3(6) is to be read as if for "5 years" there were substituted "7 years".

(5) The circumstances are that the latest of the inspections mentioned in regulation 3(5) was carried out in the period beginning with 1st August 2014 and ending with the end of 27th April 2021.

(6) In the circumstances set out in paragraph (7), regulation 3(8) is to be read as if for "5 years" there were substituted "7 years".

(7) The circumstances are that the relevant inspection was carried out in the period beginning with 1st August 2014 and ending with the end of 27th April 2021.

(8) In paragraph (7) "the relevant inspection" means the earlier section 5 inspection (as mentioned in regulation 3(8)(a)) or the most recent relevant section 8 inspection (as mentioned in regulation 3(8)(b)), as the case may be.

(9) For the purposes of this regulation, an inspection is treated as being carried out at the time at which it is begun.".

Amendments: regulation 3A and new regulation 3AA (intervals for inspections: first inspection of certain new schools with predecessor schools)

4.—(1) In regulation 3A—

(a) at the end of the heading insert ": general";

(b) insert before paragraph (1)—

"(A1) This regulation is subject to regulation 3AA.".

(2) After regulation 3A insert—

"**Intervals for inspection: 2 year extension in relation to first inspection of certain new schools with predecessor schools (modifications in consequence of coronavirus pandemic)**

3AA.—(1) This regulation modifies regulation 3A in its application to certain circumstances.

(2) In the circumstances set out in paragraph (3), regulation 3A(2) is to be read as if for "5 years" there were substituted "7 years".

(3) The circumstances are that the most recent relevant section 8 inspection (as mentioned in regulation 3A(2)) was carried out in the period beginning with 1st August 2014 and ending with the end of 27th April 2021.

(4) In the circumstances set out in paragraph (5), regulation 3A(5) is to be read as if for "5 years" there were substituted "7 years".

(5) The circumstances are where the most recent inspection (as mentioned in regulation 3A(5)) was carried out in the period beginning with 1st August 2014 and ending with the end of 27th April 2021.

(6) For the purposes of this regulation, an inspection is treated as being carried out at the time at which it is begun.".

Amendments: regulation 10 (inspections of religious education: intervals for inspection): provision of 3 year extension for certain inspections (modification in consequence of coronavirus pandemic)

5. In regulation 10—

(a) the existing text is renumbered as paragraph (1);

(b) after paragraph (1) as so renumbered insert—

"(2) But where the last inspection took place in the period beginning with 1st August 2014 and ending with the end of 31st July 2021, paragraph (1) is to be read as if for "5 school years" there were substituted "8 school years".".

Nick Gibb
Minister of State
Department for Education

14th July 2021

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 intervals between which inspections 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 Her 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 the interval between such inspections to be not exceeding five years from the end of the school year in which the last inspection took place (the school year starting on the 1st August). They also made provision governing the position where other inspections had taken place and in relation to new schools with predecessor schools.

Regulations 3 and 4 modify the interval between inspections in relation to certain inspections to be carried out by the Chief Inspector after these Regulations come into force. Between the period beginning with 1st May 2020 and ending with the end of 27th April 2021 the duty of the Chief Inspector to undertake section 5(1)(a) inspections was disapplied by notices given under the Coronavirus Act 2020 (c. 7), Schedule 17, paragraph 5. These Regulations grant to the Chief Inspector an additional two years to undertake such inspections.

Section 48(1) of the 2005 Act imposes a duty on governing bodies of certain schools to provide for the inspection of religious education. The 2005 Regulations prescribed that the interval between such inspections should be five school years.

Regulation 5 modifies the interval in relation to certain inspections of those schools to be carried out after these Regulations come into force. Since 1st May 2020 the duty of governing bodies to undertake such inspections was disapplied by notices given under the Coronavirus Act 2020, Schedule 17, paragraph 5. These Regulations grant to governing bodies an additional three years to secure that such inspections are undertaken.

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. A summary of the impact this instrument will have has been summarised in the Explanatory Memorandum that accompanies this instrument on www.legislation.gov.uk.

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