



Department  
for Education

# **Report on the review of powers of entry**

**Presented to Parliament pursuant to Section  
42 of the Protection of Freedoms Act 2012**

**November 2014**

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## Introduction

The Department for Education (DfE) has identified 43 statutory powers to enter land or premises for specific purposes. They relate to the powers to enter premises which are executed by Ofsted, Ofqual, local authorities, the Children's Commissioner and the Secretary of State.

Children's safety is a priority for this government and power of entry is an essential part of the armoury to safeguard and protect children. There has to be a balance between the safeguarding of people's property and privacy from unnecessary interference and intrusion and protecting children from harm.

DfE has reviewed the powers of entry to determine whether or not they remain necessary, proportionate and provide adequate safeguards for all concerned. This paper reports on those reviews.

We intend to:

- repeal four powers of entry;
- amend three powers of entry; and
- keep 36 powers of entry unchanged.

**Nick Gibb**

**Minister of State for Schools**

## **Executive summary**

We have consulted extensively with our partners who share powers of entry or have an interest in their use.

### **Ofsted**

The powers of entry executed by Ofsted enable them to carry out inspections to cover the inspectorate's diverse remits. These powers were carefully considered and purpose built. After extensive consultation with Ofsted, the Department intends to keep these powers unchanged to enable Ofsted to carry out its essential functions.

Sections 159(4) and 162B of the Education Act 2002 will be repealed and replaced by sections 97 and 110 of the Education and Skills Act 2008 when they commence early in 2015.

### **Ofqual**

We intend to amend the wording of section 137 of the Apprenticeships, Skills, Children and Learning Act 2009 with regard to premises, and to include the need for a warrant or judicial authorisation where consent is not given. This should not constitute any material barrier to Ofqual's statutory functions.

### **Local authorities**

Our reviews have included a wide range of powers of entry relating to childcare, adoption, fostering, children in care and the abduction of children. These are essential powers to keep children safe from harm. They are necessary and proportionate to ensure effective safeguarding and it is important that we keep them intact. We believe children would be at risk if we repealed these powers or put delays and obstacles in the way of these powers being used.

We have already repealed Connexions and careers advisers' access to facilities and premises, and local authority representatives' access to schools for monitoring and moderating aspects of the national curriculum (Key Stage 2) assessment system.

We have expanded powers conferred on local authorities to monitor provision at a school, post-16 institution or other institution, where it is attended by a child or young person with an Education, Health and Care Plan. We intend to keep the remaining powers.

## **Office of the Children's Commissioner**

Reforms to the role and powers of the Children's Commissioner, including powers of entry, are part of the Children and Families Act 2014, which received Royal Assent on 13 March 2014.

## **Secretary of State**

Powers conferred on the Secretary of State are expected to be used in very exceptional and serious circumstances, usually where serious concerns have been raised in relation to the welfare of children. We intend to keep these powers.

## Reporting of the review of each power of entry

We have consulted extensively with our partners who share powers of entry or have an interest in their use.

### Ofsted

Ofsted's powers of entry cover several remits. They include the inspection of:

#### Children's centre remit

- children's centres;
- premises on which services are being provided through the children's centre; and
- premises of a relevant person which are used in connection with the staffing, organisation or operation of the children's centre.

#### Early years remit

- providers on the Early Years and Childcare Registers; and
- providers on the Early Years Register.

#### Schools remit

- maintained school and Academy school inspections;
- premises of teacher training; and
- independent schools.

#### Further education and skills remit

- further education colleges, sixth form colleges and independent specialist colleges
- independent learning providers: companies
- community learning and skills providers: local authorities, specialist designated institutions and not-for-profit organisations
- employers;
- higher education institutions providing further education;
- providers of learning in the judicial services; and

- 16-19 academies.

### **Social care remit**

- children's homes; residential family centres;
- independent fostering agencies;
- voluntary adoption agencies;
- adoption support agencies;
- residential holiday schemes for disabled children and social work providers;
- local authority services for children in need of help and protection;
- children looked after and care leavers;
- adoption and fostering functions and services provided on behalf of the local authority;
- Children and families court advisory service (Cafcass);
- boarding schools and colleges; and
- secure training centres.

The Department for Education has consulted with Ofsted as the authority that exercises these powers. Without powers of entry, Ofsted would not be able to fulfil effectively and efficiently its statutory duties and obligations to inspect, investigate and regulate.

### **Repeals**

**Sections 159(4) and 162B of the Education Act 2002:** will be repealed and replaced by sections 97 and 110 of the Education and Skills Act 2008 when they commence early in 2015.

### **Powers to remain unchanged**

The Department intends to keep Ofsted's remaining powers unchanged, to enable Ofsted to carry out its essential functions. These are set out in the summary of decisions.

It is not appropriate to consolidate Ofsted's powers. Some are regulatory in nature and others are qualitative assessments, looking at the quality of provision. They are carried out by different teams of inspectors with different skills in different environments and the powers were carefully considered and purpose built. Inspectors of schools have different skills and expertise to those inspecting childcare; similarly, inspectors of children's social care services require different qualifications and experience. Keeping the powers of entry

alongside their remits aids transparency in this highly sensitive area where millions of pounds of public money is spent in high profile areas.

In the context of childcare legislation, powers to inspect are backed up by criminal offences. There is provision enabling application to be made to the court for a warrant to assist in the exercise of the powers of entry, in part because childminding is carried out on domestic premises.

It is not necessary or desirable to include provisions for warrants or judicial authorisations for other routine inspections as provided for in the different legislative remits. Routine inspections of schools/the regulated sector would be undermined by having to seek authorisations and this would considerably increase the costs. Urgent inspections are only carried out where the circumstances are justified, such as in the case of schools, where there are leadership/governance issues or safeguarding concerns. Inspectors were refused entry in a handful of cases over the years in some circa 45,000 inspections carried out across the Ofsted remits in the course of a year. A backstop provision for warrants could undermine the entire Ofsted inspection programme through increased costs, delays and practicality of arranging/scheduling no notice inspections.

Any proposals to introduce provisions for warrants, whilst being there to protect providers, may be perceived by the sector as increasing Ofsted's powers. It could result in schools preparing for the inspection which would not help the aim of inspectors seeing schools in the normal operating position.



# Ofqual

## Amendments

### **Sections 135-137 of The Apprenticeships, Skills, Children and Learning Act 2009:**

gives Ofqual, the independent qualifications regulator, the power to enter an awarding body's premises so far as is necessary for the purposes of inspecting and copying documents.

These powers are essential to Ofqual's role as regulator. Ofqual regulates awarding bodies whose qualifications are a key element in the Government's secondary education and skills agenda. A power to enter an awarding body's premises is necessary for Ofqual to satisfy itself that the body is maintaining the appropriate standards in relation to qualifications it is recognised for. The power of entry also allows Ofqual to work out whether to impose a fee capping condition (i.e. the fee charged for an award of a qualification). At stake is not just the excellence of educational products, Ofqual also needs to ensure that awarding bodies are adequately assuring the quality of qualifications.

Some of the matters which Ofqual needs to investigate involve criminality. Many regulated qualifications are high stakes for those taking them, leading to substantial risks of fraud, including fraud against the Exchequer.

The substantial reform of GCSEs, A Levels and vocational qualifications that the Government has initiated make it more important than ever that Ofqual has the powers it needs to regulate effectively.

Section 135 of the Act, among other things, allows Ofqual to 'enter a body's premises for the purposes of inspecting and copying documents so far as necessary for Ofqual—

(a) to satisfy itself that the appropriate standards are being maintained by a recognised body in relation to the award or authentication of any qualification in respect of which the body is recognised, or

(b) to determine whether to impose a fee capping condition and, if so, what that condition should be.'

The limitations on what Ofqual may require under an entry & inspection condition are then set out in section 137. Ofqual can enter the premises of an awarding body only if:

'(a) the premises in question are not used as a private dwelling;

(b) the entry is to be by an authorised person;

(c) reasonable notice has been given to the recognised body in question; and

(d) the entry is to be at a reasonable time. (2) “Authorised person” means a member of Ofqual's staff who is authorised (generally or specifically) for the purpose.’ And ‘An entry and inspection condition may require an authorised person to be given permission to do anything that a person authorised by a provision of Part 1 of the Education Act 2005 (c. 18) to inspect documents could do by virtue of section 58 of that Act (computer records).’ (section 137 of the 2009 Act).

Section 137 is therefore where we should look to add further limits on the power. As the Power of Entry is considered by Ofqual as a fall back, we believe that the Act should be amended to include a warrant or judicial authorisation where consent is not given. Secondly, the private dwelling limitation in sub-section (1)(a) should be amended to include the words “...wholly or mainly...” after the word “used” and before “as”.

We intend to amend this by Order in the near future.

## Local Authorities

### Repeals

**Section 44 of the Education Act 1997**: requires schools to give Connexions and careers advisers access to facilities and premises to enable them to provide services. The power was repealed in England on 1 September 2012 under section 29 of the Education Act 2011. The duty now applies only to institutions in Wales.

**Education Act 2002 - Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 [2003/1038] Art 6A(8)**: duty of head teacher and governing body to permit the monitoring authority to enter the school. This duty was repealed on 19 June 2013.

### Amendments

**Section 327 of the Education Act 1996**: gives local authorities the power to enter schools maintained by other local authorities or independent schools, in order to monitor the special educational provision being made for children from their areas who have statements of special educational needs.

Local authorities are under a duty to arrange the special educational provision set out in statements which they draw up for children from their areas. This is a backstop power so that local authorities can ensure that the special educational provision which they are under a duty to arrange is being made in the schools where they have placed children. This power has been re-enacted and expanded in the Children and Families Act 2014 (section 65). In order to reflect the expansion of the special educational system under the Act into the further education sector the power is being expanded to cover post-16 institutions and other institutions at which education and training is provided. Both section 327 of the Education Act and section 65 of the Children and Families Act say that local authorities can have access to premises at any “reasonable” time.

This power is being kept and expanded. The special educational needs part of the Children and Families Bill, with this clause included, was the subject of pre-legislative scrutiny by the Education Select Committee and extensive debates as it made its way through Parliament. The Bill and Bill products also received the appropriate Home Affairs clearances. No objections were made to this clause and the Bill duly received Royal Assent.

Section 65 of the Children and Families Act will come into effect on 1 September 2014.

## Powers to remain unchanged

Local authorities have a huge range of powers across various departments. Different parts of the local authority have powers to deal with diverse sectors and circumstances. In DfE they are for very disparate things, aimed again at completely different premises and circumstances. The only thing that these powers have in common is that they are local authority powers.

Many local authority powers relate to the essential safeguarding of children. They are necessary and proportionate to ensure effective safeguarding and it is important that we keep them intact. Children would be at risk if we repealed these powers or put delays and obstacles in the way.

If DfE were to consolidate local authority powers, they would have to be broadened extensively in order to avoid any diminishment of the local authority's ability to carry out their functions and protect children. Some of these powers require a warrant, whilst we should not provide for a warrant for others, because to do so would put children at risk; for example, those which directly relate to the local authority's responsibility for safeguarding children in their area. Consolidation to reduce the number of powers would remove the need for a warrant for powers that currently do need one, and would mean that each would be more complex with a long list of specific requirements and caveats applicable to different circumstances.

We have concluded that these are all so different that it would not be appropriate to consolidate them.

**Section 41 of the Adoption and Children Act 2002:** is designed to protect and recover children who are being held or removed in contrary to the provisions in the Adoption and Children Act 2002. Although used infrequently, the power is a vital tool in safeguarding children at risk.

Enforcement is used as a last resort when it becomes clear that a child is not going to be returned to their birth parent/local authority, or there is a risk that they will be removed to another address. The court makes an order that authorises a constable to enter any premises where it appears to the court that there are reasonable grounds for believing the child to be on them and search for the child, using reasonable force if necessary.

**Section 42 of the Childcare Act 2006 and the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 – Art 4(3):** places a duty on (a) an early years provider, (b) the governing body or head teacher of a maintained school in England, and (c) an English local authority, to permit entry to premises to determine whether assessments of a learning and development order are being carried out accurately and consistently.

**Children Act 1989:** contains various powers to enter establishments caring for children. They are designed to safeguard and promote the welfare of children. If refused entry to

carry out a statutory duty, authority can be obtained by following the mechanisms provided for under section 102 and in section 48 of Part 5.

The various powers relating to the safeguarding of children are used for different purposes. Safeguarding is an exceptional circumstance, there is no scope to rationalise these powers and they are all necessary so that children's services can exercise them when they need to in order to protect or remove a child at risk of harm.

**Sections 48(3)(4)(9) of the Children Act 1989**: empowers the court to strengthen the force of an emergency protection order (EPO) by including within it an order requiring a person to disclose the child's whereabouts to the applicant, permitting the applicant to enter the premises to search for the child or another child and attaching a warrant to it.

The powers serve vital functions and could not be removed without compromising the local authority's duty to safeguard and promote the welfare of children.

**Section 50 of the Children Act 1989**: makes provision for the recovery of abducted children who are subject to a care order, an EPO or police protection. Under this section, a court may make a recovery order for such a child who has been abducted or has run away or is missing. A recovery order requires the production of the child on request to any authorised person, who may remove him/her. An authorised person might be any person specified by the court – a constable /police officers, a person who is authorised after the recovery order is made or by a person who has parental responsibility for the child as a result of a care order or EPO.

This power is necessary to allow for the recovery of abducted children or runaways or missing who are subject to a care order, an EPO or police protection. Local authority representative bodies and individual local authorities have been consulted on the use of this power. The Department takes the view that recovery of children who go missing is of imperative importance to their safety and wellbeing, to the extent that it warrants a separate power of entry. There is no scope to rationalise this power, use other powers for the same purpose or indeed try to consolidate this power with other powers of entry. The powers of entry for Section 50 is very specific to the circumstances and is exercisable only where a court is of the view that it is reasonable to grant the recovery order. Other powers relate to different circumstances and could not be used for the same purpose. The Department believes this power is a proportionate safeguarding response to protect children who may be abducted, have runaway or go missing. Repealing this power or putting obstacles or delays in the way would put such vulnerable children at risk and bring criticism and scrutiny of why this was allowed to happen.

The Department has therefore concluded that Section 50 serves a necessary safeguarding function. It is hard to see how this power could be removed without compromising the duty to safeguard and promote the welfare of children that runs through the 1989 Act.

**Section 62 and section 64 of the Children Act 1989:** allows local authorities to carry out their safeguarding responsibilities for any child in their area, including any child placed in a children's home, covered under sections 62 and 64. The power allows local authorities to ensure that children are effectively safeguarded and their welfare is being promoted.

These powers are part of a range of safeguarding provisions that confer powers of entry on local authorities, to enable their officers to make enquiries where they have reasonable cause to investigate whether a child is being provided with adequate care that keeps them safe and promotes their welfare.

Removing these powers would compromise the duty of local authorities to safeguard and promote the welfare of children that runs through the 1989 Act.

**Part IX section 67 of the Children Act 1989:** places a duty on a local authority to satisfy itself regarding the welfare of privately fostered children in its area. The purpose of this power is to allow local authorities to inspect premises if they believe that (a) any privately fostered child is being accommodated in premises within the authority's area; or (b) it is proposed to accommodate any such child in any such premises.

There are a number of safeguards such as the person exercising the power at section 67(3) must have "reasonable cause" to believe that there is a privately fostered child on the premises or that it is proposed to accommodate such a child; the person authorised to enter can only do so at a "reasonable time"; and the person who exercises this power must, if required, "produce some duly authenticated document showing his authority to do so" (section 67(4)).

This power is necessary to allow local authorities to inspect premises where they believe a child is living in a private fostering arrangement. The power allows them to ensure the arrangement is safe and suitable. It serves a very useful safeguarding function and removal would compromise the duty to safeguard and promote the welfare of children.

**Part XII section 86 of the Children Act 1989:** ensures that the local authority's appointed representative is able to visit children in long term residential care to confirm their safety and ensure the care they are receiving is appropriate. This power of entry is key for this specific group of extremely vulnerable children.

Following revelations of abuse in residential facilities such as Winterbourne View, and with the cross government commitment to the actions in the Winterbourne View Concordat, this this power of entry remains a proportionate response.

**Section 95 of the Children Act 1989:** enables the court to order a child who is party to the proceedings to attend the hearing. Where an order for attendance is not complied with (or there is reasonable cause to believe it will not be complied with), the court may order a constable or specified person to search the premises, take charge of the child and bring him before the court.

**Section 102 of the Children Act 1989:** is a power that can be used to “top up” powers of entry in other sections, where those powers of entry are not enough and there are problems entering without a warrant. It allows courts to issue warrants authorising constables to assist in relation to the following enactments where entry or access has been refused or is considered likely to be refused.

**Section 28 of the Children and Young Persons Act 1933:** ensure that laws, restrictions and conditions relating to the employment of children and their taking part in performances are complied with.

**Section 28(1):** enables a local authority officer or a constable to enter any place in / in connection with which a person is or is believed to be employed, taking part in a performance, paid sport or modelling, to make inquiries about that person, where there is reasonable cause to believe that they are contravening the provisions of Part II of the Children and Young Persons Act 1933 or of any byelaw.

**Section 28(2) (a) :** enables a local authority officer or a constable to enter any place used as a broadcasting studio, film studio or used for the recording of a performance, to make inquiries as to any children taking part in performances for which they are required to be licensed.

**Section 28(2) (b):** enables a local authority officer or a constable to enter any place, during the currency of a performance licence to make inquiries about that person.

These powers are essential to enable local authority officers to ensure compliance with the law and requirements for safeguarding children in employment and taking part in performances. Children could be at put at risk if they were repealed, for example, of being employed in unsuitable, inappropriate or dangerous work, of working excessive hours, or that their education may suffer.

There are specific restrictions on the types of work that children can be employed to do, the hours they can be employed, and requirements in relation to their education and wellbeing that these powers allow local authorities to enforce. Given the specificity of the activities in scope of the power of entry, any consolidation would risk losing some of the function or broadening it too widely.

**Section 51 of the Education Act 2005:** Local authorities have statutory responsibility for standards and intervention in maintained schools, and section 51 of the Education Act 2005 gives the necessary powers to a local authority to enter the premises of a maintained school, at all reasonable times, where it is carrying out an inspection under section 51(1) of the Education Act 2005. The use of warrant is not necessary as this power relates to schools that local authorities maintain. Attaching a warrant would introduce an unnecessary, burdensome and costly level of bureaucracy.

This power is necessary to enable local authorities to exercise their education functions. It enables them to obtain information about any matter in connection with a maintained

school and where it is not reasonably practicable for them to obtain that information in any other way, such as in cases where there has been a breakdown in relationship between a maintained school and its local authority and where the school is obstructive and does not co-operate with an inspection carried out under section 51 of the Education Act 2005.

Substantial changes to assessment arrangements for **key stage 1 assessment** are planned for 2014. This will include a further review of the power of entry relating to:

**The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004:** which enables the local authority to enter schools to monitor administration of the phonics screening check.

**Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 [2003/1038]:** which enables local authorities to enter schools to moderate end of key stage 2 teacher assessment in English writing in schools.



# Office of the Children's Commissioner

## Amendments

Reforms to **the role and powers of the Children's Commissioner**, including powers of entry, are part of the Children and Families Act 2014, which received Royal Assent on 13 March 2014.

The government wants to make sure that the Children's Commissioner can act as a strong advocate for children, helping to embed a culture where children's interests are put first. The Act will help improve the Children's Commissioner's effectiveness, taking forward recommendations in John Dunford's 'Review of the Office of the Children's Commissioner (England)', including giving the Children's Commissioner a statutory remit to promote and protect children's rights. The Children's Commissioner is not an enforcement agent: the power of entry must be used reasonably and is to give the Children's Commissioner access to children in potentially vulnerable situations to hear their views and promote their rights, and it does not include private dwellings.

The Home Office Minister responsible for powers of entry has agreed the powers as contained in the legislation

## Secretary of State

### Powers to remain unchanged

**Section 15 of the Adoption and Children Act 2002:** helps to ensure the safety and welfare of children who are to be adopted; that they are living in good enough premises that their welfare is not being put at risk.

It provides the Secretary of State with a power to arrange for any premises in which a child is living who (a) an adoption agency has placed that child for adoption with approved prospective adopters and (b) is subject to a notice of intention to adopt.

The powers are expected to be used in very exceptional and serious circumstances and as part of an inspection framework where serious concerns have been raised in relation to an adoption agency putting the welfare of children who are to be adopted at risk and there is strong evidence to support the concerns.

**Section 80 of the Children Act 1989:** provides the Secretary of State with a power to cause to be inspected settings that provide care to children.

This is a unique power that can only be used at the discretion of the relevant Secretary of State (DfE) in extreme, exceptional circumstances, for example:

- Where the SoS had reason to commission additional enquiries into the death of a child in custody;
- Where the Secretary of State judged there was a public interest in establishing a broader commission of enquiry to supplement or enhance other child protection investigations. Perhaps because powers of other bodies are limited – e.g. local authority duties to investigate matters of child protection concern are confined to investigating concerns about children in their area.

The power is necessary should there ever be circumstances where the Secretary of State wished to commission an independent enquiry/investigation into a setting caring for children. This would be in circumstances where the Secretary of State determined there was a necessity to supplement powers held by regulatory and inspection bodies and by safeguarding services (e.g. Ofsted or local authorities) or where the event was sufficiently rare and extreme that no other provision had been made for other bodies to make further enquiries into it – beyond police powers to investigate crimes. For example, it has the potential to be a helpful power in taking forward a particularly tricky area of policy concerning how the Department would need to respond were there ever to be a death in a secure children's home. It would allow the Secretary of State to commission an enquiry from the Prison and Probation Ombudsman, responsible for investigating all other deaths in custody, but which does not have vires to investigate deaths in secure children's homes.

These two powers are necessary and proportionate. We would not want to weaken the Secretary of State's ultimate responsibility for taking any necessary measures to be satisfied children are safeguarded by altering a power specifically available to respond to exceptionally grave situations, that, by definition, will rarely occur, but will demand decisive action if they do.

**Section 497B of the Education Act 1996:** sets out the powers of a local authority officer and those assisting them where directions have been given under section 497A (4) or (4A) of the Education Act 1996; which gives the Secretary of State power to make a direction to secure proper performance of a local authority's education functions and certain children's social services functions.

Under section 497A the Secretary of State has the power to make directions where he is satisfied a local authority have failed in any respect to perform education functions or certain children's social services functions to an adequate standard or at all, in order to secure proper performance of those functions. Section 497B underpins this by providing the power of entry to allow access to premises, records and documentation to perform the direction.

This power is necessary and proportionate. Without it, the power to direction (section 497A) may be impossible to carry out.

**Section 64 of the Education Act 2002 – Secretary of State's power of entry:** Section 62A of the Education Act 2002 gives powers to the Secretary of State to require a local authority to obtain advisory services where there are schools within its remit requiring 'special measures' or with 'serious weaknesses' (as per Ofsted judgement); or where there is a disproportionate number of low-performing schools and the Secretary of State considers that the local authority is unlikely to improve standards in those schools or in other schools in the area which may in the future become low-performing. In these cases, the Secretary of State can direct the local authority to "enter into arrangements" or contract with a specified person for the provision of school improvement advice.

This power is necessary to facilitate the provision of effective improvement in schools causing concern. Where a local authority might be resistant to intervention by refusing entry to the relevant provider of advisory service, this power gives effect to the direction-making power under section 62A.

## Summary of decisions

Power of Entry	Section	Outcome
<b>Ofsted</b>		
Education Act 2002	s.159(4): The Chief Inspector of Education, Children's Services and Skills has a right to of entry to an independent school where he has reasonable cause to believe that the school has not been registered	Repeal
Education Act 2002	s.162B: The Chief Inspector has at all times a right of entry when inspecting independent schools.	Repeal
Care Standards Act 2000	Pt II Establishments & Agencies s.31 Inspections by persons authorised by registration authority:	Unchanged
Childcare Act 2006	s.98D: Power of entry to conduct inspection required under s.98A.	Unchanged
Childcare Act 2006	s.77 Powers of entry	Unchanged
Childcare Act 2006	s.98F: Power of constable to assist in exercise of power of entry under s.98D	Unchanged
Childcare Act 2006	s.78: Requirement for consent to entry	Unchanged
Childcare Act 2006	s.79: Power of constable to assist in powers of entry	Unchanged
Children Act 1989	s.87: Welfare of Children accommodated in independent schools – CI in England – Assembly in Wales is the supervising authority	Unchanged
Education Act 1994	s.18B: The Chief Inspector of Education, Children's Services and Skills has a right of entry when inspecting premises of teacher training provider	Unchanged
Education Act 2005	s.10: When inspecting a school under section 5 or 8, the Chief Inspector has at all reasonable times a right of entry to school premises or certain other	Unchanged

<b>Power of Entry</b>	<b>Section</b>	<b>Outcome</b>
	premises used by the school	
Education and Inspections Act 2006	Part 8 Inspections s.131:Power of entry	Unchanged
Education and Inspections Act 2006	s.139: Power of entry for inspections under s.136 (inspections of Local authorities) and reviews under s.138 (annual reviews)	Unchanged
Education and Inspections Act 2006	s.144: Power of entry (to inspect CAFCASS under s.143)	Unchanged
Education and Skills Act 2008	s.97: power for the Chief Inspector to enter and inspect premises if he has reasonable cause to believe that a person is conducting an unregistered independent educational institution, and power to inspect and take copies of records/documents	Unchanged
Education and Skills Act 2008	s.110: right of entry and right to inspect and take copies of records and documents by the Chief Inspector in relation to inspections of a registered independent school at prescribed intervals or on the direction of the Secretary of State	Unchanged
<b>Ofqual</b>		
Apprenticeships, Skills Children and Learning Act 2009	s.135: power for Ofqual to impose conditions on qualifications awarding bodies requiring permission to enter premises in specified circumstances	Amend
<b>Local authorities</b>		
Education Act 1997	s.44: requires schools to give Connexions/careers advisers access to facilities and premises to enable them to provide services	Repeal
Education Act 2002	Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 [2003/1038] – art 6A(8)	Repeal

<b>Power of Entry</b>	<b>Section</b>	<b>Outcome</b>
Education Act 1996	s.327 gives a local authority the right to access a maintained school in another authority or an independent school, where it is attended by a child for whom the local authority maintains a statement of special needs	Amend
Adoption and Children Act 2002	s.41(2)(d): To search for and recover child removed in breach of removal restrictions	Unchanged
Childcare Act 2006	Regulation and provision of childcare in England s.42: Further provisions about assessment arrangements	Unchanged
Childcare Act 2006	Early Years Foundation Stage (Learning and Development Requirements) Order 2007 – art 4(3)	Unchanged
Children Act 1989	Part V Protection of Children s.48 (3) Powers to assist in discovery of children who may be in need of emergency protection	Unchanged
Children Act 1989	s.48(4) Powers to assist in discovery of children who may be in need of emergency protection	Unchanged
Children Act 1989	s.48(9) Powers to assist in discovery of children who may be in need of emergency protection	Unchanged
Children Act 1989	s.50: Recovery of abducted Children – various powers to recover children who have been abducted/go missing	Unchanged
Children Act 1989	Pt VII Voluntary Homes and Voluntary Organisations s.62 Duties of local authorities to satisfy themselves that vol. Orgs. Providing accommodation for children are promoting the welfare of children so provided	Unchanged
Children Act 1989	Pt VIII Private Children's Homes - s.64 Duties of local authorities to satisfy themselves that private children's homes providing accommodation for children are promoting the welfare of children so provided	Unchanged
Children Act	Pt IX Private arrangements for fostering children s.67 Welfare of Privately fostered children – duty of	Unchanged

<b>Power of Entry</b>	<b>Section</b>	<b>Outcome</b>
1989	local authority to satisfy itself re welfare of such children in its area	
Children Act 1989	Pt XII Miscellaneous and General s.86 Children accommodated in care homes or independent hospitals	Unchanged
Children Act 1989	s.95: Attendance of children at hearing under Pt IV or V –Powers of court to make an order for child to attend	Unchanged
Children Act 1989	s.102 Power of constable to assist in exercise of certain powers to search for children or inspect premises	Unchanged
Children and Young Persons Act 1933	Pt II Employment s.28 (1) Powers of Entry	Unchanged
Children and Young Persons Act 1933	s.28(2) Powers of entry Part II Employment	Unchanged
Education Act 2005	s.51: Local Authorities have at all reasonable times a right of entry to the premises of a maintained school which they are inspecting for specific purposes under that section	Unchanged
Education Act 2002	Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 – art 6(10)	Unchanged
Education Act 2002	Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 [2003/1038] – art 6(8)	Unchanged
<b>Office of the Children’s Commissioner</b>		
Children Act 2004	Pt 1 Children’s Commissioner s.2 General function s.2(8):	Amend
<b>Secretary of State</b>		

Power of Entry	Section	Outcome
Adoption and Children Act 2002	s.15: Check conditions where an adopted child lives/will live	Unchanged
Children Act 1989	Pt XI SoS' Supervisory functions & responsibilities s.80: Inspection of children's homes etc.	Unchanged
Education Act 1996	s.497B: where the SoS gives a direction to a local authority under ss.497A (4) or (4A), the person specified in the direction or the SoS or the person nominated by the SoS has a right of entry to the premises of the local authority, including schools maintained by the local authority, and inspect and take copies of any records and other relevant documents, including access to computers and other associated apparatus.	Unchanged
Education Act 2002	s.64: where a local authority has been given a direction under s.62A of the 2005 Act, the person or specified person in the direction shall have a right of entry to the premises of the local authority and to inspect and take copies of any records or other documents kept by the local authority. This includes a right to access computers and associated apparatus and material	Unchanged





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