

Completing the record of inspection evidence and judgements

Section 162A independent school inspection guidance

This document provides guidance for inspectors to assess whether schools meet the each regulation of The Education (Independent School Standards) (England) Regulations 2010.

Schools can use this guidance to assist with their interpretation of the regulations.

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General principles

1. The *Record of inspection evidence and judgements* (ROIEJ) is divided into the same seven sections as the independent school standards and regulations.¹ It incorporates questions on the Early Years Foundation Stage and boarding; these should be completed as required for the school being inspected. Inspectors should note that the childcare or social care inspectors who are on the team will advise on whether the school meets the relevant Early Years Foundation Stage requirements or national minimum standards for boarding.
2. Inspectors are required to tick the appropriate 'Yes – No – N/A' box for each regulation of The Education (Independent School Standards) (England) Regulations 2010.² A tick must be used, **not a cross**. A suitable tick can be found in the 'Wingdings' font: select 'Insert' from the top toolbar in Word, then 'Symbol', then select 'Wingdings' from the 'Font' pull-down menu. The tick is in the final row of 'Wingdings' symbols. Please do not insert a square route symbol. Where a regulation is met, the appropriate box in the 'Yes' column must only be ticked **once**. There is no need to record in the ROIEJ the detailed evidence that supports a 'Yes' judgement.
3. The ROIEJ is an important document. It is used for quality assurance, when signing off reports and in the event of a complaint. It is also used by the Department for Education (DfE) to take enforcement action against a school or when issuing an order. The ROIEJ may also be used in a tribunal. Inspectors are asked to treat the ROIEJ as a record of **key** evidence and judgements for the inspection only. It should not be used as an on-going notebook for the accumulating inspection evidence. Inspectors should record – under the heading '**key evidence and findings**' – just the evidence which is significant to secure the inspection judgement made in each section. The heading 'Other supporting evidence' should be used sparingly and just to record evidence of weakness that does not result in a regulatory failure but produces critical text in the report. Otherwise, all other first level supporting evidence should be recorded on evidence forms in the usual way, and these will be retained by Ofsted for six months following the inspection or longer if the inspection generates a complaint. If an inspector prefers to use electronic versions of evidence forms, a hard copy of each must be printed out to form part of the evidence base, which will be sent to the inspection service provider at the end of the inspection. Inspectors must ensure that all grades on an evidence form are substantiated by judgements in the text.
4. The ROIEJ is sent to the DfE along with the published report, where it is retained for a much longer period, in line with DfE policy. This means that the important information about why schools failed to meet regulations and, in

¹ *Record of inspection evidence and judgements* (090065), Ofsted, 2011; www.ofsted.gov.uk/resources/090065.

² www.legislation.gov.uk/ukxi/2010/1997/contents/made.

boarding schools, national minimum standards, will be available to the DfE when checking on action plans and taking enforcement action. This is why key supporting evidence only is required.

5. The main judgements, mirroring those on the inspection judgements form at the back of the ROIEJ, must be recorded in the appropriate sections in the ROIEJ. Inspectors should use a 'best fit' approach when using the grade descriptors to arrive at their judgements. Inspectors may wish to incorporate brief notes from analysis of the school's own self-evaluation in the different sections of the ROIEJ, as inspectors are asked to briefly outline the main reasons for any difference between the school's judgements and those of the inspectors. Inspectors should note that self-evaluation remains an important part of the inspection process, but that there is no longer a set format in which schools are asked to provide it. They may do so in whatever form they choose and inspectors must accept it in that form.
6. Each regulation must be considered on its own. Particular strengths in one area of a school cannot be used to compensate for a weakness, however trivial, which results in one of the regulations not being met. Where there are several parts to a regulation, connected by 'and', all parts must be fulfilled for the regulation to be met. If the school fails to meet just one part of a 'multi-part' regulation (for example '[teaching shall] involve well-planned lessons, effective teaching methods, suitable activities and wise management of time'), refer in the 'Compliance with regulatory requirements' section of the report to just the part of the regulation the school does not meet. For example:
 - ensure that effective teaching methods are used (paragraph 3(d)).
7. Ensure that the text of the report clarifies the extent of non-compliance.
8. The judgement that a regulation is not met must be based on clear evidence. This evidence must be recorded in the ROIEJ. In integrated inspections of boarding and residential special schools, the evidence that national minimum standards have not been met is recorded by the social care inspector in the regulatory support application toolkit. The SCI will supply the lead inspector with their key evidence and judgements at the end of the integrated inspection and this should be pasted into the 'Evidence from boarding or residential provision' section towards the end of the ROIEJ.
9. Only one version of the ROIEJ should be forwarded to the inspection service provider at the end of the inspection. The lead inspector has overall responsibility for collating contributions from the team and completing the ROIEJ which will reflect the corporate judgements of the team.
10. In boarding and residential special schools, the social care inspector records the evidence on boarding provision separately in the Regulatory Support Application toolkit. When complete, the text will be automatically extracted into a Word document, known as the integrated inspection report document, which the

social care inspector will provide to the lead inspector by email or memory stick **at the end of the inspection or as soon as possible thereafter**. The lead inspector must paste the contents of the integrated inspection report document into the 'Evidence from boarding or residential provision' section of the *ROIEJ* and weave the findings into the integrated inspection report. When the lead inspector submits the integrated inspection report for quality assurance, the *ROIEJ* must also be supplied.

11. The social care inspector may also provide the lead inspector with supplementary evidence to support the inspection findings. This may take the form of a completed *Boarding school national minimum standards check sheet and evidence form*, *Residential special school national minimum standards check sheet and evidence form* or a Word version of the evidence recorded in the RSA toolkit, which is automatically generated. The lead inspector must **not** paste this supplementary evidence into the *ROIEJ*, but must ensure that it is included in the evidence base for the inspection.
12. The *ROIEJ* must contain sufficient detail of the evidence found on inspection to justify the judgements which are made and appear in the report. This should ideally be made in the form of notes or bullet points. The *ROIEJ* must be concise. A list of evidence form numbers can be included in the *ROIEJ*, but on its own a list of numbers is insufficient. Cutting and pasting sections from the report to the *ROIEJ* is also not acceptable.

Changes to The Education (Independent School Standards) (England) Regulations 2010

13. DfE will replace The Education (Independent School Standards) (England) Regulations 2010 with new regulations, which are anticipated to come into force in September 2012.
14. In advance of the new regulations coming into effect, DfE would like independent schools and inspectors to take account of newly published guidance documents relating to welfare, health and safety of their pupils from September 2011. The new publications replace guidance documents which are directly or indirectly referenced in the regulations, and introduce de-regulatory changes.
15. Please note that inspectors should not penalise schools that adhere to policies and procedures that were established under DfE's previous guidance documents, in inspections carried out in the academic year 2011/12.
16. The changes are set out from paragraph 78 of this guidance, under 'Part 3. Welfare, health and safety of pupils'. An annotated version of the current regulations, including links to the new DfE guidance documents, is available on the DfE website:
www.education.gov.uk/schools/leadership/typesofschools/independent/b009053/registration-of-independent-schools.

Part 1. Quality of education provided

The quality of the curriculum

2(1). Is there a curriculum policy set out in writing which is supported by appropriate plans and schemes of work, and does it implement it effectively? (Please note that this regulation is only met if the regulations 2(2)(a-j), are fully met.)

17. The written curriculum statement does not need to be long or detailed, but it must be available to parents (paragraph 24(1)(b)) and it must be implemented effectively. It must therefore be an accurate summary of the curriculum experienced by the pupils. It is worthwhile taking the time to check the curriculum document against class timetables and, where options have been made or individual work is given, against the timetables of particular pupils.
18. There must be some written planning and schemes of work. However, the schemes of work do not have to be devised by the school itself, but can be national materials, such as Qualifications and Curriculum Authority documents or commercial schemes. Schools following the national curriculum of another country or a specific curriculum, such as the International Baccalaureate or Accelerated Christian Education, may have extensive printed materials that could be sufficient in themselves.
19. Some schools are uncertain about what should be in a curriculum policy statement and in plans and schemes of work. The DfE has agreed to send out the following additional guidance when asked by schools for clarification:

The school should prepare curriculum policy statements, setting out in general terms how each subject is to be taught, how work will be planned to meet the needs of pupils, and what the implications of the subject are for the school's particular pupil group. The policy statements may set out the general principles of assessment, recording, accreditation and of reporting of progress for the subject, or this may be covered in a separate overall policy on assessment, recording and reporting.

Timetables for classes or individuals will provide further information as to how the curriculum is to be managed, particularly with regard to the balance and coverage of subjects taught.

The schemes of work should set out the range of topics for each subject to be taught over each term, how individual topics are to be taught, what resources will be used, and what opportunities will be taken for assessing pupils' learning and progress. A week-by-week breakdown is often used. It is usual for schemes to set out objectives for learning within each topic, and for these objectives to be featured in planning for individual lessons and in assessment. The best schemes set out differentiated content and approaches for the different levels of capability and need (not least in

terms of literacy) amongst the pupils. They also make reference to links between subjects, such as noting opportunities to use information and communication technology (ICT) and literacy/numeracy skills within the topic.

20. In judging whether the plans and schemes of work are appropriate, actual practice needs to be taken into account. If the school implements a broad and coherent curriculum effectively then brief plans and outline schemes of work may be perfectly appropriate. However, if the curriculum shows little progression or continuity and there is much duplication and unplanned repetition, then the plans and schemes of work are not appropriate or are not being implemented effectively.

2(2)(a). Does the curriculum give pupils of compulsory school age a full time education with experience in the following areas of learning: linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative?

21. There is no statutory definition of full-time education for independent schools. The guidance in the DfE information pack says that:³

‘there are no mandatory regulations for independent schools. However, they are expected to follow the guidelines for maintained schools i.e. pupils are required to attend school for at least 190 days a year (38 weeks), with provision for at least 380 sessions, a session being regarded as at least a two-hour period morning or afternoon.’

22. If a school meets for fewer than 380 sessions a year, the education may still be full time because the smaller number of sessions may be compensated for by sessions of greater length.
23. DfE guidance recommends minimum amounts of taught time per week for different key stages, from 21 hours for Key Stage 1 to 24 hours for Key Stage 4. While these may be recommended to independent schools they cannot be insisted upon. However, in schools where there is less than about 18 hours of taught time a week, this regulation will not be met. Moreover, inspectors can only accept 18 hours as adequate if the time is spent intensively and consistently on educational activities.
24. ‘Supervised education’ will normally mean that there is a teacher or other responsible adult present, or in the vicinity, to help the pupils in their learning as well as to ensure their safety and well-being. However, there may be times when, for example, older, responsible pupils work on their own in the library without an adult being present in the same room. Provided that they know

³ A DfE information pack can be found at: www.dcsf.gov.uk/reg-independent-schools/downloads/InformationPackSept2010.pdf.

where to go for help, should they require it, this arrangement could be regarded as supervised education.

25. Pupils become of compulsory school age on 1 January, 1 April or 1 September immediately following their fifth birthday and remain of statutory school age until the last Friday of June in the school year (1 September to 31 August) in which their 16th birthday falls.
26. It is permissible for pupils below or above compulsory school age to attend part time. It is also permissible for pupils of statutory school age who are being educated outside school to attend an independent school part time. It is the responsibility of parents to ensure that children educated outside school receive the appropriate amount and level of instruction and to inform the local authority. The matter of whether the instruction for these pupils is suitable and efficient is for the local authority to monitor. The **existence of any pupils in this category should be noted in the ROIEJ** and the report should mention that the school provides some lessons for children educated outside school.
27. The regulations are not intended to be prescriptive about the way a school organises its curriculum, and do not require independent schools to follow the National Curriculum, but the school should provide experience in the broad areas of learning described below. These need not be delivered through separately timetabled subjects. Plans and schemes of work must, however, illustrate how each area is to be woven into the school curriculum.
28. **Linguistic:** this area is concerned with developing pupils' communication skills and increasing their command of language through listening, speaking, reading and writing. In most schools, these skills will primarily be developed in English. Many schools will also teach other languages and some will use a language other than English as the main medium of instruction. Schools will normally be expected to offer pupils the chance to learn a modern foreign language, at least as part of their secondary education. In schools where English is not the main medium of instruction there must be lessons in written and spoken English, unless the school is solely for pupils who are temporarily resident in this country and are following the curriculum of another country (paragraph 2(2)(d)).
29. **Mathematical:** this area helps pupils to make calculations, to understand and appreciate relationships and patterns in number and space, and to develop their capacity to think logically and express themselves clearly. Their knowledge and understanding of mathematics should be developed in a variety of ways, including practical activity, exploration and discussion.
30. **Scientific:** this area is concerned with increasing pupils' knowledge and understanding of living things, materials and physical processes and with developing the skills associated with science as a process of enquiry; for example, observing, forming hypotheses, and conducting experiments and recording their findings.

31. **Technological:** this area will include some or all of the following components: the use of ICT; developing, planning and communicating ideas; working with tools, equipment, materials and components to produce good-quality products; and evaluating processes and products. It is important to note that ICT is not compulsory: some schools serve communities who object in principle to its use.
32. **Human and social:** this area is concerned with people and how they live, with their relationships with each other and with their environment, and how human action, now and in the past, has influenced events and conditions. In most schools the subjects of history and geography make a strong contribution to this area.
33. **Physical:** this area aims to develop the pupils' physical control and coordination as well as their tactical skills and imaginative responses, and to help them to evaluate and improve their performance. Pupils should also acquire knowledge and understanding of the basic principles of fitness and health. In some schools, activities such as climbing, golf or sailing may displace traditional physical education (PE) lessons.
34. **Aesthetic and creative:** this area is concerned with developing the pupils' capacity to respond emotionally and intellectually to sensory experience and to appreciate beauty and fitness for purpose. It involves the exploration and understanding of feelings and the processes of making, composing and inventing. There are aesthetic and creative aspects of all subjects, but some, including art, music, dance, drama and the study of literature, make a particularly strong contribution because they call for personal, imaginative and creative responses.
35. The regulation does not require that all areas of learning are represented in the weekly timetable, but that pupils are given experience of them all at some stage during the term or year. In particular, it would be unreasonable to expect Key Stage 4 pupils at independent schools to follow a curriculum that is broader than that required in the maintained sector.
36. See *Types of independent schools* for further information on the unique aspects of the curriculum offered in different types of schools, for example the 24-hour curriculum in boarding or residential special schools.⁴

2(2)(e). Where any pupil has a statement of special educational need, does the education provided fulfil its requirements?

37. Inspectors will need to look at a sample of statements (from those with differing needs or the most recent annual reviews of them) for pupils for whom

⁴ *Types of independent schools* (090061), Ofsted, 2011; www.ofsted.gov.uk/resources/090061. This guidance is also available in the 'Guidance for inspectors' section of the *Independent, boarding and residential special schools inspection handbook*.

a statement is maintained, whether they are paid for by the local authority or their parents. Part 3 of the statement sets out the special educational provision that the local authority considers necessary to meet the child's special educational needs and/or disabilities; this must be provided by the school. Where pupils' statements specify that they should have access to the full National Curriculum, then schools must provide it.

38. Local authorities have a duty to review statements annually. Inspectors should consider whether this has been done properly or whether, for example, it has only been amended when a pupil moves to a different school. The most recent annual review is generally regarded as updating the statement.
39. It is also worth checking that the school provides access to therapy (for example, speech and language therapy, physiotherapy) where this is required in the statement and has not been discontinued by a subsequent annual review.

<p>2(2)(f). Is provision made for personal, social and health education which reflects its aims and ethos?</p>

40. The regulation does not prescribe how personal, social and health education is to be delivered: it could be as a separate subject; it could be through a range of subjects, tutorial periods, or, in many faith schools, it could be in the context of religious instruction. As with all regulations in this section, it should be supported by 'appropriate plans and schemes of work'. There must, therefore, be an organised and coherent programme that is appropriate to the individual needs of pupils. In judging the content of this programme, inspectors will need to be sensitive to any religious or philosophical principles which the school holds: the regulation explicitly recognises that personal, social and health education should reflect the school's aims and ethos. Personal, social and health education may also include citizenship, linking to paragraph 5(d), and schools may make reference to the Qualifications and Curriculum Authority guidance on citizenship in their planning.
41. It may be impossible to observe personal, social and health education sessions during a short inspection; however, inspectors should ascertain whether pupils have a sound knowledge and understanding of personal, health and social issues, and an awareness of their ability to make choices.
42. Independent schools sometimes provide less personal, social and health education than is usual in state schools. Where this happens it is especially important that the provision for boarders, particularly termly boarders, is sufficient for pupils who lack the contributions of family life to these important areas during term time.

<p>2(2)(g). Is provision made for appropriate careers guidance for secondary-age pupils?</p>

43. As a minimum, schools should offer pupils in Key Stage 3 advice on their choices of options for GCSE or other courses, and pupils in Key Stage 4 and beyond advice on future pathways. Specific careers education and guidance often start in Year 9. The best programmes offer systematic information about careers, access to individual guidance, direct experience of the world of work and access to up-to-date information about work, further and higher education, training and career opportunities. Guidance should help students to develop self-awareness and to recognise their talents, strengths and weaknesses in order to explore future options realistically.

2(2)(h). If there are pupils above compulsory school age, does the school provide a programme of activities appropriate to their needs?

44. For pupils of this age, it is particularly important that they receive 'adequate preparation for the opportunities, responsibilities and experiences of adult life' (paragraph 2(2)(j)). Beyond that, there can be considerable flexibility, taking account of their aspirations and interests as well as of their needs. It would be unreasonable to expect the post-16 curriculum in independent schools to be more constrained than that which is offered in maintained schools and colleges.

2(2)(i). Does the curriculum provide the opportunity for all pupils to learn and make progress?

45. Inspectors must check that the curriculum does not deny opportunities to individual pupils or groups of pupils, whether these groups are characterised by ability, previous attainment, behaviour patterns, disability, gender, ethnicity, linguistic background or any other criteria. This is not simply a matter of looking at the written curriculum documents. It will also be necessary to consider how the curriculum is implemented in practice by observing lessons, scrutinising pupils' work and talking to pupils, to evaluate the impact of provision. The summary of achievements in the ROIEJ will be particularly helpful in deciding whether this key regulation is met.
46. For pupils with special educational needs and/or disabilities it is important to consider whether they are placed appropriately in the school or group.

2(2)(j). Is there adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life?

47. It is good practice to make a conscious effort to prepare all pupils for adult life. However, this regulation should only be 'failed' in those schools in which pupils stay up to or beyond school-leaving age, where the school makes insufficient effort to prepare pupils in this way. In boarding schools, particularly those with pupils with behavioural, emotional and social difficulties, the care aspect of provision should contribute to this.

Quality of teaching and assessment

- 3(a). Does the teaching enable pupils to acquire new knowledge and make progress according to their ability so that they increase their understanding and develop their skills in the subjects taught?**
- 3(b). Does the teaching encourage pupils to apply intellectual, physical or creative efforts, and to show interest in their work and to think and learn for themselves?**
- 3(c). Does the teaching involve well planned lessons, effective teaching methods, suitable activities and appropriate management of class time?**
- 3(d). Do teachers show a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensure that these are taken into account in the planning of lessons?**
- 3(e). Do teachers demonstrate appropriate knowledge and understanding of the subject matter being taught?**
- 3(f). Are classroom resources of an adequate quality, quantity and range and are they used effectively?**
- 3(g). Is there a framework in place to assess pupils' work regularly and thoroughly and is information from such assessment utilised to plan teaching so that pupils can make progress?**
- 3(h). Does the teaching utilise effective strategies for managing behaviour and encouraging pupils to act responsibly?**

48. The main evidence for judging the eight regulations concerned with teaching will be the lesson observations. Further useful evidence may be gleaned from looking at pupils' work, discussions with teachers and pupils and examining the teachers' planning and assessment records. Inspectors should also take account of the school's results in public, common entrance and scholarship examinations. They should consider the school's intake and use their professional judgement in deciding overall whether the teaching which led to these achievements is likely to be satisfactory or not.
49. The proportion of unsatisfactory teaching observed will be a significant indicator, but there is no automatic relationship between this proportion and compliance with the regulations. Each regulation needs to be considered on its own and discussed by the inspectors in the team after they have finished observing lessons and gathering other evidence.
50. It is possible for a school in which no unsatisfactory lessons are observed to fail to meet one of the regulations. For example, a school may fail to meet 3(f) even though, in every lesson observed, the teachers have done their best to minimise the adverse effects of inadequate resources. It may also be that there is a strong pattern to the weaknesses in all the lessons in which teaching is judged to be inadequate. For example, if the assessment frequently fails to inform the future planning then the school will not meet 3(g).
51. Conversely, the existence of some lessons in which the teaching is judged to be unsatisfactory does not necessarily mean that one of the regulations is not met.

A single lesson in which pupils apply no effort and show little interest may not undermine a broad judgement that paragraph 3(b) is generally met.

52. The crucial judgement that needs to be made by the team is whether the weaknesses that make some lessons **inadequate**, or are observed in lessons graded as satisfactory, follow a pattern that reveals that one or more of the regulations frequently fails to be met. If behaviour is poor despite strong encouragement from teachers for pupils to act responsibly (as in paragraph 3(h)), then it may be considered inappropriate to 'fail' the teaching in respect of 3(h). Inspectors may wish instead to consider whether failure to meet part of paragraph 3(c), such as inappropriate teaching methods, may be the source of the problem.
53. Inspectors must reach a corporate judgement about each individual teaching regulation in their team meeting. Where they consider that a regulation is not met by the school, sufficient evidence to support this judgement must be included in the ROIEJ. Likewise, inspectors should make clear in the ROIEJ the reasons for judgements made about the overall quality of teaching which may seem not to be directly supported by the lesson observation findings. Also, in exceptional circumstances, if the inspector's professional opinion is that there should be different judgements for teaching and assessment, then this can be written in the report, for example 'teaching is good, but assessment is satisfactory'. The reason for this judgement must be made clear in the teaching section of the ROIEJ and only one overall judgement for teaching and assessment must be included in the inspection judgements form at the back of the ROIEJ. Where the judgements differ, the teaching judgement would normally carry greater weight when arriving at the overall judgement.

4. Is there a framework in place by which pupil performance can be evaluated by reference to either the school's own aims, as provided to parents, and/or by national norms?

54. While independent schools are not obliged to use national curriculum assessments, many choose to do so, either wholly or in part. Additionally, or alternatively, many schools use a range of standardised tests, which also provide a reference to national norms, provided they are not too out of date.
55. If the school uses national curriculum assessments and they are moderated at Key Stages 1 and 3 and the tests are externally marked at Key Stage 2, then this regulation is met. If there is no moderation or external marking then inspectors will need to be sure that the assessments and tests are properly administered and accurately marked.
56. If standardised tests are used then these must also be properly administered and accurately marked. If the school does not use national curriculum assessments, the standardised tests should measure a reasonable range of performance including literacy and numeracy.

57. If the school measures performance solely by reference to its own aims, then inspectors will need to check that the aims used in measuring performance are included in the statement of ethos and aims provided to parents (paragraph 24(1)(a)).

Record of lessons seen

58. This is a summary of all the lessons observed, noting the year group or age range and the subject or subjects being taught. For each lesson, grades for teaching, progress and curriculum are given on a four-point scale:
- Grade 1 = outstanding
 - Grade 2 = good
 - Grade 3 = satisfactory
 - Grade 4 = inadequate.

Where there is insufficient evidence, the grade given should be 0.

59. The grid should be used for recording lesson observations only and should not include assemblies or extra-curricular activities. Note: one evidence form is used for recording all evidence, including lessons, interviews and other inspection activity.

Evidence of the pupils' achievements

60. The pupils' achievements are to be judged in terms of the rate of progress that they make over time in relation to their capabilities, aptitudes and prior attainment. While the observation of lessons makes a contribution to judgements about achievements, other forms of evidence are also needed.

Statistical evidence

61. This should include any data that is available about attainment on entry, together with data on pupils' attainment during and at the end of their time at the school, and the results of any public examinations that have been taken. Analysis can be made of the value added by the school, noting any marked variation between subjects or different groups of pupils (for further guidance on attainment and progress in special schools, see *Use of data in special schools by school improvement partners* and *Setting targets for pupils with special educational needs* and the DfE's guidance on progression, in the 'Useful information' section of the *Independent, boarding and residential special schools inspection handbook* – 'the inspection handbook'). In preparatory schools which take pupils up to and including Year 8, inspectors should consider the destinations of pupils leaving the school, the results of common entrance examinations and any scholarships to secondary schools acquired by pupils.

Pupils' work

62. Wherever possible, examples of pupils' work that has been completed over several months should be scrutinised so that judgements can be made about their progress over time.

Discussions with pupils

63. Discussions will take place with pupils during lessons and informally around the school. There may also be formal arrangements made for inspectors to talk to children. Following discussions, judgements can be made about how well they understand the work they are doing and whether they find it too easy, too difficult or at the right level of challenge. There is room here for inspectors to record the key points which pupils made in their response to the pupils' questionnaire and a box to capture the number of responses received. Inspectors should take the opportunity to comment on the pupils' views in any relevant aspect sections of the report.

Evidence from extra-curricular activities

64. The observation of extra-curricular activities is particularly important in boarding education, where the school should have regard to the national minimum standards for boarding schools or residential special schools. Inspectors should look at the range of extra-curricular activities, including weekend activities offered, what level of participation there is and what pupils get out of them in terms of academic, personal or spiritual development. Please comment on anything particularly noteworthy in the report.

Overall judgement of pupils' progress

65. Drawing on all the evidence above, a judgement should be made about pupils' progress, noting any significant variations between pupils of different ability, previous attainment, behaviour patterns, disability, gender, ethnicity or linguistic background. This summary will inform judgements about many of the regulations and in particular the judgements about the key paragraph 2(2)(i).

Part 2. Spiritual, moral, social and cultural development of pupils

66. The DfE has issued guidance for the provision of pupils' spiritual, moral, social, and cultural development, called Improving the spiritual, moral, social and cultural (SMSC) development of pupils, non-statutory guidance for independent schools.⁵ The new document provides a definition of spiritual, moral, social and

⁵ *Improving the spiritual, moral, social and cultural (SMSC) development of pupils, non-statutory guidance for independent schools*, DCSF, 2010;
www.dcsf.gov.uk/reg-independent-schools/downloads/SMSC-independent-schools-guidance.pdf

cultural development and includes the aims for each regulation, desired outcomes for pupils and possible actions for schools to take. The suggestions are not exhaustive and schools may be able to demonstrate that they meet each area of spiritual, moral, social and cultural development in other ways. This is a helpful tool for inspectors but please remember that the document is non-statutory.

67. Although the DfE has provided a definition of 'spirituality' in the above guidance what is meant by 'spiritual development' is still open to interpretation. Therefore, inspectors will need to exercise sensitivity and discretion in approaching this section. In some schools, this will clearly be a central feature of the school's provision and in such cases it will be appropriate to highlight this in the report. There is no need to search at great length for material to present a detailed analysis in the report of the school's provision for pupils' spiritual development. However, it must be remembered that all schools should be providing opportunities for pupils' spiritual development, and suitably preparing pupils for life in a multi-faith, multi-racial society. The report should include some reference to how well spiritual development is being promoted.
68. The Race Relations Amendment Act 2000 imposes on all public authorities a statutory duty to have an equal opportunities policy which includes promoting racial equality. All maintained schools are subject to the Race Relations Amendment Act 2000. However, it does not apply to independent schools because they are not public authorities. Inspectors must therefore not require independent schools to produce such a policy.
69. There is the 'grey' area of whether independent schools which receive public funding are counted as a public authority under the Act. This has never been tested in court but the public authority role could only be applied to pupils where funding was received, which in many schools may only be for one or two pupils. Over time, and without any challenge, the DfE has moved to the position that we do not consider that any independent schools are classed as public authorities.
70. Independent schools are subject to the requirements of the Race Relations Act 1976 not to discriminate on the grounds of race. Inspectors should report any failure to meet this requirement which they find in the course of inspection. They must also note that regulation 2(e) of The Education (Independent School Standards) (England) Regulations 2010 refers to the need for independent schools to promote tolerance and harmony.⁶
71. The paragraph in the report may either deal in turn with spiritual, moral, social and cultural matters, or it may refer to pupils' overall personal development. In either context, this is a suitable place to reflect on pupils' behaviour and attendance and on activities outside school.

⁶ www.legislation.gov.uk/ukxi/2010/1997/contents/made

5(a). Are pupils encouraged to develop their self-knowledge, self-esteem and self-confidence?

72. Inspectors should consider the climate and ethos of the school and what effect this has on enabling pupils to grow and flourish, become confident individuals, and to appreciate their own worth and that of others. Inspectors should look at the range of opportunities provided for young people to develop their self-esteem and confidence, which might occur both within the classroom, in terms of teaching which encourages participation, creativity, reflection and independence; assessment and feedback which values their work and/or effort; and extra-curricular activities which develop teamwork, leadership skills and self-reliance. Inspectors should look critically at how the school handles pupils who are perceived as 'outsiders' or 'different' in any context, ensuring that issues such as a lack of aspiration, discrimination, and bullying are tackled robustly, to counter the danger of low self-esteem among some pupils in the school community.

5(b). Are pupils encouraged to distinguish right from wrong, and to respect the law?

73. This regulation is fairly self-explanatory. However inspectors should consider this alongside obvious sources of evidence such as the policies for behaviour, rewards and sanctions and the personal, social and health education programme, how the school tackles more sensitive issues, by providing opportunities to discuss moral rights and wrongs in the context of culture, society and the law. Inspectors will wish to check the impact of provision by talking to the pupils.

5(c). Are pupils encouraged to accept responsibility for their behaviour, show initiative, and understand how they can contribute to community life?

74. Contribution to community life in this regulation is not just about the school and the local faith community. Inspectors should consider what attempts the school has made to extend pupils' awareness and contribution to communities beyond that of their faith and school and how this promotes tolerance and community cohesion in the widest sense.

5(d). Is provision made to give pupils with a broad general knowledge of public institutions and services in England?

75. The way in which the regulations apply will vary according to the age range and aptitudes of the pupils. This regulation could be met in a school catering mainly for children in the Early Years Foundation Stage by a topic such as 'People who help us' or by visits to local places of interest. For older pupils, schools may introduce more formal work, taking account of the Qualifications and Curriculum Authority guidelines on citizenship.

5(e). Is support given to pupils to acquire an appreciation of and respect for their own and other cultures, in a way that promotes tolerance and harmony between different cultural traditions?

76. The requirement to assist pupils to acquire an appreciation of other cultures may be met in many ways. Studies in literature, drama, religious education, art, music, history and geography as well as specific topics in personal, social and health education and visits into and out of school may all make contributions. Despite this, the promotion of cultural awareness is not as central to this regulation as the promotion of tolerance of other groups of people. Pupils' attitudes should be probed through conversation and discussion, as well as through analysing the curriculum. Although it is acceptable for schools to draw examples of tolerance and develop compassion for those of other backgrounds and traditions primarily through their own cultural or faith heritage, it is not acceptable for schools to argue that they do not wish to expose their pupils to knowledge of other cultures. Such a school must be recorded as failing to meet this regulation.

Part 3. Welfare, health and safety of pupils

77. Inspectors should be aware that on occasions schools may draw on policies from other institutions. These must be entirely accurate and reflect the school being inspected. Inspectors should check that staff are aware of all policies and where appropriate have been involved in their development, production and implementation. If the 'borrowed' policies have **not** been suitably amended for the school in question or staff are not aware of the policies and do not implement them, this is inadequate.

7. Are arrangements made to safeguard and promote the welfare of pupils at the school and do these arrangements have regard to guidance issued by the Secretary of State?⁷

78. This regulation makes clear that it is the responsibility of the proprietor to ensure that arrangements are made to safeguard and promote the welfare of all pupils and requires those arrangements to have regard to any guidance issued by the Secretary of State. Currently, that guidance is *Safeguarding children and safer recruitment in education*. This document is under review by the DfE: the regulation will also apply to whatever revision replaces it.

79. Where this regulation previously stated that the school's policies should be 'in compliance with' the guidance *Safeguarding children and safer recruitment in education*, it now requires that the school's arrangements should **have regard to** the DfE guidance. This does not mean that the arrangements have to

⁷ *Safeguarding children and safer recruitment in education* (DFES-04217-2006), DCSF, 2006; www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-04217-2006.

comply exactly with every single facet of the guidance, but it does mean that the guidance has been considered carefully in drawing up school policies and procedures and is therefore reflected in them in such a way as to ensure that the pupils are safeguarded and their welfare is promoted as a priority by the school. Inspectors must use their professional judgement in considering the impact of the school's arrangements. The guiding principle is that the school's arrangements must be robust and effective in safeguarding and promoting pupils' welfare and not put them at risk of harm.

80. From August 2011, the DfE statutory guidance *Dealing with allegations of abuse against teachers and other staff*⁸ replaces chapter 5 of the guidance *Safeguarding children and safer recruitment in education*. Please note that the other chapters in *Safeguarding children and safer recruitment in education* are still current.
81. Under the new guidance, schools are expected to have regard to the following matters.
- Procedures need to be applied with common sense and professional judgement (whereas before schools had to follow the required procedures closely).
 - Allegations found to be malicious should be removed from personnel records (whereas before all allegations had to be retained).
 - Records must be kept of all other allegations but any that are not substantiated, are unfounded or malicious should not be referred to in employer references (whereas before details of all allegations had to be passed on in references).
82. The changes noted above are not routinely expected to be captured in schools' written records, as they relate to matters that occur relatively infrequently. Although DfE expects schools to follow the guidance in *Dealing with allegations of abuse against teachers and other staff* from September 2011, in inspections during 2011/12 inspectors are only expected to check during professional dialogue whether senior staff are aware of the guidance, and where they are not, to alert them to the matters above. This does not need to be included in inspection reports.

Child protection policy and procedures

83. The school must have a written child protection policy and procedures which are in accordance with locally agreed inter-agency procedures. The policy should help staff to recognise and be alert to signs of abuse, and advise them what to do if they have concerns about a child's welfare. It should explain how

⁸ *Dealing with allegations of abuse against teachers and other staff*, Department for Education, 2011; www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse-against-teachers-and-other-staff.

any instances of suspected child abuse are dealt with by the school. It should explain the procedures for dealing with allegations of abuse made against members of staff or volunteers, including an allegation against the headteacher. There should be clear procedures for making a referral or notification and for the keeping of records. The proprietor should undertake an annual review of the school's safeguarding policies and procedures.

84. Overall, the school must establish a climate in which the safeguarding and welfare of the children in its care is of prime importance. Children should feel safe at school. They should know that there is a responsible adult to whom they can turn in the event of encountering problems.

Designated officer

85. There must be a senior member of the school's own staff with designated responsibility for child protection and welfare issues, and for liaison with the local authority and the Local Safeguarding Children Board. The designated person should be a member of the school's staff not, for example, a trustee of the school. All members of staff should know who the designated person is.
86. There is no requirement for the school to appoint a member of staff to deputise for the designated person, but it is the responsibility of the proprietor to ensure that all children are protected at all times. Therefore, where schools occupy more than one site, inspectors will need to exercise professional judgement on whether the school has acted responsibly to protect children. If the school sites are located in the same town, for example, and there is a lot of contact between them, it would be acceptable to have the designated person attached to one site and another member of staff with safeguarding training attached to the other site, for practical purposes. It is acceptable for these members of staff to deputise for one another when necessary. It would be good practice for the school to look at training other members of staff on each site to be deputies in the case of leave or staff absence.
87. Where a school's multiple sites are located miles apart, the school should staff each site with a member of staff who is trained in child protection if:
- for all practical purposes, the sites operate as two separate establishments, or
 - it is impractical for the designated person from one site to reach the other in reasonable time.
88. It is acceptable for a headteacher of two small schools to be the designated officer for both establishments. However, there should be another member of staff who is trained in child protection for each site who can handle practical matters if the designated officer is not present. Inspectors are asked to use their professional judgement, for example where an individual is headteacher and designated officer for two small schools which are next door to one another and the designated officer is easily accessible from both.

89. There should be sufficient resources and time allocated to the designated officer and staff to discharge their safeguarding responsibilities including taking part in inter-agency meetings.

Training

90. The designated officer must undertake training to a standard set by the Local Safeguarding Children Board, with refresher training at two-yearly intervals. The headteacher and all permanent staff who have direct contact with children must undertake training, with refresher training at three-yearly intervals. All staff must undertake extended training in relation to working with multiple agencies. The proprietor must undertake an annual review of the school's policies and procedures relating to safeguarding pupils.
91. Child protection training can be provided by the Local Safeguarding Children Board, or by a commercial or private provider in which case it must be to a standard set by the Local Safeguarding Children Board.

Safe recruitment procedures

92. The school must operate procedures for the safe recruitment and checking of staff to be sure that they are suitable individuals to have contact with young people. The recruitment procedures for staff employed by the school must meet the regulations in part 4 and have regard to the guidance in *Safeguarding children and safer recruitment in education*. Further details about the checking and vetting of staff are in the guidance to part 4, as they relate to the regulations in that part of the schedule. However, inspectors should note that part 4 no longer requires that statutory checks are to be made on staff and volunteers with regard to their previous employment history, character references and professional references. Instead, these are checks which should be carried out in line with the guidance in *Safeguarding children and safer recruitment in education*. Therefore, if the proprietor has not checked the previous employment history and taken up references on prospective employees, the failure should apply to this regulation (7) and not to the regulations in part 4 of the schedule. Advice on checking volunteers is given below.
93. Chapter three of *Safeguarding children and safer recruitment in education* contains guidance for schools on the recruitment and selection of staff. It emphasises that adopting safe recruitment and selection procedures that help to deter, reject, or identify people who might abuse children, or who are unsuited to work with them, is an essential part of creating a safe environment for children and young people. Therefore, the school must have robust recruitment procedures which are designed at every step to assure pupils' safety. It starts with the process of planning the recruitment exercise and, where the post is advertised, ensuring that the advertisement makes clear the organisation's commitment to safeguarding and promoting the welfare of children. It also requires a consistent and thorough process of obtaining,

collating, analysing, and evaluating information from and about applicants. Main elements of the process include:

- ensuring the job description makes reference to the responsibility for safeguarding and promoting the welfare of children
 - ensuring that the person specification includes specific reference to suitability to work with children
 - obtaining and scrutinising comprehensive information from applicants, and taking up and satisfactorily resolving any discrepancies or anomalies
 - obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns
 - a face-to-face interview that explores the candidate's suitability to work with children as well as their suitability for the post, and
 - conducting other checks as detailed in the regulations of part 4 concerning verifying the successful applicant's identity; their academic or vocational qualifications; previous employment history and experience; medical fitness; criminal record and that they have not been barred from working with young people.
94. In reaching a judgement about whether the regulation is met, inspectors must enquire about the school's recruitment procedures and check their efficacy by examining a sample of staff files to ensure that safe recruitment procedures have been followed in practice. Inspectors are asked to exercise common sense: staff files should be well ordered and offer clear evidence that in recruiting staff the proprietor has taken all the steps outlined above, but the loss of one piece of evidence from one file will not necessarily cause the regulation to be failed. However, a number of gaps would give evidence of laxity in the process which is highly likely to lead to a judgement that the school's procedures for safeguarding and promoting pupils welfare do not meet the regulation.

Volunteers

95. Volunteers are no longer covered under the regulations in part 4 (suitability of proprietor and staff). This means that there is no longer a statutory requirement to conduct checks on the previous employment history, character references and professional references of volunteers. This allows proprietors to use their discretion about the checks on volunteers. Clearly, at the one end of the spectrum where a volunteer is fulfilling all the duties of a teacher, but is not being paid to do the job, checks should be made on employment history and references taken up. But these checks are not necessarily required for parents, for example, who come to help in school where their previous employment history is not relevant for the tasks they perform. However, it is still the duty of the proprietor to be assured that the adults who come into school to help with pupils (or on trips) are safe and suitable to do so. The proprietor should

consider the frequency and level of contact the volunteer will have with children in deciding whether a Criminal Records Bureau disclosure is required. 'Regular' contact is defined as three or more times in a 30 day period. Page 49 of *Safeguarding children and safer recruitment in education* provides detailed guidance on volunteers. Inspectors are asked to judge whether the arrangements the school has made regarding volunteers are both reasonable and ensure the safety of the pupils. An adult who has not had a Criminal Records Bureau check must not be left unsupervised with a pupil. Please note that details of checks done at the time of recruitment of volunteers should still appear on the single central register. If they do not, but there is clear evidence that the checks have been carried out, inspectors should ask the school to include the evidence on the single central register, but this is not sufficient for paragraph 7 to be failed overall, particularly if the school rectifies the matter in the course of the inspection. If inspectors wish to include information on checks carried out on volunteers in inspection reports, it should be recorded in the 'Welfare, health and safety' section. Checks carried out on suitability of staff, supply staff and proprietors, however, should be reported under 'Suitability of the proprietor and staff'. The omission of checks on volunteers from the single central register does not constitute a failure against paragraphs 22(3)(4) and (5), as these relate only to staff who are employed by the school or working through an agency.

Making an overall judgement about welfare health and safety

96. If regulatory failures are identified in relation to safeguarding, inspectors must use their professional judgement when making an overall judgement about the welfare, health and safety of pupils in the school. This must be based on whether the pupils are at risk, in their view.
- For example, if the school's designated child protection person has not received any training, the regulation will not be met, and it is likely that the welfare, health and safety of the pupils will be judged to be inadequate.
 - If the designated officer has not received training at the appropriate level, the regulation will not be met, because the proprietor will not have demonstrated that they take safeguarding matters sufficiently seriously to ensure proper training is available for their staff. However, if the designated officer can demonstrate a very thorough and detailed knowledge and understanding of safeguarding matters such as to give inspectors confidence that staff would be well advised and children not put at risk then the impact from a lack of training would be minimised. In these circumstances, the inspector should fail the regulation but not make welfare health and safety inadequate overall, if this were the only issue, provided that a course at the appropriate level is booked by the end of the inspection.
 - If the designated officer has done the appropriate level of training but it has not been refreshed within the two years, inspectors should talk to the officer to ascertain their level of current knowledge. If they have a thorough and

detailed knowledge and understanding of safeguarding matters as described above, this would give confidence that children would not be at risk through lapsed training. The regulation will be met, provided that an appropriate training course is booked by the end of the inspection. Welfare, health and safety could be 'satisfactory' overall if there is clear evidence that safeguarding pupils is a priority of the school and that the children are not put at potential risk by a lack of knowledge on the part of the designated officer.

- A similar approach should be taken with regard to the training for staff.
97. Lead inspectors are required to use professional judgement and to talk to staff to check that their knowledge is current, and whether the school is equipped to identify and respond appropriately to child welfare concerns. In all cases where there are shortcomings in procedures/training records, inspectors must explain clearly how their overall judgement was reached in the ROIEJ and in the report. The relevant regulation could be failed but the overall judgement for welfare, health and safety need not necessarily be 'inadequate'. However, the overall judgement on welfare, health and safety is likely to be inadequate if there is evidence that the proprietor has not taken the safeguarding of pupils sufficiently seriously and leading to potential risk of harm through lack of proper procedures, poor levels of awareness among staff, or checks on staff appointments not being thorough and so on.
 98. If a school has significant failures in part 4 regarding recruitment practices, it is highly likely to signify a failure to safeguard children appropriately and this would lead to regulation 7 not being met.
 99. If shortcomings in safeguarding are identified in the school, but do not affect the children in the Early Years Foundation Stage, then this will not have any impact on the judgements given for the Early Years Foundation Stage. Inspectors are asked to use their professional judgement under such circumstances.
 100. If a child protection concern arises during an inspection the lead inspector must follow Ofsted's safeguarding procedures. Initially inspectors should telephone Ofsted's Compliance, investigation and enforcement team using the National Business Unit number: 0300 123 1231. Depending on their advice, it may be necessary to insert a sentence into the draft report regarding an ongoing investigation; see *Writing inspection reports* in the inspection handbook.⁹

8. If boarding accommodation is provided, are arrangements in place to safeguard and promote the welfare of boarders and do they have regard to the national minimum standards for boarding schools or the national minimum standards for residential special schools, as applicable?

⁹ *Writing inspection reports* (090052), Ofsted, 2011; www.ofsted.gov.uk/resources/090052 This is also available in the 'Guidance for inspectors' section of the inspection handbook.

101. Boarding schools, residential special schools and children’s homes that provide education are subject to regular inspections by Ofsted’s social care inspectors. The boarding in residential special schools is inspected every year, in children’s homes twice yearly, and every three years in boarding schools. Once every three years there will be an integrated inspection of education and boarding in a residential special school and in a boarding school which has not met the criteria to be inspected on a six year cycle. When an integrated inspection takes place, the inspector for social care will advise the lead inspector on whether the school meets the relevant national minimum standards for the type of school. Inspectors should note that regulation 3(3) refers only to provision in boarding and residential special schools, and **not to children’s homes**. Therefore, this regulation should only be failed on an integrated inspection if the arrangements to safeguard and promote the welfare of boarders in a boarding or residential special school do not meet the relevant national minimum standards, which are to be found at:
www.education.gov.uk/schools/leadership/typesofschools/a00192112/boarding-schools.

102. Where the welfare provision in a children’s home does not meet requirements, this will be recorded by the social care inspector in the Regulatory Support Application toolkit and explained in the social care report. The lead inspector should tick the ‘N/A’ box. The recommendations in the report of a children’s home should not record a failure against 3(3); this is picked up by the social care report and followed up by Ofsted. This is because the DfE, which follows up all regulatory failures, has no powers of enforcement in children’s homes, other than for the educational provision in those that are dually registered.

9. Is there a written policy to promote good behaviour amongst pupils which sets out the sanctions to be adopted in the event of pupils misbehaving, and is this policy implemented effectively?

103. The standard in this paragraph is met if the proprietor ensures that a written policy to promote good behaviour among pupils and set out the sanctions to be adopted in the event of pupil misbehaviour is drawn up and effectively implemented.

104. The school must have a written behaviour policy. The policy should state how the school encourages and promotes pupils’ good behaviour and how this is celebrated and rewarded. It should also include the sanctions to be adopted for instances of poor behaviour. The latter should be proportionate and discourage pupils from similar instances of poor behaviour. The policy should cover all pupils in the school, including children in the Early Years Foundation Stage and any boarders.

105. Inspectors should check the implementation of this policy. The regulation will not be met if the policy is ‘paper only’ and staff are unaware of it or do not operate it consistently. A high incidence of dissatisfaction in questionnaires

where pupils indicate inequities of treatment between classes or houses should guide inspectors to probe further. Inspectors should also observe the behaviour of pupils both in lessons and around the school at breaks and mealtimes to determine the effectiveness of the policy.

106. In schools which cater predominantly for pupils with behavioural, emotional and social development needs inspectors should not unduly penalise the school when poor behaviour is witnessed, but should look more critically at the policy for dealing with it and how effectively staff operate the policy. In such schools inspectors should look at other measures the school has put in place for helping pupils to manage their behaviour, for example through anger management or through the personal, social, health and economic curriculum. In these schools there should be a clear written policy on restraint.
107. DfE published *Behaviour and discipline in schools – guidance for governing bodies* in August 2011 to assist schools in drawing up and implementing a written policy promoting good behaviour.¹⁰ Inspectors should note that this guidance is to assist schools, and that the regulations do not require that the guidance must be followed.

10. Are there effective procedures to prevent bullying which have regard to the DfE guidance *Preventing and tackling bullying: advice for school leaders, staff and governing bodies*?¹¹

108. Inspectors will need to check not only that the school has a written policy, but that it seeks to prevent all forms of bullying among pupils, and is effectively implemented.
109. The policy should have regard to the DfE guidance which is to be found at: www.education.gov.uk/schools/pupilsupport/behaviour/bullying/f0076899/preventing-and-tackling-bullying. The guidance sets out schools' legal obligations and the powers they have to tackle bullying.
110. The guidance says that the anti-bullying policy should dovetail with the school's behaviour policy. It provides examples of good practice in schools which are successful at tackling bullying.
111. The school's anti-bullying policy should be clear to pupils, parents and staff. It should define bullying, and cover the many forms of bullying, including physical and emotional bullying, name-calling, ostracising children from a group or

¹⁰ *Behaviour and discipline in schools – guidance for governing bodies* (DfE-00057-2011), Department for Education, 2011; www.education.gov.uk/publications/standard/publicationdetail/page1/dfe-00057-2011.

¹¹ *Preventing and tackling bullying: advice for school leaders, staff and governing bodies* (DfE-00062-2011), Department for Education, 2011; www.education.gov.uk/schools/pupilsupport/behaviour/bullying/f0076899/preventing-and-tackling-bullying.

'virtual or cyber-bullying' occurring through text or internet messages with the intention of causing hurt or harm. The policy should help pupils, parents and staff to understand the signs to look out for, and contain a commitment to eliminating bullying and promoting a safe environment in the school. It should give advice on how to report bullying and how the school will deal with it. It should be clear what the sanctions are for bullying and in what circumstances they will apply. The school should be monitoring that the policy is implemented effectively and seeking views of children, staff and parents about this issue.

112. Inspectors should check that the policy is embedded in school practice; seeking opportunities through personal, social and health education, the curriculum, and, where relevant, in boarding routines and practice. As bullying is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, socio-economic background, or because a child is adopted or has caring responsibilities, inspectors should always ask about bullying in school in their discussions with pupils and treat sensitively the responses given by young people. Inspectors should explore with the school any incidents of bullying or harassment, particularly those arising from homophobia or racism.
113. Staff should be aware of the anti-bullying policy and alert to its implications. Teachers and pupils should know what actions they should take in response to incidents of bullying. The school should have effective means of detecting and combating bullying in all its different forms. Pupils and their parents should show confidence in the school's strategies for dealing with bullying and all pupils should feel safe and free from harassment both inside the school and from other pupils outside school.

11. Are there effective measures to ensure pupils' health and safety which have regard to the DfE guidance *Health and safety, Department for Education advice on legal duties and powers for local authorities, headteachers, staff and governing bodies*?¹²

114. This document replaces the previous guidance documents on health, safety and security in schools, including *Health and Safety: Responsibilities and Powers* (2001) and *Health and Safety of Pupils on Educational Visits* (HASPEV 1998). Inspectors should also read a new document from the Health and Safety Executive (HSE) *School trips and outdoor learning activities: Tackling the health and safety myths*.
115. The overriding principle of the new DfE advice, for schools and inspectors, is to use commonsense. Pupils should be able to experience a wide range of activities. Health and safety measures should help them to do this safely, not prevent them from undertaking the activities. It is important that children learn

¹² www.education.gov.uk/aboutdfe/advice/f00191759/departamental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies.

to understand and manage the risks that are a normal part of life. Commonsense should be used in assessing and managing the risks of any activity. Health and safety procedures should always be proportionate to the risks of an activity. Staff should be given the training they need so they can keep themselves and children safe and manage risks effectively.

116. The purpose of the new DfE advice is to assist schools' understanding of their health and safety obligations. As schools have greater scope, under the new DfE advice, to develop their own approach to complying with health and safety obligations, their focus is expected to be on ensuring that effective and transparent arrangements are in place. DfE expects schools to:

- have a written policy that is implemented effectively and ensures that the health and safety of pupils in school and on trips is secured
- ensure that their legal obligations in relation to health and safety are met
- ensure that there are effective mechanisms for dealing promptly and effectively with any material welfare, health and safety concerns that arise.

117. Inspectors are not experts on health and safety. At the same time they have a duty to point out any concerns about health and safety that come to their attention as lay people. Any comments made orally or in writing about health and safety should make clear that it is the school's responsibility to identify and remedy hazards. This is by no means an exhaustive list, but points to look out for include:

- unrestrained windows on upper floors
- unlocked cupboards containing chemicals and/or cleaning fluids
- access to maintenance equipment and power tools
- unsupervised access to laboratories
- swimming pools which are unfenced and without depth markers
- gardening machinery left with ignition keys in or ready to start
- lack of safety glass in low level windows or workshops
- trailing cables
- safety checks on electrical equipment (look for stickers)
- shared fabric towels in washrooms.

118. There are many more and inspectors will need to use commonsense in identifying health or safety risks to children. Inspectors should not expect to see formal risk assessments for every activity undertaken by the school, but they will wish to satisfy themselves that the school has done all it reasonably can to ensure that the school buildings and premises present a safe environment and that any potentially dangerous activities (on and off-site) have been carefully planned to minimise the risk of injury to pupils. Where children

have special needs or disabilities, the school will need to consider any additional measures necessary for the health and safety of these children.

119. Inspectors should enquire about the training that staff have received. This does not mean that all staff have to attend a training course. It may simply mean providing them with basic instructions or information about health and safety in the school. Staff who do work which involves a greater element of risk, such as using woodworking machines, will need more training. There is more information available at: www.hse.gov.uk/simple-health-safety/provide.htm.
120. Significant health and safety issues must be recorded in the ROIEJ and in the body of the report. Inspectors should refer to the school 'attending to health and safety issues identified in the report' if these are sufficiently significant for the school to fail paragraph 11.

12. Are there effective procedures for ensuring pupils' health and safety on educational visits which have regard to DfE advice on legal duties and powers for local authorities, headteachers, staff and governing bodies?

121. Previously the school was required to have a written policy relating to the health and safety of pupils on activities outside the school. This regulation is now met if the school can demonstrate that it has considered the guidance above in drawing up its procedures for educational visits. There is no requirement for there to be a written policy (although if one is available, the inspector should examine it) but schools should be able to demonstrate that they have clear procedures for organising an out-of-school trip which are operated consistently by staff and prioritise children's safety.
122. Inspectors should look at records and/or speak to the organiser of a recent trip. They should ask about the planning of the trip and consider whether the risks to pupils' health and safety were considered carefully, bearing in mind the age of the pupils, including any special needs they may have, and the nature of the activity. Was action duly taken to minimise these risks? Was there clear information for parents about the trip? Were there sufficient adults accompanying the trip to ensure that the pupils would be appropriately supervised and that help could be summoned in an emergency without leaving pupils at risk? Had the adults been properly briefed? Were there arrangements in place in the event of an emergency?
123. Inspectors should note that written consent from parents is not required for pupils to take part in the majority of off-site activities organised by a school (with the exception of nursery age children) as most of these activities take place during school hours and are a normal part of a child's education at school, however, they must know where their child will be at all times. Written consent should usually only be requested for activities that need a higher level of risk management or those that take place outside school hours. Inspectors should check that parents' written consent was obtained for their child to take part in a trip of this nature, and should ensure that parents are told in advance

of activities and were given the opportunity to withdraw their child from any particular school trip or activity if they so wished.

13. Is there compliance with the Regulatory Reform (Fire Safety) Order 2005?¹³

124. Inspectors are not experts on fire safety. Guidance in the DfE *Information pack for independent schools* is as follows.

The Regulatory Reform (Fire Safety) Order 2005 was introduced on 1 October 2006. The order places a responsibility on the proprietor to:

- carry out a fire risk assessment (formally recorded and regularly reviewed so as to keep it up to date)
- produce a fire risk policy which includes the elimination or reduction of risks from dangerous substances
- develop fire procedures and provide staff training (repeated periodically where appropriate)
- ensure the safety of staff or anyone else legally on the school premises
- appoint one or more competent persons (with sufficient training, experience and knowledge) to assist in taking preventative and protective measures (including fire fighting and evacuation)
- have a suitable system for the inspection and maintenance of emergency lighting (where required), fire alarms and extinguishers; the maintenance should be by a 'competent person' (for example ISO9001 certified or BAFE approved)¹⁴
- provide staff and any others working on the school site with fire safety information – the staff are required to take reasonable care.

125. Inspectors should ask the school to provide evidence that it has complied with these requirements. Local fire services will inspect independent schools in the same way as any other business, for example on a risk basis. Inspectors should note that there may not have been a recent visit by the local fire officer and the school is responsible for ensuring that it complies with requirements.

126. If the school's premises are undergoing building work, or if such work has recently completed, inspectors should note that the school's building regulations compliance certificate includes compliance with fire safety regulations. Therefore inspectors do not need to see any other evidence of satisfactory fire precautions.

¹³ www.legislation.gov.uk/ukxi/2005/1541/contents/made.

¹⁴ www.bafe.org.uk.

127. Boarding and special schools carry an inherently higher level of risk. In these schools the local fire and rescue services should have carried out a full fire safety audit and sent a report to the DfE. Inspectors should check that the school has a copy of this audit and has addressed any recommendations made (see sample Memorandum of Understanding between the DfE and fire and rescue services, in the 'Useful information' section of the inspection handbook).
128. If there is any doubt about this matter (and before failing the school on this regulation), inspectors should check the status of the school's fire safety clearance with the DfE.

<p>14. Is there a written policy on first aid and does the school implement this?</p>
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129. The policy should include/inform the procedures listed below.

- All staff should know which of their colleagues are qualified to give first aid and should refer any accidents or other medical emergencies to them promptly.
- At all times there should be at least one qualified first-aider **on every site** occupied by the school. The school should have contingency plans so that first aid cover is still provided if one qualified first aider is absent or accompanying a trip.
- All first-aiders should have attended a training course within the last three years, should follow the guidelines given at the course, and should have easy access to first aid kits. First-aid training should be appropriate to the age of the children in the setting. Where babies are being cared for, the certificate must cover first aid for babies.
- Accidents and other medical emergencies should be recorded appropriately. Parents should be informed when necessary and a record kept of occasions when they have been.
- Members of staff should be made aware of any particular hazards in the subjects that they teach or the activities that they supervise and should have appropriate training and access to first aid kits.
- Pupils with medical conditions, such as epilepsy, asthma or severe allergies, should be identified. All staff should be aware of their conditions and alert to the need for prompt action.
- There should be clear guidance on what levels of injury are to be treated on site and what levels automatically trigger an emergency ambulance call or visit to the hospital.
- There should be guidance on hygiene procedures in case of spillage of blood or body fluid.

130. If the guidance omits a minor element of the above contents, then it would be appropriate to bring this to the school's attention and not to 'fail' the school on

the requirement. Inspectors please note that there is further guidance on special requirements for the Early Years Foundation Stage.

15. Are school staff deployed in such a way as to ensure the proper supervision of pupils?

131. Inspectors should make sensible judgements, taking into account the age and behaviour of the pupils and the nature of the activities in which they are engaged. 'Proper supervision' does not require that pupils must always be within sight of an adult, but they should be able to summon help quickly in the event of an emergency. Similarly, where one adult is supervising a group of pupils at some distance from any of their colleagues, they will need a mobile phone or some other method of rapid communication.

16. Is there a record of the sanctions imposed upon pupils for serious misbehaviour?

132. The regulation does not prescribe the form of these records, but they can be expected to include the reasons for the sanctions as well as their nature and the dates on which they took place. Inspectors should check that sanctions are reasonable and not excessive and do not show unfair discrimination against individuals or categories of pupils. The written records may be kept together in a punishment book or in a loose-leaf file, or they may be distributed among pupils' files. The records should certainly include any temporary or permanent exclusions and may also include detentions or other punishments.
133. If inspectors are satisfied that a school has never imposed sanctions upon pupils for serious disciplinary offences, then this regulation is met, although the school should be reminded of its duty to keep written records if sanctions are imposed in the future. It is preferable, however, for the school to prepare a 'sanctions record book' which may take the form of an appropriately labelled exercise book or similar.
134. The School Standards and Framework Act 1998 prohibits corporal punishment in independent schools. If inspectors come across any evidence that suggests that corporal punishment or undue physical force is being used, they should follow this up carefully.

17. Is there an admission and attendance register which is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006?

135. Inspectors should note that the 1995 regulations have been revoked by 2006 legislation, which is available in the 'Useful information' section of the inspection handbook.
136. Inspectors should also note that independent schools have a duty (under the 2006 Pupil Registration Regulations) to inform the local authority of any pupil

with 10 continuous days of unauthorised absence; any pupil who fails to attend regularly; and any deletion from the school register where the school the pupil is moving to is not known. Inspectors should ensure that schools are making these returns to the local authority where relevant. They do **not** meet this regulation if they are not doing so.

137. All schools are required to keep an admission register which contains an index in alphabetical order of all the pupils at the school and the following information about each pupil:

- name in full
- gender
- the name and address of every person known to the proprietor to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and an emergency telephone number
- day, month and year of birth
- day, month and year of admission or re-admission to the school
- name and address of the school last attended, if any
- in boarding schools, whether the pupil is a boarder or a day pupil.

138. The admission register must be completed in ink, with corrections made in such a way that the original entry is still clearly distinguishable, and every entry must be kept for at least three years. An admission register may be kept on computer provided a printout is made at least once a year.

139. All schools, except those in which **all** pupils are boarders, are required to keep an attendance register which:

- must be taken at the beginning of the morning and afternoon sessions
- must record the presence or absence of all day pupils using the recommended codes
- may mark pupils as 'unable to attend due to exceptional circumstances' where the school site, or part of it, is closed, for example due to heating failure or flooding; or the transport arrangements made by the school or local authority have failed
- may mark pupils as 'present at approved educational activity'
- must distinguish between authorised and unauthorised absence for all day pupils of compulsory school age
- must be completed in ink and with corrections made in such a way that the original entry is still clearly distinguishable and showing why the amendment was made and by whom
- must be kept for three years

- may be kept on computer provided that either a printout is made at least once a month and all printouts during the year are retained in a single volume, or electronic back-up or microfiche copies are kept and made available to inspectors on request.

140. There is no legal requirement to include boarders in the attendance register, although most boarding schools do so and should be encouraged to continue this good practice. Where a boarding or residential special school maintains an attendance register, but does not include all the required details, inspectors should draw this to the school's attention, but this regulation should **not** be failed.

Does the school fulfil its duties under the Equality Act 2010?

141. The Secretary of State's remit letter to Her Majesty's Chief Inspector of Education, Children's Services and Skills asks for section 162A inspections to look at whether schools fulfil their duties under the Equality Act 2010,¹⁵ in addition to whether they meet the requirements of the Independent School Standards Regulations. Because the schools' duties under the Equality Act 2010 do not form part of the regulations, this question in the ROIEJ does not have a paragraph number.

142. Schools are required to ensure they comply with the requirements of the Equality Act 2010. Inspectors should bear in mind the following points.

- It is unlawful to treat disabled pupils or prospective pupils less favourably for a reason related to their disability than someone to whom that reason does not apply, without justification for doing so.
- Schools should make reasonable adjustments to admission arrangements and in relation to education and associated services to ensure that disabled pupils or prospective pupils are not placed at substantial disadvantage in comparison with non-disabled pupils, without justification for doing so.
- The proprietors of all independent (including special) schools have a duty to draw up a written plan covering a three-year period to increase over time the accessibility of the school premises, the curriculum and information to disabled pupils, within the resources that the schools can afford. This plan must be present even if the school has already made good provision for access. It should be made available to inspectors and should be reviewed regularly and implemented gradually. Inspectors can reasonably expect proprietors of special schools to directly reflect pupils' needs in the detail included in these plans, for example where pupils have sensory or physical disabilities.

¹⁵ www.legislation.gov.uk/ukpga/2010/15/contents.

143. Independent schools may continue to select pupils on grounds of ability and aptitude, so long as the criteria are not chosen only to exclude pupils with a disability.
144. In addition, the proprietors of all (including special) independent schools have a duty to draw up a written plan covering a three-year period to increase over time the accessibility of the school premises, the curriculum and information to disabled pupils, within the resources that the schools can afford. This plan must be present even if the school has already made good provision for access. It should be made available to inspectors and should be reviewed regularly and implemented gradually.
145. If the school has made some good provision for disabled access already, but has no plan now to develop it further, it should not be 'failed' with regard to the Equality Act 2010. A reference should be made in the report along the lines that: 'The school has planned well to increase accessibility and will be drawing up a further plan to review the possibility of further improving access'.
146. Words and phrases like 'reasonable adjustments', 'substantial disadvantage' and 'justification' are not defined and are subject to wide variations in interpretation; ultimately any definitive interpretation is a matter for the courts. Inspectors should proceed with caution and be wary of offering advice. Further guidance can be found in the useful references section of the inspection handbook. Also, schools can be referred to a source of free information by contacting the Equality and Human Rights Commission Helpline:

Telephone	0845 604 6610
Textphone	0845 604 6620
Fax	0845 604 6630
Website	www.equalityhumanrights.com
Email	englandhelpline@equalityhumanrights.com
Post	Equality and Human Rights Commission Helpline Freepost RRLG-GHUX-CTR Arndale House Arndale Centre Manchester M4 3AQ

147. If the inspector finds that the school is clearly in breach of its duties, for example there is blatant discrimination in admissions or exclusions, or there is no accessibility plan or a very inadequate one, and/or children are at a considerable disadvantage as a result of the school's arrangements, then the ROIEJ and the report must say so.

Part 4. Suitability of proprietors and staff

148. The standards in part 4 relate to the suitability of staff, supply staff and proprietors. **They do not relate to volunteers.** Checks on volunteers are dealt with under the guidance in *Safeguarding children and safer recruitment in education* (see regulation 7).
149. The independent schools regulations (Education Act 2002) which came into force on 1 September 2003 placed a duty upon proprietors to check the suitability of staff. In relation to the appointment of staff, the regulations state that 'staff' means those people working at the school, whether under a contract of employment or under a contract for services but does not include supply staff or volunteers.
150. These regulations were changed by Statutory Instrument 1087 which came into force on 1 May 2007 and brought them into line with the statutory requirements in the DfE guidance *Safeguarding children and safer recruitment*.
151. Inspectors should ensure that the checks as laid out in the regulations in part 4 have been carefully undertaken by the school. Failures in systems to check staff appointments as required should be recorded against the appropriate regulation(s). Inspectors must take account of the extent and seriousness of any failures to meet these regulations when they are making the judgement on the overall quality of welfare, health and safety of pupils.

19(2)(a). Can it be verified that no member of staff:

- is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (Independent safeguarding authority (ISA) barred list)

or

- carries out work, or intends to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act, or any disqualification, prohibition or restriction which takes effect as if contained in such a direction? (A List 99 check).

152. This regulation is met if, at the time of appointment the checks were made in accordance with the requirements at the time of appointment; the staff member was either checked that they were not on the Independent Safeguarding Authority barred list **or** List 99.

19(2)(b). For all appointments from 1 September 2003, have appropriate checks been carried out and completed to confirm each member of staff's:

- identity
- medical fitness
- where appropriate, qualifications, and
- for appointments made from 1 May 2007 the additional check of their right to work in the United Kingdom?

153. The DfE has issued the following advice to proprietors of independent schools.

From 1 October 2010, in accordance with Section 60 of the Equality Act 2010, it is unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. Independent schools are advised to review their existing practices to ensure they are complying with both the Education (Independent School Standards) (England) Regulations 2010 and Section 60 of the Equality Act. Schools may decide to ask necessary health questions after job offer. In any case, they should ensure that any health-related questions are targeted, necessary and relevant to the job applied for.

Inspectors should ensure that schools have satisfied themselves of the physical and mental fitness of their staff after the appointment has been confirmed. If the school has run the check on medical fitness before the offer of appointment is made, inspectors should advise the school of the correct procedures. However, the regulation should not be failed. The DfE would not be in a position to enforce an alternative course of action retrospectively.

154. In respect of **foreign nationals** seeking employment at the school, proprietors will need to check their right to work in the United Kingdom. Further information and helpline numbers for employers are given on pages 90–91 in Appendix 8 of the document *Safeguarding children and safer recruitment in education*.

155. European Union citizens have the right to work in the United Kingdom. Where the person concerned is a foreign national, the right to work in the United Kingdom generally appears as a stamped document in the passport which states that the person has permission to work in the United Kingdom.

156. The checks specified in **19(2)(c), (d), (e)** and **19(3)** do not need to be carried out where a new member of staff has worked in the following provisions not more than 3 months before the person's appointment:

- a school in England in a position where the person had regular contact with children or young people
- a maintained school in England in a position to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons, or
- an institution within the further education sector in England in a position which involved the provision of education or which brought the person regularly into contact with children or young persons.

Criminal Records Bureau checks

19(2)(c). For all appointments since 1 September 2003 has an enhanced criminal bureau (CRB) check been made by the proprietor in respect of any member of staff appointed to a position at the school and was the enhanced CRB certificate which is the subject of the application obtained before or as soon as was practicable after the person's appointment?

157. Staff appointed before 1 September 2003 need not have been checked with the Criminal Records Bureau provided they have not had a break in service. They should, however, have been checked against List 99. The school should be able to produce a letter from Teachers' Misconduct (Vetting) Team at DfE which was issued at the time of their appointment.
158. Enhanced Criminal Records Bureau checks are required for all staff appointed since 1 September 2003. Forms requesting disclosures must be sent off to the Criminal Records Bureau as soon as possible. While waiting for Criminal Records Bureau confirmation, staff may commence duties at the school provided that the proprietor has undertaken a List 99 or Independent Safeguarding Authority barred list check to ensure that they are not currently barred from working with children. It is the proprietor's duty to ensure risks to pupils are minimised by ensuring appropriate supervision.
159. The enhanced Criminal Records Bureau certificate should be obtained before or as soon as practicable after the new member of staff has been appointed. Proprietors are not required to obtain a new Criminal Records Bureau clearance for newly appointed staff who have come from a similar post in another school and have had no more than three months' break in service. These staff must provide evidence of their most recent enhanced Criminal Records Bureau clearance; failure to do so means that a new Criminal Records Bureau check must be carried out prior to confirmation of appointment. Ofsted's *Safeguarding children* review (2008) stated that it is good practice for schools to update their Criminal Records Bureau checks every three years; however, it is **not** a requirement to do so, and inspectors **must not** insist that schools do this.¹⁶ Where a new appointee brings a Criminal Records Bureau certificate from their previous post (and there has been no more than a three months' break between appointments), the proprietor must ensure that all other required checks have been conducted and that the person is not barred from working with young people.

¹⁶ Safeguarding children: the third joint chief inspectors' report on arrangements to safeguard children (080063), July 2008, [www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/Key-themes/Safeguarding-children/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/Key-themes/Safeguarding-children/(language)/eng-GB).

Criminal Records Bureau checks for foreign nationals and gap-year students

19(2)(d). For appointments from 1 May 2007 only, in the case of any person for whom, by reason of living or having lived outside the United Kingdom, obtaining a CRB certificate is not sufficient to establish his or her suitability to work in a school; have further checks been made as the proprietor considers appropriate which have regard to any guidance issued by the Secretary of State?

160. Schools will also need to arrange enhanced Criminal Records Bureau checks for foreign nationals. The Independent Safeguarding Authority website carries information about how schools may initiate the Criminal Records Bureau checks on members of staff appointed from abroad, before they arrive in the United Kingdom.
161. Where a foreign national is either the proprietor of the school, or is employed as a member of staff, and for whom a Criminal Records Bureau check is unlikely to reveal the full background, that person should be subject to checks for overseas teachers set out in the DfE guidance *Child protection: preventing unsuitable people from working with children and young persons in the education service*.¹⁷
162. Where an applicant is from a country where criminal record checks cannot be made for child protection purposes, the DfE advises that employers must take extra care in taking up references and carrying out other checks on a person's background. Proprietors who are appointing staff from overseas are advised to ask the appointee to seek confirmation or a certificate of good conduct from the police service in the country where they are residing, before they leave for the United Kingdom. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Further information about the criminal record information which may be obtained from overseas police forces and countries is available from the Criminal Records Bureau website.¹⁸ The DfE may be able to provide details about the sort of information available from some countries not currently covered by the Criminal Records Bureau's overseas information service.
163. The Criminal Records Bureau operates a fax-back service which provides employers with details of the sort of criminal record information which new employees may be able to obtain from their home countries. At present the service covers 17 countries:

¹⁷ *Child protection: preventing unsuitable people from working with children and young persons in the education service* (DfES 0208/2002), Department for Education and Skills, 2002; www.teachernet.gov.uk/docbank/index.cfm?id=2172.

¹⁸ Criminal Records Bureau website: www.crb.gov.uk.

Australia, Canada, Denmark, Finland, France, Germany, Irish Republic, Italy (excluding Vatican City), Jamaica, Malaysia, Netherlands, New Zealand, Philippines, Poland, South Africa, Spain, Sweden.

164. In respect of regulation 19(2)(e) concerning staff who supervise children in boarding, schools must comply with the relevant national minimum standards for boarding or residential special schools. The social care inspector's advice should be taken as to whether this regulation is met and any additional evidence recorded in part 4 of the ROIEJ.

19(2)(e) For all appointments from 1 September 2003, in the case of staff who care for, train, supervise or are in charge of children for whom accommodation is provided, in addition to the requirements of paragraphs 19(2)(a) – (d), has a check been made by the proprietor that standard 38 of the national minimum standards for boarding schools, or where applicable, standard 27 of the national minimum standards for residential special schools, has been complied with?

165. Inspectors should note that the reference in this regulation to the national minimum standards is now obsolete, since the standards were updated in September 2011. The requirements of the new national minimum standards are that the school's procedures for recruiting boarding staff should be the same as for all other staff in the school. In the case of a children's home that is also a registered school, inspectors should record 'not applicable' in this section, since the DfE has no responsibility for the regulation of national minimum standards in children's homes.

19(3) Were the checks in 19(2)(b) completed before a person's appointment apart from where exemptions, listed in the note above, apply?

166. Inspectors should note that schools should not make checks on medical fitness prior to appointment.

Checks, including Criminal Records Bureau checks, for supply and agency staff

167. Use 'N/A' options where schools do not use supply or agency staff.
168. The proprietor should have received written notification of the checks listed **20(2)(a)** before allowing **supply or agency staff** to work in the school. Please note that in regard to the Criminal Records Bureau check the regulation is met where the application has been made. The regulation does not require the certificate to have been obtained before the member of supply staff starts in post.
169. From 1 September 2010 for regulation **20(2)(b)** the proprietor is required to check that that before the person starts work at the school, the person being offered as supply staff is suitable for the work required.

170. Inspectors should note that, in addition to the above, schools are required to confirm the identity of any supply or agency staff before they allow them to start work; this is covered in regulation **20(2)(c)**.
171. Inspectors should check that the school's contractual arrangements with agencies meet the requirements set out in **20(2)(d)** to confirm that all the required checks have been carried out.
172. Inspectors should check that the school's contractual arrangements with the agency meet the requirements set out in regulation 20(2)(e) concerning any supply or agency staff who supervise children in the residential environment. Schools must comply with the relevant national minimum standards for boarding or residential special schools. The social care inspector's advice should be taken as to whether this regulation is met and any additional evidence recorded in part 4 of the ROIEJ.

Checks, including Criminal Records Bureau checks for proprietors and governors

173. The checks on **individual proprietors** are done by the DfE. These checks are not detailed in the template for the ROIEJ. If there has been a recent change in the proprietor and there is reason to believe that the DfE have not been notified then the inspector should alert the Managing Inspector, Independent Schools, where it is a day school or, the Managing Inspector, Operational Lead for the Welfare Inspection of Boarding Schools, where the school has boarding provision. They will notify the DfE.
174. Where there is a **proprietary body**, the DfE will only have checked the chairperson, and it is for the chairperson to carry out checks on other members of that body. Therefore, inspectors should ensure that all checks in **21(6)(a),(b) and (c)** have been carried out for all members of the proprietary body, with the exception of the chairperson. The check on the chairperson is not recorded in the template for the ROIEJ.
175. If the ownership of the school has changed hands since the last school census, inspectors should ask the new proprietor whether they had informed the DfE and should note this information in the ROIEJ. If it is clear that the DfE is unaware of a new proprietor, the lead inspector should send a minute to the Managing Inspector, Independent Schools, who will inform the DfE.
176. The 'N/A' option should be used in 21(6)(a),(b) and (c) of the *ROIEJ* where there is no proprietary body. More detail on Criminal Records Bureau checks for proprietors is given in the DfE information pack (see 'Useful information' section of the inspection handbook). Note that proprietors in post before April 2002 may not have been subject to enhanced Criminal Records Bureau checks by the DfE as these were not required. However, List 99 checks were required and confirmation of these should be included in the single central register.

177. The January 2007 guidance *Safeguarding children and safer recruitment in education* refers to Criminal Records Bureau requirements for 'a position as a governor which involves regular work in the presence of, or care for, children, or training, supervising or being in sole charge of children'. Governors who are not members of the proprietorial body need not be checked unless they come into contact with children.

Single central register

178. Regulation **22(2)** requires inspectors to tick 'yes' or 'no' to whether the register is kept in legible form, whether electronic or hard copy. Also note that the register should show who has carried out the checks and the date on which this was done.
179. From 1 May 2007, this register must contain the details of all staff working at the school on or after that date. This means that schools should have gone back over their personnel files to obtain the required information and entered this onto the register. Where schools do not have complete information for each member of staff, for example if they were recruited some years before and didn't keep copies of references, then inspectors should make sure that recent recruitment procedures show evidence that proper records are currently kept as standard procedure. The school would not fail a regulation in these circumstances. If there is evidence that the school does not have robust procedures in place then the appropriate regulation should be failed. If the school is unable to provide evidence of Criminal Records Bureau or List 99/Independent Safeguarding Authority barred list checks for each member of staff in post, then this is a failure. However, inspectors should note that the actual disclosure form may not be available. A note of the check number and the date undertaken will suffice.
180. From 1 September 2010, the regulations on the single central register have been split into two sections; one covers checks required post 1 May 2007, and the second covers checks required pre 1 May 2007. **The law has not changed in this area.** In the section which covers post 1 May 2007, regulation **22(3)**, the checks are applicable to all staff that started after that date. For regulation **22(4)** please note that the regulation is met if the register shows clearly which checks were carried out in accordance with the rules at the time of the appointment.
181. Since 1 May 2007 independent schools have been required to keep a central register (regulation 22(3)) which gives details of all the statutory checks which they have carried out in respect of staff, supply staff and foreign nationals. A model register table showing necessary headings is given on page 48 in the DfE guidance on safeguarding above, *Safeguarding children and safer recruitment in education?* The Single Central Register must be a single computer file or document which can be presented electronically, in hard copy, or handwritten, and it must include:

- identity: name, address, date of birth; evidenced and date checked
 - List 99: evidenced and date checked or from 1 September 2010 check against the Independent Safeguarding Authority barred list
 - qualifications: required Yes/No; evidenced and date checked
 - Criminal Records Bureau: date checked (it is also good practice to record the Criminal Records Bureau number)
 - overseas criminal records checks: required Yes/No
 - right to work in the United Kingdom: evidenced and date checked
 - checks to ensure compliance with standard 38 of the national minimum standards for boarding schools, or where applicable, standard 27 of the national minimum standards for residential special schools.
182. For regulation **22(4)** please note that the requirement to check a member of staff's right to work in the United Kingdom, came in for 1 May 2007. All other checks have been required from at least 2003.
183. Inspectors should note that for regulation **22(6) and 22(7)** the requirement to record staff checks on the single central register does not extend to recording the checks on the proprietor or chair of governors. These checks are done by the DfE. While the DfE encourages new proprietors to enter their Criminal Records Bureau check on the central register, it is not a statutory requirement to do so, and is therefore also not enforceable. Inspectors should therefore encourage proprietors and chairs of governing bodies to record this information on the school's single central register, but may not insist that they do so. Where the information is not recorded on the single central register, inspectors must not report it as a regulatory failure.
184. Inspectors should check that all the required details are recorded on the single central register. Inspectors are also asked to assure themselves that the register represents a faithful record of the necessary checks having been done. They are asked to look at a sample of staff files, and should use their professional judgement over the size and nature of the sample as befits the school they are inspecting. It is not necessary or practical to check all staff files, but it would be sensible, for example in a large school, to check a sample of files from members of staff with different recruitment dates and who perform different roles in the school. The guidance in *Safeguarding children and safer recruitment in education* offers an example of how a single central register may be maintained.
185. While the single central register should be fully completed if there is a **minor** administrative error such as the absence of a missing date on the register, and this can be easily rectified **before** the final team meeting, schools will be given the chance to resolve the issue. As a guiding principle, inspectors should ensure that schools have robust systems in place to ensure that staff are properly checked. The single central register is for the school to keep; it serves as an 'at

a glance' guide to assist inspectors in assuring themselves that procedures are strong. But if there is a gap in the register, and yet the evidence is there in files that the check has been done, the inspector should allow the school to fill in the information and not fail the regulation. Ofsted has established a definition for 'administrative errors' in relation to the single central register. These do not relate to situations where the school has not instigated proper procedures for checking staff.

186. Administrative errors may be defined as follows:

- failure to record one or two dates
- failure to record the name/s of the person/s that carried out the checks
- individual entries that are illegible
- one or two omissions where it is clear that the information is already held by the school but the school has failed to transfer over the information in full to the single central register.

187. Inspectors should note that volunteers now come under regulation 7. Schools should have regard to *Safeguarding children and safer recruitment in education* – volunteers are covered in this guidance.

Barring and vetting of staff

188. Inspectors should note changes which came into effect in January 2009, establishing the Independent Safeguarding Authority and giving it powers under the Safeguarding Vulnerable Groups Act 2006 to make decisions about barring people who are unsuitable to work with children. Proprietors are currently required to provide information to the DfE where they have ceased to use a person's services, for example dismissed them from work in a role involving regular contact with children, because:

- they are considered unsuitable to work with children, or
- as a result of misconduct, or
- because of a medical condition that raises a possibility of risk to the safety or welfare of children.

189. They should also provide information where a person has resigned or retired during an investigation relating to safeguarding or children.

190. These referrals must now be made to the **Independent Safeguarding Authority** instead of the DfE. Information on the vetting and barring scheme and Independent Safeguarding Authority registration is available on the Ofsted

website.¹⁹ Further information on Independent Safeguarding Authority referrals is available from the ISA website.²⁰

191. Inspectors must check, and confirm in the ROIEJ, whether the correct procedure has been followed where safeguarding concerns have been raised about a member of staff.
- Since the last inspection, has there been any member of staff who has been disciplined, dismissed, currently under investigation or left prior to the end of an investigation for causing emotional, psychological, physical or sexual harm, neglect or risk of harm to children? If in doubt, inspectors should consult the Independent Safeguarding Authority referral guidance.²¹
 - If so, was a notification made by the school to the Independent Safeguarding Authority, if it occurred after 12 October 2009 (and to DfE if before)?
 - Is the school aware of the duty to refer a person who is deemed to be unsuitable for working with children, to the Independent Safeguarding Authority?

Note that these checks do **not** have independent school regulation numbers assigned to them.

192. Inspectors should check that the school's safeguarding policy is up to date and includes reference to the mandatory duty to notify the Independent Safeguarding Authority in these circumstances. Inspectors should also check that key staff in the school are aware of this duty in order to assure themselves that the school would follow the correct procedure to safeguard children should such a case arise.
193. On occasions, the timing of an inspection may cause difficulty in answering the questions above. For example, a school may only just become aware of a case concerning a member of staff. Provided that the school has alerted the local authority designated officer about the case and the officer is investigating it with the intention of coming back to the school with advice, prior to the school informing the Independent Safeguarding Authority if necessary, this is acceptable. In such circumstances, inspectors should tick 'no' in answer to the question 'was a notification made by the school to the Independent

¹⁹ www.ofsted.gov.uk/Ofsted-home/About-us/FAQs/Safeguarding

²⁰ See *Fact sheet on an employer's duty to refer information*, Independent Safeguarding Authority, 2007; www.isa-gov.org.uk/default.aspx?page=303.

²¹ *Independent Safeguarding Authority referral guidance*, ISA, V2010-01, 2010; www.isa-gov.org.uk/PDF/Referral%20Guidance%20and%20Form%20FINAL%20v%2010-01.pdf.

Safeguarding Authority?’ and make a note of the circumstances in the text of the ROIEJ.²²

194. The DfE operates a secure website which contains the annual census forms which schools are obliged to return to the DfE. The Inspection Service Providers have a password to access the site. In advance of the inspection, Inspection Service Providers must provide the lead inspector with the information about the census for the school they are inspecting. The important part for an independent school inspection is the front page, which details the members of staff who left or came new to the school during that year. Inspectors should ask the school what action it would take if it were to discover any misconduct by a member of staff. Inspectors may wish to use the information in the census form to ‘spot check’ either appointments of new staff or, particularly leavers, who will not be on the single central record. Inspectors should check that the school knows and is following the correct procedures should they need to make a referral to the Independent Safeguarding Authority.
195. In boarding schools, also note briefly any additional evidence as to whether the school meets the relevant national minimum standards.
196. The Independent Safeguarding Authority notifies Ofsted of schools which have made a referral concerning a member of staff. This information is stored and can be accessed via the Provider Information Portal. Therefore lead inspectors should review the portal and the information it contains about safeguarding issues since the last inspection and decide how this should be used to inform their inspection trails.
197. Inspectors should note that any failings in safeguarding, including recruitment and vetting checks, should be taken into account when making the inspection judgement about the quality of welfare, health and safety. Where schools are part of larger groups, it may be the case that recruitment and vetting checks are undertaken by head office personnel. It is the responsibility of proprietors to ensure that such checks meet requirements; where they do not, the lack of rigour in safeguarding procedures at both school and a higher level will impact on the overall welfare, health and safety judgement.
198. Inspectors should note DfE guidance on safe recruitment training. This is made available to all headteachers and governors via online training delivered by the National College for School Leadership. The DfE recommends that each school should have two people trained; however this is guidance only and does not impose a statutory requirement on independent schools. The online materials are available from the Children’s Workforce Development Council.

²² Inspectors should consult the following guidance regarding what to write in the report about referrals to the Independent Safeguarding Authority: *Writing inspection reports* (090052), Ofsted, 2011; www.ofsted.gov.uk/reosources/090052. This document is also available in the ‘Guidance for inspectors’ section of the inspection handbook.

Part 5. Premises and accommodation

199. Note that in the school information and self-evaluation form, schools are asked to give a definite 'Yes/No' answer to questions concerning paragraphs 23(a), 23(b) and 23(c), so that inspectors can be sure that schools have considered whether or not they comply with these requirements. In the ROIEJ these boxes continue to be shaded and contain red text, and inspectors are asked to complete these in the usual way; therefore if a school does meet the regulation inspectors will continue to put a tick in the 'No' box.

23(a). Has the proprietor ensured that the water supply meets the requirements of the Education (School Premises) Regulations 1999?²³

200. The School Premises Regulations apply in full to maintained schools. The only parts of them which apply to independent schools are those which are explicitly mentioned in this section.

201. The School Premises Regulations require that:

- schools have a wholesome supply of water for domestic purposes including a supply of drinking water
- toilets have an adequate supply of cold water
- washbasins, sinks, baths and showers have an adequate supply of **hot and cold** water, and the temperature of the hot water should not exceed 43°C.

23(c). Has the proprietor ensured that each load-bearing structure complies with regulation 15 of the Education (School Premises) Regulations 1999?

202. The School Premises Regulations require that 'any load-bearing structure in a school building shall be capable of safely sustaining and transmitting the dead load and imposed loads, and the horizontal and inclined forces, to which it is likely to be subjected'. Inspectors are not experts in such matters and should avoid saying or writing anything that implies that they are. They can accept that the building is likely to be structurally sound if there is no obvious evidence to the contrary. However, if there are cracks, bulges or other deformities in the fabric, or parts of the building move or vibrate when walked upon, or there are any other causes of concern, then inspectors have reason to believe that the school does not comply with this regulation. Unless inspectors are shown written reports from suitably qualified professionals that confirm that pupils are not at risk, they should tell the school to take professional advice as soon as possible and raise their concerns in the report. The onus is on the proprietor to ensure that the building is safe.

²³ www.opsi.gov.uk/si/si1999/19990002.htm

23(d). Are adequate security arrangements in place for the grounds and buildings?

203. Where inspection identifies inadequacies in the security arrangements of the site or buildings in an independent day, boarding or residential special school, inspectors must report these to the school's senior managers at the end of the inspection during the formal feedback session. The inadequate security arrangements should be fully recorded by the lead inspector in the ROIEJ, in s162a and integrated inspections, and also in the Regulatory Support Application database by the lead social care inspector in integrated or stand alone inspections of boarding and residential special schools.
204. Inspectors should refer in the published report to 'some inadequate security arrangements' at the school, but not give any further details about where they occur. Inspectors should inform the school about this form of words in the report. While Ofsted is mindful that publishing the details of inadequate security in our reports of independent and boarding schools may attract unwelcome attention from potential criminals, we wish to be open and transparent about the school's provision and come into line with the practice in maintained schools. We have agreed with the registering authority, DfE, that this course of action will alert parents and other readers to security issues but will not put children at risk. There is therefore no need for inspectors to produce a separate minute about breaches in site security for the DfE, as was our previous practice.
205. Post-inspection, the DfE will seek action from the school to rectify the situation in the normal way. They will be able to access the details of the problem from the ROIEJ.

23(g). Is there sufficient access so that emergency evacuations can be accomplished safely for all pupils, including those with special needs and disability?

23(h). Is access to the school such that it allows all pupils, including those with special needs and disability, to enter and leave the school in safety and comfort?

206. These regulations **apply only to the current school population**. If there are no pupils on roll who have mobility problems or disabilities, then the school meets these regulations even if the access is currently restricted for such pupils. If there were a problem with access for disabled pupils (but there were none on roll) then the school might fail to meet the Disability Discrimination Act, but not this regulation.

23(i). Having regard to the number, age and needs (including any special needs and disability) of pupils, are classrooms appropriate in size to allow effective teaching and do all areas of the school not compromise health or safety?

207. The judgement that needs to be made is whether there is adequate space for safe and effective teaching and learning, having regard to the subject being taught and the activities being undertaken, as well as to the number, age and needs of pupils. A classroom that is so crowded that the teacher cannot move around it easily is not going to be adequate even for the most sedentary activities. A science classroom that does not have enough space for experiments to be undertaken safely is inadequate in size. Where pupils do not have access to specialist accommodation their classroom must be large enough to allow practical work to take place. As pupils grow older, the need for specialist accommodation increases if their curriculum is not to be restricted. However, there is no regulation that requires a school to have any specialist subject accommodation. Further guidance is given in the supplementary guidance for inspectors *Inspecting independent special schools*.²⁴
208. There are no set space allocations for pupils of statutory school age and beyond but, as a minimum, each classroom will normally require around 2 square metres per pupil, and for some subjects more space will be needed. For under fives, the National Care Standards for Day Care give figures that indicate the minimum space that can be expected in independent schools: 3.5 square metres per child for under-twos; 2.5 square metres for two- to three-year-olds; and 2.3 square metres for three- to five-year-olds. Pupils with special educational needs and/or disabilities will often require additional space. For further details see the additional guidance for independent special schools and DfE guidance *Building Bulletin 102 (2008) designing for disabled children and children with special educational needs*.
209. A judgement will have to be made as to whether to feature particular health and safety issues here or in section 3 of the report (paragraph 11). Any health and safety issues concerned solely with the building should be covered here.

23(j). Are there sufficient washrooms for staff and pupils, including facilities for pupils with special needs and disability, which take account of the Education (School Premises) Regulations 1999?

210. The School Premises Regulations stipulate that there should be at least one sanitary fitting (water closet or urinal) for every 10 pupils under five, and for every 20 pupils over five. In a special school there should be one sanitary fitting for every 10 pupils. The number of washbasins should be at least two thirds of the number of sanitary fittings. For pupils over the age of eight, toilets for males and females should be separate. There should also be separate facilities for staff, which may also be used by visitors. DfE informal guidance says that where there are less than five pupils in a day school, it is permissible for staff, visitors and pupils to use the same toilet, provided that it is self-contained with a hand basin and lockable for privacy. In effect this means that the toilet must be directly

²⁴ *Inspecting independent special schools* (110097), Ofsted, 2011; www.ofsted.gov.uk/resources/110097

accessible from a general corridor or hall area. It would not be appropriate for there to be an outer door through which a pupil or member of staff could go, which led into a room with a hand basin and then a further door into a toilet cubicle. In these circumstances a pupil could be using the toilet at the same time as an adult was washing his/her hands – this would not provide adequate child protection. It is permissible for toilets specially adapted for the disabled to be used by staff, visitors and pupils, provided that privacy is guaranteed. Refer to tutorial college guidance for older students.

211. Please refer to Annex A: the provision of toilets and washing/showering facilities in independent schools for information on the requirements of the Education (School Premises) Regulations 1999. The national minimum standards for boarding and residential special schools have been revised and are no longer so specific, now stating that showers and WC provision must be adequate and suitable for the needs of the residential pupils at the school. Inspectors should consider whether there is sufficient provision at peak times, such as early morning and bedtimes, but should also take account of routines which the school may have organised to eliminate queuing. Inspectors will wish to consider the privacy and dignity of pupils, alongside accommodation issues such as cleanliness and hygiene, sufficiency of hot (and cold) water, lighting, ventilation and general maintenance, including working hand-driers, lockable doors, availability of soap, lavatory paper, paper hand towels and sanitary towels.
212. In a very small residential school, providing education for its residents in a schoolroom on the premises, such as a large semi-detached house, it is acceptable for the pupils to go back into the residential provision to use the toilets, although not the best practice. The pupils should not, however, be reliant on en suite toilets in their bedrooms if at all possible. It is good practice to provide separate school-time toilets, and to minimise the occasions on which pupils have to return to the residential provision.
213. If pupils other than residents on those premises attend the school, they should **not** use residential toilets.
214. Note that under section 7 of the School Premises Regulations, schools must provide showers for pupils aged 11 or over where PE takes place. Additional guidance is given in the table in about the requirements for toilet and shower facilities in all types of schools, at Annex A.

23(k). Are there appropriate facilities for pupils who are ill, in accordance with regulation 5 of the Education (School Premises) Regulations 1999?

215. The School Premises Regulations specify that there should be appropriate facilities for the care of sick or injured pupils that include a place where a pupil can lie down quietly and privately, with a washbasin and WC located reasonably nearby. This need not be a separate room, particularly in a very small school. It may be combined, for instance, with an interview or tutorial room which is not

in essential regular use. However, a couch in the corner of the staffroom or the headteacher's office is not suitable. Inspectors should use their professional judgement with regard to the individual circumstances of the school and consider first and foremost the needs of the pupils. They should also ensure that a sick child may be checked on regularly in case of emergency.

216. If there is residential provision attached and the medical room is provided there rather than in the school itself, this would meet the regulations only if there were staff around in the residential provision to check on the young person at regular intervals. Facilities for day pupils should be provided on the school site rather than in the residential provision, but inspectors should use their professional judgement with regard to the individual circumstances of the school.

23(i). Where food is prepared, are there adequate facilities for its hygienic preparation, serving and consumption?

217. Any school in which food is prepared is open to inspection by the local environmental health officer. Inspectors should find out when the environmental health officer last visited, whether any recommendations were made and, if so, whether they have been implemented. Any food preparation area should have a hand basin separate from the sink, with hand-drying facilities and soap.
218. Children in a boarding school must have access to drinking water. The Education (School Premises) Regulations 1999 require a school to have a wholesome supply of water for domestic purposes, including a supply of drinking water. The *Standards for school premises* circular states that the health and safety guidance advises that drinking water taps should not be installed in sanitary accommodation.²⁵ There are no standards for the distribution of drinking water outlets throughout the school premises, but bodies responsible should consider the pattern of demand within schools, which can be concentrated within quite short breaks. There is no statutory requirement for drinking water to be available in playgrounds.

23(o). Are the lighting, heating and ventilation in the classrooms and other parts of the school satisfactory and have regard to the Education (School Premises) Regulations 1999?

219. The School Premises Regulations give precise requirements for these three aspects, but inspectors will not normally need to use specialist measuring equipment. They should first make a common-sense judgement as to whether the lighting is adequate, the heating is sufficient and not excessive and there is

²⁵ *Standards for school premises* (DCSF 0029/2000); www.teachernet.gov.uk/docbank/index.cfm?id=3928.

enough ventilation. If there are concerns, inspectors may need to make some measurements, for example of temperature, especially if it seems likely that the school may dispute their findings.

220. The requirements in the School Premises Regulations are as follows.

- 'Lighting: the maintained illuminance of teaching accommodation shall be not less than 300 lux on the working plane and where visually demanding tasks are carried out, it should be not less than 500 lux; and the glare index shall be no more than 19.' Clearly, inspectors are not experts; they should use their common sense in making a judgement: is it too dim or gloomy and therefore likely to cause risk to pupils' health or safety, or prevent effective teaching and learning from taking place?
- Heating: sick rooms should be 21°C; accommodation for teaching, private study and exams should be 18°C; spaces used for PE, washrooms, circulation spaces and sleeping accommodation should be 15°C.
- Ventilation: all areas should have controllable ventilation at a minimum rate of three litres of fresh air per second per person; in teaching accommodation, sick rooms, sleeping and living accommodation the minimum rate should be eight litres per second per person; washrooms should be capable of being ventilated at a rate of at least six air changes an hour; there should be adequate measures to prevent condensation and to remove noxious fumes. As above, inspectors should use common sense in the first instance to judge whether ventilation is adequate to enable effective teaching and learning to take place, and whether ventilation in toilet and shower areas is adequate.

221. Inspectors are not building surveyors. They should use common sense in assessing the lighting and ventilation environment of school accommodation. If they suspect that the school does not meet the regulations, they should say so, and the onus would be on the school to supply evidence that it does.

23(s). Are there appropriate arrangements for providing outside space for pupils to play safely?

222. There should be enough space outside for play and recreation but it is reasonable to take account of the way in which this space is used in judging its adequacy. For example, if playtimes are so arranged that there are never more than 30 pupils outside at any one time, then a playground of around 300 square metres may be adequate even if the total number of pupils in the school is 90. Usually, there should be at least 9 square metres of play space per pupil using it at any one time. For some schools in the middle of cities, it is also reasonable to take account of regular use of nearby parks, provided the journey to the park takes only a few minutes and pupils are properly supervised and safe at all times. Ideally, there should be both hard-surfaced and grassed areas, but if there is only a grassed area that drains well and can be used all year round, this may be adequate. Similarly, if there is only a hard play area,

but use is made of nearby sports fields, this could also be sufficient. Do not refer in the report to any security issues arising from inspection of play space (for example, lack of fencing), but alert the school to your concerns and send a minute to the DfE via the inspection service provider.

223. If a right of way passes through a school's playground, the school must have suitable safeguards in place, for example proper supervision, in order for 5(t) to be met. The presence of the right of way itself does not constitute failure of 5(t).

23(t). Where boarding accommodation is provided, does the school have regard to standards 40–52 of the national minimum standards for boarding schools, or where applicable standards 23–26 of the national minimum standards for residential special schools?

224. The numbering of these standards has not been updated in the Statutory Instrument by the DfE to match the new national minimum standards in force from September 2011. However, the meaning is well understood: the boarding/residential accommodation must comply with the relevant national minimum standards for residential special schools or boarding schools. The social care inspector will be inspecting the boarding provision at the same time as the section 162A inspection is taking place and will advise on whether these regulations are met. If they do not meet the standards, the details will be recorded in the regulatory support application toolkit, and this information should be passed to the lead inspector for inclusion in the 'Evidence from boarding or residential provision' section of the ROIEJ. Failures against national minimum standards will have an equivalent failure in the regulations. This should be reported under the compliance section of the report. Inspectors should note, however, that the regulation refers only to provision in boarding and residential special schools, and **not to children's homes**. Therefore, on an integrated inspection, this regulation should only be failed if the provision in a boarding or residential special school does not meet requirements. Where the provision in a children's home does not meet requirements, it will be recorded by the social care inspector in the Regulatory Support Application toolkit and explained in the social care report. The lead inspector should tick the 'N/A' box and note the national minimum standards failure on the ROIEJ. The recommendations in the integrated report should not record a failure against 23(t); this should be picked up by the social care report and followed up by Ofsted. This is because the DfE, who follow up all regulatory failures, have no powers of enforcement in children's homes, other than for the educational provision in those that are dually registered.

Part 6. Provision of information

225. All the information in 24(1)(a) must be given to parents and parents of prospective pupils and would normally be included in the prospectus and, on request, for inspectors.

226. The information in 24(1)(b) must be made available to parents of pupils, prospective parents, and on request to the Chief Inspector, the Secretary of State and others. The DfE has confirmed that these regulations are met if a school has placed the information on the school's website (where one exists) and they have told the parents that is where it can be found. If a school does not have a website or has decided not to place a copy on its website, then it must make a copy available in the school, inform parents of its availability and provide the required information on request. Schools with boarding pupils frequently have additional information, such as a booklet for boarders, aimed specifically at boarders or their parents/carers.

24(1)(a). Has the proprietor ensured that the following information has been provided to all persons listed above?

- **The school's address and telephone number and the name of the headteacher.**
- **Where the proprietor is an individual, their full name, address for correspondence during both term time and holidays and a telephone number or numbers on which they may be contacted at all times, or, where the proprietor is a corporation or a body of persons, the address and telephone number of its registered or principal office.**
- **Where there is a board of governors, the name and address for correspondence of its chairperson.**
- **A statement of the school's ethos (including any religious ethos) and aims.**

227. Prior to 1 September 2010, each bullet point in the question above was presented separately. The law has not changed in this area. Inspectors should ensure that all parts have been met where applicable.

228. Proprietors do not now need to reveal their 'usual residential address and telephone number'.

229. This regulation does not specify that the 'usual residential address' of the chair of governors should be given to parents. It is sufficient to give the school as a forwarding address. Where there is no board of governors, inspectors should tick N/A box.

Has the following information been made available to the persons listed above?

- **Particulars of the school's policy on and arrangements for admissions, discipline and exclusions.**
- **Particulars of educational and welfare provision for pupils with statements of special educational needs and for pupils for whom English is an additional language.**
- **Particulars of the curriculum policy of the school as required under part 1, paragraph 2.**
- **Particulars of policies relating to bullying, health and safety, the promotion of good behaviour, and sanctions adopted in the event of pupils misbehaving as required under part 3, paragraph 9.**

- **Particulars of the arrangements for tackling bullying, and for promoting pupils' health and safety on the school premises and on educational visits as required under part 3 paragraphs 10, 11 and 12.**
- **Particulars of academic performance during the preceding school year, including the results of any public examinations.**
- **Details of the complaints procedure adopted by the school, together with details of the number of complaints registered under the formal procedure during the preceding school year.**
- **The number of staff employed at the school, including temporary staff, and a summary of their qualifications.**

230. Prior to 1 September 2010, each bullet point in the question above was presented separately. The law has not changed in this area. Inspectors should ensure that all parts have been met where applicable.

231. If there are no pupils on roll for whom English is an additional language or likely to be admitted imminently, the school may not be failed on this regulation.

232. Schools are required to provide, as a minimum, information showing a summary of the staff employed and their qualifications. This can take the form of a list showing each of the types of jobs, for example: one headteacher, one deputy headteacher, three teachers, two teaching assistants, plus a summary of their qualifications. The summary may say, for example, that all teachers have degrees or qualified teacher status, or all support staff hold NVQ qualifications, indicating their levels.

24(1)(f). Does the school provide an annual written report of the progress and attainment of each registered child in the main subject areas taught to parents (except where a parent has agreed otherwise)?

233. Parents should be provided with a clear written report on their child's progress in each main subject on an annual basis. If a new school has convincing evidence that it plans to do so at the end of the first year, it may not be failed on this regulation.

24(1)(g). Did the school comply with reasonable requests for information in connection with this inspection including access to the school's admission and attendance registers?

234. If one or other register is missing, then tick 'No'.

24(1)(h). Where a pupil who is registered at the school is wholly or partly funded by the local authority, is an annual account of income received and expenditure incurred by the school in respect of that pupil submitted to the local authority and, on request, to the Secretary of State?

235. It is the responsibility of the school to provide this information. Its format is not prescribed and only basic financial information is sent to the local authority in respect of each pupil wholly or partly funded by the local authority.

Part 7. Procedures for handling complaints

236. Proprietors must ensure that the school must meet paragraphs 25(a–k). If a regulation **25(a)** is met; a written complaints procedure is in place, it is an easy matter to see from it whether the other regulations are met. If it does not have a written complaints procedure it is unlikely that it can be established that any of the other regulations are met.

237. Regulation **25(b)** is met if the complaints procedure is made available to parents, and not just available on request.

238. Regulation **25(h)** is met if the complaints procedure allows for the complainant to be accompanied to the panel hearing. It is also met even if the school has a complaints policy which specifies who the accompanying person may not be, for example a legal representative.

239. Regulation **25(i)** has been revised by the DfE to clarify what is expected in relation to the distribution of panel findings and recommendations.

240. Paragraph **25(i)** applies only to boarding schools and residential special schools. Again, the reference to the new national minimum standards has not been updated. However, the new national minimum standards for boarding schools and residential special schools (standard 18) simply states that the school should have, and follow, an appropriate policy on responding to complaints that is compliant with the relevant regulatory standards. This brings the national minimum standards into line with the independent schools standards. Thus, if the schools regulations are all met, so will the national minimum standards be also. Inspectors should not waste time duplicating work by both checking the school's compliance. On an integrated inspection it is the lead inspector's responsibility to deploy one inspector to check the complaints procedure.

241. Inspectors should note that this regulation **does not refer to children's homes**. Where the provision in a children's home does not meet requirements, this must be recorded by the social care inspector in the regulatory support application toolkit and explained in the social care report. The lead inspector should tick the 'N/A' box only. This is because the DfE, who follow up all regulatory failures, have no powers of enforcement in children's homes, other than for the educational provision in those that are dually registered.

242. Where an individual wishes to inform the inspection team of a concern about the school, inspectors should enquire whether they have exhausted the school's complaints procedure. If the individual has done so, inspectors should advise them that the inspection team does not investigate individual complaints, but

will investigate the school's process for handling complaints to ensure that there is a record of their complaint being dealt with. Inspectors should, of course, investigate any complaint from a pupil or parent/carer which indicates a wider concern about the school and relates directly to the school's ability to meet regulations. The source of the information should remain confidential, but the inspection team may use it to generate hypotheses to be followed up in the course of the inspection.

Inspecting the Early Years Foundation Stage

243. More comprehensive guidance on inspecting the Early Years Foundation Stage in independent schools is given in a separate document entitled *Guidance on inspecting the Early Years Foundation Stage in independent schools*.²⁶ It can be found in the inspection handbook. Inspectors should ensure they are familiar with its contents.
244. Inspectors should check that the school has properly registered any provision for under-fives in accordance with the statutory Early Years Foundation Stage Framework. Provision for pupils aged from 'rising three' (the term in which their third birthday falls) is covered under the registration of the school. Provision made for children younger than this must be registered separately with Ofsted. Further details of registration requirements and inspection arrangements for the Early Years Foundation Stage are given in the document *Inspecting the Early Years Foundation Stage in independent schools*. Inspectors should check that the school's provision is correctly registered.
245. Regardless of whether schools receive local authority grant funding for their three- and four-year-olds, they must fulfil the welfare and learning and development requirements of the Early Years Foundation Stage. The provision for three- to five-year-old children is inspected by the same inspection team and at the same time as the section 162A independent school inspection, as a fully integrated inspection and report. The team will use the same pre-inspection information (the school's evaluation of its own performance, if the school chooses to provide this in advance of the inspection, and any previous childcare and education reports or section 162A reports) and the same ROIEJ template. An inspection of an independent school which makes Early Years Foundation Stage provision will always include an additional inspector trained on the Early Years Foundation Stage. The lead inspector is responsible for the deployment of the Early Years Foundation Stage inspector. This will include allocating responsibilities and checking that evidence is gathered efficiently to avoid duplication; quality assuring their work, including the quality of their evidence base, and checking that they are using the ROIEJ correctly; and negotiating times for team discussion and to jointly feed back findings to the school.

²⁶ *Inspecting the Early Years Foundation Stage* (090056), Ofsted, 2011; www.ofsted.gov.uk/resources/090056.

246. As provision for pupils under the age of three is now part of a section 162A inspection, inspectors will cover both the care and education elements under the requirements of the Early Years Foundation Stage. However, inspectors must gather a range of evidence for all age groups within the provision and must report on any variance in the quality of the provision for different ages.
247. Inspectors should refer to the *Statutory framework for the Early Years Foundation Stage*.²⁷ A copy of the framework is also located within the 'Useful information' section of the inspection handbook. The areas of learning are: personal, social and emotional development; communication, language and literacy; problem-solving, reasoning and numeracy; knowledge and understanding of the world; physical development; and creative development. More emphasis has been given to children using phonic knowledge within communication, language and literacy.
248. The Early Years Foundation Stage endorses learning through play. There should be investigational and practical activities and opportunities for pupils to use their own initiative, make informed choices, and apply the skills that they are acquiring. The curriculum should stimulate the child's curiosity, encourage experimentation, imagination and creativity and develop early knowledge, understanding and skills in ways which provide a sound basis for later education. There is a greater emphasis on the use of the outdoors to support indoor learning and inspectors must evaluate both aspects. The formal teaching of literacy (other than phonic awareness for older children in the Early Years Foundation Stage) is not a requirement; it may not be found in some foreign national schools or in many Steiner schools. Inspectors may be handed evidence of exemption (requested individually by parents to the DfE and certified if approved) from some parts of the curriculum or assessment, usually in schools with a particular educational ethos or on religious grounds or for some children who have a learning difficulty or disability.
249. Inspectors are required to note whether any children, or groups of children, are exempt from the learning and development requirements of the Early Years Foundation Stage. If so, inspectors must make sure they see the exemption certificate from the Secretary of State or a copy of the school's or parents' application to the Qualifications and Curriculum Authority for this.
250. Inspectors should take care to ensure that the ratio and qualifications requirements (as set out in Appendix 2 of the Statutory Framework) for children in the Early Years Foundation Stage are maintained at all times. These requirements relate to staff time available to work directly with children, including additional staff to cover staff breaks and preparation, planning and assessment time. It is not practicable to apply ratios to every room or outdoor space, but settings (and inspectors) should look to apply ratio and qualification

²⁷ *Statutory framework for the Early Years Foundation Stage* (00267-2008BKT-EN), DCSF, 2008; www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008.

requirements to the whole of the Early Years Foundation Stage provision and take account of how staff are deployed within that overall ratio to meet children's needs and ensure their safety. The qualified teacher would not therefore necessarily have to be with the children during non-teaching times, but the children would need to be placed with other suitably qualified staff over lunch and break times in accordance with the set ratios and qualifications arrangements.

251. Inspectors should note when checking staff qualifications and ratios that it is the school's responsibility to establish that a member of staff's qualification is at the appropriate level for their role in the school, and to have this evidence available for inspectors.

Recording judgements about the Early Years Foundation Stage – registered provision

252. The ROIEJ has a number of references to the Early Years Foundation Stage and all are marked in red text. However, inspectors are now **only** required to make the **four** judgements relating to the quality of Early Years Foundation Stage where the school has registered provision for children aged under three. These judgements are noted in the appropriate sections and also on the inspection judgements form at the back of the ROIEJ. In a straightforward section 162A inspection, inspectors do not make a judgement about leadership and management of the school. However, where there is registered Early Years Foundation Stage provision inspectors are required to judge leadership and management specifically of the Early Years Foundation Stage and provide evidence for this judgement.

Recording judgements about outcomes and provision for children aged three to five years in the Early Years Foundation Stage

253. From January 2012, inspectors will no longer be required to make separate judgements about the Early Years Foundation Stage in a school that caters only for children aged between three and five years. This provision must be inspected according to the guidance *Inspecting the Early Years Foundation Stage*, but the inspection team should ensure that their assessment of outcomes and provision for these children is recorded in all relevant sections of the ROIEJ and standard school report.²⁸ There should be no separate section of the school report written about the Early Years Foundation Stage, unless the school has registered provision for under-three-year-olds.
254. Inspection findings about the outcomes and provision for three- to five-year-old children should thus appear in the relevant ROIEJ sections for: curriculum; quality of teaching; spiritual, moral, social and cultural development; and, if

²⁸ *Inspecting the Early Years Foundation Stage* (090056), Ofsted, 2011; www.ofsted.gov.uk/resources/090056.

relevant, in: welfare, health and safety; suitability of staff; premises and accommodation; information for parents; and handling complaints. Inspectors must take account of inspection findings from provision for three- to five-year-olds in forming whole school judgements on the: quality of education; curriculum; teaching; progress; spiritual, moral, social and cultural development; behaviour and welfare; and health and safety.

255. Inspectors should always consider the impact of the Early Years Foundation Stage on the whole school judgements, particularly where most children are located in this phase. It is highly unlikely that key inspection judgements could be better than satisfactory if the childcare is inadequate. This would, however, be dependent on the nature and scale of the inadequacies. In all cases, judgements must be clearly explained in the ROIEJ.

Inspecting boarding and residential provision

256. Inspectors are referred to the document *Conducting inspections of residential provision in boarding and residential special schools*.²⁹ This document provides guidance for inspectors on conducting the inspection, recording the evidence and writing the report on an integrated inspection of a boarding or residential special school. The Ofsted inspector who is taking the lead on boarding in the integrated inspection team will provide in hard copy, if required, or more usually, in electronic form via a 'safestick', some bullet points covering the key evidence and judgements from the inspection of the residential provision. The lead inspector should paste this into the appropriate section of the ROIEJ.
257. The five key boarding judgements will be made and recorded on the inspection judgements form. However, information and judgements about boarding/residential provision will be threaded throughout the integrated report which is written in the s162A template with a short additional section about the leadership and management of boarding/residential provision. Further information about this is found in *Writing inspection reports*.³⁰

Completing the inspection judgements form

258. The inspection judgements form should be completed towards the end of the inspection and ideally in consultation with education, early years and social care inspectors on the team. Please check the grades with the text of the report. Note that all seven education judgements from the section 162A inspection are made and recorded on the inspection judgement form.

²⁹ *Conducting inspections of residential provision in boarding and residential special schools* (100180), Ofsted, 2011; www.ofsted.gov.uk/resources/conducting-inspections-of-boarding-and-residential-provision-schools.

³⁰ *Writing inspection reports* (090052), Ofsted, 2011; www.ofsted.gov.uk/resources/090052.

259. Only where there is registered Early Years Foundation Stage provision, should the four judgements be made and recorded in the appropriate boxes on the inspection judgements form. Where there is no Early Years Foundation Stage, or where the provision is limited to children aged three to five, these boxes should be deleted.
260. Where there is boarding provision, the five boarding judgements should be made and recorded in the appropriate boxes on the inspection judgements form. If this does not apply, these boxes should be deleted.
261. Judgements on the overall quality of education and behaviour represent an overview, best made towards the end of the inspection and checked against the main findings from the school, the Early Years Foundation Stage and the key findings of the boarding inspection (if relevant).

Annex A: the provision of toilets and washing/showering facilities in independent schools

The requirements of the national minimum standards for residential special schools, boarding schools and the Education (School Premises) Regulations 1999.

The national minimum standards for boarding and residential special schools have been simplified, and must now meet the requirements of the Education (School Premises) Regulations 1999. The standards are met if there are appropriate and suitable arrangements for the pupils/boarders in the school. Schools should be able to explain why their arrangements are suitable. Inspectors should consider the safety, privacy, dignity and comfort of young people in assessing the arrangements for lavatories, showers and bathing facilities. The facilities should be accessible to children with special needs or disabilities.

	National minimum standards for residential special schools	National minimum standards for boarding schools	Education (school premises) regulations 1999
	Standard 5 – Toilet and washing facilities provide appropriate privacy for children. The accommodation contains suitable specialist facilities to support children whose disabilities require them.	Standard 5 – Toilet and washing facilities provide appropriate privacy for boarders.	
Toilets	No ratios are now specified: schools must be able to demonstrate to inspectors that their arrangements are appropriate for their residential pupils.	No ratios are now specified: schools must be able to demonstrate to inspectors that their arrangements are appropriate for their boarders.	One toilet (that is, water closet or urinal) for every 10 pupils under the age of five. One toilet for every 20 pupils over the age of five. In a day special school there should be 1 toilet for every 10 pupils.
			For pupils over the age of eight, toilets for males and females should be separate.
			The number of

	National minimum standards for residential special schools	National minimum standards for boarding schools	Education (school premises) regulations 1999
			washbasins should be at least two-thirds of the number of sanitary fittings.
Bathrooms – baths and showers	No ratios are now specified: schools must be able to demonstrate to inspectors that their arrangements are appropriate for their residential pupils.	No ratios are now specified: schools must be able to demonstrate to inspectors that their arrangements are appropriate for their boarders.	Changing accommodation including showers shall be provided for pupils who have attained the age of 11 years and who are in receipt of physical education.
	Inspectors should check that showers are accessible, that there is sufficient hot water available, and that residential pupils can use them in privacy.	Inspectors should check that showers are accessible, that there is sufficient hot water available, and that boarders can use them in privacy.	Showers should be readily accessible from the school grounds and from any accommodation provided for physical education within the school buildings.
Disability access	Bathrooms and toilets should be accessible to disabled children. Inspectors will wish to check that toilet and individual bathroom doors where there are disabled residential pupils should open outwards, and have locks which can open from the outside in case of emergency; and that any child who needs assistance or supervision with bathing, showering or toileting should have an area that provides privacy and dignity.	Bathrooms and toilets should be accessible to disabled children. Inspectors will wish to check that toilet and individual bathroom doors where there are disabled boarders should open outwards, and have locks which can open from the outside in case of emergency; and that any child who needs assistance or supervision with bathing, showering or toileting should have an area that provides privacy and dignity.	It is permissible for toilets specially adapted for disabled people to be used by staff, visitors and pupils, provided that privacy is guaranteed.
Child protection	Staff and adult visitors must use separate toilet and bathroom or	Staff and other adults (including visitors) have separate toilet and	There should be separate facilities for staff, which may also be

	National minimum standards for residential special schools	National minimum standards for boarding schools	Education (school premises) regulations 1999
	shower facilities to those used by children.	showering or bathing facilities, and do not share boarders' facilities.	used by visitors. DfE guidance is that where there are fewer than 5 pupils, staff and visitors may use the same toilet provided that it is self contained with wash hand basin and is lockable for privacy.
Safety	Doors can be locked but staff must be able to open them from the outside in case of emergency; doors should not be easily opened from the outside by other children.		
	Hot and cold water supplies should adequate for normal levels of use by children and staff.	There should be adequate hot and cold water supply to showers and baths.	Washbasins, sinks, baths and showers have an adequate supply of hot and cold water; and the temperature of the hot water should not exceed 43°C.