



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 to secure the inspection evidence base. We may need to take further action to complete the inspection and to revise and report the findings.

In this document, references to ‘inspection report’ cover:

- inspection reports
- visit letters
- monitoring visit letters
- any other published inspection outcome

When this protocol applies

This protocol applies to inspections (including visits and 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
- childminder agencies under sections 51D and 61E 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)

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

When this protocol does not apply

This protocol does not apply when an inspection report has already been published. It also does not apply when an inspection may be unreliable for reasons other than an insecure evidence base, including when:

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

This protocol should not be used in these circumstances. The regional director (RD), their relevant designated officer (RD's delegate) or other relevant decision maker should seek urgent legal advice before taking further action.

Delaying publication to consider concerns

We have established processes for checking quality, finalising inspection reports and dealing with concerns and comments raised by providers. Providers have an opportunity to comment on or raise concerns about the inspection process or

findings when they receive their draft inspection report. They can also raise a formal complaint when their inspection report is published. We will withhold publication of an inspection report while we consider a formal complaint, if the complaint is submitted within [the timeframe stated in our complaints procedure](#).

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 decide that the inspection is 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 are satisfied that the inspection judgements are secure and/or the inspection report's narrative text is appropriately supported by evidence.

After we have completed any necessary further inspection activity, we will send an amended draft inspection report to the provider for comments. We will then finalise and publish the amended inspection 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 is incomplete

The RD, the RD's delegate or other relevant decision maker will refer to the evidence base and any other appropriate material to decide whether the evidence base is secure.

If the decision maker considers that there are insecure elements in the inspection evidence base, they will seek advice from our legal services team. The decision maker will normally arrange for an evidence base review to be carried out.

Examples of when an inspection may be incomplete

Examples of circumstances in which we may decide an inspection is 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 and before publication of the inspection report. 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 decide an inspection is 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 that the inspection process is complete before publication of the inspection report.

Once we have decided that an inspection is incomplete, the decision maker will write to the provider to:

- explain the reasons for deciding that the inspection is 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 decision maker 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 decision maker 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 decision maker 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.

If we decide a further visit is necessary, the decision maker will:

- write to the provider as outlined above
- determine whether it is practicable to use the same inspector or inspection team (we maintain the right to use a different inspector or inspection team)
- determine whether to request further evidence and information for planning before the further visit
- confirm to the provider as soon as practicable the date of the further visit, the identity of the inspector (and the inspection team members, where applicable) and any further evidence or information required before the further visit

At the end of the further visit:

- the lead inspector will provide verbal feedback to the provider in the usual way for the type of inspection being carried out
- the lead inspector will follow the usual steps set out in the relevant handbook
- we will complete the quality assurance process set out in the relevant handbook

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