

Handbook for additional inspections of independent schools

This handbook sets out the main activities for conducting inspections of independent schools that are commissioned by the Department for Education outside of the normal inspection cycle. These inspections are known as 'additional inspections': pre-registration inspections of proposed schools under section 99 of the Education and Skills Act 2008, and material change, progress monitoring and emergency inspections under section 109(1) and (2) of the Education and Skills Act 2008.

This handbook also covers welfare-only additional inspections of independent schools, conducted under the Children Act 1989.

It sets out the purpose of each type of additional inspection and explains the judgements that inspectors will make and on which they report.

This handbook also sets out how inspectors evaluate schools' action plans to rectify regulatory failures.

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Introduction

1. All independent schools are inspected at the direction of the Department for Education (the DfE), which is the registration authority for independent schools. Therefore, Ofsted may be commissioned to conduct an inspection of an independent school at any time.
2. This handbook sets out the main activities for conducting 'additional inspections'. These are inspections of independent schools that occur outside of the normal inspection cycle. It sets out the purpose of each type of additional inspection and the legal basis for conducting them. It explains the judgements that inspectors will make and on which they report.
3. Each part of this handbook covers one type of additional inspection.
4. The handbook is primarily a guide for inspectors on how to carry out additional inspections of independent schools ('schools'). However, it is made available to schools and other organisations to ensure that they are informed about the process and procedures of inspection. It seeks to balance the need for consistency in inspections with the flexibility required to respond to the individual circumstances of each school. It should not be regarded as a set of inflexible rules, but as an account of the procedures that normally govern inspection. Inspectors will exercise their professional judgement when using the handbook. This handbook is effective from September 2015.
5. This handbook does not cover normal cycle inspections ('standard inspections'). The way in which these inspections are carried out is set out in the 'Non-association independent school inspection handbook'.¹ Guidance on inspections of possible unregistered independent schools is in the 'Handbook for conducting inspections under section 97 of the Education and Skills Act 2008'.²

¹ *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

² *Handbook for conducting inspections under section 97 of the Education and Skills Act 2008*, Ofsted, 2015; www.gov.uk/government/publications/inspections-under-section-97-of-the-education-and-skills-act-2008-handbook-for-inspectors.

Conducting an additional inspection as part of a standard inspection

6. The DfE may commission Ofsted to conduct an additional inspection as part of a standard inspection.³ It may commission Ofsted to consider a school's application to make a material change to its registration, a school's progress in implementing its action plan and in meeting un-met independent school standards, or a complaint or other issue about a school, as part of a standard inspection.
7. Similarly, if the DfE commissions Ofsted to carry out an additional inspection and a standard inspection is already scheduled to take place in the same or next term, Ofsted may recommend to the DfE that the additional inspection be carried out as part of the standard inspection.
8. In both cases, the 'additional matters' will be considered as part of the standard inspection in a single inspection event. Ofsted will report on the 'additional matters' to the DfE in the report and 'independent school standard compliance record' for the standard 'education-only' and 'integrated' inspections. For 'welfare-only inspections, there may be an additional advice note. There will be one report published on the Ofsted website.⁴

³ This is the case for 'welfare-only' full inspections of boarding or residential provision, 'education-only' inspections of school provision or 'integrated' standard inspections of both types of provision.

⁴ Reports are available from Ofsted's website: <http://reports.ofsted.gov.uk/>.

Pre-registration inspections to proposed new schools

Purpose of inspection and legal basis

9. The Secretary of State is the registration authority for independent schools in England, and maintains a register of independent schools.
10. Proprietors wishing to open a new school must apply to the Department for Education (DfE) for registration. They are asked to supply certain information as part of their application. For example:^{5,6,7}
 - a statement that the school is an independent school
 - a plan showing the layout of the premises and any accommodation provided
 - detailed curriculum plans and schemes of work for all subjects and year groups
 - student assessment procedures
 - the written behaviour policy setting out, among other matters, the sanctions to be adopted in the event of pupil misbehaviour
 - particulars of the school's arrangements to safeguard and promote the welfare of pupils at the school and how those arrangements have regard to guidance issued by the Secretary of State
 - particulars of the school's anti-bullying strategy
 - the complaints procedure.
11. When the DfE has checked that the application from a proposed new school to enter on the register is complete, it will commission Ofsted to conduct a pre-registration inspection of the proposed school. An inspection can take place at any time.
12. Ofsted will carry out the pre-registration inspection under section 99 of the Education and Skills Act 2008 (the Act).⁸ The purpose of the inspection is to check whether the school is likely to meet the Education (Independent School Standards) Regulations 2014, if the DfE decides to register it.⁹ Schools must comply with the independent school standards to be registered.

⁵ This information is required by part 2 of the schedule to The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010; www.legislation.gov.uk/uksi/2010/2919/contents/made.

⁶ Section 98 of the Education and Skills Act 2008 also requires prospective schools to provide certain other information; www.legislation.gov.uk/ukpga/2008/25/section/98.

⁷ The DfE's guidance *Independent school registration* sets out the information that prospective schools need to provide with their application; www.gov.uk/government/publications/independent-school-registration.

⁸ Education and Skills Act 2008, section 99; www.legislation.gov.uk/ukpga/2008/25/section/99.

⁹ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

13. The inspection will also consider whether the proposed school is likely to meet other requirements that registered independent schools must comply with or have regard to:
- the statutory requirements of the Early Years Foundation Stage, where early years provision is proposed as part of the school registration, for children aged two and above¹⁰
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place¹¹
 - section 35 of the Safeguarding Vulnerable Groups Act 2006, under which schools have a duty to make a referral to the Disclosure and Barring Service if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.^{12,13}
14. It is an offence under section 96 of the Act to conduct an unregistered independent school. Proposed new schools may not accept pupils until they have been registered.
15. Any existing provider of alternative provision must be registered as an independent school if it caters full-time for five or more pupils of compulsory school age, or one such pupil who is looked after, has an education, health and care plan, or has a statement of special educational needs.

Boarding or residential provision

16. Where an application is made to open a new boarding or residential special school, the DfE will commission Ofsted to carry out an 'integrated' pre-registration inspection of the proposed school and its boarding/residential provision. The inspection of the proposed boarding/residential provision will check whether the national minimum standards for boarding or residential special schools are likely to be met, if the DfE decides to register the school.^{14,15}

Proposed or existing children's homes seeking registration as a school

17. Where a registered children's home has applied to the DfE for registration as a school, in order to provide an education facility for its children, the pre-registration inspection of the proposed school provision will normally be

¹⁰ *Statutory framework for the early years foundation stage*, DfE, 2014;

www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

¹¹ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

¹² Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

¹³ Information about this duty is available in *Keeping children safe in education*, DfE, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

¹⁴ *Boarding schools: national minimum standards*, DfE, 2012;

www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

¹⁵ *Residential special schools: national minimum standards*, DfE, 2012;

www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

conducted at the same time as one of the two inspections of the children's home carried out each year by social care regulatory inspectors.¹⁶

18. Where a proprietor applies to Ofsted for registration as a new children's home and applies to the DfE to register as a new school, the pre-registration inspection of the proposed school provision will normally be aligned with a pre-registration visit to the proposed children's home. The inspection of the proposed children's home will be conducted in line with the 'Guide to registration for children's social care services'.¹⁷

Before the inspection

Inspectors' planning and preparation

19. The lead inspector, and in the case of integrated inspections the lead social care regulatory inspector, will prepare for the inspection by reviewing the DfE's 'inspection commissioning form' for the inspection. The form contains the information that the proposed school has supplied to support its application, and may also specify a particular focus that the DfE requires the inspection to have. Inspectors will also consider any other available information, for example on the proposed school's website.
20. Where the proposed school has already been subject to a pre-registration inspection, inspection planning will also be informed by the advice note and pre-registration regulatory check sheet from the previous inspection.
21. On integrated pre-registration inspections to proposed boarding or residential special schools, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification of inspection

22. Ofsted will normally contact the proposed school by telephone to announce the inspection two days before it is due to start. An inspection support administrator will announce an education-only or integrated inspection. The lead social care regulatory inspector will announce a welfare-only inspection.
23. Where it transpires in the notification telephone call that a proposed school is already operating, Ofsted will inform the DfE that this is the case.
24. If the headteacher is unavailable when the notification call is made, Ofsted will ask to speak to the proprietor or the most senior member of staff available. Once Ofsted has informed the proposed school by telephone that the inspection will take place, it will send confirmation to the proposed school by email.

¹⁶ *Inspection of children's homes*, Ofsted, 2015;

www.gov.uk/government/publications/inspecting-childrens-homes-framework.

¹⁷ *Guide to registration for children's social care services*, Ofsted, 2014;

www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services.

Requests for deferral or cancellation

25. Pre-registration inspections will not be deferred where the proposed school states that it is not ready for inspection. The DfE expects proposed schools to be ready to undergo a pre-registration inspection, since the provision wishes to educate (and, for boarding/residential special schools, accommodate) pupils in the near future.
26. If a proposed school requests a deferral of its inspection, the inspection coordinator must immediately make Ofsted aware of this by contacting the Ofsted regional duty desk. Ofsted will consult the DfE and then decide whether deferral should be granted in accordance with its policy.¹⁸
27. Where it appears that a proposed school no longer wishes to continue with its application to register, Ofsted will check whether the DfE requires an inspection to be carried out in order to ascertain whether or not the proposed school is operating. If the DfE requires this, an emergency inspection will be carried out instead in line with the guidance in this document, 'Inspections of schools that appear to have closed'.

The lead inspector's initial telephone call

28. The lead inspector of an education-only or integrated inspection will normally contact the proposed school on the morning of the inspection and ask to speak to the headteacher or proprietor. The call will be short and focused on practical issues, for example to make arrangements for meetings with the headteacher and proprietor.

During the inspection

Days allocated to inspection

29. Pre-registration inspections do not normally last longer than one day, and will usually be carried out by one inspector. In 'integrated' inspections of proposed boarding and residential special schools, there will normally also be one social care regulatory inspector. Two inspector days are allocated in total to pre-registration inspections, for preparation, the inspection, travelling and writing.

The start of the on-site inspection

30. The lead inspector should meet briefly with the headteacher and the proprietor at the beginning of the inspection to:
 - introduce any team inspectors
 - confirm arrangements for meetings with representatives of those who intend to be responsible for the governance of the proposed school and

¹⁸ *Deferring Ofsted inspections*, Ofsted, 2015;
www.gov.uk/government/publications/deferring-ofsted-inspections.

with staff

- confirm arrangements for providing feedback at the end of the inspection
- request information about staff absence and other practical issues
- establish how the lead inspector will be given access to any additional policy documents and records, further to those submitted to the DfE in the proposed school's application.

31. Where there is more than one inspector, a short team meeting should take place to clarify inspection activities and individual roles and responsibilities.

Gathering and recording evidence

32. Inspectors will gather evidence in respect of whether the proposed school is likely to meet the independent school standards and other requirements, if the DfE decides to register it. They will inspect against any particular focus specified in the DfE's inspection commissioning form.

33. The main inspection activities will be to discuss the proposed school with the proprietor, look at the premises, investigate procedures for appointing staff and safeguarding pupils, and to continue analysing the information supplied by the proposed school either to the DfE with its application, or produced thereafter. Inspectors will meet with the proprietor and headteacher, and staff already in post.

34. Inspectors will gather sufficient evidence in order to judge whether the proposed school is likely to meet the requirements of **all paragraphs** of the independent school standards, even though it will not be possible to observe any teaching and learning or to judge the implementation of policies.

35. In judging whether a school is likely to meet the standards, inspectors may refer to the information in the DfE's guidance 'Independent school registration' and the resources to which this document refers.¹⁹

36. All education evidence is recorded on evidence forms. Inspectors may use a 'running evidence form – independent school standards and other requirements' or the 'pre-registration regulatory check sheet' during inspection to record the school's likely compliance against each requirement.

Boarding or residential provision

37. In integrated pre-registration inspections to proposed new boarding or residential special schools, the social care regulatory inspector will check whether the proposed boarding/residential accommodation, policies and procedures are likely to meet the relevant national minimum standards.

¹⁹ *Independent school registration*, (DfE), 2015; www.gov.uk/government/publications/independent-school-registration.

Early years provision (part of the school's registration)

38. Where early years provision for children aged two and upwards is proposed, as part of the school registration, inspectors will consider whether the early years provision is likely to meet the requirements of the Early Years Foundation Stage. The independent school standards cover all of the prospective pupils in the proposed school from the age of two and upwards. Inspectors' judgement on whether the proposed school is likely to meet the independent school standards will therefore take into account the whole school provision. A judgement about whether the school is likely to meet the standards relating to the quality of the curriculum, resources, premises and accommodation, for example, will include their suitability for children aged two to five.

Lesson observations

39. In pre-registration inspections of existing providers of alternative provision, or children's homes that are already providing education, inspectors will observe teaching and learning, and the implementation of policies to inform their judgement about whether requirements are likely to be met. They will observe a minimum of two lessons. As the proposed school is not registered with the DfE, inspectors will still judge whether the independent school standards are likely to be met, as opposed to whether they are met.
40. Before observing lessons, inspectors will check with the headteacher whether there are reasons why any teachers should not be observed, for example where they are subject to performance management procedures. They will also ensure that the headteacher is aware that Ofsted's evidence from observations of teaching and learning, whether joint or otherwise, must not be used as evidence in capability/disciplinary proceedings or for the purposes of performance management.
41. Further information about lesson observations is available in the 'Non-association independent school inspection handbook'.²⁰

Proposed special schools and children's homes

42. In judging whether proposed special schools are likely to meet the independent school standards, in particular the standards in part 1 concerning the quality of education, inspectors will take into account the type of special educational needs that the school proposes to cater for. They will consider whether the proposed provision is likely to meet the needs of the groups of pupils the school proposes to admit.
43. Inspectors will consider whether a children's home's proposed education provision is capable of providing effectively for a variety of needs, since

²⁰ *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

children's homes frequently accept children with a range of educational needs at short notice. They will consider whether there is a prompt and effective system of assessing a pupil's educational attainment and needs and putting in place an individual programme of support, so that disruption to the young person's education can be minimised.

Checking standards beyond the scope of the DfE's commission

44. If inspectors identify matters of concern beyond the scope of the DfE's commission for the pre-registration inspection, they will inspect and report against the school's likely compliance with the relevant paragraphs of the independent school standards to which the concerns relate.²¹ Should inspectors consider that there are too many matters to follow up in the time available for the pre-registration inspection, they will contact the Ofsted regional duty desk, who will consult the DfE regarding increasing the resource allocated to the inspection. Alternatively, the DfE may decide to commission Ofsted to carry out an emergency inspection of the proposed school.

Safeguarding

45. Inspectors will always have regard for how well children and learners are helped and protected so that they are kept safe. Although inspectors will not provide a separate numerical grade or written judgement for this key aspect of a provider's work on a pre-registration inspection, they will report any concerns to the DfE about the effectiveness of the school's arrangements for safeguarding children and learners.
46. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding in all the settings covered by the framework. It should be read alongside Ofsted's inspection framework and handbooks:
- 'Inspecting safeguarding in early years, education and skills settings', June 2015.²²
47. It is also essential that inspectors are familiar with the statutory guidance in relation to safeguarding:
- 'Keeping children safe in education: Statutory guidance for schools and colleges', DfE, July 2015²³

²¹ Under section 109(1) and (2) of the Education and Skills Act 2008, the Chief Inspector must inspect and report 'to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution'. Under section 109(4)(b) of the Act, "any relevant standard" means any independent educational institution standard that is... (b) considered to be relevant by the person carrying out the inspection in the circumstances of the case.'

www.legislation.gov.uk/ukpga/2008/25/section/109.

²² *Inspecting safeguarding in early years, education and skills settings*, Ofsted, 2015;

www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

- 'Working together to safeguard children', DfE, June 2015.²⁴

Reporting on evidence or allegations of child abuse

48. On a very small number of occasions, for example in the case of existing alternative providers that have applied to the DfE for registration as a school, inspectors may come across evidence or ongoing allegations of child abuse within a proposed school. Inspectors should consult 'Inspecting safeguarding in early years, education and skills settings'. Inspectors must not attempt to investigate the incident.

Providing feedback

49. The on-site inspection concludes with a final feedback meeting with the proprietor and headteacher. Those who intend to be responsible for the governance of the proposed school and senior staff may also attend, as agreed by the lead inspector and proprietor.
50. During this meeting, the lead inspector will ensure that the attendees are clear:
- about the independent school standards and other requirements (including the national minimum standards in the case of welfare-only and integrated inspections) that the proposed school is likely to meet, and those that are unlikely to be met if the DfE decides to register it
 - about the evidence to support the judgement that any standards or other requirements are unlikely to be met, so that the proposed school is clear about its weaknesses
 - that the judgements about whether the standards and other requirements are likely to be met are provisional and so may change as a result of quality assurance procedures or moderation
 - that the findings of the inspection and the points provided orally in the feedback meeting, subject to any change, will be referred to in the text of the advice note and pre-registration regulatory check sheet, which Ofsted will submit to the DfE
 - that they are invited and encouraged to complete the post-inspection survey
 - about the procedure for making a complaint about the inspection
 - that the DfE, which is the registration authority for independent schools, will decide whether the proposed school will be registered.
51. The education and social care regulatory inspectors will normally feed back to the proposed provider jointly following an aligned pre-registration inspection of

²³ *Keeping children safe in education: Statutory guidance for schools and colleges*, Department for Education, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

²⁴ *Working together to safeguard children*, Department for Education, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

a proposed new children's home, which has also applied to the DfE to register as an independent school. The inspectors will make clear to the proposed school that irrespective of whether Ofsted has judged that the school provision is likely to meet the independent school standards, the DfE will not be in a position to decide whether to register it until Ofsted has decided that the children's home provision can be registered with Ofsted.

Where there is serious cause for concern and requirements are unlikely to be met

52. If inspectors reach the conclusion that the proposed school is not likely to comply with one or more independent school standards or other requirements and there is a serious cause for concern, the lead inspector will complete 'Form A – initial advice to the registration authority that an independent school is not complying with the independent school standards'. Ofsted will provide the Form A to the DfE as soon as possible.
53. The purpose of Form A is to alert the registration authority – the DfE – to the judgement that there is a serious cause for concern and that the school is unlikely to meet the independent school standards. The DfE will use the information to prioritise those providers and prospective providers that require most urgent attention.

After the inspection

Advice note and pre-registration regulatory check sheet

54. The lead inspector is responsible for writing the advice note and pre-registration regulatory check sheet, and for submitting the evidence to Ofsted shortly after the inspection ends. The text of both inspection instruments should explain the judgements and reflect the evidence. The findings in them should be consistent with the feedback given to the proposed school at the end of the inspection.
55. Advice notes and pre-registration regulatory check sheets will be quality-assured before Ofsted sends them to the DfE. Ofsted will normally send the final version of the advice note and pre-registration regulatory check sheet to the DfE within 14 working days after the inspection.
56. The DfE may send either or both inspection instruments to the proposed school, at its discretion.

The inspection evidence base

57. The evidence base for a pre-registration inspection of a proposed new school, or any type of inspection to a registered independent school, must be retained for the time specified in Ofsted's guidance.²⁵ This is normally six months from

²⁵ *Retention and disposing of information*, Ofsted, 2014 (internal only document).

when the advice note or report is submitted to the DfE. Inspection evidence must be kept for longer than six months when:

- safeguarding is ineffective
- the school is subject to progress monitoring inspections because it does not comply with the independent school standards or is less than 'good', or an investigation is linked to the inspection, or there is a potential or current litigation claim against Ofsted, such as a judicial review
- a complaint has been made
- inspections are of a very sensitive nature, or are likely to be of national or regional importance due to high levels of political or press interest.

Quality assurance and complaints

Quality assurance

58. All inspectors are responsible for the quality of their work. The lead inspector must ensure that inspections are carried out in accordance with the principles of inspection and the code of conduct.
59. Ofsted monitors the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers to quality-assure inspections. Ofsted may also evaluate the quality of an inspection evidence base. The lead inspector will be responsible for giving team inspectors feedback about the quality of their work and their conduct.
60. All schools are invited to take part in a post-inspection evaluation in order to contribute to inspection development.

Handling concerns and complaints

61. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns do arise during an inspection, they should be raised with the lead inspector as soon as possible in order to resolve issues before the inspection is completed. The lead inspector should seek advice where necessary. Any concerns raised and actions taken should be recorded in the inspection evidence.
62. If it is not possible to resolve concerns during the inspection, the school may wish to lodge a formal complaint. The lead inspector should ensure that the school is informed of the procedures for making a formal complaint. Information about how to complain is available on the GOV.UK website.²⁶

²⁶ *Raising concerns and making a complaint about Ofsted*, Ofsted, 2015; www.gov.uk/government/publications/complaints-about-ofsted.

Material change inspections to existing schools

Purpose of inspection and legal basis

63. Registered independent schools wishing to make one of the following changes to their registration must seek permission to do so from the Department for Education (DfE) as these are material changes to a school's registration:
- change of proprietor
 - change of school premises
 - change to the age range of pupils
 - change to the maximum number of pupils
 - if the school proposes to change from single-sex to co-educational or vice versa, or change in admitting boys instead of girls, or girls instead of boys
 - if the school intends to provide boarding accommodation, or cease to provide it
 - if the school intends to admit pupils with special educational needs, or cease to admit them.
64. The DfE may grant permission for the material change without reference to Ofsted, and does so where the request is a routine matter that may be seen from the school's application and the evidence it submits. For example, the DfE does not routinely ask Ofsted to conduct a material change inspection when a school opens a new building on its premises.
65. When the DfE has considered a school's application to make a material change, and decides that a material change inspection is required, it will commission Ofsted to do so. An inspection can take place at any time.
66. Ofsted will carry out the material change inspection under section 109(1) and (2) of the Education and Skills Act 2008.²⁷ The purpose of the inspection is to consider the implications of the material change and recommend to the Secretary of State whether the school is likely to meet the relevant independent school standards if the material change is implemented.
67. The commission will specify which of the Education (Independent School Standards) Regulations 2014 the DfE requires Ofsted to check whether the school is likely to meet.²⁸
68. Depending on the material change that a school has applied for, the DfE may commission Ofsted to also consider whether the school is likely to meet other

²⁷ Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/109.

²⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

requirements that registered independent schools must comply with or have regard to:

- the statutory requirements of the Early Years Foundation Stage, where the change concerns early years provision, which is part of the school registration, for children aged two and above²⁹
- paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place³⁰
- section 35 of the Safeguarding Vulnerable Groups Act 2006, under which schools have a duty to make a referral to the Disclosure and Barring Service if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.^{31,32}

69. If a school wishes to start admitting pupils under the age of two, this is a material change, and also requires a separate registration of early years provision by Ofsted.³³
70. Schools cannot implement material changes until the Secretary of State gives approval for the change.

Boarding or residential provision

71. If an application is made for changes to an existing boarding or residential special school's boarding/residential provision, and one of the other changes listed in paragraph 63 of this document, the DfE will commission Ofsted to conduct an 'integrated' material change inspection of the school and its boarding/residential provision.
72. Where a school only wishes to open new boarding/residential provision, and has not applied to make any of the other changes mentioned in paragraph 63 of this document, the DfE will commission Ofsted to conduct a welfare-only material change inspection.
73. In both cases, the inspection of the proposed boarding/residential provision will check whether the national minimum standards for boarding or residential special schools are likely to be met, if the DfE agrees that the material change can be implemented.³⁴

²⁹ *Statutory framework for the early years foundation stage*, DfE, 2014;

www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

³⁰ www.legislation.gov.uk/ukpga/2010/15/schedule/10.

³¹ Equality Act 2010; www.legislation.gov.uk/ukpga/2006/47/contents.

³² Information about this duty is available in *Keeping children safe in education*, DfE, 2015;

www.gov.uk/government/publications/keeping-children-safe-in-education--2.

³³ *Registering school-based childcare provision*, Ofsted, 2012;

www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision.

³⁴ *Boarding schools: national minimum standards*, DfE, 2012:

www.gov.uk/government/publications/boarding-schools-national-minimum-standards. *Residential*

Before the inspection

Inspectors' planning and preparation

74. The lead inspector, and in the case of welfare-only and integrated inspections the lead social care regulatory inspector, will prepare for the inspection by reviewing the DfE's 'inspection commissioning form' for the inspection. The form contains the information that the school has supplied to support its application, and may also specify a particular focus that the DfE requires the inspection to have. Inspectors will also consider any other available information, for example:
- the previous standard inspection reports, which may include boarding and early years inspection reports
 - any reports or advice notes resulting from additional inspections carried out since the last standard inspection
 - information from the provider information portal³⁵
 - information on the school's website, including:
 - the presence of the safeguarding policy, as required by the independent school standards³⁶
 - the suitability of the safeguarding policy, taking into account current government requirements³⁷
 - any complaints from parents or members of the public that the DfE has asked Ofsted to consider as part of the inspection
 - any other information publicly available or available from relevant stakeholders such as local authorities and the police.
75. On integrated material change inspections of boarding or residential special schools, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

special schools: national minimum standards, DfE, 2012:

www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

³⁵ The provider information portal provides a high-level view for Ofsted inspectors of information about providers we inspect and regulate.

³⁶ In all commissions for material change inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is 'published on the school's internet website or, where no such website exists, [is] provided to parents on request'.

³⁷ In all commissions for material change inspections, the DfE will commission Ofsted to check the suitability of the school's safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

Notification of inspection

76. Ofsted will normally contact the school by telephone to announce the inspection two days before it is due to start. An inspection support administrator will announce an education-only or integrated inspection. The lead social care regulatory inspector will announce a welfare-only inspection.
77. If the headteacher is unavailable when the notification call is made, Ofsted will ask to speak to the proprietor or the most senior member of staff available. Once Ofsted has informed the school by telephone that the inspection will take place, it will send confirmation to the school by email.
78. Where it transpires in the notification telephone call that a school is no longer operating, Ofsted will check whether the DfE requires an inspection to be carried out to ascertain whether or not the school is still operating. If the DfE requires this, an emergency inspection will be carried out instead in line with the guidance in this document, 'Inspections of schools that appear to have closed'.

The lead inspector's initial telephone call

79. The lead inspector of an education-only or integrated inspection will normally contact the school on the morning of the inspection and ask to speak to the headteacher or proprietor. The call will be short and focused on practical issues, for example to make arrangements for meetings with the headteacher and proprietor.

During the inspection

Days allocated to inspection

80. Material change inspections do not normally last longer than one day, and will usually be carried out by one inspector. In 'integrated' inspections of boarding and residential special schools, there will normally also be one social care regulatory inspector. Two inspector days are allocated in total to material change inspections, for preparation, the inspection, travelling and writing.

The start of the on-site inspection

81. The lead inspector should meet briefly with the headteacher and the proprietor at the beginning of the inspection to:
 - introduce any team inspectors
 - confirm arrangements for meetings with representatives of those responsible for the governance of the school and with staff
 - confirm arrangements for providing feedback at the end of the inspection
 - request information about staff absence and other practical issues
 - check whether there are reasons why any teachers should not be

observed, for example where they are subject to performance management procedures

- ensure that the headteacher is aware that Ofsted's evidence from observations of teaching and learning, whether joint or otherwise, must not be used as evidence in capability/disciplinary proceedings or for the purposes of performance management
- establish how the lead inspector will be given access to any additional policy documents and records, further to those submitted to the DfE in the school's application to make the material change.

82. Where there is more than one inspector, a short team meeting should take place to clarify inspection activities and individual roles and responsibilities.

Gathering and recording evidence

83. Inspectors will gather evidence in respect of whether the school is likely to meet the relevant independent school standards and other requirements, and/or the national minimum standards, in the case of welfare-only integrated inspections, if the material change is implemented. They will inspect against any particular focus specified in the DfE's inspection commissioning form.

84. The main inspection activities will be to determine the material change that the school has applied to the DfE to make. Inspectors:

- will discuss the proposed change with the proprietor and headteacher
- will continue analysing the information supplied by the school either to the DfE with its material change application, or produced thereafter
- are likely to look at the premises and investigate procedures for appointing staff and safeguarding pupils
- will meet with the proprietor and headteacher, and may also hold meetings with staff, those responsible for governance, pupils, parents and other stakeholders
- will observe lessons, and may also observe pupils in a range of situations outside normal lessons, for example where the DfE's commission requires them to report whether the school is likely to meet the standards in part 2 of the independent school standards, which relate to pupils' spiritual, moral, social and cultural development. Further information about lesson observations is available in the 'Non-association independent school inspection handbook'³⁸

³⁸ *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

- will check that the school has a safeguarding policy and that it is published on the school's website (or provided to parents on request where the school does not have a website) as required by the independent school standards³⁹
 - will check the suitability of the school's safeguarding policy (if it has one), taking into account current government requirements.⁴⁰
85. Inspectors will consider carefully all the implications of a material change, in judging whether the relevant standards are likely to be met. For example, if the school has applied to accept younger pupils, inspectors will consider whether:
- the accommodation, furniture and playground space are suitable
 - the curriculum has been properly planned and supported by adequate teaching resources, including the proposal to recruit teachers with expertise in teaching the proposed age range.
86. In judging whether a school is likely to meet the standards, inspectors may refer to the information in the DfE's guidance *Independent school registration* and the resources to which this document refers.⁴¹
87. All education evidence is recorded on evidence forms. Inspectors may use a 'running evidence form – independent school standards and other requirements' during inspection to record the school's likely compliance against requirements.

Boarding or residential provision

88. In welfare-only and integrated material change inspections to schools that wish to make a material change to educational facilities and to open or change existing boarding/residential provision, the social care regulatory inspector will check whether the boarding/residential accommodation, policies and procedures are likely to meet the relevant national minimum standards.

Early years provision (part of the school's registration)

89. Where a school has applied to change or implement new early years provision for children aged two and upwards, as part of the school registration, inspectors will consider whether the early years provision is likely to meet the

³⁹ In all commissions for material change inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is 'published on the school's internet website or, where no such website exists, [is] provided to parents on request'.

⁴⁰ In all commissions for material change inspections, the DfE will commission Ofsted to check the suitability of the school's safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

⁴¹ *Independent school registration*, DfE, 2015; www.gov.uk/government/publications/independent-school-registration.

requirements of the Early Years Foundation Stage. Where the school has an exemption from the learning and development requirements of the Early Years Foundation Stage, they will still judge whether the safeguarding and welfare requirements are likely to be met.⁴²

90. The independent school standards cover all of the pupils in the school from the age of two upwards. Therefore inspectors will judge whether the school is likely to meet the independent school standards in relation to the proposed new or changed early years provision, and in the context of the whole school provision. A judgement about whether the school is likely to meet the standards relating to the quality of the curriculum, resources, premises and accommodation, for example, will include their suitability for children aged two to five.

Special schools

91. In judging whether a special school is likely to meet requirements if it is approved to accept pupils with a different range of needs, inspectors will consider the impact that the proposed change is likely to have on the pupils already in the school. They will determine whether the school has proper safe procedures that are in line with the DfE requirements for recruiting staff with the necessary expertise and experience to cater for the new level of special need, and that an appropriate learning programme is in place.

Checking standards beyond the scope of the DfE's commission

92. If inspectors identify matters of concern beyond the scope of the DfE's commission for the material change inspection, they will inspect and report against the school's compliance with the relevant paragraphs of the independent school standards to which the concerns relate.⁴³ Should inspectors consider that there are too many matters to follow up in the time available for the material change inspection, they will contact the Ofsted regional duty desk, who will consult the DfE regarding increasing the resource allocated to the inspection. Alternatively, the DfE may decide to commission Ofsted to carry out an emergency inspection or to bring forward the timing of the school's next standard inspection.

⁴² *The Early Years Foundation Stage (EYFS) learning and development requirements; guidance on exemptions for early years providers*, DfE, 2012; www.gov.uk/government/publications/the-early-years-foundation-stage-eyfs-learning-and-development-requirements-guidance-on-exemptions-for-early-years-providers.

⁴³ Under section 109(1) and (2) of the Education and Skills Act 2008, the Chief Inspector must inspect and report 'to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution'. Under section 109(4)(b) of the Act, "any relevant standard" means any independent educational institution standard that is... (b) considered to be relevant by the person carrying out the inspection in the circumstances of the case.'
www.legislation.gov.uk/ukpga/2008/25/section/109.

Safeguarding

93. Inspectors will always have regard for how well children and learners are helped and protected so that they are kept safe. Although inspectors will not provide a separate numerical grade or written judgement for this key aspect of a provider's work on a material change inspection, they will report any concerns to the DfE about the effectiveness of the school's arrangements for safeguarding children and learners.
94. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding in all the settings covered by the framework. It should be read alongside Ofsted's inspection frameworks and handbooks:
- 'Inspecting safeguarding in early years, education and skills settings', June 2015.⁴⁴
95. It is also essential that inspectors are familiar with the statutory guidance in relation to safeguarding:
- 'Keeping children safe in education: Statutory guidance for schools and colleges', DfE, July 2015⁴⁵
 - 'Working together to safeguard children', DfE, June 2015.⁴⁶

Reporting on evidence or allegations of child abuse

96. On a very small number of occasions, inspectors may come across evidence or ongoing allegations of child abuse within a school. Inspectors should consult 'Inspecting safeguarding in early years, education and skills settings'. Inspectors must not attempt to investigate the incident.

Providing feedback

97. The on-site inspection concludes with a final feedback meeting with the proprietor and headteacher. Those who are responsible for the governance of the school and senior staff may also attend, as agreed by the lead inspector and proprietor.
98. During this meeting, the lead inspector will ensure that the attendees are clear:
- about the independent school standards and other requirements, and/or the national minimum standards on welfare-only and integrated inspections,

⁴⁴ *Inspecting safeguarding in early years, education and skills from September 2015*, Ofsted, 2015; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

⁴⁵ *Keeping children safe in education: Statutory guidance for schools and colleges*, Department for Education, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

⁴⁶ *Working together to safeguard children*, Department for Education, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

that the school is likely to meet, and those it is unlikely to meet, if the material change is implemented

- about the evidence to support the judgement that any standards or other requirements are unlikely to be met, so that the school is clear about its weaknesses
- about any other standards or requirements that are un-met, where the inspector identified and inspected additional matters of concern during the course of the inspection (see paragraph 92 of this document)
- that the judgements about whether the standards and other requirements are likely to be met are provisional and so may change as a result of quality assurance procedures or moderation
- that the findings of the inspection and the points provided orally in the feedback meeting, subject to any change, will be referred to in the text of the advice note, which Ofsted will submit to the DfE
- that they are invited and encouraged to complete the post-inspection survey
- about the procedure for making a complaint about the inspection
- that the DfE, which is the registration authority for independent schools, will decide whether the material change can be implemented.

Non-compliance with requirements

99. If inspectors reach the conclusion that the school is not complying with one or more independent school standards or other requirements and this is having a negative impact on pupils' welfare, health and safety, academic or personal development, including the promotion of pupils' spiritual, moral, social and cultural development, the lead inspector will complete 'Form A – initial advice to the registration authority that an independent school is not complying with the independent school standards'. Ofsted will provide the Form A to the DfE as soon as possible.

100. The purpose of Form A is to alert the registration authority – the DfE – to the judgement that the school is not meeting all the independent school standards. The DfE will use the information to determine whether to take regulatory action and to prioritise those schools that require most urgent attention.

After the inspection

Advice note

101. The lead inspector is responsible for writing the advice note, and for submitting the evidence to Ofsted shortly after the inspection ends. The text of the advice note should explain the judgements and reflect the evidence. The findings in the advice note should be consistent with the feedback given to the school at the end of the inspection.

102. Advice notes will be quality-assured before Ofsted sends them to the DfE. Ofsted will normally send the final version of the advice note to the DfE within 14 working days after the inspection.

103. The DfE may send the advice note to the school, at its discretion.

The inspection evidence base

104. Please refer to paragraph 57 of this document.

Quality assurance and complaints

105. Please refer to paragraph 58 of this document.

Emergency inspections of independent schools

Purpose of inspection and legal basis

106. The Department for Education (DfE) may commission Ofsted to conduct an emergency inspection of an independent school for any reason. Normally, the commission will be as a result of a complaint or other intelligence received by the DfE which appears to raise a concern about safeguarding pupils or putting their safety at risk. An emergency inspection will also be commissioned where the DfE suspects that a school may have ceased operating.
107. Ofsted will carry out the emergency inspection under section 109(1) and (2) of the Education and Skills Act 2008.⁴⁷ The issue that triggered the inspection will be used as the main line of enquiry for the inspection, and the purpose of the inspection is for Ofsted to report to the DfE on whether the school meets the independent school standards relevant to the issue. An inspection can take place at any time.
108. The commission will specify which of the Education (Independent School Standards) Regulations 2014 the DfE requires Ofsted to check whether the school complies with.⁴⁸
109. Depending on the nature of the DfE's concern about a school, the DfE may commission Ofsted to also consider whether the school meets other requirements that registered independent schools must comply with or have regard to:
- the statutory requirements of the Early Years Foundation Stage, where the change concerns early years provision, which is part of the school registration, for children aged two and above⁴⁹
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place⁵⁰
 - section 35 of the Safeguarding Vulnerable Groups Act 2006, under which schools have a duty to make a referral to the Disclosure and Barring Service if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.^{51,52}

⁴⁷ Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/109.

⁴⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

⁴⁹ *Statutory framework for the early years foundation stage*; www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

⁵⁰ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

⁵¹ Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

⁵² Information about this duty is available in *Keeping children safe in education*, DfE, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

Boarding or residential provision

110. If the concerns raised to the DfE concern a boarding or residential special school's boarding or residential provision, as well as the school, the DfE will commission Ofsted to conduct an 'integrated' emergency inspection of the school and its boarding/residential provision.
111. Where matters only concern the boarding/residential provision, the DfE will commission Ofsted to conduct a welfare-only material change inspection.
112. In both cases, the inspection of the boarding/residential provision will check whether the national minimum standards for boarding or residential special schools relevant to the issue are met.⁵³

Before the inspection

Inspectors' planning and preparation

113. The lead inspector, and in the case of welfare-only and integrated inspections the lead social care regulatory inspector, will prepare for the inspection by reviewing the DfE's 'inspection commissioning form' for the inspection. The form contains the complaint, concern or other information that triggered the commission for the inspection. It will specify the particular focus that the DfE requires the inspection to have. Inspectors will also consider any other available information, for example:
- the previous standard inspection reports, which may include boarding and early years inspection reports
 - any reports or advice notes resulting from additional inspections carried out since the last standard inspection
 - responses from Parent View,⁵⁴ Ofsted's online survey for parents⁵⁵
 - pupils', and if relevant boarding staff and placing authorities', replies to Ofsted's point-in-time surveys⁵⁶
 - information from the provider information portal⁵⁷
 - information on the school's website, including:

⁵³ *Boarding schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/boarding-schools-national-minimum-standards. *Residential special schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

⁵⁴ <https://parentview.ofsted.gov.uk/>.

⁵⁵ 'Parents' refers to mothers, fathers and/or carers.

⁵⁶ For information on Ofsted's point-in-time surveys, refer to the *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

⁵⁷ The provider information portal provides a high-level view for Ofsted inspectors of information about providers we inspect and regulate.

- the presence of the safeguarding policy, as required by the independent school standards⁵⁸
- the suitability of the safeguarding policy, taking into account current government requirements⁵⁹
- the school’s census returns if available
- any other information publicly available or available from relevant stakeholders such as local authorities and the police.

114. The lead inspector (or lead social care inspector, in the case of integrated inspections) will also liaise with the local authority designated officer for child protection concerns to obtain any information that may be relevant to the inspection.

115. On integrated emergency change inspections to boarding or residential special schools, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification of inspection

116. All emergency inspections are conducted at **no notice**. Once the lead inspector has gained entry to the school, Ofsted will send confirmation of the inspection to the school by email.⁶⁰

During the inspection

Days allocated to inspection

117. Emergency inspections normally last one day, although ‘integrated’ and ‘welfare-only’ emergency inspections of boarding and residential special schools normally last two days so that the social care regulatory inspector is able to inspect the boarding provision during an evening.

118. The inspection will usually be carried out by one inspector. In ‘integrated’ inspections of boarding and residential special schools, there will normally also be one social care regulatory inspector. Three inspector days are allocated in total to emergency inspections, for preparation, the inspection, travelling and writing.

⁵⁸ In all commissions for emergency inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is ‘published on the school’s internet website or, where no such website exists, [is] provided to parents on request’.

⁵⁹ In all commissions for emergency inspections, the DfE will commission Ofsted to check the suitability of the school’s safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

⁶⁰ The lead inspector will inform the inspection support administrator that they have gained entry to the school. The administrator will send confirmation of the inspection to the school.

Arrival at the school

119. In the rare event that the inspector arrives at the school to find that it is no longer operating, the inspection will be carried out in line with the guidance in this document, 'Inspections of schools that appear to have closed'.
120. On arrival at the school, the lead inspector will ask to speak to the headteacher, proprietor or, if necessary, the most senior member of staff available. They will explain that they have arrived to conduct an emergency inspection at the commission of the DfE.
121. The lead inspector will explain to the school that they will inspect specified areas of the school's provision, in order to report to the DfE whether the school meets The Education (Independent School Standards) Regulations 2014 and/or the national minimum standards for boarding or residential special schools, where relevant.⁶¹ All independent schools must comply with the standards for continued registration.
122. Inspectors have right of entry to inspect the school.
- Under section 110(1) of the Education and Skills Act 2008 inspectors have:
 - '(a) a right of entry to the premises of the institution for the purposes of the inspection, and
 - (b) a right to inspect and take copies of any records kept by the institution and any other documents containing information relating to the institution that are required for the purposes of the inspection.'
 - Under section 110(5):
 - It is an offence intentionally to obstruct a person in the exercise of the person's functions in relation to the inspection.
 - The National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002 set out Ofsted's general powers to inspect boarding or residential provision in schools and colleges under the Children Act 1989.⁶² This document covers inspectors' right of entry to boarding/residential provision in schools, and the inspection of premises, records and children.
123. Where the inspection has been commissioned due to a complaint received by the DfE, inspectors will not reveal to the school the name of the complainant.

⁶¹ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

⁶² The National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002; www.legislation.gov.uk/uksi/2002/552/contents/made.

The start of the on-site inspection

124. The lead inspector should meet briefly with the headteacher and the proprietor at the beginning of the inspection to:

- reiterate the reason for the inspection that the inspector explained on their arrival
- introduce any team inspectors
- confirm arrangements for meetings with representatives of those who intend to be responsible for the governance of the proposed school and with staff
- confirm arrangements for providing feedback at the end of the inspection
- request information about staff absence and other practical issues
- check whether there are reasons why any teachers should not be observed, for example where they are subject to performance management procedures
- ensure that the headteacher is aware that Ofsted's evidence from observations of teaching and learning, whether joint or otherwise, must not be used as evidence in capability/disciplinary proceedings or for the purposes of performance management
- establish how the school will give the lead inspector access to its policy documents and records.

125. Where there is more than one inspector, a short team meeting should take place to clarify inspection activities and individual roles and responsibilities.

Gathering and recording evidence

126. Inspectors will follow up the issues raised in the DfE's commissioning form. They will inspect against any particular focus that the DfE specifies.

127. The inspectors will gather evidence in respect of whether the school meets the independent school standards and other requirements, and/or the national minimum standards in the case of welfare-only and integrated inspections, that relate to the issues that triggered the inspection commission.

128. Inspectors will be rigorous in their pursuit of the issues and will ask to see any documents, records or other information necessary.

129. Although the purpose of the inspection is not to resolve the specific issue that triggered the inspection to be commissioned, the issue is used as a line of enquiry. The inspector will consider and report on, for example, how effectively the school has dealt with the issue, whether the issue is resolved, and whether it is a one-off instance or represents a whole school issue. This is in order to report to the DfE on, for example, how effectively the school dealt with the matter that triggered the inspection to be commissioned.

130. Where the underlying reasons for the emergency inspection relate to safeguarding matters, inspectors will not investigate the actual case, but will consider whether the school's policies and processes and their implementation are appropriate to meet the independent schools standards and relevant national minimum standards.
131. The main inspection activities will be determined by the commission. Inspectors:
- may talk to staff and pupils, and seek opportunities wherever possible to test emerging findings and corroborate conclusions
 - may look at the premises and investigate procedures for appointing staff and safeguarding pupils
 - may meet with the proprietor and headteacher, and may also hold meetings with staff, those responsible for governance, pupils, parents and other stakeholders
 - may observe lessons, and may also observe pupils in a range of situations outside normal lessons, for example where the DfE's commission requires them to report whether the school is likely to meet the standards in part 2 of the independent school standards, which relate to pupils' spiritual, moral, social and cultural development. Further information about lesson observations is available in the 'Non-association independent school inspection handbook'⁶³
 - will check that the school has a safeguarding policy and that it is published on the school's website (or provided to parents on request where the school does not have a website) as required by the independent school standards⁶⁴
 - will check the suitability of the school's safeguarding policy (if it has one), taking into account current government requirements.⁶⁵
132. In judging whether the school meets the standards, inspectors may refer to the information in the DfE's guidance *Independent school registration* and the resources to which this document refers.⁶⁶

⁶³ *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

⁶⁴ In all commissions for emergency inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is 'published on the school's internet website or, where no such website exists, [is] provided to parents on request'.

⁶⁵ In all commissions for emergency inspections, the DfE will commission Ofsted to check the suitability of the school's safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

⁶⁶ *Independent school registration*, Department for Education, 2015; www.gov.uk/government/publications/independent-school-registration.

133. All education evidence is recorded on evidence forms. Inspectors may use a 'running evidence form – independent school standards and other requirements' during inspection to record the school's likely compliance against each requirement.

Checking standards beyond the scope of the DfE's commission

134. If inspectors identify matters of concern beyond the scope of the DfE's commission for the emergency inspection, they will inspect and report against the school's compliance with the relevant paragraphs of the independent school standards to which the concerns relate.⁶⁷ Should inspectors consider that there are too many matters to follow up in the time available for the emergency inspection, they will contact the Ofsted regional duty desk, who will consult the DfE regarding increasing the resource allocated to the inspection. Alternatively, the DfE may decide to bring forward the timing of the school's next standard inspection.

Safeguarding

135. Inspectors will always have regard for how well children and learners are helped and protected so that they are kept safe. Although inspectors will not provide a separate numerical grade or written judgement for this key aspect of a provider's work on an emergency inspection, they will report any concerns to the DfE about the effectiveness of the school's arrangements for safeguarding children and learners.

136. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding in all the settings covered by the framework. It should be read alongside Ofsted's inspection framework and handbooks:

- 'Inspecting safeguarding in early years, education and skills settings', June 2015.⁶⁸

137. It is also essential that inspectors are familiar with the statutory guidance in relation to safeguarding:

- 'Keeping children safe in education: Statutory guidance for schools and colleges', DfE, July 2015⁶⁹

⁶⁷ Under section 109(1) and (2) of the Education and Skills Act 2008, the Chief Inspector must inspect and report 'to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution'. Under section 109(4)(b) of the Act, "any relevant standard" means any independent educational institution standard that is... (b) considered to be relevant by the person carrying out the inspection in the circumstances of the case.'

www.legislation.gov.uk/ukpga/2008/25/section/109.

⁶⁸ *Inspecting safeguarding in early years, education and skills from September 2015*, Ofsted, 2015; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

- 'Working together to safeguard children', DfE, June 2015.⁷⁰

Reporting on evidence or allegations of child abuse

138. On a very small number of occasions, inspectors may come across evidence or ongoing allegations of child abuse within a school. Inspectors should consult 'Inspecting safeguarding in early years, education and skills settings'. Inspectors must not attempt to investigate the incident.

Providing feedback

139. The on-site inspection concludes with a final feedback meeting with the proprietor and headteacher. Those who are responsible for the governance of the school and senior staff may also attend, as agreed by the lead inspector and proprietor.

140. During this meeting, the lead inspector will ensure that the attendees are clear:

- about the specific independent school standards and other requirements (including the national minimum standards on welfare-only and integrated inspections) that have been checked on the inspection, which the school meets or does not meet
- about the evidence to support the judgement that any standards or other requirements are not met, so that the school is clear about its weaknesses
- that the DfE, which is the registration authority for independent schools, will decide any action to take in respect of any standards or other requirements that are not met
- that the findings of the inspection and the points provided orally in the feedback meeting, subject to any change, will be referred to in the text of the advice note, which Ofsted will submit to the DfE
- where the inspector judges that the requirements checked on the inspection are not met, that Ofsted will submit a report to the DfE (as well as the advice note). The DfE will decide whether the report will be published, and if so, a copy will be provided to the school
- that the judgements about whether specific standards and other requirements are met are provisional and so may change as a result of quality assurance procedures or moderation
- that on receipt of the draft report (should the DfE agree to a report) they must ensure that the report remains restricted and confidential to the relevant senior personnel (as determined by the school) and that the

⁶⁹ *Keeping children safe in education: Statutory guidance for schools and colleges*, DfE, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

⁷⁰ *Working together to safeguard children*, Department for Education, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

information contained within it is not shared with any third party or published under any circumstances

- that they are invited and encouraged to complete the post-inspection survey
- about the procedure for making a complaint about the inspection.

Non-compliance with requirements

141. If inspectors reach the conclusion that the school is not complying with one or more independent school standards or other requirements and this is having a negative impact on pupils' welfare, health and safety, academic or personal development, including the promotion of pupils' spiritual, moral, social and cultural development, the lead inspector will complete 'Form A – initial advice to the registration authority that an independent school is not complying with the independent school standards'. Ofsted will provide the Form A to the DfE as soon as possible.
142. The purpose of Form A is to alert the registration authority – the DfE – to the judgement that the school is not meeting all the independent school standards. The DfE will use the information to determine whether to take regulatory action and to prioritise those schools that require most urgent attention.

After the inspection

Advice note and, where necessary, report

143. The lead inspector is responsible for writing the advice note and, where the specific requirements that have been checked on the inspection are not met, the inspection report. They are also responsible for submitting the evidence to Ofsted shortly after the inspection ends. The text of the advice note and report should explain the judgements and reflect the evidence. The findings in the advice note and report should be consistent with the feedback given to the school at the end of the inspection.
144. Advice notes and reports will be quality-assured before Ofsted sends them to the DfE.
145. Where there is no report, the DfE may send the advice note to the school, at its discretion. Ofsted will normally send the final version of the advice note to the DfE within 14 working days after the inspection.
146. Where the DfE requires an inspection report, Ofsted will send a draft copy to the school. The draft report is restricted and confidential to the relevant personnel (as determined by the school), including those responsible for governance, and should not be shared more widely or published.
147. Ofsted will inform the school of the timescale for commenting on the draft. The lead inspector will consider any factual inaccuracies identified by the school and

will make changes as appropriate. Ofsted will notify the school of the lead inspector's response.

148. Typically, schools will receive an electronic copy of the final inspection report within 23 working days of the end of the inspection. In most circumstances, the final report will be published on Ofsted's website within 28 working days. Ofsted will notify the school of the publication date when it sends the draft report.
149. Paragraph 32(1)(d) of the schedule to the Education (Independent School Standards) Regulations 2014 requires the proprietor to:
- ensure that a copy of the inspection report is published and maintained on the school's website
 - provide a copy of the report to the parents of every registered pupil at the school by the date specified by Ofsted, which is five working days from receipt.

The proprietor may send or give a copy of the report to parents. Alternatively, if parents have provided an email address, the school may either email an electronic copy of the report to them, or email a link to where the report is available to download from the internet.⁷¹

150. Her Majesty's Chief Inspector also expects schools to ensure that all pupils are made aware of the findings of the inspection. The proprietor may also wish to make any local authorities that have placed pupils in the school aware of the report.
151. In all cases, the inspection process should not be treated as complete until all inspection activity has been undertaken and the final version of the inspection report has been sent to the provider and published on Ofsted's website.

The inspection evidence base

152. The evidence base for an emergency inspection of a school, or any type of inspection to a registered independent school, must be retained for the time specified in Ofsted's guidance.⁷² This is normally six months from when the advice note or report is submitted to the DfE. Inspection evidence must be kept for longer than six months when:
- safeguarding is ineffective
 - the school is subject to progress monitoring inspections because it does not comply with the independent school standards or is less than 'good', or an

⁷¹ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/contents/made.

⁷² *Raising concerns and making a complaint about Ofsted*, Ofsted, 2015: www.gov.uk/government/publications/complaints-about-ofsted.

investigation is linked to the inspection, or there is a potential or current litigation claim against Ofsted, such as a judicial review

- a complaint has been made
- inspections are of a very sensitive nature, or are likely to be of national or regional importance due to high levels of political or press interest.

Quality assurance and complaints

Quality assurance

153. All inspectors are responsible for the quality of their work. The lead inspector must ensure that inspections are carried out in accordance with the principles of inspection and the code of conduct.
154. Ofsted monitors the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers to quality-assure inspections. Ofsted may also evaluate the quality of an inspection evidence base. The lead inspector will be responsible for giving team inspectors feedback about the quality of their work and their conduct.
155. All schools are invited to take part in a post-inspection evaluation in order to contribute to inspection development.

Handling concerns and complaints

156. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns do arise during an inspection, they should be raised with the lead inspector as soon as possible in order to resolve issues before the inspection is completed. The lead inspector should seek advice where necessary. Any concerns raised and actions taken should be recorded in the inspection evidence.
157. If it is not possible to resolve concerns during the inspection, the school may wish to lodge a formal complaint. The lead inspector should ensure that the school is informed of the procedures for making a formal complaint. Information about how to complain is available on the GOV.UK website.⁷³
158. Where there is a published inspection report, complaints must be submitted no more than 10 working days after publication of the report. Ofsted does not normally delay publication of an inspection report while complaints are investigated.

⁷³ *Raising concerns and making a complaint about Ofsted*, Ofsted, 2015: www.gov.uk/government/publications/complaints-about-ofsted.

Progress monitoring inspections to independent schools

Purpose of inspection and legal basis

Introduction

159. The Department for Education (DfE) may commission Ofsted to conduct a progress monitoring inspection to check the progress made by an independent school to address weaknesses identified at its previous inspection. An inspection can take place at any time.

160. The previous standard or additional inspection will have identified:

- qualitative weaknesses, and/or
- judged that the school does not meet:
 - one or more of the Education (Independent School Standards) Regulations 2014, which are required for continued registration⁷⁴
 - one or more of the national minimum standards for boarding or residential special schools^{75,76}
 - the statutory requirements of the Early Years Foundation Stage, where the change concerns early years provision, which is part of the school registration, for children aged two and above⁷⁷
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place, and/or⁷⁸
 - section 35 of the Safeguarding Vulnerable Groups Act 2006, under which schools have a duty to make a referral to the Disclosure and Barring Service if a person in a regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.^{79,80}

If the previous inspection was a standard inspection, the school will have been judged inadequate or requires improvement overall.

⁷⁴ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/ukxi/2014/3283/introduction/made.

⁷⁵ *Boarding schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

⁷⁶ *Residential special schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

⁷⁷ *Statutory framework for the early years foundation stage*, Department for Education, 2014 www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

⁷⁸ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

⁷⁹ Safeguarding and Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

⁸⁰ Information about this duty is available in *Keeping children safe in education* (DfE), 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

'Inadequate' schools and schools with significant regulatory failures

161. Where the school has significant regulatory failures (and has been judged inadequate if the previous inspection was a standard inspection) the DfE will normally have issued the proprietor of the school with a statutory notice under section 114 of the Education and Skills Act 2008. The notice sets out the un-met standards and requires the proprietor to submit a statutory action plan within a timeframe specified in the notice.
162. The DfE requires the school's action plan to set out the steps the school proposes to take to address its weaknesses and to meet the un-met independent school standards, national minimum standards and other requirements. The action plan is required to specify the timescale within which the proposed steps will be taken. The DfE provides schools with a suggested template and guidance for producing action plans.⁸¹
163. The DfE normally commissions Ofsted to evaluate the school's action plan (see the section of this guidance entitled 'Evaluating independent schools' action plans'). Whether or not an evaluation has taken place, the DfE will either approve (with or without modifications) or reject the action plan, and inform the school and Ofsted of its decision.
164. Following this, the DfE will normally commission Ofsted to conduct a progress monitoring inspection. The commission will be on a case-by-case basis.

'Requires improvement' schools and schools with less significant regulatory failures

165. Where the school has relatively minor regulatory failures, the DfE may still require the school to prepare an action plan, and may still commission Ofsted to evaluate the action plan.
166. Where the minor regulatory failures were identified at an additional inspection, the DfE will normally commission Ofsted to carry out a progress monitoring inspection. The commission will be on a case-by-case basis.
167. Schools that are judged to be 'requires improvement' in a standard inspection from January 2015 will normally have their next standard inspection within two years of the previous inspection. They will also receive a progress monitoring inspection before their standard inspection within the two years. In this case, the commission is not made on a case-by-case basis.⁸²

⁸¹ *Advice on action plans: Departmental advice for independent schools* (DFE-00270-2013), DfE, 2013; www.gov.uk/government/publications/independent-school-action-plans.

⁸² The DfE wrote to all independent schools to set out this arrangement on 9 February 2015.

Purpose of inspection

168. The purpose of the progress monitoring inspection is to check and report to the DfE on the school's progress in addressing:

- any previously un-met independent school standards, national minimum standards and/or other requirements (where the previous inspection was any type of additional inspection or a standard inspection)
- the qualitative weaknesses identified at the previous inspection (where the previous inspection was a standard inspection, or the school is subject to a second or subsequent progress monitoring inspection).

Where the DfE has required the school to prepare an action plan, the inspection will be conducted against the version of the action plan approved by the DfE, including any modifications, **not** any subsequently revised plans which a school may produce.

169. Where the DfE has rejected the school's action plan, at the start of the inspection Ofsted will ask the school to provide a revised version of the plan, if any exists.

Legal basis

170. Ofsted will conduct the progress monitoring inspection under section 109(1) and (2) of the Education and Skills Act 2008.⁸³

Boarding or residential provision

171. Where the previous inspection of a boarding or residential special school identified weaknesses and/or un-met standards relating to the boarding/residential provision, as well as the school, the DfE will commission an 'integrated' progress monitoring inspection of the school and its boarding/residential provision.

172. If the weaknesses and/or un-met standards identified at the previous inspection only relate to the boarding/residential provision, the DfE will commission Ofsted to conduct a welfare-only progress monitoring inspection.

173. In both cases, the inspection of the boarding/residential provision will check whether:

- the previously un-met national minimum standards for boarding or residential special schools⁸⁴ are now met

⁸³ www.legislation.gov.uk/ukpga/2008/25/section/109.

⁸⁴ *Boarding schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/boarding-schools-national-minimum-standards. *Residential special schools: national minimum standards*, DfE, 2012; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

- the qualitative weakness identified at the previous inspection (where the previous inspection was a standard inspection, or the school is subject to a second or subsequent progress monitoring inspection).

Before the inspection

Inspectors' planning and preparation

174. Where the inspection has been specifically commissioned by the DfE, the lead inspector, and in the case of welfare-only and integrated inspections the lead social care regulatory inspector, will prepare for the inspection by reviewing the DfE's 'inspection commissioning form' for the inspection. Where applicable, the form will contain the version of the action plan approved by the DfE, a copy of the statutory notice served to the school and any correspondence in relation to the action plan. It will specify the particular focus that the DfE requires the inspection to have.
175. Where the progress monitoring inspection is being conducted as a result of a standard inspection in which the school was judged 'requires improvement' overall, inspectors will prepare by reviewing any correspondence received from the DfE regarding the outcome of the school's previous inspection. This may include a copy of the school's action plan (if the DfE has asked the school to prepare one), and if so, the DfE's decision to approve (with or without modifications) or reject the action plan.
176. In all cases, inspectors will also consider any other available information, for example:
- the qualitative weaknesses and/or any un-met standards and other requirements reported in the previous inspection report or advice note
 - reports or advice notes from other previous standard or additional inspections, which may include boarding and early years inspection reports
 - responses from Parent View,⁸⁵ Ofsted's online survey for parents⁸⁶
 - pupils', and if relevant boarding staff and placing authorities', replies to Ofsted's point-in-time surveys⁸⁷
 - information from the provider information portal⁸⁸
 - information on the school's website, including:
 - the presence of the safeguarding policy, as required by the independent school standards⁸⁹

⁸⁵ <https://parentview.ofsted.gov.uk/>.

⁸⁶ 'Parents' refers to mothers, fathers and/or carers.

⁸⁷ For information on Ofsted's point-in-time surveys, refer to the *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015.

⁸⁸ The provider information portal provides a high-level view for Ofsted inspectors of information about providers we inspect and regulate.

- the suitability of the safeguarding policy, taking into account current government requirements⁹⁰
 - any complaints from parents or members of the public that the DfE has asked Ofsted to consider as part of the inspection
 - the school’s census returns if available
 - any other information publicly available or available from relevant stakeholders such as local authorities and the police.
177. The lead inspector (or lead social care inspector, in the case of integrated inspections) may also liaise with the local authority designated officer for child protection concerns to obtain any information that may be relevant to the inspection.
178. On integrated progress monitoring inspections to boarding or residential special schools, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification of inspection

179. All progress monitoring inspections are conducted at **no notice** although the school will be aware that an inspection is to take place to check progress. Once the lead inspector has gained entry to the school, Ofsted will send confirmation of the inspection to the school by email.⁹¹

During the inspection

Days allocated to inspection

180. Progress monitoring inspections do not normally last longer than one day, although ‘integrated’ and ‘welfare-only’ progress monitoring inspections of boarding and residential special schools normally last two days so that the social care regulatory inspector is able to inspect the boarding provision during the evening.
181. The inspection will usually be carried out by one inspector. In ‘integrated’ inspections of boarding and residential special schools, there will normally also be one social care regulatory inspector. Three inspector days are allocated in

⁸⁹ In all commissions for progress monitoring inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is ‘published on the school’s internet website or, where no such website exists, [is] provided to parents on request’.

⁹⁰ In all commissions for progress monitoring inspections, the DfE will commission Ofsted to check the suitability of the school’s safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

⁹¹ The lead inspector will inform the inspection support administrator that they have gained entry to the school. The administrator will send confirmation of the inspection to the school.

total to progress monitoring inspections, for preparation, the inspection, travelling and writing.

Arrival at the school

182. In the rare case that the inspector arrives to find that the school appears to no longer be operating, the inspector will follow the guidance in this document, under the heading 'Inspections of schools that appear to have closed'.
183. On arrival, the lead inspector (or lead social care inspector, for integrated inspections) will explain to the school that they will inspect specified areas of the school's provision, in order to report to the DfE on the school's progress in addressing qualitative issues; and/or whether the school now meets the Education (Independent School Standards) Regulations 2014 and/or the national minimum standards for boarding or residential special schools, which were judged to be un-met at the previous inspection.⁹² All independent schools must comply with the standards for continued registration.

The start of the on-site inspection

184. The lead inspector should meet briefly with the headteacher and the proprietor at the beginning of the inspection to:
- introduce any team inspectors
 - confirm arrangements for meetings with representatives of those who intend to be responsible for the governance of the proposed school and with staff
 - confirm arrangements for providing feedback at the end of the inspection
 - request information about staff absence and other practical issues
 - check whether there are reasons why any teachers should not be observed, for example where they are subject to performance management procedures
 - ensure that the headteacher is aware that Ofsted's evidence from observations of teaching and learning, whether joint or otherwise, must not be used as evidence in capability/disciplinary proceedings or for the purposes of performance management
 - establish how the school will give the lead inspector access to its policy documents and records.
185. Where there is more than one inspector, a short team meeting should take place to clarify inspection activities and individual roles and responsibilities.

⁹² The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/ukxi/2014/3283/introduction/made.

Gathering and recording evidence

186. Inspectors will gather evidence in respect of the school's progress in addressing qualitative issues, and/or whether the school now meets the independent school standards and/or the national minimum standards for boarding or residential special schools, which were judged to be un-met at the previous inspection. They will follow-up all of the matters identified in the report or advice note from the previous inspection.⁹³
187. Where the inspection has been specifically commissioned, inspectors will follow up the issues raised in the DfE's commissioning form. They will inspect against any particular focus that the DfE specifies.
188. If the DfE has approved the school's action plan, inspectors will check that all proposed actions are being implemented effectively and within the timescale set out in the action plan.
189. Inspectors will be rigorous in their evidence gathering and will ask to see any documents, records or other information necessary.
190. The main inspection activities will be determined by the weaknesses and/or un-met requirements identified at the previous inspection. Inspectors:
- may talk to staff and pupils, and seek opportunities wherever possible to test their emerging findings and corroborate their conclusions
 - may look at the premises and investigate procedures for appointing staff and safeguarding pupils
 - may meet with the proprietor and headteacher, and may also hold meetings with staff, those responsible for governance, pupils, parents and other stakeholders
 - may observe lessons, and may also observe pupils in a range of situations outside normal lessons, for example where the school was judged to not comply with the standards in part 1 of the independent school standards, which relate to the quality of education. Further information about lesson observations is available in the 'Non-association independent school inspection handbook'⁹⁴
 - will check that the school has a safeguarding policy and that it is published on the school's website (or provided to parents on request where the school does not have a website) as required by the independent school standards⁹⁵

⁹³ Where a school will be subject to a progress monitoring inspection following an additional inspection, the DfE will normally send the school the advice note from the previous inspection. All inspection reports are published on the Ofsted reports website: <http://reports.ofsted.gov.uk/>.

⁹⁴ *Non-association independent school inspection handbook*, Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook-from-september-2015

⁹⁵ In all commissions for progress monitoring inspections, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met.

- check the suitability of the school’s safeguarding policy (if it has one), taking into account current government requirements.⁹⁶
191. In judging whether the school meets the standards, inspectors may refer to the information in the DfE’s guidance *Independent school registration* and the resources to which this document refers.⁹⁷
192. All education evidence is recorded on evidence forms. Inspectors may use a ‘running evidence form – independent school standards and other requirements’ during inspection to record the school’s likely compliance against each requirement.

Checking standards beyond the scope of the DfE’s commission

193. If inspectors identify matters of concern beyond the scope of the DfE’s commission for the progress monitoring inspection (or the previous weaknesses, in the case of progress monitoring inspections to ‘requires improvement’ schools), they will inspect and report against the school’s compliance with the relevant paragraphs of the independent school standards to which the concerns relate.⁹⁸ Should inspectors consider that there are too many matters to follow up in the time available for the progress monitoring inspection, they will contact the Ofsted regional duty desk, who will consult the DfE regarding increasing the resource allocated to the inspection. Alternatively, the DfE may decide to commission Ofsted to carry out an emergency inspection or to bring forward the timing of the school’s next standard inspection.

Safeguarding

194. Inspectors will always have regard for how well children and learners are helped and protected so that they are kept safe. Although inspectors will not provide a separate numerical grade or written judgement for this key aspect of a provider’s work on a progress monitoring inspection, they will report any concerns to the DfE about the effectiveness of the school’s arrangements for safeguarding children and learners.

Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is ‘published on the school’s internet website or, where no such website exists, are provided to parents on request’.

⁹⁶ In all commissions for progress monitoring inspections, the DfE will commission Ofsted to check the suitability of the school’s safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

⁹⁷ *Independent school registration*, Department for Education, 2015; www.gov.uk/government/publications/independent-school-registration.

⁹⁸ Under section 109(1) and (2) of the Education and Skills Act 2008, the Chief Inspector must inspect and report ‘to the Secretary of State on the extent to which any relevant standard is being met in relation to the institution’. Under section 109(4)(b) of the Act, “any relevant standard” means any independent educational institution standard that is... (b) considered to be relevant by the person carrying out the inspection in the circumstances of the case.’

www.legislation.gov.uk/ukpga/2008/25/section/109.

195. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding in all the settings covered by the framework. It should be read alongside Ofsted’s inspection framework and handbooks:

- ‘Inspecting safeguarding in early years, education and skills settings’, June 2015.⁹⁹

196. It is also essential that inspectors are familiar with the statutory guidance in relation to safeguarding:

- ‘Keeping children safe in education: Statutory guidance for schools and colleges’, DfE, July 2015¹⁰⁰
- ‘Working together to safeguard children’, DfE, June 2015.¹⁰¹

Reporting on evidence or allegations of child abuse

197. On a very small number of occasions, inspectors may come across evidence or ongoing allegations of child abuse within a school. Inspectors should consult ‘Inspecting safeguarding in early years, education and skills settings’. Inspectors must not attempt to investigate the incident.

Providing feedback

198. The on-site inspection concludes with a final feedback meeting with the proprietor and headteacher. Those who are responsible for the governance of the school and senior staff may also attend, as agreed by the lead inspector and proprietor.

199. During this meeting, the lead inspector will ensure that the attendees are clear:

- about which of the independent school standards and other requirements (including the national minimum standards on welfare-only and integrated inspections) that were judged to be un-met at the previous inspection are now met, and those that remain un-met (where applicable)
- about any other standards or requirements that are un-met, where the inspector identified and inspected additional matters of concern during the course of the inspection (see paragraph 193 of this document)
- about the evidence to support the judgement that any standards or other requirements are not met, so that the school is clear about its weaknesses

⁹⁹ *Inspecting safeguarding in early years, education and skills settings*, Ofsted, 2015; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

¹⁰⁰ *Keeping children safe in education: Statutory guidance for schools and colleges*, Department for Education, 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

¹⁰¹ *Working together to safeguard children*, Department for Education, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

- that the DfE, which is the registration authority for independent schools, will decide any action to take in respect of any standards or other requirements that are not met
- about the progress made in addressing any qualitative matters identified at the previous standard inspection (where applicable)
- that the findings of the inspection and the points provided orally in the feedback meeting, subject to any change, will be referred to in the text of the report and 'progress monitoring independent school standards compliance record', which Ofsted will submit to the DfE
- that the judgements about whether specific standards and other requirements are met are provisional and so may change as a result of quality assurance procedures or moderation
- that, on receipt of the draft report, they must ensure that the report remains restricted and confidential to the relevant senior personnel (as determined by the school) and that the information contained within it is not shared with any third party or published under any circumstances
- that they are invited and encouraged to complete the post-inspection survey
- about the procedure for making a complaint about the inspection.

Non-compliance with requirements

200. If inspectors reach the conclusion that the school is not complying with one or more independent school standards or other requirements and this is having a negative impact on pupils' welfare, health and safety, academic or personal development, including the promotion of pupils' spiritual, moral, social and cultural development, the lead inspector will complete 'Form A – initial advice to the registration authority that an independent school is not complying with the independent school standards'. Ofsted will provide the Form A to the DfE as soon as possible.

201. The purpose of Form A is to alert the registration authority – the DfE – to the judgement that the school is not meeting all the independent school standards. The DfE will use the information to determine whether to take regulatory action and to prioritise those schools that require most urgent attention.

After the inspection

Report and compliance record

202. The lead inspector is responsible for writing the inspection report and 'progress monitoring independent school standards compliance record' ('compliance record') and for submitting the evidence to Ofsted shortly after the inspection ends. The text of the report and compliance record should explain the judgements and reflect the evidence. The findings in the report and compliance record should be consistent with the feedback given to the school at the end of the inspection.

203. Reports and compliance records will be quality-assured before Ofsted sends them to the DfE.
204. Ofsted will send a draft copy of the inspection report to the school. The draft report is restricted and confidential to the relevant personnel (as determined by the school), including those responsible for governance, and should not be shared more widely or published.
205. Ofsted will inform the school of the timescale for commenting on the draft. The lead inspector will consider any factual inaccuracies identified by the school and will make changes as appropriate. Ofsted will notify the school of the lead inspector's response.
206. Typically, schools will receive an electronic copy of the final inspection report within 23 working days of the end of the inspection. In most circumstances, the final report will be published on Ofsted's website within 28 working days. Ofsted will notify the school of the publication date when it sends the draft report.
207. Paragraph 32(1)(d) of the schedule to the Education (Independent School Standards) Regulations 2014 requires the proprietor to:
- ensure that a copy of the inspection report is published and maintained on the school's website
 - provide a copy of the report to the parents of every registered pupil at the school by the date specified by Ofsted, which is five working days from receipt.

The proprietor may send or give a copy of the report to parents. Alternatively, if parents have provided an email address, the school may either email an electronic copy of the report to them, or email a link to where the report is available to download from the internet.¹⁰²

208. Her Majesty's Chief Inspector also expects schools to ensure that all pupils are made aware of the findings of the inspection. The proprietor may also wish to make any local authorities that have placed pupils in the school aware of the report.
209. In all cases, the inspection process should not be treated as complete until all inspection activity has been undertaken and the final version of the inspection report has been sent to the provider and published on Ofsted's website.
210. The DfE may send the compliance record to the school, at its discretion.

¹⁰² The Education (Independent School Standards) Regulations 2014;
www.legislation.gov.uk/uksi/2014/3283/contents/made.

The inspection evidence base

211. Please refer to paragraph 152 of this document.

Quality assurance and complaints

212. Please refer to paragraph 153 of this document.

Inspections of schools that appear to have closed

213. This guidance is for use where the Department for Education (DfE) has commissioned an emergency inspection to ascertain whether a school is still operating. This may have arisen as a result of Ofsted attempting to notify a school of its scheduled standard, pre-registration or material change inspection.
214. It is also for use in respect of progress monitoring inspections, or emergency inspections that have been commissioned by the DfE for any other reason. These inspections are conducted at no notice, and therefore it may transpire that the school appears to have closed when the inspector arrives at a school to conduct the inspection.
215. The inspector will need to consider taking the following actions, as part of pre-inspection activity or while they are on-site. This is a general guide, not a definitive list of actions.
- Consider arriving at a time when pupils would be arriving at the start of the school day and observe if any pupils enter the building or appear to be inside the premises.
 - Check whether the school's website suggests that the school is still operating.
 - Contact the local authority in which the school is located, or any local authorities that are known to have placed and funded pupils at the school, to check their knowledge as to whether the school no longer admits pupils.
 - Check whether there is a sign to identify the school's premises.
 - Attempt to gain access to the premises.
 - Talk to any persons present, particularly in the case of a school that is registered with Ofsted as a children's home. It might be the case that the children who were previously educated at the school now attend a nearby school.
 - Ask to see the attendance and admissions registers to check that no children have attended the school in recent days.
 - Ask to be shown around the premises in order to check for evidence that might suggest that education is taking place.
 - If access cannot be gained, ask anyone available in adjacent buildings whether they are aware that that children are coming to a school on the premises.
216. The inspection findings will be reported in an advice note for an emergency inspection (not a report).

Evaluating independent schools' action plans

Purpose of evaluation

Introduction

217. All independent schools must comply with the Education (Independent School Standards) Regulations 2014 for continued registration.¹⁰³
218. Where a school has been judged on any standard or additional inspection to not comply with one of the following requirements, the Department for Education (DfE) will normally write to the school to require the proprietor to produce an action plan to set out the action they intend to take to rectify the failures. These might include:
- one or more of the independent school standards
 - one or more of the national minimum standards for boarding or residential special schools^{104,105}
 - the statutory requirements of the Early Years Foundation Stage, where the change concerns early years provision, which is part of the school registration, for children aged two and above¹⁰⁶
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place¹⁰⁷
 - section 35 of the Safeguarding Vulnerable Groups Act 2006, under which schools have a duty to make a referral to the Disclosure and Barring Service if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.^{108,109}

Action plans for schools with relatively minor regulatory failures

219. Where the school has relatively minor regulatory failures, the DfE will normally write to the proprietor of the school after the inspection to request that the school submits a non-statutory action plan to the DfE within one month of the date of the letter from the DfE requesting the action plan.

¹⁰³ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

¹⁰⁴ *Boarding schools: national minimum standards*, DfE, 2012;

www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

¹⁰⁵ *Residential special schools: national minimum standards*, DfE, 2012;

www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

¹⁰⁶ Statutory framework for the early years foundation stage, Department for Education, 2014;

www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

¹⁰⁷ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

¹⁰⁸ Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

¹⁰⁹ Information about this duty is available in *Keeping children safe in education* (DfE), 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

Action plans for 'inadequate' schools and schools with significant regulatory failures

220. Where the school has significant regulatory failures (and has been judged inadequate if the previous inspection was a standard inspection) the DfE will issue the proprietor with a statutory notice under section 114 of the Education and Skills Act 2008. The notice sets out the un-met standards and requires the proprietor to submit a statutory action plan within a timeframe specified in the notice.
221. Where a statutory notice has been served, section 114(4) of the Education and Skills Act 2008 states that an action plan must state clearly both the action proposed by the school to rectify any regulatory failures and the timescale within which the action will be taken.

DfE's expectations for school action plans

222. The DfE provides schools with guidance and a suggested template for producing action plans: *Advice on action plans, Departmental advice for independent schools*: www.gov.uk/government/publications/independent-school-action-plans.
223. The DfE expects a school's action plan to address each un-met requirement. Schools will have been informed of the evidence that caused the inspectors to judge that each standard or requirement is un-met in the final feedback meeting of the inspection, and subsequently in the inspection report¹¹⁰ and/or in the letter or notice from the DfE which required the school to prepare an action plan.

Purpose of Ofsted's evaluation of a statutory or non-statutory action plan

224. To inform its decision on action to take in response to a school's action plan, the DfE may commission Ofsted to evaluate the action plan.
225. The purpose of the evaluation is for Ofsted to advise the DfE whether the plan is acceptable or whether it requires improvement. Ofsted's advice to the DfE is based on an evaluation of whether the actions that the school proposes to take are likely to mean that the school will meet the un-met standards and/or requirements, when the actions have been implemented.

DfE's response to Ofsted's evaluation of a school action plan

226. Section 114(6) sets out that the DfE may:
- approve
 - approve with modifications, or

¹¹⁰ <http://reports.ofsted.gov.uk/>.

- reject

a statutory action plan.

227. In the case of a non-statutory action plan, the DfE may:

- accept it and put the school back into the normal inspection cycle
- accept it and request a progress monitoring inspection
- reject it and serve a statutory notice requiring a revised action plan
- reject it and request a further non-statutory action plan.

Evaluating the action plan and writing the advice note

Inspectors undertaking the evaluation

228. Normally, one inspector will undertake the evaluation of a school's action plan. This will be carried out by:

- a social care regulatory inspector, where the action plan only concerns non-compliance with the national minimum standards for boarding or residential special schools
- one of Her Majesty's Inspectors or an Ofsted Inspector where the failures only relate to the school
- a social care regulatory inspector and one of Her Majesty's Inspectors or an Ofsted Inspector, where there are failures that relate to the school and boarding/residential provision. This is an 'integrated' evaluation.

Carrying out the evaluation

229. Inspectors will carry out the evaluation in line with any particular requirements specified in the DfE's 'inspection commissioning form', which will contain a copy of the school's action plan. The form may also include supporting evidence that the school has supplied to the DfE to demonstrate that it has implemented actions.

230. Inspectors will evaluate the action plan by assessing the following:

- completeness:
 - whether the plan includes every standard and requirement that was judged to be un-met at the previous inspection, with clear reference to the substance of the specific paragraphs of the independent school standards, national minimum standards and any other requirements that were judged to be un-met
 - whether the plan includes actions for meeting every un-met standard and requirement; how the school will address the weakness identified at the previous inspection – that is, the evidence from the inspection which

caused the inspector to judge that each standard or requirement is not being met¹¹¹

- whether each action has a date by when it will be completed
- whether each action has measurable success criteria for judging whether it brings success in meeting the un-met standard or requirement
- quality:
 - the specificity of each action – how clearly defined each action is
 - how robust each action is
 - the applicability of each action: how each proposed action will address the evidence from the previous inspection which caused the inspector to judge that the standard or requirement is not met; and whether the action is likely to bring about sufficient improvement to enable the school to meet the un-met standard or requirement
 - the practicality of achieving each action by the dates shown – whether the timescale is realistic
 - the relevance and adequacy of the success criteria for each action, and whether the criteria are measurable
 - the quality of the evidence recorded, or provided, for any action that the plan states that the school has already completed.

231. In all cases, inspectors will also check:

- whether there is a safeguarding policy published on the school’s website, as required by the independent school standards¹¹²
- the suitability of the safeguarding policy, taking into account current government requirements.¹¹³

232. When evaluating action plans, inspectors may refer to the DfE’s guidance documents *Advice on action plans* and *Independent school registration*.^{114,115}

¹¹¹ Where the DfE has required a school to prepare an action plan following an additional inspection, the DfE will normally send the school the advice note from the previous inspection. All inspection reports are published on the Ofsted reports website: <http://reports.ofsted.gov.uk/>

¹¹² In all commissions for evaluations of school action plans, the DfE will commission Ofsted to check that the requirement of paragraph 32(1)(c) in part 6 of the independent school standards is met. Paragraph 32(1)(c) forms part of the standard in paragraph 32(1). It requires the proprietor to ensure that a safeguarding policy is ‘published on the school’s internet website or, where no such website exists, are provided to parents on request’.

¹¹³ In all commissions for evaluations of school action plans, the DfE will commission Ofsted to check the suitability of the school’s safeguarding policy. This is an element of the standard in paragraph 7 of part 3 of the independent school standards. It is also an element of standard 11 of the national minimum standards for boarding and residential special schools.

¹¹⁴ *Advice on action plans, Departmental advice for independent schools* (DFE-00270-2013), Department for Education, 2013; www.gov.uk/government/publications/independent-school-action-plans.

233. Normally, no evidence forms are used in the course of an evaluation. The evaluation will be carried out directly in the advice note template.

After the evaluation

Advice note

234. The lead inspector is responsible for writing the advice note. The text of the advice note should explain the judgements and reflect the evidence.

235. Advice notes will be quality-assured before Ofsted sends them to the DfE. Ofsted will normally send the final version of the advice note to DfE which within 14 working days after the inspection.

236. The DfE may send the advice note to the school, at its discretion.

Evidence base

237. There is no evidence base for an evaluation of an action plan, as the inspector will write the advice note while undertaking the evaluation.

Quality assurance and complaints

238. All inspectors are responsible for the quality of their work. The lead inspector must ensure that inspections and evaluations of action plans are carried out in accordance with the principles of inspection and the code of conduct.

239. Ofsted monitors the quality of inspections and evaluations of action plans through a range of formal processes.

Handling concerns and complaints

240. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns do arise as a result of Ofsted's evaluation of a school's action plan, the school may follow the procedures for making a formal complaint. Information about how to complain is available on the GOV.UK website.¹¹⁶

¹¹⁵ *Independent school registration*, Department for Education, 2015;
www.gov.uk/government/publications/independent-school-registration.

¹¹⁶ *Raising concerns and making a complaint about Ofsted*, Ofsted, 2015:
www.gov.uk/government/publications/complaints-about-ofsted.