

Conducting additional inspections of independent schools

Section 162A independent school inspection guidance

This document provides guidance to assist inspectors in carrying out additional inspections of independent day, boarding and residential special schools. It covers education-only, integrated and welfare-only additional inspections.

It also sets out how inspectors **evaluate schools' action plans** to rectify regulatory failures. It is for the use of all education and social care inspectors working in independent schools.

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Introduction

1. The Department for Education (DfE) may request that Ofsted conducts an additional inspection of an independent school at any time out of the normal inspection cycle. Such inspections are normally requested for the following reasons:
 - pre-registration inspections to evaluate the provision being proposed for new schools, including new academies, free schools, studio schools and university technical colleges, and integrated pre-registration inspections to new boarding or residential special schools
 - material change inspections of registered independent schools, which are not in membership of the Independent Schools Council, and are seeking to offer boarding or residential provision
 - material change inspections of registered boarding or residential special schools which are not in membership of the Independent Schools Council, and are proposing changes to their current boarding or residential provision
 - material change inspections of registered independent schools proposing other significant changes to their current provision
 - 'emergency' inspections, which may be for a variety of reasons, including to investigate a complaint, concern, or the presence of an unregistered school or unregistered boarding provision at an existing school
 - progress monitoring inspections to follow up a school's progress against the action plan it submitted and which was accepted by the DfE as a result of its last inspection, which may be welfare only or integrated education and welfare inspections.
2. All requests for additional inspections and evaluations of action plans will, in the first place, be sent by the DfE to Ofsted's inspection support team in Freshford House, Bristol. The inspection support team keep a log of requests for advice notes and will inform the scheduling team of the request, forward any relevant information to them and keep a log of requests for advice notes. Where the request relates to boarding or residential provision at a school, the scheduling team will arrange for the work to be undertaken by the social care inspector who is allocated to the school.
3. In each case inspectors must complete the appropriate **advice note** to the DfE. Advice notes are provided in the *Independent, boarding and residential special schools inspection handbook* – 'the inspection handbook'. In the case of pre-registration inspections, the completed advice note must be accompanied by the relevant **pre-registration regulatory check sheet**. Guidance for completing and recording each type of inspection is given below. Advice notes should be concise and do not require the same level of detail as an inspection report.

4. Guidance on making registration inspections to new academies, free schools, studio schools and university technical colleges is not included within this document. Please refer to *Registration inspections to academies, free schools, studio schools and university technical colleges* which is available in the inspection handbook.¹

New and prospective schools

Checking the documentation and setting up an inspection

5. Independent schools are not allowed to open and take pupils before they are first registered to do so by the DfE.
6. When prospective applicants contact the DfE, they are sent a pre-registration pack and a self-assessment checklist.² This is to help proprietors understand what is required of them and enable them to make an assessment of their own readiness for registration to ensure that they meet the requirements before submitting the application. On receipt of the application for registration, the DfE gives a pre-registration number to the school and sends the information the school has supplied to Ofsted, where it is logged and passed to the relevant inspection service provider who should allocate the assessment to an inspector who has received training on these procedures. Please note that most of the pre-registration and other additional inspections are conducted by an inspector from an inspection service provider.
7. If the application is for a new boarding or a residential special school, this must be scheduled as an integrated inspection made by both an education and a social care inspector. Ofsted schedulers may therefore wish to allocate the inspection to a social care inspector before contacting the inspection service provider with a date for the inspection. Please note that in the case of registered day schools already operating, that wish to be registered to take boarders, a welfare-only material change inspection is required. Social care inspectors should refer to the section 'Carrying out a material change inspection to a registered school which is only applying to open or increase residential provision' of this guidance.
8. On receipt of the documents from the school, inspectors should first spend some time assessing, from the documents supplied, how far the school meets The Education (Independent School Standards) (England) Regulations 2010, and where boarding or residential provision is proposed, the relevant national

¹ *Registration inspections to academies, free schools, studio schools and university technical colleges* (090059), Ofsted, 2011; www.ofsted.gov.uk/publications/090059.

² This document is in the 'Information for new schools' section of the inspection handbook and on our website, [www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Education-and-skills/Independent-schools/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Education-and-skills/Independent-schools/(language)/eng-GB).

minimum standards.³ It should be possible to assess the policy documents, for example for child protection, health and safety, handling complaints and so on, and to record judgements in the relevant pre-registration regulatory check sheet before visiting the prospective school. Schools may supply a curriculum plan but retain fuller schemes of work on the premises. Social care inspectors should refer to the relevant national minimum standards and, in the case of a children's home applying for dual registration as a school, to the *Guide to registration for children's social care services*.⁴ Inspectors should make their judgements about the school provision with reference to the key document *Completing the record of inspection evidence and judgements*.⁵

9. If the initial documentation seems in order, inspectors should aim to make a short inspection of the prospective school. This is principally to discuss the proposed school with the proprietor, look at the premises, investigate procedures for appointing staff and safeguarding pupils, and pick up on any additional documentation which has not been supplied in advance of the inspection. The school should normally be given two days' notice of this inspection. This can be varied in exceptional circumstances, for example where the proprietor or key applicant is not available, but the principle of short notice should be observed, and inspection service providers must keep to their overall timeline for this work. For integrated inspections to boarding and residential schools, please see the section below from paragraph 33. Please refer to Annex A for a timeline for conducting pre-registration inspections to new schools.
10. At all times during inspection, inspectors should carry their official identification card. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.
11. As the school is not yet open, inspectors will not be able to see any teaching or care, nor will they be able to judge the implementation of policies. They should record their judgement of whether the policies, procedures, curriculum documents and arrangements, for example for assessment and the proposed premises and accommodation, are likely to meet the regulations in the pre-registration regulatory check sheet. At the end of the inspection the inspectors should feed back to the proprietor their judgement of the school's readiness for registration, making clear where a regulation or a national minimum standard is not likely to be met, and what must be done to improve. Instructions to the

³ The Education (Independent School Standards) (England) Regulations 2010;

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>

The national minimum standards for residential special schools:

www.education.gov.uk/schools/leadership/typesofschools/a00192112/boarding-schools

The national minimum standards for residential special schools:

www.education.gov.uk/schools/leadership/typesofschools/a00192112/boarding-schools.

⁴ *Guide to registration for children's social care services* (090020), Ofsted, 2011;

www.ofsted.gov.uk/publications/090020.

⁵ *Guidance for the completion of the record of inspection evidence and judgements (ROIEJ)* (090051), Ofsted, 2011; www.ofsted.gov.uk/publications/090051.

school about what must be done to meet each regulation or national minimum standard must be recorded in the pre-registration regulatory check sheet.

12. The **inspection service provider** must issue inspectors with the correct pre-registration regulatory check sheet and advice note for use in the inspection. The forms correspond to the type of school seeking registration, and vary according to whether the school seeking registration is a day school, a boarding school, or a residential special school.

Independent day school or the school registration of a children's home

- *Pre-registration regulatory check sheet for an independent day school or a children's home:* www.ofsted.gov.uk/publications/090074.
- *Advice note for a pre-registration inspection of an independent day school or a children's home:* www.ofsted.gov.uk/publications/090075.

Boarding school

- *Pre-registration regulatory check sheet for an independent boarding school:* www.ofsted.gov.uk/publications/090148.
- *Advice note for a pre-registration inspection of a boarding or residential special school:* www.ofsted.gov.uk/publications/090076.

Residential special school

- *Pre-registration regulatory check sheet for an independent residential special school:* www.ofsted.gov.uk/publications/090149.
- *Advice note for a pre-registration inspection of a boarding or residential special school:* www.ofsted.gov.uk/publications/090076.

13. If the applicant is a children's home seeking dual registration as an education provider, the education inspector should fill in the *Pre-registration regulatory check sheet for a independent day school or a children's home*, and the social care inspector should undertake the registration according to social care agreed procedures and record judgements and information on the regulatory support application (RSA) database. This is because Ofsted itself is the registration authority for children's homes, and the DfE only requires information about the quality of the proposed establishment as a school.
14. The pre-registration regulatory check sheet is essentially a document for recording basic information about the school (on the front cover) and for recording whether or not the school is likely to comply with each regulation, and where applicable, the national minimum standards for boarding or residential special schools. The check sheet closely mirrors the *Record of inspection evidence and judgements* used on standard section 162A inspections, and as such, inspectors will find it helpful to refer to the guidance *Completing the record of inspection evidence and judgements*.

15. Inspectors should ensure that they tick in either the 'Likely to meet' or 'Not likely to meet' column for each regulation, except where no judgement can be made, for example, in regulations concerning the quality of teaching. In this case inspectors should write the words 'Not inspected' and avoid ticking either column. Inspectors should not write a comment in the text box where they have ticked 'Likely to meet'. Where 'Not likely to meet' has been ticked, inspectors must write **only** what the school must do to meet the regulation. Inspectors should not record their notes in the pre-registration regulatory check sheet.
16. Inspectors should note that regulations 3(f), which concerns classroom resources, and 3(g), which concerns assessment, must never be ticked 'not applicable' on the pre-registration regulatory check sheet. Inspectors should inspect both the resources available at the prospective school and the intended framework for assessment and make a judgement about whether both are likely to support pupils if the school were registered. Inspectors should bear in mind that resources need not be exhaustive at this stage. The use of resources and assessment will be checked at the first inspection.
17. Following the inspection, the inspector must also complete the appropriate advice note for the DfE, which should give brief details about the school and the registration sought. The advice note templates contain prompts in italics to indicate the information required. Inspectors should delete the prompts before entering the text. Inspectors should also complete each of the sections in the advice note which relate to the standards for independent schools, summarising, briefly, the evidence for their judgement of whether or not the standard is likely to be met by the school. If the inspection was integrated, the social care inspector will need to summarise their judgements on the proposed boarding or residential provision in the section of the advice note entitled 'Welfare: Compliance with national minimum standards for boarding schools/residential special schools'.
18. At the end of the advice note, inspectors should record an overall recommendation to the DfE advising on the registration of the school. Following the inspection service provider's or Ofsted's internal quality assurance procedures, both the advice note and the check sheet will be exported to Ofsted for acceptance. Inspectors should note that it may be reasonable to recommend registration as a day school but not as a residential or boarding school, if that is the outcome of the inspection. Once cleared by Ofsted's sign off process, they will be sent to the DfE. These documents will not be published, but they may be sent by the DfE to the school, so inspectors should **take care with the style and content of what is written**, paying close attention to the *Guide to Ofsted's house style* (which is available in the

inspection handbook), and should also be aware that any of these inspection forms may be requested under the Freedom of Information Act.^{6,7}

Making a judgement on registration

19. The advice note for a day school or the school provision in a children's home gives an inspector three options to choose from on recommendations for registration. Schools which are likely to meet all the regulations – except for teaching and policy implementation which cannot be seen – should be recommended for registration. Where there are some weaknesses in policies which the school could easily rectify, a recommendation should be made to the DfE that, 'The school can be registered and allowed to open on receipt of evidence of improvement on the following matters:' (inspectors should list these).

No recommendation to register should be made where a school's intended premises, accommodation, curriculum or safeguarding policies and procedures have weaknesses which lead to a judgement that regulations are unlikely to be met.⁸

20. Finally, if recommending registration, inspectors must advise the DfE on the maximum number of pupils the schools should be registered for. There is no need to complete this section if registration is not recommended. Inspectors should take great care with recommending maximum numbers and consider carefully the size of the premises as they are now, rather than take assurances of future building work into consideration. Inspectors' attention is drawn particularly to applications from new **special** schools, where inspectors should consider carefully the **number** of pupils and the **type of special needs** the school intends to cater for. The school will be registered for precisely this age range, number and special need. Any attempt by the school to change it later, or to introduce children with a different kind of special educational need, must result in an application to make a material change. Thus inspectors should be particularly careful in making an initial judgement and err on the side of caution if the school is proposing to extend accommodation as numbers grow. The registration of a special school serves to protect vulnerable pupils.
21. Two inspector days are allocated to an assessment of a new or prospective school, and this time must include initial scrutiny of paperwork, the inspection, all travelling and writing. Inspectors should bear in mind that all inspections to new schools must be undertaken quickly, so that successful applicants are not kept waiting unduly before opening, but there may be a need to negotiate the timing of an inspection with a proprietor at the initial telephone call, and the

⁶ *Guide to Ofsted's house style* (080230), Ofsted, 2010; www.ofsted.gov.uk/publications/080230.

⁷ <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

⁸ Inspectors should refer to *Guidance for completing the record of inspection evidence and judgements (ROIEJ)* (090051), Ofsted, 2011; www.ofsted.gov.uk/publications/090051.

inspection service provider should keep Ofsted informed of any changes. The timeline at the end of this section shows the deadlines for the completion and submission of work.

Omissions in documentation

22. If the application from the prospective school contains significant omissions, inspectors should in the first instance telephone the school to see whether the missing documents are available and arrange for them to be sent or viewed on site. If this is the case, then they should proceed with the inspection as described above and take account of the additional documentation when they arrive in the school.
23. Where there are genuine omissions and/or substantial weaknesses in the initial documentation, inspectors should complete the regulatory check sheet as far as possible, ticking 'Not likely to meet' for absent, incomplete or unsatisfactory policies, and setting out what the school needs to do to meet the regulations. The check sheet should then be returned to the inspection service provider's operations unit making clear that no inspection will be made to the school until it demonstrates that it has addressed the major weaknesses identified in the documentation. The inspection service provider should then communicate this to Ofsted, so that the DfE and the proprietor can be advised accordingly.
24. In such cases, only one inspector day will be allocated to the activity, and no inspection need be undertaken.

What to do if the school is already open

25. There are occasions when the DfE receives an application to register from a school which is already open. This should not happen for a brand new school, but it is the case where the prospective school has been operating for some time as a children's home with fewer than five children of compulsory school age pupils on the roll, and is offering education to these children, or when a day school is intending to offer a boarding service to students. Such establishments were only captured by the introduction of new legislation in September 2003. It also often happens that a registered children's home seeks dual registration as a school because it wishes to provide an education facility for its children. This can be particularly useful where young people are referred suddenly to the children's home and a place in a local maintained school has yet to be found. Such providers need to be flexible and adapt quickly to the needs of children as they arise.
26. An inspection should **always** be made to a prospective school which is already open, such as described above. Where children are already being educated there, education inspectors should focus their attention particularly on curriculum documentation, planning and teaching. **Where the school is already operating inspectors must see a minimum of two lessons and judge compliance with the regulations on the quality of the teaching.** Inspection service providers/inspectors must make clear when they telephone

the school to arrange the inspection that registration cannot be considered unless some teaching is available to be seen. Lessons should be recorded on evidence forms and these should be submitted to the inspection service provider with the advice note and regulatory check sheet.

27. In the case of existing day schools intending to offer a boarding service, a material change inspection should be made, please refer to the section of this guidance 'Carrying out a material change inspection to a registered school which is only applying to open or increase residential provision' from paragraph 52.
28. Where a children's home is already registered and operating, but no children are yet being taught, the education inspector should focus attention on the suitability of curriculum documentation, planning and resources for the prospective pupils. Since children's homes frequently accept children with a range of educational needs at very short notice, it is important that inspectors ensure that, if it is to be dually registered as a school, the home is capable of providing effectively for a variety of needs. There needs to be a prompt and effective system of assessing a pupil's educational attainment and needs and putting in place an individual programme of support, so that disruption to the young person's education can be minimised.
29. Social care inspectors inspect children's homes twice a year. If they become aware that education is being provided for the children but the home does **not** have dual registration as a school, they should record this fact on the RSA toolkit and alert the Managing Inspector, Integrated Inspections immediately after the visit. The Managing Inspector, Integrated Inspections will send a minute to the registration authority for schools (the DfE) who will take the matter further with the proprietor.

What to do if the school says it is not ready for an inspection yet

30. Schools are informed that they must not submit an application for registration until they are ready to receive an inspection from an inspector. Nevertheless, some do so, and seek to defer the inspection when the inspector/inspection service provider first calls to make arrangements. Frequently this is because the premises are being adapted. The inspection service provider will make initial enquiries about the readiness of the premises, but inspectors should double-check this during their initial telephone call. The inspector may determine that the premises are not ready to be inspected. Should this be the case, the inspector should contact Ofsted education schedulers via the inspection service provider immediately, so that the timeline can be frozen and the DfE informed. The inspector service provider should then make arrangements for the inspection to take place when the building work is finished and complete the advice note and check sheet in the normal way. The social care inspector should inform the Ofsted schedulers when this occurs, so that the inspection can be rescheduled at a convenient time.

31. If the application for registration is for a boarding or residential special school, but at the initial telephone call from the inspection service provider they say that only the school is ready for a registration inspection, an 'education only' inspection can be made and the school can be registered for day pupils only (if appropriate). The social care inspector would then need to make a solo inspection at a later date to assess the boarding facilities, and should do so under the 'material change' procedures outlined in the section 'Carrying out a material change inspection to a registered school which is only applying to open or increase residential provision' in this guidance. In such cases, the social care inspector should inform Ofsted social care schedulers so that the inspection can be rescheduled at a more suitable time.
32. Where schools seek to delay the inspection for other reasons, the lead inspector or inspection service provider must make it clear to the proprietor concerned that the application will go to the bottom of the pile and that the pre-registration inspection will not take place within the normal timelines. However, if the school or children's home is already operating, it must be emphasised that it is operating illegally, and a fine may be incurred. In these circumstances, the inspection **must** go ahead unless there are genuine grounds for deferral as set out in the *Deferral policy for inspections of independent schools*.⁹

Assessing applications from new boarding or residential schools

33. Where an application is received from a prospective boarding or residential special school the assessment and inspection must involve both a social care inspector and an education inspector. Inspectors should assess the documentation relating to the aspect of the application in which they are expert, and the inspection service provider should liaise with both to agree the timing of a joint inspection to the premises. In such cases, the inspection should normally be announced by the inspection service provider, giving the school at least two clear days notice of the registration inspection. The inspection service provider must liaise with the Ofsted schedulers to ensure availability of the social care inspector and ascertain who the inspector is. These inspections are allocated by the social care line managers. On joint inspections to these schools it is normally expected that the lead inspector will be the education inspector. The documents relating to the residential provision **MUST** be sent to the social care inspector in advance of the inspection. This is the responsibility of Ofsted's scheduling team, if the information is sent directly to Ofsted, and the inspection service provider if they receive it directly from the DfE.

⁹ *Deferral policy for inspections of independent schools* (090037), Ofsted, 2010; www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Deferral-policy-for-section-162A-inspections-of-independent-schools. This is also available in the 'How we inspect' section of the inspection handbook.

34. The education inspector must liaise with the social care inspector before the start of the inspection, and share their assessment of the documentation available from the school for the pre-registration inspection. The inspectors should discuss an inspection plan which shares the duties between them and avoids overlaps and duplication for the school. Both inspectors should use the *Advice note for a pre-registration inspection of a boarding or residential special school* to record their judgements. As the prospective boarding or residential special school will not yet have been allocated a unique reference number, it will not be possible for the social care inspector to record their inspection findings in the RSA. Both inspectors should also complete the same pre-registration regulatory check sheet. The social care inspector should record their findings in the 'National minimum standards' section, recording clearly whether or not the school is likely to meet each national minimum standard, and education inspectors should record their findings against the standards regulations. The **inspection service provider** must issue the lead inspector with the correct pre-registration regulatory check sheet and advice note for use in the inspection. **Inspectors are asked to check that they are using the correct version of the pre-regulatory check sheet as the national minimum standards are different for boarding and for residential special schools.**
35. Both inspectors should summarise their judgements in the *Advice note for a pre-registration inspection of a boarding or residential special school* as required. Inspectors should use the guidance above to make a judgement on whether the school is recommended for registration or not. There is a fourth category available for pre-registration inspections to schools with residential provision, since it is acceptable for inspectors to make a recommendation for the school to be registered as a day school only, if boarding/residential special schools standards are not met. It is not possible to recommend registration for a boarding or residential facility only, if the school does not meet the standard required.
36. Please refer to Annex A for a timeline for conducting pre-registration inspections to new schools.
37. Inspectors should note that where a registered school which is already operating is seeking to offer boarding or residential provision, this is a 'material change'. There is a separate advice note template for this inspection, which is undertaken by a social care inspector alone. Please refer to the section 'Carrying out a material change inspection to a registered school which is only applying to open or increase residential provision' from paragraph 52.

Assessing applications from new children's homes seeking dual registration as a school

38. In a brand new children's home, seeking dual registration as a home and school, education inspectors should follow the procedures outlined above for a day school. Social care inspectors will follow the process explained in the *Guide*

*to registration for children's social care services.*¹⁰ The education inspector will use the *Advice note for a pre-registration inspection of an independent day school or a children's home* and *Pre-registration regulatory check sheet for a independent day school or a children's home* to record their judgements. Social care inspectors will record their judgements on the RSA database, as now, in the established way.

39. The advice note resulting from the school inspection will be sent by Ofsted to DfE and lodged with Ofsted's records. In these circumstances it is possible for inspectors to recommend registration for the children's home only and to reject the registration as a school if that is appropriate. The reverse, of course, is not possible: no children's home can be recommended for registration as a school which has not first been registered by Ofsted as a children's home. It is therefore vital that both inspectors communicate with one another and are aware of each other's recommendation before leaving the premises.
40. In practice, the children's home will in many cases be already registered and have been operating for a while before it seeks dual registration as a school. In these circumstances the pre-registration inspection may be conducted by the education inspector acting alone, although colleagues should bear in mind that the social care inspector inspects these provisions every six months, and the inspection service provider should check the timing of the next inspection with Ofsted. Where possible, inspectors should seek to combine inspections to reduce the burden on the provider and for the purpose of having a consistent and joined-up approach to inspection. It is the responsibility of the inspection service provider to contact Ofsted in these circumstances. Contact should be made with the Managing Inspector, Integrated Inspections and the social care schedulers at Ofsted scheduling@ofsted.gov.uk.
41. Please refer to annex A for a timeline for conducting pre-registration inspections to new schools.

Making a material change inspection to an existing school (education-only or integrated inspection)

42. Schools wishing to make a material change to their premises, intake or age range, or to the provision they make for pupils with special educational needs and/or disabilities should seek permission to do so from the DfE. Once an application has been received, this will be passed via Ofsted to the inspection service provider and assigned to an inspector. As with a new school, inspectors should scrutinise the paperwork and make an inspection to the school.

¹⁰ *Guide to registration for children's social care services* (090020), Ofsted, 2010; www.ofsted.gov.uk/publications/090020.

43. The **inspection service provider** must issue the lead inspector with the *Advice note for a material change inspection* www.ofsted.gov.uk/publications/090077.
44. At all times during inspection, inspectors should carry their official identification card. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.
45. Inspectors should complete the *Advice note for a material change inspection*. This is for either day schools or integrated material change inspections to boarding or residential special schools, and the appropriate sections should be retained/deleted as necessary. The template contains self-explanatory prompts in each section and inspectors are asked to delete these before entering the text required.
46. As with all advice notes, inspectors should **take care with the style and content of what is written**, paying close attention to the *Guide to Ofsted's house style* (which is available in the inspection handbook), and should also be aware that any of these inspection forms may be requested under the Freedom of Information Act.^{11,12}
47. As with new schools, inspectors should take care to consider carefully all the implications of a material change. For example, if the school wishes to accept younger pupils, inspectors should consider whether the accommodation, furniture and playground space are suitable; also whether the curriculum has been properly planned and supported by adequate teaching resources, including the proposal to recruit teachers with expertise in teaching the proposed age range. In integrated material change inspections to schools which wish to make a material change to educational facilities and take boarders, the social care inspector should ensure that the proposed residential accommodation, policies and procedures meet the relevant national minimum standards. In a special school, where the proposed change reflects a desire to accept pupils with a different range of needs, inspectors should consider carefully the impact that this will have on the children already in the school. The inspectors should determine whether the school has proper safe procedures that are in line with DfE requirements for recruiting staff with the necessary expertise and experience to cater for the new level of special need, and that an appropriate learning programme is in place.
48. If a school wishes to take pupils under the age of three, please note that this is **not** a material change, and requires a separate registration of early years' provision by Ofsted. Such a registration inspection is undertaken by additional inspectors with early years expertise.

¹¹ *Guide to Ofsted's house style* (080230), Ofsted, 2010; www.ofsted.gov.uk/publications/080230.

¹² <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

49. Inspectors **must** recommend to the DfE whether the material change proposed is approved or not, and, if not, what the school must do to improve. There are three options for a day school – and four options in a residential school – of which inspectors should choose the one which is the most fitting. Please refer to the guidance above in the section 'Making a judgement on registration'. The principles are the same, and inspectors should exercise care in recommending material changes, ensuring that what is proposed will not adversely affect the children who are already in the school. Where a school is also a registered children's home, the provider must make a variation application to Ofsted in order to make a material change to any part of their provision. This will trigger an inspection. The provider cannot implement the proposed changes until permission is granted, on receipt of a revised certificate of registration.

Joint inspections to schools with boarding/residential facilities

50. Inspectors should refer to the guidance given above on making joint inspections to schools which wish to make a material change to both educational and boarding facilities. However, it is acceptable for an inspector to inspect on their own if the material change relates to a single aspect of provision, for example a day school wishing to take boarders (social care only) – please refer to the section 'Carrying out a material change inspection to a registered school which is only applying to open or increase residential provision' in this guidance – or a boarding school wishing to take younger day pupils (education only). In such cases, the Managing Inspector, Independent Schools will advise on the appropriate staffing of material change inspections and inform the schedulers and inspection service provider as necessary.
51. In the case of joint inspections, the social care inspector will also need to record a note in the RSA database under 'Registration comments to state that an integrated material change inspection took place'. They will also need to include a brief comment detailing the outcome of the visit.

Carrying out a material change inspection to a registered school which is only applying to open or change existing boarding or residential provision

52. This will be a single welfare-only inspection by a social care inspector conducted at an appropriate time to suit the school and inspector. Where an existing registered independent day school has applied to open a boarding facility, or a day independent special school has applied to take residential pupils, the assessment and inspection will usually be undertaken by a social care inspector working alone.
53. Ofsted's independent schools team must issue the lead inspector with the correct advice note and national minimum standards check sheet for use in the inspection.

Boarding school

- *Advice note for a material change inspection of an independent school seeking to open or change existing boarding or residential provision – welfare only:* www.ofsted.gov.uk/publications/100169.
- *National minimum standards check sheet for a material change inspection of an independent school seeking to open or change existing boarding provision – welfare only:* www.ofsted.gov.uk/publications/110099.

Residential special school

- *Advice note for a material change inspection of an independent school seeking to open or change existing boarding or residential provision – welfare only:* www.ofsted.gov.uk/publications/100169.
- *National minimum standards check sheet for a material change inspection of an independent special school seeking to open or change existing residential provision – welfare only:* www.ofsted.gov.uk/publications/110100.

54. The social care inspector **must** complete the advice note for the DfE, on which their key judgements and recommendations should be recorded, and also produce the *National minimum standards check sheet* for either boarding schools or residential special schools. In the case of material change inspections to schools that wish to change existing boarding or residential provision, the social care inspector will also need to record a note on the RSA database under 'registration comments' to state that a material change inspection took place. They should also include a brief comment detailing the outcome of the inspection. This will not be possible where a day school wishes to open boarding or residential provision, as the social care provision will not yet have been allocated a unique reference number.
55. Social care inspectors should first check that they are working on the correct advice note form, and then complete the necessary details on the front cover. If the DfE reference number has not been supplied, inspectors will need to obtain it from the schedulers, since DfE systems do not recognise the social care reference number in the RSA. Inspectors will be able to find the URN for the school on the Ofsted website, if this has not been supplied. The DfE, school and where relevant the social care reference numbers should be inserted in the form.
56. The form contains prompts in italics. For example, in the first section entitled 'Context of the school' the inspector is asked to include: a brief note of the location and nature of the school and premises including any off-site or multi-site provision, boarding provision, details of any religious affiliation or special ethos and details of the pupil group including the nature of their special needs, if any. Please ensure that this note is brief, particularly if the establishment is already operating as a day school, and focus comments on the factual nature of the intended residential provision, for example dormitories, single bedded

provision, located in the school/on a separate site; for children with physical disabilities/behavioural, social and emotional difficulties and so on. The italicised prompts must be deleted before the completed form is submitted.

57. The second section 'Information about the registration' requires factual information only.
58. In the third section 'Compliance with the national minimum standards for boarding/residential special schools', the inspector should ensure that one of these options is deleted, so that the DfE is clear which set of national minimum standards applies to the provision. This is the main reporting section. However, inspectors should only record here their main summary judgements, such as the quality of the provision, whether it meets all the national minimum standards, and, if not, which ones are unmet and why. Inspectors **must** list clearly any national minimum standards which are not met on this inspection. Inspectors should also record the provision's compliance with the national minimum standards on the national minimum standards check sheet. It is appreciated that at this stage, inspectors can only judge the proposed accommodation, relevant policies and intended procedures for a prospective residential provision. However, the implementation of these policies and procedures will be judged on the next inspection, which will be within one year (for a brand new school) or may be drawn forward at the DfE's request, where the boarding provision is new.
59. Finally, inspectors **must** complete a final judgement of recommendation, which they must do by selecting from the list and deleting the unwanted options. If recommending registration of the boarding facility, inspectors should provide details of the number and type of boarders the school should be registered to take. Please refer to the guidance above in the section 'Making a judgement on registration'. If registration of the boarding provision is **not** recommended, it must be clear which of the national minimum standards are not met.
60. Inspectors must ensure that they follow the *Guide to Ofsted's house style* (available in the inspection handbook) in producing these advice notes, as although they are not routinely published, they are often sent by the DfE to the school, and could in any case be requested under the Freedom of Information Act.¹³
61. The national minimum standards check sheet and advice note must be completed within two days of the work being undertaken, and submitted for quality assurance by one of the Social Care HMI, Integrated Inspections. Following this, the forms should be sent to the DfE by the Social Care HMI, Integrated Inspections.

¹³ *Guide to Ofsted's house style* (080230), Ofsted, July 2010; www.ofsted.gov.uk/publications/080230.

Assessing a material change application as part of a routine section 162A inspection

62. Occasionally, a school makes an application for a material change around the same time as the routine section 162A and/or the routine boarding inspection is due. When this occurs, and with the agreement of DfE, it is sensible and desirable that the material change is assessed as part of the inspection. The lead inspector should be alerted by the Managing Inspector, Independent Schools, the Managing Inspector, Integrated Inspections or an administrator in Delivery, so that they are clear that the material change is part of the inspection.
63. Where this occurs, the inspection team should assess the request for a material change in exactly the same way as they would if it were a focused visit. Evidence and judgements should be recorded in detail in the ROIEJ under the appropriate aspect sections (for example accommodation, curriculum), and feature in appropriate sections of the report. The 'Information about the school' section should contain a line about the nature of the material change sought by the school. The 'Overall evaluation of the school' section should have an additional sentence which summarises the team's judgement about whether the material change is recommended or not. Inspectors should note that there is no need to complete a separate advice note under these circumstances. If the school needs to do further work before the material change could be recommended, inspectors should record these points in the 'Recommendations'.

Making an emergency inspection to an independent school (education-only, welfare-only and integrated education and welfare inspection)

64. All inspectors should note that an 'emergency inspection' should only ever take place at the request of the DfE. From time to time, other organisations request an inspection from an inspector, but in such cases, the Managing Inspector, Independent Schools should be informed in order that it can be properly documented and liaison with the DfE can take place.
65. The procedure for making emergency inspections to schools at the request of the DfE must be flexible, depending on the nature of the emergency or complaint which prompts the request. In the case of day schools, the request and the planned inspection should always be discussed in advance by the Managing Inspector, Independent Schools and the manager of the inspection service provider. For integrated visits, either the Managing Inspector, Integrated Inspections or the Managing Inspector, Independent Schools will take this action. The Managing Inspector, Integrated Inspections will discuss the inspection directly with the social care inspector, where the complaint or concern relates solely to boarding or residential provision.

An announced emergency inspection (education-only, welfare-only and integrated education and welfare)

66. Normally, the request from the DfE will be for an announced inspection to investigate a complaint or a concern. This request will be accompanied by information which has been received by the DfE and has raised a cause for concern. In the case of a day school, or a boarding or residential special school where the concern is to do solely with the educational provision, the inspection service provider should telephone the school explaining the timing and the purpose of the inspection, following this call with a letter of confirmation. The school should be given two days' notice of the inspection. It is appropriate to say that the inspection is made at the request of the DfE, which has a concern about a specified area as a result of information – or a complaint – made to the DfE. The inspection service provider need not go into detail on the telephone about the full nature of the complaint, particularly if it is lengthy or complex. If the informant/complainant has requested anonymity, this should be respected.
67. Where the concern relates to a boarding school, and covers both educational and welfare provision for boarders, the administrative process above should be followed by the inspection service provider, but before contact is made with the school, the inspection service provider must ensure that a social care inspector has been identified to partner the education inspector on the visit. They should do this by contacting Ofsted's scheduling team. In the case of an integrated visit, the lead inspector will be the education inspector, and they should liaise with the social care inspector in advance of the visit. The education inspector should also coordinate the writing involved.
68. Inspectors should bear in mind that all emergency inspections must be undertaken quickly. The timeline at the end of this section shows the deadlines for the completion and submission of work. Education inspectors should explain to the proprietor or headteacher that they will be looking at specified area(s) of the school's provision, and judging it against The Education (Independent School Standards) (England) Regulations 2010.¹⁴ Where boarders are involved, inspectors must refer to the relevant national minimum standards also.
69. In boarding or residential special schools where the concerns relate only to welfare provision for boarders, the visit will be made by a social care inspector acting alone. In such cases, the request for an emergency visit will be received by Ofsted's independent schools team from the DfE, the information will be sent directly to the social care inspector identified to investigate it, and the scheduling will be handled internally by Ofsted without reference to the inspection service provider. Social care inspectors should ensure that they give the school no more than two days notice of their visit, and should follow the process outlined in paragraph 66 with regard to contacting the school and confirming the visit. This may be done by the inspection support team. The

¹⁴ www.legislation.gov.uk/ukxi/2010/1997/contents/made.

inspection will then be undertaken by a social care inspector who will investigate and report by using an Emergency inspection toolkit to record the information on the RSA database. The social care inspector will then also record this information into the *Advice note for an emergency inspection – welfare only*.¹⁵

70. The documents and information relating to the request for the inspection, and the last inspection report, will be sent to additional inspectors from the inspection service provider. In the case of integrated inspections, the lead inspector will share this information with the social care inspector in advance of the inspection. The inspection service provider must also issue the lead inspector with the *Advice note for an emergency inspection* for use in the inspection.¹⁶ Inspectors should delete the 'Welfare' section of the advice note, if the inspection only relates to education matters. The template contains prompts in italics for the information required. The prompts should be deleted when text is entered.
71. In integrated inspections, the social care inspector will record their findings in the Emergency integrated inspection toolkit.¹⁷ When complete, the text will be automatically extracted into a word document, which the social care inspector will provide to the lead inspector by 'safestick' at the end of the inspection or as soon as possible thereafter. The lead inspector will paste this evidence into the advice note.
72. The advice note – if resulting from an education only or an integrated inspection – should then be sent for quality assurance by the inspection service provider in the normal way. It is the inspection service provider's responsibility to send this to Ofsted via the data feed, so that it can be sent on to the DfE, who requires information from the inspection in the advice note format.
73. Where the inspection involves only social care, the quality assurance of the advice note will be handled internally by one of the Social Care HMI, Integrated Inspections without reference to the inspection service provider. Please refer to 'Guidance for signing-off independent boarding and residential special school welfare-only advice notes to the Department for Education' in the inspection handbook.
74. During the inspection inspectors should:
 - look into the issues raised by the DfE request

¹⁵ *Advice note for an emergency inspection – welfare only* (100172), Ofsted, 2011; www.ofsted.gov.uk/publications/100172.

¹⁶ *Advice note for an emergency inspection* (090080), Ofsted, 2011; www.ofsted.gov.uk/publications/090080.

¹⁷ Social care inspectors must choose one of two outcomes in the emergency inspection toolkit – either that the school has not met relevant national minimum standards, or that only an advice note has been produced.

- judge these against the regulations/ relevant national minimum standards. Where the underlying reasons for the emergency inspection relate to safeguarding matters, inspectors are reminded that their role is not to investigate the actual case but to consider whether the school's policies and processes are appropriate to meet the independent schools regulations and relevant national minimum standards. The safeguarding concerns may be the subject of an on-going investigation by social services or the police. In such circumstances, Ofsted's inspection is usually delayed so as not to cut across an investigation by other bodies
 - use the guidance in the inspection handbook, the national minimum standards and in the documents from the DfE to help make the required judgements
 - record their judgements in the advice note
 - before departure from the school, feed back their judgements to the headteacher and remind them that the outcome of this inspection will either be a published report or a letter from the DfE, asking them to make improvements in any areas specified – this applies equally to joint or to solo education or welfare inspections
 - not state or imply that the inspection will have an impact on the timing of the school's next section 162A or integrated inspection; it may do so, but that decision is for the DfE.
75. If, in the course of the inspection, inspectors find other areas of the school's provision, not alluded to in the request for inspection, that do not meet the regulations, they should investigate these and record them in the feedback to the school and in the advice note.
76. Should inspectors consider that there are substantial weaknesses in the school, too many to investigate on a day inspection, they should record this in the advice note and recommend to the inspection service provider that the next standard s162A inspection be brought forward. The inspection service provider must take this matter up with Managing Inspector, Independent Schools at Ofsted. In a case where a social care inspector is making the emergency inspection alone because the issues relate only to welfare of boarders, and substantial weaknesses are discovered, the inspector should contact the regional scheduler and the Managing Inspector, Integrated Inspections so that an integrated inspection can be brought forward if the DfE requires.
77. At all times during inspection, inspectors should carry their official identification card. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.
78. After the integrated or education-only inspection the lead inspector should carry out the following actions.

- Write or coordinate the writing of the advice note. Inspectors should consider carefully the last section of the advice note in which their advice is sought on whether to recommend that a report is published as a result of the emergency inspection.
- Where the concerns which precipitated the emergency inspection are justified and inspectors find that the school is failing to meet the independent schools regulations or national minimum standards, the inspector should recommend that a report is written for publication. This is particularly important where the concerns discovered in the course of the emergency inspection would indicate that the last published report on Ofsted's website is inaccurate. In such a case, **but only subject to the DfE's agreement**, the inspector must also produce a short report of no more than 750 words. Much of the information that the inspector has written in the advice note can be copied into the report.
 - In the case of an education-only or integrated inspection, the lead inspector must use the *Independent school emergency inspection report* template: www.ofsted.gov.uk/publications/090136.
 - In the case of an integrated inspection, the lead education inspector will produce this report with reference to notes which the social care inspector must provide. The social care inspector will record their findings from the residential provision in the Emergency integrated inspection toolkit.¹⁸ When complete, the text will be automatically extracted into a word document, which the social care inspector will provide to the lead inspector by 'safestick' **at the end of the inspection or as soon as possible thereafter**. At the same time, the social care inspector will provide the lead inspector with a word version of any additional key evidence recorded in the toolkit, which is also automatically generated. The lead inspector will paste this evidence into the advice note.
 - In the case of a welfare-only inspection, the social care inspector will produce a report from the Emergency inspection toolkit in addition to the *Advice note for an emergency inspection – welfare only*. Advice notes and reports from welfare-only inspections are quality assured by the Social Care HMI, Integrated Inspections, to whom the social care inspector should send the advice note and report at the end of the writing day.– please refer to 'Guidance for signing-off independent boarding and residential special school welfare-only advice notes to the Department for Education' in the inspection handbook. Following this, the report and advice note should be sent to the DfE.

¹⁸ Social care inspectors must choose one of two outcomes in the Emergency inspection toolkit – either that the school has not met relevant national minimum standards, or that only an advice note has been produced.

- The request to write and publish an emergency inspection report must come from the DfE, but if they desire publication, the report will be published on Ofsted's website in the timescale shown in Annex A.
 - Publication should not be recommended where the concerns investigated are found to be without foundation. In these cases, the advice note only should be completed – no report.
 - If inspectors are in doubt about the recommendation on publication they should discuss this with their inspection service provider manager, who will discuss this with the Managing Inspector, Independent Schools. The final decision on an Ofsted recommendation will rest with the Managing Inspector, Independent Schools although the ultimate decision is made by the DfE. Ofsted's recommendation is simply to assist officers of the DfE. For a social care only inspection, the decision on publication should also be discussed with the Managing Inspector, Independent Schools.
- Following education-only and integrated inspections, the completed advice note (with the report if appropriate) should be sent to the inspection service provider's operations unit who will record it, assure its quality, and send it on to Ofsted for sign off and entry onto the database. Ofsted's Managing Inspector, Independent Schools will liaise with the DfE about further inspection activity at the school.

79. If publication is not required, the DfE will send a letter to the school based on the advice note. This often takes the form of the advice note itself with a short covering letter. Inspectors should therefore ensure that it is written in line with the *Guide to Ofsted's house style* (which is available in the inspection handbook).¹⁹ As a result of the inspection, DfE may request that we bring forward the next inspection. The managing inspectors will keep the school under review, as the outcome of an emergency inspection may impact on risk analysis. The managing inspectors will liaise with the DfE regarding the timing of the next inspection or any follow-up action required. Inspectors MUST NOT arrange an inspection to a school without a request to do so.

An unannounced emergency inspection (education-only, welfare-only and integrated education and welfare)

80. An unannounced emergency inspection to a school will be requested as a result of a complaint or other intelligence received by the DfE, where it would be counter-productive to give the school warning of an inspection. For example, where there are concerns about the level of supervision of young children at particular times in the day, to tell the school of the inspection would enable them to rectify the situation and prevent the inspector from investigating the true situation properly. The reason for an inspection may equally be that the DfE believes there to be an illegal school on the premises.

¹⁹ *Guide to Ofsted's house style* (080230), Ofsted, 2010; www.ofsted.gov.uk/publications/080230.

81. Unannounced inspections may be conducted either by a single inspector (social care or education) or by two inspectors working together. The circumstances of the case will determine the staffing. In the case of day schools, this will always have been discussed by the Managing Inspector, Independent Schools and the inspection service provider manager in advance. Two colleagues may be asked to make the inspection in cases where the subject may be contentious, for example in cases of suspected illegal schools or where there are safeguarding concerns relating to residential pupils. In the case of integrated inspections, either the Managing Inspector, Integrated Inspections or the Managing Inspector, Independent Schools will liaise with the inspection service provider.
82. As with announced integrated and education-only inspections, the education inspector should discuss the situation with the inspection service provider manager/ Managing Inspector, Independent Schools in advance. The inspection service provider will send the appropriate information in advance, as with an announced inspection, and the education inspector will let the inspection service provider operations unit know when the inspection will take place, so that it can be logged. The inspection service provider will notify Ofsted accordingly.
83. In boarding or residential special schools where the concerns relate only to welfare provision for boarders, the visit will be made by a social care inspector acting alone. In such cases, the request for an emergency visit will be received by Ofsted from the DfE, the information will be sent directly to the social care inspector identified to investigate it, and the scheduling will be handled internally by Ofsted without reference to the inspection service provider. Once the inspection is arranged, it should be recorded by the Ofsted CIE team, who will pass on information about the inspection to the inspector. The social care inspector will use the Emergency inspection toolkit and will also need to complete an *Advice note for an emergency inspection – welfare only*.
84. The same procedures for making and recording the inspection should be followed as for an announced inspection, except that the school will not receive any warning of the inspection. Inspectors should arrive at a time best suited to the issue to be investigated and explain to the headteacher the reason for the inspection. If the reason for the inspection relates to a complaint, inspectors must respect the confidentiality of the complainant, although the nature of the complaint should be shared with the school.
85. Inspectors are reminded that they have right of access to investigate a complaint or concern. They should carry their identification badge with them at all times.

Making a monitoring inspection to follow up a school's progress

86. These inspections are specifically requested by the DfE, and are part of the 'inadequate schools' procedure. The previous inspection will have identified a number of serious weaknesses and the school will probably have been judged

inadequate in one or more standards. If it is a boarding or residential school, inspectors may also have identified serious weaknesses in welfare provision. As a result, the DfE will have issued the school with a statutory notice to improve, and called for them to submit a statutory action plan within a specified timeframe. The next part of the statutory procedure is that the school's action plan will have been assessed already by Ofsted and accepted by the DfE. The action plan will set out the steps the school proposes to take to address its weaknesses and to meet the regulations and standards it failed to meet at the time of the inspection. The action plan will also specify the timescale within which the proposed steps will be taken.

87. The monitoring inspection therefore has a definite purpose within the statutory process. This purpose is to assess the amount of progress the school has made with implementing its agreed action plan and to report on whether or not this progress is sufficient. In general, this will mean checking on whether the previously unmet regulations or national minimum standards, which should have been addressed by the action plan, are now met. In the case of education-only and integrated inspections, these judgements should be recorded on the *Advice note for a progress monitoring inspection* and a report should be prepared using the *Independent school progress monitoring inspection report* template.^{20,21} For welfare-only inspections, where the action plan solely concerns the boarding or residential provision, the *Advice note for a progress monitoring inspection – welfare only* should be used, and a report should be produced from the Progress monitoring inspection toolkit.^{22,23}
88. Where the previous inspection report has raised weaknesses in national minimum standards relating to the residential provision only, the social care inspector will undertake a visit to check on the progress against the action plan. This should be made clear in the initial telephone call to notify the school.
89. Where the previous inspection report has raised points for improvement about the quality of education, and teaching in particular, inspectors must see some lessons being taught, keep careful written notes on evidence forms, and record the grades awarded in the grid on the advice note. It is essential to ensure that all proposed actions, which have been accepted by the DfE, are being implemented effectively and within the timescale set out in the action plan. Education inspectors should note, however, that where the issues being

²⁰ *Advice note for a progress monitoring inspection* (090073), Ofsted, 2011;

www.ofsted.gov.uk/publications/090073.

²¹ *Independent school progress monitoring inspection report* (090137), Ofsted, 2011;

www.ofsted.gov.uk/publications/090137.

²² *Advice note for a progress monitoring inspection – welfare only* (100170), Ofsted, 2011;

www.ofsted.gov.uk/publications/100170.

²³ Social care inspectors must choose one of two outcomes in the Progress monitoring inspection toolkit – either that the school has made good progress, or that the school has not met relevant national minimum standards. This aligns with the options in the *Independent school progress monitoring inspection report* template.

followed up do not relate to teaching, it is not necessary to spend time in lessons, although weaknesses in the curriculum might be checked in terms of how the curriculum is being delivered. Inspectors are asked to use their professional judgement in these matters.

90. In the vast majority of cases, inspectors should expect to see tangible progress and that any regulations or national minimum standards which were not met at the time of the previous inspection are now fully met. In a very few cases satisfactory progress could have been made and the school may have improved without the regulation yet being met. This could be, for example, because there is a substantial building programme underway and it is not yet completed. Nonetheless, to record 'satisfactory progress' the inspector should expect the school to have rectified any areas of weakness which might affect pupils' health and safety.
91. As with all advice notes, evidence must be recorded clearly in the 'Inspector's evidence' columns. Although inspectors are encouraged to set out their evidence in bullet points, they must ensure that it is written in clear, grammatically correct sentences, which align with Ofsted's house style.²⁴
92. Inspectors should also ensure that their evidence clearly reflects the cause of the original regulatory failure, in order to put the evidence into context for the DfE and quality assurance readers. This should be captured in the 'Inspector's evidence' columns, and can be achieved by either recording the original problem in a single concise bullet point, or by making specific reference to how the problem has, or has not, been resolved.
93. Where regulations have changed since the previous inspection and/or the action plan, inspectors should take care to insert the new regulation reference number in the section of the Advice Note headed 'para no'. For clarity, they should also refer to the previous regulation number in brackets after it, for example: 2(2)(a), previously 1(2)(a). Inspectors must note that they are inspecting and reporting to the current regulations, not to those in force at the time of the previous inspection or action plan.
94. In the course of a progress monitoring inspection inspectors may observe that the school now fails to meet a regulation which it met at the time of the previous inspection. Where this is the case, they should fill in the section of the template entitled 'additional observations not recorded in the action plan'; otherwise delete this section entirely from the template.
95. It is the responsibility of the inspection service provider to ensure that for education only or integrated inspections, the inspectors are supplied with the relevant information they require: the previous inspection report, the school's statutory action plan which has been agreed with the DfE, the statutory notice

²⁴ *Guide to Ofsted's house style* (080230), Ofsted, 2010; www.ofsted.gov.uk/publications/080230.

and any other correspondence with the DfE, and any previous monitoring report which has been written on the school. The inspection service provider is asked to pre-populate the advice note with information – as shown in italics on the template – before it is issued to the inspector(s). In monitoring visits to the residential provision only in a school, the administrative tasks are the responsibility of Ofsted and may be fulfilled by a social care inspector support officer. The information about the previous inspection is available on the RSA.

96. The advice note and report provide for a definitive final judgement about the extent of the school's progress to be given to the DfE, and all inspectors should consider their judgement very carefully. The judgement is recorded in the 'Recommendations to the Department for Education' section of the advice note, and the 'Compliance with regulatory requirements' section of the report. It must tie up with the judgements made in each section of the advice note, and any discrepancies should be explained fully so that a convincing picture emerges. These inspections carry a high risk, both for the inspector and the school, and must be carried out with care and professionalism. The consequences of a judgement by an inspector that the school has made inadequate progress with implementing its action plan to meet the remaining regulations or national minimum standards could be very serious for the continued registration of the school. Inspectors and quality assurance readers should take particular care over the quality of writing in the advice note and the report, even though the note itself will form the record of evidence and may therefore be completed in note form. In the case of a tribunal, these notes will be called as evidence. Please refer to paragraphs 113–122 for further information on writing progress monitoring reports.
97. At all times during inspection, inspectors should carry their official identification card. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.

Monitoring progress in boarding, residential schools and children's homes

98. Where inadequacies have been identified by inspection in boarding, residential special schools or children's homes offering education, the progress monitoring inspection may involve either the social care inspector, or the education inspector, or both, depending on the issues involved. It is anticipated that most progress monitoring inspections to inadequate boarding schools or residential special schools will take the form of an integrated inspection which the education inspector will lead. In such cases, the lead inspector will coordinate writing the *Advice note for a progress monitoring inspection* and the report with reference to notes which the social care inspector must provide. The social care inspector will record their findings from the residential provision in the Progress

monitoring integrated inspection toolkit.²⁵ When complete, the text will be automatically extracted into a word document, which the social care inspector will provide to the lead inspector by 'safestick' **at the end of the inspection or as soon as possible thereafter**. At the same time, the social care inspector will provide the lead inspector with a word version of any additional key evidence recorded in the toolkit, which is also automatically generated. The lead inspector will paste this evidence into the advice note.

99. For schools which are dually registered as children's homes, please refer to the sub-section 'Children's homes with dual registration as schools' below.
100. Where the issues relate solely to boarders' welfare in these establishments, DfE will request that a social care inspector follows up the school's progress, and this inspection will be conducted as per the guidance for inspectors above. The social care inspector will use the Progress monitoring inspection toolkit from which they will generate an inspection report, and also must produce the *Advice note for a progress monitoring inspection – welfare only*.^{26,27} Where a social care inspector only is required to make a progress monitoring inspection to assess the progress made against an action plan which refers solely to welfare of boarders, the request will still be made by DfE, and Ofsted will be responsible for scheduling the inspection and for the quality assurance process. The social care inspector will be responsible for obtaining the required pre-inspection information and for writing up the inspection on the advice note. The advice note and the report will be quality assured by one of the Social Care HMI, integrated inspections.
101. On those occasions where the issues in residential special schools and boarding schools are solely educational, the inspector/additional inspector will conduct the inspection alone (or with an expert team inspector if required) and will produce the advice note (with welfare section deleted) and write the report for publication.
102. In the case of integrated or stand alone educational progress monitoring inspections, the monitoring inspection should normally be announced by the inspection service provider, giving the school two clear days' notice. The inspection service provider should not announce the inspection until the availability of the social care inspector has been secured. The inspection may

²⁵ Social care inspectors must choose one of two outcomes in the Progress monitoring inspection toolkit – either that the school has made good progress, or that the school has not met relevant national minimum standards. This aligns with the options in the *Independent school progress monitoring inspection report* template.

²⁶ *Advice note for a progress monitoring inspection – welfare only* (100170), Ofsted, 2011; www.ofsted.gov.uk/publications/100170.

²⁷ Social care inspectors must choose one of two outcomes in the Progress monitoring inspection toolkit – either that the school has made good progress, or that the school has not met relevant national minimum standards. This aligns with the options in the *Independent school progress monitoring inspection report* template.

start at the end of a school day for the social care inspector and continue into the next day, when the education inspector arrives. This will allow the social care inspector to see pupils in the boarding situation and to hear their views. In particular circumstances, the inspection may run over two days or have a different level of staffing where this is desirable in order to secure the evidence required. This may occur, for example where a school is located on several sites.

103. A monitoring inspection will generally be allocated two days. This includes preparation, travel, inspection and writing.
- In a day school, or where the weaknesses in a boarding school relate to educational provision only, the visit will generally be undertaken by an additional inspector who has been trained for this role. In exceptional circumstances, another inspector may also be present.²⁸
 - In boarding or residential special schools, where weaknesses relate to both education and residential provision, the visit will be led by the education inspector who will be accompanied by a social care inspector.
 - In an association boarding school, or in a residential special school or non-association boarding school where the weaknesses relate solely to the residential provision, the monitoring visit will be conducted by a social care inspector working alone, or, in exceptional circumstances, accompanied by another inspector.
 - In particular circumstances, the inspection may run over two days or have a different level of staffing where this is desirable in order to secure the evidence required. This may occur, for example where a school is located on several sites.
104. The education and social care inspectors should liaise with one another before the start of the inspection, agreeing the inspection plan and duties between them, and a time at which they may confer to reach joint and consistent judgements. The education inspector should take the lead in coordinating the writing of the advice note and report, to which both inspectors should contribute. The social care inspector will also need to record the details of their findings on the RSA database. The inspectors should record in the advice note their findings against the standards regulations, whether the national minimum standards are now met or whether inadequate progress has been made against these, and any that still remain unmet.
105. All progress monitoring inspections are made at the request of the DfE and staffing or timings of these inspections can be varied in accordance with the

²⁸ Exceptional circumstances might include very large schools, those on split sites, those with a substantial number of serious weaknesses, or schools which have particularly specific requirements. The inspection service provider (or Ofsted scheduler) is asked to use their judgement and liaise with the managing inspectors.

DfE's wishes. Inspectors **MUST NOT** arrange monitoring inspections without a request to do so.

106. Social care inspectors should note that a progress monitoring inspection does not replace and should not coincide with an annual inspection in a residential school. The routine annual reporting inspection of welfare will take place separately.
107. **All monitoring visits and reports should be completed within 20 days.**

Children's homes with dual registration as schools

108. Ofsted has more discretion over the way in which it follows up inadequacy in children's homes where Ofsted is the registration authority. Where the welfare of children and young people is judged inadequate, social care inspectors will follow this up within an appropriate timescale relevant to the issues involved. This may coincide with an interim or a full welfare inspection.
109. Where education has been judged inadequate in a children's home providing education, the action plan must be followed up by the education inspector in a timescale requested by the DfE, as the registration authority for the school. This may be undertaken as a separate inspection but preferably it should be combined wherever possible with one of the two inspections of the social care inspector to the children's home which are carried out each year. If this is not possible, the education inspector should write up an advice note from the monitoring inspection noting that this was a freestanding 'education only' inspection. The advice note should be sent to the DfE via Ofsted in the normal way, and a short report for publication summarising the educational progress only of the children's home will be produced. If the education monitoring inspection is scheduled to occur at the same time as one of the two inspections carried out by the social care inspector each year, this is considered to be an 'integrated' inspection.
110. An integrated monitoring inspection to children's homes offering education will be **led by the social care inspector**. They must advise Ofsted schedulers to secure an education inspector from the relevant inspection service provider. The social care inspector will produce their report using the RSA database in the normal way; the education inspector will produce an advice note for the DfE and a short monitoring report as a result of the monitoring inspection. Inspectors must make clear in the 'Context' section of the report that the progress monitoring inspection was conducted alongside an inspection of the social care provision, and that there is a parallel report published on the welfare of the young people in the home. Inspectors are reminded not to identify the setting by its address. In the short term, Ofsted is investigating linking reports on its website and over time, Ofsted is working towards a common published report for children's homes.

111. At all times during inspection, inspectors should carry their official identification card. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.
112. **All monitoring visits and reports should be completed within 20 days.**

Progress monitoring reports

113. Reports resulting from education-only, integrated, or welfare-only monitoring inspections are published on the Ofsted website. This enables parents and carers, pupils, placing authorities and the general public to be informed about the progress the school has made since its last published report.
114. In the case of education-only and integrated inspections, inspectors should use the *Independent school progress monitoring inspection report* template to write a report on the school's progress in implementing its action plan. The template is self-explanatory with the main text required in the section entitled 'summary of progress made in implementing the action plan'. For welfare-only inspections, the social care inspector will produce a report from the Progress monitoring inspection toolkit. In all cases inspectors should aim for succinctness and clarity in writing, understanding, of course, that length will vary with the circumstances encountered on inspection, but as a guideline they should write no more than 750 words for a day school and 1200 for a residential school.
115. For integrated inspections, the social care inspector's findings from the residential provision will be recorded in the Progress monitoring integrated inspection toolkit. When complete, the text will be automatically extracted into a word document, which the social care inspector will provide to the lead inspector by 'safestick' **at the end of the inspection or as soon as possible thereafter**. At the same time, the social care inspector will provide the lead inspector with a word version of the evidence recorded in the toolkit, which is also automatically generated. The lead inspector will paste this evidence into the advice note.
116. Progress monitoring reports should report solely on regulations failed, and not attempt to present a general overview of the school's current quality of provision. For each regulatory failure, inspectors should report the problem that caused the regulation to not be met, what the school planned to do to address the issue, evidence about whether the school has made sufficient progress, and whether the regulation is now met. This should be captured in the 'summary of progress made in implementing the action plan' section.
117. Where regulations have changed since the previous inspection and the action plan, inspectors should take care to use the new regulation paragraph reference number, especially in the 'compliance with regulatory requirements' section. Inspectors must note that they are inspecting and reporting to the current regulations, not to those in force at the time of the previous inspection or action plan.

118. As with the advice note, the report provides a definitive final judgement about the extent of the school's progress. This is recorded in the 'Compliance with regulatory requirements' section of the report.
119. For further guidance on report writing, please refer to *Writing inspection reports* in the inspection handbook.
120. The process and timeline for welfare-only progress monitoring inspection reports follows that of reports written following standard welfare-only inspections of boarding or residential special schools – please refer to *Conducting inspections of boarding and residential provision in schools*: www.ofsted.gov.uk/publications/100180.
121. The process for education-only and integrated progress monitoring inspection reports is set out below.
- The inspection service provider will forward the draft report to the school. The school will have 24 hours in which to read the report, comment and return the report electronically to the inspection service provider.
 - The inspection service provider is responsible for considering the school's response to the draft report and where simple factual or grammatical corrections are needed will make these changes to the report and then forward it for HMI sign-off. Where the school's comments are more complex, the inspection service provider will contact the lead inspector by telephone to agree any changes to be made. Where comments refer to inspection of the residential provision, the lead inspector may need to consult the social care inspector and so should ensure that they have a contact telephone number for this eventuality.
 - The final draft report will be sent to the quality assurance team for sign-off and returned to the inspection service provider by day 16.
 - The inspection service provider will write to the school acknowledging receipt of the headteacher's comments and confirming that they have been considered. The school will not normally receive any further drafts of the report.
 - The final published report will be sent by the inspection service provider to the school.
122. Please refer to the progress monitoring timeline at annex B.

Identifying an inadequate school after an additional inspection

123. Inspectors making an inspection to an independent school for another purpose, such as to monitor progress or to investigate an emergency or complaint may also be aware that the school is giving cause for concern. If so, they should also

complete Form A (Independent) in order to indicate to the managing inspector and the DfE that the Advice Note or report is a priority for action. Where the concern relates only to the residential provision, the equivalent Form A (confirmation that an independent school or residential special school is causing concern following a welfare inspection) should be used.

124. Inspectors who are making a pre-registration inspection to a setting only use Form A (Independent) if the school is already operating. In all other cases, there is no need to use this form.

Evaluating independent schools' action plans following inspection

125. Schools are required by the DfE to produce an action plan that reflects the action they intend to take to rectify any regulatory failures as a result of their inspection. This action plan may be required after a section 162A inspection or after any additional inspection which inspectors make to the school.
126. Following inspection, schools which have failed the independent schools' regulations, or the national minimum standards, or both, are asked by DfE to produce action plans. The DfE *Registration of independent schools information pack*, and Ofsted's *The framework for inspecting education in non-association independent schools* both refer to an action plan having to be produced 'within a specified timescale'.^{29, 30} The normal procedure is for DfE to request a non statutory action plan within one month of the date of the letter from DfE, but where it has serious concerns DfE will serve a statutory notice to provide an action plan. In these cases the DfE may determine that the timescale should be shortened. The normal timescale is not extended where school holidays fall in between but if an action plan is not received the school may be given more time to produce it.
127. Where a statutory notice has been served the law states that an action plan must state clearly both the action proposed by the school to rectify any regulatory failures and the timescale within which the action will be taken.
128. The options on receipt of the action plan are for DfE:
- to accept it
 - to reject it
 - to accept it with modifications.

²⁹ *Registration of independent schools information pack*, DfE, 2010; www.dcsf.gov.uk/reg-independent-schools/downloads/InformationPackJuly2010.doc.

³⁰ *The framework for inspecting education in non-association independent schools* (090036), Ofsted, 2010; www.ofsted.gov.uk/publications/090036.

129. Once received, both non statutory and statutory action plans must be assessed. In many cases, for example where the issues are few or straightforward, the DfE officers will decide themselves how to respond to an action plan. Where the issues are more complex, or where the DfE requires professional advice, such as is generally the case for a statutory action plan, they will ask Ofsted to assess the action plan and advise whether the plan is acceptable or not and, on the basis of that advice, they will decide the next steps. Where a statutory notice has been served DfE will make one of the judgements above based on Ofsted's advice. In other cases they will decide on a range of options as follows:
- to accept it and put the school back into the normal inspection cycle
 - to accept it and request a follow up inspection
 - to reject it and serve a statutory notice requiring a revised action plan
 - to reject it and request a further non statutory action plan.
130. Where Ofsted's assessment of an action plan is required the DfE initiates the process by sending a request for an action plan assessment. If the evaluation of the action plan follows an HMI-led section 162A inspection then the scheduling team will send the inspector, who is assigned to carry out the evaluation, a copy of the last inspection report and the *Record of Inspection Evidence and Judgements* together with the school's action plan. If the required assessment follows an additional inspection, a copy of the completed advice note and in the case of new registration inspections, the completed regulatory check sheet will be sent to the inspector.
131. Where the inspection has been led by an additional inspector the process will be handled by the inspection service provider following their own internal processes. As the school's action plan is often in hard copy format, this can be sent separately by post directly to Ofsted or to the inspection service provider by the DfE. The evaluation has to be completed and returned to the DfE within three weeks. In some circumstances, the DfE may require a more rapid response time. Inspection service providers must return the assessments to the Managing Inspector, Independent Schools, ensuring that the completed activity has been recorded.
132. In some cases, the request for an assessment of a statutory action plan will follow an integrated inspection. In most circumstances, the assessment should be undertaken by one inspector, generally with education expertise. However, this inspector should take care to consult experts from social care, where there are doubts about whether the timescale or steps proposed by the school are satisfactory.
133. Where the action plan concerns solely the school's education provision, or the education and boarding or residential provision, the inspector must complete

the *Advice note for evaluating a school's action plan*, which must be provided by the inspection service provider.³¹

134. Where the improvements required all relate to welfare aspects of the inspection, however, schedulers should refer the assessment of the action plan solely to a social care inspector. The social care inspector should fill in an *Advice note for evaluating a school's action plan – welfare only*.³² Completed welfare-only advice notes are quality assured by the Social Care HMI, Integrated Inspections. In addition, the social care inspector will need to record a note in the RSA database under 'Registration comments' to state that an evaluation of the school's action plan took place and a brief description of the outcome of this.

Checking the action plan for completeness

135. Before commencing work on the advice note, inspectors should check that the action plan provided is a complete copy. If the plan has not been copied accurately (for example a double-sided document copied or scanned as single sided), alert the inspection service provider to the situation and discuss how a complete plan may be obtained. The origin of the error will need to be traced through the system and a complete plan provided before its evaluation can be undertaken. If the plan appears to be more than a year or so old, check that you have been sent the latest one.

The date for completion

136. The column headed 'Date when proposed action will be completed' should contain a date (which may follow the school's style if it speaks of 'end of summer term' or similar) or a phrase such as 'Said to be completed', for each regulation.

Making a judgement

137. Inspectors who are assessing schools' action plans must judge whether the plan is fit for purpose. The plan must show exactly how the school will address the regulations it did not meet and when it will complete each action. The inspector should therefore consider the following matters in assessing the plan.
- Are the proposed actions clear and specific?
 - Do they address appropriately the regulatory failures (or national minimum standard failures) identified by the inspection?

³¹ *Advice note for evaluating a school's action plan* (090081), Ofsted, 2011; www.ofsted.gov.uk/publications/090081.

³² *Advice note for evaluating a school's action plan – welfare only* (100171), Ofsted, 2011; www.ofsted.gov.uk/publications/100171.

- Is the action proposed likely to lead to sufficient improvement for the regulation to be met?
- Does the plan reflect an appropriate timescale by which the intended action will be completed?

138. The technical refinement of the plan is only an issue if its poor quality prevents the above question being answered. The evaluation of the actions intended by the school may in fact require some detective work if the plan is not well constructed. It may be that the school's full solution to a problem with regard to one regulation may be discovered only by reading across the proposals to meet other regulations. For example, one of the failings against health and safety (part 3, paragraph 11) may be met by an action listed under part 5, paragraph 23(e) as the school has considered it to be a premises issue.
139. If the school goes as far as to propose criteria for the success of each initiative, regard this as a bonus and do not fail the school for not providing accurately measurable criteria for the outcome of every initiative.

Writing the evaluation

140. The inspector should use the *Advice note for evaluating a school's action plan* *Advice note for evaluating a school's action plan – welfare only*, as appropriate for reporting on the evaluation of the action plan and advise on whether the action plan should be accepted or not. These are available in the 'Forms for inspectors' section of the inspection handbook. If the action plan is acceptable in part but requires some modification, the inspector should make clear what modification is required. If the plan is unacceptable, then the advice to DfE should be to reject it, supported by clear reasons for this judgement and the improvement which is needed. Inspectors are also asked to state whether the timescale for implementation of the plan is acceptable or not, stating clearly the amendments that are required where the proposed timescale is not acceptable.
141. For each regulation failed, the evaluator's commentary should open with a brief account (one or two sentences) to summarise what the inspection report stated were the actual failings of the school in terms of the regulation. For example, with respect to part 1, paragraph 2(1), the school may have had no schemes of work for art and music, rather than some general failing with regard to subject documentation. This will help to focus attention in the evidence on the match of the school's response.
142. The inspector should state clearly for the action to address each regulatory failure:
- whether the planned action is satisfactory (do not use descriptors such as 'good') – that is, likely to remedy the shortfall against the regulation. Where the planned action is not sufficient or appropriate to put the weakness right, the reasons for this should be briefly and clearly stated. If the proposal does

not give sufficient evidence to enable a judgement to be made, this should be also stated as a failure with reasons for the judgement.

- whether the implementation of the planned action should be confirmed by inspection or by the submission of evidence to the DfE
- whether the timescale proposed is satisfactory. Unless the timescale is clearly impractical, short timescales should be described in terms such as 'ambitious' and attention drawn to the fact that evaluation through inspection will be essential. Over-extended timescales are obviously more significant for actions which are urgent such as child protection issues. If the action is completed, then the timescale is satisfactory.

143. Unless clear evidence of completion (such as a copy of the single central register) has been provided along with the action plan, most actions will be subject to inspection in terms of confirming their implementation or completion.
144. No advice should be included in the evaluation. If there are deficiencies in the plan, these should be pointed out so plainly that the school will be clear what should be done to put them right.
145. The overall conclusion should be brief. If there are deficiencies in the school's plan to be remedied ('Although broadly satisfactory needs some improvement' etc), these should be stated as bullet points followed by the reference to the regulation, expressed as '(part X, paragraph x(x))' as appropriate.
146. As with all advice notes, inspectors should **take care with the style and content of what is written**, paying close attention to the *Guide to Ofsted's house style* (which is available in the inspection handbook), and should also be aware that any of these inspection forms may be requested under the Freedom of Information Act.^{33, 34}
147. The quality assurance of completed welfare only advice notes is undertaken by the Social Care HMI, Integrated Inspections – please refer to *Guidance for signing-off independent boarding and residential special school welfare-only advice notes to the Department for Education* in the inspection handbook. Quality assurance of action plans relating to regulatory failures only, or failures to meet national minimum standards and regulatory failures is carried out by the inspection service provider.

³³ *Guide to Ofsted's house style* (080230), Ofsted, 2010; www.ofsted.gov.uk/publications/080230.

³⁴ <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

Annex A. Timeline for conducting pre-registration inspections to new schools, emergency inspections and material change inspections

New school registration inspections are managed by inspection service providers. They may take place on any day of the week.

	<p>Inspection service provider calls school and arranges a date for the inspection (unless this is an unannounced visit)</p> <p>Inspection service provider creates contract and sends to inspector</p> <p>Inspection service provider sends letter of confirmation to school, with reminder about any additional required documentation</p> <p>Inspection service provider sends school documentation to inspector(s)</p>
Day 1	Inspection takes place
Day 2	Inspector returns advice note and pre-registration check sheet – for new registration inspections – to inspection service provider the day after inspection at the latest
Day 3	Inspection service provider is responsible for ensuring the quality of the report
Day 4	Inspection service provider sends advice note and check sheet to Ofsted for approval – request confirmation of delivery from Ofsted
By day 10	Approved document returned to inspection service provider by Ofsted
Day 14	If report approved without need for further amendment, export to Ofsted
By day 20	Documents exported by inspection service provider to Ofsted, allowing for further amendment and return for approval if required

*In the following cases, Ofsted should be informed and the timeline adjusted accordingly. Ofsted to inform the DfE.

- The school may request deferral of inspection due to incomplete buildings or imminent appointment of headteacher, and so on.
- A joint inspection by education and welfare inspectors is required and the availability of the welfare inspector results in a request for deferral of inspection date or extension of the timeline. In such cases an inspection date should be agreed between inspection service provider and Ofsted and the timeline above operated from the point at which the inspection is made.

Annex B. Timeline for conducting monitoring inspections to follow up a school's progress (education-only and integrated inspections)

Progress monitoring inspections are managed by the inspection service provider. They may take place on any day of the week. Unless an unannounced inspection is specifically requested, schools should be given two clear days notice of a progress monitoring inspection.

This timeline relates to the activity which is organised by the inspection service provider as soon as request for the progress monitoring inspection is received from Ofsted. Please note that this timeline only applies to education-only and integrated progress monitoring inspections to boarding or residential special schools. It does **not** apply to welfare-only progress monitoring inspections to such schools.

As soon as the request is received by Ofsted from DfE, schedulers should determine whether this inspection requires a social care inspector, for example where the inspection of residential care is needed. If so, the services of the social care inspector should be secured and the inspection service provider advised of the available dates.

	Inspection service provider notifies school of inspection (two days' notice where appropriate)
Day 1	On-site inspection
Day 2	Lead inspector writing day For day schools: lead inspector sends advice note and report to inspection service provider by the end of the day Integrated reports: social care inspector sends contribution to lead inspector by 2pm on writing day. Lead inspector sends advice note and report to inspection service provider by the end of the day
Day 3	Quality assurance reading Inspection service provider sends draft report back to lead inspector to check
Day 4	Lead inspector checks report Lead inspector sends final draft report to inspection service provider by end of day and sends the evidence base to inspection service provider
Day 5	Inspection service provider sends draft report to the school for factual accuracy check
Day 6	Report is with the school
Day 7	Draft report sent back to inspection service provider with school comments form by 4pm

Day 8	<p>Inspection service provider considers the comments made by the school and where appropriate agrees changes with lead inspector (telephone contact with lead inspector where needed)</p> <p>Inspection service provider ensures the quality of the report and sends to the Ofsted team by 5pm</p>
Day 13	<p>Sign-off by independent school HMI</p> <p>Signed-off report is sent back to inspection service provider by 6pm</p>
Day 18	<p>Final draft report sent to the school</p> <p>Published report and advice note sent to Ofsted datafeed</p>
Day 20	<p>Report published on Ofsted website</p>