

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 Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012.

Schools can use this guidance to assist with their interpretation of the independent school standards.

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General principles

1. The *Record of inspection evidence and judgements* (ROIEJ) is an important inspection instrument summarising the school's compliance with The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012.^{1,2,3} It is used by the Department for Education (DfE) to take enforcement action against a school for non-compliance or when issuing an order. The ROIEJ may also be used as evidence in a tribunal. It is used by Ofsted and the inspection service providers (ISP) for the purposes of quality assurance, when signing-off reports and in the event of a complaint. Together with the evidence forms, the ROIEJ forms the evidence base of an inspection conducted under section 162A of the Education Act 2002, as inserted by schedule 8 of the Education Act 2005.
2. The Education (Independent School Standards) (England) Regulations 2010, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012, came into force in on 1 January 2013.
3. For the purposes of inspection, the questions in the ROIEJ are drawn from The Education (Independent School Standards) (England) Regulations 2010 as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012, but are not a direct quotation. The standards are set out in schedule 1 of the regulations. The numbering of the questions in the ROIEJ aligns with the paragraphs of the standards. The standards are expressed as questions, to assist schools and inspectors in interpreting them.
4. In the published regulations, each independent school standard is set out in one or more paragraphs. For example, paragraph 7 is a standard in its own right, and paragraph 5(a)(i) is an element of the standard in paragraph 5. However, for the purpose of this guidance document, the term 'compliance with the standard' is used in the context of both examples shown above.
5. Inspectors are required to tick the appropriate 'yes', 'no' or 'not applicable' box for each standard. 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. Inspectors should not insert a square route symbol. Where a standard is met, the appropriate box in the 'yes' column must only be ticked once. Inspectors must not record the detailed evidence that

¹ *Record of inspection evidence and judgements* (090065), Ofsted, 2013; www.ofsted.gov.uk/resources/090065.

² The Education (Independent School Standards) (England) Regulations 2010; www.legislation.gov.uk/ukxi/2010/1997/contents/made.

³ The Education (Independent School Standards) (England) (Amendment) Regulations 2012; www.legislation.gov.uk/ukxi/2012/2962/contents/made.

supports a 'Yes' judgement, but the ROIEJ must contain the evidence that justifies any judgement that a standard has not been met.

6. The ROIEJ incorporates a grid in which the outcomes from lesson observations must be recorded, as this will enable Ofsted to draw reports from the inspection judgements recorded in lessons. The lead inspector should complete this section electronically, using the grades 1 to 4 in all boxes where there is sufficient evidence to make a judgement. Where there is insufficient evidence to make a judgement, the inspector must record '0' in the appropriate box, or '8' where it is not applicable to make a judgement.
7. The ROIEJ also contains a section in which inspectors must record the key supporting evidence where Ofsted has been specifically asked by the Department for Education to follow up a particular concern, or to look into an application to make a material change, as part of a standard inspection. This section, 'Evidence from material change for assessment, or where emergency matters have been considered at the request of the registration authority', should only be completed where such a request has been made.
8. The section 'Evidence from boarding or residential provision' must be completed on an integrated inspection of a boarding or residential special school. The lead social care inspector on the integrated inspection team will advise on whether the school meets the relevant national minimum standards for boarding or residential special schools. A summary of the main judgements and evidence for the residential provision is passed to the lead inspector by memory stick and should be pasted into this section of the ROIEJ – please refer to the section of this guidance 'Inspecting boarding and residential provision'.
9. The final page of the ROIEJ contains the key inspection judgements. Inspectors are required to record the key judgement from each section by placing a tick in the appropriate column. They should delete inappropriate sections, for example the section for boarding and residential provision following an inspection of a day school.
10. The ROIEJ must be completed electronically. Inspectors must not use the ROIEJ as an on-going notebook to record the accumulating inspection evidence.
11. The detailed evidence of the inspection should be recorded on evidence forms. This includes all evidence from lesson observations; telephone conversations, interviews and meetings with the headteacher and staff, pupils and parents; and other inspection activities such as a scrutiny of pupils' work, examination of school policies, procedures and records, assemblies, play-times or extra-curricular activities. Inspectors must ensure that all grades on an evidence form are substantiated by the text. Inspectors must write legibly. 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. This evidence should be checked and sent by the lead inspector to the ISP within five working days of

the end of the inspection. The lead inspector must also retain a duplicate copy of the evidence forms. The evidence base will be retained for six months following the inspection, or longer in the event of a complaint or requirement for follow up inspections, in accordance with Ofsted's retention policy.

12. 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 the requirements of the independent school standards and, in boarding or residential special schools, the national minimum standards, will be available to the DfE when checking on action plans and taking enforcement action. This is why key supporting evidence for non-compliance only is required.
13. Each standard 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 standards not being met. Where there are several parts to a standard, connected by 'and', all parts must be fulfilled for the requirement to be met. If the school fails to meet just one part of a 'multi-part' standard (for example '[teaching shall] involve well-planned lessons, effective teaching methods, suitable activities and appropriate management of class time'), inspectors should refer in the 'What does the school need to do to improve further' section of the report to just the part of the standard which the school does not meet and ensure that the text of the report clarifies the extent of non-compliance, as shown in this example.

Ensure that effective teaching methods are used (paragraph 3(c)).

14. The judgement that a standard 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. Please refer to the section of this guidance 'Inspecting boarding and residential provision'.
15. 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. Only one version of the ROIEJ should be sent to the inspection service provider at the end of the inspection.
16. The following information provides advice to inspectors and schools on the detail of the requirements of the standards and where to find additional guidance and information if required. It is produced in order to facilitate a consistent understanding and interpretation of the standards for inspectors and schools.

Part 1. Quality of education provided

The quality of the curriculum⁴

2(1). Is there a curriculum policy set out in writing which is supported by appropriate plans and schemes of work, and is it implemented effectively? (Please note that this standard is only met if all paragraphs 2(2)(a-j) of Schedule 1, below, 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) of the standards) 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 detailed schemes of work, as set out in paragraph 19 of this guidance. 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, although the school should indicate how these schemes are to be used or adapted for use with its range of pupils. 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, and again, should indicate how they are used or adapted for use with their pupils.
19. The DfE has issued the following guidance to schools about what should be in a curriculum policy statement and in plans and schemes of work.

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.

⁴ In considering compliance with the standards relating to the curriculum, please also refer to paragraphs 172–173 relating to the Equality Act 2010.

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 overall plans and schemes of work which are supported by more detailed teachers' plans and commercial schemes may be appropriate, particularly where the impact on pupils' learning and progress is clear. 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 likely to be inappropriate or not being implemented effectively.
21. There should be appropriate curriculum plans to cover all subject taught by the school including the provision for children aged three to five years in the Early Years Foundation Stage. The plans should meet the learning and development requirements of the Early Years Foundation Stage unless the school has an exemption. Please refer to Annex D of *Conducting inspections of non-association independent schools* for further information on exemptions from the learning and development requirements of the Early Years Foundation Stage.⁵

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?

22. There is no statutory definition of full-time education for independent schools. The guidance in the DfE *Registration of independent schools information pack* says that:⁶

⁵ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2014; www.ofsted.gov.uk/resources/090048.

⁶ *Registration of independent schools information pack* (Department for Education), 2012; <http://media.education.gov.uk/assets/files/doc/t/the%20registration%20of%20independent%20schools%20information%20pack%20october%202012.doc>.

'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.'

23. 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.
24. 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 18 hours of taught time a week, it is unlikely that the standard will be met. Moreover, inspectors can only accept 18 hours as adequate if the time is spent intensively and consistently on educational activities.
25. '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 or in a group researching in the library without an adult being present in the same room. Provided that they know where to go for help, should they require it, this arrangement could be regarded as supervised education.
26. 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.
27. 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 otherwise than at 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 report must mention that the school provides some lessons for children educated outside school.
28. The standards 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 covered appropriately by the school curriculum.

29. **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)). Inspectors should respect the ethos and principles of the school. For example, some Steiner schools do not teach formal lessons in reading and writing at the same stage as the National Curriculum, but concentrate on developing pupils' skills of listening and speaking in the early years of their education.
30. **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.
31. **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.
32. **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 a compulsory element of the curriculum in an independent school: some schools serve communities who object in principle to its use.
33. **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.
34. **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.

35. **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.
36. The standard does not require that all areas of learning are allocated a set or equal amount of teaching time in the weekly timetable. However, schools should ensure that the curriculum includes all of the required areas and enables pupils to make progress in all of them over the course of the school 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.
37. See *Types of independent schools* for further information on the unique aspects of the curriculum offered in different types of schools.⁷

2(2)(d). If the principal language of instruction is a language other than English, does the school provide lessons in written and spoken English?

(Please note that this requirement does not apply in respect of a school which provides education for pupils who are all temporarily resident in England and which follows the curriculum of another country.)

38. This standard is unlikely to be met unless there is English language tuition provided for all children throughout the school. Inspectors should expect to see some tuition in spoken English only where there are young children who do not yet read or write. Otherwise, there should be a planned curriculum of study which will enable pupils to develop fluency, accuracy and confidence in their use of the English language in both oral and written forms.
39. There are over thirty schools in England which follow the curriculum of another country and teach through the medium of a foreign language. These schools are mainly in London and were often set up originally to cater for the children of foreign nationals who were working in the UK on a temporary basis. The schools enabled families to stay together while minimising the disruption to the children's education. Most of these schools now have a mixed and international intake, with some pupils who move on to another foreign destination; others who return to the home country; and others who may follow their entire school careers in the UK. Many of these pupils are truly bilingual, but their fluency in spoken English can sometimes mask difficulties with the written language, and

⁷ *Types of independent schools* (090061), Ofsted, 2014; www.ofsted.gov.uk/resources/090061.

inspectors should check that schools have appropriate lessons to help pupils learn to write well.

40. There are very few schools which provide education for pupils who are all temporarily resident in England and are following the curriculum of another country. However, where this is the case, inspectors should note that this standard does not apply, and should use the 'not applicable' box on the ROIEJ to record their judgement.

2(2)(e). Where pupils have a statement of special educational needs does the education provided fulfil its requirements?

41. 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 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 disabilities and/or special educational needs; 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.
42. 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.
43. 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.

2(2)(f). Is provision made for personal, social and health education which reflects the school's aims and ethos?

44. The standard 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, 'circle time' or, as in some faith schools, it could be in the context of religious instruction. As with all standards 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 and stage of development of the 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 standard 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, and schools may make reference to the Qualifications and Curriculum Authority guidance on citizenship in their planning.

45. It may be impossible to observe personal, social and health education sessions during 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.
46. Independent schools sometimes provide less curriculum time for personal, social and health education than is usual in state schools. The quality, content and impact of the programme is more important than the length of time devoted to it, and inspectors are guided to use their professional judgement. 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. Inspectors are guided to consider additional provision for personal, social and health education made by residential staff in the case of boarding or residential special schools.

2(2)(g). Is provision made for appropriate careers guidance for pupils receiving secondary education?

47. 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)(ga). Where the school has pupils below compulsory school age, does it have 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?

48. Inspectors should judge the provision for children in the Early Years Foundation Stage (EYFS) aged three to five years only. They must check with the school whether or not the school has obtained an exemption from the learning and development requirements of the *Statutory Framework for the Early Years Foundation Stage*.⁸
49. Where there is no exemption in place, inspectors must check that the curriculum for these children meets the requirements of the EYFS framework. Where there are significant deficiencies which cause the school's provision not to meet these requirements, it is unlikely that this standard will be met.

⁸ *Statutory framework for the Early Years Foundation Stage* (DFE-00023-2012), Department for Education, 2012; www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00023-2012.

Inspectors should note in the ROIEJ the reasons for the weaknesses in the Early Years curriculum and explain this in the inspection report.

50. Where the school has applied for an exemption from all of the EYFS learning and development requirements (the 'independent schools' route'), inspectors must consider the quality of the school's provision on its own merits and its suitability for the children and their stage of development. For example, although exempt schools will no longer be obliged to fulfil EYFS requirements for an outdoors curriculum, there should still be planned opportunities for children to explore the world outside and to learn about how things grow, the weather and the changing seasons and so on. There should be a good range of experiences for young children at the school which should include stories, talking, question and answer, and early reading and writing skills (where the school is not philosophically opposed, for example in Steiner schools); counting, shapes and early numeracy skills; a variety of creative and imaginative experiences and opportunities to learn through play. Children should have regular planned opportunities for physical activity. As part of their social development, the children should learn to be kind to one another, share and play together, and they may be encouraged to accept responsibility for aspects of the class community. Exempt schools will not be obliged to complete the EYFS profile, and may have their own forms of assessment and recording.
51. Where schools have applied for and obtained an exemption for part of the EYFS learning and development requirements but do not qualify for complete exemption, inspectors must respect the conditions of the exemption, but check whether all other parts of the EYFS requirements are met. For more guidance on exemptions, refer to *Conducting inspections of non-association independent schools*.⁹
52. Inspectors must be wary of favouring any particular method of teaching or organisation over another. They must judge what works by its impact on children's progress and development. Inspectors should check that there is careful planning for this age group, so that all children are exposed to a range of experiences and that the staff or key workers are aware of what the children can do and how to move them onto the next stage. This standard is unlikely to be met if children spend all or most of their time on a single activity or flitting from one activity to the next without direction or guidance, and the children's progress cannot be demonstrated.

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

53. For pupils of this age, it is particularly important that they receive 'adequate preparation for the opportunities, responsibilities and experiences of adult life'

⁹ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2014; www.ofsted.gov.uk/resources/090048.

(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?

54. Inspectors must check that the curriculum provides opportunities for individual pupils or groups of pupils to learn and make progress, 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 the school's provision. Inspectors should look critically at the achievements of different pupils and groups of pupils as a context for whether this requirement is met.
55. For disabled pupils and those with special educational needs it is important to consider whether they are placed appropriately in the school or group, and the extent to which the curriculum is planned to meet their particular needs.

2(2)(j). Does the curriculum provide adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life?

56. It is good practice to make a conscious effort to prepare all pupils for adult life and for the responsibilities and opportunities that they may have. However, inspectors should use their discretion when inspecting a school which only has pupils of primary age. Schools should be expecting young pupils to take responsibility for organising themselves, their possessions, keeping their classroom tidy, making choices and decisions and explaining their reasons, being reliable members of a team, and discharging duties effectively like being classroom monitors and collecting books and so on. These all constitute evidence for meeting the standard. In secondary schools in which pupils stay up to or beyond school-leaving age, the standard is unlikely to be met where the school makes insufficient effort to prepare pupils for life beyond school, particularly where pupils leave to find employment or start a university or college course and are expected to fend for themselves. In boarding and residential special schools, particularly those catering for pupils with disabilities and special educational needs, the residential provision should contribute to meeting this requirement. Inspectors should pay particular attention to how well care leavers or young people with disabilities or special educational needs are prepared to live independently. Inspectors should expect school leavers to be prepared by the school to know how to look after themselves, their health and their possessions, handle money, make informed choices and know how to get advice and information.

57. Even in a pre-preparatory school, inspectors must not record 'not applicable' against this standard.

Quality of teaching and assessment

Inspectors must evaluate the quality and effectiveness of teaching and assessment. To check compliance with the standards, inspectors must answer the following questions.

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 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?

58. The main evidence for judging the eight standards concerned with teaching will be the lesson observations. Inspectors must ensure that they see a sufficient number of lessons to make a reliable judgement of the quality of the teaching. They must also ensure that they consider pupils' work as evidence of the quality of the teaching which pupils are exposed to over time. Discussions with teachers and pupils and examining the teachers' planning and assessment records are further sources of evidence. Where appropriate, 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 quality of teaching which led to these achievements is likely to be satisfactory or not.
59. The proportion of inadequate teaching observed will be a significant indicator, but there is no automatic relationship between this proportion and compliance with the standards. Each standard must be considered on its own by the inspectors after they have finished observing lessons and gathering other evidence.

60. It is possible for a school in which no inadequate lessons are observed to fail to meet one of the standards. 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, although this is likely to be an issue for inspectors to consider when judging the effectiveness of the school's leadership and management. 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 is unlikely to meet 3(g).
61. Equally, the existence of some lessons in which the quality of the teaching is judged to be inadequate may not necessarily mean that one or all of the standards are 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 met. The crucial judgement that inspectors need to make is whether the weaknesses that make some lessons inadequate, or are observed in lessons graded as adequate, follow a pattern that reveals that one or more of the standards are not met.
62. Inspectors must reach a corporate judgement about each individual teaching standard in their team meeting. Where they consider that a Standard is not met by the school, sufficient evidence to support this judgement must be included in the ROIEJ. Inspectors should consider their judgements about the school's ability to meet the standards for teaching alongside the grades that they have awarded for lesson observations. These should match up, but in exceptional circumstances where they do not, inspectors must explain this clearly in the report.

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?

63. 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 out of date.
64. 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 standard 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.
65. 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.

66. 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

67. This is a summary of all the lessons observed. The lead inspector should complete this section, noting in the grid the evidence form reference number; the year group(s); and the subject or subjects being taught. Inspectors must use the subject codes held in the document *Guidance on the use of evidence forms*.¹⁰ In faith schools they should use the code for religious education only where the focus of the lesson is the study of religious texts. Where the subject matter of the lesson covers customs, practices, law or other subjects taught through Islamic or Talmudic studies, inspectors should use the 'XO' code.
68. For each lesson, inspectors should record a grade for pupils' achievement; behaviour and personal development; quality of teaching; quality of curriculum; welfare, health and safety; and leadership and management, where they have sufficient evidence to make a judgement. Grades are given on a four-point scale:
- Grade 1 = outstanding
 - Grade 2 = good
 - Grade 3 = adequate
 - Grade 4 = inadequate.
69. Where there is insufficient evidence to make a judgement, inspectors must record '0' in the appropriate box, or '8' where it is not applicable to make a judgement.
70. The grid should be used for recording lesson observations only and should not include assemblies or extra-curricular activities.
71. There is only one evidence form for use on s162A inspections. It should be used for recording all evidence, including lessons, interviews, discussions with pupils and other inspection activity, including extra-curricular activities.
72. 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 offered, including weekend activities, and should sample them, noting the level of

¹⁰ *Guidance on the use of evidence forms* (090156), Ofsted, 2014; www.ofsted.gov.uk/resources/090156.

participation and what pupils get out of them in terms of academic or personal development. Inspectors should record anything particularly noteworthy on an evidence form for inclusion in the report if appropriate. Inspectors may submit handwritten or typed evidence forms, or a mixture of both at their discretion.

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

73. The standards relating to a school's provision for pupils' spiritual, moral, social and cultural development are covered in the *The evaluation schedule for inspecting non-association independent schools*, under the key judgement for pupils' behaviour and personal development.¹¹ This section of the evaluation schedule deals both with the quality of provision for spiritual, moral, social and cultural development and with the impact of this provision on the way pupils behave; on their attitudes to learning and to other people; and on their personal development as a whole.
74. The standards are woven into the grade descriptors. The descriptors indicate that a school must meet all of the standards for pupils' spiritual, moral, social and cultural development in order to attain a key judgement of at least 'adequate' for pupils' behaviour and personal development. A judgement of 'good' or 'outstanding' in this aspect depends on the quality of provision and its impact on outcomes for pupils. Where a school fails to meet one or more of the standards in Part 2 for pupils' spiritual, moral, social and cultural development, the key judgement for this aspect is likely to be 'inadequate'.
75. The Department for Education has published non-statutory advice to help independent schools understand their obligations under the standards relating to a school's provision for pupils' spiritual, moral, social and cultural development.¹² The advice sets out the aims of each of the standards in Part 2.
76. Independent schools have a general duty under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation and advance equality of opportunity. Inspectors should not insist on a school having any formal written plans and policies related to equalities, except where these are related to the requirements of the standards, such as bullying and accessibility planning (see paragraph 163 below for new schools). However, schools must have effective strategies for tackling any discriminatory or oppressive behaviour. In addition, they should be promoting participation by pupils in all the opportunities that the school provides, and taking all reasonable steps to ensure that particular pupils or groups of pupils are enabled to do so.

¹¹ *The evaluation schedule for inspecting non-association independent schools* (090049), Ofsted, 2013; www.ofsted.gov.uk/resources/090049.

¹² *Improving the spiritual, moral, social and cultural (SMSC) development of pupils – Departmental advice for independent schools and academies/free schools, version 2*, Department for Education, 2013; www.education.gov.uk/aboutdfe/advice/f00213659/improving-sm-sc-development-pupils.

5(a)(i). Has the proprietor ensured that principles are promoted which enable pupils to develop their self-knowledge, self-esteem and self-confidence?

77. 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 and quality of opportunities provided to enable young people to develop their self-esteem and confidence. These opportunities 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 effort; and outside the classroom in terms of extra-curricular activities which develop teamwork, leadership skills and self-reliance, and the roles and responsibilities given to pupils for the smooth-running of their school. Such responsibilities should be commensurate with the pupils' ages and stage of development. Young pupils may have particular roles or jobs to do around the classroom or school which encourage them to be reliable and helpful to their peers. Inspectors should also explore the expectations of roles such as prefects, team captains, monitors and other similar positions which enable pupils to take responsibility for others and to contribute to the smooth-running of the school community. 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(a)(ii). Has the proprietor ensured that principles are promoted which enable pupils to distinguish right from wrong and to respect the civil and criminal law?

78. Inspectors should consider obvious sources of evidence such as the school's mission statement, the policies for behaviour, rewards and sanctions and the personal, social and health education or citizenship programme, assemblies and 'circle time', and pupils' behaviour in the school. Inspectors should consider how well the school tackles moral issues, provides age-appropriate opportunities for pupils to discuss these matters in the context of culture, society and the law and enables them to distinguish right from and wrong.
79. The wording has been qualified in the amended standards in force from January 2013 to draw attention to the importance attached to secular, rather than religious law. Young people must be taught to respect the civil and criminal law of England, but this need not involve detailed lessons about the law and must be appropriate to the ages of the pupils. This is not incompatible with encouraging pupils to respect religious law, if the school's ethos is faith-based; and neither should a school avoid discussion, of an age-appropriate nature, of potential conflicts between state law and religious law, and the implications for an individual. Schools must enable pupils to understand that while people may hold differing opinions about what may be 'right' or 'wrong' all people living in England are equally subject to the laws of the land. In

addition to examining policies and records, inspectors must check the impact of the school's ethos and provision by talking to the pupils and listening to their views, in order to assess how effectively the school is meeting the requirement of the standard.

5(a)(iii). Has the proprietor ensured that principles are promoted which encourage pupils to accept responsibility for their behaviour, show initiative, and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely?

80. The school should be encouraging pupils to behave well, both for their own sake and so that others are not denied through their behaviour their rightful opportunity to learn and make progress. Where misdemeanours occur, the school should encourage young people to understand and to learn from their mistakes. The school should be able to demonstrate planned opportunities for pupils to show initiative. This may be demonstrated in effective teaching which challenges pupils to think and learn for themselves; it may also be encouraged through extra-curricular activities and events, for example, in organising fund-raising and undertaking voluntary or community service.
81. This standard further requires pupils to be encouraged to make a positive contribution to the life of the community in which the school is situated and also to wider society. Schools should encourage pupils to make a positive contribution to local society, commensurate with their age and stage of development. This may include activities such as fund-raising or initiatives such as conservation or recycling. Older pupils may undertake voluntary work for example with elderly or disabled people living locally, which would help them to understand the lives of different sections of the community. All schools must encourage pupils to make a positive contribution to wider society, and thus to gain an understanding of people in the wider world beyond their own faith, culture and economic circumstances. Schools should promote tolerance and community cohesion in the widest sense, by helping young people to gain an understanding of different lifestyles and cultures which make up our wider community. While the standard does not demand it specifically, it is good practice for schools, particularly those with mono-cultural intakes, to make links with schools serving children from different backgrounds, in order to make their pupils aware of the breadth of cultures which make up modern British society and to encourage them to develop a positive attitude to those with different backgrounds and faiths and in different circumstances.

5(a)(iv). Has the proprietor ensured that principles are promoted which provide pupils with a broad general knowledge of public institutions and services in England?

82. The way in which the standards apply will vary according to the age range and aptitudes of the pupils. This standard could be met in a pre-preparatory school catering mainly for children in the Early Years Foundation Stage and Key Stage

1 by a topic such as 'People who help us' or by visits to local institutions such as the library, post office, church and so on. For older pupils, schools should introduce more formal work, taking account of the Qualifications and Curriculum Authority guidelines on citizenship. Inspectors should look at the planned content of the school's programme for citizenship and/or personal, social and health education. They should have regard to other sources of evidence such as themes for assemblies, talks and invited speakers or any trips or visits that the school organises for pupils. In order to assess the impact of the school's provision on their general knowledge, inspectors should talk to pupils about what they know and understand. Younger pupils may be aware, for example, of the role of emergency services and the function of public institutions such as libraries, museums, hospitals, the post office and so on, but inspectors should expect older pupils to understand the breadth of public services and how they work together to support a modern democratic society.

5(a)(v). Has the proprietor ensured that principles are promoted which assist 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?

83. 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 a contribution to pupils' awareness of the range of cultures, faiths and cultures in Britain and the wider world. This element of the standard also requires the school to promote tolerance of and respect for the views, customs and lifestyles of other people. Inspectors should consider the range and suitability of opportunities provided by the curriculum, 'circle time' and assemblies, visits to places of cultural interest and speakers invited to the school and their contribution to pupils learning about and from other cultures, faiths and traditions. 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 is unlikely to meet the standard. Inspectors must test the impact of the school's provision by engaging pupils in discussion about their knowledge of and attitudes to others of differing backgrounds and traditions. Where pupils emerge as narrow-minded, biased or xenophobic, inspectors must consider whether these attitudes have been encouraged by the school and, if not, whether the school is doing enough to combat prejudice.

5(a)(vi). Has the proprietor ensured that principles are promoted which encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs?

84. Paragraph 5(a)(vi) inserts a new standard requiring the promotion of principles which encourage pupils to respect the fundamental British values listed above. Attempts to promote systems that undermine the principles comprising the listed fundamental British values are likely to be inconsistent with this standard. Sources of evidence for compliance with the standard are the school's website, if available, and other documentation, such as prospectus, aims and mission statement, contents of religious and secular programmes of study, schemes of work for personal, social and health education and citizenship, in order to gain a view of the principles which the school promotes. Inspectors must test out the impact of this provision by talking to a range of pupils to discover whether the policies and schemes are implemented appropriately, what pupils know about other faiths and ways of life, and their attitudes to people from other cultural backgrounds and beliefs. They should be alert to any textbooks, banners or other material around the school which may express anti-democratic views. Inspectors should also enquire about the content of extra-curricular activities or talks delivered by external speakers either on the school premises or off site but where attendance has been promoted or organised by the school. Inspectors should sample these activities where possible and assess their impact on pupils' views and attitudes. In terms of promoting democracy, inspectors should look for evidence of opportunities within the school curriculum and beyond it to learn about democracy, and for pupils to engage in discussion and debate covering a range of different viewpoints.

5(1)(b). Has the proprietor ensured that partisan political views are not promoted in the teaching of any subject in the school?

85. The aim of this standard is to prevent the political indoctrination of pupils through the curriculum. The wording is based on section 406(1)(b) of the Education Act 1996, which applies to maintained schools. This standard refers to the systematic promotion of partisan political views in a way that is likely to exert undue influence on the views of young people. It does not mean that political themes which are covered in subjects such as history, geography, English, religious education or modern foreign languages cannot be discussed. It does not preclude the presentation of controversial political viewpoints to pupils, but schools should ensure that views are not promoted which are inconsistent with the requirements of any other part of the standard (for example views which are derogatory of particular ethnic or faith groups, which are actively in opposition to the fundamental British values referred to in the standard). Pupils should not be prevented from being exposed to political views or from discussing political issues in school, but they should not be actively encouraged by teachers or others to support particular political ideologies or viewpoints. Inspectors should ask those responsible for the school how they ensure that this requirement is met, and cross check it by examining curriculum documents, teachers' planning, pupils' work and by talking to pupils. Inspectors should not insist that schools have policies which contain an overt statement saying that bias in the presentation of political views is not tolerated, but it is reasonable to ask the proprietor what s/he has done to ensure that partisan

political views are not promoted through the curriculum and teaching of the school. Inspection reports should make reference to compliance with this standard. It is at the discretion of inspectors how much information to include, since it is more appropriate to comment in more depth on compliance with this regulation in certain types of independent school. The inspection report must always contain sufficient information where a school does not meet this standard.

5(1)(c). Has the proprietor ensured that where political issues are brought to the attention of the pupils, reasonably practicable steps have been taken to offer a balanced presentation of opposing views to pupils:

(i). while in attendance at the school?

(ii). while taking part in extra-curricular activities which are provided or organised by or on behalf of the school?

(iii). in the promotion at the school, including through the distribution of promotional material, of extra-curricular activities taking place at the school or elsewhere?

86. Inspectors should ask what actions the school takes to ensure that where pupils are exposed to political views they are also made aware of opposing views so that they hear other points of view and can make up their own minds. They should cross check with curriculum and planning documents, and by looking at pupils' work and in discussion with pupils, that the coverage of political topics is balanced. Inspectors should also examine any extra-curricular programme of activities provided by or on behalf of the school, including the content of talks delivered by speakers invited to address pupils. Inspectors must be alert for any promotional material of a politically partisan nature which is distributed to pupils or available on the school premises, which pupils may see and wish to attend the events in question. Although such events may be political in nature, the school should aim to ensure that they are not unbalanced (for example by advertising events held only by one political party or proponents of one particular view) and that they do not risk breaches of other social, moral, spiritual or cultural standards (for example, by advertising speakers who are promoting anti-democratic beliefs). Inspectors must ask whether the school allows other groups or bodies to use its premises. If so, they must check the nature of the contact that such groups may have with the pupils, and ask what the proprietor has done to ensure that pupils are protected from biased promotional material. Inspectors should refer in the report to whether or not this standard is met.

Part 3. Welfare, health and safety of pupils

87. 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.

88. Some schools which are part of group ownership may have policies common to the group. This is acceptable, provided that the policies are suitable for the school and are fully implemented.

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?

89. This standard 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*.¹³ This document is under review by the DfE: the standard will also apply to whatever revision replaces it.
90. Where this standard 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 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.
91. The DfE statutory guidance *Dealing with allegations of abuse against teachers and other staff* replaced chapter 5 of the guidance *Safeguarding children and safer recruitment in education* in August 2011.¹⁴ Please note that the other chapters in *Safeguarding children and safer recruitment in education* are still current.
92. Under the guidance, schools are expected to have regard to the following matters.

¹³ *Safeguarding children and safer recruitment in education* (DFES-04217-2006), DCSF, 2006; www.education.gov.uk/aboutdfe/statutory/g00213145/safeguarding-children-safer-recruitment.

¹⁴ *Dealing with allegations of abuse against teachers and other staff*, Department for Education, 2012; www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse-against-teachers-and-other-staff.

- 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).
93. Schools are expected to follow the guidance in *Dealing with allegations of abuse against teachers and other staff* which was introduced in September 2011. Inspectors should check during professional dialogue that senior staff are aware of the guidance and that the arrangements are being followed. Where this is not happening, inspectors should point out that the school's procedures require updating.

Child protection policy and procedures

94. 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 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.
95. 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.
96. Inspectors should note Ofsted's guidance covering female genital mutilation which is contained in an annex to Ofsted's *Inspecting safeguarding briefing*.¹⁵ The DfE has also published guidance on this matter on its website.¹⁶ Designated senior staff for child protection in schools should be aware of the guidance that is available in respect of female genital mutilation, and should be vigilant to the risk of it being practised. Inspectors should be also alert to this

¹⁵ *Inspecting safeguarding briefing* (090205), Ofsted, 2014; www.ofsted.gov.uk/resources/briefings-and-information-for-use-during-inspections-of-maintained-schools-and-academies.

¹⁶ *Safeguarding children from female genital mutilation*, Department for Education, 2012; www.education.gov.uk/schools/pupilsupport/pastoralcare/childprotection/a0072224/.

when considering a school's safeguarding arrangements, and where appropriate ask questions of designated staff. Key questions could include the following.

- Are designated senior staff for child protection aware of the issue and have ensured that staff in the school are aware of the potential risks?
- How alert are staff to the possible signs that a child has been subject to female genital mutilation or is at risk of being abused through it?
- Has the school taken timely and appropriate action in respect of concerns about particular children?

Designated officer

97. 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.
98. 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.
99. 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:
 100. for all practical purposes, the sites operate as two separate establishments, or
 101. it is impractical for the designated person from one site to reach the other in reasonable time.
 102. 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.

103. 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

104. The designated officer must undertake training to a standard set by the Local Safeguarding Children Board, which includes extended training in relation to working with multiple agencies. This training should be refreshed 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. The proprietor must undertake an annual review of the school's policies and procedures relating to safeguarding pupils.
105. 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.
106. Safe recruitment procedures
107. 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 standards 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 standards in that Part of Schedule 1 of the independent school standards. 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 standard (7) and not to the standards in Part 4 of Schedule 1 of the independent school standards. Advice on checking volunteers is given below.
108. 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 standards 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.

109. In reaching a judgement about whether the standard 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 standard 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 standard. Inspectors should confirm in the ROIEJ that safe recruitment procedures are followed by the school. If not, full details should be given of why the school does not meet the standard.

Volunteers

110. Volunteers are no longer covered under the standards 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. Furthermore, since September 2012 the requirement to carry out criminal records checks on all volunteers has been removed. The proprietor should consider the frequency and level of contact the volunteer will have with children in deciding whether a criminal records check is required. 'Regular' contact is defined as four or more times in a 30 day period.¹⁷ 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 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, staff, supply staff and proprietors in inspection reports, it should be recorded in the 'Welfare, health and safety of pupils' section. 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.

New online registration service

111. A new online registration service is being introduced by the Disclosure Barring Service in late spring 2013 that will facilitate portability of criminal record checks for individuals who choose to register. By providing a new employer with an existing disclosure certificate and their online registration number, prospective employees will be able to use the same certificate for any post of a similar nature. The prospective employer will be able to log on to the service and check whether there has been a change to the printed certificate. If there has been a change, the employer will have to decide whether or not they wish to apply for a new certificate in order to show the updated details. Although this service is not yet in place, schools may be aware of the development and may wish to discuss it with inspectors.

Making an overall judgement about welfare health and safety

112. If regulatory failures are identified in relation to safeguarding, inspectors must use their professional judgement and consult the grade descriptors in the evaluation schedule when making an overall judgement about the welfare,

¹⁷ *Regulated Activity in relation to Children: Scope*, Department for Education, 2012; <http://media.education.gov.uk/assets/files/pdf/r/regulated%20activity%20children%20full%20information%20ewni%20final%202012-06-01.pdf>

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 standard is not 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 standard is not met, because the proprietor is unlikely to 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 indicate that the standard is not met but not judge 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 standard is met, provided that an appropriate training course is booked by the end of the inspection. Welfare, health and safety is likely to be 'adequate' 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.
113. 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 standard may not be met 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.
114. If a school has significant failures in Part 4 regarding recruitment practices, it is highly likely that standard 7 is not met as the school is not doing all that it can to safeguard children appropriately.

115. If a child protection concern is known about before the inspection or arises during the inspection the lead inspector must follow Ofsted’s safeguarding procedures and the advice in *Inspecting safeguarding briefing*.¹⁸ Initially inspectors should telephone Ofsted’s Compliance, investigation and enforcement team using the National Business Unit number: 0300 123 1231 and take advice. It may be necessary to insert a sentence into the draft report regarding an ongoing investigation as indicated in *Inspecting safeguarding briefing*. The advice regarding the wording of reports is replicated for ease of reference for inspectors in *Writing inspection reports*.¹⁹

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?

116. 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/residential provision 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 standard 8 refers only to provision in boarding and residential special schools, and not to children’s homes. Therefore, this standard 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.²⁰

117. 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 for standard 8 in the ROIEJ. The recommendations in the report of a children’s home should not record a failure against 8; 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

¹⁸ *Inspecting safeguarding briefing* (090205), Ofsted, 2014; www.ofsted.gov.uk/resources/briefings-and-information-for-use-during-inspections-of-maintained-schools-and-academies.

¹⁹ *Writing inspection reports* (090052), Ofsted, 2014; www.ofsted.gov.uk/resources/090052.

²⁰ The national minimum standards for boarding schools and residential special schools are both available on the Department for Education’s website: www.education.gov.uk/schools/leadership/typesofschools/a00192112/boarding-schools.

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?

118. 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 or residential pupils.
119. Inspectors should check the implementation of this policy. The standard is unlikely to be met if the policy is 'on paper only' and staff are unaware of it or do not operate it consistently. A high incidence of dissatisfaction in the point-in-time survey analysis 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.
120. 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 and consistently staff operate the policy, and how well they have been trained to deal with these incidents. 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.
121. 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.²¹ Inspectors should note that this guidance is to assist schools, and that the standards do not require that the guidance must be followed.

10. Is there an effective anti-bullying strategy in place and is it being implemented?

²¹ *Behaviour and discipline in schools – guidance for governing bodies* (DfE-00057-2011), Department for Education, 2011;
<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00025-2012>.

122. 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.
123. This DfE has issued departmental advice *Preventing and tackling bullying: advice for school leaders, staff and governing bodies*, which sets out the Government's approach to bullying, legal obligations and the powers schools have to tackle bullying, and the principles which underpin the most effective anti-bullying strategies in schools.²² Its purpose is to help schools prevent and respond to bullying as part of their overall behaviour policy, to understand their legal responsibilities in this area, and to understand the DfE's approach.
124. The advice 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. The school's policy does not need to conform to departmental guidance but the school must be able to explain why it is suitable and effective for the age and stage of development of its pupils.
125. The school's anti-bullying policy should be clear to pupils, parents and staff. It should be relevant and up to date, and cover the many forms of bullying, including physical and emotional bullying, name-calling, ostracising children from a group and the various forms of 'cyber-bullying' occurring through text or internet messages or social media networks with the intention of causing hurt or harm to the victim. Inspectors and schools may find it helpful to refer to the Ofsted guidance *Inspecting e-safety*.²³ 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 be clear about how to report bullying and how the school will deal with it, including 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.
126. Inspectors should check that the policy is embedded in school practice; seeking opportunities through assemblies, 'circle time', 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, gender reassignment, sexual orientation, disability, 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

²² *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.

²³ *Inspecting e-safety* (120196), Ofsted, 2014; www.ofsted.gov.uk/resources/briefings-and-information-for-use-during-inspections-of-maintained-schools-and-academies-september-2.

responses given by young people. Inspectors should explore with the school any incidents of bullying or harassment.

127. 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.
128. Above all, inspectors must consider the impact of the school's policy and procedures by talking to pupils and staff, and taking account of what parents say.

11. Is there a written policy which complies with relevant health and safety laws and is it being implemented?

129. The document *Health and safety, Department for Education advice on legal duties and powers for local authorities, headteachers, staff and governing bodies* replaces the previous guidance documents on health, safety and security in schools, including *Health and Safety: Responsibilities and Powers* (2001) (to which the published standards refer) and *Health and Safety of Pupils on Educational Visits* (HASPEV 1998). Inspectors should also read the document from the Health and Safety Executive (HSE) *School trips and outdoor learning activities: Tackling the health and safety myths*.^{24,25} The HSE website contains the following information about pupil to staff ratios on school trips: 'Pupil to staff ratios for school trips are not prescribed in law. Those planning trips, on the basis of risk assessment, should decide the ratios, taking into account the activity to be undertaken and the age and maturity of the pupils.'²⁶
130. The overriding principle of the DfE advice, for schools and inspectors, is to use common sense. 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 to understand and manage the risks that are a normal part of life. Common sense 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.

²⁴ www.education.gov.uk/aboutdfe/advice/f00191759/departmental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies.

²⁵ *School trips and outdoor learning activities: Tackling the health and safety myths*, Health and Safety Executive, 2011; www.hse.gov.uk/services/education/school-trips.pdf.

²⁶ www.hse.gov.uk/services/education/faqs.htm.

131. The purpose of the DfE advice is to assist schools' understanding of their health and safety obligations. As schools have greater scope, under the 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.
132. 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.
133. There are many more and inspectors will need to use common sense 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.
134. 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.

135. 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.
136. The document *Health and safety, Department for Education advice on legal duties and powers for local authorities, headteachers, staff and governing bodies* covers the health and safety of pupils on educational visits.
137. Previously the school was required to have a written policy relating to the health and safety of pupils on activities outside the school. This standard 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.
138. 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?
139. 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?²⁷

140. Inspectors are not experts on fire safety. Guidance in the DfE *Registration of independent schools information pack* is as follows.
141. 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)²⁸
 - provide staff and any others working on the school site with fire safety information – the staff are required to take reasonable care.
142. To meet paragraph 13 of the independent school standards, the proprietor must comply with the requirements of the Fire Safety Order. 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. Inspectors must not record non-compliance with paragraph 13 of the standards, if a school does not have a report from an inspection carried out by the local fire and rescue service (FRS).

Pre-registration inspections

143. When conducting pre-registration inspections, inspectors should note that proposed independent schools may not be inspected by the local FRS prior to

²⁷ The Regulatory Reform (Fire Safety) Order 2005;
www.legislation.gov.uk/ukxi/2005/1541/contents/made.

²⁸ www.bafe.org.uk.

opening. DfE will advise the local FRS when a new independent school opens, or when changes are made to an existing independent school in the service's geographical area, as set out in the memorandum of understanding (MoU) between DfE and the Chief Fire Officers Association.²⁹ Although the FRS will update its database accordingly, it may not be able to arrange an immediate inspection of the new school/change in premises. If an immediate inspection will not go ahead, DfE advises schools on alternative evidence they can provide to meet fire safety requirements for registration.

Standard, material change, progress monitoring and emergency inspections

144. The local FRS will inspect existing independent schools on a risk basis, and in accordance with their own inspection timetable. It may be more likely for an inspection to be carried out to boarding or special schools, which carry an inherently higher level of risk. Therefore, there may not have been a recent FRS inspection.
145. Following an inspection of an existing school, the FRS will provide the school with a report, and will notify DfE if any concerns were found or enforcement notices issued. Ofsted inspectors should view the FRS report at the next scheduled s162A inspection, and if recommendations were made, check that the school has addressed them. As stated above, if there is not a report from a recent FRS inspection, inspectors must not record non-compliance with paragraph 13 of the independent school standards.
146. A revised template MoU between DfE and the Chief Fire Officers Association is available for Ofsted inspectors to view for information only, on the Ofsted intranet site. Inspectors should not expect schools to have a completed copy of the MoU.
147. Guidance for schools on fire risk assessment is available in *Fire Safety Risk Assessment - Educational Premises*: www.gov.uk/government/publications/fire-safety-risk-assessment-educational-premises.
148. If the school's premises are undergoing building work, or if such work has recently completed, inspectors should note that the school's building standards compliance certificate includes compliance with fire safety standards. Therefore inspectors do not need to see any other evidence of satisfactory fire precautions.
149. If there is any doubt about this matter (and before making a judgement of non-compliance), inspectors should check the status of the school's fire safety

²⁹ A template memorandum of understanding between DfE and the Chief Fire Officers Association is available for inspectors to view for information only, on the Ofsted intranet site.

clearance with the DfE. Wherever possible, this should be done through the senior HMI for independent schools.

14. Is there a written policy on first aid and does the school implement this?

150. 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.

151. If the guidance in the school's policy omits a minor element of the above contents, then it would be appropriate to bring this to the school's attention and ask them to rectify the shortcoming without necessarily reaching the judgement that the school does not meet this standard overall. However, the standard is unlikely to be met where pupils' health and safety are or could be compromised by lack of trained staff, proper instruction or first aid equipment. Inspectors please note that there is further guidance on special requirements for the Early Years Foundation Stage below.

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

pupils?

152. 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, and adults must know where they are. 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.
153. Where the school makes provision for children aged three to five years in the Early Years Foundation Stage, inspectors should check that the ratio of qualified staff to children meets the welfare requirements of the *Statutory Framework for the Early Years Foundation Stage*.³⁰ This standard is unlikely to be met in schools which do not have staff deployment which observes these ratios.

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

154. The standard 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.
155. If inspectors are satisfied that a school has never imposed sanctions upon pupils for serious disciplinary offences, then this standard 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.
156. 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 and draw this to the attention of the senior HMI for independent schools who will take it further with the DfE.

³⁰ *Statutory framework for the Early Years Foundation Stage* (DFE-00023-2012), Department for Education, 2012; www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00023-2012.

17. Is there an admission and attendance register which is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006?³¹

157. 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, as they are unlikely to meet the standard if they are not doing so.
158. 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.
159. 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.
160. 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

³¹ www.legislation.gov.uk/uksi/2006/1751/contents/made.

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.

161. 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 the standard should not be failed.

Does the school fulfil its duties under schedule 10 of the Equality Act 2010?
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162. This question applies only to pre-registration inspections to new or prospective schools, and should be answered in the pre-registration check sheet only. This is because schools' compliance with paragraph 3 of schedule 10 of the Equality Act 2010 can only be checked on inspections conducted under the Education and Skills Act 2008. At the date of publication of this guidance document, only section 99 of the Education and Skills Act 2008 is in force, under which pre-registration inspections of proposed independent schools are conducted. All other inspections of independent schools (material change, progress monitoring, emergency and standard inspections) are conducted under section 162A of the Education Act 2002, as inserted. Compliance with paragraph 3 of schedule 10 of the Equality Act 2010 cannot be considered in inspections conducted under section 162A of the Education Act 2002, as inserted.

Pre-registration inspections

163. The agreement between the Department for Education and Ofsted *Arrangements for inspection by Ofsted of independent schools from 1 September 2003* asks for inspections to: 'report on the extent to which it complies with sections 28D and E of the Disability Discrimination Act 1995, as inserted by the Special Educational Needs and Disability Act 2001'. However, the Equality Act 2010 replaced this legislation on 1 October 2010, and Ofsted is now only required to look at whether new or prospective schools fulfil their

duties with regard to accessibility under paragraph 3 of schedule 10 of the Equality Act 2010.³² This question therefore remains in the pre-registration regulatory check sheets.

164. Schools are required to ensure they comply with the requirements of Schedule 10 of the Equality Act 2010. Schedule 10 relates to accessibility. Paragraph 3 of schedule 10 requires that schools must have an accessibility plan in place and defines an accessibility plan as follows.

3(2) An accessibility plan is a plan for, over a prescribed period–

3(2)(a) increasing the extent to which disabled pupils can participate in the school's curriculum,

3(2)(b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and

3(2)(c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

165. When conducting a pre-registration inspection, inspectors should bear in mind the following points.
166. 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.
167. 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.
168. Inspectors should check that a prospective or new school has considered access to the school for children with disabilities from all angles and made or has reasonable plans to make disabled access to the school premises, or to adapt the curriculum and information to disabled pupils. Words and phrases like 'reasonable adjustments', 'substantial disadvantage' and 'justification' are not defined and are subject to wide variations in interpretation; ultimately any

³² Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/contents.

definitive interpretation is a matter for the courts. Inspectors should proceed with caution and be wary of offering advice. Further guidance can be found on the independent school inspection pages of the Ofsted website. 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 RRL-LGHUX-CTR Arndale House Arndale Centre Manchester M4 3AQ

169. If the inspector finds that the new or prospective 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 or will be at a considerable disadvantage as a result of the school's arrangements, then the pre-registration regulatory check sheet and the advice note must say so.
170. Independent schools may select pupils on grounds of ability and aptitude, so long as the criteria are not chosen only to exclude pupils with a disability. In all independent schools 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. Inspectors should check that no child or group of children is being treated less favourably than the rest as a result of the school's arrangements or practice. They should consider teaching methodology, curriculum and extra-curricular activities and their impact on the achievements of disabled pupils, alongside more practical aspects such as access to premises and information for pupils.

Progress monitoring inspections

171. In progress monitoring inspections, if compliance with paragraph 3 of schedule 10 of the Equality Act 2010 is recorded on a school's action plan, inspectors will consider the school's progress in meeting this element of the action plan using HMCI's ancillary powers under schedule 12 of the Education and Inspections Act 2006, since progress monitoring inspections are conducted under section 162A of the Education Act 2002, as amended.

Standard inspections

172. Inspectors cannot check schools' compliance with paragraph 3 of schedule 10 of the Equality Act 2010 during standard inspections of independent schools, as these inspections are conducted under section 162A of the Education Act 2002, as inserted.
173. If non-compliance with paragraph 3 of schedule 10 of the Equality Act 2010, or with sections 28D and E of the Disability Discrimination Act 1995, as inserted by the Special Educational Needs and Disability Act 2001, is recorded in the report from the last inspection of the school, inspectors may take this broadly into account, alongside all other available evidence, in considering whether the school meets paragraphs 2(1)–2(2)(j) in part 1 (curriculum) and the standards in part 5 (premises and accommodation) of the independent school standards.

Part 4. Suitability of proprietors and staff and supply staff

174. 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 standard 7).
175. The Education (Independent School Standards) (England) Regulations 2003 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 standards 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.
176. These standards were amended by The Education (Independent School Standards) (England) (Amendment) Regulations 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*. These standards are still covered in the current independent school standards.

Changes to vetting and barring arrangements from September 2012

177. The Disclosure and Barring Service (DBS) launched on the 1 December 2012 and merges the services previously provided by Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). Further information is available on the [DBS website: www.homeoffice.gov.uk/agencies-public-bodies/dbs](http://www.homeoffice.gov.uk/agencies-public-bodies/dbs).
178. The procedures for requesting criminal record checks, including enhanced checks, remains the same, but they are now done by the DBS. However, inspectors should note that the ROIEJ has not been updated and still refers to

'CRB checks'. This is not significant. The school must comply with the standards which simply refer to a 'criminal record check'.

179. From September 2012, barred list checks may only be requested for people engaged in regulated activity and some changes will be made to the definition of 'regulated activity'. Consequently, the categories of people for whom schools will be able to conduct barred list checks has changed. Some people who would previously have been checked against the barred list are no longer within scope for checking because they are no longer carrying out 'regulated activity'. The following definition of regulated activity is provided in the DBS leaflet *Changes to disclosure and barring: what you need to know*.³³

Regulated activity relating to children

The new definition of regulated activity relating to children comprises only:

(i) Unsupervised activities: those who teach, train, instruct, care or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children; or

(ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers.

Work under (i) or (ii) is regulated activity only if done regularly (more than three times in any month).

(iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;

Work under (iii) is regulated activity if it is done only once.

(iv) Registered child-minding; and foster-carers.

180. Supervised work by volunteers in schools is not 'regulated activity' and schools will not be able to conduct barred list checks on supervised volunteers. However, supervised volunteers who are undertaking personal care of a child (that is, washing, dressing and so on) will remain in regulated activity.

181. The DfE has published *DfE guidance on Safeguarding: disclosure and barring – changes from September 2012* to assist employers in deciding on the level of

³³ *Changes to disclosure and barring: what you need to know* is available on the Disclosure and Barring Service website: www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/corporate-publications/disclosure-and-barring-changes/.

supervision required to take a person, who is undertaking voluntary work with children, out of regulated activity.³⁴

182. Additionally, the list of 'office holder' positions that fall within the scope of 'regulated activity' have been removed and individuals in those positions are no longer considered to be carrying out 'regulated activity' merely by virtue of their position. This includes an individual who is the proprietor of an independent school and an individual who takes part in the management of an independent school. Unless these people also undertake regulated activity through their work in the school, they will not be eligible for barred list checks.
183. There are no changes at this point to the eligibility and/or requirements for conducting criminal record checks on proprietors of and staff in independent schools. Therefore it will still be possible to undertake enhanced criminal record checks on all activities and positions that were previously in regulated activity, such as proprietors and supervised volunteers.

What this means in terms of the independent school standards

184. Part 4 of the independent school standards currently requires 'enhanced criminal record checks' to be carried out on staff, supply staff and proprietors. The definition of 'enhanced criminal record certificate' means that schools must, in order to meet the requirements of the independent school standards, ask for information regarding suitability to have contact with children, which includes checking the Children's Barred list, as part of the enhanced criminal record check. However, it is clear that as a result of the changes introduced by the Protection of Freedoms Act 2012, it will not be possible to check the Children's Barred List in all cases.
185. Until amendments are made to the independent school standards to reflect the new requirements, the independent school standards will operate subject to the changes introduced by the Protection of Freedoms Act 2012 and will only require enhanced criminal record checks to include a check of the Children's Barred List where the person concerned will be carrying out regulated activity at the school.
186. We would expect most members of staff to continue to fall within the definition of regulated activity, as they will be carrying out regular work at a school, and so Children's Barred List checks should still be undertaken in relation to most staff as part of the enhanced criminal records check.
187. The 'three month' rule will continue to apply, meaning that staff who have previously worked in a school within three months of starting their new post do not have to undergo a fresh criminal records check.

³⁴ *DfE guidance on Safeguarding: disclosure and barring – changes from September 2012;* www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring.

188. New proprietors will still need to have an enhanced criminal records check counter-signed by the Secretary of State, but again, this will only need to include a check of the Children's Barred List where the proprietor will be engaged in regulated activity.
189. The DfE intends to update the independent school standards for implementation in September 2013, but in the meantime the changes made by the Protection of Freedoms Act 2012 take precedence over the requirements of the independent school standards in relation to Children's Barred List checks and related requirements.
190. Inspectors should ensure that the checks as laid out in the standards 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 standard(s). Inspectors must take account of the extent and seriousness of any failures to meet these standards when they are making the judgement on the overall quality of welfare, health and safety of pupils.

Checking the standards

**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).**

191. This standard 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 who is involved in regulated activity was either checked that they were not on the Independent Safeguarding Authority barred list (2009 – November 2012), from December 2012 Disclosure and Barring Service barred list or prior to 2009 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?**

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

193. 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, as amended by The Education (Independent School Standards) (England) (Amendment) Regulations 2012, 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.
194. 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 standard should not be failed. The DfE would not be in a position to enforce an alternative course of action retrospectively.
195. In respect of foreign nationals seeking employment at the school, proprietors will need to check their right to work in the United Kingdom.
196. 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.
197. 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 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?

198. Staff appointed before 1 September 2003 need not have had a criminal records check 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.
199. Enhanced criminal records checks are required for all staff appointed since 1 September 2003. From 1 September 2003 to 30 November 2012 enhanced criminal records checks were performed by the Criminal Records Bureau. From 1 December 2012 they are done by the Disclosure and Barring Service.
200. Forms requesting disclosures must be sent off to the Disclosure and Barring Service as soon as possible. While waiting for criminal records check confirmation, staff may commence duties at the school provided that the proprietor has undertaken a Disclosure and Barring Service barred list check to ensure that they are not currently barred from working with children. The proprietor must also ensure that staff awaiting criminal records check confirmation are appropriately supervised in line with the guidance set out in *Safeguarding children and safer recruitment*, so that risks to pupils are minimised.³⁵
201. The enhanced criminal records check 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 check 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 check; failure to do so means that a new criminal records 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 checks every three years; however, it is not a requirement to do so, and inspectors must not insist that schools do this.³⁶ Where a new appointee brings a criminal records check 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.

Criminal records 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

³⁵ *Safeguarding children and safer recruitment in education* (DFES-04217-2006), DCSF, 2006; www.education.gov.uk/aboutdfe/statutory/g00213145/safeguarding-children-safer-recruitment.

³⁶ *Safeguarding children: the third joint chief inspectors' report on arrangements to safeguard children* (080062), 2008; www.ofsted.gov.uk/resources/safeguarding-children-third-joint-chief-inspectors-report-arrangements-safeguard-children.

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?

202. As the Disclosure and Barring Service cannot access criminal records held overseas, the criminal record check may not provide a complete picture of an individual's criminal record. Therefore schools appointing staff from overseas will also need to arrange enhanced criminal records checks for foreign nationals. The Disclosure and Barring Service website carries information about how schools may initiate the criminal records checks on members of staff appointed from abroad, before they arrive in the United Kingdom.³⁷
203. 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 check is unlikely to reveal the full background, that person should be subject to checks for overseas teachers set out in the DfE guidance *Safeguarding children and safer recruitment in education*.
204. 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 Disclosure and Barring Service website.³⁸ The DfE may be able to provide details about the sort of information available from some countries not currently covered by the Disclosure and Barring Service's overseas information service.
205. In respect of standard 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 standard 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) to (d), has a

³⁷ Disclosure and Barring Services website: www.homeoffice.gov.uk/agencies-public-bodies/dbs/dbs-checks-organisations1/checks-overseas/.

³⁸ Disclosure and Barring Service website: www.homeoffice.gov.uk/agencies-public-bodies/dbs/.

check been made by the proprietor that standard 14 of the national minimum standards for boarding schools, or where applicable, standard 14 of the national minimum standards for residential special schools, has been complied with?

206. The requirements of the 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 regulating 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?

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

The suitability of supply staff (any person working at the school supplied by an employment business)

208. Use 'N/A' options where schools do not use supply or agency staff.

209. 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 the in regard to the criminal records check the standard is met where the application has been made. The standard does not require the certificate to have been obtained before the member of supply staff starts in post.

210. For standard 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.

211. 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 standard 20(2)(c).

212. 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.

213. Inspectors should check that the school's contractual arrangements with the agency meet the requirements set out in standard 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 standard is met and any additional evidence recorded in part 4 of the ROIEJ.

214. The checks on individual proprietors are done by the DfE. These checks are not detailed in 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 senior HMI for independent schools where it is a day school or, the senior HMI for boarding provision in schools, where the school has boarding provision. They will notify the DfE.
215. Where there is a proprietorial 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) and (b) have been carried out for all members of the proprietorial body, with the exception of the chairperson. The check on the chairperson is not recorded in the template for the ROIEJ.
216. 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 senior HMI for independent schools, who will inform the DfE.
217. The 'N/A' option should be used in 21(6)(a) and (b) of the ROIEJ where there is no proprietorial body. More detail on criminal records checks for proprietors is given in the DfE *Registration of independent schools information pack*.³⁹ Note that proprietors in post before April 2002 may not have been subject to enhanced criminal records 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.
218. 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

219. Standard 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.
220. 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

³⁹ *Registration of independent schools information pack* (Department for Education), 2012; <http://media.education.gov.uk/assets/files/doc/t/the%20registration%20of%20independent%20schools%20information%20pack%20october%202012.doc>.

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 did not 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 standard in these circumstances. If there is evidence that the school does not have robust procedures in place then the appropriate standard should be failed. If the school is unable to provide evidence of criminal records check or List 99/Independent Safeguarding Authority/Disclosure and Barring Service barred list checks for each member of staff in post where applicable, then this is a failure. However, inspectors should not ask to see the actual disclosure form which is unlikely to be available. A note of the check number and the date undertaken will suffice.

221. From 1 September 2010, the standards 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, standard 22(3), the checks are applicable to all staff that started after that date. For standard 22(4) please note that the standard is met if the register shows clearly which checks were carried out in accordance with the rules at the time of the appointment.
222. Since 1 May 2007 independent schools have been required to keep a central register (standard 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/Disclosure and Barring Service barred list
 - qualifications: required Yes/No; evidenced and date checked
 - Criminal records check: date checked (it is also good practice to record the certificate number)
 - overseas criminal records checks: required Yes/No
 - right to work in the United Kingdom: evidenced and date checked
 - inspectors should note that the reference to the national minimum standards in the ROIEJ 22(3) and 22(4) is obsolete, since the standards were updated in September 2011 and December 2012, and should refer to national minimum standard 14 – inspectors should note that the

requirements of the national minimum standards for boarding schools and for residential special schools are that the school's procedures for recruiting boarding staff should be the same as for all other staff in the school.

223. For standard 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.
224. Inspectors should note that for standards 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 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.
225. 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.
226. 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, and should assure themselves that this is the case by a 'spot check' of some staff files. 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 standard. 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.
227. 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.

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

Barring and vetting of staff

229. Inspectors should note changes which came into effect in December 2012, establishing Disclosure and Barring Service which overtook the functions of the Independent Safeguarding Authority and its powers under the Safeguarding Vulnerable Groups Act 2006 to make decisions about barring people who are unsuitable to work with children. Proprietors are required to provide information to the DBS 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.

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

231. Inspectors must check, whether the correct procedure has been followed where safeguarding concerns have been raised about a member of staff.

- Since the last inspection/registration, 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 Disclosure and Barring Service referral guidance.⁴⁰
- If so, was a notification made by the school to the Disclosure and Barring Service, and prior to December 2012 to the Independent safeguarding Authority

⁴⁰ Disclosure and Barring Service referral guidance, 2012; www.homeoffice.gov.uk/agencies-public-bodies/dbs/services/dbs-referrals/dbs-referral-guidance.

- Is the school aware of the duty to refer a person who is deemed to be unsuitable for working with children, to the Disclosure and Barring Service?
- 232. Note that these checks do not have paragraph numbers from the independent school standards assigned to them.
- 233. Inspectors should check that the school's safeguarding policy is up to date and includes reference to the mandatory duty to notify the Disclosure and Barring Service 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.
- 234. 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 Disclosure and Barring Service 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 Disclosure and Barring Service?' and make a note of the circumstances in the text of the ROIEJ.⁴¹
- 235. 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 Disclosure and Barring Service.
- 236. In boarding schools, also note briefly any additional evidence as to whether the school meets the relevant national minimum standards.
- 237. The Disclosure and Barring Service 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

⁴¹ Inspectors should consult the following guidance regarding what to write in the report about referrals to the Independent Safeguarding Authority or the Disclosure and Barring Service: *Writing inspection reports* (090052), Ofsted, 2014; www.ofsted.gov.uk/resources/090052.

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. Inspectors will appreciate that the presence of a referral may not necessarily indicate a concern with the school and may provide evidence that the school is aware of its responsibilities and has discharged them appropriately. Nonetheless, inspectors may wish to use the information to follow up issues of safeguarding and staff recruitment with the school.

238. 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.
239. 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.

Part 5. Premises and accommodation of schools⁴²

23A(1)(a). Has the proprietor ensured that suitable toilet and washing facilities are provided for the sole use of pupils?

23A(1)(b). Has the proprietor ensured that separate toilet facilities for boys and girls aged 8 years or over are provided except where the toilet facility is provided in a room that can be secured from the inside and that is intended for the use of one pupil at a time?

23A(1)(c). Has the proprietor ensured that suitable changing accommodation and showers are provided for pupils aged 11 years or over at the start of the school year who receive physical education?

240. This requirements are no longer closely defined by the Schools Premises regulations.⁴³ Instead, the provision of washroom facilities must be appropriate for the pupils at the school, and, if there is doubt, the proprietor must be able to explain convincingly to inspectors why the provision at the school is appropriate for their pupils. Inspectors should adopt a common sense approach and use their professional judgement in assessing compliance. They must

⁴² In considering compliance with the standards relating to premises and accommodation of schools, please also refer to paragraph 172–173 relating to the Equality Act 2010.

⁴³ The Education (School Premises) Regulations 1999;
www.legislation.gov.uk/ukxi/1999/2/contents/made.

consider the safety, privacy, dignity and comfort of young people using the facilities of the school. There should be a sufficient number of WCs to avoid queues at peak periods of use such as break times. The facilities should be accessible, serviceable and the cubicle doors lockable. They should be cleaned regularly and maintained in a hygienic state, with sufficient soap, lavatory paper and hand-driers or paper towels available. The previous standards are provided in the table at Annex A to serve as a guide only for the purpose of gauging whether there are sufficient lavatories/sanitary fittings for the use of the pupils at the school. The school no longer has to meet these specific requirements. The school's arrangements are not likely to meet requirements where they have a detrimental impact on pupils' welfare, health and/or safety.

241. For pupils over the age of eight, the washroom facilities for male and female pupils should be separate, except where there is a single W.C. facility which must be lockable.
242. Separate single, lockable facilities specially adapted for the use of disabled pupils may also be used when required by other pupils, staff and visitors, provided that privacy is guaranteed. In effect this means that the toilet must be directly 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.
243. Other than the situation described above, there should be separate washroom facilities for staff, which may also be used by visitors to the school.
244. 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 should 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.
245. In a very small residential school, providing education for its residents in a schoolroom on the premises, such as a terraced house, it is acceptable for the residential pupils to go back into the residential provision to use the toilets, although not the best practice. 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. Inspectors are asked to use professional judgement in

each situation. If pupils other than residents of those premises attend the school, they should not use the toilets in the residential accommodation.

246. Schools must provide appropriate showers and changing facilities for pupils aged 11 or over where PE takes place. The provision of showers is a new separate standard, but it is not a new requirement, and inspectors should make schools aware of this, should questions arise. It was covered by paragraph 23(j) in the previous Statutory Instrument which stated that there should be sufficient washrooms for staff and pupils including facilities for pupils with special needs and disability, which take account of regulations 3 and 4 of the Education (school premises) regulations 1999. Paragraph 3(7) in the Education (school premises) regulations 1999 stated that:

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 and that accommodation shall be readily accessible from the school grounds and from any accommodation provided for physical education within the school buildings.

247. The shower facilities for boys and girls should be separate, clean and well-maintained so that pupils' health and safety, privacy and dignity are not put at risk. Inspector will need to check that there are sufficient showers to avoid unnecessary queues and that there is sufficient hot and cold water. They should take account of what pupils say on the matter.
248. Where a school does not offer physical education for pupils aged over 11 years on its own premises, for example it uses the facilities of another school or a local leisure centre, inspectors should ask the proprietor to state whether the shower facilities in these locations have been checked for their suitability for the school's pupils. It is the duty of the proprietor to check that showers are suitable, not just for their efficiency and accessibility, but where they are in a public facility, such as a leisure centre, that the pupils using them are appropriately safeguarded.

23B(1). Has the proprietor ensured that suitable accommodation is provided in order to cater for the medical and therapy needs of pupils which includes:
23B(1)(a). accommodation for the medical examination and treatment of pupils?
23B(1)(b). accommodation for the short term care of sick and injured pupils, which includes a washing facility and is near to a toilet facility?
23B(1)(c). where a school caters for pupils with complex needs, additional medical accommodation which caters for those needs?

249. It is the responsibility of the proprietor to demonstrate that the school's arrangements are suitable for the pupils. In a school where pupils need treatment or therapy or have complex needs, the school should have considered carefully the range of their needs and provided sufficient space and specific facilities as may be required. Inspectors should discuss this with the school and use their professional judgement.

250. There should be appropriate accommodation for the care of sick or injured pupils that must **include** a washbasin and be near to a toilet facility. It should include a place where a pupil can lie down quietly and privately. 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, but the room must be made available for medical use as soon as it is required. A couch in the corner of the staffroom or the headteacher's office is unlikely to be suitable, unless that room may be vacated for the sick pupil's sole use. 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.
251. If there is residential provision attached and the medical room is provided there rather than in the school itself, this would meet the standards 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.
252. Inspectors should ensure that any medicines are stored in a locked cupboard. There are additional requirements for schools with residential provision.

23C. Has the proprietor ensured that the school's accommodation and facilities are maintained to a sufficient standard to ensure the health, safety and welfare of pupils, as far as is reasonably practical?

253. Inspectors are not health and safety experts and should avoid giving the impression that they are. They should make a common-sense judgement as to whether the school's premises, accommodation and facilities present any obvious risks to pupils' health, safety or welfare. The proprietor should be able to explain convincingly to an inspector what they have done to minimise any health and safety risks to pupils.
254. 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 this Standard to be met. The presence of the right of way itself does not constitute evidence of non-compliance.
255. Inspectors should also ensure the proprietor has considered and minimised risks with regards to:
- the security of the school's buildings and grounds
 - the space in classroom and other areas of the school for the number of pupils who use it, to ensure that all activities can be undertaken safely

- the safety of the school's playground and grounds, including driveways and car parks in use while children are at school to minimise the risk of traffic to their safety
- play equipment
- the general level of maintenance and hygiene
- a rolling programme of maintenance and testing for fire, gas and electrical equipment
- the arrangements for ensuring that pupils can get out of the building safely in the event of an emergency
- specialist facilities and equipment for physical education and sports; science and design and technology
- hygiene and cleanliness in areas where food is prepared, served or consumed.

256. 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 standalone inspections of boarding and residential special schools.

257. 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 warn the school that this form of words will appear 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 adopt the same practice as in maintained schools. We have agreed with the registration authority, the DfE, that this course of action will alert parents and other readers to security issues but will not put children at risk. There is no need for inspectors to produce a separate minute about breaches in site security for the DfE, as was our previous practice, as this evidence appears in the ROIEJ.

258. 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.

23D. Has the proprietor ensured that the acoustic conditions and sound insulation of each room or other space are suitable, having regard to the nature of the activities which normally take place therein?

259. Inspectors should make a common-sense judgement as to whether the acoustics and sound insulation are appropriate in all classrooms of the school for effective teaching and learning to take place. They should be alert to classrooms in close proximity to rooms where music is taught, or where noisy equipment is needed. Inspectors should pay particular attention to conditions in school which are located on busy roads, where the school should have made reasonable adaptations to insulate classrooms from sound interference. Pupils should be able to follow the lesson and concentrate without distraction from extraneous noise.

23E(a). Has the proprietor ensured that the lighting in each room or other internal space is suitable, having regard to the nature of the activities which normally take place in them?

23E(b). Has the proprietor ensured that external lighting is provided in order to ensure that people can safely enter and leave the school premises?

260. Inspectors should make a common-sense judgement as to whether the lighting is adequate in all classrooms of the school for effective teaching and learning to take place, paying particular attention to any specialist areas, for example where pupils are operating equipment. They should ensure that lights work in a selection of rooms (if seen during daylight hours) and in other areas such as corridors and staircases, to ensure that pupils can see to move around the school in safety. They should also check that there is sufficient external lighting in working order at entrances to buildings and on steps and pathways in schools with a larger campus.

261. Inspectors are not building surveyors. They should use common sense in assessing the lighting and acoustics of school accommodation. If they suspect that the school does not meet requirements, they should say so. The onus is on the school to supply evidence that it does.

23F(1)(a). Has the proprietor ensured that suitable drinking water facilities are provided and that these are readily accessible at all times when the premises are in use and are in a separate area from toilet facilities?

23F(1)(b). Has the proprietor ensured that toilets and urinals have an adequate supply of cold water and washing facilities have an adequate supply of hot and cold water?

23F(1)(c). Has the proprietor ensured that cold water supplies that are suitable for drinking are clearly marked as such?

23F(1)(d). Has the proprietor ensured that the temperature of hot water at the point of use does not pose a scalding risk to users?

262. Children must have access to drinking water. There should be a wholesome supply of drinking water which pupils can access whenever they need it. There is no statutory requirement for drinking water to be available in playgrounds. Some schools may have drinking water fountains located in cloakrooms. They do not need to take these out, but there should be other additional sources of

drinking water available in the school which the pupils can readily access. Inspectors should test this out and take account of pupils' views. The sources of drinking water should be clearly labelled as such. However, given that water boards supply potable water, it is acceptable in a very large school with multiple taps for the prime sources of drinking water to be labelled, and for any source of water which is not potable – such as garden taps – to be clearly labelled as 'not drinking water'.

263. Inspectors should ensure that there is sufficient hot and cold running water in cloakrooms and that the temperature of the hot water does not pose a scalding risk. They should do so by asking the proprietor what has been done to ensure a suitable water temperature and cross-checking this by running the water in a selection of cloakrooms, classrooms and showers.

23G(1)(a). Has the proprietor ensured that there is suitable outdoor space to enable physical education to be provided to pupils in accordance with the school curriculum?

23G(1)(b). Has the proprietor ensured that there is suitable outdoor space to enable pupils to play outside?

264. 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. Inspectors should take a common-sense approach, bearing in mind the numbers of pupils using the space at any given time. 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. 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.

265. Where schools have insufficient outdoor space, they must be able to demonstrate to inspectors the adequacy of arrangements they have made to deliver the curriculum for physical education. Permanent bookings with leisure centres, hire of swimming pools or sharing the facilities of other local schools may all be acceptable alternatives.

266. Inspectors should note that paragraphs 23G(1)(a) and (b) do not apply in relation to an alternative provision academy.

23H. Has the proprietor ensured that where the school provides accommodation that it has regard to standard 5 of the national minimum standards for boarding schools or where applicable standard 5 of the national minimum standards for residential special schools?

267. 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 standards are met. If they do not, 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 impact on compliance with the independent school standards. This should be reported in the compliance section of the report. Inspectors should note, however, that the standard refers only to provision in boarding and residential special schools, and not to children's homes. Therefore, on an integrated inspection, this standard is only likely to fail if the residential 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 23H; 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, has 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 for parents, carers and others

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

269. 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 standards 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 parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate? 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.

270. 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 applicable parts of the standard have been met.

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

272. The standard 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.

24(1)(b). Has the following information been made available to parents of pupils, parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate?

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 and 11.

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.

273. 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. Inspectors should check

that the school has provided parents with accurate and up-to-date information about the school's policies and procedures as required. The standard should be failed where information has not been updated and/or is incorrect and therefore misleading.

274. If there are no pupils on roll or likely to be admitted imminently for whom English is an additional language, this part of the standard may be ignored.
275. 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.
276. Inspectors should check that parents are provided with an accurate summary of the curriculum experienced by the pupils. This need not contain full details of the schemes of work, but should give a summary of the topics and skills covered for each of the year groups.

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)?

277. 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 standard.

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?

278. 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 provided to the local authority and, on request, to the Secretary of State? (Please note that this paragraph of the standard does not apply where the funding is solely for free of charge early years provision.)

279. 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. Manner in which complaints are to be handled

280. Proprietors must ensure that the school must meet paragraphs 25(a–k). standard 25(a) is met where there is a written complaints procedure in place, and from this procedure it is an easy matter to see whether the other requirements are met. If the school does not have a written complaints procedure it is unlikely that it can be established whether any of the other standards in this part are met.
281. Standard 25(b) is met if the complaints procedure is made available to parents, and is not just available on request.
282. Standard 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.
283. Standard 25(i) has been revised by the DfE to clarify what is expected in relation to the distribution of panel findings and recommendations.
284. Inspectors should note that the previous standard 25(l) has been revoked. This is covered by the national minimum standards for boarding and residential special schools.

Inspecting the Early Years Foundation Stage

285. The inspection of registered provision for children aged from birth to three years is not part of the school inspection. The inspection of registered provision may be scheduled to occur at the same time as the standard school inspection, or as a separate event, but it will always be conducted as a separate inspection and result in a separate report. Registered provision is inspected according to the framework and evaluation schedule for inspecting registered early years settings by an inspector who has been trained for and is experienced in this phase.⁴⁴ Inspectors should check that the school has properly registered any provision for children aged from birth to three years in the Early Years Foundation Stage, and report to Ofsted where this is not the case.
286. Provision for pupils aged from 'rising three' (the term in which their third birthday falls) is included in the registration of the school, and therefore also covered by the school inspection. 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, unless the school has been granted an exemption. The Act

⁴⁴ *Evaluation schedule for inspections of registered early years provision* (120086), Ofsted, 2012; www.ofsted.gov.uk/resources/using-early-years-evaluation-schedule-guidance-for-inspectors-of-registered-early-years-settings-req.

does not allow exemptions to be granted from the welfare requirements of the Early Years Foundation Stage as these requirements deal with fundamental issues of child safety. From October 2012 independent schools which have previously demonstrated that they make good or better provision for the Early Years Foundation Stage may apply for an exemption from the learning and development requirements of the Early Years Foundation Stage Framework – please refer to Annex D of *Conducting inspections of non-association independent schools* for more information on exemptions.⁴⁵ Inspectors should note that all previous exemptions held by schools expire at the end of August 2012. Inspectors may ask to see copies of letters granting exemptions via the established principles route. The report should refer to any exemptions which are granted from the learning and development requirements of the Early Years Foundation Stage in line with the guidance in *Writing inspection reports*.⁴⁶

287. The provision for three- to five-year-old children is an integral part of the section 162A independent school inspection, and contributes to all key inspection judgements. 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. In reaching the key inspection judgements for the school inspectors must consider the quality of the educational provision and progress made by all children the school, including the children aged three to five in the Early Years Foundation Stage. No separate judgements are made about provision and outcomes of three and four year old children in the Early Years Foundation Stage; and no separate report or section of the report is written.
288. Childcare for older pupils is inspected proportionately as part of section 162A inspection of the school and should be mentioned in the main school report, where appropriate. Where schools offer before and after school care for their own pupils on roll, this provision should be considered as part of the school inspection, and the findings woven into the inspection report at the lead inspector's discretion. However, childcare provision for children aged three and over, where none of the children are on the school's roll, will be registered on either the Early Years Register or the Childcare Register. Such provision is not part of the school inspection; it forms part of a separate inspection of registered Early Years Foundation Stage provision and will result in a separate report.
289. Where the school takes children aged between three and five years, inspectors should familiarise themselves with the *Subsidiary guidance supporting the*

⁴⁵ *Conducting inspections of non-association independent schools* (090048), Ofsted, 2014; www.ofsted.gov.uk/resources/090048.

⁴⁶ *Writing inspection reports* (090052), Ofsted, 2013; www.ofsted.gov.uk/resources/090052.

inspection of maintained schools and academies, particularly in judging children's achievement.⁴⁷

290. Where the school has no exemptions relating to the learning and development requirements of the Early Years Foundation Stage, inspectors should expect to see opportunities for children to learn 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 but may be found in many independent schools. Inspectors should beware of advocating any particular teaching style and judge the quality of the teaching by its impact on what the children have learned.
291. Inspectors should take care to ensure that the ratio and qualifications requirements (as set out in Appendix 2 of the *Statutory Framework for the Early Years Foundation Stage*⁴⁸) 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 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.
292. 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.

⁴⁷ *Subsidiary guidance supporting the inspection of maintained schools and academies*, (110166), 2013; www.ofsted.gov.uk/resources/110166.

⁴⁸ *Statutory framework for the Early Years Foundation Stage* (DFE-00023-2012), Department for Education, 2012; www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00023-2012.

Inspecting boarding and residential provision

293. Inspectors are referred to the document *Conducting inspections of residential provision in boarding and residential special schools*.⁴⁹ 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.
294. The social care inspector who is taking the lead on the inspection of boarding/residential provision will record judgements and evidence in an RSA toolkit for integrated inspections. 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 memory stick at the end of the inspection or as soon as possible thereafter by uploading it to the inspection service provider's portal.⁵⁰ This document contains a summary of inspection findings, key judgements and a list of any national minimum standards that the school has not met. The lead education inspector must paste the contents of the integrated inspection report document into the 'Evidence from boarding or residential provision' section of the ROIEJ.
295. 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.
296. The five key boarding judgements must be recorded in the integrated inspection report and in the inspection judgements form which appears at the end of the ROIEJ. 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*.⁵¹

⁴⁹ *Conducting inspections of residential provision in boarding and residential special schools* (100180), Ofsted, 2014; www.ofsted.gov.uk/resources/100180.

⁵⁰ If the lead education inspector was one of Her Majesty's Inspectors, the social care inspector can send the document to the lead inspector by email.

⁵¹ *Writing inspection reports* (090052), Ofsted, 2014; www.ofsted.gov.uk/resources/090052.

Independent schools which are dually registered as children's homes

297. Where the inspection of education provision in an independent school which has dual registration as a children's home took place at the same time as an inspection of the care provision, in an 'aligned inspection', the lead education inspector should include in the ROIEJ a note that the school has dual registration as a children's home, as this provides the context for the quality assurance reader when checking the education inspection report.
298. The social care inspector and the lead inspector will need to ensure that the judgement on the overall effectiveness of the provision, which the social care inspector feeds back to the children's home at the end of the inspection, is recorded simply in the 'Evidence from boarding or residential provision' section of the ROIEJ. No other text is necessary. This is not public information and is for our records and for the information of the Department for Education.
299. Where national minimum standards for children's homes are not met, inspectors should note that this does **not** have an impact on paragraph 8 in Part 3 and paragraph 23H in Part 5, because these standards apply only to boarding schools and residential special schools. As such, in an aligned inspection of an independent school with dual registration as a children's home, no reference should be made to the national minimum standards for children's homes in the ROIEJ. The social care inspector will record any failure in standards in their record and report.
300. Guidance on carrying out aligned inspections and drafting reports of dually registered schools is available in *Conducting inspections of non-association independent schools* and *Writing inspection reports* respectively.^{52,53}

Completing the table of inspection judgements

301. The last part of the ROIEJ requires inspectors to record the key inspection judgements.
302. Where there is boarding or residential provision, the five boarding/residential 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.

⁵² *Conducting inspections of non-association independent schools* (090048), Ofsted, 2014; www.ofsted.gov.uk/resources/090048.

⁵³ *Writing inspection reports* (090052), Ofsted, 2014; www.ofsted.gov.uk/resources/090052.

Annex A. The provision of toilets and washing/showering facilities in independent schools

303. The requirements of the national minimum standards for residential special schools, boarding schools and the Education (School Premises) Regulations 1999 are aligned.^{54,55}
304. Standards are now met if there are appropriate and suitable arrangements for the pupils and, where relevant, the 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	Independent school standards
	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.	No ratios are now specified: schools must be able to demonstrate to inspectors that their arrangements are appropriate for their pupils. Previous regs could be used as a 'rule of thumb' but must not be taken literally. They

⁵⁴ The Education (School Premises) Regulations 1999; www.legislation.gov.uk/uksi/1999/2/contents/made.

⁵⁵ The national minimum standards for boarding schools and residential special schools are both available on the Department for Education's website: www.education.gov.uk/schools/leadership/typesofschools/a00192112/boarding-schools.

	National minimum standards for residential special schools	National minimum standards for boarding schools	Independent school standards
			<p>stated: One toilet (that is, water closet or urinal) for every 10 pupils under the age of five.</p> <p>One toilet for every 20 pupils over the age of five.</p> <p>In a day special school there should be 1 toilet for every 10 pupils.</p> <p>The number of washbasins should be at least two-thirds of the number of sanitary fittings.</p>
			For pupils over the age of eight, toilets for males and females should be separate.
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.	Inspectors should check that showers are accessible, that there is sufficient hot water available, and that pupils can use them in privacy.
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	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	It is permissible for toilets specially adapted for disabled people to be used by staff, visitors and pupils, provided that privacy is guaranteed.

	National minimum standards for residential special schools	National minimum standards for boarding schools	Independent school standards
	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.	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.	
Child protection	Staff and adult visitors must use separate toilet and bathroom or shower facilities to those used by children.	Staff and other adults (including visitors) have separate toilet and showering or bathing facilities, and do not share boarders' facilities.	There should be separate facilities for staff, which may also be used by visitors. Staff and visitors may use single lockable WCs which are adapted for use of the disabled.
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.	The standards no longer specify water temperature and drainage requirements. Inspectors should check that children's health and safety are not at risk.