

The framework for inspecting non-association independent schools

The framework for inspecting non-association independent schools in England

The framework for inspecting education in non-association independent schools in England gives the statutory basis for inspection and summarises the main features of school inspections carried out under section 162A of the Education Act 2002, as inserted by schedule 8 of the Education Act 2005. It sets out how the general principles and processes of inspection are applied to non-association independent schools in England. This framework should be read alongside *The evaluation schedule for inspecting non-association independent schools* and the guidance *Conducting inspections of non-association independent schools*.

This framework covers the inspection of provision for pupils aged three to five years in the Early Years Foundation Stage, taking account of the *Statutory framework for the Early Years Foundation Stage*. It does not cover the inspection of registered provision for the care of children from birth to age three, which is inspected under section 49(2) of the Childcare Act 2006.

This framework should be read alongside *The framework for inspecting boarding and residential provision in schools; Conducting inspections of boarding and residential provision in schools* and *The evaluation schedule for inspecting boarding and residential provision in schools*.

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Introduction

What is the purpose of inspecting independent schools?

1. The purpose of school inspection is to provide an independent external evaluation of a school's effectiveness and a diagnosis of what it should do to improve, based upon a range of evidence, including that from first-hand observation by inspectors.
2. Ofsted's inspections of non-association independent schools perform three essential functions. They:
 - provide parents, carers and placing authorities with an expert and independent assessment of how well a school is performing and help to inform those who are choosing a school for their child to attend in the future
 - inform the registration authority, the Department for Education (DfE), about the extent to which the school meets the requirements of The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012.^{1,2} and, where relevant, the national minimum standards for boarding or residential special schools
 - promote the improvement of individual schools.

How does inspection promote improvement?

3. Ofsted carries out its work in ways which encourage the independent schools it inspects to improve and focus on the needs of pupils and their parents and carers.
4. Inspection acts in a number of ways to drive and support school improvement, for example by:
 - raising expectations through criteria and grade descriptors that illustrate the standards of performance and effectiveness expected of schools
 - offering a sharp challenge and the impetus to act where improvement is needed
 - clearly identifying strengths and weaknesses
 - recommending specific priorities for improvement for the school, particularly in meeting the independent school standards (and, where applicable, national minimum standards) and, when appropriate, checking subsequent progress

¹ The Education (Independent School Standards) (England) Regulations 2010; www.legislation.gov.uk/uksi/2010/1997/contents/made.

² The Education (Independent School Standards) (England) (Amendment) Regulations 2012; www.legislation.gov.uk/uksi/2012/2962/contents/made.

- fostering constructive dialogue between inspectors and those who lead and work in the school
- promoting rigour in the way schools evaluate their own performance, thereby enhancing the school's capacity to improve.

What are the principles of school inspection?

5. Ofsted's principles for the inspection of independent schools are set out below.

School inspection acts in the interests of children, young people, their parents and employers. It encourages high-quality provision that meets diverse needs and fosters equal opportunities.

School inspections will:

- support and promote improvement by:
 - establishing a clear standard for an acceptable standard of education
 - adjusting the focus and type of inspection to have the greatest impact
 - ensuring inspections are of high quality and rigorous
 - clearly identifying a school's strengths and weaknesses
 - identifying precise actions to underpin regulatory failures and recommendations for improvement
 - explaining and discussing inspection findings with those whose work has been inspected
 - monitoring the weakest schools, providing challenge and support to senior leaders, staff and proprietors or those responsible for governance
- be proportionate by:
 - adjusting the frequency of inspection according to the outcomes of previous inspection reports and the requests of the registration authority
 - deploying resources where improvement is most needed, or where inspection can add most value
- focus on pupils' and parents' needs and those of placing authorities by:
 - taking account of pupils', parents' and carers' and placing authorities' views when Ofsted plans and carries out inspections
 - drawing on these views to inform inspectors' judgements and the outcomes of inspection
 - minimising the risk to children, young people and adults by evaluating the effectiveness of schools' procedures for safeguarding
 - evaluating the work of schools in tackling discrimination, advancing equal opportunities and fostering good relations between people who share a protected characteristic and other people
 - encouraging schools to deliver equality outcomes for all pupils
- focus on the needs of schools by:
 - providing high-quality and timely communication with schools

- making use, as far as possible, of the existing data, documentation and systems of the schools inspected and avoiding placing unnecessary burdens on them
- taking account of schools' self-evaluation
- be transparent and consistent by:
 - making clear and transparent judgements based on sound evidence
 - inspecting and reporting with integrity
 - having clear success criteria, procedures and guidance that are well understood by schools and users and are readily available
- be accountable by:
 - reporting the outcomes of inspection without fear or favour
 - publishing clear, accurate, timely reports that provide parents with an authoritative, independent assessment of the quality of education provided by the school, thereby informing parents' choice of school
 - informing the registration authority of the extent to which the independent school standards are met, thereby enabling them to take enforcement action where required
 - striving to inform inspection activities by gathering the views of pupils and parents and those who have a significant interest in the school
- demonstrate value for money by:
 - targeting inspection resources and deploying them effectively and efficiently
 - evaluating the outcomes and processes of inspection and making improvements where necessary.

What are the key features of the framework and the inspection arrangements from January 2013?

6. Under the revised independent school inspection arrangements from January 2013, inspectors will focus sharply on those aspects of the work of schools that have greatest impact on raising achievement. There will be a clear focus on the quality of teaching, the effectiveness of the leadership and management of the school and a key summative judgement on the school's overall effectiveness.
7. Inspectors will aim to involve headteachers, proprietors and the staff of the school more closely in the process of inspection so that they understand better the basis for the judgements made. Inspectors will gather and consider the views of parents, carers, pupils and, where relevant, placing authorities as important evidence.
8. Schools will be given very short notice of inspection. This will ensure that no additional demands are made of the school and enable inspectors to see them as they are.
9. Inspectors are required to follow *The evaluation schedule for inspecting non-association independent schools* which requires them to make clear and evaluative judgements about key aspects of the school's work.³ They must also report on the extent to which the school meets The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012.^{4,5} The evaluation schedule requires inspectors to make the following key judgements about the school:
 - overall effectiveness
 - pupils' achievement
 - pupils' behaviour and personal development
 - quality of teaching
 - quality of curriculum
 - pupils' welfare, health and safety
 - leadership and management.

³ *The evaluation schedule for inspecting non-association independent schools* (090049), Ofsted, 2013; www.ofsted.gov.uk/resources/090049.

⁴ The Education (Independent School Standards) (England) Regulations 2010; www.legislation.gov.uk/uksi/2010/1997/contents/made.

⁵ The Education (Independent School Standards) (England) (Amendment) Regulations 2012; www.legislation.gov.uk/uksi/2012/2962/contents/made.

Part A. Inspection policy and principles

What are the legal requirements for the inspection of independent schools?

10. Ofsted carries out inspections of independent schools under section 162A of the Education Act 2002, as amended, a key purpose of which is to report to the Secretary of State for Education on the extent to which The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012, are met.^{6,7}
11. The school inspection covers the school's provision for all registered pupils from the term in which their third birthday occurs to the age of 18. This includes the provision for pupils in the Early Years Foundation Stage who are aged between three and five years. Unless there is an exemption in place, such provision must meet the *Statutory Framework for the Early Years Foundation Stage*, and inspection takes account of this framework in determining whether the learning, development and welfare requirements are met.^{8,9,10}
12. Schools must register with Ofsted any provision they make for the care of children aged from birth to age three, for any other children in the early years who are not pupils of the school, and for provision which is not made as part of the school's activities. The inspection of registered provision is conducted under section 49(2) of the Childcare Act 2006. Where possible the inspection of registered provision will be scheduled to run concurrently with the school inspection if it is also owned and managed by the school's proprietor, trustees or governing body. In such cases, there will be two inspection reports – one reporting the findings on the registered early years provision, and the other on the findings from the school inspection. However, inspection of registered provision may also occur as a free-standing event at another time. This happens when the inspection cycles for school and registered provision do not coincide.

⁶ The Education (Independent School Standards) (England) Regulations 2010; www.legislation.gov.uk/ukxi/2010/1997/contents/made.

⁷ The Education (Independent School Standards) (England) (Amendment) Regulations 2012; www.legislation.gov.uk/ukxi/2012/2962/contents/made.

⁸ From 1 November 2012, inspectors should check whether a school has an exemption for pupils aged three and over from the learning and developing requirements of the Early Years Foundation Stage.

⁹ *Statutory framework for the Early Years Foundation Stage* (DFE-00023-2012), Department for Education, 2012; www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00023-2012.

¹⁰ *Statutory framework for the Early Years Foundation Stage* (DFE-00023-2012), Department for Education, 2012; www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00023-2012.

13. The inspection of boarding or residential provision in boarding and residential special schools is carried out under the Children Act 1989, as amended by the Care Standards Act 2000, having regard to the national minimum standards for boarding schools or residential special schools, as appropriate. The inspection of residential provision will be integrated into the school inspection wherever possible, but may also occur as a free-standing event. For further information please see *The framework for inspecting boarding and residential provision in schools*.¹¹
14. In a school which has dual registration as a children's home, the inspection of social care is carried out under the Children Act 1989, as amended by the Care Standards Act 2000 having regard to the national minimum standards for children's homes and the Children's Homes Regulations 2001, as amended. The inspection of the school provision may occur at the same time as the social care inspection, but will always result in a separate report.
15. Ofsted is bound by the Public Sector Equality Duty, its strategic plan and values to advance equality through its inspection of schools. Equality is integral to the inspection framework and the promotion of equality of opportunity for all pupils underpins the inspection framework. Inspection acts in the interests of children, young people and their parents and carers. It encourages high-quality provision that meets diverse needs and promotes not just equality of opportunity but improving outcomes for all pupils regardless of background.
16. Ofsted assesses how independent schools meet their general duty under the Equality Act through evaluating the impact of a school's actions on the outcomes for its pupils.¹² Inspectors are guided to consider these matters when making the major judgements in the evaluation schedule.

Which schools are inspected?

17. An independent school is an establishment that provides education either for five or more pupils of compulsory school age, or for one or more pupils of compulsory school age if they have a statement of special educational need or are in public care.¹³ This definition brings into the scope of an inspection a number of very small independent schools, many of which have dual registration as an independent children's home, and provide exclusively for vulnerable looked after young people who may also be disabled or have a special educational need.

¹¹ *The framework for inspecting boarding and residential provision in schools* (110095), Ofsted, 2013; www.ofsted.gov.uk/resources/110095.

¹² The general duty requires providers to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not.

¹³ This definition of an independent school is published on the Department for Education's website: www.education.gov.uk/a0013111/independent-special-schools.

18. Independent schools catering wholly or mainly for disabled pupils, or those who have special educational needs are also inspected under the arrangements outlined in this document, but non-maintained special schools continue to be inspected under section 5 of the Education Act 2005.
19. The following types of school are subject to independent school standards with regard to their registration, but once registered are inspected under section 5 of the Education Act 2005:
 - academies
 - city colleges for the technology of the arts
 - city technology colleges.

New academies, free schools, studio schools and university technical colleges (UTCs) seeking registration must have a pre-registration inspection to check that they meet the standards required for registration. This usually does not apply to outstanding maintained and independent schools which convert to become academies.¹⁴ Where the school wishes to provide boarding or residential accommodation for pupils, this will also be part of the pre-registration inspection. After the pre-registration inspection, academies, free schools, studio schools and UTCs are inspected under section 5 of the Education Act 2005.

Other inspectorates operating in the independent sector

20. The routine inspection of education in all independent schools, with the exception of those listed above, is conducted under either section 162A(1)(a) or (1)(b) of the Education Act 2002, as amended. Inspections under section 162A(1)(a) are arranged by Ofsted. These inspections are conducted by HMI or by additional inspectors. Section 162A(1)(b) allows the Secretary of State to approve another body to carry out the inspection of independent schools. There are three independent inspectorates currently approved for this task: the Independent Schools Inspectorate is approved to carry out inspections of schools which are members of the associations that make up the Independent Schools Council; the School Inspection Service is approved to carry out inspection in schools owned by the Focus Learning Trust, the Cognita Group, or those in membership of the Steiner Waldorf Fellowship of Schools; and the Bridge Schools Inspectorate is approved to conduct inspections in specified Muslim and Christian schools in England.¹⁵

¹⁴ Guidance on pre-registration of schools in the academies family is available in *Pre-registration inspection of all types of academies and free schools, studio schools and university technical colleges (UTC)* (090059), Ofsted, 2012; www.ofsted.gov.uk/resources/090059.

¹⁵ The Department for Education specifies the schools to be inspected by the Bridge Schools Inspectorate.

21. Ofsted monitors a sample of the inspections and reports produced by other inspectorates and reports to the registration authority, the DfE, about their quality.¹⁶

What happens to new schools?

22. Proprietors wishing to open a new school must apply to the DfE for registration. They are asked to supply the information set out in The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012 and The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010.^{17,18,19}
23. Ofsted is normally asked by the Secretary of State to conduct a pre-registration inspection of a prospective school before it opens. Inspectors consider the written evidence supplied in the school's application before an initial visit is made to the school, which will be before the school starts to operate, in order to advise the Secretary of State about the school's readiness for registration. Schools may not accept pupils until the school has been registered. As a result of a pre-registration inspection, the inspector reports to the registration authority indicating the extent to which the independent school standards are likely to be met. This report is not published, but is made available to the school.²⁰ The decision on whether or not to register the school lies with the DfE.
24. Once registered, new schools receive an inspection in their first year of operation and again generally three years later, at the request of the DfE. These reports are published on Ofsted's website.

What determines the timing of a school's inspection?

25. All independent schools are inspected at the request of the DfE. Inspections generally occur on a regular cycle. Mainstream independent schools²¹ are inspected at an interval of up to six years provided that the outcome of their last inspection meets the following criteria:

¹⁶ *Protocol between Ofsted and the approved independent inspectorates* (100019), Ofsted, 2012; www.ofsted.gov.uk/resources/100019.

¹⁷ The Education (Independent School Standards) (England) Regulations 2010; www.legislation.gov.uk/ukxi/2010/1997/contents/made.

¹⁸ The Education (Independent School Standards) (England) (Amendment) Regulations 2012; www.legislation.gov.uk/ukxi/2012/2962/contents/made.

¹⁹ The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010: www.legislation.gov.uk/ukxi/2010/2919/contents/made.

²⁰ Guidance on pre-registration inspections is available in *Conducting additional inspections of independent schools* (090060), Ofsted, 2013; www.ofsted.gov.uk/resources/090060.

²¹ 'Mainstream' indicates that the school is not set up to cater wholly or mainly for disabled pupils, or those who have special educational needs and is not a children's home registered to provide education.

- a judgement of at least good for the quality of education; provision for pupils' spiritual, moral, social and cultural development; and pupils' welfare, health and safety (including the recruitment of staff) – all other aspects must be at least satisfactory

and:

- no regulatory failings in parts one, two, three or four of The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012
 - no more than four regulatory failings in total over parts five, six and seven of The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012.
26. Any school meeting the criteria for six-yearly inspections on its first full inspection following registration will normally be inspected again six years later. The DfE will carry out a risk analysis of such schools two years after their first full inspection, and as a result may ask Ofsted to carry out an inspection sooner.
 27. The education provision at all other independent schools, for example independent special schools, children's homes providing education and those schools that do not meet the criteria above, are inspected at least every three years. As all inspections of independent schools are undertaken at the request of the DfE, Ofsted may be asked to conduct an inspection of an independent school at any time. This might occur, for example, where the DfE has particular concerns about a school.
 28. Inspection intervals are always calculated from the date of a school's last full inspection, even if a school has been subject to an additional inspection (see paragraph 38) since the time of the last full inspection. However, the next full inspection of an independent school may be brought forward as a result of substantial weaknesses being identified at an additional inspection, or where the DfE has concerns and requests an earlier inspection.
 29. The inspection of the provision for children aged three to five years in the Early Years Foundation Stage is covered by the school inspection.
 30. Where a school also provides care for children aged from birth to three years, or for children in the early years age group where no child attending is a pupil of the school, or if the provision is not made as part of the school's activities, it must be registered separately with Ofsted. This provision is inspected within seven months of registration and then at intervals of no more than 47 months. The inspection of registered provision is a free-standing event but, where possible, it is carried out at the same time as the school inspection. However, this is not always possible where a school with registered provision meets the

criteria for inspection on a six-year cycle. In this case a separate inspection of the registered provision will take place mid-way between school inspections. The outcome of an inspection of registered childcare in an independent school will form part of the risk analysis for the timing of the next inspection. The DfE will take into consideration any serious weaknesses identified in the provision for children aged 0–3 years in a school.

Integrated inspections of education and boarding or residential provision

31. The inspection of boarding provision in boarding schools is inspected at least every three years. It is integrated into the school inspection when the latter is due. This means that a boarding school which meets the criteria for inspection at six-yearly intervals will normally receive, over a six-year period, one integrated inspection of the education and residential provision, followed three years later by an inspection of the residential provision only. Further information can be found in the document *Conducting inspections of boarding and residential provision in schools*.²²
32. Ofsted inspects the residential provision in residential special schools on an annual basis, in recognition of the vulnerability of these pupils. When the school inspection is due, Ofsted will normally conduct an integrated inspection of the whole provision made by the school. This occurs once every three years.
33. Integrated inspections of boarding and residential special schools cover the education, Early Years Foundation Stage provision for children aged between three and five years, and the care and boarding/residential provision, as appropriate. This inspection results in a single report which tells the school, parents, carers, placing authorities, the wider community and the registration authorities about the extent to which the requirements for registration are met. The report also provides the reader with an independent, external view of the quality of the school's provision and its strengths and weaknesses. Inspectors tell the school which of the independent school standards and national minimum standards, if any, it does not meet. They also make recommendation for improvement.

Inspecting education in children's homes

34. The care provision for children and young people in children's homes is currently inspected twice each year. Ofsted's social care inspectors conduct a full inspection, and an interim inspection at which key points from the first annual inspection are followed up.
35. The education inspection of a children's home which is also a registered independent school normally takes place once in a three-year period. This may

²² *Conducting inspections of boarding and residential provision in schools* (100180), Ofsted, 2013; www.ofsted.gov.uk/resources/100180.

take place at the same time as a full care inspection, but it may not run concurrently with the interim inspection. The school inspection may also be conducted as a separate event. Ofsted must publish separate reports for education and care in a children's home, even when inspectors work together.

Inspecting group providers

36. Where education is provided in children's homes which are members of a group or company of schools which is registered as a single education provider, Ofsted will make separate arrangements to inspect the group provision as a whole, taking account of each of the settings. To be eligible for these arrangements the group must share common policies, procedures, records and teaching arrangements, and all the settings must be in reasonable geographical proximity. The specific inspection arrangements will be matched to the provision made by each group and this will be discussed in advance with the group's director of education. Such an inspection will result in a single report.

Tariffs and models of inspection

37. All standard inspections of independent schools follow the same inspection model.²³ This typically involves one or more inspectors and runs over two or three days in school, depending on the school's size and circumstances. The tariff for inspection includes the time taken to check the school's compliance with the independent school standards as set out in Statutory Instrument 2010 No.1997 The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012. The tariff is varied for integrated inspections of residential special schools and boarding schools and for small schools with 19 or fewer pupils on roll and there are no complex arrangements such as split sites. Full details of the tariff for inspecting independent schools may be found in Annex B of *Conducting inspections of non-association independent schools*.

Additional inspections

38. All inspections of independent schools occur at the request of the DfE. The DfE may ask Ofsted to undertake an additional inspection of a school outside of the usual inspection cycle for the following reasons.
- To **monitor progress** against the school's action plan if the last inspection revealed substantial weaknesses and regulatory failures, particularly relating to educational provision or the safeguarding of pupils' welfare. These inspections result in a short report that is published on Ofsted's website.
 - To conduct an emergency inspection, as a result of **a complaint** or where there are **concerns** about a school. The report resulting from these

²³ At the request of the DfE Ofsted also carries out additional inspections of independent schools; please refer to paragraph 38.

inspections is sent to the DfE and may be published on Ofsted’s website at the request of the DfE. All emergency inspections of independent schools are conducted at no notice.

- To assess the school’s application to make a **material change** to its registration. Material changes are changes to the proprietor, the school premises and accommodation, the age range of pupils, the maximum number of pupils, the gender of pupils admitted, boarding provision, or a change in the admission of pupils with special educational needs. The DfE must be informed of these proposals for change, but not all of them will necessarily result in an inspection from Ofsted. Where Ofsted does conduct an inspection to assess an application for a material change, the resulting report is not published by Ofsted, but the DfE will usually send it to the school. Occasionally, the DfE asks Ofsted to assess a school’s request to make a material change as part of the school inspection if the latter is due. This will not alter the length of the inspection for the school, but may occasion an additional inspector joining the team, depending on the complexity of the changes proposed.
- Guidance on additional inspections is available in *Conducting additional inspections of independent schools*.²⁴

What is the relationship between school self-evaluation and inspection?

39. The inspection of an independent school takes account of the distinctive character and aims of the school and its evaluation of its own performance. Self-evaluation is now well established in schools, and frequently provides the basis for development and improvement planning. Although not mandatory, independent schools are strongly encouraged to assess their performance on an on-going basis and to present a written summary of robust self-evaluation to inspectors when the inspection occurs. There is no required format for self-evaluation and schools may produce it in whatever form they wish. Schools may wish to include both an assessment of the extent to which they meet the independent school standards, and an evaluation of the quality of their performance. Inspectors will ask to see evidence of the school’s self-evaluation on arrival at the school.

Who inspects schools?

40. School inspectors are either Her Majesty’s Inspectors (HMI), employed directly by Ofsted, or additional inspectors employed directly, or contracted, by inspection service providers (ISPs). These are independent commercial organisations contracted by Ofsted to provide inspection services and have responsibility for the administrative arrangements for inspections. The

²⁴ *Conducting additional inspections of independent schools* (090060), Ofsted, 2013; www.ofsted.gov.uk/resources/090060.

inspection of boarders' and residential pupils' welfare in boarding and residential special schools is conducted by social care inspectors employed by Ofsted.

41. It is the duty of Her Majesty's Chief Inspector to ensure that all inspectors have the appropriate qualifications, skills and experience required to undertake the inspection of independent schools, and that they have received appropriate training. All inspectors undertake regular training to ensure they are familiar with changes in inspection frameworks, inspection methodology and developments in educational practice. All inspectors have current and enhanced Criminal Records Bureau (CRB) checks. Ofsted publishes the names of additional inspectors.
42. HMI lead around half of the inspections of non-association independent schools. The rest are led by additional inspectors who have completed appropriate training to do so. Additional inspectors with suitable knowledge and expertise may also be members of an inspection team. Ofsted has robust arrangements for the quality assurance of its inspections and reports.
43. Inspection teams are staffed flexibly to take account of the size and individual circumstances of the school. Inspectors are trained and experienced in inspecting independent non-association schools and generally have a good understanding of the type of school they inspect, in order that schools can have confidence in their knowledge and judgements. Integrated inspections of boarding and residential special schools always contain trained and experienced social care inspectors.

What inspection grades are used by inspectors when they make judgements and what do they mean?

44. The grading scale used by inspectors of independent schools is as follows.

Grade	Judgement	Description
Grade 1	Outstanding	A school which provides an exceptional quality of education and care and significantly exceeds minimum requirements.
Grade 2	Good	A school which provides a high quality of education and care that exceeds minimum requirements.
Grade 3	Adequate	A school which meets minimum requirements but needs to improve the quality of education and care it provides to become good.
Grade 4	Inadequate	A school where minimum requirements are not met and the quality of education and care has serious weaknesses.

What happens to schools judged to be inadequate or that fail to meet regulatory requirements?

45. Many schools emerge with credit from their inspections. A few, though, have significant weaknesses and/or fail to meet some or all of the independent school standards. If inspectors judge that one or more aspects of a school are inadequate or that the school's overall effectiveness is inadequate, they must alert the DfE, as the registration authority, to the weaknesses as a matter of urgency. Ofsted also informs the DfE, as a matter of course, about any regulatory requirements which the school does not meet.
46. The DfE will decide what action to take as a result of the inspection outcomes. The DfE could take action under section 165 of the Education Act 2002, but in most cases it asks the school to provide an action plan by a given deadline, setting out the remedial actions it proposes to take. The DfE may ask Ofsted to assess the school's action plan and to monitor its progress. For more details, see paragraphs 96–99.

Part B. The focus of school inspections

The key judgements made during school inspections

47. The evaluation schedule provides information for schools and inspectors on the evidence to consider and how to reach the key judgements required of the inspection. These judgements cover the broad range of a school's work.
48. The overall effectiveness judgement, takes account of the six key judgements outlined in paragraph 9. In addition, inspectors evaluate the extent to which the school meets the requirements of The Education (Independent Schools Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012 including the needs of any disabled pupils and those with special educational needs. The standards are set out in schedule 1 of the regulations. Reference is made to paragraphs of the standards throughout the evaluation schedule to indicate to schools and inspectors how the standards relate to the key judgements.

Pupils' achievement

49. When evaluating pupils' achievement, inspectors consider:
 - how well pupils learn, the quality of their work in a range of subjects and the progress they have made since joining the school
 - how well pupils make progress relative to their starting points
 - the standards attained by pupils at key points in their education and by the time they leave the school, including results in public examinations, and, where relevant, Common Entrance; and their standards in reading, writing and mathematics by the time they leave the school
 - how well pupils develop a range of skills, including communication, reading, writing and mathematical skills, and how well they apply these in the other subjects of the curriculum
 - how well any individual pupil or groups of pupils including disabled pupils and those who have special educational needs or are looked after, have progressed since joining the school
 - how well gaps are narrowing between the performance of different groups of pupils in the school compared to all pupils nationally.

Pupils' behaviour and personal development

50. When evaluating behaviour and personal development, inspectors consider:
 - pupils' attitudes and how well they apply themselves to learning
 - pupils' behaviour in lessons and around the school

- the extent to which pupils feel safe and free from bullying and harassment, which may include cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability,²⁵ and the use of discriminatory language
- the pupils' ability to assess and manage risk appropriately and to keep themselves safe
- pupils' attendance and punctuality at school and in lessons.

51. Inspectors also assess the impact of the school's provision for spiritual, moral, social and cultural development through pupils' behaviour and attitudes and through their interactions with staff, other pupils, other adults and the local community. They must consider the extent to which pupils are enabled to:

- develop self-esteem and confidence
- understand right and wrong in their school life and life outside school
- accept responsibility for their behaviour, show initiative and contribute to the school, local and wider communities
- take part in a range of activities requiring social skills, develop leadership skills, take on and discharge roles and responsibilities efficiently, offer help and learn to be reliable
- acquire knowledge and are able to reflect on beliefs, values and more profound aspects of human experience, use their imagination and creativity, and develop curiosity in their learning
- understand and appreciate the range of different cultures in British society and develop the skills and attitudes to enable them to take a full and active part in it
- develop respect towards diversity in relation to, for example, gender, race, religion and belief, culture, sexual orientation and disability
- acquire a broad general knowledge of public institutions and services in England
- respond positively to a range of artistic, sporting and other cultural opportunities provided by the school, including, for example, an appreciation of theatre, music and literature
- overcome barriers to their learning.

²⁵ As defined in the Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/contents.

Quality of teaching

52. When evaluating the quality of teaching, inspectors consider:
- extending the previous knowledge, skills and understanding of all pupils in a range of lessons and activities over time
 - enabling pupils to develop skills in reading, writing, communication and mathematics
 - enthusing, engaging and motivating pupils to learn
 - using assessment and feedback to support learning and to help pupils know how to improve their work
 - differentiating teaching, by setting suitably challenging activities and providing support for pupils of different abilities, including the most able and disabled pupils and those who have special educational needs, so that they can all learn well and make progress
 - enabling pupils to apply intellectual, physical or creative efforts and develop the skills to learn for themselves and setting high expectations
 - setting appropriate homework
 - using well-judged and effective teaching methods, deploying appropriate resources, managing class time and drawing on good subject knowledge and expertise to encourage pupils to make good progress
 - managing instances of poor or disruptive behaviour.

Quality of curriculum

53. When evaluating the quality of the curriculum, inspectors consider:
- the extent to which the curriculum is broad and balanced, covers all the required areas of learning, and is designed and modified to meet the needs of individuals and groups of pupils within the age range for which the school is registered, including 'high-fliers' and disabled pupils or those with a special educational need²⁶
 - the impact of the curriculum on pupils' academic and personal development and in preparing them for the opportunities, choices, responsibilities and experiences of adult life
 - the contribution of the curriculum to the school's particular ethos and aims and the impact on pupils' academic and personal development and well-being
 - how well curriculum planning is supported by appropriate schemes of work, builds systematically upon pupils' prior experience and plans for progression

²⁶ Including the extent to which the school meets the requirements of any statements of special educational needs.

- the extent to which the curriculum is enriched by extra-curricular opportunities and through collaboration with other schools and organisations, including, for example, to provide appropriate careers guidance for secondary-age pupils
- the extent to which boarding staff contribute to the well-being, learning and personal development needs of residential pupils.

Pupils' welfare, health and safety

54. When evaluating pupils' welfare, health and safety, inspectors consider:

- the school's safeguarding arrangements including safe recruitment and recording procedures, effective arrangements for child protection and the training and development of staff so that children can be safe in school
- the school's commitment to eliminating bullying and promoting a safe environment and the effectiveness of the school's actions to prevent and tackle all forms of bullying and harassment, including cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability
- how well the school ensures the systematic and consistent management of behaviour, including the use and recording of rewards and sanctions, and implements written policies to promote good behaviour
- the provision of a safe and secure school environment, including the elimination of potential risks to pupils' welfare, health and safety both on and off-site, including particular attention, where relevant, to the health and safety of pupils with priority needs
- the systematic and consistent management of procedures to reduce the risk of fire and comply with fire safety regulations
- where boarding or residential accommodation is provided, the extent to which procedures have regard to the national minimum standards for boarding schools or for residential special schools
- how effectively the arrangements for pupils' care in the event of sickness, accident or injury are implemented
- how effectively pupils are supervised
- the effectiveness of the school's monitoring and recording systems for pupils' attendance and punctuality
- how well the school reviews admission arrangements and makes adjustments to ensure the accessibility of the school's premises and curriculum for all pupils
- in boarding and residential special schools, the effectiveness of the school's provision for the welfare, health and safety of residential pupils.

Leadership and management

55. When evaluating the quality of leadership and management in the school (including, where relevant, the proprietor or governors), inspectors consider how well they:
- demonstrate an ambitious vision for the school with high expectations for what every pupil and teacher can achieve, and set high standards for quality and performance
 - improve teaching and learning through rigorous performance management and professional development
 - provide the ethos and conditions for all pupils to achieve their full potential, learn and make progress
 - evaluate the school's strengths and weaknesses and use the findings to generate improvement
 - improve the school and develop its capacity for sustaining improvement by developing high-quality teaching, leadership capacity and high professional standards among all staff
 - engage with parents and carers, and placing authorities, where relevant, in supporting pupils' achievement, behaviour and personal development and their spiritual, moral, social and cultural development
 - ensure that all the required policies, routines and procedures are in place and are implemented effectively so that the independent school standards are met, pupils are safe, parents and carers have the information they require and the school operates as an efficient and orderly community.

Overall effectiveness

56. Inspectors evaluate the overall effectiveness of the school's provision through an evaluation of the six key judgements. This will include the extent to which the education provided by the school meets the needs of the range of pupils at the school, and in particular the needs of any disabled pupils and pupils who have special educational needs. Inspectors also assess how well the school meets all the independent school standards and/or national minimum standards and consider this as part of the judgement of the overall effectiveness of the school.

Compliance with regulatory requirements

57. The inspection report records the extent to which the school meets all the independent school standards and/or national minimum standards. It reports on any regulatory failures.
58. The section will also make clear, if appropriate, whether the school meets the learning and development and the welfare requirements of the Early Years Foundation Stage, and, if not, what it must do to meet them.

Recommendations for improvement

59. Inspectors recommend areas for the school's improvement or further development. These include improving provision to comply with any of the independent school standards that are not met.

Evaluating the boarding/residential provision

60. In an integrated inspection covering education and boarding or residential provision, inspectors will also make judgements about the following matters:
- overall effectiveness of the boarding (residential) experience
 - outcomes for boarders (residential pupils)
 - quality of boarding (residential) provision and care
 - boarders' (residential pupils') safety
 - leadership and management of boarding (the residential provision).
61. The evaluative judgements above will appear in an integrated report, but text about the boarding or residential provision will be integrated into the independent school report headings. Further information may be obtained from *The framework for inspecting boarding and residential provision in schools*.²⁷

Early Years Foundation Stage provision for children aged from three to five years

62. Where the school makes provision for children aged between three and five years, inspectors' judgements will be incorporated into appropriate sections of the school report. No separate grades for the Early Years Foundation Stage are given. Inspectors will make clear where aspects of the learning, development or welfare requirements of the Early Years Foundation Stage, or the requirements of the Childcare Act 2006 or the Care Standards Act 2000 are not met.

²⁷ *The framework for inspecting boarding and residential provision in schools* (110095), Ofsted, 2013; www.ofsted.gov.uk/resources/110095.

Part C. The process of inspection

Before the inspection

Notification of inspection

63. Ofsted will normally give schools half a day's notice of inspection. The lead inspector will generally telephone the school early in the morning of the day of the inspection.
64. If a school requests a deferral of its inspection the lead inspector must make Ofsted aware of this through Ofsted's helpdesk. Ofsted will decide whether deferral should be granted in accordance with its policy on the deferral of inspections.²⁸ The deferral policy makes clear that the absence of the headteacher is not normally a reason for deferring an inspection.

Seeking the views of registered parents and carers, pupils and other partners about the school's work

65. Ofsted values highly the views of the pupils, and their parents and carers, the staff and the local authorities who place pupils in the school.
66. Ofsted's online service Parent View is available for the parents of children in non-association independent schools to use. Parents of boarders/residential pupils are also able to give their opinion of the boarding/residential provision. The lead inspector should check the returns for the school from the Parent View website as part of their preparation.
67. Ofsted will also conduct an annual point-in-time survey of pupils' views, and in the case of boarding and residential special schools, boarding staff at the start of the academic year. There is an online survey for pupils and a separate one for boarders/residential pupils.
68. In addition, Ofsted will conduct a point-in-time survey of the views of local authorities who place and fund children in independent schools. Schools will be asked to send a link to the online survey to the authorities which place children at their school.
69. The inspection service provider will make the analyses of responses to all the surveys available on their inspection portal for the lead inspector to use to generate lines of enquiry. Where the survey results and inspection are some time apart, inspectors will explore during the inspection the actions the school has taken to secure improvement. Further information on Ofsted's point-in-time

²⁸ *Deferral policy for inspections of independent day, boarding and residential special schools* (090037), Ofsted, 2012; www.ofsted.gov.uk/resources/090037.

surveys is available in *Conducting inspections of non-association independent schools*.²⁹

70. The views of the staff at schools are gathered through a questionnaire, which the inspection service provider sends to the school by email alongside the formal notification of inspection letter. The school is asked to distribute the questionnaire to all staff apart from those in the boarding provision, whose views will have already been sought through the online point-in-time survey.
71. The questionnaire states that staff should complete and return their questionnaires in a sealed envelope, marked 'Confidential – for the attention of the Ofsted inspection team' by 11am on the second day of inspection, where practicable.
72. In the course of the inspection, inspectors will talk to many pupils. They may also be available to speak to parents and carers and to any members of staff who wish to see them. The views of staff are used to inform the inspection evidence base but they are not normally reported in the inspection report.

During the inspection

73. On the first afternoon of the inspection the lead inspector will normally check the school's compliance with the independent school standards. The lead inspector may also speak to the headteacher, staff, and/or pupils and look at some of their work.
74. Thereafter, the main focus of inspection activity is observing lessons and gathering first-hand evidence to make a robust assessment of the performance and quality of the school. Inspectors give specific attention to the quality of learning for different groups of pupils and for individuals. Since inspectors focus on the quality of teaching over time and its impact on pupils' learning, rather than on the performance of individual teachers, they will probably not see all staff teaching. Other evidence gathering includes discussions with pupils and staff, listening to pupils reading and scrutiny of their work. During the course of the inspection inspectors also check how the school's policies, procedures and systems work in practice. In an integrated inspection of a boarding or residential special school, the inspection of the boarding/residential provision continues into the evening to enable the inspector(s) to talk to the young people during 'boarding time'. Due consideration is also given to the responses from pupils, boarding staff and local authorities to the online point-in-time surveys, responses from parents and carers to Parent View and responses from all other school staff to the questionnaire.

²⁹ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2013; www.ofsted.gov.uk/resources/090048.

75. The inspectors make judgements about pupils' progress based on the evidence they gather during lessons and from talking to the pupils and looking at their work. They take account of the school's results in any public examinations taken and any other relevant measures of its performance including any value-added data available and the school's tracking of pupils' progress. They make judgements on pupils' skills in speaking and listening, literacy and numeracy, but will not necessarily cover standards in other areas of the curriculum unless they are of particular relevance to the nature of the school. There is no feedback to individual subject departments, or separate subject reports. Inspectors consider how well the school meets the needs of all pupils, including disabled pupils and those who have special educational needs, and look at the school's annual review of statements.
76. The inspectors are also required to judge the suitability of the school's premises and accommodation. In exceptional circumstances inspectors may wish to take photographs of the school buildings but never of the pupils. These will only be used for the purpose of providing evidence of their judgements, and will be submitted to the DfE alongside the *Record of inspection evidence and judgements* (ROIEJ). They are destroyed after the report has been published unless they are part of an ongoing investigation.
77. Throughout the inspection, inspectors will keep up a professional dialogue with staff and particularly with the headteacher and/or proprietor. This is designed to ensure that the headteacher is kept abreast of the emerging findings. The headteacher may join the inspection team meetings as an observer and is given every opportunity to provide further evidence should s/he wish to do so, but s/he may not contribute to the inspection judgements.

How is evidence recorded?

78. During the inspection, inspectors gather, analyse and record evidence and their judgements on evidence forms, and on the ROIEJ, which is maintained electronically. The evidence forms and the ROIEJ form the evidence base for the inspection. The lead inspector is responsible for compiling and assuring the quality of the evidence base.

How are judgements secured?

79. The lead inspector has the responsibility for ensuring that judgements about the school are corporately agreed by the inspection team, including the social care inspector/s in integrated inspections of boarding or residential special schools, with reference to the grade descriptors in the evaluation schedule.³⁰ The lead inspector ensures that all judgements are fully supported by recorded evidence. Inspectors identify any of the independent school standards and

³⁰ *The evaluation schedule for inspecting non-association independent schools* (090049), Ofsted, 2012; www.ofsted.gov.uk/resources/090049.

national minimum standards that are not met. They also identify the strengths and weaknesses of the school and suggest what it might do to improve. Final judgements are made only when all first-hand evidence has been collected and considered. These judgements, including the overall effectiveness judgement on the school, represent the corporate view of the inspection team. They are subject to quality assurance before the report is published.

What is the code of conduct for inspectors?

80. Inspectors are required to uphold the highest professional standards in their work and to ensure that everyone they encounter during inspections is treated fairly and with respect. These standards are assured through a code of conduct, which is set out below.

Inspectors' code of conduct

Inspectors should:

- evaluate objectively, be impartial and inspect without fear or favour
- evaluate provision in line with frameworks, national standards or requirements
- base all evaluations on clear and robust evidence
- have no connection with the provider which could undermine their objectivity
- report honestly and clearly, ensuring that judgements are fair and reliable
- carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
- endeavour to minimise the stress on those involved in the inspection
- act in the best interests and well-being of service users
- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly
- respect the confidentiality of information, particularly about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues.

81. When inspectors meet pupils, parents, carers, staff, proprietors and other stakeholders, every effort is made to protect the origin of individuals' comments if they are used to pursue an issue further. However, there may be circumstances in which it is not possible to guarantee the anonymity of the interviewee. For example, inspectors have a duty to pass on disclosures that raise child protection or safeguarding issues and/or where serious misconduct or potential criminal activity is involved.

How should school staff engage with inspectors?

82. To ensure that inspection is productive and beneficial, it is important that inspectors and schools establish and maintain an appropriate working relationship based on courtesy and professional behaviour. Ofsted expects school staff to:

- apply their own codes of conduct in their dealings with inspectors
- enable inspectors to conduct their visit in an open and honest way
- enable inspectors to evaluate the school objectively against the inspection framework
- provide evidence that will enable the inspector to report honestly, fairly and reliably about their provision
- work with inspectors to minimise disruption, stress and bureaucracy
- ensure that the health and safety of inspectors is not prejudiced while they are on the premises
- maintain a purposeful dialogue with the inspectors
- draw any concerns about the inspection to the attention of inspectors promptly and in a suitable manner
- understand the need for inspectors to observe practice and talk to staff and users without the presence of a manager.

What feedback do inspectors give to school staff during the inspection?

83. Inspectors offer brief oral feedback to teachers and other staff about the work they see in order to promote improvement. Constructive dialogue is essential between inspectors and staff, and particularly between the lead inspector and the headteacher.

Involving senior staff in inspection

84. Inspectors welcome the involvement of the headteacher and/or other senior staff in the inspection. The lead inspector will keep up a professional dialogue with the headteacher throughout the inspection, providing feedback on emerging issues and findings. The headteacher is invited to undertake one or more joint lesson observations with inspectors and to join meetings of the inspection team. During team meetings the headteacher is able to present additional evidence, but not participate in reaching the inspection judgements.

After the inspection

What feedback is provided to the school?

85. Before leaving the school, the lead inspector is required to ensure that the school is clear about:
- the extent of the school's compliance with the independent school standards, the national minimum standards (if relevant) and any regulatory failures
 - the grades awarded for each key judgement and that the grades may be subject to change and should, therefore, be treated as confidential until the school receives a copy of the final inspection report

- the main findings of the inspection and that the main points provided orally in the feedback will be referred to in the text of the report
- the recommendations for improvement
- the procedures leading to the publication of the report
- the complaints procedure
- the post-inspection survey
- where relevant, the implications of the school being deemed inadequate including the process of moderation.

What are the written outcomes of the inspection?

86. Following the inspection, the lead inspector writes a report. The findings should be consistent with those explained orally to the school. Following editing, the inspection service provider forwards the report to the school for a factual accuracy check. Two working days are allocated to the school to comment on the factual accuracy of the draft report.

How is the quality of inspection and reporting assured?

87. Ofsted monitors the quality of inspections and reports through a range of formal processes. Some schools are visited by an HMI or by a representative of the inspection service provider to check the quality of the inspection. Their assessments are confidential to the inspectors and the inspection service providers concerned. In other cases, the inspection evidence base may be evaluated. Reports are routinely read and checked for accuracy.
88. In the unlikely event that an inspection report is judged by Ofsted to be seriously flawed, the school is notified that the inspection is incomplete and that a further visit may be necessary to make sure that enough evidence is gathered to make the inspection judgements secure.
89. All schools are invited to complete a post-inspection survey so that the views of headteachers, proprietors and staff are considered and can contribute to the future development of inspection.

When is the report issued?

90. The report is normally sent to the school within 11 working days of the end of the inspection, and on Ofsted's website within 15 working days of the end of the inspection.
91. For independent schools, a copy of the report is sent in advance of publication to:
- the proprietor of the school
 - the headteacher of the school

- the local authority, where it places pupils in the school
 - the DfE.
92. The school report of a children’s home will be published on the Ofsted website in a redacted form that does not identify the location or address of the home. For children’s homes which are part of group arrangements, a single report on the group’s educational provision will be published on Ofsted’s website. This will carry the address of the group’s headquarters.
93. In exceptional circumstances, Ofsted may decide that the normal period for completion of the inspection report should be extended.

What must the proprietor do when the final inspection report is received?

94. The proprietor is required to take such steps as are reasonably practicable to ensure that every registered parent or carer of a pupil at the school receives a copy of the inspection report within five working days of the school receiving it. HMCI also expects schools to ensure that all pupils are made aware of the findings of the inspection.
95. The proprietor must also make a copy of the inspection report available upon request to members of the public. A charge, not exceeding the cost of reproduction, can be made for copies of the inspection report.

What happens when a school fails to meet the independent school standards?

96. If the inspection report notes that the school does not meet one or more of the independent school standards required for continued registration as an independent school, the DfE will either make a determination in respect of the school or serve a notice on the proprietor of the school (see section 165 of the Education Act 2002). Further information on DfE’s duties as the registration authority for independent schools may be found on its website at: www.education.gov.uk/schools/leadership/typesofschools/independent/b009053/registration-of-independent-schools.
97. Under the provisions of section 166 of the Education Act 2002, the proprietor of a school has a right of appeal to the First Tier Tribunal against any order made by the Secretary of State affecting the registration of the school following the inspection.

What happens to schools which are served with a Statutory Notice to improve?

98. The DfE usually asks Ofsted to make an assessment of the Statutory Action Plan prepared by the school under section 165 of the Education Act 2002 to check that it addresses all of the regulatory failures and that the timescale for improvement is suitable. Once the Statutory Action Plan is accepted, the DfE will give the school time to implement its plan before asking Ofsted to conduct

an inspection to monitor the school's progress against their plan. This inspection takes place to a timescale determined by the DfE.³¹

99. Ofsted publishes the reports from its monitoring inspections on its website.

How do schools complain about their inspection or inspection report?

100. Any concerns that the school has about the inspection should be raised with the lead inspector during the inspection and, where possible, resolved. Concerns may also be raised with a quality assurance inspector should one have been allocated to the inspection. If the concerns are not resolved in this way, or the person expressing the concern does not feel that due weight is being given to the concerns, or an independent view is sought, then the person raising the concern or someone acting on his or her behalf should contact Ofsted's helpline on 0300 123 1231.

101. Similarly, any concerns that the school has about the inspection report should be raised with the lead inspector or inspection service provider as soon as possible.

102. If it has not been possible to resolve the concerns, then individuals or schools may decide to lodge a formal complaint. The complaints procedures are available on Ofsted's website.³²

Inspection fees

103. Independent schools which are inspected by Ofsted under section 162A of the Education Act 2002 are charged a fee. The scale of fees is set out in The Education (Independent School Inspection Fees and Publication) (England) Regulations 2008. A copy of this document may be obtained by following this link: www.legislation.gov.uk/uksi/2008/1801/contents/made. These regulations came into force on 1 September 2008. They are currently undergoing revision.

³¹ Guidance on evaluating a school's action plan, and conducting progress monitoring inspections is available in *Conducting additional inspections of independent schools* (090060), Ofsted, 2012; www.ofsted.gov.uk/resources/090060.

³² www.ofsted.gov.uk/contact-us/how-complain.