

# The framework for inspecting non-association independent schools

The framework for inspecting non-association independent schools in England

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This framework sets out the statutory basis for inspections conducted under section 109(1) and (2) of the Education and Skills Act 2008. It summarises the main features of school inspections and describes how the general principles and processes of inspection are applied to non-association independent schools in England. This framework should be read alongside the *Non-association independent school inspection handbook*.

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## Introduction

### What is the purpose of school inspection?

1. The inspection of a school provides an independent external evaluation of its effectiveness and a diagnosis of what it should do to improve. It is based on a range of evidence available to inspectors that is evaluated against a national framework.
2. Ofsted's inspections of non-association independent schools perform three essential functions. They:
  - provide parents, carers and local authorities that place and fund children in independent schools with an expert and independent assessment of how well a school is performing, and help inform those who are choosing a school for their child
  - inform the registration authority, the Department for Education (DfE) and the Secretary of State for Education about the extent to which the school meets the requirements of the Education (Independent School Standards) Regulations 2014<sup>1</sup> (henceforth referred to as the independent school standards)
  - promote the improvement of individual schools.

### How does inspection promote improvement?

3. Ofsted carries out its work in ways that encourage the independent schools it inspects to improve and to be user-focused on the needs of pupils and their parents and carers.
4. Inspection acts in a number of ways to drive and support school improvement. It:
  - raises expectations by setting the standards of performance and effectiveness expected of schools
  - provides a sharp challenge and the impetus to act where improvement is needed
  - clearly identifies strengths and weaknesses
  - recommends specific priorities for improvement for the school, particularly in meeting the independent school standards (and, where applicable, national minimum standards) and, when appropriate, checking subsequent progress
  - promotes rigour in the way that schools evaluate their own performance, thereby enhancing their capacity to improve

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<sup>1</sup> The Education (Independent School Standards) Regulations 2014;  
[www.legislation.gov.uk/uksi/2014/3283/contents/made](http://www.legislation.gov.uk/uksi/2014/3283/contents/made).

- monitors the progress and performance of schools that are not yet good, and challenges and supports senior leaders, staff and those responsible for governance.<sup>2</sup>

## **Key features of the framework for inspecting non-association independent schools**

5. Inspectors focus sharply on those aspects of schools' work that have the greatest impact on raising achievement. They make a small number of key judgements as set out in paragraph 7.
6. Inspections engage proprietors, headteachers, school staff and those responsible for governance. The views of parents, pupils, staff and local authorities that place and fund children in independent schools provide important evidence for the inspection.
7. Inspectors will report on the quality of education provided in the school and, in particular, make judgements on:
  - the achievement of pupils at the school
  - the quality of teaching in the school
  - the behaviour and safety of pupils at the school
  - the quality of leadership in and management of the school.
8. When reporting, inspectors must consider:
  - the extent to which the school meets the independent school standards
  - the spiritual, moral, social and cultural development of pupils at the school
  - the extent to which the education provided by the school meets the needs of the range of pupils at the school, and in particular the needs of disabled pupils<sup>3</sup> and those who have special educational needs.
9. Inspectors also consider and report on, where relevant, the overall effectiveness of:
  - the early years provision
  - the sixth form provision.
10. The way these judgements are made, the type of evidence considered and the evaluation criteria are set out in the *Non-association independent school inspection handbook*.<sup>4</sup>

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<sup>2</sup> All references to 'leaders' in this document include proprietors and those in governance roles.

<sup>3</sup> Pupils who have a disability for the purposes of the Equality Act 2010.

11. Under this framework:

- schools cannot be judged as outstanding for overall effectiveness unless they have outstanding teaching
- an acceptable standard of education is defined as a good standard of education meeting all the independent school standards
- a school that is not yet good but that is not judged inadequate is a school that requires improvement
- a school judged as requires improvement may meet all of the independent school standards, but will not demonstrate the characteristics of a good school; this is because one or more of the four underpinning judgements will be judged as requires improvement and/or there will be weaknesses in the overall provision for pupils' spiritual, moral, social and cultural development
- any independent school standards that are not met by schools judged as requires improvement will be judged by inspectors to be minor and easy to rectify and to not have a serious impact on pupils' welfare, health and safety, academic or personal development
- if a school is judged as requires improvement at two consecutive standard inspections and is still not good at a third standard inspection, it is likely to be deemed inadequate
- the inspection service provider's administrator will normally contact the school by telephone around lunchtime on the day before the inspection is due to start; however, where appropriate, inspection may be conducted without notice.

## The inspection process

12. An inspection is a continuous process, from the notification telephone call made by the inspection service provider to the final publication of the report. During this time, the content and findings of the inspection remain confidential and are subject to rigorous quality assurance and moderation. The main stages of the inspection process are shown in the table below. Please refer to Annex B of the *Non-association independent school inspection handbook* for a detailed timeline of the full process.<sup>5</sup>

- Notification of inspection telephone call to the school by the inspection service provider.
- Brief telephone call to the school by the lead inspector.

<sup>4</sup> *Non-association independent school inspection handbook* (140053), Ofsted, 2015; [www.gov.uk/government/publications/non-association-independent-school-inspection-handbook](http://www.gov.uk/government/publications/non-association-independent-school-inspection-handbook).

<sup>5</sup> Ibid.

- On-site inspection.
- Formal feedback of inspection findings to the school's senior staff and governors/trustees/ proprietor.
- Lead inspector writes inspection report.
- Rigorous quality assurance and moderation of inspection report.
- School's factual accuracy check of the inspection report.
- Final sign-off of the inspection report.
- School receives the final version of the inspection report, for onward dissemination to parents, pupils and placing authorities.
- Publication of the final version of the inspection report on the Ofsted website.

## Part A. Legal requirements and inspection policy and principles

### What are the legal requirements for the inspection of a non-association independent school?

13. This framework sets out the statutory basis for inspecting non-association independent schools from April 2014. It should be read in conjunction with the *Non-association independent school inspection handbook*.<sup>6</sup>
14. Ofsted carries out inspections of independent schools under section 109(1) and (2) of the Education and Skills Act 2008 the key purpose of which is to report to the Secretary of State for Education on the extent to which The Education (Independent School Standards) Regulations 2014 are met.<sup>7</sup>
15. An inspection report must be written under section 109(2)(b) of the Education and Skills Act 2008 and published at the direction of the Secretary of State, under section 113(1) of the Act. Paragraph 32(1)(d) of the independent school standards requires the proprietor to ensure that a copy of the report is provided to the parents of every registered pupil at the school by the date specified by Ofsted, which is five working days from receipt.
16. The school inspection covers the school's provision for all registered pupils from the term in which their third birthday occurs to the age of 18. This includes the provision for pupils in the Early Years Foundation Stage who are aged between three and five years. Unless there is an exemption in place, such provision must meet the *Statutory Framework for the Early Years Foundation Stage*, and inspection takes account of this framework in determining whether the learning, development and welfare requirements are met.<sup>8,9</sup>
17. Schools must register with Ofsted any early years provision they make for the care of children aged from birth to age three, or for children in the early years age group where no child attending the provision is a pupil of the school (section 34 of the Childcare Act 2006). The inspection of registered provision is conducted under section 49(2) of the Childcare Act 2006. Where possible, the inspection of registered provision will be scheduled to run concurrently with the school inspection if it is also owned and managed by the school's proprietor, trustees or governing body. In such cases, there will be two inspection reports

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<sup>6</sup> *Non-association independent school inspection handbook* (140053), Ofsted, 2015; [www.gov.uk/government/publications/non-association-independent-school-inspection-handbook](http://www.gov.uk/government/publications/non-association-independent-school-inspection-handbook).

<sup>7</sup> The Education (Independent School Standards) Regulations 2014; [www.legislation.gov.uk/ukxi/2014/3283/contents/made](http://www.legislation.gov.uk/ukxi/2014/3283/contents/made).

<sup>8</sup> From 1 November 2012, inspectors should check whether a school has an exemption for pupils aged three and over from the learning and developing requirements of the Early Years Foundation Stage.

<sup>9</sup> *Statutory framework for the Early Years Foundation Stage* (DFE-00337-2014), Department for Education, 2014; [www.gov.uk/government/publications/early-years-foundation-stage-framework--2](http://www.gov.uk/government/publications/early-years-foundation-stage-framework--2).



- one that reports the findings on the registered early years provision, and the other that reports on the findings from the school inspection. However, inspection of registered provision may also occur as a free-standing event at another time. This happens when the inspection cycles for school and registered provision do not coincide.
18. The inspection of boarding or residential provision in boarding and residential special schools is carried out under the Children Act 1989, as amended by the Care Standards Act 2000, having regard to the national minimum standards for boarding schools or residential special schools, as appropriate.<sup>10</sup>
  19. The inspection of boarding provision in boarding schools is inspected within two years of having been judged inadequate or requires improvement. Where the welfare provision has been judged good or outstanding, it will be inspected within three years. The welfare inspection is normally integrated into the school inspection when the latter is due at the same time.
  20. Ofsted inspects the residential provision in residential special schools on an annual basis, in recognition of the vulnerability of these pupils. When the school inspection is due, Ofsted will normally conduct an integrated inspection of the whole provision made by the school.
  21. In a school that has dual registration as a children’s home, the inspection of social care is carried out under the Children Act 1989, as amended by the Care Standards Act 2000 and the Children’s Homes Regulations 2001, as amended also having regard to the national minimum standards for children’s homes. The inspection of the school provision may occur at the same time as the social care inspection, but will always result in a separate report.

## Which schools are inspected?

22. An independent school is defined in section 463 of the Education Act 1996, as amended:<sup>11</sup>

‘(1) In this Act “independent school” means any school at which full-time education is provided for—

(a) five or more pupils of compulsory school age, or

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<sup>10</sup> The inspection of the boarding/residential provision will follow the *Framework for inspecting boarding and residential provision in schools* (110095), Ofsted, 2014; [www.gov.uk/government/publications/the-framework-for-inspecting-boarding-and-residential-provision-in-schools](http://www.gov.uk/government/publications/the-framework-for-inspecting-boarding-and-residential-provision-in-schools) and the guidance set out in *Conducting inspections of boarding and residential provision in schools* (100180), Ofsted, 2014; [www.gov.uk/government/publications/inspecting-boarding-and-residential-provision-in-schools-guidance-for-inspectors](http://www.gov.uk/government/publications/inspecting-boarding-and-residential-provision-in-schools-guidance-for-inspectors).

<sup>11</sup> This definition of ‘independent school’ applies to section 92(1)(a) of the Education and Skills Act 2008, and itself forms part of the definition of ‘an independent educational institution’ for the purpose of the 2008 Act.

(b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989),

and which is not a school maintained by a local education authority or a special school not so maintained.

(2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.<sup>12</sup>

23. This definition brings into the scope of an inspection a number of very small independent schools, many of which have dual registration as an independent children's home, and provide exclusively for vulnerable looked after young people who may also be disabled or have a special educational need.
24. Independent schools catering wholly or mainly for disabled pupils or those who have special educational needs are also inspected under the arrangements outlined in this document, but non-maintained special schools continue to be inspected under section 5 of the Education Act 2005.
25. The following types of school are subject to independent school standards with regard to their registration, but once registered are inspected under section 5 of the Education Act 2005:
  - academies, free schools, studio schools and university technical colleges (UTCs)
  - city colleges for the technology of the arts
  - city technology colleges.

This does not apply to outstanding maintained and independent schools which convert to become academies.<sup>13</sup> Boarding or residential accommodation for pupils will also be part of the pre-registration inspection where the school wishes to provide these.

## Other inspectorates operating in the independent sector

26. The routine inspection of education in all independent schools, with the exception of those listed above, is conducted under either section 109(1) and (2) or under section 109(3) of the Education and Skills Act 2008. Inspections

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<sup>12</sup> Section 463 of the Education Act 1996, as amended; [www.legislation.gov.uk/ukpga/2002/32/part/10/chapter/2](http://www.legislation.gov.uk/ukpga/2002/32/part/10/chapter/2).

<sup>13</sup> Guidance on pre-registration of schools in the academies family is available in *Pre-registration inspection of all types of academies and free schools, studio schools and university technical colleges (UTC)* (090059), Ofsted, 2014; [www.gov.uk/government/publications/pre-registration-inspection-of-all-types-of-academies-and-free-schools-studio-schools-and-university-technical-colleges-utc](http://www.gov.uk/government/publications/pre-registration-inspection-of-all-types-of-academies-and-free-schools-studio-schools-and-university-technical-colleges-utc).

under section 109(1) and (2) are carried out by Ofsted. These inspections are conducted by HMI or by Additional Inspectors.

27. Section 106 of the Education and Skills Act 2008 allows the Secretary of State to approve another body to carry out the inspection of independent schools.<sup>14</sup> There are three independent inspectorates currently approved for this task: the Independent Schools Inspectorate is approved to carry out inspections of schools which are members of the associations that make up the Independent Schools Council; the School Inspection Service is approved to carry out inspection in schools owned by the Focus Learning Trust, the Cognita Group or those in membership of the Steiner Waldorf Fellowship of Schools; and the Bridge Schools Inspectorate is approved to conduct inspections in specified Muslim and Christian schools in England.<sup>15</sup> The independent inspectorates conduct inspections under section 109(3) of the Act.
28. Under section 107 of the Education and Skills Act 2008,<sup>16</sup> Ofsted monitors a sample of the inspections and reports produced by other inspectorates and reports to the registration authority, the DfE, about their quality.

## What happens to new schools?

29. Proprietors wishing to open a new school must apply to the DfE for registration. They are asked to supply the information set out in section 98 of the Education and Skills Act 2008 and The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010.<sup>17</sup>
30. Ofsted is normally asked by the Secretary of State to conduct a pre-registration inspection of a prospective school before it opens. Inspectors consider the written evidence supplied in the school's application before an initial visit is made to the school, which will be before the school starts to operate, in order to advise the Secretary of State about the school's readiness for registration. Schools may not accept pupils until the school has been registered. As a result of a pre-registration inspection, the inspector reports to the registration authority indicating the extent to which the independent school standards are likely to be met. This report is not published, but is made available to the school.<sup>18</sup> The decision on whether or not to register the school lies with the DfE.

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<sup>14</sup> Section 106 of the Education and Skills Act 2008:  
[www.legislation.gov.uk/ukpga/2008/25/section/106](http://www.legislation.gov.uk/ukpga/2008/25/section/106).

<sup>15</sup> The Department for Education specifies the schools to be inspected by the Bridge Schools Inspectorate.

<sup>16</sup> Section 107 of the Education and Skills Act 2008:  
[www.legislation.gov.uk/ukpga/2008/25/section/107](http://www.legislation.gov.uk/ukpga/2008/25/section/107).

<sup>17</sup> The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010: [www.legislation.gov.uk/uksi/2010/2919/contents/made](http://www.legislation.gov.uk/uksi/2010/2919/contents/made).

<sup>18</sup> Guidance on pre-registration inspections is available in *Handbook for additional inspections of independent schools* (090060), Ofsted, 2015; [www.ofsted.gov.uk/resources/090060](http://www.ofsted.gov.uk/resources/090060).

31. Once registered, new schools receive their first standard inspection in their first year of operation, at the request of the DfE. These reports are published on Ofsted's website.

### **What determines the timing of a school's inspection?**

32. All independent schools are inspected at the request of the DfE. As all inspections of independent schools are undertaken at the request of the DfE, Ofsted may be asked to conduct an inspection of an independent school at any time. This might occur, for example, where the DfE has particular concerns about a school.

### **Schools inspected on a six-year cycle**

33. Inspections generally occur on a regular cycle. Mainstream independent schools<sup>19</sup> are inspected at an interval of up to six years provided that the outcome of their last inspection meets the following criteria:<sup>20</sup>

■ For inspections conducted prior to January 2013:

- a judgement of at least good for the quality of education; provision for pupils' spiritual, moral, social and cultural development; and pupils' welfare, health and safety (including the recruitment of staff) – all other aspects must be at least satisfactory

and:

- no regulatory failings in parts one, two, three or four of the independent school standards
- no more than four regulatory failings in total over parts five, six and seven of the independent school standards

and:

- all Early Years Foundation Stage judgements good or better, where a school has such provision.

■ For inspections conducted between January 2013 and March 2014:

- a judgement of at least good for the school's overall effectiveness; provision for pupils' spiritual, moral, social and cultural development; and pupils' welfare, health and safety (including the recruitment of staff) – all other aspects must be at least adequate

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<sup>19</sup> 'Mainstream' indicates that the school is not set up to cater wholly or mainly for disabled pupils, or those who have special educational needs and is not a children's home registered to provide education.

<sup>20</sup> The criteria for the six-year cycle are set-out in a letter from the Secretary of State to the Chief Inspector. Please note that the judgements referred to in the first criterion have been revised to reflect the judgements in use under the current framework, in agreement with DfE.

and:

- no regulatory failings in parts one, two, three or four of the independent school standards
- no more than four regulatory failings in total over parts five, six and seven of the independent school standards

and:

- all Early Years Foundation Stage judgements good or better, where a school has such provision.

■ For inspection conducted from 28 April 2014:

- a judgement of at least good for overall effectiveness
- no regulatory failings in any part of the independent school standards

and:

- all Early Years Foundation Stage judgements good or better, where a school has such provision.

34. Any school meeting the criteria for six-yearly inspections on its first standard inspection following registration will normally be inspected again six years later. The DfE will carry out a risk analysis of such schools two years after their first standard inspection and, as a result, may ask Ofsted to carry out an inspection sooner.

### **Schools not inspected on a six-year cycle**

35. The education provision at all other independent schools, for example independent special schools, children’s homes providing education and those schools that do not meet the criteria above, are normally inspected at least every three years.

36. However, schools inspected from January 2015 which are judged to be requires improvement or inadequate will normally have a standard inspection under section 109(1) and (2) of the Education and Skills Act 2008 within a period of two years from the last inspection.

37. Inspection intervals are always calculated from the date of a school’s last standard inspection, even if a school has been subject to an additional inspection since the time of the last standard inspection. However, the next standard inspection of an independent school may be brought forward as a result of substantial weaknesses being identified at an additional inspection, or where the DfE has concerns and requests an earlier inspection. Information on

additional inspections is available in the guidance *Handbook for additional inspections of independent schools*.<sup>21, 22</sup>

38. The inspection of the provision for children aged three to five years in the Early Years Foundation Stage is covered by the school inspection.
39. Where a school also provides care for children aged from birth to three years, or for children in the early years age group where no child attending is a pupil of the school, or if the provision is not made as part of the school's activities, it must be registered separately with Ofsted. This provision is inspected within seven months of registration and then at intervals of no more than 47 months. The inspection of registered provision is a free-standing event but, where possible, it is carried out at the same time as the school inspection. However, this is not always possible where a school with registered provision meets the criteria for inspection on a six-year cycle. In this case a separate inspection of the registered provision will take place mid-way between school inspections.
40. The inspection outcome of registered childcare provision and boarding/residential provision in an independent school will form part of Ofsted's risk analysis for the timing of the next school inspection.

### **Schools that are judged as 'requires improvement'**

41. A school that has been judged as requires improvement in an inspection prior to January 2015, will normally have a standard inspection under section 109(1) and (2) of the Education and Skills Act 2008 within a period of three years from the last inspection. This is the case whether or not the school has failed to meet all of the independent school standards. Legislation requires that the timing of the next inspection of an independent school must occur at the request of the DfE.
42. However, schools inspected from January 2015 which are judged to be requires improvement will normally have a standard inspection under section 109(1) and (2) of the Education and Skills Act 2008 within a period of two years from the last inspection.
43. Schools that are judged to be requires improvement following an inspection from January 2015 will also receive an inspection to monitor their progress before their standard inspection within the two years. The purpose of the progress monitoring inspection is for inspectors to judge whether the school has addressed the qualitative issues and any un-met independent school standards identified at the last inspection.

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<sup>21</sup> *Handbook for additional inspections of independent schools* (090060), Ofsted, 2015; [www.ofsted.gov.uk/resources/090060](http://www.ofsted.gov.uk/resources/090060).

<sup>22</sup> Additional inspections may take place as part of a standard inspection, where the timing of the two inspections coincides, as set out in the guidance *Handbook for additional inspections of independent schools*.

44. On a progress monitoring inspection of a requires improvement school that was judged to meet all the independent school standards, inspectors will judge whether the school continues to comply with the standards to which the qualitative issues identified at the last inspection relate.<sup>23</sup>

### **Schools that are judged as inadequate**

45. Many schools emerge with credit from their inspections. A few, though, have significant weaknesses and their failure to meet all of the independent school standards has a negative impact on pupils' welfare, health and safety, academic or personal development, including the promotion of pupils' spiritual, moral, social and cultural development. If inspectors judge that one or more aspects of a school are inadequate or that the school's overall effectiveness is inadequate, they must alert the DfE, as the registration authority, to the weaknesses as a matter of urgency. Ofsted must inform the DfE, as a matter of course, about any regulatory requirements that the school does not meet.
46. The DfE will decide what action to take as a result of the inspection outcomes. The DfE usually asks Ofsted to make an assessment of the Statutory Action Plan prepared by the school, under section 114(3) of the Education and Skills Act 2008, to check that it addresses all of the regulatory failures and that the timescale for improvement is suitable. The DfE provides schools with a suggested template and guidance for producing action plans.<sup>24</sup>
47. Once the DfE accepts the school's Statutory Action Plan, the DfE will give the school time to implement its plan before asking Ofsted to conduct an inspection to monitor the school's progress against their plan. This inspection takes place to a timescale determined by the DfE. Guidance on evaluating a school's action plan, and conducting progress monitoring inspections is available in *Handbook for additional inspections of independent schools*.<sup>25</sup>
48. The progress monitoring inspection of schools judged to be inadequate in inspections from January 2015, will also judge whether schools have addressed the qualitative issues identified at the last inspection, as well as on compliance with the independent school standards.
49. Under the provisions of section 124 and 125 of the Education and Skills Act 2008, the proprietor of a school has a right of appeal to the First Tier Tribunal against certain orders or determinations made by the Secretary of State affecting the registration of the school following the inspection.

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<sup>24</sup> *Advice on action plans, Departmental advice for independent schools* (DFE-00270-2013), DfE, 2013; [www.gov.uk/government/publications/independent-school-action-plans](http://www.gov.uk/government/publications/independent-school-action-plans).

<sup>25</sup> *Handbook for additional inspections of independent schools* (090060), Ofsted, 2015; [www.ofsted.gov.uk/resources/090060](http://www.ofsted.gov.uk/resources/090060).

50. Schools which are judged to be inadequate from January 2015 will normally have a standard inspection under section 109(1) and (2) of the Education and Skills Act 2008 within a period of two years from the last inspection. Legislation requires that the timing of the next inspection of an independent school must occur at the request of the DfE.

### Requests for deferrals

51. In exceptional circumstances, as specified in Ofsted's deferral policy,<sup>26</sup> an inspection might be cancelled or deferred after the school has been notified, following a request made by the school. Normally, however, if pupils are receiving education in the school, an inspection will go ahead even if, for example, the headteacher is off site or building work is taking place. Where the inspection of a school has been previously deferred on two consecutive occasions because there were no pupils on roll, the inspection will not be deferred for a third time. The inspection will go ahead even though there will be no pupils present.

### What are the principles of school inspection?

52. School inspection acts in the interests of children, young people, their parents, placing authorities and employers. It encourages high-quality provision that meets diverse needs and fosters equal opportunities.
53. School inspections will:
- support and promote improvement by
    - being rigorous and of high quality
    - establishing a clear standard for an acceptable standard of education – only a 'good' school is good enough
    - adjusting the focus and type of inspection to have the greatest impact
    - clearly identifying strengths and weaknesses
    - identifying precise actions to address regulatory failures and underpin recommendations
    - explaining and discussing inspection findings with those whose work has been inspected
    - monitoring the weakest schools, providing challenge and support to senior leaders, staff and those responsible for governance
  - be proportionate by

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<sup>26</sup> *Deferral policy for inspections of independent day, boarding and residential special schools* (090037), Ofsted, 2014; [www.gov.uk/government/publications/deferral-policy-for-inspections-of-independent-day-boarding-and-residential-special-schools](http://www.gov.uk/government/publications/deferral-policy-for-inspections-of-independent-day-boarding-and-residential-special-schools).



- adjusting the frequency of inspection at the request of the registration authority for independent schools, having regard to previous inspection outcomes
- deploying resources where improvement is most needed, or where inspection can add most value
- focus on pupils’ and parents’ needs and those of placing authorities by
  - taking account of pupils’, parents’ and placing authorities’ views in the planning and conduct of inspection
  - drawing on pupils’, parents’ and placing authorities’ views to inform inspectors’ judgements and the outcomes of inspection
  - minimising risk to children, young people and adults by evaluating the effectiveness of schools’ procedures for safeguarding
  - evaluating the extent to which schools provide an inclusive environment which meets the needs of all pupils, irrespective of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation
- focus on the needs of schools by
  - providing high-quality and timely communication with schools
  - making use, as far as possible, of the existing data, documentation and systems of the schools inspected and avoiding placing unnecessary burdens on them
  - taking account of schools’ self-evaluation
- be transparent and consistent by
  - making clear judgements based on sound evidence
  - inspecting and reporting with integrity
  - having clear evaluation criteria, procedures and guidance that are well understood by schools and users and that are readily available
- be accountable by
  - reporting the outcomes of inspection without fear or favour
  - reporting to the registration authority on the extent to which the independent school standards are met, helping enable it to perform its regulatory role
  - publishing clear, accurate, timely reports that provide parents and prospective parents and placing authorities with an authoritative, independent assessment of the quality of education provided by the school
  - gathering the views of pupils, parents, placing authorities and those who have a significant interest in the school to inform inspection

- demonstrate value for money by
  - targeting inspection resources and deploying them effectively and efficiently
  - evaluating the outcomes and processes of inspection and making improvements where necessary.

## Who inspects schools?

54. School inspectors are:

- Her Majesty’s Inspectors (HMI) employed directly by Ofsted
- Additional Inspectors (known as ‘Associate Inspectors’) employed directly by Ofsted on a secondment basis for a fixed period
- Additional Inspectors employed directly, or contracted, by inspection service providers (ISPs).

ISPs are independent commercial organisations contracted by Ofsted to provide inspection services. They are responsible for the administrative arrangements for inspections. Ofsted prescribes the qualifications and experience required by Additional Inspectors, the initial and continuing training that they should receive and the standards they are required to meet. Ofsted also publishes the names of Additional Inspectors employed by the ISPs. A proportion of Additional Inspectors are serving headteachers and senior staff, who may also be national (NLE), or local (LLE) leaders in education.

55. All inspectors undertake regular training to ensure that they are familiar with changes in inspection frameworks, inspection methodology and developments in educational practice.
56. All inspectors are suitably trained to inspect all types of independent school. There is no compunction to deploy inspectors of a particular faith to inspect a school of the same faith. It would be unusual for an inspection team of a faith school to consist entirely of inspectors of that faith. Where the majority of staff and pupils are, for example, Yiddish or Arabic speakers, or where key curriculum and safeguarding documents are presented in a foreign language, it may be permissible, depending on the size of the school, to deploy an inspector on the team who is fluent in the appropriate language, or an interpreter in a smaller school.
57. HMI lead a proportion of inspections. Additional Inspectors, who lead the majority of inspections, are authorised to do so subject to them having previously conducted a standard inspection of a non-association independent school to the satisfaction of an HMI. Ofsted also quality assures inspections by visiting a sample of schools during inspection and reviewing a sample of inspection reports.

58. The inspection of the welfare of boarders and residential pupils in boarding and residential special schools is conducted by social care inspectors employed by Ofsted.

### **What is the code of conduct for inspectors?**

59. Inspectors are required to uphold the highest professional standards in their work and to ensure that everyone they encounter during inspections is treated fairly and with respect. These standards are assured through a code of conduct, which is set out below.

Inspectors should:

- evaluate objectively, be impartial and inspect without fear or favour
- evaluate provision in line with frameworks, national standards or regulatory requirements
- base all evaluations on clear and robust evidence
- have no connection with the provider that could undermine their objectivity
- report honestly and clearly, ensuring that judgements are fair and reliable
- carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
- endeavour to minimise the stress on those involved in the inspection
- act in the best interests and well-being of pupils
- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly
- respect the confidentiality of information, particularly about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues.

60. When inspectors meet pupils, parents, staff, governors and other interested parties, every endeavour will be made to ensure that individuals and individual comments are not identified in the further exploration of issues or in the inspection report. However, there may be circumstances where it will not be possible to guarantee the anonymity of the interviewee, for example where a safeguarding issue is disclosed. Inspectors have a duty to pass on disclosures that raise child protection or safeguarding issues and/or where serious misconduct or potential criminal activity is involved.

### **How should school staff engage with inspectors?**

61. To ensure that inspection is productive and beneficial, it is important that inspectors and schools establish and maintain an appropriate working relationship based on courtesy and professional behaviour. Ofsted expects school staff to:
- enable a right of entry to the premises of the school, and a right to inspect and take copies of any records kept by the school and any other documents containing information relating to the school, that are required for the

purposes of the inspection under section 110 of the Education and Skills Act 2008

- apply their own codes of conduct in their dealings with inspectors
- enable inspectors to conduct their visit in an open and honest way
- enable inspectors to evaluate the school objectively against the inspection framework
- provide evidence that will enable the inspectors to report honestly, fairly and reliably about their provision
- work with inspectors to minimise disruption, stress and bureaucracy
- ensure that the health and safety of inspectors is not prejudiced while they are on the school's premises
- maintain a purposeful dialogue with the inspectors
- draw any concerns about the inspection to the attention of inspectors promptly and in a suitable manner
- understand the need for inspectors to observe practice and talk to staff and users without the presence of a manager.

## Inspection fees

62. Independent schools that are inspected by Ofsted under section 109(1) and (2) of the Education and Skills Act 2008 are charged a fee. The scale of fees is set out in the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009.<sup>27,28</sup> The scale of fees for schools inspected under section 162A of the Education Act 2002 between 1 September 2008 and 31 August 2009 is set out in the Education (Independent School Inspection Fees and Publication) (England) Regulations 2008.<sup>29</sup>

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<sup>27</sup> Paragraph 5 of The Education and Skills Act 2008 (Commencement No. 11 and Savings and Transitory Provisions) Order 2014, states that 'For the purposes of giving effect to regulations made under section 111 of the 2008 Act, an inspection carried out by the Chief Inspector under section 109 of that Act is an inspection under section 162A of the 2002 Act.'

<sup>28</sup> [www.legislation.gov.uk/uksi/2014/3364/contents/made](http://www.legislation.gov.uk/uksi/2014/3364/contents/made).

<sup>28</sup> [www.legislation.gov.uk/uksi/2009/1607/contents/made](http://www.legislation.gov.uk/uksi/2009/1607/contents/made).

<sup>29</sup> [www.legislation.gov.uk/uksi/2008/1801/contents/made](http://www.legislation.gov.uk/uksi/2008/1801/contents/made).

## Part B. The focus of school inspections

### The judgements made during school inspections

63. The evaluation schedule, which is published as part of the *Non-association independent school inspection handbook*,<sup>30</sup> provides guidance to schools and inspectors about the judgements that inspectors make during the course of an inspection, which are listed in paragraph 7 of this document.

### The inspection grades used to make judgements

64. Inspectors will use the following scale when judging the overall effectiveness of the school and making the four key judgements about the achievement of pupils, the quality of teaching, the behaviour and safety of pupils and the quality of leadership in and management of the school and, where applicable, judging the effectiveness of the early years provision and the sixth form.

- grade 1: outstanding
- grade 2: good
- grade 3: requires improvement
- grade 4: inadequate.

65. In judging the school's overall effectiveness, inspectors will consider whether:

- the standard of education is good (grade 2), or exceeds this standard sufficiently to be judged as outstanding (grade 1)
- the school requires improvement as, although it may meet all of the independent school standards, it is not a good school because one or more of the four judgements requires improvement (grade 3), and/or there are weaknesses in the overall provision for pupils' spiritual, moral, social and cultural development; any independent school standards that are not met will be judged by inspectors to be minor, easy to rectify, and to not have a serious impact on pupils' welfare, health and safety, academic or personal development
- the school is inadequate (grade 4) as there are one or more un-met independent school standards (or, where relevant, statutory requirements of the Early Years Foundation Stage) which have a negative impact on pupils' welfare, health and safety, academic or personal development, including the promotion of pupils' spiritual, moral, social and cultural development.

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<sup>30</sup> *Non-association independent school inspection handbook* (140053), Ofsted, 2015; [www.gov.uk/government/publications/non-association-independent-school-inspection-handbook](http://www.gov.uk/government/publications/non-association-independent-school-inspection-handbook).

## Overall effectiveness

66. The overall effectiveness judgement takes account of the four judgements outlined above. In addition, inspectors evaluate the extent to which the school meets the requirements of The Education (Independent School Standards) Regulations 2014 including the needs of any disabled pupils and those with special educational needs. The standards are set out in the schedule to the regulations. Reference is made to paragraphs of the standards throughout the evaluation schedule to indicate to schools and inspectors how the standards relate to the judgements.
67. In judging the school's overall effectiveness, inspectors should consider whether the standard of education meets the acceptable standard of good, or exceeds it and is outstanding. If it does not meet the acceptable standard, inspectors will consider whether it requires improvement or is inadequate.

## Achievement of pupils at the school

68. This judgement deals with the academic achievement of all pupils, including their progress and their attainment. Inspectors will take into account pupils' starting points in terms of their age and prior attainment. Particular consideration is given to the progress that the lowest attaining pupils are making and the school's contribution to raising their attainment. The most able pupils' achievement will be viewed in the context of the extent to which they attain the highest levels and/or grades. Other, broader aspects of achievement, such as those reflected in the spiritual, moral, social and cultural development of pupils, are taken into account in the evaluation of other key areas of the school's work. Inspectors will also consider whether the school meets paragraphs 2(1)–2(1)(b)(ii), 2(2)(a)–(i) and 4 in part 1 of the independent school standards. The *Non-association independent school inspection handbook* has more details regarding what inspectors will consider in their evaluation of achievement.

## Quality of teaching in the school

69. Inspectors will focus on what difference teaching makes to the achievement of all pupils' in the school. Lesson planning and implementation of learning activities across the whole of the school's curriculum, especially the skills required for English and mathematics, together with teachers' marking, assessment and feedback to pupils are key features of inspection. Activities both within and outside the classroom are taken into account. The impact of teachers' support and intervention strategies and the promotion of pupils' spiritual, moral, social and cultural development is considered and evaluated. Inspectors will also consider whether the school meets paragraphs 2(1)–2(2)(i) and 3–3(j) in part 1 and all paragraphs in part 2 of the independent school standards.

## **Behaviour and safety of pupils at the school**

70. This judgement takes account of a range of evidence about behaviour and safety over an extended period including pupils attending on-site and off-site alternative provision. Pupils' attendance and punctuality and how well these are managed are important aspects of this judgement. Other key features include pupils' attitudes to learning and how well they behave around the school, including any low-level disruption. Inspectors will examine how well the school promotes respect, positive relationships, prevention of bullying, harassment and discrimination.<sup>31</sup> This evidence will contribute to inspectors' evaluation of how well the school promotes pupils' spiritual, moral, social and cultural development. Inspectors will also consider whether the school meets all the paragraphs in part 2, part 3, part 4 and part 5 of the independent school standards.

## **Quality of leadership in, and management of, the school**

71. Inspection examines the impact of all leaders, including where appropriate, those responsible for governance, and evaluates how efficiently and effectively they manage the school. In particular, inspection focuses on how effectively leadership and management at all levels promote improved teaching, as judged within the context of the school, and enable all pupils to overcome specific barriers to learning including disabled pupils and those who have special educational needs. Key aspects that will be taken into account are the ambition and vision leaders have to improve the school further, through their expectations of all pupils and staff and plans for improvement.
72. The extent to which the school meets the independent school standards is linked directly to the judgement on leadership and management. In order to meet the standard in part 8 (quality of leadership in and management of schools), the school must meet all of the standards in parts 1–7.

## **The effectiveness of the early years provision**

73. Where the school makes provision for children aged three to five years, inspectors will judge the overall quality and standards of the early years provision. The judgement takes into account how well children achieve so that they are ready for the next stage of their education. The judgement also takes into account how well the provision, including the quality of teaching, meets the needs of the range of children in the early years. Inspectors will examine how well the provision contributes to children's physical and emotional health, safety and well-being, including their spiritual, moral, social and cultural development. Inspectors will take into account whether the school meets the independent

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<sup>31</sup> This may include cyber-bullying and prejudice-based bullying and language related to special educational needs, sexual orientation, sex, race, religion and belief, gender reassignment or disability as defined in the Equality Act 2010.

school standards in relation to early years provision, and how well the provision is led and managed.

### **The effectiveness of the sixth form provision**

74. For schools that educate students above compulsory school age, inspectors will make a judgement on the quality of education provided in programmes of study for this age group. The judgement on sixth form provision will focus on evaluating achievement, quality of teaching, behaviour and safety, and leadership and management, and checking whether the school meets the independent school standards in relation to the provision.

### **The effectiveness of the boarding/residential experience**

75. Where the school provides boarding or residential provision, and this has been inspected alongside the school's education provision as part of an integrated inspection, inspectors will make five judgements on the boarding or residential provision. These judgements will be made in accordance with the guidance and grade descriptors in the *Evaluation schedule for the inspection of boarding and residential provision in schools*.<sup>32</sup>

### **Compliance with regulatory requirements**

76. The inspection report records the extent to which the school meets all the independent school standards and/or national minimum standards. It reports on any regulatory failures.
77. The section will also make clear, if appropriate, whether the school meets the learning and development and the welfare requirements of the Early Years Foundation Stage, and, if not, what it must do to meet them.

### **Recommendations for improvement**

78. Inspectors recommend areas for the school's improvement or further development. These include improving provision to comply with any of the independent school standards that are not met.

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<sup>32</sup> *Evaluation schedule for the inspection of boarding and residential provision in schools* (110096), Ofsted, 2013; [www.gov.uk/government/publications/evaluation-schedule-for-the-inspection-of-boarding-and-residential-provision-in-schools](http://www.gov.uk/government/publications/evaluation-schedule-for-the-inspection-of-boarding-and-residential-provision-in-schools).