

# Protocol between Ofsted and the approved independent inspectorates

---

Protocol for Ofsted's communication and working arrangements with the approved independent inspectorates for independent schools in England.

This protocol has been agreed by Ofsted, the Department for Education, the Independent Schools Inspectorate, the Bridge Schools Inspectorate and the School Inspection Service.

**Published:** January 2011

---

**Reference no:** 100019



Corporate member of  
Plain English Campaign  
Committed to clearer communication

**361**

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/), write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This publication is available at [www.ofsted.gov.uk/publications/100019](http://www.ofsted.gov.uk/publications/100019).

To receive regular email alerts about new publications, including survey reports and school inspection reports, please visit our website and go to 'Subscribe'.

Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

T: 0300 123 1231  
Textphone: 0161 618 8524  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

No. 100019

© Crown copyright 2011



# Contents

---

<b>Introduction</b>	<b>4</b>
<b>Purpose of the protocol</b>	<b>5</b>
<b>Communication strategy</b>	<b>6</b>
<b>Scheduling and conducting inspections</b>	<b>6</b>
Inspections of new schools	8
Inspections of boarding schools	8
Inspections of the Early Years Foundation Stage	9
Inspections of registered early years provision – ISI only	12
<b>Monitoring the work of the independent inspectorates</b>	<b>14</b>
Annual summary report	16
Complaints about Ofsted monitoring visits or their outcomes and report reviews	17
<b>Handling other complaints</b>	<b>17</b>
Complaints about an inspection or report by the independent inspectorate	17
Complaints about registered early years setting – ISI only	18
Complaints about schools inspected by the independent inspectorates	18

## Introduction

1. Under section 162A of the Education Act 2002, as amended, the Secretary of State for Education may approve an independent inspectorate to conduct inspections of the registered independent schools which are members of the associations specified for the independent inspectorate concerned.
2. The Secretary of State, however, retains the right to request Her Majesty's Chief Inspector of Education, Children's Services and Skills (HMCI) to arrange inspections of such schools to be carried out by Ofsted, under other circumstances. For example, where schools are specially organised to make special educational provision for students with special educational needs and/or disabilities, or where serious concerns have been raised about a school.
3. Ofsted monitors the work of the independent inspectorates on a non-statutory basis, by agreement between the Department for Education (DfE) and Ofsted. Under this agreement, HMCI is required to prepare an annual report about each independent inspectorate. The annual report summarises the main judgements made by Ofsted as a result of its monitoring of a sample of the inspectorate's inspection work in the academic year preceding the report. The report will provide advice to the Secretary of State about the effectiveness of the inspectorate's arrangements for inspection, and about the quality of its inspections and reports, in relation to the expectations set out and the inspectorate's own framework, as agreed with the DfE. In preparing this report, HMCI must also have regard to matters that the Secretary of State may direct.
4. Ofsted is responsible for registration, regulation and enforcement of all registered early years provision in accordance with the Childcare Act 2006, including registered provision at independent schools.
5. Section 49(4) of the Childcare Act 2006 sets out that regulations may provide that HMCI is not required to inspect early years provision at an independent school if that provision is inspected at prescribed intervals by a body approved by the Secretary of State, where that provision is registered by Ofsted. Specific provision has been made to that effect in regulation 5 of the Childcare (Inspections) Regulations 2008 ('the Inspections Regulations').
6. The following independent inspectorates have been approved by the Secretary of State to inspect educational provision in independent schools.

- The **Independent Schools Inspectorate (ISI)** is approved to inspect registered early years provision<sup>1</sup> for children and education in schools in the associations in membership of the Independent Schools Council (ISC).
- The **School Inspection Service (SIS)** is approved to inspect the schools of the Focus Learning Trust and the Steiner Waldorf Schools Fellowship.
- The **Bridge Schools Inspectorate (BSI)** is approved to inspect selected schools in the Association of Muslim Schools UK and the Christian Schools' Trust, as advised by the DfE.

The latter two inspectorates are not approved to inspect any registered early years provision.

## Purpose of the protocol

7. The purpose of this protocol is to:

- set out the strategy for communication between Ofsted and the independent inspectorates
- set out the types of provision that will be inspected by Ofsted and the independent inspectorates – independent schools, boarding schools and the Early Years Foundation Stage
- explain how (for the inspection of the registered provision in the Early Years Foundation Stage only) Ofsted and **ISI** will work together to ensure that Ofsted is able to fulfil its regulation and enforcement functions effectively to ensure that the welfare of children is safeguarded
- explain the process by which Ofsted will monitor the work of the independent inspectorates
- describe the volume of monitoring Ofsted will undertake
- describe the process by which the annual report on the inspectorates' work will be prepared
- explain the process by which independent inspectorates may make complaints about Ofsted's monitoring of their work or appeal against the content of the report
- describe the handling of complaints about inspections carried out by the independent inspectorates, complaints about registered early years settings, and complaints about schools inspected by the independent inspectorates.

---

<sup>1</sup> All provision for children aged birth to three must be registered with Ofsted. Provision at an independent school for children who turn three within the term they start at the school, which is made by the proprietor of the school and is for at least one registered pupil of the school, does not need to be registered with Ofsted.

8. This protocol and related guidance and criteria for Her Majesty's Inspectors of Education, Children's Services and Skills (HMI) will be updated as required with the agreement of all parties and will be formally reviewed on an annual basis.
9. This protocol is published on the Ofsted website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

## Communication strategy

10. Ofsted will arrange a formal meeting with the chief inspectors of the independent inspectorates on a termly basis. These meetings will either be held as a joint 'keep in touch' meeting with all chief inspectors (or their representatives) present, or could on occasion be replaced by an individual meeting with the chief inspector of each independent inspectorate where this is more appropriate.
11. Meetings where the chief inspector of each independent inspectorate is present will be to discuss matters of mutual interest and concern. These meetings will normally involve the following Ofsted representatives: the Principal Officer, Independent and Boarding Schools; the Managing Inspector, Independent Schools; the Managing Inspector, Integrated Boarding Inspections; the National Adviser for Monitoring the Independent Inspectorates; and others as required.
12. An individual meeting with the chief inspector will be held with the National Adviser for Monitoring so that individual issues of concern to the inspectorate may be discussed.
13. These formal meetings do not preclude other contact between Ofsted and the independent inspectorates by email, telephone or in person, as needed. Informal communication is welcomed and any discussions which have implications for the protocol and thus for all inspectorates, will be followed up formally.

## Scheduling and conducting inspections

14. At the end of each term, the independent inspectorates will each supply Ofsted with an updated list of schools by email to [ind.sch@ofsted.gov.uk](mailto:ind.sch@ofsted.gov.uk). Each list will contain the following details.
  - Schools that have merged or closed.
  - The list provided by **SIS and BSI** will also include these details.
    - Schools that have been added to the inspectorate's list through consultation with DfE.
  - The list provided by **ISI** will include these additional details.
    - Schools that have left the relevant association.
    - Schools that have been inspected and accredited for association membership.

- Schools that have applied for membership of the relevant association and the date of the planned accreditation inspection by ISI. Once on this list, these schools will not require an Ofsted inspection of their education provision unless, as a result of that inspection, they were not admitted into membership. In such a case, Ofsted will inspect the school within three years. Schools added to ISI's list that have boarding provision, will still receive an Ofsted inspection of their boarding provision every three years.
  - Any registered settings that have closed or left the ISC.
15. DfE will send to Ofsted the agreed list of schools which are to be inspected by **BSI and SIS**. Officers of the DfE will inform Ofsted on a termly basis of any changes to the schools within the remit of the BSI or SIS which they have agreed with the independent inspectorate concerned. Ofsted will check this against the lists supplied by BSI and SIS to ensure that any misunderstandings are avoided. In the event of a discrepancy, the Managing Inspector, Independent Schools will liaise with all interested parties to clarify the remit for inspection.
  16. Ofsted will update its information systems from the details in these lists and ensure that the scheduling team, the inspection data and information team, and the performance, targets and tracking team are advised accordingly. This will ensure that all schools receive a timely inspection, and that Ofsted does not inspect a school which is in another inspectorate's remit. **Ofsted will always conduct the first inspection of a newly registered school.**
  17. The independent inspectorates will send an outline inspection programme for the forthcoming year to Ofsted by the start of the summer term of the preceding academic year, in order to enable Ofsted to scope its monitoring and inspection work. This information should be sent to [ind.sch@ofsted.gov.uk](mailto:ind.sch@ofsted.gov.uk) for the attention of the Principal Officer, Independent and Boarding Schools; the Managing Inspector, Independent Schools; the Managing Inspector, Integrated Boarding Inspections; the National Adviser for Monitoring the Independent Inspectorates and others as required. Named post-holders are supplied separately.
  18. This information is particularly important in the context of boarding schools, so that Ofsted can schedule its welfare inspections to run concurrently with the independent inspectorates' inspections of boarding schools' educational provision, where this is possible. These inspections will be known as '**aligned inspections**'. Thus, early notification of specific dates as soon as they are known is particularly appreciated, and the dates of boarding school inspections should be given to Ofsted at least six months in advance.
  19. The independent inspectorates will update their outline programmes on a termly basis to show specific details of the schools to be inspected, the precise dates when the school and Early Years Foundation Stage inspections will take

place (if these are different), the name of the reporting/lead inspector and (where relevant) the lead inspector for the Early Years Foundation Stage.

20. Where an inspection of registered early years provision does not take place at the same time as the school inspection, **ISI** will provide Ofsted with details of the timing and leadership of the inspection.
21. All independent inspectorates will provide to Ofsted the updated information on their programmes, set out in paragraph 17, at least three months before the start of the term in which the inspections are scheduled. The information will be sent electronically to [ind.sch@ofsted.gov.uk](mailto:ind.sch@ofsted.gov.uk) marked for the attention of the National Adviser for Monitoring the Independent Inspectorates and copied to the Managing Inspector, Independent Schools; the Managing Inspector, Integrated Boarding Inspections; and the Principal Officer, Independent and Boarding Schools.
22. During all inspections, including aligned inspections, Ofsted and the independent inspectorates will follow their own frameworks and procedures.

### **Inspections of new schools**

23. Ofsted will conduct all pre-registration inspections of schools. The first inspection of a newly registered school will also always be conducted by Ofsted, and the inspection report will be published on the Ofsted website. Thereafter, the school may seek accreditation with ISC, or with the other associations or bodies which are part of the SIS or BSI inspection remits.

### **Inspections of boarding schools**

24. Ofsted will, over time, seek to align its inspection of boarders' welfare with the education inspection by the independent inspectorate, so that both inspections run concurrently. Ofsted will not be able to do this immediately, as this has implications for Ofsted's resources and for the schools involved. However, where a school's next scheduled boarding inspection falls within six months of the independent inspectorate's proposed education inspection date, Ofsted will seek to align with the independent inspectorate's inspection.
25. Ofsted will inform the inspectorate concerned where it is possible to organise an aligned inspection, and the inspectorate will agree to keep this information confidential, as it must not be divulged to the school. Similarly, where an Ofsted social care regulatory inspector is given the details of the lead/reporting inspector or early years lead inspector before these details are known to the school, this information must not be transmitted to the school. Each inspectorate must be able to give its own notification of education and welfare inspection within agreed timescales. Where it is not possible to run an Ofsted welfare inspection at the same time as the inspectorate's educational inspection, the inspectorate may discuss the timing of the Ofsted inspection with the Managing Inspector, Integrated Boarding Inspections to share any concerns and information relevant to inspection.

26. Ofsted will inform each inspectorate of all boarding inspections which are to be aligned and provide the name and contact details of the Ofsted lead social care regulatory inspector as soon as this is known. This will enable good contact to be made at an early stage.
27. Although Ofsted's inspectors and the independent inspectorates' inspectors will follow their own frameworks and procedures during aligned inspections, they will work together as far as possible. Information provided by the school will be shared, in order to keep demands on the school to a minimum and make efficient use of resources. Lead/reporting inspectors will discuss main judgements to ensure consistency, particularly on matters concerning the independent schools regulations and the national minimum standards. On the rare occasions where there is a change of judgement post-inspection as a result of quality assurance, by either inspectorate, the lead/reporting inspectors will notify one another of the change. Ofsted lead inspectors may share a draft of their report with the lead/reporting inspector from the independent inspectorate if this is requested. This will be the pre-publication draft report which is sent to the school for the factual accuracy check and which has already been through Ofsted's quality assurance procedures. In line with information assurance procedures, Ofsted lead inspectors will not send these draft reports to individual inspector's email addresses, but to a secure mailbox supplied by the independent inspectorate. For ISI this is: [boardingreports@ISI.net](mailto:boardingreports@ISI.net); for BSI the contact address is: [bsi@btinternet.com](mailto:bsi@btinternet.com); and for SIS the contact address is: [ci@schoolinspectionsservice.co.uk](mailto:ci@schoolinspectionsservice.co.uk).
28. In the unlikely event that one of Ofsted's boarding reports is withdrawn from publication, or a change in judgements is made subsequently, for example as a result of investigating a complaint, the Managing Inspector, Integrated Boarding Inspections will notify the relevant inspectorate.

## **Inspections of the Early Years Foundation Stage**

29. All provision for children from birth to aged three years must be registered with Ofsted. As mentioned in paragraph 6 above, ISI is approved to inspect registered early years provision in schools in the associations in membership of the ISC. BSI and SIS will inspect provision for children aged three to five in their remit, but the registered provision for children from birth to aged three years will be inspected by Ofsted.

### **Unregistered early years provision discovered during inspection**

30. All independent inspectorates will inform Ofsted of any unregistered childcare which is discovered during inspection and requires registration. This information should be sent to the mailbox [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk).

### **Reporting on the Early Years Foundation Stage – all inspectorates**

31. Inspectorates will carry out inspections with regard to relevant requirements in the Early Years Foundation Stage (Learning and Development) Order 2007, the

Early Years Foundation Stage (Welfare Requirements) Regulations 2007, as amended by the Early Years Foundation Stage (Welfare Requirements) (Amendment) Regulations 2008 and the Statutory Framework for the Early Years Foundation Stage (May 2008).

32. **ISI** will inspect all Early Years Foundation Stage provision in ISC schools. **BSI and SIS** will inspect the provision directly made by schools in their remit for children aged three and above in the Early Years Foundation Stage, according to the Early Years Foundation Stage framework. All independent inspectorates will use the same criteria and make the same four judgements of the quality of the Early Years Foundation Stage as Ofsted inspectors. This will ensure uniformity of inspection for all Early Years Foundation Stage providers and will also assure the Secretary of State, parents and child carers that consistent judgements are made across all Early Years Foundation Stage provision nationally. Beyond this, the independent inspectorates will inspect the Early Years Foundation Stage in schools in their remit according to their own agreed framework. All registered provision in those schools within the BSI or SIS inspection remits will continue to be inspected by Ofsted.
33. Where the Early Years Foundation Stage report appears in the main school report, the key judgement words, rather than grades, may be used. The independent inspectorates will send a copy of the Early Years Foundation Stage judgement schedule, showing the four main judgements for the Early Years Foundation Stage, to Ofsted by email to [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk) at the same time that the report is published on the inspectorate's own website. This will enable Ofsted to analyse Early Years Foundation Stage provision nationally.
34. The independent inspectorates will report any failure of a school (including its Early Years Foundation Stage provision for pupils aged three to five) to comply with The Education (Independent School Standards) (England) Regulations 2003 to the DfE.
35. Where a school has failed through negligence to register its provision for children under three years of age, or any other provision where registration is due, the inspectorate will report this to Ofsted and must reflect this failure in the report, for example in the judgement of leadership and management and governance of the school.

### **Managing enforcement and investigations in the Early Years Foundation Stage**

36. Ofsted will remain responsible for monitoring any Early Years Foundation Stage setting that falls within an inspectorate's remit from September 2008 that has an existing inadequate judgement. However, the setting will still fall within the inspectorate's remit for the purpose of inspections under section 49(4) and they will schedule inspections accordingly. Ofsted will keep the inspectorate informed of dates of the monitoring visits it undertakes to these settings to

ensure that there is effective coordination between monitoring visits and any section 49(4) inspection.

37. All decisions regarding investigations and enforcement for registered provision must be made by Ofsted but it is recognised that ISI will have a role in this work, as it will have information which will be of assistance to Ofsted in making decisions about proposed enforcement action. Evidence from the inspection will need to be passed to Ofsted to inform decision making and the ISI inspector will be involved in any case discussions.
38. With regard to registered provision, **ISI** may make recommendations that are straightforward issues for the provider to resolve. Such recommendations will not require any enforcement action by Ofsted but may be a minor breach of regulations that do not impact on the safety of children who are attending the setting. Major recommendations and actions relate to the five overarching welfare requirements in the statutory guidance for the Early Years Foundation Stage. In this situation, ISI will inform Ofsted in writing of all recommendations and provide a copy of the inspection evidence base to support the recommendation made. ISI will make clear to the provider what they must do to improve at the end of the inspection and will ensure that the provider informs both ISI and Ofsted when the recommendation has been completed.
39. ISI inspectors wishing to discuss any issues or questions arising in an inspection, to check the level of evidence gathered, or to seek guidance on any aspect of the inspection process that may result in an inadequate judgement being made, should ring Ofsted's National Business Unit on 0300 123 1231 and ask to be put through to the duty Compliance, Investigation and Enforcement professional. This colleague will offer support in formulating wording for actions and recommendations if required.
40. When a decision is required in relation to an inspection outcome that may result in investigation or enforcement action, Ofsted will arrange a telephone conference call that will include the ISI inspector (and any other person nominated by ISI) and any relevant Ofsted personnel.
41. Ofsted will be responsible for issuing any enforcement letter to providers and for monitoring any action plans required following inspection by ISI. Ofsted will ensure that ISI is kept informed of information received regarding inspection outcomes.
42. Ofsted and ISI will work together to identify the most appropriate method to manage investigation and enforcement visits required following inspection. Ofsted will always be the lead for this work, but there may be circumstances in which it would assist if an ISI inspector accompanied an Ofsted monitoring or investigation visit, in order to clarify issues arising from an inspection.
43. Ofsted will ensure that ISI have copies of all information leaflets for providers that relate to investigation and enforcement matters. ISI will make available to

Ofsted its manual for the inspection of Early Years Foundation Stage and registered settings.

### **Publishing reports containing Early Years Foundation Stage judgements**

44. Inspectorates will publish all school reports on their websites, including those containing judgements on the Early Years Foundation Stage and registered settings.
45. Ofsted will publish any post-registration inspection report for ISC schools, and reports of registered provision for all other schools on its website. Ofsted will also publish any other details relating to registration, including conditions of registration, complaints about the provision, and enforcement action.

### **Inspections of registered early years provision – ISI only**

#### **Registration of early years provision and variations to conditions of registration**

46. Ofsted will inform ISI of any newly registered settings that fall within ISI's inspection remit, by email to [data@isi.net](mailto:data@isi.net). Ofsted will retain a full record of such providers on its database and provide any additional information to ISI that may be required to support them to fulfil their inspection responsibilities. This will include conditions of registration, the name of the provider, and the full name and address of the setting.
47. Ofsted will continue to conduct the post-registration inspection of registered provision within seven months of its registration. After this inspection, the setting will be passed to the ISI remit, provided that the inspection outcome is satisfactory or better. If the ISI inspection of the school takes place before the post-registration inspection of the registered early years provision by Ofsted has occurred, the registered provision will not form part of ISI's school inspection, nor be evaluated in the report. Inspectors will, of course, check that children are safe, and alert Ofsted immediately to any obvious matters of concern.
48. Ofsted will take all decisions for any requests to vary the registration conditions that may be made by a registered setting. If this occurs during an inspection, ISI will advise the provider to contact Ofsted directly so that the standard variation request form can be completed, and future inspection forms pre-populated accordingly. Ofsted is solely responsible for making the variation decision and if further information is required from the provider in order to reach a decision, Ofsted will obtain that information directly from the provider.
49. Ofsted retains responsibility for the management of all aspects of the registration process. This will include any enforcement action that may be required if a setting has been operating without registration where registration is required, or if the registered provider has been working in breach of regulations. Ofsted retains responsibility for checking the suitability of

managers and those making an application for registration, and the nominated individual.

### **Inspections of registered early years settings**

50. In accordance with regulation 5 of the Inspections Regulations, all inspections under section 49 of the Childcare Act 2006 will remain the responsibility of Ofsted until ISI has inspected settings which fall within its remit and notified Ofsted that the report of the inspection has been published. At the start of the inspection cycle, Ofsted will provide ISI with a list of all registered settings that require inspection. ISI will check this information and ensure that Ofsted is notified of any discrepancies or changes in the settings concerned. ISI will be responsible for scheduling these inspections in accordance with their procedures, and for ensuring that the inspections are scheduled within the regulatory timeframe prescribed in regulations 3 and 4 of the Inspections Regulations. Registered providers will be given five days' notice of inspection, which will take place at the same time as the interim school inspection.
51. By the start of each term, Ofsted will ensure that ISI has any relevant information to support the inspection process in that term. This will include copies of compliance notices and/or welfare requirements notices, conditions of registration, any variations to those conditions, outcomes of recent complaints, and any other information relating to the setting. ISI must take account of all relevant information in the inspection process.
52. ISI will inform Ofsted of all inadequate judgements at the end of the inspection in which they were made, by contacting the national Compliance, Investigation and Enforcement team in Nottingham. Contact with this team must be made via the National Business Unit on 0300 123 1231.
53. Within four working weeks of the end of the inspection of a registered early years setting, ISI will send the full school report with the embedded section on the Early Years Foundation Stage and registered childcare provision, and the Judgement Recording Form by email to [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk). In cases where the registered provision has been judged inadequate, ISI will notify Ofsted of the judgement within five working days.
54. At the end of each term, ISI will notify Ofsted of any inspections of registered provision which were scheduled but did not take place. The mailbox [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk) should be used for this purpose.

### **Reporting on registered early years provision**

55. In accordance with the Inspections Regulations, where approved to report on registered provision, ISI will report on the matters set out in s50(a)–(d) of the Childcare Act 2006. In particular, this will include text in the main body of a school report stating the overall judgement for the effectiveness of the registered Early Years Foundation Stage provision.

56. Any areas of non-compliance that relate to children in the registered setting must be clearly listed and cross-referenced to the statutory guidance for the Early Years Foundation Stage. Ofsted will be responsible for setting and monitoring any actions following an inspection that relate to any compliance issues in the registered setting. ISI will also be able to make such recommendations about how the setting may improve that do not affect the conditions of registration or require any enforcement action from Ofsted.

## Monitoring the work of the independent inspectorates

57. Ofsted will monitor a cross section of each inspectorate's work. Ofsted's monitoring will focus primarily on a sample of inspections and reports and on the inspectorate's own quality assurance arrangements, but may also include such other activities as may reasonably inform Ofsted's judgement of the quality of the inspection process. Such activities may include, for example, evaluating the inspectorate's handbook and advice and guidance given to support inspectors, or the training of inspectors, where this is appropriate, for example at the start of a new area of work.
58. The selection of inspections and reports for monitoring will be undertaken according to and in proportion to risk. Where an inspectorate has already established a secure track record, Ofsted will monitor a minimum of 8% and up to 10% of all inspections, and a minimum of 12% and up to 15% of all reports. However, HMCI may direct more extensive monitoring where this is deemed appropriate, for example with a new inspectorate, where an established inspectorate has taken on new work, or where an inspectorate is so small that such percentages are meaningless. Monitoring will cover all types of inspection, including the inspection of the Early Years Foundation Stage where this is appropriate. Monitoring of both inspections and reports will take place every term.
59. The monitoring work will be undertaken by HMI. The HMI or Ofsted's inspection support officer for monitoring the independent inspectorates will make every effort to notify the lead/reporting inspector by telephone at least two days in advance of any monitoring visit. Contact will be made by email or via the inspectorate concerned if the lead/reporting inspector is unavailable. The HMI or Ofsted's inspection support officer will contact the school in the week of the inspection to inform them of the monitoring visit, and will not contact the school until the lead/reporting inspector has been informed.
60. Monitoring will take place in accordance with the procedures set out in this document. In monitoring a sample of **school inspections**, HMI will make judgements on:
  - whether inspections establish that schools meet the prescribed standards for registration as set out in the Statutory Instrument, the Independent Schools (England) Standards Regulations 2003, or subsequent amendments to these

- where relevant, whether inspections establish that the schools meet the prescribed requirements for the Early Years Foundation Stage and the registered early years provision in accordance with the Childcare Act 2006
- the extent to which the inspectors' judgements of the school's compliance with those regulations and of the Early Years Foundation Stage are accurate.

61. Where it is appropriate to do so, HMI may also comment on:

- the overall quality of the inspection and whether it complies with the inspectorate's quality requirements, as agreed with the DfE and set out in its handbook
- the suitability of the inspection team and its deployment
- the conduct of the inspection
- the impact of training provided by the inspectorate
- the quality of support and guidance provided by the inspectorate and the effectiveness of its own quality assurance arrangements.

62. In making a judgement on whether or not inspections and reports meet the standard required, HMI will refer to the criteria which have been agreed by and shared with all parties, including the DfE.

63. Towards the end of their monitoring visit, or by telephone shortly afterwards if this is more appropriate, HMI will provide the lead/reporting inspector with clear feedback on the strengths and weaknesses of the inspection.

64. A letter containing written confirmation of these judgements will be sent to the lead/reporting inspector (if their address is known) as soon as possible and at the very latest within 20 working days of the monitoring event. A copy of this letter will also be sent to the inspectorate at the same time, for information, and for distribution to the lead/reporting inspector where their address is not available to Ofsted.

65. In the course of the inspection, an HMI may make other observations, for example about the effectiveness of the inspectorate's training or guidance for inspectors, as they are demonstrated in the context of the inspection. In these circumstances, a separate letter containing this feedback will be sent to the chief inspector. This letter will be sent within 20 working days of the monitoring visit.

66. In monitoring a sample of school **inspection reports**, HMI will make judgements on:

- whether reports establish clearly that schools meet the standards for registration as set out in the Statutory Instrument, the Independent Schools (England) Standards regulations 2003, and, where appropriate, the standards set out in the Early Years Foundation Stage, and

- whether the report complies with the inspectorate's quality requirements, as agreed with the DfE and set out in its manual.
67. HMI will provide to the lead/reporting inspector a clear written assessment of the inspection report. A copy of this letter will be sent to the inspectorate at the same time. The evaluation of reports will be communicated in a letter to the chief inspector of the relevant inspectorate no later than two weeks after the end of the term in which the evaluation has taken place. This will allow the inspectorate to take any remedial action as soon as possible in the next term. Some evaluation of reports will take place every term.
68. All other monitoring activity by Ofsted will be agreed in advance with the relevant chief inspector, or an appropriate nominee for each inspectorate. This could, for example, include an examination of the inspectorate's own quality assurance procedures and records, and may also include monitoring the training for inspectors, for example where new inspection requirements such as the Early Years Foundation Stage are to be introduced. Where monitoring events of this kind occur, HMI will provide written feedback to the chief inspector no later than 20 working days after the event.
69. After the receipt of such letters described in the paragraphs above, the lead/reporting inspector or the inspectorate, as appropriate, may raise matters of factual accuracy within the next 10 working days. Such matters should be communicated to the [ind.sch@ofsted.gov.uk](mailto:ind.sch@ofsted.gov.uk) mailbox, or by post and addressed to the letter's author.

## Annual summary report

70. At the end of the academic year in which the monitoring has taken place, Ofsted will produce a report as directed by the Secretary of State. In preparing this report Ofsted will use the evidence provided by its annual monitoring activities, in order to produce a clear overall evaluation of the work of the inspectorate in relation to its agreed framework, including a brief report of the principal findings.
71. Where appropriate, Ofsted will recommend improvements in its annual summary report on each inspectorate. The inspectorate will be expected to implement improvements recommended in Ofsted's annual summary report, subject to an appeals procedure detailed below. Progress in meeting these recommendations will inform subsequent reports on the inspectorate's work. Where Ofsted recommends that an inspectorate is not suitable to act as an approved body, it is a matter for the Secretary of State whether that approval should be withdrawn and within what timescale. In this situation, alternative arrangements will need to be put into place to inspect the relevant schools. Detailed procedures for this eventuality will be agreed by Ofsted and DfE, and these will be published.

72. Ofsted will send a draft of the annual summary report to the inspectorate concerned and allow two weeks for the chief inspector to check its factual accuracy and make any comments. The Principal Officer, Independent and Boarding Schools will accept and/or respond to comments and suggested amendments to the text within two working weeks<sup>2</sup> and notify the inspectorate accordingly. If needed, a meeting date between the inspectorates and the National Adviser for Monitoring the Independent Inspectorates and/or Principal Officer, Independent and Boarding Schools will be arranged, when the contents of the report may be discussed. The final version of the report will then be sent to the independent inspectorate, to the Secretary of State, and published on Ofsted's website in the autumn term. The intended publication date will be the end of September for the previous academic year.

### **Complaints about Ofsted monitoring visits or their outcomes and report reviews**

73. If an individual inspector from an independent inspectorate wishes to complain about a monitoring visit or its outcome, he/she should discuss this as soon as possible with the HMI concerned while the visit is in progress. If the inspector's concerns are not resolved in this way, or if they wish to complain about a written assessment of an inspection or a review of a report, the inspector should discuss the matter informally in the first instance with the National Adviser for Monitoring the Independent Inspectorates either directly or via the inspectorate concerned if that is in accordance with their agreed procedures. This process should also be followed if an independent inspectorate has concerns or wishes to complain about the annual summary report.
74. If it has not been possible to resolve the complaint through discussion with the National Adviser for Monitoring the Independent Inspectorates, the inspector or inspectorate may decide discuss it with the Principal Officer, Independent and Boarding Schools, or to make a formal complaint. The process by which a formal complaint may be made to Ofsted, including recourse to consideration of the complaint by an independent complaints adjudication service, has been sent separately to the independent inspectorates and is published on Ofsted's website.

### **Handling other complaints**

#### **Complaints about an inspection or report by the independent inspectorate**

75. From time to time Ofsted may receive complaints from schools or other interested parties about an inspection or report of an independent inspectorate. Any complaint regarding the conduct of an inspector or the outcome of an

---

<sup>2</sup> Where this falls in the summer holiday period, both parties will communicate over deadlines to take account of inspectors' leave arrangements.

inspection or report will be referred to the appropriate inspectorate for investigation in accordance with their complaints policy. As part of their routine monitoring, Ofsted may look at the inspectorate's processes for handling complaints.

### **Complaints about registered early years setting – ISI only**

76. Complaints about a registered early years setting will be investigated by Ofsted. All such complaints or concerns should be forwarded to [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk). Where appropriate, Ofsted may request information from ISI in order to assist its investigation. Ofsted will ensure that any investigation visit to a setting is discussed with ISI, to ensure that visits do not clash with any scheduled inspection. It is possible for ISI and Ofsted to conduct a joint visit in order to facilitate joined-up working.
77. Ofsted will inform ISI of the outcome of any complaint investigation involving an early years setting that is within ISI's remit.
78. In the case of Early Years Foundation Stage inspections of registered provision, ISI will report to Ofsted at the end of each term the number of formal complaints made and their outcomes. This can be done in writing or by email to [independentEYFS@ofsted.gov.uk](mailto:independentEYFS@ofsted.gov.uk).

### **Complaints about schools inspected by the independent inspectorates**

79. Complaints about schools that are inspected by ISI, BSI or SIS will not normally be investigated by Ofsted. However, Ofsted may inspect any school when the Secretary of State requests it to do so. Complaints about independent schools which are received by Ofsted are referred to the DfE.