

The framework for inspecting independent schools

The framework for inspecting independent schools in England under section 162A of the Education Act 2002, as amended by schedule 8 of the Education Act 2005. In use from April 2008.

Age group: Primary and Secondary

Published: April 2008

Reference no: HMI 2684

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.

Alexandra House
33 Kingsway
London WC2B 6SE
T 08456 404040

www.ofsted.gov.uk

Published April 2008

Reference no. HMI 2684

© Crown Copyright 2008



Contents

Introduction	2
The implications of the Education Act 2002, as amended by schedule 8 of the Education Act 2005	2
Definitions of terms	2
Section 1. The basis for inspections	3
The legal requirements for registration of independent schools	3
The purpose of inspections	4
The principles governing inspections	4
Which schools are inspected?	5
What happens to new schools?	6
How often will schools be inspected?	6
Who are the inspectors?	7
Coordination with other inspections carried out by Ofsted	8
Section 2. The evaluation schedule	9
Section 3. The conduct of inspections	10
What happens before an inspection?	10
What happens during an inspection?	11
What happens after an inspection?	12
Use of inspection data	12
Failure to meet the requirements of registration	12
Inspection fees	13
The quality of inspection	15
Complaining about an inspection	15

Introduction

The implications of the Education Act 2002, as amended by schedule 8 of the Education Act 2005

1. 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.
2. This document sets out the way in which Ofsted conducts the inspection of independent schools under section 162A of the Education Act 2002, as 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.

Definitions of terms

Appropriate authority: the proprietor, governing body or trustees.

AI: Additional Inspectors working under contract to NISP (see below).

CD: Ofsted's Children's Directorate.

DCSF: Department for Children, Schools and Families.

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

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

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 authority or a non-maintained special school.

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

I

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

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.

SIEF: school information and self-evaluation form, which is completed by schools.

LTI: light touch inspection. This applies to those schools which at their previous inspection were judged to be meeting at least 90% of regulations, including the vast majority of those relating to the quality of education and safeguarding of pupils.

Section 1. The basis for inspections

The legal requirements for registration of independent schools

3. 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 for parents, carers and others
 - the procedures for handling complaints.

4. The inspection of publicly funded nursery education and registered day care in independent schools is conducted by Ofsted's Children's Directorate (CD). 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 1989 (Part XA) for day care, 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 paragraphs 19 to 22).

The purpose of inspections

5. The main purpose of an inspection under section 162A is to advise the DCSF whether the independent school meets the standards for registration as set out in The Education (Independent School Standards) (England) Regulations 2003 as amended 17 Jan 2005. Section 2 of the Education Act 2005 imposes a number of duties on HMCI, including to provide advice to the Secretary of State for Children, Schools and Families on such matters as may be specified in the Secretary of State's request, for example a school's compliance with sections 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.
6. The inspection results in a published report. This tells the school, parents, the wider community and the Registering Authority whether the requirements for registration are met, and provides the school with an independent, external view of the quality of its provision and its strengths and weaknesses. Inspectors tell the school what it must do to meet all the regulations, making clear why they have come to their conclusions.

The principles governing inspections

7. 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.

8. 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?

9. 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 that are members of the Independent Schools Council (ISC), and the School Inspection Service (SIS) is approved to carry out inspections of schools owned by the Focus Learning Trust (FLT).
10. 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.
11. 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.

What happens to new schools?

12. Proprietors wishing to open a new school must apply to the DCSF 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.
13. 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. The proprietor should ensure that the prospective school meets all these standards before the inspector's visit, since the purpose of this visit is not to offer advice, and a second visit by an inspector cannot be guaranteed. Inspectors will consider the written evidence 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. Once the school has been registered, it will receive an inspection under s162A during its first year and will be expected to complete a School Information and Evaluation Form (SIEF).

How often will schools be inspected?

14. The Secretary of State for Children, Schools and Families requests Ofsted to conduct inspections of registered independent schools.² Ofsted completed the first cycle of inspections of all registered non-association independent schools on 31 March 2008. This means that almost all these schools will have a published report available on the Ofsted website from that date. The exceptions are the reports which result from the first section 162A inspection of newly registered schools which are not published, however schools must make a copy available to parents and others on request. From 1 April 2008 all non-association independent schools will be inspected at least once in a three-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. Those schools which at their previous inspection were judged to be meeting at least 90% of regulations, including the vast majority of those relating to the quality of education and safeguarding of pupils, will receive a lighter touch inspection proportionate to risk. This will be known as a

² The DCSF will request ISI to conduct the inspection in the case of schools that are members of the Independent Schools Council, or SIS in the case of FLT schools.

'light touch inspection' (LTI). Those schools which did not meet the criteria for a LTI will be inspected in the second cycle under the standard model of inspection. In the third cycle (April 2011–14), Ofsted will inspect schools that have previously had a LTI using the standard inspection model, and those which previously had a standard model will be given a LTI if they meet the criteria. Thus, over a six-year period each school will be inspected twice; most will be subject to both a standard and a light touch inspection, but those which have not improved sufficiently to meet the LTI criteria will be inspected using the standard model on both occasions.

15. The DCSF may ask Ofsted to undertake a further inspection of a school 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 40 to 46). Ofsted will not normally publish this interim report unless the DCSF asks us to do so.
16. The DCSF may also request Ofsted to undertake an emergency visit to inspect a school where a complaint has been received or where it has other concerns about a school. The report resulting from this inspection visit will be sent to the DCSF but will not normally be published.
17. The DCSF may also request Ofsted to undertake a further inspection 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. As above, the resulting report will not normally be published, but the DCSF will send the school a letter as a result of the visit.

Who are the inspectors?

18. The inspectors are HMIs and/or AIs employed by the National Inspection Service Provider (NISP). Wherever possible, the inspectors' experience and expertise are matched to the type of school. The number of inspectors on a team is determined by the size and individual circumstances of each school. In a standard inspection 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 is a substantial number of boarders; or where particular expertise, for example in ballet, special educational needs or a foreign language is needed.³ In smaller schools, there may only be one inspector on the team. On some types of inspection, for example where newly registered schools are having their first full inspection during their first year of operation, or in a light

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

touch inspection, there will usually be only one inspector who will visit the school for a day. Exceptions to this would be very large schools or those which have multi or split sites or where residential care is provided. In the latter case the inspection will cover both the educational and care provision and two inspectors will generally be on site.

Coordination with other inspections carried out by Ofsted

19. From 1 September 2003, all schools which offer day care for 0–3 year olds should have registered this provision with Ofsted’s Children’s Directorate (CD). Those schools which offer a total of more than two hours per day wrap- around care outside the normal school day for their pupils aged between three and eight should have registered this provision with CD. Schools may also be eligible for public funding, through their local authority, to provide early education for three- and four-year-olds.⁴
20. The inspection of registered day care and publicly funded nursery education in independent schools is carried out by Ofsted’s children’s inspectors. 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 Part 10A of the Children Act 1989 for day care.⁵ They occur once every three years, but will take place more frequently if there are concerns about the day care and/or nursery education. These inspections will take place at the same time as the section 162A inspection, whenever possible, so that the inspection appears to the school as a single inspection event. The reports resulting from the day care and/or nursery education inspections will be included as a discrete section in the school report.
21. Where the school provides nursery education for three- and four-year-olds which is not publicly funded, this provision will be inspected under section 162A. The inspection team will include a specialist in early years education.
22. From 1 September 2008, where an independent school also offers boarding or residential provision, Ofsted proposes that the inspection of boarders’ welfare will form part of the whole school inspection. An additional social care inspector will be added to the team and the report will contain a section on the quality of care for boarders. In the summer term 2008 Ofsted will conduct some trial inspections of this kind in different settings.

⁴ Further information on registration is available at:

http://www.ofsted.gov.uk/assets/Internet_Content/Early_Years/daycare_appt.pdf

⁵ The Care Standards Act 2000 inserted Part XA. Amendments were also made by the Education Act of 2005 and the Children Act 2004.

Section 2. The evaluation schedule

23. Inspectors will state their judgements about:

- the school's overall effectiveness in meeting its declared aims
- the quality of the school's provision
- whether the school meets the seven standards for registration, as set out in the regulations, in relation to:⁶
 - the quality of education provided by the school
 - the spiritual, moral, social and cultural development of pupils
 - the welfare, health and safety of the pupils⁷
 - the suitability of proprietor and staff
 - the school's premises and accommodation
 - the provision of information for parents, carers and others
 - the procedures for handling complaints.

24. Inspectors will make clear whether the school meets the requirements of the regulations 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.

25. Where the school's provision meets all or most of the standards inspectors may also make recommendations for the school's further development. Schools are not required to address these points in an action plan.

26. When making judgements about the quality of the school's provision, inspectors will refer to the criteria published in the guidance for schools and guidance for inspectors on the Ofsted website. They will analyse the factors that account for the school's strengths and weaknesses and also take account of the following:

- the school's own self-evaluation (SIEF)
- evidence of the views of parents, students, pupils, placing authorities and other significant partners, and, where applicable:
 - reports of the inspection of childcare and funded nursery provision
 - reports on the school's compliance with National Minimum Standards for Boarding Schools or Residential Special Schools, or Children's Homes
 - reports on compliance with environmental health and fire regulations

⁶ The criteria for judgements in relation to the standards are set out in The Education (Independent School Standards) (England) Regulations 2003.

⁷ 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 section 28D of the Disability Discrimination Act 1995, as inserted by the Special Needs and Disability Act 2001.

- inspections undertaken by accrediting bodies or, in the case of schools following the curriculum of another country, by other national inspectorates.

Section 3. The conduct of inspections

What happens before an inspection?

27. Schools will be required to provide information about the dates of holidays and any other times when an inspection would be impossible. Information about any special features of the school is also sought. This is to facilitate planning and to enable Ofsted to match the experience and expertise of inspectors to the school.
28. Two working days before the inspection is due to commence 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 submit the completed SIEF electronically within 24 hours and to make further information available during the inspection itself.
29. At the time of notification questionnaires are sent electronically to the school for distribution to parents in order to seek their views. Questionnaires are also sent to 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; the school will then forward this to the lead inspector. In respect of pupils with special educational needs and/or those who are 'looked after', who are placed at the school and funded by local authorities, questionnaires are sent to the schools for distribution to the relevant placing authorities. When completed these are returned by the local authorities to the NISP who will forward them to the lead inspector
30. Once the school has been notified of its inspection, the lead inspector will contact 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 evidence of pupils' work is available for scrutiny during the inspection.

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

What happens during an inspection?

31. Inspections will involve between two and three days in school depending on the type of inspection and the size and individual circumstances of the school. This will include a planning day for the lead inspector. Lead inspectors may decide to spend part of the planning day on site at the school, for example reading documentation, looking at pupils' work, meeting with the headteacher, and looking at the premises. They will not be observing lessons during this time. Lead inspectors will discuss the detail of these arrangements in their initial contact with the school. The organisation of the remainder of the inspection will vary according to the circumstances of each school.
32. Inspectors spend the remaining days in the school inspecting teaching and learning and evaluating pupils' progress, 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 will probably not 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.
33. 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. 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.
34. 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 schools with boarding or residential provision 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.
35. The inspectors are also required to judge the suitability of the school's premises and accommodation. In certain circumstances they may wish to take photographs of the school buildings. These will only be used for the purpose of

providing evidence of their judgements, and will be destroyed after the report has been published unless they are part of an ongoing investigation.

36. At the end of the final day in school, the inspectors are 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.

What happens after an inspection?

37. Approximately five working days after the inspection the school is sent a draft of the report and is given three working days in which to comment on any factual errors. The final report is normally published within four working weeks after the end of the inspection. A copy is sent by email to the school. The school is responsible for sending copies of the report to parents and to local authorities which fund places for pupils who have statements of special educational need or who are in public care. Shortly afterwards, the report is placed on the Ofsted website. In the case of newly registered schools, the report which results from the first section 162A inspection is not published on the Ofsted website, but the school must make a copy available to parents and others on request.

Use of inspection data

38. Ofsted retains the evidence of individual inspections for three months, after which it is destroyed unless the inspection is the subject of a complaint. Beyond this point the published report is the only remaining document. Ofsted holds summative 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

39. If the inspection report notes that the school does not meet one or more of the standards required for registration, the DCSF 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.
40. Following submission of the action plan, the DCSF may:

- reject it, or
 - approve it, with or without modifications.
41. Where an action plan is not submitted, or is submitted but rejected, the DCSF may:
- determine that the school is to be removed from the register of independent schools, or
 - 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.
42. Where an action plan has been approved but the steps identified have not been taken by the required date, the DCSF may:
- substitute a later date
 - make an order as above, or
 - determine that the school is to be removed from the register of independent schools.
43. At the request of the DCSF, Ofsted will visit schools to check the suitability of the action plan and follow up its progress.
44. If the DCSF 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.
45. 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.

Inspection fees

46. Most independent schools which are inspected by Ofsted under section 162A arrangements are charged an inspection fee. The scale of fees is set out in Statutory Instrument No. 1926.⁹ Ofsted will invoice the school and collect payment. Fees can be paid in a single one-off payment, payable within 28 days of the date of request by Ofsted, or by two equal instalments, the first payable within 28 days of the last day of the inspection by Ofsted. The second instalment becomes payable within 28 days of the anniversary of the first date.

⁹ The Education (Independent School Inspection Fees and Publication) (England) Regulations 2003.

47. Inspection fees are not due in respect of approved independent special schools, i.e. schools granted approval by the Secretary of State for the admission of children with statements of special educational need (Section 347(1) of the Education Act 1996), academies, city technology colleges and city colleges for the technology of the arts. Similarly, no fee is due for the inspection of a newly registered school in its first year. Schools should refer to the Statutory Instrument for further information on fees. This document can be found on Ofsted's website.

The quality of inspection

48. 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.
49. 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, and
 - respect the confidentiality of information, particularly about individuals and their work.
50. After each inspection, a questionnaire is sent to the school inviting comment on the quality of the inspection. This information is used for training purposes and for continuous improvement.

Complaining about an inspection

51. 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.
52. 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 *Complaints about independent school inspections* (HMI 2575). This leaflet is available on the Ofsted website.

53. 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, PO Box 3124, Swindon, SN6 8WD.

54. 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 Independent Schools Inspectorate (ISI), the complaint should be made to that body, in accordance with its complaints procedure.