



*Rhagoriaeth i bawb – Excellence for all*

Arolygiaeth Ei Mawrhydi dros Addysg  
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate  
for Education and Training in Wales

## **When will the next school inspection take place?**

**Guidance on inspecting new schools,  
schools working collaboratively and  
federated schools, and on the cancellation,  
deferral and re-scheduling of school  
inspections**



## Version control

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Any enquiries or comments regarding this document should be addressed to:

Publications  
Estyn  
Anchor Court  
Keen Road  
Cardiff  
CF24 5JW

or by email to [enquiries@estyn.gov.uk](mailto:enquiries@estyn.gov.uk)

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### Equality Impact Assessment

In accordance with Estyn's Equality Impact Assessment 2009, a full equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of disability, gender or race.

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## Introduction

- 1 This document sets out Estyn's arrangements for inspecting schools in commonly-occurring situations, such as when new schools are established, schools work collaboratively, or schools work in federations. In addition it sets out Estyn's approach to the cancellation, deferral and re-scheduling of schools inspected under section 28 of the Education Act 2005.

## Legislation

- 2 Amendments to the [Regulations Relating to the Intervals for the Inspection of Education and Training \(Wales\) 2010](#) require that Her Majesty's Chief inspector (HMCI) for Education and Training in Wales ensures that every school to which section 28 of the 2005 Act applies is, with effect from September 2010, inspected:
  - in the case of a school which has not been previously inspected, within six years of the date on which pupils were first admitted to the school; and
  - in all other cases, within six years from when the school was last inspected.

HMCI also has the prerogative under the Education Act 2005 to arrange for the inspection of any educational establishment in Wales.

- 3 [The Education \(Wales\) Measure 2010](#) ('the Measure') will put in place powers and duties to make collaboration between institutions easier, to improve school governance and to simplify the planning of school places. The Measure also includes proposals for giving local authorities power to establish federations of schools. The Measure is likely to increase the number and complexity of collaboration and federation arrangements between schools.

## Informing Estyn of school closures and the establishment of new schools or federations

- 4 The School Standards and Framework Act 1998, Section 29 requires the Welsh Government to provide Estyn with notification of proposals to discontinue or establish new schools in Wales. In addition, local authorities should keep Estyn informed of the following, as soon as practicable.
  - Any proposals for schools to work in federation;
  - The date when proposals come into effect;
  - New school names and reference numbers;
  - Details of the type of federation, including whether arrangements include cross-phase working, federation, or working with schools in other local authorities;
  - The type of leadership model in each federation; and
  - Any changes in a federation, for example if a new school joins or leaves.

## **Arrangements for inspecting newly established schools, schools working collaboratively, and federated schools**

- 5 Estyn inspects schools according to current legislation. Estyn will consider and decide which arrangements are appropriate for inspecting newly established schools, schools working collaboratively, and federated schools, once it has received notification about new schools from the Welsh Government or information from local authorities or schools about schools working collaboratively or in federation. Unless information is received by Estyn at least four weeks before any due inspection, each school will be inspected as usual (within six years of its last inspection).
- 6 The examples below describe commonly-arising situations and explain how HMCI will usually interpret her powers of inspection in those circumstances. More complex situations that arise will be considered on a case-by-case basis.

### **New schools**

- 7 A newly established school will have a new Welsh Government school reference number. Estyn will always inspect a newly established school within six years of the date on which pupils were first admitted to the school.
- 8 The following scenarios show how HMCI would normally arrange for newly established schools to be inspected for the first time, depending on the context. The intention is to inspect the new school as soon as practicable and when sufficient reliable performance data is available.
- 9 A new school is often established:
  - to meet a new need, where no school previously existed;
  - due to reorganising several smaller existing schools into one large school; or
  - as a result of amalgamation of a junior school with its feeder infant school.
- 10 When a new school is established to meet a new need (not as a result of amalgamation or reorganisation of existing schools), Estyn will normally inspect the new school when at least one set of end-of-key-stage assessment or examination data is available. This is likely to be three or four years after opening, because the new school would open to pupils on the basis of one or two year entry and it would take time for the end-of-key-stage years to be populated and for data to be available.
- 11 When a new school is established as a result of the reorganisation of several small schools which close and re-open as a new school, Estyn will normally inspect the newly established school when at least two sets of end-of-key-stage assessment or examination data are available for the new school. This is likely to be two or three years after opening. This is because when several same-age schools come together into one school, it is difficult for Estyn to combine data from the previous schools in a fair way during the inspection of the new school.

- 12 When a new school is established as a result of a junior school and its feeder infant school closing and then re-opening as a new 'amalgamated' all-through primary school, Estyn will normally inspect the newly established school within 12 to 18 months of opening. During the inspection, Estyn will use the performance data from the previous schools, because the data refers to the same cohort of pupils as in the new school, and this gives continuity to the interpretation of the data.

### **Schools working collaboratively**

- 13 Arrangements for governing bodies of schools to work more closely in collaboration are set out in [The Collaboration Between Maintained Schools \(Wales\) Regulations 2008](#); and [The Collaboration Arrangements \(Maintained Schools and Further Education Bodies\) \(Wales\) Regulations 2008](#). The regulations came into force in March 2008. The regulations enable school governing bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees. Each school retains its own Welsh Government school reference number.
- 14 These arrangements are sometimes known as 'governing body collaboration' or 'soft federations'.
- 15 For schools working under these arrangements, Estyn will inspect each school separately and produce a separate report on each school. The cyclical timing of each inspection would not change (each school would be inspected within six years of its last inspection). The effectiveness of collaborative work will be reported under the 'partnership working' quality indicator (3.3) of each report.
- 16 Similarly, for schools with the same headteacher (with or without governing body collaboration), Estyn will inspect each school separately and produce a separate report on each school. The effectiveness of collaborative work will be reported under the 'partnership working' quality indicator of each report.

### **Federated schools**

- 17 Arrangements for governing bodies to create federations are set out in [The Federation of Maintained Schools and Miscellaneous Amendments \(Wales\) Regulations 2010](#).
- 18 Federated schools have one governing body. Each federation can consist of between two and five schools. Federated schools can include schools of different types, such as maintained primary or secondary schools, voluntary controlled or maintained special. The schools may be in different local authorities.
- 19 These arrangements are sometimes known as 'governing body federations' or 'hard federations'.
- 20 Even though they are legally federated, these schools remain separate legal entities, each retaining its own Welsh Government school reference number. For federated schools, Estyn will inspect each school separately and produce a separate report on each school. The judgements and recommendations in each inspection report will

reflect the standards, provision and the effectiveness of the leadership in each particular school.

- 21 Estyn cannot move an inspection of a school to later than six years since its last inspection, but would consider requests to inspect a school early (effectively moving the inspection of the school to earlier in the six-year cycle). Estyn may do this in such a way that the schools constituting the federation are inspected within the same term. Estyn will consider doing this if it thinks it appropriate, particularly when the federated schools have the same headteacher. Estyn will also give serious consideration to requests from federated schools to be inspected during the same term. In either case, Estyn will try to ensure that inspection teams for the schools constituting the federation have overlapping membership.
- 22 When an additional school joins an existing federation, Estyn will consider when the school was inspected last before deciding whether to inspect the school six years after its last inspection or sooner.

#### **Complex or unforeseen circumstances**

- 23 In other situations, for example the establishment of an all-through 3-18 age range school, Estyn will determine the most effective and efficient way to inspect each school. In determining the timing, nature and scope of the inspections, Estyn will take account of the unique circumstances in which each school operates and give due consideration to factors such as the leadership model - whether there is a headteacher for each individual school or a headteacher has responsibility for more than one of the schools involved - and the types of schools involved such as maintained, voluntary controlled, single or multi-site etc.

#### **Inspections carried out under contract**

- 24 It is anticipated that much of the planning for school inspections, which incorporates arrangements for inspecting new schools, schools working collaboratively and federated schools, will have taken place before school inspection contracts are awarded.
- 25 Where an inspection is being conducted by a school inspection contractor and the contractor receives information relating to schools working collaboratively or federated schools, the contractor must provide this information to Estyn. Estyn will decide on the best course of action.

## Cancellation, deferral and re-scheduling of school inspections

- 26 There are a limited number of situations when a planned inspection should not go ahead. This section sets out Estyn's approach to cancellation, deferral and re-scheduling of schools inspected under section 28 of the Education Act 2005.
- 27 In accordance with the Education (School Inspection) (Wales) Regulations 2006, the carrying out of a section 28 inspection must be completed within the period of two weeks from the date on which the inspection began. Hence, decisions to move the start or end date of an inspection within five working days does not constitute a cancellation, deferral or re-scheduling of a school inspection.
- 28 The following circumstances are examples of when Estyn may decide to move the start or end date of an inspection within five working days. The school is closed to all pupils, or at least three-quarters of the pupils will not be at school, owing to, for example, adverse weather conditions, a school trip or a religious festival, or industrial action.
- 29 Estyn uses the following definitions:
- **Cancellation:** if a school is due to close and Estyn agrees that the inspection should not go ahead. The school may or may not have been notified of the inspection.
  - **Deferral:** when, following the notification to the school of the date of the inspection, Estyn agrees to move the start date of the inspection by more than five working days.
  - **Re-scheduled:** when the inspection has been scheduled by Estyn, the school has **not** been notified of the date of the inspection but expects an inspection and the school requests that it be delayed or take place/not take place at a particular time and Estyn agrees to move the planned start date of the inspection by more than five working days.
- 30 The relevant Assistant Director will make a recommendation to the relevant Strategic Director and HMCI concerning decisions that an inspection should be cancelled, deferred or re-scheduled.
- 31 Estyn is required by the Regulations to inspect schools within six years and, if pupils are receiving their education at any school at the time when an inspection is due, then our policy is to continue as planned, unless the following circumstances apply.

### Cancellations

- 32 The school is due to close and, in accordance with section 5 of the Education Act 2005, HMCI has decided, having regard to the date on which the closure is to take effect that no useful purpose would be served by the school being inspected.
- 33 HMCI will normally make a decision to cancel an inspection where we have received official notification of a school's permanent closure from the Welsh Government (WG)



that confirms that the closure is scheduled to occur. Please note, HMCI may need to cancel an inspection on occasions where a school closes unofficially, for example, due to the low number on roll.

- 34 HMCI will normally only cancel an inspection, if the inspection is in the same term or the term immediately before the permanent closure is due. For example, if a school is due to close at the end of the summer term in July or at the end of the summer holiday period at the end of August, then any inspection that is scheduled for the summer term itself will be cancelled. If a school closure is scheduled for the summer term and the inspection is scheduled for the preceding spring term then the inspection will be cancelled.

### **Deferral or re-scheduling**

- 35 Estyn will consider the deferral or re-scheduling of inspections on a case by case basis. The following set of examples will be used by Estyn as guidance as to when an inspection should normally be deferred or re-scheduled:
- The school has experienced a recent major incident, such as a fatal accident to a pupil or member of staff;
  - HMCI agrees that the inspection is likely to cause significant disruption to the provision of education or distress to many pupils within the school;
  - The headteacher or the appropriate authority or a member of the school's senior management team is subject to a current police investigation that would be compromised by an inspection of the school; or
  - There are other exceptional circumstances which, in the judgement of Estyn, normally justify deferral or re-scheduling of the inspection. For example, re-scheduling an inspection when a contract cannot be awarded in a given inspection term and Estyn cannot lead the inspection, or deferring an inspection where the Reporting Inspector is ill at late notice.
- 36 Applications to defer a planned inspection on the grounds that the headteacher is out of school will not be accepted as pupils at the school are still receiving education.
- 37 Building work should not normally be a reason for deferral if pupils are in the school.
- 38 In the case of serious illness or sudden death of the headteacher, professional judgement will be exercised by Estyn.

### **Inspections carried out under contract**

- 39 Where an inspection is being conducted by a school inspection contractor, the contractor must provide Estyn with any information relating to a request to move the start date of an inspection within five working days or a request to cancel, defer or re-schedule an inspection. Estyn will decide whether the request is appropriate.
- 40 Where Estyn agrees that the start date of an inspection should be moved within five working days, the relevant school inspection contractor will be responsible for giving the new start date to the school.

- 41 School inspection contractors will retain the contracts for deferred or re-scheduled inspections and will be responsible for giving the school the four weeks' notice period for the new inspection date.
- 42 Contracted inspectors (for Estyn-led inspections) will retain the contract for deferred or re-scheduled inspections and be advised of the new inspection date. Where the contracted inspector is not able to continue with the contract, it will be offered to the next successful tender for that inspection or re-tendered if required.
- 43 Where Estyn determines that an inspection will be cancelled, the relevant inspection contract(s) will be terminated. This could apply to individual contracts with contracted inspectors for Estyn-led inspections or contracts Estyn has with school inspection contractors.
- 44 Details regarding the termination of contracts are explained fully in the relevant terms and conditions of contract and are available on Estyn's website.

## References

- a) **The Collaboration Between Maintained Schools (Wales) Regulations 2008.**  
[www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20080168\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20080168_en_1)
- b) **The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008**  
[www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20083082\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20083082_en_1)
- c) **The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010**  
[http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi\\_20100638\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2010/wsi_20100638_en_1)