

Monitoring inspections of schools with no formal designation

Guidance for inspectors

Under section 8 of the Education Act 2005 (the Act), Her Majesty's Chief Inspector (HMCI) has the discretionary power to inspect any school in England in circumstances where he is not required to do so by section 5 of the Act. This provision enables Ofsted to undertake inspections to follow up concerns about schools that are not in a category of concern but that have been brought to Ofsted's attention, for example, through a qualifying complaint made to Ofsted under section 11 of the Act or by other means.

This guidance is for monitoring inspections of schools with a specific focus on the effectiveness of safeguarding arrangements and/or aspects of the quality of leadership and management in a school (including governance), quality of teaching, achievement, or behaviour and safety of pupils.

This guidance does not cover: monitoring inspections of schools that are in a category of concern; monitoring inspections of academy schools where the predecessor was in a category of concern when it closed; or monitoring inspections of schools that have been judged as 'requires improvement'.

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Introduction

1. Under section 8 of the Education Act 2005 (the Act)¹, Her Majesty's Chief Inspector (HMCI) has the discretionary power to inspect any school in England in circumstances where he is not required to do so by section 5 of the Act. This provision enables Ofsted to undertake inspections to follow up concerns about schools that are not in a category of concern but have been brought to Ofsted's attention, for example, through a qualifying complaint made to Ofsted under section 11 of the Act², or by other means.
2. This guidance is for monitoring inspections of schools with a specific focus on the effectiveness of safeguarding arrangements and/or aspects of the quality of leadership and management (including governance), quality of teaching, achievement, or behaviour and safety of pupils. Inspectors will follow this guidance where Ofsted has concerns that the safety of pupils and/or staff is at risk or where information suggests that there has been a serious breakdown in leadership and management, or a decline in standards. Where Ofsted receives information about a school that causes us concern, we will weigh this carefully against all other data and information we hold before making a decision whether to inspect the school under no formal designation procedures. Where an inspection takes place as a result of a qualifying complaint, inspectors must also take account of guidance issued by the National Complaints Team.
3. This guidance does not cover monitoring inspections of: schools in a category of concern; academy schools where the predecessor was in a category of concern when it closed; schools that have been judged as 'requires improvement'.
4. Where a particular school experiences a decline in standards or becomes a cause for concern, for example, through a breakdown in discipline or leadership and management, or where there are concerns about the safety of pupils, Ofsted Regional Directors may decide that the school would benefit from inspection.
5. These monitoring inspections are carried out under section 8 of the Act. They are conducted in accordance with the principles and code of conduct for inspectors set out in *The framework for school inspection*³ and the *School inspection handbook*.⁴ However, the inspections are selective and focus sharply on the issues brought to Ofsted's attention that caused the school to be inspected. Where the monitoring inspection focus is on the school's

¹ <http://www.legislation.gov.uk/ukpga/2005/18/section/8>

² <http://www.legislation.gov.uk/ukpga/2005/18/section/11A>

³ *The framework for school inspection* (120100), Ofsted, 2015; www.ofsted.gov.uk/resources/120100.

⁴ *School inspection handbook* (120101), Ofsted, 2015; www.ofsted.gov.uk/resources/120101.

safeguarding arrangements, inspectors will take account of the guidance on inspecting safeguarding⁵.

6. It is important to note that the effectiveness of safeguarding arrangements is the responsibility of those leading, managing and governing a school. Governors in particular must ensure that the school's arrangements for safeguarding meet statutory requirements. It follows that concerns about safeguarding may raise wider questions about the quality of leadership and management and the governors' ability to hold the school to account. Therefore, in some cases, no formal designation monitoring inspections will focus on both elements. It is the responsibility of the lead inspector, using her/his professional judgement, to determine the precise focus of the monitoring inspection. So, a monitoring inspection may begin with a specific focus on safeguarding, but its scope may be widened to cover leadership and management or other aspects of the provision where appropriate.
7. If, during the monitoring inspection, inspectors are sufficiently concerned about the overall standard of education provided by the school, the monitoring inspection may, under section 9 of the Act, be treated as ('deemed') a section 5 inspection. In such an event, all the judgements required by the evaluation schedule will be made, a section 5 inspection report produced and the school will be judged to require improvement or placed in the appropriate category of concern.

Before the inspection

Staffing and scheduling the inspection

8. These inspections are normally led by one of Her Majesty's Inspectors (HMI), regardless of the size of the school. However, more inspectors may be required depending on the complexity of the issues that were brought to Ofsted's attention and that caused the school to be inspected. The inspection will normally last for two days. However, it may in some instances be shorter or longer, depending on the circumstances of the school and the nature of the concerns that led to the inspection.
9. Once Ofsted receives such information, the inspection should take place as soon as is practicable, but timing is at the discretion of the Regional Director.
10. Inspections being carried out as a result of a qualifying complaint made to Ofsted will always be led by HMI.

⁵

Inspecting safeguarding in maintained schools and academies,
<http://www.ofsted.gov.uk/resources/140143>

11. Where notice of inspection is given, HMI will make the initial contact with the school to inform them that an inspection will take place. If required, HMI may make a short telephone call to the school to arrange a time for a second longer telephone conversation with the headteacher to discuss the inspection. The notice given to the school of the monitoring inspection will generally be the same as that for section 5 inspections. Ofsted may arrange an inspection without notice. Where this is the case, the lead inspector will normally telephone the school about 15 minutes before arriving on site.
12. HMI must make the purpose of the inspection clear during the initial telephone contact with the headteacher. If the school is being inspected because of a qualifying complaint made to Ofsted about the school under section 11A of the Act, HMI will inform the school of this, and that as a result of the wider issues raised by the complaint, a decision has been taken to inspect the school. HMI should explain that the inspection will focus on the wider issues raised by the complaint, not the complaint itself. If the complainant has requested confidentiality, the inspector must take all practicable steps to ensure that the complainant's identity is not disclosed to the school. At times, the nature of the complaint may mean that the headteacher is able to discern the identity of the complainant. Regardless, the HMI should not confirm the complainant's identity.
13. The headteacher, at the end of the pre-inspection telephone conversation, should understand the reasons for, and the purpose and focus of the inspection, and the judgements that will be made. There is no mandatory requirement for a school to inform parents about the inspection. However, headteachers should be encouraged to let parents know about these inspections and their outcomes. HMI should ask the school to inform parents so that there is an opportunity for parents to contribute their views about the school through Parent View.

Notification letters

14. Following the pre-inspection telephone conversation, the Inspection Service Provider (ISP) will confirm the arrangements for the inspection using the notification letter template provided. The ISP will prepare the letter and forward it to the school. Where no prior notice of the monitoring inspection is given, formal notification of the inspection by the ISP will be provided to the school following the arrival of inspectors.
15. Schools are not required to provide copies of any information in advance of the inspection but if these are offered, the inspector should accept them.

Preparing for the inspection

16. Ahead of the inspection, HMI should make appropriate arrangements and brief any team inspectors about the inspection.
17. HMI should plan the inspection on a scheduled preparation day, one or two working days before the start of the inspection.
18. The lead inspector must check the Provider Information Portal (PIP) for other information relevant to the inspection.
19. The inspection should be informed by the following pre-inspection information:
 - the previous section 5 inspection report
 - the RAISEonline/6th Form PANDA as appropriate
 - copies of any qualifying complaint(s) received, other information on the PIP and any response letters
 - the pre-inspection telephone conversation with the headteacher
 - any documentation emailed to HMI in advance of the inspection.

During the inspection

20. The lead inspector should not expect an evaluation specifically prepared for their use or ask schools to provide any self-evaluation in readiness for these inspections. However, HMI should ask to see evidence of up-to-date self-evaluation.
21. The key requirement is that the evidence base contains sufficient evaluative information to sustain, on external scrutiny, the overall judgement reached.

Engagement with the school's senior management team

22. The meeting at the start of the inspection may or may not involve the whole of the school's senior leadership team. The headteacher may be of the view that a meeting with her or him alone, or with one or two senior leaders, will be sufficient to limit any possible interruption of the school's normal routines.
23. The meeting with school leaders at the start of the inspection should cover pertinent issues about the school and the focus of the inspection. It should offer the headteacher and others the opportunity to present an oral summary evaluation of the school's progress and identify where evidence may be found.

Evidence gathering during the inspection

24. The kind of activities conducted during these inspections is no different to section 5 inspections. However, where the focus of the monitoring inspection is

on the school's safeguarding arrangements, activities should focus on safeguarding issues, including but not exclusively:

- a review of the Single Central Register and safeguarding policy, including whistleblowing policy
- a review of referrals made to the designated person for safeguarding in the school and those that were subsequently referred to the Local Authority Designated Officer, and the resolution
- a review of any records of staff training on child protection
- discussions with pupils or students
- a check on the school's internet safety procedures
- a review of the PSHE curriculum and how it links to issues of safety
- a review of the school's procedures for dealing with relevant staffing issues, for example, any suspension or disciplinary investigations/actions over issues of child protection and/or safety; this is not a review of individual cases, but of school processes in dealing with such issues
- a review of persistent absence cases and exclusion data
- consideration of the views of parents and carers through Parent View and, where practicable, through discussions/meetings with parents or groups of parents during the inspection
- any relevant issues that appear to be of greatest concern from pre-inspection evidence
- any other issues that affect care, safety or child protection and that do not appear to have been tackled fully
- any issues that relate to inadequate behaviour.

25. The exact structure of the day will depend on the issues to be followed up and is likely to be drawn from the range of activities described in the *School inspection handbook* for section 5 inspections.

26. Where an inspection is undertaken as a result of issues raised in a qualifying complaint made to Ofsted, inspectors must not investigate the complaint itself during the inspection, or seek parents' views on the complaint itself. It is the whole-school issues raised in the complaint that may be followed up during inspection.

External support

27. As appropriate, the inspections will evaluate and report on the impact of any external support for the school. Normally, this will involve evaluating the support provided by the local authority/sponsor/proprietor and other key partners.

Headteacher and senior leaders

Ongoing dialogue

28. HMI should maintain an ongoing dialogue with the headteacher and relevant senior managers as appropriate. Normally, emerging issues should be discussed and the feedback, especially when challenging, should not be a surprise to the headteacher.

Feedback to individual teachers

29. Feedback to individual teachers must be offered in accordance with the *School inspection handbook*. Inspectors should respond flexibly to the school's circumstances.

Feedback at the end of the inspection

30. The lead inspector and headteacher should discuss which other members of staff, if any, will attend the feedback session, especially if the feedback is challenging or raises sensitive issues.

31. Feedback is chaired by the lead inspector who will discuss with the headteacher who may attend.

32. The feedback should normally be attended by:

- the headteacher
- the Chair of the Governing Body or equivalent (and as many governors as possible)
- a representative from the local authority, the academy proprietor or sponsor, as appropriate
- where possible, a representative from the diocese, for voluntary aided and voluntary controlled schools
- key external partners.

33. The oral feedback at the end of the inspection, typically towards the end of the second day of a two-day inspection must:

- report the evidence base
 - cover the issues brought to Ofsted's attention that caused the school to be inspected
 - be clear about whether the school's safeguarding arrangements meet requirements
 - be clear about the judgements being made on the school's progress in the specific areas of focus for the monitoring inspection
 - identify the school's areas of strength and any aspects that the school needs to improve in relation to safeguarding and child protection, and the specific areas of focus for the monitoring inspection
 - make clear that the text of the letter or report will be subject to quality assurance.
34. If the inspection raises serious concerns, this should be reported at the feedback meeting. HMI may deem the section 8 to be a section 5 inspection and place the school in a category of concern or judge that it requires improvement. Alternatively, the lead inspector may recommend to the relevant Regional Director that the next full section 5 inspection be brought forward, but the timing of any such inspection should not be indicated to the school.

Judgements

35. When the section 8 monitoring inspection is not deemed a section 5 inspection, a monitoring letter will be published. The letter will make clear the inspectors' judgements about the school's safeguarding arrangements and/or the school's progress in the aspects of the leadership and management, quality of teaching, achievement, or behaviour and safety evaluated during the inspection. Inspectors should not make judgements that consider the whole of the evaluation schedule for the areas inspected; this is only necessary for section 5 inspections.
36. Where the monitoring inspection is exclusively focused on safeguarding, having reviewed all the evidence gathered during the inspection, HMI will report in the monitoring letter that:
- the school's safeguarding arrangements meet requirements
- or
- the school's safeguarding arrangements do not meet requirements.
37. Where the judgement is that safeguarding arrangements do not meet requirements and/or that the school's progress is not good in the aspects of the leadership and management, quality of teaching, achievement, or behaviour

and safety evaluated during the inspection, HMI may make recommendations as to what the school needs to do to tackle the weaknesses.

38. If inspectors have sufficient evidence that the key judgements have declined significantly, then they will need to consider whether the effectiveness of the provision as a whole has declined. In such circumstances it may be necessary for the monitoring inspection to be deemed a section 5 inspection, under section 9 of the Act. In such an event, all the judgements required by the evaluation schedule will be made, a section 5 inspection report produced, and the school given the overall effectiveness judgement that it 'requires improvement' or it is inadequate and so placed in the appropriate category of concern.

After the inspection

Writing, editing and publishing the monitoring inspection letter

39. A writing day will be scheduled for the lead inspector following the inspection. The monitoring inspection letter should follow the template and the prompts it contains. Inspectors should ensure that it is, as far as possible, ready for distribution to the school following a quality assurance check and final edit by the relevant Senior HMI.
40. Following quality assurance, and within five days of the end of the monitoring inspection, HMI will send the draft letter to the school for a factual accuracy check. The monitoring inspection letter is sent under the HMI's name.
41. The school has 24 hours to comment on the letter's factual accuracy and return it to HMI.
42. In sending the letter to the school, HMI must make clear that, while concerns over factual accuracy will be fully considered, the judgements will not be subject to change.
43. Within 10 days of the end of the inspection, the HMI will send the final version of the monitoring letter to the school and to the appropriate recipients as noted on the letter template: these include the Secretary of State, the Chair of the Governing Body or equivalent, the local authority/sponsor/proprietor (and the Education Funding Agency where the school has a sixth form that is deemed to be inadequate). The letter will normally be published on the Ofsted website usually within 15 days of the end of the monitoring inspection.
44. There may be very exceptional circumstances where Ofsted chooses not to publish a monitoring letter. Where this is the case, the decision and rationale will be made clear to the school.

Record of the inspection: the evidence base

45. The evidence base will be retained and disposed of in accordance with Ofsted procedures.