

2008 No. 1801

EDUCATION, ENGLAND

**The Education (Independent School Inspection Fees and
Publication) (England) Regulations 2008**

Made - - - - - *7th July 2008*

Laid before Parliament *11th July 2008*

Coming into force - - - *1st September 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 162A(3)(b), 162B(6) and 210(7) of the Education Act 2002(a):

Citation and commencement

1. These Regulations may be cited as the Education (Independent School Inspection Fees and Publication) (England) Regulations 2008 and come into force on 1st September 2008.

Application

- 2.—(1) These Regulations apply in relation to England only.
- (2) These Regulations do not apply to—
- (a) the first inspection of a school conducted under section 162A(1)(a) of the 2002 Act after the school has been entered in the register of independent schools in accordance with section 161(3) of that Act; and
 - (b) an inspection, or the publication of the report of an inspection, of an Academy, city technology college or city college for the technology of the arts established under section 482 of the 1996 Act(b).
- (3) Regulations 4 to 7 do not apply to a school approved under section 347(1) of the 1996 Act(c).

Interpretation

3. In these Regulations—
- “the 1996 Act” means the Education Act 1996;

(a) 2002 c. 32; sections 162A and 162B were inserted by the Education Act 2005 (c. 18), Schedule 8, paragraph 2.
(b) Education Act 1996 c. 56; Section 482 was substituted by the Education Act 2002, section 65(1). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by section 482 are exercisable by the Secretary of State only in relation to England.
(c) Section 347(5) was amended by the Education Act 2002, section 174 and section 347(5A) was inserted by the Special Educational Needs and Disability Act 2001 (c. 10), Schedule 8, Part 1, paragraph 12. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by section 347 are exercisable by the Secretary of State only in relation to England.

“the 2002 Act” means the Education Act 2002;

“annual return” is to be interpreted in accordance with regulation 7 of the Education (Provision of Information by Independent Schools) (England) Regulations 2003(a);

“concerns” is to be interpreted as concerns about whether or not one or more of the independent school standards are being met in relation to a school;

“follow up inspection” means a limited inspection which is prompted by concerns arising from a full inspection or a reduced tariff inspection;

“full inspection” means an inspection of a school under section 162A(1)(a) of the 2002 Act which is not a limited inspection;

“limited inspection” means an inspection of a school under section 162A(1)(a) of the 2002 Act, the scope of which is limited pursuant to section 162A(2)(b) of that Act to such of the independent school standards as are specified in relation to that school;

“reduced tariff inspection” means a limited inspection which is not a follow up inspection or an inspection of a school prompted by concerns arising from a complaint about that school;

“school” means an independent school.

Fees payable on inspection by the Chief Inspector

4.—(1) In respect of any full inspection of a school the proprietor must pay the Chief Inspector a fee to be determined in accordance with paragraph (2).

(2) For a school which had, on the date to which the most recent annual return was made up, the number of registered pupils aged 3 years or over specified in column 1 of Schedule 1, the fee payable under paragraph (1) is to be calculated in accordance with the corresponding entry in column 2.

5.—(1) In respect of any reduced tariff inspection of a school the proprietor must pay the Chief Inspector a fee to be determined in accordance with paragraph (2).

(2) For a school which had, on the date to which the most recent annual return was made up, the number of registered pupils aged 3 years or over specified in column 1 of Schedule 2, the fee payable under paragraph (1) is to be calculated in accordance with the corresponding entry in column 2.

6. A fee payable under regulation 4 or 5 must be paid in six equal instalments, with the first to be paid within 28 days of the last day on which the inspection is conducted and each other instalment to be paid within twelve months of the previous instalment, except that any outstanding fee must be paid in full prior to the closure of any school.

7.—(1) Where concerns arising from a full inspection or a reduced tariff inspection prompt one or more follow up inspections—

(a) in the case of the first follow up inspection after the full or reduced tariff inspection prompting the concerns, no fee is payable; and

(b) in the case of any subsequent follow up inspection, the proprietor must pay the Chief Inspector a fee equal to 25% of the fee payable in respect of the full inspection or reduced tariff inspection which prompted it.

(2) The fee payable under paragraph (1) is to be paid in a single payment within 28 days of the date on which the payment is requested by the Chief Inspector, except that any outstanding fee must be paid in full prior to the closure of any school.

Publication of inspections reports

8. Where the registration authority requires publication of a report made under section 162A(3) of the 2002 Act, the Chief Inspector must—

(a) S.I. 2003/1934 as amended by S.I. 2004/3373.

- (a) send a copy of the report and any summary of that report to the proprietor; and
- (b) place a copy of the report and any summary of that report on the Chief Inspector's internet website.

Revocation and savings

9.—(1) Subject to paragraph (2) the Education (Independent School Inspection Fees and Publication) (England) Regulations 2003(a) are revoked.

(2) In relation to any school which was—

- (a) inspected before 1st September 2008; and
- (b) required to pay a fee in relation to that inspection

the Education (Independent School Inspection Fees and Publication) (England) Regulations 2003 continue to have effect and the making of these Regulations does not affect the liability of the proprietor to pay any fee which was payable under those Regulations.

Andrew Adonis
Parliamentary Under Secretary of State
Department for Children, Schools and Families

7th July 2008

SCHEDULE 1

Regulation 4

<i>(1)</i> <i>Number of registered pupils aged 3 years or over on the date to which the last annual return was made up</i>	<i>(2)</i> <i>Amount of fee</i>
150 or less	£1200 + £54 per pupil
151 +	£10000

SCHEDULE 2

Regulation 5

<i>(1)</i> <i>Number of registered pupils aged 3 years or over on the date to which the last annual return was made up</i>	<i>(2)</i> <i>Amount of fee</i>
150 or less	£1200 + £45 per pupil
151 +	£8000

(a) S.I. 2003/1926.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the payment of fees by the proprietor of an independent school in relation to inspections carried out by the Chief Inspector under section 162A of the Education Act 2002. These Regulations also prescribe the manner in which inspection reports prepared under that section are published. These Regulations consolidate with amendments the Education (Independent School Inspection Fees and Publication) (England) Regulations 2003, SI 2003/1926 (“the 2003 Regulations”).

These Regulations provide for the payment of a fee in relation to—

- (a) a full inspection of an independent school (regulation 4);
- (b) a reduced tariff inspection of an independent school (regulation 5); and
- (c) a follow up inspection of an independent school (regulation 6).

Definitions of the various types of inspections in relation to which fees are payable are set out in regulation 3. The fee for a full inspection is calculated in accordance with Schedule 1 (regulation 4(2)). The fee for a reduced tariff inspection is calculated in accordance with Schedule 2 (regulation 5(2)). The fee for a full inspection or reduced tariff inspection is payable in six equal annual instalments (regulation 6). The fee for a follow up inspection is calculated as a percentage of the fee for the full inspection or reduced tariff inspection which gave rise to the follow up inspection (regulation 7).

Where the registration authority requires an inspection report to be published, the report and any summary of it must be sent to the proprietor of the school and posted on the Chief Inspector’s website (regulation 8).

These Regulations revoke the 2003 Regulations. However, any independent school which was inspected before 1st September 2008 continues to be liable to pay any fee which it was required to pay in relation to that inspection under the 2003 Regulations at the time the inspection was carried out (regulation 9).

A full impact assessment of the effect that this instrument will have on the business and voluntary sector is available from Margaret Pattinson, Department for Children, Schools and Families, Mowden Hall, Staindrop Road, Darlington, DL3 9BG and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E2720 7/2008 182720T 19585