

# Monitoring inspections of schools with no formal designation, with a focus on safeguarding and/or leadership and management

Guidance for inspectors

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Under section 8 of the Education Act 2005 (the Act), Her Majesty's Chief Inspector (HMCI) has the discretionary power to inspect any school in England in circumstances where he is not required to do so by section 5 of the Act. This provision enables Ofsted to undertake inspections to follow up concerns about schools that are not in a category of concern but that have been brought to Ofsted's attention, for example through a qualifying complaint made to Ofsted under section 11 of the Act or by other means.

This guidance is for monitoring inspections of schools with a specific focus on the effectiveness of safeguarding arrangements and/or the quality of leadership and management in a school, including governance.

This guidance does not cover: monitoring inspections of schools that are in a category of concern; monitoring inspections of academy schools where the predecessor was in a category of concern when it closed; or monitoring inspections of schools that have been judged as 'requires improvement'.

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## Introduction

1. Under section 8 of the Education Act 2005 (the Act)<sup>1</sup>, Her Majesty's Chief Inspector (HMCI) has the discretionary power to inspect any school in England in circumstances where he is not required to do so by section 5 of the Act. This provision enables Ofsted to undertake inspections to follow up concerns about schools that are not in a category of concern but have been brought to Ofsted's attention, for example through a qualifying complaint made to Ofsted under section 11 of the Act<sup>2</sup>, or by other means.
2. This guidance is for monitoring inspections of schools with a specific focus on the effectiveness of safeguarding arrangements and or the quality of leadership and management, including governance. Ofsted inspectors will follow this guidance where Ofsted has concerns that the safety of pupils and/or staff is at risk or where information suggests that there has been a serious breakdown in leadership and management. Where Ofsted receives information about a school that causes us concern, we will weigh this carefully against all other data and information it holds before making a decision whether to inspect the school under no formal designation procedures. Where an inspection takes place as a result of a qualifying complaint, inspectors must also take account of guidance issued by the National Complaints Team.
3. This guidance does not cover monitoring inspections of schools in a category of concern; monitoring inspections of academy schools where the predecessor was in a category of concern when it closed; or monitoring inspections of schools that have been judged as 'requires improvement'.
4. From January 2013, Ofsted has introduced a new regional focus. Her Majesty's Inspectors (HMI) within each region are responsible for monitoring school performance and standards across a number of schools, with Senior HMI (SHMI) maintaining oversight and reporting to a Regional Director (RD). Through this regional focus, Ofsted will be better placed to access local intelligence about the progress schools are making and become aware of potential concerns. Where a particular school experiences a decline in standards or becomes a cause for concern, for example through a breakdown in discipline or leadership and management or where there are concerns about the safety of pupils, the relevant RD may decide that the school would benefit from inspection.
5. These monitoring inspections are carried out under section 8 of the Act. They are conducted in accordance with the principles and code of conduct for inspectors set out in *The framework for school inspection*<sup>3</sup> and the *School*

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2005/18/section/8>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2005/18/section/11A>

<sup>3</sup> *The framework for school inspection* (120100), Ofsted, 2013; [www.ofsted.gov.uk/resources/120100](http://www.ofsted.gov.uk/resources/120100).

*inspection handbook*.<sup>4</sup> However, the inspections are selective and focus sharply on the safeguarding and/or leadership and management issues brought to Ofsted's attention that caused the school to be inspected. Where the monitoring inspection focus is on the school's safeguarding arrangements, inspectors will take account of the guidance on inspecting safeguarding<sup>5</sup>. Where the focus is on leadership and management, including governance, inspectors will pay particular attention to the relevant sections of the *School inspection handbook* and the *Subsidiary guidance*.<sup>6</sup>

6. It is important to note that the effectiveness of safeguarding arrangements is the responsibility of those leading, managing and governing a school. Governors in particular must ensure that the school's arrangements for safeguarding meet statutory requirements. It follows that concerns about safeguarding may raise wider questions about the quality of leadership and management and the governors' ability to hold the school to account. Therefore, in some cases, no formal designation monitoring inspections will focus on both elements. It is the responsibility of the lead inspector, using her/his professional judgement, to determine the precise focus of the monitoring inspection. So, a monitoring inspection may begin with a specific focus on safeguarding, but its scope may be widened to cover leadership and management where appropriate.
7. In some instances, an inspection may be conducted due to a rapid decline in the performance of a school and /or indications of a serious breakdown in leadership and management. In such circumstances, the inspection may begin with a specific focus on leadership and management. However, where inspection evidence identifies relevant issues, it may be necessary to widen the scope of the inspection to include safeguarding.
8. If, during the monitoring inspection, inspectors are sufficiently concerned about the overall standard of education provided by the school, the monitoring inspection may, under section 9 of the Act, be treated as ('deemed') a section 5 inspection. In such an event, all the judgements required by the evaluation schedule will be made, a full inspection report produced and the school will be placed in the appropriate category of concern.

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<sup>4</sup> *School inspection handbook* (120101), Ofsted, 2013; [www.ofsted.gov.uk/resources/120101](http://www.ofsted.gov.uk/resources/120101).

<sup>5</sup> *Inspecting safeguarding briefing*, <http://www.ofsted.gov.uk/resources/briefings-and-information-for-use-during-inspections-of-maintained-schools-and-academies>

<sup>6</sup> *Subsidiary guidance supporting the inspection of maintained schools and academies* (110166), Ofsted, 2013; [www.ofsted.gov.uk/resources/110166](http://www.ofsted.gov.uk/resources/110166)

## Before the inspection

### Staffing and scheduling the inspection

9. These inspections are normally led by one of Her Majesty's Inspectors (HMI), regardless of the size of the school. However, more inspectors may be required depending on the complexity of the issues that were brought to Ofsted's attention and that caused the school to be inspected. The inspection will normally last for two days. However, it may in some instances be shorter or longer, depending on the circumstances of the school and the nature of the concerns that led to the inspection.
10. Once Ofsted receives such information, the inspection will take place as soon as is practicable.
11. Inspections being carried out as a result of a qualifying complaint made to Ofsted will always be led by HMI.
12. Where notice of inspection is given, HMI will make the initial contact with the school to inform them that an inspection will take place. If required, HMI may make a short phone call to the school to arrange a time for a second longer telephone conversation with the headteacher to discuss the inspection. The notice given to the school of the monitoring inspection will generally be the same as that for section 5 inspections but can range between zero and two days depending on circumstances. There may be occasions when no notice is given.
13. HMI must make the purpose of the inspection clear during the initial telephone contact with the headteacher. If the school is being inspected because of a qualifying complaint made to Ofsted about the school under section 11A of the Act, HMI will inform the school of this and that, as a result of the wider issues raised by the complaint, a decision has been taken to inspect the school. HMI should be clear that the inspection will focus on the wider issues raised by the complaint, not the complaint itself. If the complainant has requested confidentiality, the inspector must take all practicable steps to ensure that the complainant's identity is not disclosed to the school. At times, the nature of the complaint may mean that the headteacher may be able to discern the identity of the complainant. Regardless, the HMI should not confirm the complainant's identity.
14. The headteacher, at the end of the pre-inspection telephone conversation, should understand the reasons for, and the purpose and focus of the inspection, and the judgements that will be made.
15. There is no mandatory requirement for a school to inform parents about the inspection. However, headteachers should be encouraged to let parents know about these inspections and their outcomes. HMI should ask the school to

inform parents so that there is an opportunity for parents to contribute their views about the school through Parent View.

## Notification letters

16. Following the pre-inspection telephone conversation, the Inspection Service Provider (ISP) will confirm the arrangements for the inspection using the notification letter template provided. The ISP will prepare the letter and forward it to the school. Where no prior notice of the monitoring inspection is given, formal notification of the inspection will be provided to the school following the arrival of inspectors.
17. Schools are not required to provide copies of any information in advance of the inspection but if these are offered, the inspector should accept them.

## Preparing for the inspection

18. Ahead of the inspection, HMI should make appropriate arrangements and brief any team inspectors about the inspection.
19. HMI should plan the inspection on a scheduled preparation day, one or two working days before the start of the inspection.
20. The inspection should be informed by the following pre-inspection information:
  - the previous section 5 inspection report
  - the RAISEonline/6th Form PANDA as appropriate
  - copies of any qualifying complaint(s) received and response letters
  - the pre-inspection telephone conversation with the headteacher
  - any documentation emailed to HMI in advance of the inspection.
21. The lead inspector must check the Provider Information Portal for other information relevant to the inspection.
22. A pre-inspection briefing (PIB) is not required. The focus of the inspection, as determined from the pre-inspection information, should be shared verbally with the headteacher during the pre-inspection phone call or during the initial meeting of the inspection.

## During the inspection

23. Schools are not required to provide copies of any information in advance of the inspection, but if these are offered, HMI should accept them.
24. The lead inspector should not expect an evaluation specifically prepared for their use or ask schools to provide any self-evaluation in readiness for these

inspections. However, HMI should ask to see evidence of up-to-date self-evaluation.

25. Evidence forms are completed in accordance with the *Guidance on the use of evidence forms*.<sup>7</sup> The text on the evidence form must make clear what the overall judgement is on the issue being evaluated.
26. The key requirement is that the evidence base contains sufficient evaluative information to sustain, on external scrutiny, the overall judgement reached.

### **Engagement with the school's senior management team**

27. The meeting at the start of the inspection may or may not involve the whole of the school's senior leadership team. The headteacher may be of the view that a meeting with her or him alone, or with one or two senior managers, will be sufficient to limit any possible interruption of the school's normal routines.
28. The meeting at the start of the inspection should cover pertinent issues about the school and the focus of the inspection. It should offer the headteacher and others the opportunity to present an oral summary evaluation of the school's progress and identify where evidence may be found.

### **Evidence gathering during the inspection**

29. The range of activities conducted during these inspections is no different to section 5 inspections. However, where the focus of the monitoring inspection is on the school's safeguarding arrangements, activities should focus on safeguarding issues, including but not exclusively:
  - a review of the Single Central Register and safeguarding policy, including whistleblowing policy
  - a review of any serious referrals
  - a review of any records of staff training on child protection
  - discussions with pupils or students
  - a check on the school's internet safety procedures
  - a review of the PSHE curriculum and how it links to issues of safety
  - a review of the school's procedures for dealing with relevant staffing issues, for example any suspension or disciplinary investigations/actions

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<sup>7</sup> *Guidance on the use of evidence forms*, Ofsted, 2013; [www.ofsted.gov.uk/resources/guidance-use-of-evidence-forms-for-school-inspection](http://www.ofsted.gov.uk/resources/guidance-use-of-evidence-forms-for-school-inspection).



over issues of child protection and/or safety; this is not a review of individual cases, but of school processes in dealing with such issues

- a review of persistent absence cases and exclusion data
  - consideration of the views of parents and carers through Parent View and, where practicable, through discussions/meetings with parents or groups of parents during the inspection
  - any relevant issues that appear to be of greatest concern from pre-inspection evidence
  - any other issues that affect care, safety or child protection and that do not appear to have been tackled fully
  - any issues that relate to inadequate behaviour.
30. The exact structure of the day will depend on the issues to be followed up and is likely to be drawn from the following:
- further discussion with the headteacher and senior leadership team informed by the briefing note and any available self-evaluation material
  - discussion with staff who have key responsibilities for safeguarding and child protection
  - discussions with pupils, with particular regard to behaviour issues
  - brief visits to classrooms to gain an impression of overall behaviour
  - discussion with the Chair of the Governing Body and/or other key governors
  - discussion with local authority/sponsor/proprietor representative, if available
  - evaluation of additional documentation, for example
    - any audit of safeguarding and child protection arrangements carried out by the local authority/sponsor/proprietor
    - any relevant reports or action plans from key partners not available beforehand
    - governors' minutes and agendas, for example if a separate committee has been established to focus on areas of safeguarding and/or child protection
    - follow-up of behaviour and safety issues through review of specific documentation.

31. Where the focus of the monitoring inspection is on the quality of leadership and management, including governance, activities will concentrate on these aspects, including, but not exclusively:

- how well leaders, managers and governors pursue excellence, modelling professional standards in all of their work
- the effectiveness of monitoring and evaluation and the extent to which they are shared with governors
- the robustness of performance management and effectiveness of strategies for improving teaching, including the extent to which the school takes account of the '[Teachers' Standards](#)'<sup>8</sup>
- how well leaders and managers ensure that the curriculum meets the needs of all pupils
- how well leaders and managers demonstrate the capacity to bring about further improvement
- how well the school's strategies and procedures, including the provision of appropriate guidance, help pupils to prepare for life in modern democratic Britain and a global society, and to prevent extremist behaviour
- how effectively the school promotes the confidence and engagement of parents
- how effectively the school works in partnership with other schools, external agencies (for example national and local leaders of education) and the community (including business) to improve the school, extend the curriculum and increase the range and quality of learning opportunities for pupils
- the effectiveness of safeguarding arrangements to ensure that there is safe recruitment and that all pupils are safe.

32. As part of their assessment of the quality of leadership and management, inspectors will judge the effectiveness of governors. They will do so by taking account of a range of considerations, including but not exclusively, whether governors:

- carry out their statutory duties

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<sup>8</sup> Academies are not required to apply the '[Teachers' Standards](#)', [www.gov.uk/government/publications/teachers-standards](http://www.gov.uk/government/publications/teachers-standards) as part of their performance management arrangements. However, inspectors should examine closely how the academy promotes high quality teaching through its performance management and professional development arrangements.

- understand the strengths and weaknesses of the school, including the quality of teaching
  - ensure clarity of vision, ethos and strategic direction
  - understand and take sufficient account of pupil data, particularly their understanding and use of the school data dashboard
  - are aware of the impact of teaching on learning and progress in different subjects and year groups
  - are challenging and supporting leadership in equal measure
  - are providing support for an effective headteacher, or whether they are hindering school improvement by failing to tackle key concerns
  - understand how the school makes decisions about teachers' salary progression
  - performance manage the headteacher rigorously
  - are failing to perform well and contributing to weaknesses in leadership and management.
33. Inspectors should also satisfy themselves that the governing body is ensuring that the school's finances are properly managed, and investigate governors' role in deciding how the school is using the Pupil Premium. Inspectors will endeavour to meet with as many governors as possible during the inspection.
34. Where an inspection is undertaken as a result of issues raised in a qualifying complaint made to Ofsted, inspectors must not investigate the complaint itself during the inspection, or seek parents' views on the complaint itself. It is the whole-school issues raised in the complaint that may be followed up during inspection.

## **External support**

35. As appropriate, the inspections will evaluate and report on the impact of any external support for the school. Normally, this will involve evaluating the support provided by the local authority/sponsor/proprietor and other key partners.

## **Headteacher and senior leaders**

### **Ongoing dialogue**

36. HMI should maintain an ongoing dialogue with the headteacher and relevant senior managers as appropriate. Normally, emerging issues should be discussed and the feedback, especially when challenging, should not be a surprise to the headteacher.

## Feedback to individual teachers

37. Feedback to individual teachers must be offered in accordance with the *School inspection handbook*. Inspectors should respond flexibly to the school's circumstances. They should, before or at the beginning of the inspection, discuss with the headteacher the approach for dialogue and feedback.

## Feedback at the end of the inspection

38. The lead inspector and headteacher should discuss which other members of staff, if any, will attend the feedback session, especially if the feedback is challenging or raises sensitive issues.

39. The feedback should normally be attended by:

- the headteacher
- the Chair of the Governing Body or equivalent (and as many governors as possible)
- a representative from the local authority, the academy proprietor or sponsor, as appropriate
- where possible, a representative from the diocese, for voluntary aided and voluntary controlled schools
- key external partners.

40. The oral feedback at the end of the inspection, typically towards the end of the second day of a two-day inspection must:

- report the evidence base
- cover the issues brought to Ofsted's attention that caused the school to be inspected
- be clear about whether the school's safeguarding arrangements meet requirements and/or about the judgement on the quality of leadership and management
- identify the school's areas of strength and any aspects that the school needs to improve in relation to safeguarding and child protection, and leadership and management
- make clear that the text of the letter or report may differ slightly from the oral feedback, but that the judgement will not change.

41. If the inspection raises serious concerns, this should be reported at the feedback meeting. HMI may either deem the section 8 to be a section 5

inspection and place the school in a category of concern or recommend to the relevant Regional Director that the next full section 5 inspection be brought forward, but the timing of any such inspection should not be indicated.

## Judgements

42. Where a monitoring letter is published, inspectors will make an overarching judgement about the school's safeguarding arrangements and/or the quality of leadership and management.
43. Where the monitoring inspection is exclusively focused on safeguarding, having reviewed all the evidence gathered during the inspection, HMI will report in the monitoring letter that:
- the school's safeguarding arrangements meet requirements
- or
- the school's safeguarding arrangements do not meet requirements.
44. Where the judgement is that safeguarding arrangements do not meet requirements and/or leadership and management is less than good, HMI may make recommendations as to what the school needs to do to address weaknesses.
45. Where the focus is on leadership and management, having reviewed all the evidence gathered during the inspection, the HMI will report in the monitoring letter that:
- The quality of leadership and management at the school is outstanding/  
good/requires improvement [as appropriate].
46. Where inspectors judge the quality of leadership and management, including governance, as 'requires improvement', they will make appropriate recommendations in the monitoring letter. If governance is identified as a weakness, then inspectors will recommend an external review of governance, which will be likely to also focus on the school's use of the Pupil Premium.
47. If the evidence gathered and scrutinised during the inspection indicates that the quality of leadership and management, including governance, may be inadequate, inspectors will need to consider whether the effectiveness of the provision as a whole is inadequate. In such circumstances it may be necessary for the monitoring inspection to be treated as ('deemed') a section 5 inspection, under section 9 of the Act. In such an event, all the judgements required by the evaluation schedule will be made, a full inspection report produced, and the school placed in the appropriate category of concern.
48. Where the judgement is that safeguarding arrangements do not meet requirements and/or leadership and management is less than good, HMI may

make recommendations as to what the school needs to do to address weaknesses.

## **After the inspection**

### **Writing, editing and publishing the monitoring inspection letter**

49. A writing day will be scheduled for the lead inspector following the inspection. If time allows, the inspector may begin drafting the letter during the inspection. The monitoring inspection letter should follow the template and the prompts it contains. Inspectors should ensure that the content is clear, concise and securely based on evidence and that it is, as far as possible, ready for distribution to the school following a quality assurance check and final edit by the relevant Senior HMI.
50. Following quality assurance, and within five days after the end of the monitoring inspection, HMI will send the draft letter to the school for a factual accuracy check. The monitoring inspection letter is sent under the HMI's name.
51. The school has 24 hours to comment on the letter's factual accuracy and return it to HMI.
52. In sending the letter to the school, HMI must make clear that, while concerns over factual accuracy will be fully considered, the overarching judgement(s) about the school's safeguarding arrangements and/or the quality of leadership and management will not be subject to change. HMI leading the monitoring inspection retains responsibility for the content and accuracy of the monitoring letter, drawing on, where appropriate, quality assurance arrangements that pertain. These may include advice from Ofsted helplines and the relevant Senior HMI, or the Regional Director.
53. Within 10 days of the end of the inspection, the HMI will send the final version of the monitoring letter to the school and to the appropriate recipients as noted on the letter template: these include the Secretary of State, the Chair of the Governing Body or equivalent, the local authority/sponsor/proprietor (and the Education Funding Agency where the school has a sixth form that is deemed to be inadequate). The letter will be published on the Ofsted website usually within 15 days of the end of the monitoring inspection.
54. The section 8 monitoring inspection letter will be published on the Ofsted website. There may be very exceptional circumstances where Ofsted chooses not to publish a monitoring letter. Where this is the case, the decision and rationale should be made clear to the school.

### **Record of the inspection: the evidence base**

55. The evidence base will be retained and disposed of in accordance with Ofsted procedures.