



Department
for Education

Approval of Independent Inspectorates

**Departmental advice for independent
inspectorates of independent schools**

March 2014

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Summary

About this departmental advice

This is advice from the Department for Education. It has been produced to help recipients understand the matters that the Secretary of State will take into account when approving, or withdrawing approval, from independent inspectorates.

Expiry or review date

This advice will be reviewed after April 2015.

Who is this advice for?

This advice is for existing independent inspectorates and for any bodies that may consider seeking approval as an independent inspectorate.

Key points

- The Secretary of State for Education has the power, under section 106 of the Education and Skills Act 2008 to approve a body to carry out inspections of independent schools in England. Approval may be given in relation to specified independent schools or independent schools of a specified description;
- The Secretary of State also has the power, under section 87A of the Children Act 1989, to appoint inspectorates approved under section 106 of the Education and Skills Act 2008 to be inspectors of boarding accommodation at independent schools.
- The matters to be taken into account by the Secretary of State in deciding whether to approve a body to carry out inspections of independent schools and/or their boarding accommodation, or whether to withdraw any approval previously given, are prescribed by the Independent Inspectorates (Education and Boarding Accommodation) Regulations [2014] (“the Regulations”);
- This advice sets out the Secretary of State’s general policy and expectations in relation to each of the matters specified in the Regulations. However, the Secretary of State will take into account all of the relevant facts and circumstances in assessing any particular body in deciding whether or not to approve or withdraw approval;
- Inspectorates already approved under the Education Act 2002 will continue to be approved under the Regulations provided their inspections and reports remain at an acceptable level of quality but will be expected to make any adjustments necessary to align their operations with this advice immediately and in relation to number and range of schools by April 2015;

- Independent schools will be inspected by HM Chief Inspector of Education, Children's Services and Skills (Ofsted) unless the Secretary of State arranges for the school's inspection to be undertaken by an approved inspectorate; and
- Inspectorates will not be approved to inspect the following schools:
 - a. schools that are applying for registration or which have not had at least one post registration inspection by Ofsted;
 - b. schools that are judged by the Secretary of State not to have met the regulatory standards for continued registration at their last Ofsted inspection and which are not currently inspected by an independent inspectorate.

These schools will continue to be inspected by Ofsted.

Main body of the document

Regulations prescribe 12 matters that the Secretary of State must take into account when considering approval or withdrawal of approval. The matters are listed below, together with an explanation of the specific requirements the Secretary of State will expect in relation to each one:

a) The number and range of schools or colleges which the independent inspectorate inspects, or is to inspect

Inspectorates will be expected to maintain the number of schools they inspect at a level to ensure that they provide a sufficient breadth of experience for the inspectorate body and inspectors, allows inspectors to maintain their professionalism and objectivity free from the influence of any group of schools, and to ensure efficient monitoring. The number should also be at a level to ensure the efficient and effective operation of the inspectorate.

In order to ensure the inspectorate has a broad perspective it should inspect a range of schools with most or all of the following characteristics:-

- a range of school sizes;
- primary and secondary schools;
- a range of approaches to curriculum provision unless the National Curriculum is used extensively amongst participating schools;
- a range of religious and philosophical ethos, including schools that do not have an ethos associated with a specific religion or belief;
- coverage of a broad geographical area.

b) The extent to which the inspectorate is independent from the schools or colleges it inspects, or is to inspect

An inspectorate must be legally independent in both substance and form from the schools it serves. No individual member of the Board of an inspectorate should be in a position to influence the outcome of an inspection through a close personal or business association with any inspector(s) involved in a particular inspection. The Board of an inspectorate should be composed in a way that does not allow any association of schools to influence the outcome of an inspection of one of its members or any individual school to unduly influence the outcome of its own inspection. No member of an inspection team and no employee of the inspectorate should have any close personal or business relationship with any school inspected either directly or indirectly which might be perceived as threatening their impartiality or objectivity.

c) The extent to which the inspectorate is independent from the body which established it (if any)

Where an inspectorate is established by a body or bodies representing independent schools, the inspectorate must have:

- a managing board that controls the inspectorate which is legally independent from the schools it will inspect; and
- a minimum of two independent board members who are experts in relevant fields and have no connection with inspected schools or the body/ies which established the inspectorate.

d) Administrative, management, financial and insurance arrangements

An inspectorate must:

- have management arrangements which ensure its operations are run in a manner that results in high quality and timely inspection reports being produced after an appropriate quality assurance process;
- have arrangements which ensure that inspectorate remains in good financial health;
- have professional indemnity insurance in place;
- have independent expertise on its Board that will ensure that the Board is aware of best practice and remains up to date with emerging regulatory changes; and
- work to a Code of Conduct consistent with that used by Ofsted.

e) The procedure and selection criteria for appointing inspectors

An inspectorate must set out the selection criteria and procedure for inspectors and the Chief Inspector.

The criteria and procedure must ensure that all inspectors appointed:

- have appropriate qualifications and relevant experience of inspection;
- have appropriate knowledge and understanding of schools in the sectors covered by the inspectorate;
- know and understand the regulatory requirements for independent schools and boarding schools (if applicable);

- be unbiased in any way in favour or against any particular schools/institutions;
- be subject to the same vetting requirements as for teachers;
- provide a disciplinary process for inspectorates to cease to deploy inspectors; and
- have wide experience relevant to their role within the inspectorate.

In addition to the above, the criteria and procedure must ensure that all lead inspectors appointed have:

- experience of inspecting a wide range of schools which should include schools outside an individual inspectorate; and
- qualified teacher status, or a social work qualification in the case of boarding inspectors.

The criteria and procedure for the appointment of the Chief Inspector must ensure that Chief Inspector has qualified teacher status and that the Chief Inspector's appointment is approved by the Secretary of State.

f) The terms on which the inspectorate appoints its inspectors

Inspectors and Chief Inspectors must have terms of appointment which allow them to exercise professional independence. This must:

- include provision for the Chief Inspector to inform DfE confidentially of any instances where he/she feels that undue pressure is being brought to bear to influence inspection judgements;
- ensure that the Chief Inspector has no personal or professional prior association with the schools inspected that could impair his/her objectivity.

g) The training which the inspectorate provides, or will provide to its inspectors

An inspectorate must:

- provide appropriate initial training as part of inspectors' induction, in particular in relation to safeguarding policy and practice;
- have systems for training Lead Inspectors;
- ensure that best practice and emerging regulatory changes are notified to inspectors; and
- provide refresher training.

h) The process the inspectorate follows, or will follow, in carrying out inspections

An inspection framework must set out:

- the structure and length of the inspection process from planning through to report publication;
- the composition of the inspection teams, ensuring that any particular needs of the inspected institutions are met where possible, while still allowing for objectivity;
- that inspectors must be unconnected with the institutions they inspect so that no connection might impair, or be seen to impair, their objectivity;
- that inspectors must not have worked at or given advice to a school they are scheduled to inspect or have inspected, for a period of at least 6 years;
- inspection schedules which demonstrate how the statutory standards are to be met;
- the format of feedback to be provided;
- how the report might look;
- the programme of inspections;
- the staffing and general organisation of inspections;
- the support systems;
- contingency arrangements to ensure inspections are not cancelled where inspectors become unavailable at short notice;
- arrangements for assuring the quality of inspections;
- arrangements for ensuring that inspections achieve consistent and objective judgements in relation to the regulations;
- arrangements for providing support and guidance for inspectors;
- arrangements for assuring the quality of written reports;
- arrangements for holding and maintaining records, in accordance with the Data Protection Act, which would be available for scrutiny by Ofsted where appropriate; and
- that all inspection reports will be forwarded to the Secretary of State.

i) The policy and procedures it has in place to ensure that inspectors carry out inspections objectively.

Inspectorates must have policies and procedures to ensure that:

- inspectors should behave professionally at all times and should treat school staff and pupils with dignity and respect, at all times observing proper boundaries appropriate to an inspector's professional position;
- inspectors have regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- inspectors carry out inspections in an objective and impartial manner and exercise professional judgement at all times;
- inspectors do not allow their personal religious, philosophical and political beliefs to influence the judgements that they make about schools and the conclusions in their reports; and
- inspectors refrain at all times from expressing views or participating in activities that could undermine public trust in their ability to inspect objectively against the independent school standards, particularly the standard relating to the spiritual, moral, social and cultural development of pupils.

j) The arrangements for the provision and publication of inspection reports

There must be provision for:

- regular cycle (162A or welfare) reports to be published on the inspectorate's website;
- follow up inspection reports to be published on the inspectorate's website unless agreed with DfE that they are not to be published;
- emergency inspection reports to be published on the inspectorate's website only with the agreement of DfE, or at the request of DfE; and
- the inspectorate to seek advice from DfE where there are doubts as to whether publication is advisable, for example where a report contains personal or sensitive information.

k) The complaints procedure

An inspectorate must have a process for dealing with complaints in line with Ofsted's complaints policy.

In addition there must be:

- an internal review process using members of the inspectorate who were not involved in the original inspection;
- a mechanism for independent adjudication of complaints;
- arrangements for providing DfE annually with information about the nature of those complaints which were considered by the independent adjudicator; and
- arrangements for whistleblowers to voice their concerns about the inspectorate without fear of unfair treatment.

l) Any assessment made of the inspectorate by the Chief Inspector AND m) The extent to which the inspectorate has in place and operates arrangements to enable the Chief Inspector to carry out its functions under section 107 of the 2008 Act

Prospective inspectorates will be asked to demonstrate how they will ensure the quality of their inspection work.

Once approved, Ofsted will monitor the work of independent inspectorates under section 107 of the Education and Skills Act 2008 and section 87BA of the Children Act 1989. This will include Ofsted carrying out desk based sampling of inspection reports and unannounced monitoring inspections. The number of unannounced inspections will be agreed with DfE each year and may vary depending on the size of the inspectorate. Any whistleblowing concerns about an inspectorate will be reported to DfE.

Inspectorates must provide information as reasonably required by Ofsted for monitoring purposes such as details of the training provided for inspectors, including safeguarding,

Ofsted will report annually on the work of each inspectorate by writing to the Chief Inspector, copied to the Secretary of State. These letters will be published on Ofsted's website. Inspectorates should act on any points of improvement identified by Ofsted, and may be asked by DfE to evidence what action has been taken in response to an annual letter.

Additional advice

The provision of information

In order to assess initial and ongoing approval, inspectorates may be asked to submit the following:

- details of any proposed changes to inspection arrangements;
- details of financial projections, emergency planning and professional indemnity insurance both at the time of applying for approval and subsequently on request; and
- any information reasonably requested by Ofsted or DfE from time to time as circumstances require in relation to the matters set out in this Advice.

Continued approval

Whilst approval will be reviewed following receipt of annual reports from Ofsted, the Secretary of State may withdraw approval at any time having taken into account the matters specified in the Regulations

If the Department issues a notice following an inspection, there will be a 3-6 month period during which the school must address its failings. At the end of this period a follow up inspection will be made by the independent inspectorate. If the school is still not to be meeting the independent school standards, it may revert to inspection by Ofsted and the Secretary of State will notify the Chief Inspector to undertake future inspections of the school in accordance with section 162A(1)(a) of the Education Act 2002 or section 87A of the Children Act 1989 applies in relation to the school in question.

Under section 162A(1)(a) of the Education Act 2002 and section 87(3A) of the Children Act 1989 the Secretary of State has the power to ask Ofsted to inspect, at any time, an independent school.

Inspectorates approved prior to 1 April 2012 will continue to be approved provided their inspections and reports remain of suitable quality, but will be expected to make any adjustments necessary to align their operations with this advice immediately except in relation to size where we would expect changes to be made by April 2015.

Further information

Associated resources (external links)

- www.ofsted.gov.uk
- www.isi.net
- www.schoolinspectionsservice.co.uk
- www.bridgeschoolsinspectorate.co.uk

You may also be interested in

- Independent school registration pack
- Independent inspectorate agreements



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