



Inspecting independent schools

The Framework for Inspecting Independent Schools in England under Section 162A of the Education Act 2002 In use from September 2005

**Better
education
and care**

Age group	Published	Reference no.
All	December 2005	HMI 2631

© Crown copyright 2005

Document reference number: HMI 404

Website: www.ofsted.gov.uk

This document may be reproduced in whole or in part for non-commercial educational purposes, provided that the information quoted is reproduced without adaptation and the source and date of publication are stated.

Contents

Introduction	3
The implications of the Education Act 2002	3
Definitions of terms	5
<hr/>	
Section 1: the basis for inspections	7
The legal requirements for registration of independent schools	7
The purpose of inspections	8
The principles governing inspections	10
Which schools are inspected?	12
How often will schools be inspected?	13
Who are the inspectors?	14
Coordination with other inspections	16
Schools offering day care for children	17
What happens to new schools?	18
<hr/>	
Section 2: the evaluation schedule	19
The Purpose and Scope of the Inspection	19
<hr/>	
Section 3: the conduct of inspections	22
What happens before an inspection?	22
What happens during an inspection?	24
What happens after an inspection?	27
The first inspection of new schools	27
Use of inspection data	28
Failure to meet the requirements of registration	28
The quality of inspection	30
Complaining about an inspection	31

Introduction

The implications of the Education Act 2002

The Education Act 2002 made substantial changes to the registration and inspection of independent schools. From September 2003, new schools must meet the standards set out in the regulations before they are allowed to open. All independent schools are inspected on a regular cycle and these inspections lead to a published report. Fees are charged for the inspection of independent schools. Details of inspection charges are to be found in Statutory Instrument 2003 No.1926 The Education (Independent School Inspection Fees and Publication) (England) Regulations 2003.

This document sets out the way in which Ofsted conducts the inspection of independent schools under Section 163(2)(a) of the Act 2002, and amended by Schedule 8 of the Education Act 2005.¹

- **Section 1** of this document sets out the basis for inspections.
- **Section 2** is the evaluation schedule, which specifies what inspectors must consider in order to judge how well the school is doing and to explain why.
- **Section 3** describes how inspections are conducted.

¹ Hereafter referred to as inspections made under section 162A.

Definitions of terms

Independent school: an independent school is defined as any school that provides full time education for five or more pupils of compulsory school age, or one or more such pupils with a statement of special educational need, or who is in public care, and is not a school maintained by a local education authority or a non-maintained special school.

Appropriate authority: the proprietor, governing body or trustees.

Parents: the term 'parents' always includes carers who have parental responsibility.

Pupils: references to pupils apply also to children under compulsory school age and to students over 16.

HMCI: Her Majesty's Chief Inspector of Schools in England.

HMI: Her Majesty's Inspector(s) of Schools in England.

AI: Additional Inspectors working under contract to Ofsted.

Registered Inspector (RgI): an independent inspector who has been trained and accredited to conduct inspections on Ofsted's behalf.

Registered Nursery Inspector (RgNI): an independent inspector who has been trained and registered to conduct inspections on Ofsted's behalf of publicly funded nursery provision for three- and four-year-olds under section 122 of the School Standards and Framework Act 1998.

CCI: Ofsted's Early Years childcare inspectors.

DfES: the Department for Education and Skills.

CSCI: Commission for Social Care Inspectorate.

NISP: National Inspection Services Provider: the contractor conducting some of Ofsted's inspections

EYD: Early Years Directorate within Ofsted.

Section 1: the basis for inspections

The legal requirements for registration of independent schools

1. Section 157 of the Education Act 2002 specifies that regulations setting out the standards that independent schools must meet should be made on the following matters:
 - the quality of education provided by the school
 - the spiritual, moral, social and cultural development of pupils
 - the welfare, health and safety of pupils
 - the suitability of proprietor and staff
 - the school's premises and accommodation
 - the provision of information
 - the procedures for handling complaints.

2. The inspection of publicly funded nursery education and childcare in independent schools is conducted by Ofsted's childcare inspectors (CCI). These inspections are conducted according to section 122 of the School Standards and Framework Act 1998 for publicly funded nursery education, and according to the Children Act Part 10A (for childcare), and are therefore distinct from the inspection of the whole school which is made under section 162A. However, wherever possible, these inspections will run concurrently so that the inspection appears to the school as a single inspection event, unless the school has a particular reason why it does not wish these arrangements to occur (see paragraph 17).

The purpose of inspections

3. The main purpose of an inspection under section 162A is to advise the DfES whether independent schools meet the prescribed standards for registration. Under section 2(2)(b) of the School Inspections Act 1996, the Secretary of State may request Ofsted to inspect and report on other matters in independent schools, for example a school's compliance with section 28D and E of the Disability Discrimination Act 1995, as inserted by the Special Needs and Disability Act 2001. Such additional matters will be incorporated into these inspections.

4. The inspection results in a published report. This tells the school, parents and wider community whether the requirements for registration are met, and provides the school with an independent, external view of its strengths and weaknesses. Inspectors tell the school what it does well and what it must do in order to improve, making clear why they have come to their conclusions.

The principles governing inspections

5. All Ofsted inspections are based on the following principles:
- inspection acts in the interests of children, young people and adult learners and, where relevant their parents, to encourage high quality provision that meets diverse needs and promotes equality
 - inspection is evaluative and diagnostic, assessing quality and compliance and providing a clear basis for improvement
 - the purpose of inspection and the procedures to be used are communicated clearly to those involved
 - inspection invites and takes account of any self-evaluation by those inspected
 - inspection informs those responsible for taking decisions about provision
 - inspection is carried out by those who have sufficient and relevant professional expertise and training
 - evidence is recorded, and is of sufficient range and quality to secure and justify judgements
 - judgements are based on systematic evaluation requirements and criteria, are reached corporately where more than one inspector is involved, and reflect a common understanding in Ofsted about quality
 - effectiveness is central to judging the quality of provision and processes
 - inspection includes clear and helpful oral feedback and leads to written reporting that evaluates performance and quality and identifies strengths and areas for improvement
 - the work of all inspectors reflects Ofsted's stated values and Code of Conduct
 - quality assurance is built into all inspection activities to ensure that these principles are met and inspection is improved.

Ofsted also has a general duty, under section 71 of the Race Relations Act 1976, to have due regard, in carrying out its functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

6. The inspection of independent schools takes into account the aims and the distinctive character of the school, and reports on the extent to which the school achieves its aims, in the context of the requirements for registration. Inspection is not based on a single model of provision and effectiveness. In inspecting religious education in schools that provide it, inspectors consider the contribution of such teaching to the pupils' overall development.

Which schools are inspected?

7. For the purposes of registration, most independent schools are inspected under either section 162A(1)(a) or (1)(b). Inspections under section 162A(1)(a) are arranged by Ofsted. These inspections are conducted by HMI or Additional Inspectors (AI). Section 162A(1)(b) allows the Secretary of State to approve another body to carry out the inspections. For example, the Independent Schools' Inspectorate (ISI) is approved to carry out inspections of schools in membership of the Independent Schools' Council (ISC).
8. Independent schools catering wholly or mainly for pupils with special educational needs and which are approved under section 347 of the Education Act 1996 are also inspected under the arrangements outlined in this document. Non-maintained special schools will continue to be inspected under section 5 of the Education Act 2005.
9. The following types of independent school are subject to independent school regulations and inspection, but are also inspected under section 5 of the Education Act 2005:
 - city technology colleges
 - city colleges for the technology of the arts
 - Academies.

In practice, there will be a single inspection of these schools, which will encompass both systems.

How often will schools be inspected?

10. The Secretary of State for Education and Skills will request Ofsted to conduct an inspection of a school.² All independent schools will be inspected at least once in a six-year period. The selection of schools for inspection each year will take into account the type, size and location of the school and the timing and outcome of its previous inspection.
11. The DfES may ask Ofsted to undertake further inspections of a school during the six-year period in order to follow up a school's progress against an action plan if the first inspection has shown that it has not met the requirements of the regulations. (See paragraphs 35–41).
12. The DfES may also request Ofsted to undertake further inspections of a school where a material change is proposed. Material changes are a change in proprietor, a change of school address, a change in the age range of pupils, a change in the maximum number of pupils, a change in the gender of pupils, a change to boarding, or a change in the admission of pupils with special educational needs.

² Or ISI in the case of schools in membership of the Independent Schools Council

Who are the inspectors?

13. The inspectors are HMI and/or Additional Inspectors (AI) employed by the National Inspection Service Provider (NISP). In all cases, the inspectors' experience and expertise are matched to the type of school. In most cases, the inspection team consists of two inspectors, but other inspectors may augment the team in the case of large schools, those on split sites, where there are a substantial number of boarders, or where particular expertise, for example in ballet or a foreign language is needed.³ Inspection teams do not normally include a lay inspector.

³ The services of an interpreter may also be used where necessary.

Coordination with other inspections

14. It will not always be possible for Ofsted inspections to coincide with those carried out by other bodies, such as the Commission for Social Care Inspectorate (CSCI), but where these inspections fall in the same year, and a school expresses a preference for the inspections to take place at the same time, every effort will be made to coordinate the timing in this way. In all cases, Ofsted inspectors will take account of any other reports about the school, including those provided by the Fire Officer, health and safety inspectors or environmental health officers, or, in the case of foreign schools, the national inspectorates of their countries of origin.
15. In those independent schools which are not members of ISC, Ofsted will inspect under Section 122 of the School Standards and Framework Act 1998 the provision of publicly funded nursery education for three- and four-year olds, if applicable.⁴ Wherever possible, this inspection will run concurrently with the inspection of the rest of the school under s162A, and thus appear to the school as a single inspection event. The report resulting from the s122 inspection will be appended to the main school report and both reports will be published jointly by Ofsted. The inspection of funded nursery provision occurs every three years. Where the school inspection is not due, Ofsted will publish a separate report on the school's provision for children under five years.

Schools offering day care for children

16. From 1 September 2003, all schools that offer day care have been required to register their provision with Ofsted's Early Years Directorate (EYD). Ofsted has phased in registration of these schools over a period of two years and this phase is now complete. Inspections of registered childcare occur on a three year cycle and, wherever possible, the inspection of childcare and, if relevant, funded nursery provision, will occur at the same time as the inspection of the school.
17. Where the school provides nursery education for three- and four-year olds which is not publicly funded, this provision will be inspected under s162A. A separate childcare inspector is not required, but the inspection team must include a specialist in early years education.

What happens to new schools?

18. Proprietors wishing to open a new school must apply to the DfES for registration. They will be asked to supply the information set out in Statutory Instrument 2003 No.1934 The Education (Provision of Information by Independent Schools) (England) Regulations 2003.

⁴ Ofsted will also inspect the funded nursery provision of those independent schools whose educational provision may be inspected by another body under section 162A(1)(b) of the Education Act 2002.

19. Proprietors must also provide evidence of the school's ability to meet the standards required by Statutory Instrument 2003 No.1910 The Education (Independent Schools Standards) (England) Regulations 2003. This evidence is considered by the DfES, who asks Ofsted to make an initial visit before the school starts to operate, in order to advise the Secretary of State about the school's readiness for registration. Once the school has been registered, it will receive a reporting inspection during its first year.

Section 2: the evaluation schedule

The Purpose and Scope of the Inspection

Information about the school

20. This will comprise the characteristics of the school and its pupils, and what the school aims to achieve.

Summary

21. Inspectors will state their judgements about:
- the school's overall effectiveness in meeting its declared aims
 - what the school does well
 - what should be improved in order to meet the requirements of the regulations.

Inspectors will analyse the factors that account for the school's strengths and weaknesses.

Compliance with the regulations for registration

22. Inspectors must judge whether the school meets the standards for registration, as set out in the regulations, in relation to:⁵
- 1) the quality of education provided by the school
 - 2) the spiritual, moral, social and cultural development of pupils
 - 3) the welfare, health and safety of the pupils⁶
 - 4) the suitability of proprietor and staff
 - 5) the school's premises and accommodation
 - 6) the provision of information
 - 7) the procedures for handling complaints.
23. In each of these sub-sections inspectors make clear whether the school meets the standards required, and where it does not, what action must be taken. In such cases, the school is required to produce an action plan covering these points. Inspectors must explain how they have come to their conclusions.
24. Where the school's provision meets the standards, inspectors will say so clearly, but they may also make recommendations for the school's further development. Schools are not required to address these points in an action plan.

⁵ The criteria for judgements in relation to the standards are set out in The Education (Independent School Standards) (England) Regulations 2003.

⁶ Where required to do so by the Secretary of State under the School Inspections Act 1996, this section will cover the school's provision and planning for accessibility as set out in s28D of the Disability Discrimination Act 1995, as inserted by the Special Needs and Disability Act 2001.

Note, inspectors will make reference in appropriate sections of the report to:

- the findings of any self-evaluation undertaken by the school
- evidence of the views of parents, students, pupils, placing authorities and other significant partners
- reports of the inspection of childcare (where applicable)
- reports on the school's compliance with National Minimum Standards for Boarding Schools or Residential Special Schools
- reports on compliance with environmental health and fire regulations
- inspections undertaken by accrediting bodies or, in the case of schools following the curriculum of another country, by other national inspectorates (if appropriate).

Section 3: the conduct of inspections

What happens before an inspection?

25. In the term before an inspection, Ofsted contacts the school to ask about the dates of holidays and any other times when an inspection would be impossible.⁷ Information about any special features of the school are also sought. This is to facilitate planning and enable Ofsted to match the experience and expertise of inspectors to the school.
26. Six to eight working weeks before the inspection, the headteacher and/or proprietor is given formal notification of the date of the inspection and the names of the inspectors.⁸ The school is asked to send some information before the inspection and to make further information available during the inspection itself. Inspectors keep requests for advance information to a minimum, in order to reduce the demands on schools, but they need some basic information about pupils' achievements and the curriculum, staffing, and organisation of the school so that the inspection can be planned and conducted efficiently. They also take account of any evaluation the school provides of its own performance.
27. At the same time, questionnaires are sent to the school for distribution to parents in order to seek their views. Questionnaires are also sent to tutorial colleges and schools with pupils of secondary age, in order that pupils may express their views. Parents will be asked to return their completed questionnaires in an envelope to the school, who in turn will forward this to the NISP.
28. The school is asked to return the advance information that has been requested within four working weeks of receiving the formal notification of inspection. Inspectors use this to help them prepare for and plan the inspection, so that they make the best use of their time in school. Wherever possible, the lead inspector will make a short preliminary visit to the school, and should use the evidence from this visit, together with other information from the school to prepare a briefing for the team.
29. In the week before the inspection, or during the preliminary visit to the school, the lead inspector contacts the headteacher to discuss arrangements for the inspection. This may include making appointments for inspectors to talk to key members of staff, meet pupils, and look at a sample of their work. The school should ensure that pupils' exercise books and other evidence of their work are available for scrutiny on the first day of the inspection.

⁷ In this context 'Ofsted' includes the National Inspection Service Provider.

⁸ Notification is normally given to headteachers except where requested otherwise.

What happens during an inspection?

30. Inspectors arrive by midday of the first day of the inspection. The organisation of this day will vary according to the circumstances of each school, but it will include an opportunity for the proprietor, headteacher and staff to meet the inspectors. During the afternoon, inspectors read through the additional information provided by the school. This may include details of policy documents and schemes of work, in whatever form the school holds the information. Schools are not expected to prepare extra documents for the inspection, nor to produce lesson plans to a particular format. The inspectors also look at a sample of pupils' work, and talk to the headteacher and key members of staff about their responsibilities.
31. Inspectors spend the next two days in the school inspecting teaching and learning and evaluating pupils' achievements, observing and talking to the pupils, and following up inspection issues. They look at a range of lessons. Because inspectors focus on the quality of teaching and its impact on pupils' learning, rather than on the performance of individual teachers, they may not, particularly in larger schools or where there is a high proportion of part time staff, see all staff teaching. The work of unqualified as well as qualified teachers, and the work of teaching assistants, may be observed. Teachers whose lessons have been observed are offered brief feedback, immediately after the lesson or at a mutually convenient time. In addition to observing lessons, inspectors may wish to see evidence of lesson and curriculum planning, marking, assessments and records that are kept of pupils' progress.
32. The inspectors make judgements about pupils' achievements 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. They also take account of any value-added data available. 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 will be no feedback to individual subject departments, or separate subject reports.
33. During their time in the school, inspectors talk to the pupils and observe them at breaks and lunchtimes in social areas of the school. Where appropriate, they attend assemblies, tutorial sessions and a range of other activities. Schools should make no special arrangements to put on extra activities. In boarding schools, inspectors look at the arrangements made for prep and consider how the boarding experience affects pupils' personal and educational development. They talk to boarders and to the staff who care for them.

34. The formal part of the inspection is generally over by the evening of the third day. On the fourth day, the inspectors normally use the time to agree and record their judgements. At a mutually convenient time, the inspectors are then available to meet the headteacher to feed back the main inspection findings. The headteacher may wish to invite the proprietor, governors or senior staff to attend this meeting. In some cases this meeting may be held in the week following the inspection.

What happens after an inspection?

35. Around three working weeks after the inspection, the school is sent a draft of the report and is given five working days in which to comment on any factual errors. The final report is normally published about eight working weeks after the end of the inspection. A copy is sent to the appropriate authority, to the school and to local authorities which fund places for pupils who have statements of special educational needs or who are in public care. This may be sent in hard copy or by e-mail. The school is responsible for sending copies of the report to parents. Shortly afterwards, the report is placed on the Ofsted website.

The first inspection of new schools

36. During their first year after registration, new schools will receive a reporting inspection. This is conducted according to a short inspection model. The school receives the same amount of notice of inspection as all others, and is asked to complete the same pre-inspection forms. However, there is no pre-inspection visit to the school, and the inspection tariff is reduced to 5 days in total.

Use of inspection data

37. Ofsted holds data in electronic form from all the inspections it conducts. It regularly analyses the information to contribute to HMCI's Annual Report to Parliament and to advise the Secretary of State.

Failure to meet the requirements of registration

38. If the inspection report notes that the school does not meet one or more of the standards required for registration, then the DfES will:
- identify the standard or standards in question
 - require the proprietor to submit an action plan within a specified period of time; this plan must set out the steps that the school will take to meet the standard(s), and the time by which each step will be taken.
39. Following submission of the action plan, the DfES may reject it, or approve it, with or without modifications.

40. Where an action plan is not submitted, or is submitted but rejected, the DfES may:
 - determine that the school is to be removed from the register of independent schools
 - make an order requiring the proprietor to cease using any specified part of the school premises, close any part of the school's operation, or cease to admit any new pupils as specified by the order.
41. Where an action plan has been approved but the steps identified have not been taken by the required date, the DfES may:
 - substitute a later date
 - make an order as above
 - determine that the school is to be removed from the register of independent schools.
42. At the request of the DfES, Ofsted will visit schools to check the suitability and follow up the progress of the action plan.
43. If the DfES considers that there is a risk of serious harm to the welfare of the pupils, it may remove the school from the register of independent schools.
44. Under the provisions of section 166 of the Education 2002 Act, the proprietor of a school has a right of appeal to the Care Standards Tribunal against any Order made by the Secretary of State affecting the registration of the school following the inspection.

The quality of inspection

45. To satisfy Ofsted's quality standards, inspectors must ensure that:
 - **judgements** about the school and what it needs to do to improve are fair and accurate
 - **communication** of inspection findings is clear and helpful to the school
 - **evidence** is secure and substantiates all inspection judgements
 - the **conduct of the inspection** is to a high professional standard.
46. Ofsted's **Code of Conduct** specifies that inspectors are expected to:
 - evaluate objectively, be impartial and have no previous connection which could undermine their objectivity
 - report honestly and fairly, ensuring that judgements are accurate and reliable
 - carry out their work with integrity, treating all those they meet with courtesy and sensitivity
 - do all they can to minimise stress for those involved in the inspection, and act with their best interests and well-being as priorities
 - 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.
47. After each inspection, a questionnaire is sent to the school inviting comment on the quality of the inspection.

Complaining about an inspection

48. The vast majority of inspections are carried out successfully and without incident. The headteacher should raise any concerns with the lead inspector as soon as possible, preferably while the inspection is taking place. The lead inspector will then try to resolve the problem.
49. Where these concerns cannot be resolved in the course of the inspection, or where difficulties arise after the inspection has finished, for example concerning the quality of the inspection report, the headteacher or proprietor may wish to make a formal complaint. The procedure by which complaints should be made and are handled is set out in the leaflet *Complaining about independent school inspections* (HMI 2575). This leaflet is available from Ofsted.
50. If Ofsted's procedures have been exhausted and the complainant remains dissatisfied with the way Ofsted has handled a complaint, the matter may be considered by the Independent Complaints Adjudicator (ICA). A request for adjudication on the handling of a complaint must normally be made within three months of Ofsted's final response. The request should be made to the ICA, Elizabeth Derrington, 9 Millfield Terrace, Hexham, Northumberland, NE46 3EH.
51. If the inspection has been conducted by a body approved by the Secretary of State under section 162A(1)(b) of the Education Act 2005, for example the ISI, the complaint should be made to that body, in accordance with its complaints procedure.