

# The framework for inspecting education in non-association independent schools

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

This framework incorporates the inspection of provision for pupils in the Early Years Foundation Stage, taking account of the Statutory Framework and Guidance for the Early Years Foundation Stage and, where there is registered provision for the care of children from birth to age three, under Section 49(2) of the Childcare Act 2006.

It also incorporates the inspection of provision for pupils in independent boarding schools, residential special schools and children's homes which are registered to provide education, under the Care Standards Act 2000.

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## Introduction

This document sets out the way in which Ofsted conducts the inspection of independent schools under section 162A of the Education Act 2002, as amended by Schedule 8 of the Education Act 2005.<sup>1</sup>

**Section 1** of this document sets out the basis for inspections.

**Section 2** contains the evaluation schedule, which specifies what inspectors must consider in order to judge how well the school is doing and to explain why.

**Section 3** describes how inspections are conducted.

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<sup>1</sup> [www.opsi.gov.uk/acts/acts2002/ukpga\\_20020032\\_en\\_14#pt10-ch1-pb4-l1g162](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020032_en_14#pt10-ch1-pb4-l1g162) and [www.opsi.gov.uk/acts/acts2005/ukpga\\_20050018\\_en\\_1](http://www.opsi.gov.uk/acts/acts2005/ukpga_20050018_en_1), hereafter referred to as inspections made under section 162A.

## Section 1: The basis for inspections

### The legal requirements for registration and inspection of independent schools

1. Section 157 of the Education Act 2002 specifies that regulations setting out the standards that independent schools must meet should be made on the following matters:
  - quality of education
  - spiritual, moral, social and cultural development of pupils
  - welfare, health and safety of pupils
  - suitability staff, supply staff and proprietors
  - premises of and accommodation at the school
  - provision of information
  - manner in which complaints are to be handled.

Such standards are set out in The Education (Independent School Standards) (England) Regulations 2010.<sup>2</sup>

2. The inspection of an independent school is carried out by Ofsted under Section 162A of the Education Act 2002, as amended, the purpose of which is to advise the Secretary of State for Education about the school's suitability for continued registration as an independent school. The school inspection covers the school's provision for all registered pupils from the term in which their third birthday occurs to the age of eighteen.
3. The inspection of the school's provision for pupils in the Early Years Foundation Stage takes account of the Statutory Framework and Guidance for the Early Years Foundation Stage in determining whether the learning, development and welfare requirements are met or not.
4. Where schools also make provision for the care of children from birth to age three, they must register this provision separately with Ofsted. The inspection of registered provision is conducted under Section 49(2) of the Childcare Act 2006. Where this provision is also owned and managed by the school's proprietor or governing body the registered provision is covered as part of the school inspection.
5. The inspection of boarding and welfare provision in boarding schools and residential special schools is carried out under the Care Standards Act 2000

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<sup>2</sup> [www.opsi.gov.uk/si/si2010/uksi\\_20101997\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20101997_en_1)

having regard to the national minimum standards for boarding schools or residential special schools, as appropriate, and the associated regulations.

6. In a school which has dual registration as a children's home, the inspection of social care is carried out under the Care Standards Act 2000 having regard to the national minimum standards for children's homes and the Children's Homes Regulations 2001.
7. Section 2 of the Education Act 2005 imposes a number of duties on Her Majesty's Inspector of Education, Children's Services and Skills (HMCI), including to provide advice to the Secretary of State on such matters as may be specified in the Secretary of State's request, for example a school's compliance with sections 28D and E of the Disability Discrimination Act 1995, as amended by the Special Needs and Disability Act 2001.
8. Ofsted also has a general duty, under section 71 of the Race Relations Act 1976, to have due regard, in carrying out its functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

## **The purpose of inspection**

9. The Education and Inspections Act 2006 sets out three overriding considerations which Ofsted is now required to bear in mind in everything it does:
  - to promote improvement in the services it inspects or regulates
  - to ensure that these services focus on the interests of children, parents, adult learners and employers who use them and
  - to see that these services are as efficient and effective as possible.

The framework for inspecting independent schools reflects these aims.

10. Ofsted inspectors will generally conduct one single integrated inspection of the whole provision made by a school in a three year period. This inspection will cover the education, Early Years Foundation Stage, care and boarding provision, as appropriate, and will result in a single report which tells the school, parents, placing authorities, the wider community and the registering authorities whether the requirements for registration are met<sup>3</sup>. The report also provides the school with an independent, external view of the quality of its provision and its strengths and weaknesses. Inspectors tell the school what it

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<sup>3</sup> In addition to the integrated inspection which occurs every three years, residential special schools also receive an annual welfare inspection; in a children's home two welfare inspections are conducted each year. These reports are also published on Ofsted's website.

must do to meet all the regulations, making clear why they have come to their conclusions.

11. Ofsted inspects and regulates services in ways that will be of real benefit. Inspection is intended to drive improvement and give assurance about standards, quality and use of resources. Our work is proportionate to risk, and we therefore direct our inspection resources where they are most needed: to safeguard children and learners in vulnerable circumstances and where the provision for pupils is not acceptable. Inspection also takes full account of Ofsted's policies on equality and diversity.
12. The inspection of an independent school takes account of the distinctive character and aims of the school and its own self-evaluation. Inspectors also welcome the views of pupils, parents and other interested parties such as the local authorities who fund places at the school, and take account of this evidence when inspecting the school.
13. Inspectors reach fair and unbiased conclusions based on sound evidence. Clear and transparent judgements are made according to our published procedures, guidance and criteria. Inspection is rigorous, fair, and not based on a single model of provision and effectiveness. In inspecting religious education in schools that provide it, inspectors consider the contribution of such teaching to the pupils' overall personal and spiritual development.
14. Inspectors report with integrity on the extent to which the school achieves its aims and meets the requirements for registration.

### **Inspector's code of conduct**

15. Inspectors are required to uphold the highest professional standards in their work and to ensure that everyone they encounter during inspections is treated fairly and with respect. These standards are assured through a code of conduct which requires inspectors to:
  - evaluate objectively, be impartial and inspect without fear or favour
  - evaluate provision in line with frameworks, national standards or requirements
  - base all evaluations on clear and robust evidence
  - have no connection with the provider which could undermine their objectivity
  - report honestly and clearly, ensuring that judgements are fair and reliable
  - carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
  - endeavour to minimise the stress on those involved in the inspection
  - act in the best interests and well-being of service users

- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly
- respect the confidentiality of information, particularly about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues.

## **The engagement of schools' staff with inspectors**

16. To ensure that inspection is productive and beneficial, it is important that inspectors and schools establish and maintain an appropriate working relationship based on courtesy and professional behaviour. Inspectors are expected to uphold the code of conduct but Ofsted also expects schools' staff to:
- apply their own codes of conduct in their dealings with inspectors
  - enable inspectors to conduct their visit in an open and honest way
  - enable inspectors to evaluate the school objectively against the framework
  - provide evidence that will enable the inspector to report honestly, fairly and reliably about their provision
  - work with inspectors to minimise disruption, stress and bureaucracy
  - ensure that the health and safety of inspectors is not prejudiced while they are on their premises
  - maintain a purposeful dialogue with the inspector or the inspection team
  - draw any concerns about the inspection to the attention of inspectors promptly and in a suitable manner
  - understand the need of inspectors to observe practice and talk to staff and users without the presence of a manager.

## **Which schools are inspected?**

17. An independent school is an establishment which provides education either for five or more pupils of compulsory school age or for one or more pupils of compulsory school age if they have a statement of special educational need or are in public care. This definition brings into the scope of an inspection a number of very small schools, many of which have dual registration as children's homes, and provide exclusively for vulnerable young people in public care or with special educational needs.
18. Independent schools catering wholly or mainly for pupils with special educational needs or disabilities are also inspected under the arrangements



outlined in this document, but non-maintained special schools continue to be inspected under section 5 of the Education Act 2005.

19. The following types of independent school are subject to independent school regulations and inspection, but are also inspected under section 5 of the Education Act 2005:

- city technology colleges
- city colleges for the technology of the arts
- academies.

In practice, there will be a single inspection of these schools, which will encompass both systems. New academies seeking registration must first have an initial registration inspection according to the procedures outlined below. This does not include outstanding maintained and independent schools which transfer to become academies.

20. The inspection of education in most independent schools is conducted under either section 162A(1)(a) or (1)(b) of the Education Act 2002, as amended. Inspections under section 162A(1)(a) are arranged by Ofsted. These inspections are conducted by HMI or additional inspectors (AI) who work with social care inspectors where the school makes residential provision. Section 162A(1)(b) allows the Secretary of State to approve another body to carry out the inspections. For example, the Independent Schools Inspectorate is approved to carry out inspections of schools that are members of the Independent Schools Council, the School Inspection Service is approved to carry out inspections of schools owned by the Focus Learning Trust, and the Bridge Schools Inspectorate is approved to conduct inspections in specified Muslim and Christian schools in England. Ofsted monitors a sample of the inspections and reports produced by other inspectorates and reports to both the chief inspectors of these inspectorates and the Registration Authority – the Department for Education (DfE) – about their quality. Where schools in associations also make boarding provision, this is inspected by Ofsted.

## **What happens to new schools?**

21. Proprietors wishing to open a new school must apply to the DfE for registration. They will be asked to supply the information set out in Statutory Instrument 2010 No.1997 The Education (Independent School Standards) (England) Regulations 2010.
22. Where the intention is to make provision for residential pupils also, the school's application must show how it will meet the Care Standards Act 2000 and the relevant national minimum standards. The proprietor should ensure that the prospective school meets all these standards before the inspector's first visit. Inspectors will consider the written evidence before an initial visit is made to the school, which will be before the school starts to operate, in order to advise

the Secretary of State about the school's readiness for registration. Schools may not accept pupils until the school has been registered. As a result of a pre-registration visit, the inspector will make a report to the Registration Authority recommending that the schools be registered (or not). This report is not published, but will be made available to the school.

23. Once registered, a new school will receive an inspection in the first year after its registration and will be expected to complete and keep updated an evaluation of its performance for which the *School information and evaluation form* (SIEF) may be used. The reports from these inspections have been published on Ofsted's website since September 2009.

### **How often will schools be inspected?**

24. The Secretary of State requests Ofsted to conduct routine inspections of registered independent schools.<sup>4</sup> Ofsted completed the first cycle of inspections of all registered non-association independent schools on 31 March 2008. This means that almost all these schools now have a published report available on Ofsted's website. The exceptions are the reports which result from the first inspection of newly registered schools, as their reports could not be published before September 2009, although schools were obliged to make a copy available to parents and others on request. Since 1 April 2008 all non-association independent schools are inspected at least once in a three-year period. The selection of schools for inspection each year will take into account the type, size and location of the school and the timing and outcome of its previous inspection.
25. Where schools provide for children in the Early Years Foundation Stage, or for boarders, or both, the timing of the integrated inspection covering all provision will take account of the last inspection(s). Thus, in aligning inspection cycles in the period 2008–2011, it may be that the school inspection occurs earlier or later than might have otherwise been expected, and schools must not expect that their integrated inspection will take place exactly three years after their last educational inspection occurred.
26. For residential and boarding schools and those which have registered childcare, a fully integrated inspection of all provision in a school will take place within a three year cycle 2008–2011. This will result in a single integrated inspection report. In addition, residential special schools will continue to have an annual freestanding inspection of boarders' welfare, where this does not coincide with the school inspection, and these reports will be published on Ofsted's website. Those schools which are dually registered as children's homes will receive an integrated inspection of welfare and education at least once during the three

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<sup>4</sup> The DfE will ask the Independent Schools Inspectorate to conduct the inspection in the case of schools that are members of the Independent Schools Council, or School Inspection Service in the case of Focus Learning Trust schools, or Bridge Schools Inspectorate in the case of faith schools.

year cycle and will also continue to receive two annual welfare inspections. Their education and welfare reports will be published on Ofsted's website.

## How will schools be inspected?

27. The length of the inspection and the size of the inspection team will depend on the circumstances of the school as well as the previous inspection findings. A shorter 'light-touch' inspection which is proportionate to risk is available to those day schools which meet the criteria set out below.<sup>5</sup> The schools which do not meet these criteria will be inspected under the standard model of inspection.
28. In the inspection period 2011–2014, Ofsted will inspect schools that have previously had a light-touch inspection using the standard inspection model, and those which previously had a standard model will be given a shorter inspection if they meet the 'light-touch' criteria. Thus, over the six year period 2008–2014, each school will be inspected twice; many will be subject to both a standard and a light-touch inspection, but residential or special day schools, children's homes and those which have not improved sufficiently to meet the 'light-touch' criteria will be inspected using the standard model on both occasions. This policy enables inspectors to devote sufficient inspection time to vulnerable pupils.
29. A standard inspection typically involves one or more inspectors for two days in school, depending on the school's circumstances. A light-touch inspection will last for one day only in a day school. All inspections include some additional preparation time for the inspector, which may, with the school's agreement, be spent partly in the school the day before the actual inspection.
30. The inspection of residential special schools and boarding schools will last two full days in school.<sup>6</sup> The inspection of education and residential provision will be integrated, and will always include a full inspection of boarders' welfare, as required by the legislation.<sup>7</sup> The lead inspector may spend their planning day in

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<sup>5</sup> The light-touch inspection model is not available to residential schools or to those which cater wholly or mainly for pupils who are in public care or who have a statement of special educational need. To be eligible for a light-touch inspection schools must in the previous inspection have met at least 90% of all regulations for independent schools. They must also have met the vast majority of regulations for quality of education, specifically regulations 1(2) to 1(3)(f) and 1(3)(h) and regulation 2(e). In addition they must have demonstrated that they had met the requirements in force between September 2003 and July 2007 relating to the arrangements for child protection, regulation 3(2)(b), and those relating to the recruitment of staff, standard 4. New requirements for safeguarding children and safer recruitment in education came fully into force in independent schools in August 2007 which changed regulation 3(2)(b) and all those in standard 4 and any schools inspected after 1 September 2007 will be expected to have met these new requirements in order to qualify for a light-touch inspection when their next inspection is due.

<sup>6</sup> In this context a day is a period of 24 hours.

<sup>7</sup> The inspection of education and welfare is always integrated. Residential special schools also receive an annual welfare inspection.

the school. Integrated inspections begin with the arrival of the boarding inspector/s on the first afternoon, and end with feedback to the school two full days later.

31. Schools which are dually registered as children's homes will be inspected over two days, as above. For very small children's homes which offer education, the educational inspection will always coincide with a key welfare inspection. Inspectors will be in school together and may spend only one day in school if appropriate.

### **Additional inspections**

32. The DfE may ask Ofsted to undertake a further inspection of a school in order to follow up a school's progress against an action plan if the first inspection has shown that it has not met a substantial number of the regulations, particularly those relating to educational provision or the safeguarding of pupils' welfare. Such visits result in a short report which is published on Ofsted's website.
33. The DfE may request Ofsted to undertake an emergency visit to inspect a school where a complaint has been received or where it has other concerns about a school. The report resulting from this inspection visit will be sent to the DfE and may be published at the request of the DfE. Ofsted generally gives schools two days' notice of such a visit, but may inspect without notice where requested to do so by the Registration Authority.
34. The DfE may also request Ofsted to undertake a further inspection of a school where a material change is proposed. Material changes are changes in any of: the proprietor, the school premises and accommodation, the age range of pupils, the maximum number of pupils, the gender of pupils admitted, boarding provision, or a change in the admission of pupils with special educational needs. The resulting report will not be published, but the DfE will send the school a letter as a result of the visit.

### **Who are the inspectors?**

35. Inspectors may be directly employed by Ofsted or additional inspectors recruited, trained and assessed by contractors to a standard set by Ofsted. These contractors work alongside Ofsted to undertake inspections to an agreed schedule.
36. All inspectors are required to have appropriate qualifications and experience. Ofsted ensures that all inspectors:
  - are properly trained and assessed to specified standards
  - engage in continuous professional development to improve their inspection skills
  - have relevant and up-to-date knowledge about their areas of expertise

- have current and enhanced Criminal Records Bureau (CRB) checks.
37. The number of inspectors on a team is determined by the size and individual circumstances of each school. In a standard inspection the inspection team usually consists of two inspectors, but other inspectors may augment the team in the case of large schools or complex provision, for example, those on split sites, where there are a substantial number of boarders or nursery pupils, or where particular expertise, for example in ballet, special educational needs or a foreign language is needed. In smaller schools, there may only be one inspector on the team. Where the school's provision includes children in the Early Years Foundation Stage, the team will generally be augmented by an additional inspector with expertise in this phase. For schools with registered provision for children under three years of age, the team will contain an expert in Early Years.
  38. In a light-touch inspection there will usually be only one inspector who will visit the school for a day. However, where the school's provision also includes the Early Years Foundation Stage, an additional inspector with expertise in that phase will join the lead inspector for the day. Additional inspectors may be added to the team in the case of very large schools or those which have multi or split sites, other complex provision or where there is a particular need for special expertise.
  39. Inspection teams are staffed flexibly to take account of the profile of the school. All inspectors are well trained. They are experienced in inspecting independent schools and will have a good understanding of the type of school they inspect, in order that schools can have confidence in their knowledge and judgements.

## Section 2: The evaluation schedule

40. Following a standard inspection, the inspection report will contain the following sections.

### The purpose and scope of inspections

41. This section will set out the legal basis for the inspection of the school's provision depending on whether the school provides education for pupils of compulsory school age only, includes education and care for children in the Early Years Foundation Stage, or offers residential or boarding provision. The purpose of inspection includes the need to advise the Secretary of State about the school's suitability for continued registration as an independent school. In the case of boarding or residential special schools or those schools with registered childcare, the purpose of inspection also includes informing the Registration Authority about the suitability of this provision.

### Information about the school

42. This section will contain information about the school, its pupils and its aims. It will also state when the school was last inspected and the type of inspection.

### Evaluation of the school

43. Inspectors will report on the school's overall effectiveness in meeting its declared aims and whether the school complies with the standards for registration.<sup>8</sup> Inspectors will make detailed and clear judgements under the following standards:
- quality of education
  - spiritual, moral, social and cultural development of pupils
  - welfare, health and safety of pupils
  - suitability of staff, supply staff and proprietors
  - premises of and accommodation at the school
  - provision of information
  - manner in which complaints are to be handled
  - effectiveness of the Early Years Foundation Stage.

This section will be included only if appropriate to the school's provision.

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<sup>8</sup> The criteria for judgements in relation to the standards are set out in The Education (Independent School Standards) (England) Regulations 2003.

## Effectiveness of the boarding provision

44. This section will only be included if appropriate. For children's homes providing education that are dually registered as schools, Ofsted will publish a separate report on the welfare provision.

## Compliance with regulatory requirements

45. This section will state clearly whether the school meets The Education (Independent School Standards) (England) Regulations 2010 and the requirements of the Disability Discrimination Act 1995 as amended. It will identify any regulations which are not met and state what the school needs to do in order to meet them.
46. The section will also make clear, if appropriate, whether the school meets the learning and development and the welfare requirements of the Early Years Foundation Stage, and, if not, what it must do to meet them. Where there is registered childcare, the report will state whether this provision meets the requirements of the Childcare Act 2006 and, if not, the action it must take.
47. Finally, in boarding or residential special schools, the report will make clear whether the school meets the national minimum standards for boarding schools or residential special schools, as appropriate, and, if not, the action it must take. For dually registered children's homes, the report will make reference to the separately published welfare report which will contain the details of whether the national minimum standards for children's homes are met.

## What the school could do to improve further

48. This section will only be completed for schools which meet all or almost all of the regulatory requirements. It is intended to provide a helpful agenda to the school for its future development. Schools are not required to address these points in an action plan.
49. A **light-touch inspection** will generally only report under the following headings:
  - purpose and scope of the inspection
  - information about the school
  - evaluation of the school
  - quality of education
  - spiritual, moral, social and cultural development of the pupils
  - safeguarding welfare, health and safety of pupils
  - effectiveness of the Early Years Foundation Stage (if applicable)
  - effectiveness of the boarding provision (if applicable)

- compliance with regulatory requirements
  - what the school could do to improve further (if appropriate).
50. Inspectors will follow up any regulations which were not met at the time of the previous inspection as well as any issues which might arise during the inspection. They will make clear whether the school meets the requirements of the regulations and, where it does not, what action must be taken.
51. If appropriate, inspectors will examine the provision the school makes for pupils in the Early Years Foundation Stage and for boarders. Their judgements will be summarised in the report. Where relevant, inspectors will make clear where aspects of the learning, development or welfare requirements of the Early Years Foundation Stage, or the requirements of the Childcare Act 2006 or the Care Standards Act 2000 are not met.
52. When making judgements about the quality of the school's provision, inspectors will refer to the *Criteria for making judgements*.<sup>9</sup> They will analyse the factors that account for the school's strengths and weaknesses and also take account of the following:
- the school's own self-evaluation
  - evidence of the views of parents, students, pupils, placing authorities and other significant partners, and, where applicable
  - the most recent previous reports of the inspection of childcare and funded nursery provision; the school's compliance with national minimum standards for boarding schools or residential special schools, or children's homes; compliance with environmental health and fire regulations; reports resulting from inspections undertaken by accrediting bodies or, in the case of schools following the curriculum of another country, by other national inspectorates.

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<sup>9</sup> *Criteria for making judgements*, Ofsted, 2010; [www.ofsted.gov.uk/publications/090049](http://www.ofsted.gov.uk/publications/090049) This document is also available in the Guidance for inspectors section of the *Independent, boarding and residential special schools inspection handbook*.



## Section 3: The conduct of inspections

### What happens before an inspection?

53. The inspection service provider will normally notify schools of their inspection by telephone two clear working days before the inspection is due to begin, and send confirmation of the actual inspection dates and details of the team by email on the same day. However, in some cases schools may be inspected without notice.
54. Schools are asked to send out questionnaires to parents, pupils and, where appropriate, to the local authorities who place and fund pupils at the school. These will need to be sent out immediately so that there is time to complete and return them for the start of the inspection. Schools which cater mainly or wholly for pupils who have a statement of special educational need, or are in public care, may find it helpful to have prepared in advance for inspection by agreeing with placing authorities a named person to whom such questionnaires should be sent. Please note that placing authorities are required to send their completed questionnaires directly to the inspection service provider who forwards them to the lead inspector. Schools may adapt the pupils' questionnaire to suit the needs and abilities of their pupils, for example by translating it into Braille or symbols. Schools may also make other reasonable adjustments such as providing additional support with completing the questionnaires for pupils who have low literacy skills or learning difficulties. It is important, however, that pupils are able to express their views privately if they so wish.
55. All schools are asked to make a self-evaluation of their provision, and to keep it up to date. Many schools use the Ofsted *School information and evaluation form* (SIEF) for this purpose, which has been available online since 1 July 2008 and schools have been sent a password and technical instructions on how to complete and submit the form. The SIEF incorporates questions and judgements for the Early Years Foundation Stage which became effective from 1 September 2008. Boarding and residential special schools may also evaluate their provision against the relevant national minimum standards.
56. When the inspection service provider notifies the school of the inspection dates, the headteacher is asked to ensure that within 24 hours an up-to-date version of the SIEF is submitted to Ofsted so that it can be accessed by inspectors.
57. Within 24 hours of the school being notified of its inspection, the lead inspector will telephone the headteacher to discuss arrangements for the inspection. This may include making appointments for inspectors to talk to key members of staff, meet pupils, and look at a sample of their work. The school should ensure that policy documents and evidence of pupils' work is available for scrutiny during the inspection. Schools will not be expected to prepare additional documentation for inspectors.

58. Immediately prior to the start of the inspection the lead inspector has a planning day and may, with the consent of the school, spend part of that day in the school reading documentation, looking at pupils' work, meeting the headteacher and/or proprietor and looking at the premises. Lessons will not be inspected during this time; however in a boarding or residential special school or children's home the inspection of boarding provision may begin on the evening before, with the inspector talking to the young people.

### **What happens during an inspection?**

59. In preparing for and conducting the inspection, inspectors take account of the school's evaluation of its own work and the evidence provided to justify these judgements. Due consideration is also given to the responses from pupils, parents and local authorities in the questionnaires. Inspectors use all this information intelligently to set up lines of enquiry which they may pursue during the inspection.
60. Inspectors spend the time in school inspecting teaching and learning and evaluating pupils' progress, observing and talking to the pupils, and following up inspection issues. They look at a range of lessons. Since inspectors focus on the quality of teaching and its impact on pupils' learning, rather than on the performance of individual teachers, they will probably not see all staff teaching. The work of unqualified, as well as qualified teachers, and the work of teaching assistants, may be observed. In schools with pupils in the Early Years Foundation Stage, inspectors will look at the appropriateness of the curricular and other provision and the quality of the teaching in meeting the learning, development and welfare requirements for pupils. Teachers whose lessons have been observed are offered brief feedback, immediately after the lesson or at a mutually convenient time. In addition to observing lessons, inspectors may wish to see evidence of lesson and curriculum planning, marking, assessments and records that are kept of pupils' progress.
61. The inspectors make judgements about pupils' progress based on the evidence they gather during lessons and from talking to the pupils and looking at their work. They take account of the school's results in any public examinations taken and any other relevant measures of its performance including any value-added data available. They make judgements on pupils' skills in speaking and listening, literacy and numeracy, but will not necessarily cover standards in other areas of the curriculum unless they are of particular relevance to the nature of the school. There is no feedback to individual subject departments, or separate subject reports.
62. During their time in the school inspectors talk to the pupils and observe them at breaks and lunchtimes in social areas of the school. Where appropriate, they attend assemblies, tutorial sessions and a range of other activities. Schools should make no special arrangements to put on extra activities. In schools with boarding or residential provision, inspectors look at the arrangements made for

prep and consider how the boarding experience affects pupils' personal and educational development. They talk to boarders and to the staff who care for them and examine the procedures that the school follows to ensure that the welfare of all pupils is safeguarded and that young people are safe and well cared for.

63. The inspectors are also required to judge the suitability of the school's premises and accommodation. In certain circumstances they may wish to take photographs of the school buildings but never of the pupils. These will only be used for the purpose of providing evidence of their judgements, and will be destroyed after the report has been published unless they are part of an ongoing investigation.
64. There is a reduced inspection schedule for the light-touch inspection model which focuses mainly of the quality of education provided by the school and its procedures for safeguarding the pupils and assuring their health and safety. Inspectors will also check that the school has improved to meet any regulations which were not met at the time of the last inspection.
65. Inspections of schools with residential provision will take two days in all cases. This is because inspectors must conduct a full inspection of the welfare provision for boarders and they need time to speak to boarders and boarding or care staff, and inspect evening and morning routines.
66. At the end of the final day in school, the inspectors are available to meet the headteacher to feed back the main inspection findings. The headteacher may wish to invite the proprietor, governors, senior staff or care staff to attend this meeting.

## **What happens after an inspection?**

67. Approximately five working days after the inspection the school is sent a draft of the report and is given three working days in which to comment on any factual errors. The final report is normally published within four working weeks after the end of the inspection. A copy is sent by email to the school. The school is responsible for sending copies of the report to parents and to local authorities which fund places for pupils who have statements of special educational need or who are in public care. Shortly afterwards, the report is placed on the Ofsted website. The report resulting from a progress monitoring inspection is also sent to the school prior to publication to allow for a factual accuracy check, but as this is a short report only, we ask that schools complete their check within 24 hours.

## **Use of inspection data**

68. Ofsted retains the evidence from independent school inspections for six months, after which it is destroyed, unless the inspection is the subject of a complaint. Following an integrated inspection, the evidence from the inspection of the

school's educational provision will be retained for six months, however the evidence from the welfare aspect of the inspection, will be retained for three years. The completed pre-registration regulatory check sheet and advice note from a registration inspection, carried out to evaluate the provision being proposed for a new school, will be retained for use in the first s162A inspection of the school, which is undertaken in the first 12 months after the date of registration.

69. Once the specified retention period has passed, the published report is the only remaining document that Ofsted retains. Ofsted holds summative data in electronic form from all the inspections it conducts, for example from completed *Records of inspection and evidence judgements*. It regularly analyses the information to contribute to HMCI's Annual Report to Parliament and to advise the Secretary of State.

### **Failure to meet the requirements of registration**

70. If the inspection report notes that the school does not meet one or more of the standards required for registration or the regulations for residential schools, the DfE will take the following action.

- Identify the standards or regulations in question.
- Require the proprietor to submit an action plan within a specified period of time. This plan must set out the steps that the school will take to meet the standard(s), and the time by which each step will be taken.
- In cases where there have been a substantial number of regulatory failures, the DfE will serve the school with a Statutory Notice to improve which demands the school to produce a Statutory Action Plan within a given timeframe.

71. Following submission of the action plan, the DfE may:

- reject it, or
- approve it, with or without modifications.

72. Where an action plan is not submitted, or is submitted but rejected, the DfE may:

- determine that the school is to be removed from the register of independent schools, or
- make an order requiring the proprietor to cease using any specified part of the school premises, close any part of the school's operation, or cease to admit any new pupils as specified by the order.

73. Where an action plan has been approved but the steps identified have not been taken by the required date, the DfE may:

- substitute a later date
  - make an order as above, or
  - determine that the school is to be removed from the register of independent schools.
74. If the DfE considers that there is a risk of serious harm to the welfare of the pupils, it may remove the school from the register of independent schools.
75. Under the provisions of section 166 of the Education Act 2002, the proprietor of a school has a right of appeal to the Care Standards Tribunal against any order made by the Secretary of State affecting the registration of the school following the inspection.
76. Where the inspection report of registered childcare provision notes that it does not meet the requirements of the Childcare Act 2006, Ofsted will ask the setting to put matters right. Where provision has been judged inadequate, Ofsted will ask inspectors to check up that the appropriate improvements have been made. Failure to do so will result in enforcement action.

### **What happens to schools which are served with a Statutory Notice to improve?**

77. The DfE generally asks Ofsted to make an assessment of the Statutory Action Plan to check that it addresses all of the regulatory failures and that the timescale for improvement is suitable. Once the Action Plan is accepted, the DfE will give the school time to implement its plan before asking Ofsted to conduct an inspection to follow up the school's progress against their plan. This visit will generally take place around six months after the original inspection.
78. Since September 2009 Ofsted has published the reports from its monitoring inspections on the website.

### **The quality of inspection**

79. To satisfy Ofsted's quality standards, inspectors must ensure that:
- **judgements** about the school and what it needs to do to improve are fair and accurate
  - **communication** of inspection findings is clear and helpful to the school
  - **evidence** is secure and substantiates all inspection judgements
  - the **conduct of the inspection** is to a high professional standard.
80. After each inspection, a questionnaire is sent to the school inviting comment on the quality of the inspection. This information is used for training purposes and for continuous improvement.

## Complaining about an inspection

81. The vast majority of inspections are carried out successfully and without incident. However, if there are any concerns, the headteacher should raise these with the lead inspector as soon as possible, preferably while the inspection is taking place. The lead inspector will then try to resolve the problem.
82. Where these concerns cannot be resolved in the course of the inspection, or where difficulties arise after the inspection has finished, for example concerning the quality of the inspection report, the headteacher or proprietor may wish to make a formal complaint. The procedure by which complaints should be made and are handled is on the Ofsted website.
83. If Ofsted's procedures have been exhausted and the complainant remains dissatisfied with the way Ofsted has handled a complaint, the matter may be considered by the Ofsted Adjudication Service (OAS). A request for adjudication on the handling of a complaint must normally be made within three months of Ofsted's final response. The request should be made to the OAS, Elizabeth Derrington, PO Box 3124, Swindon, SN6 8WD.
84. If the inspection has been conducted by a body approved by the Secretary of State under section 162A(1)(b) of the Education Act 2005, for example the Independent Schools Inspectorate, the complaint should be made to that body, in accordance with its complaints procedure.
85. Ofsted regrets that it cannot deal with individual complaints about independent schools. All independent schools are required by law to have a complaints procedure which complainants should follow in the first instance. This does not prevent individuals from raising matters of general concern about provision for pupils with the Registration Authority, which in most cases is the DfE, who may ask an inspector to investigate further.
86. Ofsted's website [www.ofsted.gov.uk](http://www.ofsted.gov.uk) provides more information about complaints.

## Inspection fees

87. Most independent schools which are inspected by Ofsted under section 162A are charged a fee. The scale of fees is set out in Statutory Instrument 2008 No.1801.<sup>10</sup> A copy of this document may be obtained by following this link [www.opsi.gov.uk/si/si2008/pdf/uksi\\_20081801\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081801_en.pdf). These regulations came into force on 1 September 2009. Inspection fees are now due on the inspections of schools which were previously granted approval by the Secretary of State for the admission of children with statements of special educational

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<sup>10</sup> The Education (Independent School Inspection Fees and Publication) (England) Regulations 2008.

need under Section 347(1) of the Education Act 1996, as this section has been amended by Section 146 of the Education and Skills Act 2008 which came into force on 1 September 2009.

88. As a result of consultation, the DfE has introduced an annual fee structure for schools inspection which is related to the size of the school and the nature of inspection. Schools are required to pay in annual instalments. Ofsted will invoice the school and collect payment.
89. Ofsted also charges fees for the registration of provision for pupils aged from birth to three, and for the inspection of welfare in boarding schools and residential settings. Our intention is to bring all these fees together into a unified and transparent fee structure and we are currently working towards this.