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Guidance

Secure 16 to 19 academies

Published 9 February 2024

Applies to England

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Introduction

Secure 16 to 19 academies have dual status. They are registered with and regulated by Ofsted as secure children's homes and regulated by the Ministry of Justice as 16 to 19 academies. Secure 16 to 19 academies accommodate children who are remanded by the courts to custody or who are serving a custodial sentence.

The secure children's home element is inspected by Ofsted. The 16 to 19 academy element is regulated by the Ministry of Justice and inspected by Ofsted.

Legal context

A secure children's home is a children's home within the definition of section 1 of the [Care Standards Act 2000](#) ('the Act') that is also authorised by the Secretary of State under regulation 3(1) of [The Children \(Secure Accommodation\) Regulations 1991](#) for use as a secure accommodation. A secure children's home, and therefore a secure 16 to 19 academy, requires approval by the Secretary of State. The secure children's home element of a secure 16 to 19 academy is inspected under the social care common inspection framework (SCCIF).

The academy element of a secure 16 to 19 academy is inspected under the education inspection framework (EIF). A secure 16 to 19 academy is defined under section 53.1B of the [Education Act 2011](#) and Schedule 13 paragraph 16 and section 125 (as amended) and section 133 of the [Education and Inspections Act 2006](#) and section 1B of the [Academies Act 2010](#) (as amended). Section 1B (4) of the Academies Act 2010 requires that the 16 to 19 academy may provide secure accommodation for its students, but only if it is approved to do so by the Secretary of State.

The health provision in secure 16 to 19 academies is registered as a location with the Care Quality Commission (CQC). The CQC is the independent regulator of health and adult social care. This includes the regulation of most types of healthcare for children. The CQC ensures that health and social care services provide people with safe, effective, compassionate, high-quality care. It also encourages care services to improve. The [Health and Social Care Act 2008](#) and [The Care Quality Commission \(Registration\) Regulations 2009](#) set out the CQC's powers to monitor, inspect and regulate services. If the CQC finds poor care, it will use its powers to enforce compliance with the Act and the fundamental standards of care as set out in [The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#).

When inspecting secure 16 to 19 academies, the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) is taken into account.

The [Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment \(OPCAT\)](#) requires that all places of detention are visited regularly by independent bodies, known as the [National Preventive Mechanism \(NPM\)](#), which monitors the treatment of, and conditions for, detainees. Inspections carried out by Ofsted of places where children are deprived of their liberty contribute to the UK's response to its international obligations under OPCAT.

Inspection and frequencies

For the secure children's home element of a secure 16 to 19 academy, we carry out full inspections, assurance inspections and monitoring visits, as set out in the SCCIF.

For the academy element of the secure 16 to 19 academy, we carry out full inspections, short inspections, monitoring visits, and survey and research visits, as set out in the further education (FE) and skills inspection handbook.

Inspection of the secure children's home element of secure 16 to 19 academies

As set out in [Introduction to children's homes](#), we will inspect (under the SCCIF) a new provision registered between 1 April and 30 September at least once between 1 October and 31 March in the same financial year. If it is registered between 1

October and 31 March, we will first inspect it between the following 1 April and 30 September.

We have a duty to inspect secure children's homes at intervals as set out in [Her Majesty's Chief Inspector of Education, Children's Services and Skills \(Fees and Frequency of Inspections\) \(Children's Homes etc.\) Regulations 2015](#) as amended. We therefore inspect the secure children's home element of a secure 16 to 19 academy at least twice in the year-long cycle from 1 April to 31 March, in line with the SCCIF.

A new 16 to 19 academy provider monitoring visit will take place under the EIF within 18 months of the secure 16 to 19 academy opening.

We carry out inspections of the secure children's home element of secure 16 to 19 academies assisted by an inspector from the CQC. Together, we carry out an evaluation of health services provided for children, authorised by His Majesty's Chief Inspector (HMCI) under section 31 of the Act.

Different patterns of inspection may occur if a secure 16 to 19 academy has been judged inadequate or is not operating at the time of inspection (see [SCCIF 'Inadequate judgements: next steps'](#) for more information).

Inspection of the academy element of secure 16 to 19 academies

A stand-alone new provider monitoring visit of the academy element of a new secure 16 to 19 academy will take place under the EIF within 18 months of the provision opening. This will result in a published report. Findings from this visit will inform when the first aligned inspection will take place. The new provider monitoring visit will make progress judgements.

Within 3 years of a secure 16 to 19 academy opening, the academy element will be inspected under the EIF. This inspection will be at the same time as a full inspection is carried out of the secure children's home element under the SCCIF. These are called 'aligned inspections'. Inspection judgements at aligned inspections will inform when the next aligned inspection takes place.

For more information on inspections of the academy element, see details in the FE and skills inspection handbook.

Why we treat secure 16 to 19 academies differently to other 16 to 19 academies

Unlike other academies as defined under section 125 of the [Education and Inspections Act 2006](#), the length of stay of children in secure 16 to 19 academies is strictly defined by a child or young person's legal status. It can be short or last for years. Secure academies have a higher throughput of children compared with other 16 to 19 academies, so inspection frequency takes this into account. This ensures that we are able to assess the experiences and progress of a wide range of children and young people and the academy's performance proportionately.

Scheduling and the inspection teams

Full inspections that take place under the SCCIF are usually carried out by a team of 4 Ofsted social care inspectors, and will include an inspector from the CQC and an Ofsted FE and skills HMI. The number of Ofsted social care inspectors will be determined by the numbers of children at the secure academy. Inspections are unannounced and will usually take place over 3 days.

Aligned inspections using the SCCIF and EIF will be unannounced and will usually be carried out over 4 days by 4 Ofsted social care inspectors, an inspector from the CQC and 2 FE and skills HMI. There will be a lead social care inspector and a lead FE and skills HMI.

As secure 16 to 19 academies are a new type of provision, we will keep under review the resource needed for inspections.

Activities when we carry out aligned inspections

Social care, health and education inspectors follow the respective SCCIF and EIF frameworks and the FE and skills inspection handbook during aligned inspections.

The following criteria that are set out in the SCCIF and relate to children's education do not apply to aligned inspections, since the education aspects will be covered in the EIF inspection.

Overall progress and experiences of children:

- the timeliness and quality of the home's initial assessment of children's starting points in education and their learning needs
- how well children learn
- the effectiveness of support for children with special educational needs and/or disabilities

Children's education and learning:

- all criteria

The effectiveness of leaders and managers:

- how well leaders and managers evaluate and promote the quality and impact of teaching, learning and assessment through performance management and appropriate professional development

On day 1 of on-site inspection activity, an FE and skills HMI and the social care inspection team will arrive unannounced at the secure 16 to 19 academy at approximately 8.45am. The inspection of the secure children's home element will begin immediately.

The inspection team will meet with the registered manager and the nominee/principal of the academy in line with the SCCIF and EIF. Following the meeting, the inspection team will meet briefly to agree which children and young people will be case tracked, share information arising from the preparatory work, confirm tasks and responsibilities and agree times each day for keep-in-touch meetings with the registered manager and academy principal. The lead FE and skills HMI will plan the inspection of education on day 1. On days 2, 3 and 4 of the inspection, they will continue to engage with the nominee and academy principal as appropriate. A second FE and skills HMI will join the inspection for days 2, 3 and 4.

Lead inspectors will arrange with managers for a health, safety and security briefing for all inspectors at the start of the inspection, and for the FE and skills HMI joining on day 2.

Social care inspectors and FE and skills HMI will work together as much as possible. Inspectors will share information to keep demands on the secure 16 to 19 academy to a minimum, for example the Annex A. The social care and education inspectors will set time aside to meet regularly in order to share evidence, emerging findings and key lines of enquiry.

End of the inspection and feedback

Evidence gathering usually ends on day 3. On day 4, a team meeting is held on site, where inspectors collectively review their findings and agree the inspection outcomes and judgements ready for verbal feedback.

Inspectors will give verbal feedback of the main findings and provisional judgements. This feedback will usually be given to the registered manager and principal of the academy. Additional senior staff from the provider may also attend, if agreed in advance with the lead inspectors.

If the feedback is likely to be challenging or is likely to raise sensitive issues, the inspector will be sympathetic to the implications of this feedback. The inspector will discuss with the provider which other people should attend the feedback meeting to ensure the necessary support is given. Attendance at the meeting is voluntary and any attendee may leave at any time.

Inspectors should ensure that the academy has the opportunity to raise any issues or concerns, or to seek clarification about the inspection, and can contact Ofsted on the working day after the end of the inspection, if necessary.

On the rare occasions that, following quality assurance processes, the judgement changes, the lead inspectors will meet as soon as possible. They will discuss and agree who will contact the provider to inform them of the change.

Managers may share the provisional inspection outcome and findings with whoever they deem appropriate, though providers may need to be cautious/sensitive to the risk of provisional outcomes that may be subject to change potentially being shared with children when this could create uncertainty for them. Provisional inspection outcomes may also be shared, in confidence, with others who are not involved with the academy. This may include the managers' colleagues, family members, medical advisers and/or wider support group. However, the information should not be made public.

Inspection reports

For non-aligned inspections, inspection reports will be produced in line with the SCCIF and EIF for secure children's homes and the 16 to 19 academy aspects respectively.

HMCI has powers to combine inspection reports under section 152 of the [Education and Inspections Act 2006](#). Ofsted has requested from government an amendment to regulations that will allow HMCI to make inspection reports of secure 16 to 19 academies publicly available. Government has agreed to this proposal and intends that the amendment to legislation will come into force in April 2024. We will update this inspection guidance following the amendment.

The lead social care and lead FE and skills HMI will work together to complete the 'summary of findings' section of the report. This section of the report will be succinct bullet points that convey the key findings across the aligned inspection.

Content of aligned inspection reports

Section of report	Details
Information about this service	Brief contextual information about the service
Judgements	The judgements made and a single sentence that is standardised according to the overall judgement
Date and judgement of last inspection	The type of last inspection, date and overall judgement
Enforcement action since the last inspection (registered providers only)	A brief summary of any enforcement activity we have taken since the last inspection
Recent inspection history	Inspection judgements from recent years
Summary of findings	Summary of findings across the SCCIF and EIF
Inspection judgements	The judgements made and accompanying text – separate sections for the SCCIF and EIF
Areas for improvement	Separate lists for the academy and secure children's home elements of any recommendations and statutory requirements, where relevant

Information about this inspection	What we have looked at and information about the legal basis for the inspection
Service details	Information on the provider running the service

Timeframe

Day (working days)	Full inspection activity
1	Preparation
2	Site visit
3	Site visit
4	Site visit
5	Site visit
6 to 7	Lead inspectors and the CQC – report writing
8	Lead inspectors collate and finalise the report
9 to 14	Inspection evidence and report submitted for quality assurance
23	Draft report sent to the registered provider for any comments within a maximum of 18 working days of the end of the inspection
28	Provider returns the report within 5 working days with any comments
35	Final report sent to the registered provider within 30 working days of the end of the inspection
39	Provider may submit a formal complaint within 5 working days of the issue of the final report
44	The final report will be published on the Ofsted reports website within a

Preparing for an inspection

Analysis and planning

Pre-inspection analysis and planning are important parts of inspections. Lead inspectors and team members are allocated 1 day to prepare for an aligned inspection. They should use this time to review the information held by Ofsted and to ensure that the fieldwork is properly focused and used to best effect in collecting first-hand evidence.

Quality assurance and arrangements for publishing the report: aligned inspections

Appropriately experienced inspectors from FE and skills and social care will quality assure the inspections and report.

Approval of secure 16 to 19 academies

The Secretary of State makes decisions about the approval of secure 16 to 19 academies. A memorandum of understanding (MoU) between Ofsted and the Ministry of Justice (MoJ) is being developed and this guidance will be updated when it is published. The MoU will set out how Ofsted will provide advice to the Secretary of State that will contribute to the Secretary of State's evaluation.

The MoJ will review the approval at least every 3 years, using information provided by Ofsted about inspection and other information (such as that provided by an architectural adviser).

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