

Revised deferral policy for section 5 inspections

There is a limited number of circumstances in which a decision can be taken that an inspection should not go ahead on the planned dates. The purpose of this policy is to ensure that decisions about the deferral, cancellation and rescheduling of inspections are taken consistently in the three regions. The policy does not apply to decisions to reschedule the start date of an inspection within five working days.

The following definitions should be used.

Deferral: an inspection should only be recorded as having been deferred when, following notification to a school of the date of its inspection, the regional divisional manager (RDM) or the delegated representative agrees to move the start date of the inspection by more than five working days.

Cancellation: if a school is due to close and the RDM or the delegated representative agrees that the inspection – about which the school may or may not have been notified – should not go ahead, it should be recorded as having been cancelled.

Re-scheduled: if a school expects an inspection – and requests that it be delayed or take place or not take place at a particular time – and the inspection has been scheduled, the school has not been notified, and the RDM or her/his delegated representative agrees to a change of more than five working days in the planned start date of the inspection, the change should be recorded as re-scheduled.

Scheduling request accepted: if a school makes a request about the date of its inspection, an inspection has not been scheduled, and the RDM or her/his delegated representative agrees to take account of the request in scheduling the inspection, this should be recorded as scheduling request accepted.

Internal move: if a change of more than five working days in the start date of an inspection is initiated by Ofsted or a regional inspection service provider (RISP) for internal reasons – for example, illness of the lead inspector and inability to provide a substitute – this should be recorded as internal move. This should only happen in exceptional circumstances, and if the school has not been notified of its inspection, and it should be subject to discussion with the RDM or the delegated representative.

Declined: a request for deferral, cancellation or rescheduling is not accepted.

Further details about each of these definitions are set out in Annex A.

A deferral or cancellation should only be granted if:

- The headteacher or the appropriate authority or a member of the school's senior management team is subject to a current police investigation.
- The school has experienced a recent major incident, such as a fatal accident of a pupil or member of staff.

- The school has been open for less than six months. This also applies to a newly amalgamated school providing that the predecessor schools were formally closed and the amalgamated school has a new unique reference number (URN).
- The school is due to close and Her Majesty's Chief Inspector has decided, in accordance with s5 of the Education Act 2005 that no useful purpose will be served in inspecting it. This should normally only apply when:
 - i. the period of statutory consultation has been completed
 - ii. the proposal to close the school has been formally confirmed by the school organisation committee
 - iii. the date of closure is within six months of the inspection. This criterion and guidance also apply to schools that are due to amalgamate with another school, providing that the school will formally close and be replaced by an amalgamated school with a new URN.
- Her Majesty's Chief Inspector agrees that the inspection is likely to cause significant disruption to the provision of education or distress to many pupils within the school.
- The school is closed to all pupils – for example, owing to a staff training day or adverse weather conditions – for at least half of the period for which the inspection has been scheduled.
- At least three quarters of the pupils will not be at school – for example, owing to a school trip or a religious festival – for at least half of the period for which the inspection has been scheduled.
- There are other exceptional circumstances which, in the judgement of the RDM, justify deferral or cancellation of the inspection. The nature of such circumstances should be recorded fully.

In the event of an application to defer a planned inspection on the grounds that the headteacher is out of school, Ofsted requires that the inspection proceed on the basis that the pupils at the school are still receiving education.

Building work should not be a reason for deferral if pupils are in the school.

In the case of illness or death of the headteacher, professional judgement will be exercised by the RDM.

Subject to the discretion of the RDM, the criteria for deferral and cancellation should also be applied to decisions to re-schedule or to accept scheduling requests.

All decisions relating to the deferral, cancellation and rescheduling of inspections, acceptance of scheduling requests and internal moves must be recorded and reported. The following information should be recorded for each case; the Inspection Institutional Inspections and Frameworks Division (IIFD) will provide a proforma for recording the event and format for electronic recording to support consistency and ease of retrieval and analysis of information:

- date of the request
- context of the request – school notified, school not notified, internally initiated
- inspection number
- URN of school
- name of school
- local authority
- phase
- Ofsted sub-region/RISP region
- grounds for request
- decision using the guidance from Annex A with appropriate endorsement of RDM
- comments/action.

Annex A: changes in the dates of section 5 inspections: definitions

Context	Decisions	Current category	New category: decision to be recorded on ITS and reported – adding comments as necessary – as:	Comments
School notified post-notification request: the school has been contacted by the RISP and a request is made for deferral or cancellation	Request declined	Declined	Declined	Request to be logged
	The school is due to close and the Chief Inspector has decided, in accordance with s5 of the Education Act 2005 that no useful purpose will be served inspecting it	Deferred (due to close)	Cancelled	This planned inspection will never take place: no new section 5 inspection number should be issued for this school. If the school is to close on amalgamation with another school, the amalgamated school will be inspected as a new school with a new inspection number
	RDM or her/his delegated representative agrees to move start date of the inspection by more than five working days (request meets criteria in Annex 1 to Schedule 3A of the contract)	Deferred (Deferral 1)	Deferred (use appropriate ITS code to record reason)	The inspection of this school will take place but later than the planned date. A new inspection number should NOT be issued
	RDM or her/his delegated representative agrees to the start date of the inspection rescheduled within five working days	Not recorded	Not reported as a deferral but new inspection dates need to be recorded on ITS	Not recorded so not a deferral or a cancellation
School not notified pre-emptive request: the school or local authority (LA) or other external body believes that the school may be inspected and a request for a deferral is made	Request declined	Declined	Declined	Request to be logged
	The school is due to close and the Chief Inspector has decided, in accordance with s5 of the Education Act 2005 that no useful purpose will be served inspecting it	Deferred (due to close)	Cancelled	This planned inspection will never take place: no new section 5 inspection number should be issued for this school. If the school is to close on amalgamation with another school, the amalgamated school will be inspected as a new school with a new inspection number
	If the inspection has been scheduled, RDM or her/his delegated representative agrees to move planned start date by more than five working days	Deferred (Deferral 2)	Re-scheduled	The inspection to this school will take place but later than originally planned. A new inspection number should NOT be issued
	If the inspection has not been scheduled, RDM or her/his delegated representative to take account of the request in scheduling the inspection	Deferred	Scheduling request accepted (on ITS, mark as unavailable for inspection for the period concerned)	
	RDM or her/his delegated representative agrees to the start date of the inspection rescheduled within five working days	Not recorded	Not reported but new inspection dates need to be recorded on ITS	Not counted as a deferral or a cancellation
Ofsted or RISP initiates change of inspection date	RDM or her/his delegated representative agrees that inspection date should be changed for internal reasons, not prompted by request from school, LA or external body	Not recorded	Internal move New dates need to be recorded on ITS	Not counted as a deferral or a cancellation, although may be a KPI 2 failure