

Inspecting independent special schools

Section 162A independent school inspection guidance

This document provides guidance to assist inspectors in carrying out section 162A inspections of independent schools which cater wholly or mainly for pupils with special educational needs and/or disabilities.

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Introduction

1. This guidance gives detailed information about the inspection of independent special schools and is intended to supplement the general guidance given in *Conducting inspections of non-association independent schools* and *Conducting inspections of boarding and residential provision in schools*.^{1,2}

Background

Special schools

2. There are approximately 1200 independent schools which are inspected by Ofsted. Nearly 40% of these are registered with the Department for Education (DfE) as independent schools catering wholly or mainly for pupils with special educational needs and/or disabilities, including just over 200 day schools, around 30 residential special schools, and approximately 240 children's homes which provide education.
3. Special schools in the independent sector can be run as not for profit organisations or as profit-making businesses. Some are part of larger groups which may also provide care for children and/or adults. In general these schools are small: the majority have fewer than 10 pupils on roll and less than 5% have more than 100 on roll. They typically cater for a broad range of needs, including for example learning difficulties, behavioural, emotional, and social difficulties, or autistic spectrum disorders. Their registration specifies what kind of disabilities or special educational needs (DSEN) the schools cater for.
4. There has been a steady increase in the number of pupils with DSEN in independent schools overall. There has also been a growth in the number of schools: those catering for pupils with DSEN form the vast majority of new schools making applications for registration to the DfE each year.
5. Since September 2009, the category of 'approved' special school no longer exists. This means that local authorities will no longer need to seek the Secretary of State's consent to place any pupil with special educational needs and/or disabilities in an independent school. The DfE maintains a list of independent schools which cater wholly or mainly for pupils with DSEN and this is available on the DfE website:
www.education.gov.uk/childrenandyoungpeople/sen/sen/supporting%20learners%20with%20sen/a0013111/independent-special-schools.

¹ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2013;
www.ofsted.gov.uk/resources/conducting-inspections-of-independent-schools.

² *Conducting inspections of boarding and residential provision in schools* (100180), Ofsted, 2013;
www.ofsted.gov.uk/resources/conducting-inspections-of-boarding-and-residential-provision-schools.

6. Pupils may be placed and funded in independent special schools by children's services directorates within local authorities or by joint arrangements which also involve the pupil's health authority. They are rarely placed and funded by their parents. Pupils may have come to the school as the result of a tribunal hearing. Some residential schools offer a package that includes education and care.
7. Where pupils are being placed in out-of-borough children's homes, local authorities have a statutory duty to plan with the receiving authority an individual educational placement for each child before they actually move. Sometimes pupils are placed on an emergency basis where the social worker has been unable to find shelter for the night for the child. In such a case, where an educational placement could not be established, the local authority has four weeks in which to set one up. Inspectors should check carefully that all children in such situations are receiving their entitlement to full-time education.
8. Local authorities have a duty to review statements of special educational needs annually and the most recent annual review is usually regarded as updating the statement.

Residential special schools

9. Pupils are very likely to have a statement of special educational needs and all, or nearly all, will have been placed by their local authority. Because of their disabilities or special educational needs, many of the pupils in residential special schools are vulnerable, often more so because they are away from home for much of the year, sometimes placed at some distance from their home area. The schools generally provide education and residential provision for all pupils during term time only.
10. Welfare provision in residential special schools is inspected every year by Ofsted's social care inspectors according to the national minimum standards for residential special schools. In the third year the inspection is integrated with education, led by the education inspector, and results in a single published report. The education and social care inspectors work together to share their evidence and findings.
11. Please refer to the following documents for further information about inspecting residential special schools:
 - *The framework for inspecting boarding and residential provision in schools:* www.ofsted.gov.uk/resources/framework-for-inspecting-boarding-and-residential-provision-schools.
 - *Evaluation schedule for the inspection of boarding and residential provision in schools:* www.ofsted.gov.uk/resources/evaluation-schedule-for-inspection-of-boarding-and-residential-provision-schools.

- Conducting inspections of boarding and residential provision in schools:*
www.ofsted.gov.uk/resources/conducting-inspections-of-boarding-and-residential-provision-schools.

12. If a residential special school provides residential accommodation for over 295 days in a year, it must be registered with Ofsted as a children's home. There are, therefore, some registered children's homes which work and feel more like schools. These establishments cater for very vulnerable pupils who often have severe disabilities which prevent them from living at home. Therefore the schools sometimes operate for 50 to 52 weeks of the year. Independent children's homes are inspected by social care inspectors twice a year, and reports are published on the Ofsted website in a redacted format so that the address of the school is not identified.

Children's homes which provide education

13. Children's homes are registered with Ofsted and inspected by a social care inspector twice a year. Where children's homes provide full-time on-site education for one or more children of compulsory school age with a statement of special educational needs or who are looked after, they are required to register that provision as an independent school with the DfE. Most pupils are funded by their local authority children's services, but on occasion there is a financial contribution from the local health authority. Most of these children's homes are small, with no more than 10 children in them: some have only one child. Many of the pupils will have been excluded from mainstream education; some are the subject of a court order which prevents them living or receiving education with other pupils. Not all children will have a statement of special educational needs, and where it exists it does not always identify the current educational provision. In these circumstances, inspectors should check what arrangements have been made to review and amend the statement of special educational needs so that it informs the school's planning and provision for individual pupils.
14. Many of these children's homes are owned by commercial groups which provide a range of care and education throughout the United Kingdom. Some of these groups have a number of children's homes in a particular area and establish a day school which their pupils attend. Where a group registration has been established, the group's provision is inspected under the arrangements outlined in *Conducting inspections of non-association independent schools*. Some of the pupils who live in the children's homes may attend local maintained schools.
15. In children's homes which provide education the educational provision is routinely inspected once every three years under section 162A arrangements and may be planned to take place at the same time as the full inspection of welfare, in a 'aligned inspection'. When inspecting this provision, education inspectors should check compliance with all the independent school standards, and refer to the guidance on carrying out aligned inspections in *Conducting*

inspections of non-association independent schools. There are some areas of overlap in the independent school and children's homes' frameworks and it is for the education and social care inspectors to decide how best to use the time available to arrive at the required judgements. These inspections result in two separate reports.

Pupil referral units

16. There are around 26 registered independent pupil referral units. Most belong to large organisations, but some are individual establishments. They are registered as independent schools and are required to meet all independent school standards. They offer full and part-time placements, mainly for Key Stage 4 pupils without statements of special educational needs who have been excluded from a mainstream school or are at risk of being excluded. Most of these units are in commercial premises in office blocks or on industrial estates, so may have difficulty in meeting the requirements for safe outdoor play space. They generally set out to be different from traditional schools. They may therefore challenge inspectors in judging compliance with the independent school standards in the light of the aims and practices of the unit. Special arrangements may need to be made to observe the quality of provision for pupils when they spend almost all their time on vocational placements. In these circumstances, inspectors must bear in mind that it is the pupil referral unit, as organiser of the placements, which is being inspected, not the provider of the placement. However, any health and safety risks to the pupils must be noted, fed back to the managers of the pupil referral unit, and included in the inspection report.

Other types of special school

17. A small number of schools provide specifically for abused and abusing children. In order to protect the pupils, publication of the reports on such schools is at the discretion of Ofsted and the DfE. Where reports are published, the nature of the intake will not be described specifically in the 'Information about this school' section, and the school's address may not be printed in the section 162A report. In these cases, a note from the lead inspector containing the information and marked 'in confidence' should be sent via Ofsted to the DfE.
18. A very small number of schools include or educate only pupils who are forbidden to have contact with their parents and whose parents are kept unaware of the location of the school. These schools are required to meet all the independent school standards concerning the availability of information for parents, complaints procedures and so forth, but their circumstances may otherwise require some flexibility and understanding on the part of the inspector.

Gathering views of registered parents, carers and other stakeholders³

19. The views of boarders/residential pupils, day pupils, their parents/carers, staff and placing authorities (where applicable) inform lines of enquiry for each inspection and are an important part of inspection evidence.
20. Ofsted's online service Parent View is available for the parents of children in non-association independent schools and maintained schools to use. Parents of boarders/residential pupils are also able to give their opinion of the boarding/residential provision. The lead education inspector and lead social care inspector should both check the returns for the school from the Parent View website as part of their preparation for inspection.
21. Ofsted conducts an annual online point-in-time survey of the views of day pupils, boarders/residential pupils and staff in the boarding/residential provision. The school is asked to distribute the instructions for accessing and completing the online point-in-time surveys, which Ofsted's inspection support team will provide. The online surveys will normally be open for a period of 6 weeks during the academic year.
22. The views of all other school staff are gathered through a questionnaire, which the inspection service provider sends to the school by email alongside the formal notification of inspection letter. The school is asked to distribute the questionnaire to all staff apart from those in the boarding provision, whose views will have already been sought through the online point-in-time survey.
23. Ofsted also conducts a point-in-time survey of the views of local authorities who place and fund children in independent schools. Schools will be asked to send a link to the online questionnaire to the authorities which place children at their school.
24. All of the point-in-time surveys are available on the Ofsted website as Word documents, and Ofsted will provide a copy of them to schools which do not have access to the internet.⁴ Widgit, Makaton and Picture Communication System versions of the point-in-time survey for boarders/residential pupils are available on the Ofsted website.⁵ A British Sign Language version of the survey is available on YouTube.⁶ Links to these adapted versions will be included in the

³ 'Parents' refers to mothers, fathers and/or carers.

⁴ www.ofsted.gov.uk/schools/for-schools/inspecting-schools/inspecting-boarding-and-residential-special-schools/boarding-or-residential-special-school.

⁵ www.ofsted.gov.uk/schools/for-schools/inspecting-schools/inspecting-boarding-and-residential-special-schools/boarding-or-residential-special-school.

⁶ www.youtube.com/watch?v=KX-fvO3qmrI&feature=relmfu.

request sent to the school about the distribution and completion of the boarder/pupil survey.

25. Alternatively, schools may adapt the survey for boarders/residential pupils to suit any other needs of their pupils, for example by translating it into Braille or other symbol versions, such as photo symbols. However, it is important that any such translations ensure that the questions remain the same in essence. Schools may also make other reasonable adjustments such as providing additional support with completing the point-in-time survey for pupils who have low literacy skills or learning difficulties. It is important, however, that pupils are able to express their views privately if they so wish.
26. Further information about Parent View and the point-in-time surveys is available in *Conducting inspections of non-association independent schools*.⁷
27. Inspectors may need to use an interpreter in order to communicate effectively with deaf pupils. In most instances inspectors should make use of the school's facilities for interpreting, taking due care to ensure pupils are able to give their views freely and without influence. If the school is a specialist school for deaf children then a signing interpreter should be provided by the inspection service provider.

Before the inspection

28. In order to check that the tariff and expertise on the team are appropriate for the inspection, inspectors should check:
 - the range of needs catered for by the school
 - the type/s of language/communication systems used within the school
 - the number of sites used and their locations
 - if the school runs any outreach services
 - if there is boarding provision, whether it is registered by Ofsted as a children's home, or whether it is registered as a residential special school with DfE – this information will determine the inspection and report writing requirements.

Where there is boarding provision in a residential special school inspectors conduct an integrated inspection of the school and residential provision.

⁷ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2013; www.ofsted.gov.uk/resources/090048.

During the inspection

29. The process to be followed when inspecting a special school is very similar to that for any independent school being inspected under section 162A arrangements. However, inspectors may find the following specific guidance helpful.

The quality of education

Curriculum

30. Independent schools are not obliged to provide the National Curriculum or religious education. However, most independent special schools, pupil referral units and children's homes strive to, or claim to do so. Where pupils' statements specify access to the National Curriculum, or to particular subjects or programmes of study, these schools must provide it.
31. At Key Stage 3, and more often at Key Stage 4, some schools place greater emphasis on life skills, outdoor pursuits or vocational activities. Schools in these circumstances may reasonably claim to 'take account of the National Curriculum' if most subjects can be demonstrated by the school to be planned and taught via a project approach or through vocational activities.
32. The school may have decided to take no account of the National Curriculum, but see the note above about pupils with statements of special educational needs. Their curriculum is then judged directly against the criteria set out in the independent school standards, particularly providing:
- experience in linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education
 - subject matter appropriate for the ages and aptitudes of pupils
 - personal, social and health education which reflects the school's aims and ethos
 - all pupils with the opportunity to learn and make progress
 - adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life
 - where the school has pupils of below compulsory school age, a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills.
33. This set of criteria represents the basic entitlement upon which inspectors' judgements of the breadth and balance of the curriculum must be based.
34. Pupils are sometimes admitted to the school for a short period of time only whilst they are waiting for a place in a maintained school. Schools will need to

be able to respond speedily and flexibly to these pupils' individual needs. Schools should have clear curriculum plans and rigorous assessment arrangements in place so that they can quickly establish individual learning programmes which enable the pupils to maintain and improve their basic skills. It may be necessary for schools to bring in specific expertise, for example to support continuity in examination and accreditation programmes at Key Stage 4.

35. The smallest schools can provide the greatest curriculum challenge – one teacher, one teaching assistant, three key stages and the task of writing schemes of work and medium-term plans alongside a full-time teaching commitment. This kind of provision has been strongly discouraged when schools are registering, as it increases the risk that schools may not meet the independent school standards. Teachers are free to use published schemes of work to support them in this work, but inspectors will need to satisfy themselves that these have been adapted to suit the needs of the individual pupils on roll. It is important to ensure that teachers are planning for progression in learning in all subjects taught.

Off-site education

36. The school may have arranged for pupils to receive some or even all of their education individually within their residential provision. Inspectors can accept 'education in the residence' for pupils experiencing exceptional difficulties, providing there is a properly planned and evaluated learning programme. This should either provide the range of experiences defined by the independent school standards or operate within a set of curriculum plans which provide a clear alternative rationale. The work prepared for pupils must be completed and marked, and there should be a documented plan to integrate the pupils into the school environment in the longer term. If the school cannot demonstrate that it is actually addressing the difficulties which lead to pupils having to receive education in their residence then this is a weakness.
37. Home-based work for individuals may be legitimately overseen by care staff provided they are properly briefed by teaching staff and the plans for the work are clear. Inspectors should check that there is appropriate liaison between teaching and care staff in these circumstances. They should inspect and report on a sample of this home teaching if possible. Inspectors should certainly expect to see planning, assessment and samples of work held by the teacher responsible for the provision.
38. If a small group is regularly taught in one of the home sites by staff from the school, then the home is effectively an annexe of the school, and the provision should be inspected and reported on. If the home is at some distance from the school, then the inspection should consider how well the management at this distance works, in terms of the quality of teaching and the curriculum. The DfE

should also be notified if it is unaware that the home site is being used for education, as this address must also be covered by the school's registration.

Taught hours

39. The number of hours of taught time may need careful consideration by inspectors. The school may have arranged for pupils to be taken out by care staff for one or more afternoons each week on 'social and leisure activities'. If inspectors are able to conclude that these activities are well planned and evaluated, and that they contribute as positively to pupils' education as more traditional subject-based activities, then this arrangement is satisfactory. If the pupils are taken out on a casual basis as a means of a weak school getting breathing space, or because pupils' behaviour is so poorly managed that they will not tolerate full days in school, then it is likely that the arrangement will not meet paragraph 2(2)(a) of the independent school standards as these activities cannot be counted as full-time supervised education. The report must state clearly why the standard is not met.
40. Many residential schools offer a '24-hour curriculum', with care and classroom teams working closely together towards shared academic and social targets for the pupils. The residential team may even make the principal contribution to the pupils' achievement of nationally recognised life skills qualifications. This kind of arrangement can work very effectively indeed. However some proprietors prefer to provide a complete separation between home and school. While good communication between home and school is essential, it should not be assumed that the 24-hour curriculum is the only acceptable model.
41. Where the local authority has the legal obligation to place a pupil, it must do so within a registered independent or maintained school. All independent schools must be registered, and all registered independent schools must provide full time education.

Quality of teaching and assessment

42. Teaching in special schools, pupil referral units and children's homes is likely to be quite intensive, with small groups and high staffing levels. In small schools in particular this could raise the following issues which inspectors must consider when judging whether standards are met:
 - a lack of subject expertise when there are only one or two teachers, especially for older pupils
 - a lack of practical resources for teaching and learning, which could lead to 'teaching by worksheets' and possible lack of engagement
 - a lack of insight into the special educational needs of pupils with severe behavioural, emotional and social difficulties or autistic spectrum disorders and how to help these pupils especially in improving communication skills and literacy

- the need for individualised planning and target setting, including individual education plans (IEPs), which must be specific enough to enable teachers to set and track small steps of learning
 - the need for rigorous processes of assessment and recording of pupils' progress, and clear moderation procedures to check the accuracy and reliability of teacher assessment
 - pupils being given too much adult help and not, therefore, working as independently as they could; this could hinder their learning and progress
 - poor deployment and lack of involvement of residential staff, support staff or any untrained staff used in the role of teaching assistants.
43. The smallest schools may have one teacher who may or may not be qualified. To comply with standards, the school must ensure that the teachers demonstrate appropriate knowledge and understanding of the subject matter being taught. The emphasis should be on 'appropriate'. The question is not whether the teacher is an expert in each subject. The following guidelines will help inspectors in judging this.
44. Where there is good practice, schools have clearly written schemes of work which set out how each topic is to be taught and with what resources, in each subject taught, in order to guide the work of the teacher, particularly in their non-specialist areas. There are clear learning objectives for modules of work and for lessons. Schools will be able to demonstrate how well pupils have acquired the skills and knowledge that were set out as objectives.
45. The teacher should be observed leading a range of learning activities. A range of pupils' work should be examined and inspectors should be satisfied that each area of the curriculum is being taught effectively. Teachers should be gathering a range of evidence to support their assessments. This may include, for example, pupils' written work, records of staff observations of pupils' activities, audio or DVD recordings of activities such as in PE, evidence of practical work in art, design technology and science.
46. The residential school may deploy care staff – residential social workers – into the classrooms to act as teaching assistants. When these staff have been well prepared for the role, the arrangement can work very well. It may, for example, support the sharing of work towards pupils' targets between care and classroom settings. On the other hand, care staff may not have received adequate training or be deployed as effectively as they could be to support learning, focusing mainly on managing pupils' behaviour.
47. In schools for pupils with behavioural, emotional and social difficulties, it can be difficult to decide within the short space of an inspection whether aggressive and noisy behaviour is the outcome of extreme difficulties on the part of the pupils or poor management on the part of the staff. One indicator is inconsistency in pupils' attitudes, for example, whether they are good in art but

poor in English. Pupils' records should show what steps the school has taken to address pupils' needs and what progress pupils have made as a result.

48. Inspectors should be prepared to be flexible in their approach to observing lessons. Schools will sometimes alert inspectors to situations where individual pupils are genuinely likely to react badly to the presence of a 'stranger' in the classroom and inspectors will need to judge when and for how long it is appropriate to go into certain classrooms. If a classroom situation deteriorates into violence, inspectors may feel it is necessary to withdraw from the room. If so, the headteacher must be informed immediately of the circumstances and very detailed notes must be kept by inspectors of the situation, including timings of the events witnessed.

Judging pupils' progress and achievements

49. The impact of the quality of the curriculum, teaching and assessment is seen in the progress that pupils make during their time at the school. It is important that schools track pupils' progress on academic and personal development. Pupils may have missed schooling due to exclusion from previous schools, and their attainment may therefore be lower than expected of their age and ability.
50. When making judgements about the progress pupils are making, inspectors should evaluate how well individual pupils have progressed in their learning since coming to the school, taking account of their needs, abilities and starting points.
51. For tracking the progress of pupils with special educational needs and/or disabilities, schools will usually be using similar assessment schemes to those used in maintained special schools, for example the P levels and National Curriculum assessments. They may also use commercial small steps schemes such as EQUALS, B Squared and PIVATs. Where relevant, schools may make reference to national standards, tests and examination results such as GCSEs in judging and reporting pupils' progress. Schools for pupils whose attainments are lower than those assessed by national testing are increasingly using the DfE Progression Material to help judge whether pupils are progressing as well as they could.⁸
52. Inspectors should note that in weaker schools, reports to parents and placing local authorities frequently place much greater emphasis on behaviour and do not give enough information about how well pupils have progressed in their learning.

⁸ This is available on the independent school inspection pages of the Ofsted intranet site.

53. Schools and inspectors should make reference to *The evaluation schedule for inspecting non-association independent schools* to help them to determine whether the pupils' achievement is outstanding, good, adequate or inadequate.⁹ The document guides inspectors to find a 'best fit' from the grade descriptors and emphasises the importance of judging how well pupils achieve in relation to their capability and starting points.

Spiritual, moral, social and cultural development

54. Schools should ensure that pupils play an active role in decisions affecting their lives. They should be given every opportunity and support to express their views and to make choices. They should know what they are aiming for in their learning and personal development and should be involved in assessing how well they are progressing. Pupils should take part in meetings where decisions about their future are made, and should be well prepared for these. Inspectors should check how well the school is enabling all pupils to have this level of involvement, in particular those who are least able to express themselves orally or in writing without significant adult support.
55. Inspectors will want to meet with pupils and hear their views about school and will need to be flexible in how this is done. Where pupils have severe communication, language or learning difficulties, inspectors should discuss with the school the best way to seek views. In some schools a teaching assistant who knows the pupils well may join the meeting and provide support for them in communicating with the inspector. In other circumstances, it may not be appropriate to hold a meeting with a group of pupils, but to speak informally with individual pupils during lessons or at break times. Inspectors should find out how schools seek the views of pupils, for example by use of adapted questionnaires and/or in one to one discussions with staff. Best practice frequently uses independent advocates.
56. When judging pupils' behaviour, inspectors should take account of pupils' individual needs. For example, where a pupil's statement identifies behavioural, emotional and social difficulties, schools should be setting individual targets, putting in place suitable strategies to address these difficulties and monitoring and recording the progress being made. Inspectors should check how effectively schools are improving behaviour and social skills, both for individuals and overall. Young people should feel safe, and the school must have effective anti-bullying and behaviour policies.
57. When judging provision for pupils' spiritual and cultural development, inspectors may keep in mind that where there is good practice, special schools provide

⁹ *The evaluation schedule for inspecting non-association independent schools* (090049), Ofsted, 2013; www.ofsted.gov.uk/resources/090049.

opportunities for pupils to learn in practical ways, for example through visits to places of interest, places of historical and architectural significance, and places of worship. The school should use the wider community as a learning resource, for example in developing independent living skills in realistic contexts. This approach is easily extended to include learning about public institutions and services in England, as required by the independent school standards. Some schools also ensure that pupils have opportunities to experience foods, music, art, drama and celebrations from different cultures and relating to different faiths. Inspectors should judge whether independent special schools are enabling their pupils to respect the civil and criminal law, the principles of democracy and mutual respect and tolerance for other faiths and cultures. The schools must fulfil their general duty under the Equality Act 2010, and inspectors should look carefully at measure to counter bullying.

58. Where pupils have more severe learning, communication or social difficulties and/or disabilities, staff will draw on their in-depth knowledge of individuals' needs and responses to different situations and experiences to know how well they are promoting pupils' spiritual development. Schools may provide opportunities for pupils to take part in activities such as assemblies where they can share in singing, drama and prayer. Also taking part in celebrations of achievement, again in school or class assemblies or at parents' evenings, can build their sense of self worth and self esteem. Religious education is sometimes taught as a discrete subject but may also be taught through other subjects. As with all areas of the curriculum, it will be for schools to ensure that it is taught in a way that enables pupils to learn the basic concepts and how they relate to everyday life.

Pupils' welfare, health and safety

59. In judging the quality of safeguarding arrangements, inspectors are of course taking into account the extent to which pupils feel safe at school. Communicating with pupils who have severe communication or learning difficulties can be difficult and inspectors need to be flexible in how they gather evidence to support their judgements. It is important to remember that disabled children are at increased risk of abuse and the presence of multiple disabilities appears to increase the risk of both abuse and neglect.¹⁰
60. Pupils with profound and multiple disabilities often require regular intimate personal care from adults. Schools have a responsibility to protect pupils' privacy and dignity as well as to protect them from harm or abuse. Inspectors should check that schools have undertaken appropriate risk assessments and

¹⁰ Sourced from *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* (DCSF-00305-2010), Department for Education, 2010; www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-00305-2010.

put in place staffing and other arrangements to meet this duty of care. For example, it would not be appropriate for a male carer to be providing intimate care for a female pupil. Policies and procedures should be absolutely clear about staff roles, responsibilities and the risks involved. Staff should undertake additional specialist training, for example in relation to administering medication for epilepsy or in the use of physical restraint techniques.

61. Pupils with special educational needs and/or disabilities can be vulnerable to staff members or other pupils who are bullies or who are intent on abuse. Schools can also be vulnerable to allegations being made against the staff. It is crucial that schools have systems to ensure that pupils are fully protected and that staff are also protected as far as possible from false accusation. Incident records and residential logs are vital elements in the protection system, and it is important that inspectors check that any incidents, physical restraints or complaints are recorded properly.
62. Schools may not be in control of their own admissions, for example when they serve a care organisation which admits pupils with a broad range of needs and covering a wide age range. A school of any size may have only one or two pupils in a key stage or one pupil in a year group. Inspectors will need to check and report whether the exceptional individual is isolated socially and whether an appropriate curriculum has been prepared. A mixture of individual tuition and work with older/younger groups may be suitable for a single pupil in an age group. Schools have been strongly discouraged from having a large proportion of Key Stage 3 and Key Stage 4 pupils on roll along with a small group of Key Stage 2 pupils, from the point of view of them providing poor role models and exposing younger pupils to the danger of intimidation.
63. Inspectors should be particularly aware of the welfare and child protection issues involved when pupils are taught individually in an annex or in their residence. Pupils' social isolation as well as vulnerability to abuse should be considered. Staff as well as pupils are vulnerable in this situation. It is important that managers undertake appropriate risk assessments and put in place strategies to minimise any risks.
64. The gender or ethnicity intake of the school may be very unbalanced. This is not ideal and the school should be strongly aware of the needs of minority pupils and readily understand and support these. Inspectors should investigate the social and welfare circumstances of these pupils, seek their views and mention them in the report.
65. In the case of pre-registration inspections of proposed independent special schools, conducted under section 99 of the Education and Skills Act 2009, inspectors must consider whether the school fulfils its duties under schedule 10

of the Equality Act 2010.¹¹ This is not applicable in standard inspections of independent schools carried out under section 162A of the Education Act 2002, as inserted by Schedule 8 of the Education Act 2005. Schedule 10 relates to accessibility. Inspectors should bear in mind the following points, and refer to guidance *Completing the record of inspection evidence and judgements* for more information.¹²

- 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 can benefit from what the school offers to the same extent as non-disabled pupils.
- 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.

Suitability and expertise of staffing

66. Proprietors are expected to ensure that the staff are suitably qualified and experienced to meet the type of special educational needs and/or disabilities for which they are approved by DfE. Inspectors should find out what expertise is available to the school both from within its own staff and from external agencies, such as speech and language therapists, educational psychologists and mental health specialists. It is reasonable to expect that the staff in a school which caters for pupils with autistic spectrum disorders, for example, will have specialist expertise in this area and also that the school will provide training to ensure knowledge and practice is kept up to date. When sampling staff recruitment files, inspectors should check how well the school ensures that staff have appropriate expertise and experience for the roles they will be undertaking.

¹¹ www.legislation.gov.uk/ukpga/2010/15/contents.

¹² *Completing the record of inspection evidence and judgements* (090051), Ofsted, 2013; www.ofsted.gov.uk/resources/090051.

Suitability of premises and accommodation

67. A number of schools are on multiple sites (up to five), sometimes spread across a county. This means that management is a complex challenge, needing careful evaluation in terms of its effects on teaching and learning. Registration visits and inspections may require special arrangements. If an organisation applies to the DfE for registration on a large number of sites under one headteacher, then enquiries will have been made about the plans for staffing and management. The inspector's task will be to report on how well the arrangements work out in practice.
68. The principal problems likely to be encountered in special schools are a lack of specialist teaching accommodation and inadequate classroom space. A school for a small number of Key Stage 3 or 4 pupils may not have a full range of specialist teaching facilities. However, in the absence of these facilities the school should be making alternative arrangements to ensure that the pupils can study subjects to an appropriate depth commensurate with their age and ability. Inspectors should check that there are adequate essential practical resources for each subject or clear plans to acquire them. Some schools may, for example, arrange for pupils to visit a local secondary school or college to make use of laboratories, studios and workshops. Educational visits may be used very effectively to enhance classroom based learning. If the school has established practice or clear plans for pupils to spend much of their time off site, for example at local colleges, then this may greatly reduce the requirements for classroom space and inspectors may take this fully into account. Inspectors should report where there is a restricted learning environment that unduly narrows pupils' educational experiences or affects their behaviour, even where the school is making the most effective use of its limited accommodation and facilities. Where very small schools provide particularly well, it will be helpful for the report to make clear how they achieve this.
69. The standards for premises and accommodation have been revised and are no longer so prescriptive, instead requiring the inspector to make a common-sense judgement based on professional knowledge and discussion with the school. The proprietor is responsible for providing appropriate premises and teaching accommodation which pays due regard to the health and safety of pupils. Inspectors should be aware that what is suitable in one school may differ for another, depending on pupils' DSEN. The guidance in *Building Bulletin 102: Designing for disabled children and children with special educational needs* suggests that five square metres per pupil is appropriate in classrooms in most kinds of special school; more is required in classrooms for pupils with profound and multiple disabilities.¹³ This is to accommodate specialist resources and

¹³ *Building Bulletin 102: Designing for disabled children and children with special educational needs*, Department for Education, 2011;

additional staff. For example, it is not unusual for a class of six pupils to have three adults in the room with them. Pupils with behavioural, emotional and social difficulties need sufficient room to work without over-close contact with fellow pupils. However, it must be noted that Bulletin 102 is guidance and the adequacy of space needs to be judged on the basis of observation, as particular teaching methods or activities may require extra or less space. Inspectors are asked to use their professional judgement.

70. Schools which regularly admit pupils with physical disabilities or sensory impairments will need to make adaptations to premises to meet their individual needs. These adaptations may include, for example, ramps for wheelchair access, lifts, hoists with tracking systems for lifting pupils, tactile strips, improved lighting and auditory warnings to help those with visual disabilities, and acoustic measures and Soundfield systems to help those with hearing impairment. In schools which only occasionally admit pupils with such needs inspectors should discuss with managers what steps they are taking to meet those needs. Inspectors can expect schools to have conducted the necessary risk assessments and put in place individual plans, for example in relation to access to different parts of the building, before pupils are admitted. It is reasonable to expect that the Equality Act 2010 three year access plan will give detail about any adaptations which are being made or planned.
71. Inspectors are asked to judge whether there is sufficient access so that emergency evacuations can be accomplished safely for all pupils and so that all pupils can enter and leave the school in safety and comfort. The independent school standards stipulate that 'all pupils' includes those with special needs and disability.
72. Inspectors are asked to judge in paragraph 23B(1)(a) – (c) whether the school has appropriate facilities for pupils who are ill, or who need medical examination or treatment in accordance with the School Premises Regulations 2012. [Where a school caters for pupils with complex needs, additional medical accommodation which caters for those needs is necessary. Inspectors must judge the suitability of the school's accommodation and facilities in relation to the nature of the pupils.](#) In a residential special school, provision of separate medical rooms for girls and for boys may be necessary. Further information can be found on requirements in respect of toilets and play spaces in the document *Completing the record of inspection evidence and judgements*.¹⁴

www.education.gov.uk/schools/adminandfinance/schoolscapital/a0058201/children-with-special-educational-needs-sen-and-disabilities.

¹⁴ *Completing the record of inspection evidence and judgements* (090051), Ofsted, 2013; www.ofsted.gov.uk/resources/completing-record-of-inspection-evidence-and-judgements-independent-schools.

Provision of information

73. Schools are required to provide information about their educational and welfare provision for pupils with statements of special educational need. Inspectors will need to check that this information is accurate, up to date and available. It is usually provided in the prospectus and/or on the website and should include information about: for example, how individual needs are identified; how the school liaises with placing authorities, for example, in relation to annual reviews of progress and statements; the additional provision and therapies that are available; and any information about the curriculum offered.
74. Schools are required to provide information about the number of staff employed at the school and a summary of their qualifications. Inspectors can reasonably expect this to make clear the range of expertise available to meet the special educational needs for which the school is approved.
75. Schools are required to submit to placing authorities an annual account of income and expenditure. The format is not prescribed and schools are only expected to send basic financial information to each local authority in respect of each pupil who they place and fund at the school. Proprietors are not expected to send detailed breakdowns of their overall income and expenditure or profit and loss information.

Writing the report

76. The section 162A report of a special school is written to the same framework any non-association independent school, but inspectors should bear in mind the following points in respect of special schools.
 - The language used should promote disability equality and reflect a positive image of disabled people in line with the Equality Act 2010 and Ofsted's communications policy.
 - The 'Information about this school' section should clearly reflect the range of needs of pupils.
 - Where there is boarding provision, the 'Information about this school' section should state if it is a residential special school. Where it is a children's home which provides education, the inspectors must follow the guidance in *Writing inspection reports*.¹⁵
 - Care must be taken about whether or not to include address and contact details for school with vulnerable pupils. Further guidance on this matter is given in *Writing inspection reports*. See paragraph 78.

¹⁵ *Writing inspection reports* (090052), Ofsted, 2013; www.ofsted.gov.uk/resources/090052.

77. If the school is registered as a residential special school, one integrated report will be written. It is the lead inspector's responsibility to write this report using the key evidence and judgements from the residential inspection, which the social care inspector will provide. The evidence of outcomes and provision from the residential experience should be woven through the report at the discretion of the lead inspector. The lead inspector is responsible for finalising the whole report and sending it to the inspection service provider in the usual way for quality assurance reading. Where comments from the quality assurance reader refer to inspection of the residential provision, the lead inspector must consult the social care inspector and so should ensure that they have a contact telephone number for this eventuality. Further guidance is available in *Writing inspection reports* and *Conducting inspections of boarding and residential provision in schools*.^{16,17}
78. The accuracy of the school's details should be checked with the school during the inspection. If the school has a reasonable case for not including the school address, then omit this and send a note of explanation to the quality assurance reader and inspection service provider, as set out in *Writing inspection reports*. This is particularly important in some special schools, where the disclosure of such information may bring risk to the school's pupils or staff. The inspector's note will be the signal for the inspection service provider to notify the HMI remit lead for inspections of independent schools who will notify Ofsted's publications department not to identify the school with a map on the website, which it is normal Ofsted policy to do.
79. In boarding or residential special schools, the social care inspector should list any areas of the boarding provision which do not comply with the national minimum standards. The list should refer specifically to any unmet national minimum standards together with the applicable paragraph number which precedes it. The requirements for reporting on children's homes are different as explained earlier in this document. Any unmet standards for children's homes are mentioned in the separate welfare report.
80. If the school is part of a children's home which provides education, the section 162A report will follow the standard report template and will be written by the lead inspector who will then process it through the usual inspection service provider quality assurance channels as a school report. A separate report will be written by the social care inspector regarding the children's home welfare provision and this will go through the normal channels for quality assuring social care reports. These two reports will be published separately on the Ofsted

¹⁶ Ibid.

¹⁷ *Conducting inspections of boarding and residential provision in schools* (100180), Ofsted, 2013; www.ofsted.gov.uk/resources/conducting-inspections-of-boarding-and-residential-provision-schools.

website. There is detailed guidance in *Writing inspection reports* regarding the details to give about children's homes.

Post-inspection and schools causing concern

81. As with all section 162A inspections, the school is required by DfE to produce an action plan stating how it will address regulatory failings and these action plans are evaluated by HMI on behalf of DfE.
82. Any independent school which is judged to be inadequate will be subject to progress monitoring inspections, as set out in *Conducting additional inspections of independent schools*.¹⁸ This is no different for independent special schools.

Conducting pre-registration inspections to proposed independent special schools

83. Independent schools are not allowed to open and take pupils before they are first registered to do so by the DfE.
84. Where proprietors make application for a new residential special school, this must be scheduled as an integrated inspection made by both an education and a social care inspector. See further guidance for conducting pre-registration inspections to proposed special schools in *Conducting additional inspections of independent schools*.¹⁹

¹⁸ *Conducting additional inspections of independent schools* (090060), Ofsted, 2013; www.ofsted.gov.uk/resources/conducting-additional-inspections-of-independent-schools.

¹⁹ *Conducting additional inspections of independent schools* (090060), Ofsted, 2013; www.ofsted.gov.uk/resources/conducting-additional-inspections-of-independent-schools.