

Handbook for additional inspections of independent schools

This handbook sets out the main activities for carrying out 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 inspections under section 162 of the Education Act 2002, and 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, carried out 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.

Contents

Introduction	4
Ofsted’s interim phase	4
Privacy notice	5
Carrying out an additional inspection as part of a standard inspection	5
Carrying out two concurrent additional inspections	6
Schools requesting an inspection	7
Inspection fees	7
Using evidence from additional inspections	7
The role of an interpreter during inspection	7
Pre-registration inspections to proposed new schools	8
Ofsted’s interim phase	8
Purpose of inspection and legal basis	9
Before the inspection	12
The inspection	17
After the inspection	25
Quality assurance and complaints	27
The DfE’s decision on next steps	27
Material change inspections to existing schools	28
Ofsted’s interim phase	28
Purpose of inspection and legal basis	28
Before the inspection	32
The inspection	38
After the inspection	46
Quality assurance and complaints	47
The DfE’s decision on next steps	48
Emergency inspections of independent schools	49
Ofsted’s interim phase	49
Purpose of inspection and legal basis	49
Before the inspection	51
Notification of inspection	54
The inspection	54
After the inspection	63
Quality assurance and complaints	65
The DfE’s decision on next steps	66
Progress monitoring inspections to independent schools	66
Ofsted’s interim phase	66
Purpose of inspection and legal basis	66
Before the inspection	69

The inspection	73
After the inspection	80
Quality assurance and complaints	82
The DfE's decision on next steps	83
Evaluating independent schools' action plans	84
Purpose of evaluation	84
Evaluating the action plan and writing the report	86
After the evaluation	88
Quality assurance and complaints	89

Introduction

1. All independent schools are inspected at the direction of the Department for Education (DfE), which is the registration authority for independent schools. Therefore, Ofsted may be commissioned to carry out an inspection of an independent school at any time.
2. This handbook sets out the main activities for carrying out '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 carrying them out. 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. It applies to additional inspections carried out from September 2020. 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 'Unregistered school inspection handbook'.²

Ofsted's interim phase

5. On 17 March 2020, all routine inspections were suspended due to the COVID-19 (coronavirus) pandemic. As part of our phased return to routine inspection,³ we are implementing an 'interim phase' from autumn 2020.
6. During the interim phase, the cycle of standard inspections will not resume. We will carry out additional inspections in line with this handbook.
7. Our operational note sets out how, together with the DfE, we will prioritise additional inspections during the interim phase. It also explains which parts of

¹ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

² Unregistered school inspection handbook, Ofsted, 2017; www.gov.uk/government/publications/inspections-under-section-97-of-the-education-and-skills-act-2008-handbook-for-inspectors.

³ 'Education plans from September 2020', Ofsted, 2020; www.gov.uk/guidance/education-plans-from-september-2020#details-about-the-interim-period.

the independent school standards may be checked and arrangements for notifying schools of their inspections in the interim phase.⁴

Privacy notice

8. During inspection, inspectors may collect information about staff and children at the school by looking at school documents, reviewing responses to the pupil survey and responses to the staff survey if appropriate, and by observing the everyday life of the school. Ofsted uses this information to prepare its report and for the purposes set out in its privacy policy.⁵ In most cases, we do not record names. However, some of the information may make it possible to identify a particular individual. We will not publish any information that identifies an individual in the report, but will usually name the headteacher and the proprietor.
9. Paragraph 32(1)(g) of the independent school standards sets out the requirement for proprietors to provide information: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.⁶
10. In the vast majority of settings, we will gather evidence electronically using a range of devices, including laptops, mobile telephones and tablets. All evidence is securely transferred to Ofsted's systems. Inspectors may take photographs of pupils' work. These will be stored as evidence but not retained by the inspector personally.

Carrying out an additional inspection as part of a standard inspection

11. The DfE may commission Ofsted to carry out an additional inspection as part of a standard inspection.⁷ 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 issues raised by a complaint or other issue about a school, as part

⁴ 'Interim phase: non-association independent schools', Ofsted, 2020; www.gov.uk/guidance/interim-phase-non-association-independent-schools.

⁵ 'Schools: Ofsted privacy notice', Ofsted, 2018; www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice#independent-schools.

⁶ Paragraph 32(1)(g) applies to standard, progress monitoring and emergency inspections (not pre-registration inspections, which are carried out under section 99 of the Education and Skills Act 2008, or material change inspections, which are carried out under section 162(4) of the Education Act 2002). However, under the Education (Pupil Registration) (England) Regulations 2006, independent schools are required to keep admission and attendance registers and make them available to inspectors during any type of inspection; www.legislation.gov.uk/ukxi/2006/1751/contents/made.

⁷ 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.

of a standard inspection. The DfE will request this in an inspection commissioning form (ICF).

12. 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.
13. In both cases, the 'additional matters' will normally be considered as part of the standard inspection in a single inspection. Ofsted will typically report on the 'additional matters' to the DfE in the report for the standard inspection and complete one independent school standards compliance record. The report will clearly set out the legislative basis for both inspection types and the reason for the additional inspection. The report will be published on our website.⁸ However, there may be occasions – such as when a progress monitoring inspection is commissioned with a standard inspection – when two reports are written and published on our website. This is in order to ensure that the progress against previously unmet standards is reported clearly to the DfE.

Carrying out two concurrent additional inspections

14. When the DfE commissions Ofsted to carry out two types of additional inspection at the same time, Ofsted will normally carry out a single inspection event. There will be one inspection report and one independent school standards compliance record that reports on both inspections. The report will clearly set out the legislative basis for both inspection types, and the reason the inspections were commissioned. The report will be published on our website.
 - A material change or emergency inspection may be carried out as part of a progress monitoring inspection.
 - A material change inspection may be carried out as part of an emergency inspection.
15. Similarly, if the DfE commissions Ofsted to carry out an additional inspection and another additional inspection is already scheduled, Ofsted will normally recommend to the DfE that a single inspection event takes place for both commissions. The principles in paragraph 14 of this handbook will apply.
16. This scenario does not apply to pre-registration inspections of proposed new schools.

⁸ Ofsted's reports website; <http://reports.ofsted.gov.uk>.

Schools requesting an inspection

17. Unlike other schools inspected under Ofsted’s education inspection framework,⁹ independent schools are not able to request an inspection. The normal inspection cycle for ‘standard inspections’ of independent schools is set out in the non-association independent school inspection handbook.¹⁰

Inspection fees

18. Schools are charged a fee for standard, pre-registration and progress monitoring inspections. The fees for pre-registration and progress monitoring inspections are set out in The Independent Educational Provision in England (Inspection Fees and Savings Provisions) Regulations 2019, which came into force 1 July 2019.¹¹
19. For standard inspections, two sets of fees regulations are currently in force. Depending on the timing of their most recent standard inspection, schools either:
- are still being charged under The Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018, which came into force on 1 April 2018
 - will be charged under The Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018, which came into force on 1 July 2019.

Using evidence from additional inspections

20. We may collect evidence on other aspects of provision through additional inspections and use it for national reporting.

The role of an interpreter during inspection

21. On occasion, an interpreter may be present during an additional inspection. This will be decided on a case-by-case basis by the relevant regional Senior Her Majesty’s Inspector (HMI) for independent schools, when they review the DfE’s commission for the inspection.
22. Interpreters support inspections of schools that teach some or all of their curriculum in a language other than English. This ensures that inspectors are able to consider the school’s evidence about how its curriculum and overall education meets the requirements of the independent school standards. Note

⁹ Education inspection framework, Ofsted, 2019; www.gov.uk/government/publications/education-inspection-framework.

¹⁰ Non-association independent school inspection handbook, Ofsted, 2019;

www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹¹ The Independent Educational Provision in England (Inspection Fees and Savings Provisions) Regulations 2019; www.legislation.gov.uk/ukxi/2019/995/contents/made.

that this **does not** apply to those schools that teach languages, for example French or Latin, to pupils. We will only use interpreters to support inspections of schools that teach subjects other than languages themselves in another language.

23. Interpreters support inspectors by interpreting or translating what is said or written, but they will not contribute to the inspectors' decisions about whether the school complies with the independent school standards.¹²
24. Interpreters may be present for the entire duration of the inspection, or for only part of it, depending on how the school's provision is arranged. This will normally be confirmed during the lead inspector's initial telephone call to the school, if appropriate.
25. Interpreters may accompany an inspector during any inspection activity. This could include, but is not limited to: observing lessons; speaking to pupils, teachers, parents, governors and headteachers; looking at pupils' work; and reviewing curriculum materials, including schemes of work. The interpreter will take notes, which the lead inspector will retain and add to the evidence base.

Pre-registration inspections to proposed new schools

Ofsted's interim phase

26. Paragraph 5 of this handbook and our operational note gives information on Ofsted's interim phase from autumn 2020.¹³ The operational note sets out how, together with the DfE, we will prioritise additional inspections during the interim phase. It also explains which parts of the independent school standards may be checked and arrangements for notifying schools of their inspections in the interim phase.

¹² We expect the school to provide all policies, schemes of work and plans and all other documents required by the independent school standards in English.

¹³ 'Interim phase: non-association independent schools', Ofsted, 2020; www.gov.uk/guidance/interim-phase-non-association-independent-schools.

Purpose of inspection and legal basis

27. The Secretary of State is the registration authority for independent schools in England, and maintains a register of independent schools.
28. Proprietors who want to open a new school must apply to the DfE for registration. They are asked to supply certain information as part of their application, for example:^{14,15,16}
 - 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.
29. 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 carry out a pre-registration inspection of the proposed school. An inspection can take place at any time.
30. Ofsted will carry out the pre-registration inspection under section 99 of the Education and Skills Act 2008 (the Act).¹⁷ 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.¹⁸ The DfE must be satisfied that a proposed school is likely to meet the independent school

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.

¹⁷ Education and Skills Act 2008, section 99; www.legislation.gov.uk/ukpga/2008/25/section/99.

¹⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

standards ('the standards') if it is to be registered as an independent school.¹⁹ Registered schools must comply with the standards to continue to be registered.

31. 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, if early years provision is proposed as part of the school registration, for children aged two and above²⁰
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place²¹
 - 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.^{22,23}

When can an inspection take place?

32. Pre-registration inspections may take place any time during or outside of term time.

Unregistered provision

33. Section 96 of the Act makes it a criminal offence to carry out an independent educational institution unless it is registered.²⁴ Any existing provider²⁵ should have already registered if it is providing full-time education to:
- five or more pupils of compulsory school age
 - one pupil of compulsory school age who is looked after, has an education, health and care plan, or has a statement of special educational needs.
34. The handbook for inspecting unregistered schools sets out Ofsted's policies and procedures for carrying out inspections under section 97 of the Education and

¹⁹ 'Independent school registration', Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

²⁰ 'Statutory framework for the early years foundation stage', Department for Education, 2018; www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

²¹ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

²² Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

²³ Information about this duty is available in 'Keeping children safe in education', Department for Education, 2018; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

²⁴ Education and Skills Act 2008, section 96 creates the criminal offence of conducting an unregistered independent educational institution Education and Skills Act 2008 section 96.

²⁵ The existing provision could be an alternative provider or a children's home.

Skills Act 2008 and for investigating and prosecuting offences under section 96 of the Education and Skills Act 2008.²⁶ The handbook also provides guidance on how to identify an unregistered provision.

35. Inspectors should refer any questions regarding suspected unregistered provision to Ofsted's unregistered schools team. Particular care is required when considering questions related to what constitutes full-time education. When the team suspects unregistered provision, it will determine if further action needs to be taken because there is reasonable cause to believe that the setting is operating as an unregistered school.

Boarding or residential provision

36. When 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.^{27,28}

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

37. A children's home that wishes to provide education for its children must apply to the DfE for registration as an independent school, if it meets the definition in paragraph 33 of this handbook.
38. If a registered children's home has applied to the DfE for registration as a school, the pre-registration inspection of the proposed school provision will normally be carried out at the same time as one of the two inspections of the children's home carried out each year by social care regulatory inspectors.²⁹
39. If 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

²⁶ 'Unregistered school inspection handbook', Ofsted, 2015; www.gov.uk/government/publications/inspections-under-section-97-of-the-education-and-skills-act-2008-handbook-for-inspectors.

²⁷ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

²⁸ 'Residential special schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

²⁹ Social care common inspection framework (SCCIF): children's homes, including secure children's homes, Ofsted, 2018; www.gov.uk/government/publications/inspecting-childrens-homes-framework.

home will be carried out in line with the 'Guide to registration for children's social care services'.³⁰

Before the inspection

Clarification for schools

40. Paragraphs 32–37 of the non-association independent school inspection handbook set out our requirements for inspection.³¹ This is in order to dispel myths about inspection that can result in unnecessary workload in schools. It is intended to highlight specific practices that we do not require.

Inspectors' planning and preparation

41. 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 ICF for the inspection. The form may specify a particular focus that the DfE requires the inspection to have. The lead inspector should review the ICF for completeness. If they think it needs to be amended or added to, they should discuss this with the regional Senior HMI, who can raise it with the DfE.
42. The form also contains the policies and other information that the proposed school has supplied to support its application. The lead inspector will review these, including any curriculum information (so that they can start to assess the breadth and balance of the school's curriculum and whether it is likely to promote preparation for, and an appreciation of, life in modern Britain).
43. Inspectors' planning will also be informed by any other available information, for example:
- if the proposed school has a website, inspectors will check whether it contains the school's safeguarding policy and, if it does, whether that policy is suitable and meets statutory requirements
 - the report from any previous pre-registration inspections carried out at the proposed school
 - if the proposed school has formerly been subject to a section 97 inspection (see paragraph 34), the advice note from this inspection. Inspectors must carefully note if any safeguarding concerns were raised during this inspection
 - information from any other associated providers. This may include registered early years provision or, if the proposed school is part of a chain of independent schools, any relevant information from recent inspections

³⁰ 'Guide to registration for children's social care services', Ofsted, 2018; www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services.

³¹ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

of these schools. For example, this could include any reported evidence about the suitability and capability of the proprietor

- any other information publicly available or available from relevant stakeholders, such as local authorities and the police.

44. On integrated pre-registration inspections of proposed boarding or residential special schools, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification and introduction

45. We 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 usually announce an education-only or integrated inspection. The lead social care regulatory inspector will announce a welfare-only inspection.
46. 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 we have informed the proposed school by telephone that the inspection will take place, we will send confirmation to the proposed school by email.
47. During the initial notification phone call, the inspection support administrator will check:
 - the number of pupils that the proposed school intends to admit
 - the governance arrangements for the proposed school
 - the nature of the proposed provision, for example:
 - any special educational needs and/or disabilities (SEND) provision
 - nursery provision for two- and three-year-olds
 - additional resource provision.
48. We will also make clear that the inspectors will expect the proprietor(s)³² and the person(s) who will be responsible for the day-to-day operation of the proposed school to be present during the inspection. This is because inspectors will expect to interview them to judge their ability to promote and implement the relevant policies and procedures.

³² The 'proprietor' is the person as named on the registration form and accepted by the DfE as being the proprietor or the identified chair of the proprietor/proprietorial body.

49. The inspection support administrator will then send the proposed school a note setting out key information for leaders to be aware of before inspection. This will include:
- Ofsted’s privacy notice³³
 - informing the proposed school that inspectors will use a range of technology to gather evidence electronically, including mobile devices, tablets and laptops
 - informing the proposed school that inspectors may ask to take photographic evidence, for example of pupils’ work and displays, but that inspectors will not take photographs of pupils.

Information that proposed schools must provide by the start of the inspection

50. The inspection support administrator will also send the proposed school a note requesting that the following information is available to inspectors at the formal start of the inspection, some of which is also required to comply with the independent school standards:
- the policies and other documents required by the independent school standards
 - the single central register for the school
 - a copy of the proposed school’s prospectus
 - a complete staff list giving qualifications, experience and, for part-time staff, hours worked per week, if staff have been appointed
 - a copy of the proposed school’s timetable, including details of extra-curricular activities
 - schemes of work for the subjects the proposed school intends to teach
 - a plan of the proposed school, including residential accommodation for pupils, if applicable
 - maps and other practical information
 - access to Wi-Fi, if it exists, so that inspectors can connect to the internet.
51. In pre-registration inspections of any existing providers, including alternative provision or children’s homes that are already providing education, inspectors will also expect to see:
- class lists showing pupils’ names and year groups
 - any information about previously planned interruptions to normal school routines during the inspection

³³ ‘Schools: Ofsted privacy notice’, Ofsted, 2018; www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice#independent-schools.

- records and analysis of exclusions, pupils taken off roll, incidents of poor behaviour and any use of internal isolation
- records and analysis of sexual harassment or sexual violence
- records of bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic/biphobic/transphobic bullying, use of derogatory language and racist incidents
- a list of referrals made to the designated person for safeguarding in the school and those who were subsequently referred to the local authority, along with brief details of the resolution
- a list of all pupils who have open cases with children's services/social care and for whom there is a multi-agency plan
- up-to-date attendance analysis for all groups of pupils
- documented evidence of the work of the proprietor and/or those responsible for governance and their priorities
- a summary of any school self-evaluation or equivalent
- the current school improvement plan or equivalent, including any planning that sets out the longer-term vision for the school, such as the school's strategy
- any reports from external evaluation of the school.

Requests for deferral or cancellation

52. A proposed school may request a deferral of its inspection. It may make a request to the inspection support administrator when it is notified of the inspection.
53. The inspection support administrator must immediately contact the regional duty staff. We will consult the DfE and then decide whether to grant a deferral in accordance with our deferral policy.³⁴
54. The deferral policy makes clear that the absence of the headteacher and/or proprietor is not normally a reason for deferring an inspection.
55. Pre-registration inspections should not be deferred when 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.

³⁴ 'Deferring Ofsted inspections', Ofsted, 2016; www.gov.uk/government/publications/deferring-ofsted-inspections.

56. In the case of unannounced inspections, any requests for a deferral will be passed to Ofsted's relevant regional director, who will decide whether the request can be granted.

The lead inspector's inspection planning telephone call

57. The lead inspector of an education-only or integrated inspection will contact the proposed school at a suitable time following the initial notification call. They will ask to speak to the headteacher or proprietor. The call will focus on practical issues. The lead inspector will:

- discuss the nature of any proposed SEND provision
- discuss any proposed nursery provision, before- and/or after-school care or holiday clubs led and managed directly by the school, particularly if these are intended to take two- to eight-year-olds³⁵
- establish whether the proposed school will operate from more than one site, for example if it will offer early years or sixth-form provision on separate premises; inspectors must establish the full address of each site, record this in their evidence base and report it to the relevant Senior HMI. In these cases, regional Senior HMI will determine if the tariff for the inspection needs to change
- invite the headteacher and, if they are in post, curriculum leaders and other leaders to take part in joint visits to lessons and to observe the main inspection team meetings
- when relevant, make arrangements for meetings with relevant staff
- confirm the identity of the individual proprietor or proprietor body of the proposed school, arrange an appropriate time to speak to them during the inspection, and invite as many members of the proprietor body as possible to attend the final feedback meeting
- establish what the governance structure of the proposed school is, and make arrangements for a meeting with the chair of governors and as many governors as possible (and/or representatives of those responsible for governance). Inspectors will request that as many governors as possible are also present at the final feedback meeting
- establish how the proposed school will give the lead inspector access to its policy documents and records so that inspectors can check the school's compliance with the independent school standards. We expect all documents to be provided in English
- provide an opportunity for the proposed school to ask any questions or to raise any concerns, such as perceived conflicts of interest

³⁵ 'Registering school-based childcare provision', Ofsted, 2012;
www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision.

- let the proposed school know if and when interpreters will be present during the inspection.

The inspection

Days allocated to inspection and inspection team members

58. 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.
59. There is no requirement to deploy inspectors of a particular faith to inspect a school of the same faith. It would be unusual for an inspection team of a faith school to consist entirely of inspectors of that faith.
60. For details of what happens when an interpreter joins the inspection, refer to paragraphs 21–25.

Arrival time on the day of inspection

61. On the day of the inspection, inspectors will not arrive before 8am.

The start of the on-site inspection

62. The lead inspector should meet briefly with the headteacher and the proprietor at the beginning of the inspection to:
 - introduce any team inspectors and interpreters
 - 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
 - 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.³⁶

³⁶ Paragraph 32(1)(g) is not applicable to pre-registration inspections, because these inspections are carried out under section 99 of the Education and Skills Act 2008. This is the requirement for the proprietor to ensure that 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'. However, under the Education (Pupil Registration) (England) Regulations 2006, independent schools are required to keep admission and attendance registers and make them available to inspectors during any type of inspection; www.legislation.gov.uk/ukxi/2006/1751/contents/made.

63. If 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

64. Inspectors will gather evidence about 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 ICF.
65. Inspectors will be rigorous in their evidence-gathering and will ask to see any documents, records or other information necessary, including those outlined in paragraphs 50 and 51.³⁷
66. The main inspection activities will be to discuss the proposed school with the proprietor, look at the premises, including any proposed or existing off-site provision, investigate procedures for appointing staff and safeguarding pupils, and continue evaluating 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.
67. In pre-registration inspections where pupils are present, including alternative provision or children's homes that are already providing education, inspectors may also talk to staff and pupils,³⁸ and seek opportunities whenever possible to test emerging findings and corroborate conclusions.
68. During pre-registration inspections, it is important that pupils are able to express their views freely to inspectors. Therefore, inspectors must have the opportunity to speak to pupils with no other adults present. This is particularly important when inspectors ask pupils questions about safeguarding.³⁹
69. 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.
70. Inspectors must have secure evidence to support the overall judgement that the school is likely to meet all the independent school standards. When inspectors gather any evidence that suggests that any paragraph of the standards is unlikely to be met, this will normally mean that they will judge the proposed school as unlikely to meet the standards overall.

³⁷ Education (Pupil Registration) (England) Regulations 2006, www.legislation.gov.uk/ukxi/2006/1751/contents/made.

³⁸ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

³⁹ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

71. Inspectors will expect to meet with the proprietor(s) and the person(s) who will be responsible for the day-to-day operation of the school during the inspection. Without meeting these individuals, inspectors may not be able to gather sufficient evidence in order to judge whether the proposed school is likely to meet paragraph 34(1) of the independent school standards, which concerns the quality of leadership and management.
72. In judging whether a school is likely to meet the standards, inspectors will refer to the:
- non-statutory DfE guidance 'The independent school standards: guidance for independent schools'.⁴⁰ Although this document is non-statutory, its aims are to:
 - set out the DfE's understanding of the standards
 - provide supplementary guidance on best practice in complying with the standards
 - give additional detail in some areas for which questions are sometimes raised by schools
 - non-statutory DfE guidance 'Independent school registration' and the resources to which this document refers⁴¹
 - guidance in part 4 of the non-association independent school inspection handbook.⁴²
73. If appropriate, inspectors may also refer to the following Ofsted guidance:
- 'Inspecting teaching of the protected characteristics in schools'⁴³
 - 'Separation by sex: implications for the inspections of mixed sex/co-educational schools'.⁴⁴

Boarding or residential provision

74. In integrated pre-registration inspections of proposed new boarding or residential special schools, the social care regulatory inspector will check

⁴⁰ 'The independent school standards: guidance for independent schools', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

⁴¹ 'Independent school registration', Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

⁴² Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

⁴³ 'Inspecting teaching of the protected characteristics in schools', Ofsted, 2020; www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools.

⁴⁴ 'Separation by sex: implications for the inspections of mixed sex/co-educational schools', Ofsted, 2020; www.gov.uk/government/publications/separation-by-sex-implications-for-inspections-of-mixed-sex-co-educational-schools.

whether the proposed policies, procedures and boarding/residential accommodation are likely to meet the relevant national minimum standards.

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

75. When 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.
76. If early years provision is proposed to be accommodated at a premises other than the main, registered premises, inspectors must record the full address of this in their evidence base and report this to the relevant regional Senior HMI.

Provision for students aged 19 and over

77. Some proposed schools may intend to admit students aged 19 and over. Inspectors will only inspect and take account of provision for these students if students who will begin their studies at the proposed school before the age of 18 are going to use the same provision. However, because these students would essentially be adults studying alongside children, inspectors will **always** report on whether the provision meets the safeguarding requirements of the independent school standards.⁴⁵

Lesson visits

78. In pre-registration inspections of existing providers, including alternative provision, or children's homes that are already providing education, inspectors will visit lessons. Existing unregistered providers **must not** operate as an independent school before they are registered. This means that they must not provide full-time education to:
 - five or more pupils of compulsory school age
 - one pupil of compulsory school age who is looked after, has an education, health and care plan, or has a statement of special educational needs.
79. Inspectors will use evidence gathered from visits to lessons to inform their judgements about whether the requirements are likely to be met. These include the standard about teaching (paragraph 3), the requirement to effectively

⁴⁵ Paragraph 7 of part 3 of the independent school standards.

implement a policy that promotes good behaviour among pupils (paragraph 9(b)) and the standard about the spiritual, moral, social and cultural development of pupils (paragraph 5).⁴⁶ Because 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.

80. Before visiting lessons, inspectors will check with the headteacher whether there are reasons why they should not observe certain teachers, for example if any teachers are subject to capability procedures. Inspectors 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.
81. Further information about visits to lessons is available in paragraphs 98–104 of the non-association independent school inspection handbook.⁴⁷

Proposed special schools and children's homes

82. 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.
83. Inspectors will consider whether a children's home's proposed education provision is capable of providing effectively for a variety of needs, since 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. They will consider whether the proposed provision is likely to meet the needs of the groups of pupils the school proposes to admit. A children's home that wishes to provide education for its children must apply to the DfE for registration as an independent school, if it meets the definition in paragraph 33 of this handbook.

Checking standards beyond the scope of the DfE's commission

84. 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

⁴⁶ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/ukxi/2014/3283/schedule/made.

⁴⁷ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

independent school standards to which the concerns relate.⁴⁸ This is likely to occur only in the rare instance when the DfE commissions Ofsted to carry out a second pre-registration inspection to a proposed school. In these cases, the commission is likely to only require Ofsted to check whether the proposed school is likely to meet some of the standards. 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 staff, who will consult the DfE regarding increasing the resource allocated to the inspection.

Safeguarding

85. 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.
86. The approach that inspectors should take to inspecting safeguarding in all the settings covered by the framework is set out in our guidance for inspecting safeguarding.⁴⁹ This should be read alongside our inspection framework and handbooks.
87. In addition to understanding our policies on inspecting safeguarding, inspectors should be familiar with the statutory guidance on safeguarding:
 - 'Keeping children safe in education: statutory guidance for schools and colleges'⁵⁰
 - 'Working together to safeguard children'⁵¹
 - 'Positive environments where children can flourish'.⁵²
88. On all inspections, inspectors need to determine whether there have been any safeguarding incidents or allegations since the last inspection, and whether the

⁴⁸ 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.

⁴⁹ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2019;

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

⁵⁰ 'Keeping children safe in education', Department for Education, 2019;

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

⁵¹ 'Working together to safeguard children', Department for Education, 2019;

www.gov.uk/government/publications/working-together-to-safeguard-children--2.

⁵² 'Positive environments where children can flourish: a guide for inspectors about physical intervention and restrictions of liberty', Ofsted, 2018; www.gov.uk/government/publications/positive-environments-where-children-can-flourish.

school has taken appropriate action to safeguard the children affected and/or deal with allegations.⁵³

Reporting on evidence or allegations of child abuse

89. On a very small number of occasions, inspectors may come across evidence or allegations of child abuse. Inspectors must not attempt to investigate any incident of child abuse but will satisfy themselves that concerns about a child's safety are referred on, as appropriate, to the relevant local authority's children's services department. The referral will normally be made by the safeguarding lead.⁵⁴ Inspectors must be satisfied that the correct referral has taken place and record this in their evidence base.
90. If a child discloses to an inspector on site that they are suffering or at risk of abuse, the inspector will stop all other activity and focus on ensuring that the child receives the help they need. Specific guidance on what to do in this situation can be found in 'Safeguarding concerns: guidance for inspectors'.⁵⁵

Providing feedback

91. The on-site inspection ends with a final feedback meeting with the proprietor and headteacher. Those who intend to be connected with the school who may attend include:
- the proprietor or, when there is a proprietorial body, as many members as possible
 - the headteacher and other senior leaders, agreed by the lead inspector and headteacher
 - if the school has a governing body, the chair and as many representatives as possible from the governing body
 - in an aligned or integrated inspection, social care regulatory inspectors and education inspectors will give feedback together to both education and residential staff.

Due to the diverse nature of school governance, in some schools a single individual may have more than one of the above roles.

92. During this meeting, the lead inspector will ensure that the headteacher, the proprietor, those responsible for governance and all attendees are clear:

⁵³ Section 5.6 of 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2018; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015/inspecting-safeguarding-in-early-years-education-and-skills-settings.

⁵⁴ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018; www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

⁵⁵ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018; www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

- 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 (Ofsted does not give advice about how to meet the standards)
- 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, when the inspection has concluded that the proposed school appears to be already operating without registration, it must immediately cease to do so until registration is confirmed by the DfE. The lead inspector will also confirm that this will be reported to the DfE and that Ofsted may decide to inspect the school under section 97 of the Education and Skills Act 2008 to confirm that it has ceased to operate without registration
- that it is an offence to conduct an unregistered educational institution in England without registration
- 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 pre-registration report, which Ofsted will submit to the DfE
- about the procedure for making a complaint about the inspection
- that Ofsted does not recommend to the DfE whether or not a proposed school should be registered
- that the DfE, which is the registration authority for independent schools, will decide whether the proposed school will be registered.

93. 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.

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

94. 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. An automated email will also communicate this information to the unregistered schools team.

95. If inspectors have also reached the conclusion that the proposed school appears to be operating as a school, this will also be reported to the DfE using Form A. The Form A will include a statement to the effect that the inspector informed the proprietor that:
- the proposed school must immediately cease to operate until the DfE grants registration
 - Ofsted will inform the DfE that the proposed school appears to be operating as a school
 - Ofsted may decide to inspect the proposed school under section 97 of the Education and Skills Act 2008 to confirm that it has ceased to operate without registration
 - it is an offence to conduct an unregistered educational institution in England.

As above, an automated email containing the Form A will be sent to the unregistered schools team. The lead inspector will also inform the regional Senior HMI.

96. 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 proposed 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

Arrangements for publishing the report

97. The lead inspector is responsible for writing the inspection report,⁵⁶ completing the independent school standards compliance record and submitting the evidence to Ofsted shortly after the inspection ends.⁵⁷ The text of the report should explain the judgements and reflect the evidence. The findings in the report should be consistent with the feedback given to the school at the end of the inspection.
98. Inspection reports will be quality assured before we send a draft to the school. In most circumstances, the school will receive the draft report within 18 working days after the end of the inspection. 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. We may share a draft of the inspection report with the DfE and other

⁵⁶ The term 'report' is used to describe the formal written outcome of the inspection.

⁵⁷ The inspector records whether the school meets every paragraph of the independent school standards and other relevant statutory requirements in the independent school standards compliance record.

bodies as necessary. This will only take place following moderation or quality assurance.

99. The school will have five working days to comment on the draft report, inspection process and findings. We will consider all comments, and we will respond to the comments when we share the final report with the school within 30 working days after the inspection.
100. If the school wishes to submit a formal complaint, it will have until the end of the fifth working day after receiving the final report to do so.
101. We will normally publish the report on our reports website within 38 working days after the end of inspection. We may delay the publication of the report if a complaint is being investigated.
102. We will normally publish the report on our reports website after the five working days that are allocated for the proprietor to provide the report to parents. However, we may publish the report at any time after the school has received it.
103. We will send the final version of the report to the DfE before publication. In all cases, the inspection process should not be treated as complete until all inspection activity has been carried out and the final version of the inspection report has been sent to the provider.

Suitability of the proprietor and other managers – reporting concerns to the registration authority

104. If inspectors identify any concerns about the suitability of the proprietor, or any other member of staff employed at the school in a management capacity, these will be recorded in the independent school standards compliance record and reported to the DfE, as the appropriate authority. This information is particularly relevant when it may have any bearing on the suitability of a person to participate in the management of an independent school. This includes when the person's conduct is aimed at undermining British values or child safety, and the inspector has concluded that the person's conduct is so inappropriate as to make them unsuitable to take part in the management of an independent school.

The inspection evidence base

105. The evidence base for the inspection must be retained in line with Ofsted's retention and disposal policy. This is normally for six years from when the report is published. We may decide that retaining it for longer is warranted for research purposes.

Quality assurance and complaints

Quality assurance

106. 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.
107. We monitor the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers or monitor remotely to quality assure inspections. We 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.

Handling concerns and complaints

108. The majority of our 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 as necessary. Any concerns raised and actions taken should be recorded in the inspection evidence.
109. If it is not possible to resolve concerns during the inspection or through submitting comments in response to the draft report, the school may wish to lodge a formal complaint on receipt of the final report. The lead inspector will ensure that the school is informed that it is able to make a formal complaint, of the relevant timescale for submitting a complaint and that information about how to complain is available on our website.⁵⁸

The DfE's decision on next steps

110. The DfE, as registration authority for independent schools, will decide whether to register the school, based on the outcome of the inspection and any other evidence it has about the proposed school's likely compliance with the independent school standards.⁵⁹
111. Sometimes, a proposed school may have been judged 'likely to meet' most of the requirements of the independent school standards, but judged 'unlikely to meet' a small number of the requirements due to omissions in or the quality of its documents or policies. Consequently, it will have been judged 'unlikely to meet' the standards overall.

⁵⁸ 'Complaints about Ofsted', Ofsted, 2018; www.gov.uk/government/publications/complaints-about-ofsted.

⁵⁹ Section 99(2b) of the Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/part/4/chapter/1/crossheading/registration-procedure.

112. In these cases, after the pre-registration inspection is complete (see paragraph 103), the DfE may commission Ofsted to review the school's revised document or policy as a desk-based exercise, rather than commissioning another on-site pre-registration inspection.⁶⁰
113. Inspectors will use the resources listed in paragraphs 72–73 when checking the proposed school's revised documents. They will report to the DfE by email whether the revisions now mean that the relevant requirements are 'likely to be met' by the proposed school. There is no inspection report for desk-based exercises.
114. When there are significant or numerous omissions in a proposed school's documents, the DfE may commission another on-site pre-registration inspection, or reject the proposed school's application to register.

Material change inspections to existing schools

Ofsted's interim phase

115. Paragraph 5 of this handbook and our operational note gives information on Ofsted's interim phase from autumn 2020.⁶¹ The operational note sets out how, together with the DfE, we will prioritise additional inspections during the interim phase. It also explains which parts of the independent school standards may be checked and arrangements for notifying schools of their inspections in the interim phase.

Purpose of inspection and legal basis

116. Registered independent schools wishing to make one of the following changes to their registration must seek permission to do so from the DfE because 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

⁶⁰ Section 118(2) Education and Inspections Act 2006; www.legislation.gov.uk/ukpga/2006/40/section/118; Section 99(2) Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/99.

⁶¹ 'Interim phase: non-association independent schools', Ofsted, 2020; www.gov.uk/guidance/interim-phase-non-association-independent-schools.

- if the school intends to admit pupils who have special educational needs, or cease to admit them.
117. The DfE may grant permission for the material change without reference to Ofsted, and does so if 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 carry out a material change inspection when a school opens a new building on its premises.
118. 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.
119. Ofsted will carry out the material change inspection under section 162(4) of the Education Act 2002.⁶² 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.
120. 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.^{63,64}
121. 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 requirements that registered independent schools must comply with or have regard to:
- the statutory requirements of the early years foundation stage, if the change concerns early years provision, which is part of the school registration, for children aged two and above⁶⁵
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place⁶⁶

⁶² Education Act 2002; www.legislation.gov.uk/ukpga/2002/32/section/162.

⁶³ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

⁶⁴ Paragraph 32(1)(g) is not applicable to material change inspections, because these inspections are carried out under section 162(4) of the Education Act 2002. This is the requirement for the proprietor to ensure that 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'. However, under the Education (Pupil Registration) (England) Regulations 2006, independent schools are required to keep admission and attendance registers and make them available to inspectors during any type of inspection; www.legislation.gov.uk/uksi/2006/1751/contents/made.

⁶⁵ 'Statutory framework for the early years foundation stage', Department for Education, 2014; www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

⁶⁶ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

- 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.^{67,68}
122. 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.⁶⁹
123. Schools cannot implement material changes until the Secretary of State gives approval for the change.

Material changes

124. The DfE will not normally commission Ofsted to carry out a material change inspection when a school applies to make a **change of proprietor**. A change of proprietor is a material change if an individual proprietor changes or if the proprietor body changes. A change of chair of an existing proprietor body is not a material change. Ofsted normally checks proprietor details during any type of inspection.
125. The DfE will normally commission a material change inspection if a school applies for a **change of premises** – to move in its entirety to a new address. The acquisition of additional premises is not a material change. However, it may be the trigger for a material change of increased maximum capacity. If the DfE has concerns about additional premises but the school does not intend to increase its capacity, the DfE may commission Ofsted to carry out an emergency inspection to check relevant standards.
126. If a school applies to increase its **age range**, the DfE is likely to commission a material change inspection, particularly if it also involves an increase in school capacity or adding a new key stage to the existing provision. A reduction in registered age range is also a material change, but will not normally result in an inspection.
127. Whether a change to a **school's capacity** triggers a material change inspection will depend on the extent of the change as a percentage of the existing provision, but also on the type of school it applies to. For example, an increase of three pupils may not cause an inspection at a mainstream independent school, but it is likely to at an independent special school. A reduction in maximum capacity is also a material change, but will not normally in itself prompt an inspection. However, it could be a side effect of another

⁶⁷ Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

⁶⁸ Information about this duty is available in 'Keeping children safe in education', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

⁶⁹ 'Registering school-based childcare provision', Ofsted, 2017; www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision.

material change (for example, a completely new address) that does require an inspection.

128. The DfE is likely to commission a material change inspection if a school applies to change from a **single-sex school to a mixed school**. The reverse is also a material change, but a material change inspection is unlikely to be commissioned.
129. Becoming a **boarding or residential special school** is a type of material change that will always require a material change inspection before approval can be given. Ceasing boarding is also a material change, but will not normally prompt an inspection. Increasing numbers of boarding places in a school that already offers boarding accommodation is not a material change. If there is concern about an increase, the DfE may commission Ofsted to carry out an emergency inspection to look at relevant independent school standards and national minimum standards.
130. Strictly speaking, any proposal to admit pupils with **special educational needs** is a material change. However, in practice, nearly all schools have some pupils with special needs, given that nearly a fifth of all pupils in England have some form of special educational need. The DfE will only register an independent school as an independent special school if at least 50% of its pupils have special needs and if at least 25% of its pupils have statements of special educational needs or education, health and care plans. Whether a school is a mainstream independent school or an independent special school is normally determined when a school first applies for registration. It is unusual for a school to change its status. Whether this triggers a material change inspection will depend on the individual circumstances.
131. A change in the type of special educational needs catered for by a school is not a material change at present, although there are un-commenced provisions in the Education and Skills Act 2008 to make it so. If there is concern that a school is changing the nature of this type of provision, an emergency inspection may be commissioned.

Boarding or residential provision

132. 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 116 of this handbook, the DfE will commission Ofsted to carry out an 'integrated' material change inspection of the school and its boarding/residential provision.
133. If a school only wishes to open new boarding/residential provision, and has not applied to make any of the other changes mentioned in paragraph 116 of this handbook, the DfE will commission Ofsted to carry out a welfare-only material change inspection.

134. 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.⁷⁰

When can an inspection take place?

135. Material change inspections normally take place any time during term time. Depending on the nature of the change, they may be scheduled outside of term time, at the DfE's request.

Before the inspection

Clarification for schools

136. Paragraphs 32–37 of the non-association independent school inspection handbook set out our requirements for inspection. This is in order to dispel myths about inspection that can result in unnecessary workload in schools. It is intended to highlight specific practices that we do not require.

Inspectors' planning and preparation

137. 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 ICF for the inspection. The form contains the information that the school has supplied to support its application to make a material change, and may also specify a particular focus that the DfE requires the inspection to have. The lead inspector should review the ICF for completeness. If they think it needs to be amended or added to, they should discuss this with the regional Senior HMI, who can raise it with the DfE.

138. Inspectors will also consider any other available information, for example:

- all relevant information held by Ofsted, including:⁷¹
 - inspection reports on the school, which may include boarding and early years inspection reports
 - any reports resulting from additional inspections carried out since the last standard inspection, in particular emergency inspections
 - the findings of any recent Ofsted survey

⁷⁰ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards; 'Residential special schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

⁷¹ Inspectors should refer to the case records that are uploaded to the pre-inspection documents for use during preparation.

- responses from Ofsted Parent View,⁷² Ofsted’s online survey for parents
- any complaints made about the school to Ofsted⁷³
- information on our provider information portal⁷⁴
- relevant publicly available information, including information on the school’s website, such as:
 - the presence of the safeguarding policy, as required by the independent school standards⁷⁵
 - the suitability of the safeguarding policy, taking into account current government requirements⁷⁶
 - when relevant, curriculum information (so the lead inspector can start to assess the breadth and balance of the school’s curriculum and whether it is likely to promote preparation for, and an appreciation of, life in modern Britain)
- any complaints from parents or members of the public that the DfE has asked Ofsted to consider as part of the inspection⁷⁷
- the school’s census returns
- information on the school’s registration status as recorded on the DfE’s register ‘Get information about schools’,⁷⁸ such as the number and age range of pupils that the school is registered to take, the name of the proprietor and whether the school is ‘section 41 approved’⁷⁹
- the Tier 4 register of licensed sponsors⁸⁰

⁷² Ofsted Parent View; <https://parentview.ofsted.gov.uk>.

⁷³ We refer all complaints about independent schools to the DfE in a timely manner. See: ‘Memorandum of understanding: independent schools’, Ofsted, 2016;

www.gov.uk/government/publications/memorandum-of-understanding-independent-schools.

⁷⁴ The provider information portal gives inspectors a high-level view of information about the providers that we inspect and regulate.

⁷⁵ 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’.

⁷⁶ 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.

⁷⁷ From now on in this handbook, ‘parents’ will refer to mothers, fathers and/or carers.

⁷⁸ Department for Education’s ‘Get information about schools’ service; <https://get-information-schools.service.gov.uk>.

⁷⁹ A registered independent school can be approved by the Secretary of State under section 41(1) of the Children and Families Act 2014 to enable the school ‘to be the subject of a request for it to be named in an EHC plan’; www.legislation.gov.uk/ukpga/2014/6/section/41.

⁸⁰ ‘Register of licensed sponsors: students’, UK Visas and Immigration, 2013; www.gov.uk/government/publications/register-of-licensed-sponsors-students.

- information from any other associated providers (which will be triangulated with evidence gathered during the inspection); this may include registered early years provision or, if the school is part of a chain of independent schools, any relevant information from recent inspections of these schools, such as any reported evidence about the suitability and capability of the proprietor
 - any other information publicly available or available from relevant stakeholders, such as local authorities and the police.
139. The lead inspector will also check compliance with aspects of the independent school standards when that is possible before an inspection (such as in relation to part 6 of the standards, 'provision of information').
140. The lead inspector must find out the identity of the school's proprietor before the inspection starts. This can be confirmed by looking at the previous inspection report, the current 'Get information about schools' record for the school, the school's last census returns and the school's website, if one exists (this may have a section that describes governance arrangements). Any discrepancies between 'Get information about schools' and other sources should be recorded on an evidence form and followed up on inspection.
141. If a registered school has moved its main or sole site to a different local authority area, the DfE's policy position is that the school will not be treated as a new entity. However, the DfE will change the school's registration number, and consequently the school's unique reference number (URN). Therefore, the lead inspector will refer to the inspection history relating to the school's previous registration.
142. Other relevant information may be in the public domain and reported in the press. Inspectors will therefore carry out a brief internet search as part of their pre-inspection planning to see whether there are any safeguarding or other issues, such as a change of governance, that may need to be followed up during inspection.⁸¹
143. 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.

Notification and introduction

144. We 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.

⁸¹ A change in proprietor constitutes a material change to the school's registration, which must be agreed with the DfE before being implemented.

145. If the headteacher is unavailable when the notification call is made, we will ask to speak to the proprietor or the most senior member of staff available. Once we have informed the school by telephone that the inspection will take place, we will send confirmation to the school by email.
146. During the initial notification phone call, the inspection support administrator will check the number of pupils on roll at the school, the governance arrangements for the school and whether the school has any special educational needs and/or disabilities (SEND) provision, nursery provision for two- and three-year-olds or additional resource provision.
147. We will also make clear that the inspectors will expect the proprietor(s) and the person(s) responsible for the day-to-day operation of the school to be present during the inspection. This is because inspectors will expect to interview them to judge their ability to promote and implement the relevant policies and procedures.
148. The inspection support administrator will then send the school a note setting out key information for leaders to be aware of before inspection. This will include:
- Ofsted’s privacy notice⁸²
 - informing the school that inspectors will use a range of technology to gather evidence electronically, including mobile devices, tablets and laptops
 - informing the school that inspectors may request to take photographic evidence, for example of pupils’ work and displays, but that inspectors will not take photographs of pupils.

Information that schools must provide by the start of the inspection

149. The inspection support administrator will also send the school a note requesting that the following information is available to inspectors at the formal start of the inspection, some of which is also required to comply with the independent school standards:
- the policies and other documents required by the independent school standards
 - the single central register for the school
 - the school timetable, current staff list (indicating newly qualified teachers) and times for the school day
 - class lists showing pupils’ names and year groups

⁸² ‘Schools: Ofsted privacy notice’, Ofsted, 2018; www.gov.uk/government/publications/ofsted-privacy-notices/schools-ofsted-privacy-notice#independent-schools.

- any information about previously planned interruptions to normal school routines during the inspection
- records and analysis of exclusions, pupils taken off roll, incidents of poor behaviour and any use of internal isolation
- records and analysis of sexual harassment or sexual violence
- records of bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic/biphobic/transphobic bullying, use of derogatory language and racist incidents
- a list of referrals made to the designated person for safeguarding in the school and those who were subsequently referred to the local authority, along with brief details of the resolution
- a list of all pupils who have open cases with children’s services/social care and for whom there is a multi-agency plan
- up-to-date attendance analysis for all groups of pupils
- documented evidence of the work of the proprietor and/or those responsible for governance and their priorities
- a summary of any school self-evaluation or equivalent
- the current school improvement plan or equivalent, including any planning that sets out the longer-term vision for the school, such as the school’s strategy
- maps and other practical information
- access to Wi-Fi, if it exists, so that inspectors can connect to the internet.

Requests for deferral or cancellation

150. A school may request a deferral of its inspection. It may make a request to the inspection support administrator when it is notified of the inspection.
151. The inspection support administrator must immediately contact the regional duty staff. We will consult the DfE and then decide whether to grant a deferral in accordance with our deferral policy.⁸³
152. Normally, if pupils are receiving education in the school, an inspection will go ahead. In exceptional circumstances, however, an inspection might be cancelled or deferred after the school has been notified, following a request made by the school.
153. The deferral policy makes clear that the absence of the headteacher and/or proprietor is not normally a reason for deferring an inspection.

⁸³ ‘Deferring Ofsted inspections’, Ofsted, 2016; www.gov.uk/government/publications/deferring-ofsted-inspections.

154. The timing of the inspection will be determined by the information the DfE gives Ofsted in the ICF. This includes the date that the school intends to implement the change (if it is approved by the DfE). Material change inspections are not normally deferred when the school states that it is not ready for inspection. The DfE expects schools to be ready to receive a material change inspection, since the school wishes to implement the change in the near future.
155. When it appears that a school no longer wishes to continue with its application to make a material change, we will inform the DfE. The inspection will normally not go ahead.
156. In the case of unannounced inspections, any requests for a deferral will be passed to Ofsted's relevant regional director, who will decide whether the request can be granted.

The lead inspector's inspection planning telephone call

157. The lead inspector of an education-only or integrated inspection will contact the proposed school at a suitable time following the initial notification call. They will ask to speak to the headteacher. The call will be short and focused on practical issues. Depending on the nature of the material change, the lead inspector will:
- discuss the nature of any SEND provision
 - discuss any nursery provision, before- and/or after-school care or holiday clubs led and managed directly by the school, particularly if these take two- to eight-year-olds⁸⁴
 - establish whether the school operates from more than one site, for example if it offers early years or sixth-form provision on separate premises; inspectors must establish the full address of each site, record this in their evidence base and report it to the relevant Senior HMI. In these cases, regional Senior HMI will determine if the tariff for the inspection needs to change
 - invite the headteacher, curriculum leaders and other leaders to take part in joint visits to lessons and to observe the main inspection team meetings
 - make arrangements for meetings with relevant staff
 - confirm the identity of the individual proprietor or proprietor body of the school, arrange an appropriate time to speak to them during the inspection, and invite as many members of the proprietor body as possible to attend the final feedback meeting
 - establish what the governance structure of the school is, and make arrangements for a meeting with the chair of governors and as many

⁸⁴ 'Registering school-based childcare provision', Ofsted, 2012; www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision.

governors as possible (and/or representatives of those responsible for governance). Inspectors will request that as many governors as possible are also present at the final feedback meeting

- establish how the school will give the lead inspector access to its policy documents and records so that inspectors can check the school's compliance with the independent school standards. We expect all documents to be provided in English
- provide an opportunity for the school to ask any questions or to raise any concerns, such as perceived conflicts of interest
- let the school know if and when interpreters will be present during the inspection.

The inspection

Days allocated to inspection and inspection team members

158. 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.

159. There is no requirement to deploy inspectors of a particular faith to inspect a school of the same faith. It would be unusual for an inspection team of a faith school to consist entirely of inspectors of that faith.

160. For details of what happens when an interpreter joins the inspection, refer to paragraphs 21–25.

Arrival time on the day of inspection

161. On the day of the inspection, inspectors will not arrive before 8am.

The start of the on-site inspection

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

- introduce any team inspectors and interpreters
- 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 they should not observe certain teachers, for example if any teachers are subject to capability 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.⁸⁵

163. When 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

164. Inspectors will gather evidence about 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 ICF.

165. Inspectors will be rigorous in their evidence-gathering and will ask to see any documents, records or other information necessary, including those outlined in paragraph 149.⁸⁶

166. The main inspection activities will be determined by 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 record the full address, including the postcode, of any additional premises, regardless of whether the material change is agreed or not

⁸⁵ Paragraph 32(1)(g) is not applicable to material change inspections, because these inspections are carried out under section 162(4) of the Education Act 2002. This is the requirement for the proprietor to ensure that ‘any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school’s admission and attendance registers’. However, under the Education (Pupil Registration) (England) Regulations 2006, independent schools are required to keep admission and attendance registers and make them available to inspectors during any type of inspection;
www.legislation.gov.uk/uksi/2006/1751/contents/made.

⁸⁶ Education (Pupil Registration) (England) Regulations 2006;
www.legislation.gov.uk/uksi/2006/1751/contents/made.

- will meet with the proprietor and headteacher, and may also hold meetings with staff, those responsible for governance, pupils, parents and other stakeholders
- may talk to staff and pupils,⁸⁷ and seek opportunities whenever possible to test emerging findings and corroborate conclusions
- will visit lessons and may also observe pupils in a range of situations outside normal lessons, for example when 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 visits is available in paragraphs 98–104 of the non-association independent school inspection handbook⁸⁸
- 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 if the school does not have a website) as required by the independent school standards⁸⁹
- will check the suitability of the school's safeguarding policy (if it has one), taking into account current government requirements.⁹⁰

167. During the inspection, it is important that pupils are able to express their views freely to inspectors. Therefore, inspectors must have the opportunity to speak to pupils with no other adults present. This is particularly important when inspectors ask pupils questions around safeguarding.⁹¹

168. 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

⁸⁷ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

⁸⁸ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

⁸⁹ 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'.

⁹⁰ 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.

⁹¹ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

- 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.

169. Inspectors will expect to meet with the proprietor(s) and the person(s) responsible for the day-to-day operation of the school during the inspection. Without meeting these individuals, inspectors may not be able to gather sufficient evidence in order to judge whether the school is likely to meet paragraph 34(1) of the independent school standards, which concerns the quality of leadership and management.

170. In judging whether a school is likely to meet the standards, inspectors will refer to the:

- non-statutory DfE guidance 'The independent school standards: guidance for independent schools'.⁹² Although this document is non-statutory, its aims are to:
 - set out the DfE's understanding of the standards
 - provide supplementary guidance on best practice in complying with the standards
 - give additional detail in some areas for which questions are sometimes raised by schools
- non-statutory DfE guidance 'Independent school registration' and the resources to which this document refers⁹³
- guidance in part 4 of the non-association independent school inspection handbook.⁹⁴

171. If appropriate, inspectors may also refer to the following Ofsted guidance:

- 'Inspecting teaching of the protected characteristics in schools'⁹⁵
- 'Separation by sex: implications for the inspections of mixed sex/co-educational schools'.⁹⁶

⁹² 'The independent school standards: guidance for independent schools', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

⁹³ 'Independent school registration', Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

⁹⁴ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

⁹⁵ 'Inspecting teaching of the protected characteristics in schools', Ofsted, 2020; www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools.

⁹⁶ 'Separation by sex: implications for the inspections of mixed sex/co-educational schools', Ofsted, 2020; www.gov.uk/government/publications/separation-by-sex-implications-for-inspections-of-mixed-sex-co-educational-schools.

Boarding or residential provision

172. 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 policies, procedures and boarding/residential accommodation are likely to meet the relevant national minimum standards.

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

173. When 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 requirements of the early years foundation stage. If 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.⁹⁷
174. 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.
175. If early years provision is proposed to be accommodated at a premises other than the main, registered premises, inspectors must record the address of this in their evidence base and report this to the relevant regional Senior HMI.

Provision for students aged 19 and over

176. A school may apply to (or already) admit students aged 19 and over. Inspectors will only inspect and take account of provision for these students if they began their studies before the age of 18. However, because these students are essentially adults studying alongside children, inspectors will **always** check and report on whether the provision meets the safeguarding requirements of the independent school standards.⁹⁸

⁹⁷ 'The early years foundation stage (EYFS) learning and development requirements; guidance on exemptions for early years providers', Department for Education, 2017; www.gov.uk/government/publications/the-early-years-foundation-stage-eyfs-learning-and-development-requirements-guidance-on-exemptions-for-early-years-providers.

⁹⁸ Paragraph 7 of part 3 of the independent school standards.

Special schools

177. 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 safeguarding 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

178. If inspectors identify matters of concern beyond the scope of the DfE's commission for the material change inspection, they will contact the Ofsted regional duty desk inspector, who will inform the DfE. The DfE may decide to subsequently commission Ofsted to carry out an emergency inspection or to bring forward the timing of the school's next standard inspection.

Safeguarding

179. 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.

180. The approach that inspectors should take to inspecting safeguarding in all the settings covered by the framework is set out in our guidance for inspecting safeguarding.⁹⁹ This should be read alongside our inspection framework and handbooks.

181. In addition to understanding our policies on inspecting safeguarding, inspectors should be familiar with the statutory guidance on safeguarding:

- 'Keeping children safe in education: statutory guidance for schools and colleges'¹⁰⁰
- 'Working together to safeguard children'¹⁰¹

⁹⁹ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2019; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills.

¹⁰⁰ 'Keeping children safe in education', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

¹⁰¹ 'Working together to safeguard children', Department for Education, 2019; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

- 'Positive environments where children can flourish'.¹⁰²

182. On all inspections, inspectors need to determine whether there have been any safeguarding incidents or allegations since the last inspection, and whether the school has taken appropriate action to safeguard the children affected and/or deal with allegations.¹⁰³

Reporting on evidence or allegations of child abuse

183. On a very small number of occasions, inspectors may come across evidence or allegations of child abuse. Inspectors must not attempt to investigate any incident of child abuse but will satisfy themselves that concerns about a child's safety are referred on, as appropriate, to the relevant local authority's children's services department. The referral will normally be made by the safeguarding lead.¹⁰⁴ Inspectors must be satisfied that the correct referral has taken place and record this in their evidence base.

184. If a child discloses to an inspector on site that they are suffering or at risk of abuse, the inspector will stop all other activity and focus on ensuring that the child receives the help they need. Specific guidance on what to do in this situation can be found in 'Safeguarding concerns: guidance for inspectors'.¹⁰⁵

Providing feedback

185. The on-site inspection ends with a final feedback meeting with the proprietor and headteacher. Those who are connected with the school who may attend include:

- the proprietor or, when there is a proprietorial body, as many members as possible
- the headteacher and other senior leaders, agreed by the lead inspector and headteacher
- if the school has a governing body, the chair and as many representatives as possible from the governing body.

Due to the diverse nature of school governance, in some schools a single individual may have more than one of the above roles.

¹⁰² 'Positive environments where children can flourish: a guide for inspectors about physical intervention and restrictions of liberty', Ofsted, 2018; www.gov.uk/government/publications/positive-environments-where-children-can-flourish.

¹⁰³ Section 5.6 of 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2018; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015/inspecting-safeguarding-in-early-years-education-and-skills-settings.

¹⁰⁴ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018; www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

¹⁰⁵ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018; www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

186. During this meeting, the lead inspector will ensure that the headteacher, the proprietor, those responsible for governance and all attendees are clear:
- about the independent school standards and other requirements, and/or the national minimum standards on welfare-only and integrated inspections, 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 (Ofsted does not give advice about how to meet the standards)
 - that if the school has already implemented the change, and the inspector has judged that the relevant standards are not met, the DfE will decide any subsequent action to take in respect of any un-met standards¹⁰⁶
 - 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, if the material changes have already been implemented by the school, this will be reported to the DfE
 - 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, 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 Ofsted does not recommend to the DfE whether or not a proposed material change should be approved
 - that the DfE, which is the registration authority for independent schools, will decide whether the material change can be implemented.

Non-compliance with requirements

187. 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.

¹⁰⁶ Refer to 'Independent schools: regulatory and enforcement action policy statement', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

188. If inspectors have also found that the material changes have already been implemented, this should be reported to the DfE using Form A.
189. 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

Arrangements for publishing the report

190. The lead inspector is responsible for writing the inspection report,¹⁰⁷ completing the independent school standards compliance record and submitting the evidence to Ofsted shortly after the inspection ends.¹⁰⁸ The text of the report should explain the judgements and reflect the evidence. The findings in the report should be consistent with the feedback given to the school at the end of the inspection.
191. Inspection reports will be quality assured before we send a draft to the school. In most circumstances, the school will receive the draft report within 18 working days after the end of the inspection. 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. We may share a draft of the inspection report with the DfE and other bodies as necessary. This will only take place following moderation or quality assurance.
192. The school will have five working days to comment on the draft report, inspection process and findings. We will consider all comments and we will respond to the comments when we share the final report with the school within 30 working days after the inspection.
193. If the school wishes to submit a formal complaint, it will have until the end of the fifth working day after receiving the final report to do so.
194. We will normally publish the report on our reports website within 38 working days after the end of inspection. We may delay the publication of the report if a complaint is being investigated.
195. We will normally publish the report on our reports website after the five working days that are allocated for the proprietor to provide the report to

¹⁰⁷ The term 'report' is used to describe the formal written outcome of the inspection.

¹⁰⁸ The inspector records whether the school meets every paragraph of the independent school standards and other relevant statutory requirements in the independent school standards compliance record.

parents. However, we may publish the report at any time after the school has received it.

196. We will send the final version of the report to the DfE before publication. In all cases, the inspection process should not be treated as complete until all inspection activity has been carried out and the final version of the inspection report has been sent to the provider.

Suitability of the proprietor and other managers – reporting concerns to the registration authority

197. If inspectors identify any concerns about the suitability of the proprietor, or any other member of staff employed at the school in a management capacity, these will be recorded in the independent school standards compliance record and reported to the DfE, as the appropriate authority. This information is particularly relevant when it may have any bearing on the suitability of a person to participate in the management of an independent school. This includes when the person's conduct is aimed at undermining British values or when the inspector has concluded that the person's conduct is so inappropriate as to make them unsuitable to take part in the management of an independent school.

The inspection evidence base

198. The evidence base for the inspection must be retained in line with Ofsted's retention and disposal policy. This is normally for six years from when the report is published. We may decide that retaining it for longer is warranted for research purposes.

Quality assurance and complaints

Quality assurance

199. 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.
200. We monitor the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers or monitor remotely to quality assure inspections. We 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.
201. All schools are invited to take part in a voluntary post-inspection survey in order to contribute to inspection development.

Handling concerns and complaints

202. The majority of our 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 as necessary. Any concerns and actions taken should be recorded in the inspection evidence.
203. If it is not possible to resolve concerns during the inspection or through submitting comments in response to the draft report, the school may wish to lodge a formal complaint on receipt of the final report. The lead inspector will ensure that the school is informed that it is able to make a formal complaint, of the relevant timescale for submitting a complaint and that information about how to complain is available on our website.¹⁰⁹

The DfE's decision on next steps

204. The DfE, as registration authority for independent schools, will decide whether to approve the material change, based on the outcome of the inspection and any other evidence it has about the proposed school's likely compliance with the independent school standards.¹¹⁰
205. If the school has already implemented the change, and the inspector judged that the relevant standards are not met, the DfE may decide to take regulatory action against the school.¹¹¹
206. Sometimes, a school may have been judged 'likely to meet' most of the requirements of the independent school standards that are relevant to the material change, but judged 'unlikely to meet' a small number of the requirements due to omissions in or the quality of its documents or policies. Consequently, it will have been judged 'unlikely to meet' the relevant standards overall.
207. In these cases, after the material change inspection is complete (see paragraph 196), the DfE may commission Ofsted to review the school's revised document or policy as a desk-based exercise, rather than commissioning another on-site material change inspection.¹¹²

¹⁰⁹ 'Complaints about Ofsted', Ofsted, 2018; www.gov.uk/government/publications/complaints-about-ofsted.

¹¹⁰ Section 162(7)(b) of the Education Act 2002; www.legislation.gov.uk/ukpga/2002/32/part/10/chapter/1/crossheading/enforcement-of-standards-after-registration.

¹¹¹ Refer to 'Independent schools: regulatory and enforcement action policy statement', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

¹¹² Section 118(2) Education and Inspections Act 2006; www.legislation.gov.uk/ukpga/2006/40/section/118; Section 104(2) Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/104.

208. Inspectors will use the resources listed in paragraphs 170 and 171 when checking the school's revised documents. They will report to the DfE by email whether the revisions now mean that the relevant requirements are 'likely to be met' by the school. There is no inspection report for desk-based exercises.
209. When there are significant or numerous omissions in a school's documents, the DfE may commission another on-site material change inspection or reject the school's application to make the material change.

Emergency inspections of independent schools

Ofsted's interim phase

210. Paragraph 5 of this handbook and our operational note provides information on Ofsted's interim phase from autumn 2020.¹¹³ The operational note sets out how, together with the DfE, we will prioritise additional inspections during the interim phase. It also explains which parts of the independent school standards may be checked and arrangements for notifying schools of their inspections in the interim phase.

Purpose of inspection and legal basis

211. The DfE may commission Ofsted to carry out 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 when the DfE suspects that a school may have ceased operating.
212. Ofsted will carry out the emergency inspection under section 109(1) and (2) of the Education and Skills Act 2008.¹¹⁴ 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.
213. The commission will specify which of the Education (Independent School Standards) Regulations 2014 the DfE requires Ofsted to check that the school complies with.¹¹⁵
214. 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

¹¹³ 'Interim phase: non-association independent schools', Ofsted, 2020;

www.gov.uk/guidance/interim-phase-non-association-independent-schools.

¹¹⁴ Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/109.

¹¹⁵ 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, if the change concerns early years provision for children aged two and above that is part of the school registration¹¹⁶
- paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place¹¹⁷
- 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.^{118,119}

Boarding or residential provision

215. 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 carry out an 'integrated' emergency inspection of the school and its boarding/residential provision.
216. When matters only concern the boarding/residential provision, the DfE will commission Ofsted to carry out a welfare-only emergency inspection.
217. Under section 87 of the Children Act 1989 and supplemented by the National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002,^{120,121,122} Ofsted can carry out a welfare-only emergency inspection of boarding/residential provision at any time.
218. 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.¹²³

¹¹⁶ 'Statutory framework for the early years foundation stage', Department for Education, 2014; www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

¹¹⁷ Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

¹¹⁸ Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

¹¹⁹ Information about this duty is available in 'Keeping children safe in education', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

¹²⁰ The Care Standards Act 2000; www.legislation.gov.uk/ukpga/2000/14/contents.

¹²¹ The National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002; www.legislation.gov.uk/uksi/2002/552/contents/made.

¹²² Section 87 has been amended, including by the Care Standards Act 2000 and the Education Act 2011. Section 87 imposes a duty on the proprietor of an independent school to safeguard and promote the welfare of any children accommodated by the school.

¹²³ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards; 'Residential

Provision for students aged 19 and over

219. An independent school may have students aged 19 and over on roll. If the concerns raised to the DfE concern sixth-form provision, inspectors will only inspect and take account of provision for these students if they began their studies before the age of 18. However, because these students are essentially adults studying alongside children, inspectors will **always** check and report on whether the provision meets the safeguarding requirements of the independent school standards.¹²⁴

When can an inspection take place?

220. Emergency inspections normally take place any time during term time. Depending on the nature of the DfE's concern about a school, emergency inspections may take place outside of term time, at the DfE's request.

Before the inspection

Clarification for schools

221. Paragraphs 32–37 of the non-association independent school inspection handbook set out our requirements for inspection.¹²⁵ This is in order to dispel myths about inspection that can result in unnecessary workload in schools. It is intended to highlight specific practices that we do not require.

Inspectors' planning and preparation

222. 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 ICF 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. The lead inspector should review the ICF for completeness. If they think it needs to be amended or added to, they should discuss this with the regional Senior HMI, who can raise it with the DfE.

223. Inspectors will also consider any other available information, for example:

- all relevant information held by Ofsted, including:¹²⁶

special schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

¹²⁴ Paragraph 7 of part 3 of the independent school standards.

¹²⁵ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹²⁶ Inspectors should refer to the case records that are uploaded to the pre-inspection documents for use during preparation.

- inspection reports on the school, which may include boarding and early years inspection reports
- any reports resulting from additional inspections carried out since the last standard inspection, in particular emergency inspections
- the findings of any recent Ofsted survey
- responses from Ofsted Parent View,¹²⁷ Ofsted’s online survey for parents
- boarding pupils’ and boarding staff’s replies to Ofsted’s point-in-time surveys¹²⁸
- any complaints made about the school to Ofsted¹²⁹
- information from the provider information portal¹³⁰
- information on the school’s website, including:
 - the presence of the safeguarding policy, as required by the independent school standards¹³¹
 - the suitability of the safeguarding policy, taking into account current government requirements¹³²
 - when relevant, curriculum information (so the lead inspector can start to assess the breadth and balance of the school’s curriculum and whether it is likely to promote preparation for, and an appreciation of, life in modern Britain)
- the school’s census returns
- information on the school’s registration status as recorded on the DfE’s register ‘Get information about schools’,¹³³ such as the number and age

¹²⁷ Ofsted Parent View; <https://parentview.ofsted.gov.uk>.

¹²⁸ Social care common inspection framework (SCCIF): boarding schools and residential special schools, Ofsted, 2017; www.gov.uk/guidance/social-care-common-inspection-framework-sccif-boarding-schools/11-preparing-for-an-inspection#questionnaires.

¹²⁹ We refer all complaints about independent schools to the DfE in a timely manner. See: ‘Memorandum of understanding: independent schools’, Ofsted, 2016; www.gov.uk/government/publications/memorandum-of-understanding-independent-schools.

¹³⁰ The provider information portal gives inspectors a high-level view of information about the providers that we inspect and regulate.

¹³¹ 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’.

¹³² 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.

¹³³ Department for Education’s ‘Get information about schools’ service; <https://get-information-schools.service.gov.uk>.

range of pupils that the school is registered to take, the name of the proprietor and whether the school is 'section 41 approved'¹³⁴

- the Tier 4 register of licensed sponsors¹³⁵
- information from any other associated providers (which will be triangulated with evidence gathered during the inspection); this may include registered early years provision or, if the school is part of a chain of independent schools, any relevant information from recent inspections of these schools, such as any reported evidence about the suitability and capability of the proprietor
- any other information publicly available or available from relevant stakeholders, such as local authorities and the police.

224. The lead inspector will also check compliance with relevant aspects of the independent school standards when that is possible before an inspection (such as in relation to part 6 of the standards, 'provision of information').

225. The lead inspector must find out the identity of the school's proprietor before the inspection starts. This can be confirmed by looking at the previous inspection report, the current 'Get information about schools' record for the school, the school's last census returns and the school's website, if one exists (this may have a section that describes governance arrangements). Any discrepancies between 'Get information about schools' and other sources should be recorded on an evidence form and followed up on inspection.

226. If a registered school has relocated its main or sole site to a different local authority area, the DfE's policy position is that the school will not be treated as a new entity. However, the DfE will change the school's registration number, and consequently the school's URN. Therefore, the lead inspector will refer to the inspection history relating to the school's previous registration.

227. Other relevant information may be in the public domain and reported in the press. Inspectors will therefore carry out a brief internet search as part of their pre-inspection planning to see whether there are any safeguarding or other issues, such as a change of governance, that may need to be followed up during inspection.¹³⁶

228. The lead inspector will establish whether the school is likely to operate from more than one site, for example if early years or sixth-form provision is accommodated at an address other than the main registered premises. They will also establish the likely nature of any SEND provision, and any nursery

¹³⁴ A registered independent school can be approved by the Secretary of State under section 41(1) of the Children and Families Act 2014 to enable the school 'to be the subject of a request for it to be named in an EHC plan'.

¹³⁵ 'Register of licensed sponsors: students', UK Visas and Immigration, 2013; www.gov.uk/government/publications/register-of-licensed-sponsors-students.

¹³⁶ A change in proprietor constitutes a material change to the school's registration, which must be agreed with the DfE before being implemented.

provision, before- and/or after-school care or holiday clubs led and managed directly by the school, particularly if these take two- to eight-year-olds.

- 229. In all emergency inspections, the lead inspector may also liaise with the local authority designated officer for child protection concerns to obtain any information that may be relevant to the inspection.
- 230. In integrated inspections, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification of inspection

- 231. All emergency inspections are carried out at **no notice**. Once the lead inspector has gained entry to the school, we will send confirmation of the inspection to the school by email.¹³⁷

Requests for deferral or cancellation

- 232. Any requests for a deferral will be passed to Ofsted's relevant regional director, who will decide whether the request can be granted.

The inspection

Days allocated to inspection and inspection team members

- 233. 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.
- 234. 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.
- 235. There is no requirement to deploy inspectors of a particular faith to inspect a school of the same faith. It would be unusual for an inspection team of a faith school to consist entirely of inspectors of that faith.
- 236. For details of what happens when an interpreter joins the inspection, refer to paragraphs 21–25.

Arrival time on the day of inspection

- 237. On the day of the inspection, inspectors will not arrive before 8am.

¹³⁷ 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

238. In the rare event that the inspector arrives at the school and it appears to be no longer operating, the inspector will seek advice from the regional duty desk and the appropriate personnel at the DfE.
239. On arrival at the school, the lead inspector will ask to speak to the headteacher, proprietor, person(s) responsible for the day-to-day running of the school or, if necessary, the most senior member of staff available. They will explain that they have arrived to carry out an emergency inspection at the commission of the DfE.
240. 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, if relevant.¹³⁸ All independent schools must comply with the standards for continued registration.
241. 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 1989.¹³⁹ This document covers inspectors' right of entry to boarding/residential provision in schools, and the inspection of premises, records and children.
242. If 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.

¹³⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

¹³⁹ 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

243. 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 and interpreters
- confirm arrangements for meetings with representatives of those who intend to be responsible for the governance of the proposed school and with staff
- confirm whether any pupils at the school are educated at a site other than the main, registered premises, for example early years or post-16 provision that operates on separate premises. Inspectors must establish the address of each of the premises, record this in their evidence base and report this to the relevant regional Senior HMI
- 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 they should not observe certain teachers, for example if any teachers are subject to capability 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 (see paragraph 246).

244. The lead inspector will also inform the school:

- of Ofsted's privacy notice¹⁴⁰
- that inspectors will use a range of technology to gather evidence electronically, including mobile devices, tablets and laptops
- that inspectors may request to take photographic evidence, for example of pupils' work and displays, but that inspectors will not take photographs of pupils.

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

¹⁴⁰ 'Schools: Ofsted privacy notice', Ofsted, 2018;
www.gov.uk/government/publications/ofsted-privacy-notices/schools-ofsted-privacy-notice#independent-schools.

Information that schools must provide by the start of the inspection

246. The lead inspector will confirm which school documents are required for the inspection, some of which are also required to comply with the independent school standards:¹⁴¹

- the policies and other documents required by the independent school standards
- the single central register for the school
- the school timetable, current staff list (indicating newly qualified teachers) and times for the school day
- class lists showing pupils' names and year groups
- any information about previously planned interruptions to normal school routines during the inspection
- records and analysis of exclusions, pupils taken off roll, incidents of poor behaviour and any use of internal isolation
- records and analysis of sexual harassment or sexual violence
- records of bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic/biphobic/transphobic bullying, use of derogatory language and racist incidents
- a list of referrals made to the designated person for safeguarding in the school and those who were subsequently referred to the local authority, along with brief details of the resolution
- a list of all pupils who have open cases with children's services/social care and for whom there is a multi-agency plan
- up-to-date attendance analysis for all groups of pupils
- documented evidence of the work of the proprietor and/or those responsible for governance and their priorities
- a summary of any school self-evaluation or equivalent
- the current school improvement plan or equivalent, including any planning that sets out the longer-term vision for the school, such as the school's strategy
- maps and other practical information
- access to Wi-Fi, if it exists, so that inspectors can connect to the internet.

¹⁴¹ Paragraph 32(1)(g) of the independent school standards sets out the requirements on proprietors for the provision of information: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.

Gathering and recording evidence

247. Inspectors will follow up the issues raised in the DfE's commissioning form. They will inspect against any particular focus that the DfE specifies.
248. The inspectors will gather evidence about 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 commission of the inspection.
249. Inspectors will be rigorous in their pursuit of the issues and will ask to see any documents, records or other information necessary.¹⁴²
250. Although the purpose of the inspection is not to resolve the specific issue that triggered commission of the inspection, 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 commission of the inspection.
251. When 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 school standards and relevant national minimum standards.
252. The main inspection activities will be determined by the commission. Inspectors:
- may talk to staff and pupils,¹⁴³ and seek opportunities whenever possible to test emerging findings and corroborate conclusions
 - may look at the premises, including any located off site, 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 visit lessons, and may also observe pupils in a range of situations outside normal lessons, for example when the DfE's commission requires

¹⁴² Paragraph 32(1)(g) of the independent school standards sets out the requirements on proprietors for the provision of information: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.

¹⁴³ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

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 visits is available in paragraphs 98–104 of the non-association independent school inspection handbook¹⁴⁴

- 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 if the school does not have a website) as required by the independent school standards¹⁴⁵
- will check the suitability of the school's safeguarding policy (if it has one), taking into account current government requirements.¹⁴⁶

253. During the inspection, it is important that pupils are able to express their views freely to inspectors. Therefore, inspectors must have the opportunity to speak to pupils with no other adults present. This is particularly important when inspectors ask pupils questions around safeguarding.¹⁴⁷

254. In integrated emergency inspections, the social care regulatory inspector(s) will inspect the boarding/residential provision.

255. Inspectors will expect to meet with the proprietor(s) and the person(s) responsible for the day-to-day operation of the school during the inspection. Without meeting these individuals, inspectors may not be able to gather sufficient evidence in order to judge whether the school meets paragraph 34(1) of the independent school standards, which concerns the quality of leadership and management.

256. In judging whether the school meets the standards, inspectors will refer to the:

- non-statutory DfE guidance 'The independent school standards: guidance for independent schools'.¹⁴⁸ Although this document is non-statutory, its aims are to:

¹⁴⁴ Non-association independent school inspection handbook, Ofsted, 2019;

www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹⁴⁵ 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'.

¹⁴⁶ 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.

¹⁴⁷ 'Inspectors talking to pupils on inspection', Ofsted, 2020;

www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

¹⁴⁸ 'The independent school standards: guidance for independent schools', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

- set out the DfE’s understanding of the standards
- provide supplementary guidance on best practice in complying with the standards
- give additional detail in some areas for which questions are sometimes raised by schools
- non-statutory DfE guidance ‘Independent school registration’ and the resources to which this document refers¹⁴⁹
- guidance in part 4 of the non-association independent school inspection handbook.¹⁵⁰

257. If appropriate, inspectors may also refer to the following Ofsted guidance:

- ‘Inspecting teaching of the protected characteristics in schools’¹⁵¹
- ‘Separation by sex: implications for the inspections of mixed sex/co-educational schools’.¹⁵²

Provision for students aged 19 or over

258. An independent school may have students aged 19 and over on roll. Inspectors will only inspect and take account of provision for these students if they began their studies before the age of 18. However, because these students are essentially adults studying alongside children, inspectors will **always** report on whether safeguarding is effective.

Checking standards beyond the scope of the DfE’s commission

259. 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.¹⁵³ 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 staff, who will consult the

¹⁴⁹ ‘Independent school registration’, Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

¹⁵⁰ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹⁵¹ ‘Inspecting teaching of the protected characteristics in schools’, Ofsted, 2020; www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools.

¹⁵² ‘Separation by sex: implications for the inspections of mixed sex/co-educational schools’, Ofsted, 2020; www.gov.uk/government/publications/separation-by-sex-implications-for-inspections-of-mixed-sex-co-educational-schools.

¹⁵³ 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.

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

260. 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.
261. The approach that inspectors should take to inspecting safeguarding in all the settings covered by the framework is set out in our guidance for inspecting safeguarding.¹⁵⁴ This should be read alongside our inspection framework and handbooks.
262. In addition to understanding our policies on inspecting safeguarding, inspectors should be familiar with the statutory guidance on safeguarding:
- 'Keeping children safe in education: statutory guidance for schools and colleges'¹⁵⁵
 - 'Working together to safeguard children'¹⁵⁶
 - 'Positive environments where children can flourish'.¹⁵⁷

Reporting on evidence or allegations of child abuse

263. On a very small number of occasions, inspectors may come across evidence or ongoing allegations of child abuse within a school. Inspectors must not attempt to investigate any incident of child abuse but will satisfy themselves that concerns about a child's safety are referred on, as appropriate, to the relevant local authority's children's services department. The referral will normally be made by the safeguarding lead.¹⁵⁸ Inspectors must be satisfied that the correct referral has taken place and record this in their evidence base.

¹⁵⁴ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2019;

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

¹⁵⁵ 'Keeping children safe in education', Department for Education, 2019;

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

¹⁵⁶ 'Working together to safeguard children', Department for Education, 2019;

www.gov.uk/government/publications/working-together-to-safeguard-children--2.

¹⁵⁷ 'Positive environments where children can flourish: a guide for inspectors about physical intervention and restrictions of liberty', Ofsted, 2018; www.gov.uk/government/publications/positive-environments-where-children-can-flourish.

¹⁵⁸ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018;

www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

264. If a child discloses to an inspector on site that they are suffering or at risk of abuse, the inspector will stop all other activity and focus on ensuring that the child receives the help they need. Specific guidance on what to do in this situation can be found in 'Safeguarding concerns: guidance for inspectors'.¹⁵⁹

Providing feedback

265. The on-site inspection ends with a final feedback meeting. Those who intend to be connected with the school who may attend include:

- the proprietor or, when there is a proprietorial body, as many members as possible
- the headteacher and other senior leaders, agreed by the lead inspector and headteacher
- if the school has a governing body, the chair and as many representatives as possible from the governing body.

Due to the diverse nature of school governance, in some schools a single individual may have more than one of the above roles.

266. During this meeting, the lead inspector will ensure that the headteacher, the proprietor, those responsible for governance and all 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 (Ofsted does not give advice about how to meet the standards)
- 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 met¹⁶⁰
- 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, 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

¹⁵⁹ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018;

www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

¹⁶⁰ Refer to 'Independent schools: regulatory and enforcement action policy statement', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

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

267. 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.
268. 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

Arrangements for publishing the report

269. The lead inspector is responsible for writing the inspection report,¹⁶¹ completing the independent school standards compliance record and submitting the evidence to Ofsted shortly after the inspection ends.¹⁶² The text of the report should explain the judgements and reflect the evidence. The findings in the report should be consistent with the feedback given to the school at the end of the inspection.
270. Inspection reports will be quality assured before we send a draft to the school. In most circumstances, the school will receive the draft report within 18 working days after the end of the inspection. 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. We may share a draft of the inspection report with the DfE and other bodies as necessary. This will only take place following moderation or quality assurance.

¹⁶¹ The term 'report' is used to describe the formal written outcome of the inspection.

¹⁶² The inspector records whether the school meets every paragraph of the independent school standards and other relevant statutory requirements in the independent school standards compliance record.

271. The school will have five working days to comment on the draft report, inspection process and findings. We will consider all comments and we will respond to the comments when we share the final report with the school within 30 working days after the inspection.
272. If the school wishes to submit a formal complaint, it will have until the end of the fifth working day after receiving the final report to do so.
273. We will normally publish the report on our reports website within 38 working days after the end of inspection. We may delay the publication of the report if a complaint is being investigated.
274. 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 registered 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.¹⁶³
275. We will normally publish the report on our reports website after the five working days that are allocated for the proprietor to provide the report to parents. However, we may publish the report at any time after the school has received it.
276. We will send the final version of the report to the DfE before publication. In all cases, the inspection process should not be treated as complete until all inspection activity has been carried out and the final version of the inspection report has been sent to the provider.

Suitability of the proprietor and other managers – reporting concerns to the registration authority

277. If inspectors identify any concerns about the suitability of the proprietor or any other member of staff employed at the school in a management capacity, these will be recorded in the independent school standards compliance record and

¹⁶³ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/contents/made, as amended by the Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018; www.legislation.gov.uk/uksi/2018/205/contents/made and the Independent Educational Provision in England (Provision of Information) and Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2018; www.legislation.gov.uk/uksi/2018/901/contents/made.

reported to the DfE, as the appropriate authority. This information is particularly relevant when it may have any bearing on the suitability of a person to participate in the management of an independent school. This includes when the person's conduct is aimed at undermining British values or when the inspector has concluded that the person's conduct is so inappropriate as to make them unsuitable to take part in the management of an independent school.

The inspection evidence base

278. The evidence base for the inspection must be retained in line with Ofsted's retention and disposal policy. This is normally for six years from when the report is published. We may decide that retaining it for longer is warranted for research purposes.

Quality assurance and complaints

Quality assurance

279. 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.
280. We monitor the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers or monitor remotely to quality assure inspections. We 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.
281. All schools are invited to take part in a voluntary post-inspection survey in order to contribute to inspection development.

Handling concerns and complaints

282. The majority of our 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 as necessary. Any concerns and actions taken should be recorded in the inspection evidence.
283. If it is not possible to resolve concerns during the inspection or through submitting comments in response to the draft report, the school may wish to lodge a formal complaint on receipt of the final report. The lead inspector will ensure that the school is informed that it is able to make a formal complaint, of

the relevant timescale for submitting a complaint and that information about how to complain is available on our website.¹⁶⁴

The DfE’s decision on next steps

284. If the school was judged to not meet the independent school standards that were checked during the inspection, the DfE, as registration authority for independent schools, will decide any action to take in respect of this.¹⁶⁵
285. If the school was judged to meet the standards that were checked during the inspection, there is normally no further action following the inspection. The emergency inspection does not usually influence the timing of the school’s next cycle inspection (‘standard inspection’). The normal inspection cycle for ‘standard inspections’ of independent schools is set out in the non-association independent school inspection handbook.¹⁶⁶

Progress monitoring inspections to independent schools

Ofsted’s interim phase

286. Paragraph 5 of this handbook and our operational note gives information on Ofsted’s interim phase from autumn 2020.¹⁶⁷ The operational note sets out how, together with the DfE, we will prioritise additional inspections during the interim phase. It also explains which parts of the independent school standards may be checked and arrangements for notifying schools of their inspections in the interim phase.

Purpose of inspection and legal basis

Introduction

287. The DfE may commission Ofsted to carry out 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.
288. The previous standard or additional inspection:
- will have judged that the school does not meet:

¹⁶⁴ ‘Complaints about Ofsted’, Ofsted, 2018; www.gov.uk/government/publications/complaints-about-ofsted.

¹⁶⁵ Refer to ‘Independent schools: regulatory and enforcement action policy statement’, Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

¹⁶⁶ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹⁶⁷ ‘Interim phase: non-association independent schools’, Ofsted, 2020; www.gov.uk/guidance/interim-phase-non-association-independent-schools.

- one or more of the Education (Independent School Standards) Regulations 2014, which are required for continued registration¹⁶⁸
 - one or more of the national minimum standards for boarding or residential special schools^{169,170}
 - the statutory requirements of the early years foundation stage, if the change concerns early years provision, which is part of the school registration, for children aged two and above¹⁷¹
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place, and/or¹⁷²
 - 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, and^{173,174}
- may also have identified qualitative weaknesses.

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

'Inadequate' schools and schools with significant regulatory failures

289. If 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.
290. 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

¹⁶⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

¹⁶⁹ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

¹⁷⁰ 'Residential special schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

¹⁷¹ 'Statutory framework for the early years foundation stage', Department for Education, 2018 www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

¹⁷² Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

¹⁷³ Safeguarding and Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

¹⁷⁴ Information about this duty is available in 'Keeping children safe in education', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

the proposed steps will be taken. The DfE provides schools with a suggested template and guidance for producing action plans.¹⁷⁵

291. 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.
292. Following this, the DfE will normally commission Ofsted to carry out a progress monitoring inspection. The commission will be on a case-by-case basis.

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

293. If 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 and to carry out a progress monitoring inspection.

Purpose of inspection

294. 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 (when the previous inspection was any type of additional inspection or a standard inspection)
 - the qualitative weaknesses identified at the previous inspection (when the previous inspection was a standard inspection).

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

295. When 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

296. Ofsted will carry out the progress monitoring inspection under section 109(1) and (2) of the Education and Skills Act 2008.¹⁷⁶

¹⁷⁵ 'Independent school action plans', Department for Education, 2016; www.gov.uk/government/publications/independent-school-action-plans.

¹⁷⁶ Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/109.

Boarding or residential provision

297. If the previous inspection of a boarding or residential special school identified 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.
298. If the un-met standards identified at the previous inspection only relate to the boarding/residential provision, the DfE will commission Ofsted to carry out a welfare-only progress monitoring inspection.
299. 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 schools¹⁷⁷ are now met
 - the qualitative weaknesses identified at the previous inspection have been addressed (when the previous inspection was a standard inspection, or the school is subject to a second or subsequent progress monitoring inspection).

Provision for students aged 19 and over

300. An independent school may have students aged 19 and over on roll. If the un-met standards relate to the sixth-form provision, inspectors will only inspect and take account of provision for these students if they began their studies before the age of 18. However, because these students are essentially adults studying alongside children, inspectors will **always** check and report on whether the provision meets the safeguarding requirements of the independent school standards.¹⁷⁸

When can an inspection take place?

301. Progress monitoring inspections normally take place anytime during term time.

Before the inspection

Clarification for schools

302. Paragraphs 32–37 of the non-association independent school inspection handbook set out our requirements for inspection.¹⁷⁹ This is in order to dispel

¹⁷⁷ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards; 'Residential special schools: national minimum standards', Department for Education, 2012; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

¹⁷⁸ Paragraph 7 of part 3 of the independent school standards.

¹⁷⁹ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

myths about inspection that can result in unnecessary workload in schools. It is intended to highlight specific practices that we do not require.

Inspectors' planning and preparation

303. 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 ICF for the inspection. When 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. The lead inspector should review the ICF for completeness. If they think it needs to be amended or added to, they should discuss this with the regional Senior HMI, who can raise it with the DfE.

304. Inspectors will also consider any other available information, for example:

- all relevant information held by Ofsted, for example:
 - the un-met standards and other requirements and any qualitative weaknesses reported in the previous inspection report
 - other inspection reports on the school, which may include boarding and early years inspection reports
 - the findings of any recent Ofsted survey
 - responses from Ofsted Parent View,¹⁸⁰ Ofsted's online survey for parents
 - boarding pupils' and boarding staff's replies to Ofsted's point-in-time surveys¹⁸¹
 - information from the provider information portal¹⁸²
- information on the school's website, including:
 - the presence of the safeguarding policy, as required by the independent school standards¹⁸³

¹⁸⁰ Ofsted Parent View; <https://parentview.ofsted.gov.uk>.

¹⁸¹ Social care common inspection framework (SCCIF): boarding schools and residential special schools, Ofsted, 2017; www.gov.uk/guidance/social-care-common-inspection-framework-sccif-boarding-schools/11-preparing-for-an-inspection#questionnaires.

¹⁸² The provider information portal gives inspectors a high-level view of information about the providers that we inspect and regulate.

¹⁸³ 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'.

- the suitability of the safeguarding policy, taking into account current government requirements¹⁸⁴
- when relevant, curriculum information (so the lead inspector can start to assess the breadth and balance of the school’s curriculum and whether it is likely to promote preparation for, and an appreciation of, life in modern Britain)
- 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
- information on the school’s registration status as recorded on the DfE’s register ‘Get information about schools’,¹⁸⁵ such as the number and age range of pupils that the school is registered to take, the name of the proprietor and whether the school is ‘section 41 approved’¹⁸⁶
- the Tier 4 register of licensed sponsors¹⁸⁷
- information from any other associated providers (which will be triangulated with evidence gathered during the inspection); this may include registered early years provision or, if the proposed school is part of a chain of independent schools, any relevant information from recent inspections of these schools, such as any reported evidence about the suitability and capability of the proprietor
- any other information publicly available or available from relevant stakeholders such as local authorities and the police.

305. The lead inspector will also check compliance with relevant aspects of the independent school standards when that is possible before an inspection (such as in relation to part 6 of the standards, ‘provision of information’).

306. The lead inspector must find out the identity of the school’s proprietor before the inspection starts. This can be confirmed by looking at the previous inspection report, the current ‘Get information about schools’ record for the school, the school’s last census returns and the school’s website, if one exists (this may have a section that describes governance arrangements). Any

¹⁸⁴ 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.

¹⁸⁵ Department for Education’s ‘Get information about schools’ service; <https://get-information-schools.service.gov.uk>.

¹⁸⁶ A registered independent school can be approved by the Secretary of State under section 41(1) of the Children and Families Act 2014 to enable the school ‘to be the subject of a request for it to be named in an EHC plan’.

¹⁸⁷ ‘Register of licensed sponsors: students’, UK Visas and Immigration, 2013; www.gov.uk/government/publications/register-of-licensed-sponsors-students.

discrepancies between 'Get information about schools' and other sources should be recorded on an evidence form and followed up on inspection.

307. If a registered school has relocated its main or sole site to a different local authority area, the DfE's policy position is that the school will not be treated as a new entity. However, the DfE will change the school's registration number, and consequently the school's URN. Therefore, the lead inspector will refer to the inspection history relating to the school's previous registration.
308. Other relevant information may be in the public domain and reported in the press. Inspectors will therefore carry out a brief internet search as part of their pre-inspection planning to see whether there are any safeguarding or other issues, such as a change of governance, that may need to be followed up during inspection.¹⁸⁸
309. The lead inspector will establish whether the school is likely to operate from more than one site, for example if early years provision is accommodated at an address other than the main registered premises. They will also establish the nature of any SEND provision, and any nursery provision, before- and/or after-school care or holiday clubs led and managed directly by the school, particularly if these take two- to eight-year-olds.
310. In all progress monitoring inspections the lead inspector may also liaise with the local authority designated officer for child protection concerns to obtain any information that may be relevant to the inspection.
311. In integrated inspections, contact between the education and social care regulatory inspectors takes place before the start of the inspection.

Notification of inspection

312. All progress monitoring inspections are carried out 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, we will send confirmation of the inspection to the school by email.¹⁸⁹

Requests for deferral or cancellation

313. Any requests for a deferral will be passed to Ofsted's relevant regional director, who will decide whether the request can be granted.

¹⁸⁸ A change in proprietor constitutes a material change to the school's registration, which must be agreed with the DfE before being implemented.

¹⁸⁹ 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.

The inspection

Days allocated to inspection and inspection team members

314. 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.
315. 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 progress monitoring inspections, for preparation, the inspection, travelling and writing.
316. There is no requirement to deploy inspectors of a particular faith to inspect a school of the same faith. It would be unusual for an inspection team of a faith school to consist entirely of inspectors of that faith.
317. For details of what happens when an interpreter joins the inspection, refer to paragraphs 21–25.

Arrival time on the first day of inspection

318. On the first day of the inspection, inspectors will not arrive before 8am.

Arrival at the school

319. In the rare event that the inspector arrives at the school and it appears to be no longer operating, the inspector will seek advice from the regional duty desk and the appropriate personnel at the DfE.
320. On arrival, the lead inspector (or lead social care regulatory 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 whether the school now meets the Education (Independent School Standards) Regulations 2014 and/or the national minimum standards for boarding or residential special schools that were judged to be un-met at the previous inspection, and the school's progress in addressing any qualitative weaknesses identified at the previous inspection.¹⁹⁰ All independent schools must comply with the standards for continued registration.

¹⁹⁰ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/ukxi/2014/3283/introduction/made.

The start of the on-site inspection

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

- introduce any team inspectors and interpreters
- confirm arrangements for meetings with representatives of those who are responsible for the governance of the school and with staff
- confirm whether any pupils at the school are educated at a site other than at the main, registered premises, for example early years or post-16 provision that operates on separate premises. Inspectors must establish the address of each of the premises, record this in their evidence base and report this to the relevant regional Senior HMI
- 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 they should not observe certain teachers, for example if any teachers are subject to capability 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 (see paragraph 324).

322. The lead inspector will also inform the school:

- of Ofsted's privacy notice¹⁹¹
- that inspectors will use a range of technology to gather evidence electronically, including mobile devices, tablets and laptops
- that inspectors may request to take photographic evidence, for example of pupils' work and displays, but that inspectors will not take photographs of pupils.

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

¹⁹¹ 'Schools: Ofsted privacy notice', Ofsted, 2018;
www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice#independent-schools.

Information that schools must provide by the start of the inspection

324. The lead inspector will confirm which school documents are required for the inspection.¹⁹² This includes information required to comply with the independent school standards. Please refer to the list in paragraph 246.

Gathering and recording evidence

325. Inspectors will gather evidence about whether the school now meets the independent school standards and/or the national minimum standards for boarding or residential special schools that were judged to be un-met at the previous inspection, and the school's progress in addressing qualitative issues. They will follow up all of the matters identified in the report from the previous inspection.

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

327. 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.

328. Inspectors will be rigorous in their evidence-gathering and will ask to see any documents, records or other information necessary.¹⁹³

329. The main inspection activities will be determined by the un-met standards identified at the previous inspection. Inspectors:

- may talk to staff and pupils,¹⁹⁴ and seek opportunities whenever possible to test their emerging findings and corroborate their conclusions
- may look at the premises, including any located off site, 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

¹⁹² Paragraph 32(1)(g) of the independent school standards sets out the requirements on proprietors for the provision of information: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.

¹⁹³ Paragraph 32(1)(g) of the independent school standards sets out the requirements on proprietors for the provision of information: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.

¹⁹⁴ 'Inspectors talking to pupils on inspection', Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

- may visit lessons, and may also observe pupils in a range of situations outside normal lessons, for example if 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 visits is available in paragraphs 98–104 of the non-association independent school inspection handbook¹⁹⁵
- 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 if the school does not have a website) as required by the independent school standards¹⁹⁶
- check the suitability of the school’s safeguarding policy (if it has one), taking into account current government requirements.¹⁹⁷

330. During the inspection, it is important that pupils are able to express their views freely to inspectors. Therefore, inspectors must have the opportunity to speak to pupils with no other adults present. This is particularly important when inspectors ask pupils questions around safeguarding.¹⁹⁸

331. In integrated progress monitoring inspections, the social care regulatory inspector(s) will inspect the boarding/residential provision.

332. Inspectors will expect to meet with the proprietor(s) and the person(s) responsible for the day-to-day operation of the school during the inspection. Without meeting these individuals, inspectors may not be able to gather sufficient evidence in order to judge whether the school meets paragraph 34(1) of the independent school standards, which concerns the quality of leadership and management.

333. If a school is judged to now meet the standards that were previously un-met, inspectors will not automatically judge that the school also now meets paragraph 34(1), which concerns the quality of leadership and management. In line with the DfE’s guidance ‘The independent school standards: guidance for independent schools’, the school must demonstrate that it can consistently meet standards. There must be evidence that the school is able to meet the

¹⁹⁵ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

¹⁹⁶ 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, are provided to parents on request’.

¹⁹⁷ 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.

¹⁹⁸ ‘Inspectors talking to pupils on inspection’, Ofsted, 2020; www.gov.uk/government/publications/inspectors-talking-to-pupils-on-inspection.

standards continually (see paragraph 9.3 of the DfE’s guidance ‘The independent school standards: guidance for independent schools’).

334. In judging whether the school meets the standards, inspectors will refer to the:

- non-statutory DfE guidance ‘The independent school standards: guidance for independent schools’.¹⁹⁹ Although this document is non-statutory, its aims are to:
 - set out the DfE’s understanding of the standards
 - provide supplementary guidance on best practice in complying with the standards
 - give additional detail in some areas for which questions are sometimes raised by schools
- non-statutory DfE guidance ‘Independent school registration’ and the resources to which this document refers²⁰⁰
- guidance in part 4 of the non-association independent school inspection handbook.²⁰¹

335. If appropriate, inspectors may also refer to the following Ofsted guidance:

- ‘Inspecting teaching of the protected characteristics in schools’²⁰²
- ‘Separation by sex: implications for the inspections of mixed sex/co-educational schools’.²⁰³

Checking standards beyond the scope of the DfE’s commission

336. If inspectors identify matters of concern beyond the scope of the DfE’s commission for the progress monitoring 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.²⁰⁴ Should

¹⁹⁹ ‘The independent school standards: guidance for independent schools’, Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

²⁰⁰ ‘Independent school registration’, Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

²⁰¹ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

²⁰² ‘Inspecting teaching of the protected characteristics in schools’, Ofsted, 2020; www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools.

²⁰³ ‘Separation by sex: implications for the inspections of mixed sex/co-educational schools’, Ofsted, 2020; www.gov.uk/government/publications/separation-by-sex-implications-for-inspections-of-mixed-sex-co-educational-schools.

²⁰⁴ 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.

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 staff, 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

337. 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.
338. The approach that inspectors should take to inspecting safeguarding in all the settings covered by the framework is set out in our guidance for inspecting safeguarding.²⁰⁵ This should be read alongside our inspection framework and handbooks.
339. In addition to understanding our policies on inspecting safeguarding, inspectors should be familiar with the statutory guidance on safeguarding:
- 'Keeping children safe in education: statutory guidance for schools and colleges'²⁰⁶
 - 'Working together to safeguard children'²⁰⁷
 - 'Positive environments where children can flourish'.²⁰⁸

Reporting on evidence or allegations of child abuse

340. On a very small number of occasions, inspectors may come across evidence or ongoing allegations of child abuse within a school. Inspectors must not attempt to investigate any incident of child abuse but will satisfy themselves that concerns about a child's safety are referred on, as appropriate, to the relevant local authority's children's services department. The referral will normally be

²⁰⁵ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2019;

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

²⁰⁶ 'Keeping children safe in education: statutory guidance for schools and colleges', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

²⁰⁷ 'Working together to safeguard children', Department for Education, 2019;

www.gov.uk/government/publications/working-together-to-safeguard-children--2.

²⁰⁸ 'Positive environments where children can flourish: a guide for inspectors about physical intervention and restrictions of liberty', Ofsted, 2018; www.gov.uk/government/publications/positive-environments-where-children-can-flourish.

made by the safeguarding lead.²⁰⁹ Inspectors must be satisfied that the correct referral has taken place and record this in their evidence base.

341. If a child discloses to an inspector on site that they are suffering or at risk of abuse, the inspector will stop all other activity and focus on ensuring that the child receives the help they need. Specific guidance on what to do in this situation can be found in 'Safeguarding concerns: guidance for inspectors'.²¹⁰

Providing feedback

342. The on-site inspection ends with a final feedback meeting. Those who intend to be connected with the school who may attend include:

- the proprietor or, when there is a proprietorial body, as many members as possible
- the headteacher and other senior leaders, agreed by the lead inspector and headteacher
- if the school has a governing body, the chair and as many representatives as possible from the governing body.

343. Due to the diverse nature of school governance, in some schools a single individual may have more than one of the above roles.

344. During this meeting, the lead inspector will ensure that the headteacher, the proprietor, those responsible for governance and all 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 (if applicable)
- about any other standards or requirements that are un-met, if the inspector identified and inspected additional matters of concern during the course of the inspection (see paragraph 336 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 (Ofsted does not give advice about how to meet the standards)
- 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 met²¹¹

²⁰⁹ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018;

www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

²¹⁰ 'Safeguarding concerns: guidance for inspectors', Ofsted, 2018;

www.gov.uk/government/publications/safeguarding-concerns-guidance-for-inspectors.

²¹¹ Refer to 'Independent schools: regulatory and enforcement action policy statement', Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

- about the progress made in addressing any qualitative matters identified at the previous standard inspection (if 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, 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

345. 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.

346. 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

Arrangements for publishing the report

347. The lead inspector is responsible for writing the inspection report,²¹² completing the independent school standards compliance record and submitting the evidence to Ofsted shortly after the inspection ends.²¹³ The text of the report should explain the judgements and reflect the evidence. The findings in the

²¹² The term 'report' is used to describe the formal written outcome of the inspection.

²¹³ The inspector records whether the school meets every paragraph of the independent school standards and other relevant statutory requirements in the independent school standards compliance record.

report should be consistent with the feedback given to the school at the end of the inspection.

348. Inspection reports will be quality assured before we send a draft to the school. In most circumstances, the school will receive the draft report within 18 working days after the end of the inspection. 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. We may share a draft of the inspection report with the DfE and other bodies as necessary. This will only take place following moderation or quality assurance.
349. The school will have five working days to comment on the draft report, inspection process and findings. We will consider all comments and we will respond to the comments when we share the final report with the school within 30 working days after the inspection.
350. If the school wishes to submit a formal complaint, it will have until the end of the fifth working day after receiving the final report to do so.
351. We will normally publish the report on our reports website within 38 working days after the end of inspection. We may delay the publication of the report if a complaint is being investigated.
352. 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 registered 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.²¹⁴
353. We will normally publish the report on our reports website after the five working days that are allocated for the proprietor to provide the report to

²¹⁴ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/contents/made, as amended by the Independent Educational Provision in England (Inspection Fees) and Independent School Standards (Amendment) Regulations 2018; www.legislation.gov.uk/uksi/2018/205/contents/made and the Independent Educational Provision in England (Provision of Information) and Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2018; www.legislation.gov.uk/uksi/2018/901/contents/made.

parents. However, we may publish the report at any time after the school has received it.

354. We will send the final version of the report to the DfE before publication. In all cases, the inspection process should not be treated as complete until all inspection activity has been carried out and the final version of the inspection report has been sent to the provider.

Suitability of the proprietor and other managers – reporting concerns to the registration authority

355. If inspectors identify any concerns about the suitability of the proprietor or any other member of staff employed at the school in a management capacity, these will be recorded in the independent school standards compliance record and reported to the DfE, as the appropriate authority. This information is particularly relevant when it may have any bearing on the suitability of a person to participate in the management of an independent school. This includes when the person's conduct is aimed at undermining British values or when the inspector has concluded that the person's conduct is so inappropriate as to make them unsuitable to take part in the management of an independent school.

The inspection evidence base

356. The evidence base for the inspection must be retained in line with Ofsted's retention and disposal policy. This is normally for six years from when the report is published. We may decide that retaining it for longer is warranted for research purposes.

Quality assurance and complaints

Quality assurance

357. 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.
358. We monitor the quality of inspections through a range of formal processes and HMI/Senior HMI visit some providers or monitor remotely to quality assure inspections. We 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.
359. All schools are invited to take part in a voluntary post-inspection survey in order to contribute to inspection development.

Handling concerns and complaints

360. The majority of our 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 as necessary. Any concerns and actions taken should be recorded in the inspection evidence.
361. If it is not possible to resolve concerns during the inspection or through submitting comments in response to the draft report, the school may wish to lodge a formal complaint on receipt of the final report. The lead inspector will ensure that the school is informed that it is able to make a formal complaint, of the relevant timescale for submitting a complaint and that information about how to complain is available on our website.²¹⁵

The DfE's decision on next steps

362. If the school was judged to not meet the independent school standards that were checked during the inspection, the DfE, as registration authority for independent schools, will decide any action to take in respect of this.
363. If the school was judged to meet the standards that were checked during the inspection, the DfE may write to the school to confirm that there will be no further regulatory action against the school. The progress monitoring inspection does not usually influence the timing of the school's next cycle inspection ('standard inspection'). The normal inspection cycle for 'standard inspections' of independent schools is set out in the non-association independent school inspection handbook.²¹⁶
364. Sometimes, a school may have been judged to meet most of the previously unmet requirements of the independent school standards, but is still judged to not meet a small number of the requirements due to omissions in or the quality of its documents or policies. Consequently, the overall outcome of the inspection is that the school does not meet the standards checked during the inspection.
365. In these cases, after the progress monitoring inspection is complete (see paragraph 354), the DfE may commission Ofsted to review the school's revised documents or policies as a desk-based exercise, rather than commissioning another on-site progress monitoring inspection.²¹⁷

²¹⁵ 'Complaints about Ofsted', Ofsted, 2018; www.gov.uk/government/publications/complaints-about-ofsted.

²¹⁶ Non-association independent school inspection handbook, Ofsted, 2019; www.gov.uk/government/publications/independent-schools-inspection-handbook-eif.

²¹⁷ Section 118(2) Education and Inspections Act 2006; www.legislation.gov.uk/ukpga/2006/40/section/118; Section 115(2) Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/115.

366. Inspectors will use the resources listed in paragraphs 334 and 335 when checking the school's revised documents. The inspector will write a short progress monitoring inspection report setting out whether the revisions now mean that the relevant requirements are met by the school. The report will be published on the Ofsted reports website, and paragraphs 347–354 apply.
367. When there are significant or numerous omissions in a proposed school's documents, the DfE may commission another on-site progress monitoring inspection.

Evaluating independent schools' action plans

Purpose of evaluation

Introduction

368. All independent schools must comply with the Education (Independent School Standards) Regulations 2014 for continued registration.²¹⁸
369. If a school has been judged on any standard or additional inspection to not comply with one of the following requirements, the 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^{219,220}
 - the statutory requirements of the early years foundation stage, if the change concerns early years provision, which is part of the school registration, for children aged two and above²²¹
 - paragraph 3 of schedule 10 of the Equality Act 2010, which requires that schools have an accessibility plan in place²²²
 - 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

²¹⁸ The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/introduction/made.

²¹⁹ 'Boarding schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/boarding-schools-national-minimum-standards.

²²⁰ 'Residential special schools: national minimum standards', Department for Education, 2015; www.gov.uk/government/publications/residential-special-schools-national-minimum-standards.

²²¹ 'Statutory framework for the early years foundation stage', Department for Education, 2018; www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

²²² Equality Act 2010; www.legislation.gov.uk/ukpga/2010/15/schedule/10.

due to safeguarding concerns, or would have been had they not resigned.^{223,224}

Action plans for schools with relatively minor regulatory failures

370. If 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.

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

371. If 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.

372. If 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.

The DfE's expectations for school action plans

373. The DfE provides schools with guidance and a suggested template for producing action plans.²²⁵

374. 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 report²²⁶ 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

375. 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.

376. 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

²²³ Safeguarding Vulnerable Groups Act 2006; www.legislation.gov.uk/ukpga/2006/47/contents.

²²⁴ Information about this duty is available in 'Keeping children safe in education', Department for Education, 2019; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

²²⁵ 'Independent school action plans, Department for Education, 2013; www.gov.uk/government/publications/independent-school-action-plans.

²²⁶ Ofsted's report website; <http://reports.ofsted.gov.uk>.

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.

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

377. Section 114(6)²²⁷ sets out that the DfE may:

- approve
- approve with modifications, or
- reject

a statutory action plan.

378. 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 report

Inspectors carrying out the evaluation

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

- a social care regulatory inspector, if 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, if the failures only relate to the school
- a social care regulatory inspector and one of Her Majesty's Inspectors or an Ofsted Inspector, if there are failures that relate to the school and boarding/residential provision. This is an 'integrated' evaluation.

Carrying out the evaluation

380. Inspectors will carry out the evaluation in line with any particular requirements specified in the DfE's ICF, 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.

²²⁷ Education and Skills Act 2008; www.legislation.gov.uk/ukpga/2008/25/section/114.

381. 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 weaknesses 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 met
 - 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.

382. 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 standards²²⁸

²²⁸ 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’.

- the suitability of the safeguarding policy, taking into account current government requirements.²²⁹

383. When evaluating action plans, inspectors may refer to the DfE’s guidance documents:

- ‘Independent school action plans’²³⁰
- ‘Independent school registration’ and the resources to which this document refers²³¹
- ‘The independent school standards: guidance for independent schools’.²³² Although this document is non-statutory, its aims are to:
 - set out the DfE’s understanding of the standards
 - provide supplementary guidance on best practice in complying with the standards
 - give additional detail in some areas for which questions are sometimes raised by schools.

384. Normally, no evidence forms are used in the course of an evaluation. The evaluation will be carried out directly in the independent school evaluation of action plan report.

After the evaluation

Report

385. The lead inspector is responsible for writing the report. The text of the report should explain the judgements and reflect the evidence.

386. Reports will be quality assured before we send them to the DfE. We will normally send the final version of the report to the DfE within 20 working days after the evaluation.

387. The DfE may, at its discretion, send the report to the school.

²²⁹ 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.

²³⁰ ‘Independent school action plans’, Department for Education, 2016; www.gov.uk/government/publications/independent-school-action-plans.

²³¹ ‘Independent school registration’, Department for Education, 2019; www.gov.uk/government/publications/independent-school-registration.

²³² ‘The independent school standards: guidance for independent schools’, Department for Education, 2019; www.gov.uk/government/publications/regulating-independent-schools.

Evidence base

388. There is no evidence base for an evaluation of an action plan, as the inspector will write the report while carrying out the evaluation.

Quality assurance and complaints

389. 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.

390. We monitor the quality of inspections and evaluations of action plans through a range of formal processes and HMI/Senior HMI visit some providers or monitor remotely to quality assure inspections.

Handling concerns and complaints

391. The 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 our website.²³³



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²³³ 'Complaints about Ofsted', Ofsted, 2018; www.gov.uk/government/publications/complaints-about-ofsted.

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