

Registration inspection of an academy, free school, studio school or university technical college (UTC)

Section 162A independent school inspection guidance

This document provides guidance for inspectors on conducting a registration inspection to an academy, free school, studio school or university technical college (UTC).

The guidance is not applicable to schools which have applied to the Secretary of State for Education for approval to convert to academy status, under the Academies Act 2010. These schools are not subject to an independent school registration inspection.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email enquiries@ofsted.gov.uk.

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication is available at www.ofsted.gov.uk/publications/090059.

To receive regular email alerts about new publications, including survey reports and school inspection reports, please visit our website and go to 'Subscribe'.

Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

No. 090059

© Crown copyright 2011



Contents

Background to academies	4
Background to free schools	5
Background to studio schools	5
Background to university technical colleges (UTC)	6
Circumstances of a registration inspection	7
Particular features of the registration inspection	8
Checking the documentation	8
Criminal Record Bureau checks	9
Fire risk assessments	9
Completion of the advice note and pre-registration regulatory check sheet	9

Background to academies

1. From September 2010, it is possible for maintained and independent schools to apply to the Secretary of State for Education for approval to convert to academy status, under the Academies Act 2010. Please note that this guidance is **not** applicable to such schools, which are not subject to an independent school registration inspection.
2. Academies which are newly established schools (as opposed to outstanding maintained or independent schools which have converted to form a new school with academy status) are all-ability schools, established by sponsors from business, faith or voluntary groups working in partnership with central government and local authority partners. They are sometimes referred to as city academies. Sponsors and the Department for Education (DfE) provide the capital costs for the academy. Running costs are met in full by the DfE. Academies either replace one or more schools facing challenging circumstances, or are established where there is a need for additional places. The establishment of an academy involves a rebuild or substantial refurbishment of existing premises.
3. Academies are publicly funded independent schools. The governors are responsible for the appointment and employment of staff, administration of finances, authorisation of any changes to terms or conditions, and approval of personnel policies and procedures. They are accountable to local parents and carers in the same way as maintained schools. They must take part in local admissions forums. In most cases staff transfer across from existing schools under the Transfer of Undertakings Protection of Employment Regulations 1981. As a result the local authority may be involved in the procedures for criminal records bureau checks for existing – and in some cases newly appointed – staff.
4. Academies are inspected under section 5 arrangements but, as independent schools, must be subject to an initial independent school registration inspection. Entry in the Independent Schools Register is a legal requirement. Academies offer a broad and balanced curriculum to pupils of all abilities, focusing on one or more specialist subject area. In line with maintained, specialist schools they may opt to admit 10% of pupils each year on the basis of their aptitude for certain specialisms. However, the regulations related to the curriculum and teaching and learning are not inspected as part of the registration inspection. As a result, an alternative regulatory check sheet is used.

Background to free schools

5. The first free schools will open from September 2011 and information about the programme is available on the DfE website.¹ They are part of the academies family of schools.
6. Free schools are non-profit making, independent, state-funded schools being set up in response to demand within a local area for a greater variety of schools. There is not a 'one-size-fits-all' approach. They are not defined by size or location: there is not a single type of free school and they can be primary or secondary schools. They can be located in traditional school buildings or appropriate community spaces such as office buildings or church halls. They can be set up by a wide range of proposers – including charities, universities, businesses, educational groups, visionary teachers or committed parents.
7. Free schools will have some additional freedoms. For example, teachers in free schools will not necessarily need to have qualified teacher status. Like academies, free schools will be funded on a comparable basis to other state-funded schools. Groups running free schools cannot make a profit.
8. The admissions arrangements of any free school must be fair and transparent. Free schools are expected to be open to pupils of all abilities from the area and cannot be academically selective. Free schools will need to take part in their local coordinated admissions process, and so parents apply for places for their child in the same way as any other local school.
9. Free schools are inspected under section 5 arrangements but, as independent schools, must be subject to an initial independent school registration inspection. Entry in the Independent Schools Register is a legal requirement. The regulations related to the curriculum and teaching and learning are not inspected as part of the registration inspection. As a result, the *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* is used.²

Background to studio schools

10. Studio schools are an innovative new model for 14–19-year-olds of all abilities. They seek to address the growing gap between what young people require to succeed in life and the skills and knowledge that the current education system provides. Studio schools will pioneer a bold new approach to learning involving enterprise projects and real work with local employers. This will root students' learning in the real world and will help them to develop the skills they need to succeed.

¹ www.education.gov.uk/schools/leadership/typesofschools/freeschools

² *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* (090079), Ofsted, 2011; www.ofsted.gov.uk/publications/090079.

11. The Studio Schools Trust is a joint venture between [Edge](#) and the [Young Foundation](#).³ It is driving forward innovation in the British education system and works closely with a range of local partners and leading national educational bodies. The Studio Schools Trust is also developing a unique curriculum in partnership with the country's leading national educational bodies. It will focus on personalisation, practical learning and paid work experience.
12. Studio schools are inspected under section 5 arrangements but, as independent schools, must be subject to an initial independent school registration inspection. Entry in the Independent Schools Register is a legal requirement. The regulations related to the curriculum and teaching and learning are not inspected as part of the registration inspection. As a result, the *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* is used.⁴

Background to university technical colleges (UTC)

13. University technical colleges (UTC) are a new concept in education and they are part of the academies family of schools. They offer 14–19-year-olds the opportunity to take a highly regarded, technically-oriented course of study at a specialist college equipped to the highest standards. The colleges are sponsored by a university often in partnership with a college of further education, offering clear progression routes into higher education or further learning in work.
14. Students start at the age of 14, combining hand and mind to learn in a very practical way, integrating academic requirements with technical and practical elements. Under the same roof they study technical subjects alongside the basic GCSE subjects of English, mathematics, science and IT. They also take part in sport, are trained in financial practices and learn how to set up a business.
15. The colleges are developed under the academies programme which means that the sponsor, as a university and/or further education college, does not have to provide any of the funds required to build a new college or to refurbish an existing school, nor does it have to contribute towards the running cost. The sponsor's commitment is to use its knowledge and expertise to support the UTC and engage in the college's activities through:
 - curriculum development
 - helping in teaching
 - guiding suitably qualified students to foundation and full degrees.

³ www.studioschoolstrust.org

⁴ *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* (090079), Ofsted, 2011; www.ofsted.gov.uk/publications/090079.

16. UTCs are inspected under section 5 arrangements but, as independent schools, must be subject to an initial independent school registration inspection. Entry in the Independent Schools Register is a legal requirement. The regulations related to the curriculum and teaching and learning are not inspected as part of the registration inspection. As a result, the *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* is used.⁵

Circumstances of a registration inspection

Background

17. Section 99 of the 2008 Education Act requires Ofsted to inspect an institution that has applied to be entered onto the register.⁶ Ofsted is required to report to the Secretary of State on the extent to which the school **is likely to meet or is not likely to meet** the independent school standards once it is open. This information is recorded on the *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* and this, together with the *Advice note for a pre-registration inspection of an academy/free school/studio school/university technical college (UTC)*, are sent to the DfE.^{7,8}

Academies

18. Registration inspections to academies take place, typically, between mid-May and the end of August. At the time of the registration inspection, it is likely that a principal will have been appointed. Occasionally the inspection will be hosted by a project manager, who will be responsible for the refurbishment or new build works.

Free schools, studio schools, university technical colleges (UTC)

19. Registration inspections to free schools, studio schools and university technical colleges (UTC) take place, typically, between mid-May and the end of August. At the time of the registration inspection, it is likely that a headteacher will have been appointed. Occasionally the inspection will be hosted by the proposer who will be responsible for the development of the school.

⁵ *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* (090079), Ofsted, 2011; www.ofsted.gov.uk/publications/090079.

⁶ www.legislation.gov.uk/ukpga/2008/25/section/99

⁷ *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* (090079), Ofsted, 2011; www.ofsted.gov.uk/publications/090079.

⁸ *Advice note for a pre-registration inspection of an academy/free school/studio school/university technical college (UTC)* (090080), Ofsted, 2011; www.ofsted.gov.uk/publications/090080.

Inspections to the premises of the pre-existing school during, or before refurbishment

20. This inspection relates to future arrangements and provision in the academy, not the predecessor school (if there is a predecessor school). It is essential that the staff and pupils of the predecessor school are not inconvenienced in any way. It will not be acceptable for the academy to simply produce the policies of the predecessor school.
21. In these cases also, it is essential to determine the extent of planning for refurbishment, timescales for completion, and the nature of any agreement between the academy and the local authority regarding responsibility for planned works.

Inspections to newly built premises before the admission of pupils

22. In these cases there are likely to be incomplete works and a judgement is needed about the proposed timescales for completion. Access to plans and the expertise of the project manager are invaluable in these circumstances. It will not be acceptable for the academy to simply produce the policies of the predecessor school.
23. At all times, during both types of registration inspection, inspectors should carry their official identification badge. Both the inspection service provider and Ofsted should be able to verify inspectors' legitimate presence in the school, if this is needed.

Particular features of the registration inspection

Checking the documentation

24. Before the inspection, the school will have received a registration pack from the DfE. This pack includes:
 - details of the requirements of the registration 'inspection'
 - a registration form, a copy of which will be provided to the inspector, by the inspection service provider
 - copies of legislative requirements relating to the use of restraint, safeguarding children, child protection, and criminal records bureau disclosure.

25. The pack also sets out the standards for registration, reflecting the regulations set out in the *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)*.⁹
26. The school will be expected to provide access to all documentation required for registration, as set out in the regulations.

Criminal Record Bureau checks

27. The requirements of an academy, free school, studio school and university technical college (UTC) regarding criminal records bureau checks for staff are the same as those for all independent schools. The academy must provide access to details of all criminal records bureau disclosures and evidence of its ongoing policy and procedures for new appointments. In many cases the procedures will include a role for the local authority.
28. Paragraph 21(5)(b)(i) of The Education (Independent School Standards)(England) Regulations 2010 requires the chair of the governing body to have an enhanced criminal records bureau check which has been countersigned by the Secretary of State. The chair of the governing body is responsible for ensuring that enhanced criminal records bureau checks are obtained for all members of the governing body, under paragraph 21(6)(b). There are no circumstances under which members of a governing body would be exempted from these checks.

Fire risk assessments

29. The governors of an academy, free school, studio school or university technical college (UTC) are required to carry out a fire-risk assessment and to keep the findings in a formal record. They are also required to have a report from the appropriate fire authority. These documents must be inspected during the registration inspection.

Completion of the advice note and pre-registration regulatory check sheet

30. At the end of the inspection the inspector should feed back to the headteacher or principal their judgement of the school's readiness for registration, making clear where a regulation is not likely to be met, and what must be done to improve. Advice to the school about what should be done to meet a regulation must be recorded in the pre-registration checklist which will provide the DfE with an indication as to whether the school is likely to meet the regulation when it opens. Inspectors should take account of any plans and the proposed timeline by when changes will be made when they make their judgements. The

⁹ *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* (090079), Ofsted, 2011; www.ofsted.gov.uk/publications/090079.

purpose of the checklist and procedures for its completion are identical to those for a standard registration inspection, and inspectors should refer to the document *Conducting additional inspections of independent schools*.¹⁰

31. The *Pre-registration regulatory check sheet for an academy/free school/studio school/university technical college (UTC)* differs in a few respects from a standard one. There is no requirement to inspect the curriculum or teaching and learning, so these sections are omitted. Also, a small number of regulations do not apply to academies/free schools/studio schools/university technical colleges (UTC).
32. Following the inspection, the inspector must also complete the *Advice note for a pre-registration inspection of an academy/free school/studio school/university technical college (UTC)* which should give brief details about the school and the context of the inspection. Inspectors should complete the advice note in accordance with the instructions in the guidance document above.¹¹

¹⁰ *Conducting additional inspections of independent schools* (090060), Ofsted, 2011; www.ofsted.gov.uk/publications/090060.

¹¹ *Advice note for a pre-registration inspection of an academy/free school/studio school/university technical college (UTC)* (090080), Ofsted, 2011; www.ofsted.gov.uk/publications/090080.