



Guidance

# Gathering additional evidence to secure an incomplete inspection

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## Introduction

This protocol sets out how we deal with 'incomplete' inspections. An inspection is 'incomplete' when the inspection report has not been published and we need to gather additional evidence in order to secure the inspection evidence base. We may need to take further action to complete the inspection and to revise and report the findings.

## When this protocol applies

This protocol applies to inspections/visits/monitoring visits of:

- maintained schools and academies (and other types of school inspected under sections 5 and 8 of the Education Act 2005)
- independent schools inspected by Ofsted
- providers of further education and skills
- area special educational needs and disabilities (SEND) services for children and young people
- providers of initial teacher education
- local authority children's services (under the Education and Inspections Act 2006)
- secure training centres (under the Education and Inspections Act 2006)
- residential special schools and some boarding schools, residential provision in further education colleges and independent specialist colleges (under section 87 of the Children Act 1989)
- early years provision under sections 49 and 50 of the Childcare Act 2006
- children's homes, including secure children's homes, adoption support agencies, voluntary adoption agencies, independent fostering agencies, residential family centres, and residential holiday schemes for disabled children (under the Care Standards Act 2000)
- providers receiving interim and assurance visits carried out from autumn 2020

We refer collectively to those we inspect or regulate as 'providers' of education or care.

## When this protocol does not apply

This protocol does not apply when a report or outcome, which may be in the form of a report, a letter or outcome summary, has already been published by Ofsted. It will also not apply in circumstances in which an inspection may be unreliable for other reasons, including when:

- it may have been carried out using an incorrect statutory power
- the inspection judgements reached relied on assessing matters or activities that may fall outside our remits

This protocol does not apply in these circumstances. The regional director (RD) or their delegate should seek urgent legal advice before taking further action.

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## Delaying publication to consider concerns

We have established processes for checking quality, finalising reports and dealing with concerns and comments raised by providers. Providers have the opportunity to comment or raise concerns about the inspection process or findings when they receive their draft report. They can also raise a formal complaint when issued with their final inspection report or published outcome. We will withhold publication of an inspection report while we consider a formal complaint, if submitted within the deadline set.

Very rarely, and usually after considering concerns raised by a provider or following our own internal pre-publication quality assurance processes, we may identify elements in the evidence base that are not sufficiently secure. This may mean that we deem the inspection incomplete.

In these cases, we will need to take further action to complete the inspection. This may include a further visit to the provider to gather more evidence, or the receipt of further evidence, to secure the evidence base. We will not publish the inspection report until we're satisfied that the inspection judgements are secure and/or the report's narrative text is appropriately supported by evidence.

After we have completed any further inspection activity, we will send an amended draft report to the provider for any comments. We will then finalise and issue the amended report in line with our normal processes.

These situations should happen very rarely. However, when they do, it is important that we maintain full and sensitive communication with the provider throughout.

## Deciding whether an inspection or visit should be deemed incomplete

The RD or relevant designated officer (RD's delegate) will refer to the evidence base and any other appropriate material to decide whether the evidence base is secure.

If the RD or delegate considers that there are insecure elements in the inspection evidence base, they will consult Ofsted's legal advisers. They will normally arrange for an evidence base review to be carried out.

## Examples of when an inspection or visit may be incomplete

Examples of circumstances in which we may deem an inspection to be incomplete include when:

- key judgements are not substantiated by the evidence gathered and recorded by the inspection team
- the conduct of the inspection was such that the evidence gathered and recorded cannot be relied on fully to provide a fair and accurate view of the provider, in whole or in part
- the inspector or inspection team has not gathered sufficient evidence or evidence of sufficient quality to get a fair and accurate view of the provider, in whole or in part
- information applicable to the provider at the time of inspection has been received after the inspection/visit. The relevance of the information received necessitates a review and reapplication of the evidence gathered at the inspection against the inspection outcome
- the inspector or inspection team was not able to complete their on-site evidence-gathering activities due to reasons beyond their or the provider's control

## What happens when we deem an inspection to be incomplete

If we decide that the inspection is incomplete, we will take steps to secure the evidence base. These may include a further visit to the provider to gather more evidence. We will need to be satisfied that the evidence base is secure and the inspection process is complete before publication of the report.

Once we have decided that an inspection is incomplete, the RD or delegate will write to the provider to:

- inform them of the reasons for deeming the inspection incomplete
- if appropriate, offer an apology
- if appropriate, request further evidence or arrange a follow-up conversation with the inspector
- if appropriate, confirm that an inspector/inspection team will carry out a further visit in order to gather and analyse the necessary evidence to secure the evidence base and complete the inspection, and that this visit will take place as soon as practicable

The RD or delegate will also inform Her Majesty's Chief Inspector and Ofsted's Chief Operating Officer of the decision.

## Gathering additional evidence and completing the inspection

Further inspection activity to complete an inspection may focus on the insecure elements of the evidence base. However, in some instances, the RD or delegate may determine that the inspector or inspection team must re-visit all elements of the evidence base to ensure that reliable judgements can be reached.

The RD or delegate may determine that the inspection's evidence base can be secured by requesting and/or receiving specified evidence from the provider, without the need for a further visit.

When we consider a further inspection visit to be necessary, the RD or delegate will determine whether it is practicable to use the same inspector or inspection team. Ofsted maintains the right to use a different inspector or inspection team when we consider this to be more appropriate.

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