

Guidance for the completion of the record of inspection evidence and judgements

For use on s162A independent school inspections from January 2010.

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The 'Useful references' section of the *Independent schools inspection handbook* contains links to all the documents referred to in this guidance.

General principles

1. The *Record of inspection evidence and judgements* is divided into the same seven sections as the independent school standards and regulations. There are two *Record of inspection evidence and judgements* templates: one for standard section 162A inspections and one for light-touch inspections. Both *Record of inspection evidence and judgements* templates also incorporate questions on the Early Years Foundation Stage and boarding, which should be completed as appropriate to the school being inspected. Inspectors should note that the childcare or social care inspectors who are on the team will advise on whether the school meets the relevant Early Years Foundation Stage requirements or national minimum standards (NMS) for boarding.
2. Inspectors are required to tick the appropriate 'Yes – No – N/A' box for each regulation. A tick must be used, **not a cross**. A suitable tick can be found in 'Wingdings' font (select 'Insert' from the top toolbar in Word, and then 'Symbol') and assigned to a short-cut key. In light-touch inspections, not all regulations need to be checked and the boxes for these are consequently shaded to reflect this. Where a regulation is met, the appropriate box in the 'Yes' column will be ticked. There is no need to record in detail in the *Record of inspection evidence and judgements* the evidence that supports a 'Yes' judgement. The heading 'Other supporting evidence' is there for inspectors to use if they wish to type evidence directly into the *Record of inspection evidence and judgements* instead of using evidence forms. Otherwise, supporting evidence will be recorded on evidence forms in the usual way, and these will be retained by Ofsted for three months following the inspection or longer if the inspection generates a complaint. If an inspector prefers to use electronic versions of evidence forms, a hard copy of each must be printed out to form part of the evidence base, which will be sent to the inspection services provider at the end of the inspection.
3. Inspectors should note that if they are carrying out a light-touch inspection, the *Record of inspection evidence and judgements* sent will have some of standard 3 and all of standards 5, 6 and 7 greyed out. This is to indicate to inspectors that they need not complete these sections. However, should one or more of the issues from the previous inspection relate to regulations in the greyed-out areas, inspectors should highlight these on the *Record of inspection evidence and judgements*, and ensure that they have followed up compliance. The light-touch inspection *Record of inspection evidence and judgements* is designed to capture most of the key information and judgements to substantiate the report, and inspectors are encouraged to complete as much of it as they can on the preparation day using the paperwork available, in order to provide sufficient inspection time to focus on the quality of teaching and learning.

4. The *Record of inspection evidence and judgements* will be forwarded to the Department for Children, Schools and Families (DCSF) along with the published report, and will be retained for a much longer period, in line with DCSF policy. This means that the important information about why schools failed to meet regulations or, in boarding schools, national minimum standards, will be available to the DCSF when checking on action plans and to inspectors when conducting follow-up visits.
5. The main judgements, mirroring those on the inspection judgements form at the back of the *Record of inspection evidence and judgements*, must be recorded in the appropriate sections in the *Record of inspection evidence and judgements*. Inspectors should use a 'best fit' approach when using the descriptors to arrive at their judgements. Inspectors may wish to incorporate brief notes from analysis of the school information and self-evaluation form (SIEF) in the different sections of the *Record of inspection evidence and judgements*. Inspectors are also asked to briefly outline the main reasons for any difference between the school's judgements and those of the inspectors, and also to outline where any outcomes for boarding pupils may differ from those for all pupils.
6. The five separate elements of Every Child Matters are identified specifically in the following sections of the *Record of inspection evidence and judgements*: progress; spiritual, moral, social and cultural development; and welfare and health and safety. Inspectors should evaluate the impact of Every Child Matters provision on the pupils' outcomes. In boarding schools inspectors should also note the relevant social care judgements on the outcomes for boarders and whether these differ, if so giving reasons.
7. Each regulation must be considered on its own. Particular strengths in one area of a school cannot be used to compensate for a weakness, however trivial, which results in one of the regulations not being met. Where there are several parts to a regulation, connected by 'and', all parts must be fulfilled for the regulation to be met. If the school fails to meet just one part of a 'multi-part' regulation (for example '[teaching shall] involve well-planned lessons, effective teaching methods, suitable activities and wise management of time'), refer in the 'Compliance with regulatory requirements' section of the report to just the part of the regulation the school does not meet. For example:
 - ensure that effective teaching methods are used (paragraph 1(3)(d)).
8. Ensure that the text of the report clarifies the extent of non-compliance.
9. The judgement that a regulation is not met must be based on substantial and clear evidence. This evidence must be recorded in the *Record of inspection evidence and judgements*. In boarding schools, the evidence that national minimum standards have not been met must be recorded briefly in the final section of the *Record of inspection evidence and judgements*. The social care

inspector keeps the detailed supporting evidence separately in his/her regulatory support application toolkit (notebook).

10. All members of the team will usually have copies of the *Record of inspection evidence and judgements* to use as a notebook during the inspection. However, only one version of the *Record of inspection evidence and judgements* should be forwarded to the inspection services provider at the end of the inspection. Team inspectors may be asked to complete particular sections, electronically if possible, but the lead inspector has overall responsibility for collating their contributions and completing the *Record of inspection evidence and judgements* to reflect the corporate judgements of the team. In boarding schools, the social care inspector records the evidence on boarding provision separately in the Regulatory Support Application toolkit. However, the lead inspector must also use the *Record of inspection evidence and judgements* to note the main social care judgements in order to retain an overview.

1. Quality of education provided

The quality of the curriculum

1(2) Does the school have a curriculum policy set out in writing and supported by appropriate plans and schemes of work, and does it implement it effectively?

11. The written curriculum statement does not need to be long or detailed, but it must be available to parents (paragraph 6(3)(c)) and it must be implemented effectively. It must therefore be an accurate summary of the curriculum experienced by the pupils. It is worthwhile taking the time to check the curriculum document against class timetables and, where options have been made or individual work is given, against the timetables of particular pupils.
12. There must be some written planning and schemes of work. However, the schemes of work do not have to be devised by the school itself, but can be national materials, such as Qualifications and Curriculum Authority documents or commercial schemes. Schools following the national curriculum of another country or a specific curriculum, such as the International Baccalaureate or Accelerated Christian Education, may have extensive printed materials that could be sufficient in themselves.
13. Some schools are uncertain about what should be in a curriculum policy statement and in plans and schemes of work. The DCSF has agreed to send out the following additional guidance when asked by schools for clarification:

The school should prepare curriculum policy statements, setting out in general terms how each subject is to be taught, how work will be planned to meet the needs of pupils, and what the implications of the subject are for the school's particular pupil group. The policy statements may set out the general principles of assessment, recording, accreditation and of

reporting of progress for the subject, or this may be covered in a separate overall policy on assessment, recording and reporting.

Timetables for classes or individuals will provide further information as to how the curriculum is to be managed, particularly with regard to the balance and coverage of subjects taught.

The schemes of work should set out the range of topics for each subject to be taught over each term, how individual topics are to be taught, what resources will be used, and what opportunities will be taken for assessing pupils' learning and progress. A week-by-week breakdown is often used. It is usual for schemes to set out objectives for learning within each topic, and for these objectives to be featured in planning for individual lessons and in assessment. The best schemes set out differentiated content and approaches for the different levels of capability and need (not least in terms of literacy) amongst the pupils. They also make reference to links between subjects, such as noting opportunities to use information and communication technology (ICT) and literacy/numeracy skills within the topic.

14. In judging whether the plans and schemes of work are appropriate, actual practice needs to be taken into account. If the school implements a broad and coherent curriculum effectively then brief plans and outline schemes of work may be perfectly appropriate. However, if the curriculum shows little progression or continuity and there is much duplication and unplanned repetition, then the plans and schemes of work are not appropriate or are not being implemented effectively.

1(2)(a)(i) Is there full-time supervised education for pupils of statutory school age?

15. There is no statutory definition of full-time education for independent schools. The guidance in the DCSF information pack says that:¹

‘there are no mandatory regulations for independent schools. However, they are expected to follow the guidelines for maintained schools i.e. pupils are required to attend school for at least 190 days a year (38 weeks), with provision for at least 380 sessions, a session being regarded as at least a two-hour period morning or afternoon.’

16. If a school meets for fewer than 380 sessions a year, the education may still be full time because the smaller number of sessions may be compensated for by sessions of greater length.

¹DCSF information pack can be found at this link: www.dcsf.gov.uk/reg-independent-schools/docs/infopack-april09.doc

17. DCSF guidance recommends minimum amounts of taught time per week for different key stages, from 21 hours for Key Stage 1 to 24 hours for Key Stage 4. While these may be recommended to independent schools they cannot be insisted upon. However, in schools where there is less than about 18 hours of taught time a week, this regulation will not be met. Moreover, inspectors can only accept 18 hours as adequate if the time is spent intensively and consistently on educational activities.
18. 'Supervised education' will normally mean that there is a teacher or other responsible adult present, or in the vicinity, to help the pupils in their learning as well as to ensure their safety and well-being. However, there may be times when, for example, older, responsible pupils work on their own in the library without an adult being present in the same room. Provided that they know where to go for help, should they require it, this arrangement could be regarded as supervised education.
19. Pupils become of compulsory school age on 1 January, 1 April or 1 September immediately following their fifth birthday and remain of statutory school age until the last Friday of June in the school year (1 September to 31 August) in which their 16th birthday falls.
20. It is permissible for pupils below or above compulsory school age to attend part time. It is also permissible for pupils of statutory school age who are being educated outside school to attend an independent school part time. It is the responsibility of parents to ensure that children educated outside school receive the appropriate amount and level of instruction and to inform the local authority. The matter of whether the instruction for these pupils is suitable and efficient is for the local authority to monitor. The **existence of any pupils in this category should be noted in the *Record of inspection evidence and judgements*** and the report should mention that the school provides some lessons for children educated outside school.

FAQ: Do we regard home education as independent school provision?

Answer: No, unless a parent's education of their own child extends to include that of a child outside that family who has a statement of special educational need, or four more children without statements. Home education is checked by the relevant local authority.

1(2)(a)(ii) Does the curriculum give pupils of compulsory school age experience in the following areas of learning: linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative?

21. The regulations are not intended to be prescriptive about the way a school organises its curriculum, and do not require independent schools to follow the National Curriculum, but the school should provide experience in the broad areas of learning described below. These need not be delivered through

separately timetabled subjects. Plans and schemes of work must, however, illustrate how each area is to be woven into the school curriculum.

22. **Linguistic:** this area is concerned with developing pupils' communication skills and increasing their command of language through listening, speaking, reading and writing. In most schools, these skills will primarily be developed in English. Many schools will also teach other languages and some will use a language other than English as the main medium of instruction. Schools will normally be expected to offer pupils the chance to learn a modern foreign language, at least as part of their secondary education. In schools where English is not the main medium of instruction there must be lessons in written and spoken English, unless the school is solely for pupils who are temporarily resident in this country and are following the curriculum of another country (paragraph 1(2)(d)).
23. **Mathematical:** this area helps pupils to make calculations, to understand and appreciate relationships and patterns in number and space, and to develop their capacity to think logically and express themselves clearly. Their knowledge and understanding of mathematics should be developed in a variety of ways, including practical activity, exploration and discussion.
24. **Scientific:** this area is concerned with increasing pupils' knowledge and understanding of living things, materials and physical processes and with developing the skills associated with science as a process of enquiry; for example, observing, forming hypotheses, and conducting experiments and recording their findings.
25. **Technological:** this area will include some or all of the following components: the use of ICT; developing, planning and communicating ideas; working with tools, equipment, materials and components to produce good-quality products; and evaluating processes and products. It is important to note that ICT is not compulsory: some schools serve communities who object in principle to its use.
26. **Human and social:** this area is concerned with people and how they live, with their relationships with each other and with their environment, and how human action, now and in the past, has influenced events and conditions. In most schools the subjects of history and geography make a strong contribution to this area.
27. **Physical:** this area aims to develop the pupils' physical control and coordination as well as their tactical skills and imaginative responses, and to help them to evaluate and improve their performance. Pupils should also acquire knowledge and understanding of the basic principles of fitness and health. In some schools, activities such as climbing, golf or sailing may displace traditional physical education (PE) lessons.
28. **Aesthetic and creative:** this area is concerned with developing the pupils' capacity to respond emotionally and intellectually to sensory experience and to appreciate beauty and fitness for purpose. It involves the exploration and

understanding of feelings and the processes of making, composing and inventing. There are aesthetic and creative aspects of all subjects, but some, including art, music, dance, drama and the study of literature, make a particularly strong contribution because they call for personal, imaginative and creative responses.

29. The regulation does not require that all areas of learning are represented in the weekly timetable, but that pupils are given experience of them all at some stage during the term or year. In particular, it would be unreasonable to expect Key Stage 4 pupils at independent schools to follow a curriculum that is broader than that required in the maintained sector.
30. See *Guidance on types of independent schools* for further information on the unique aspects of the curriculum offered in different types of schools, for example the 24-hour curriculum in boarding or residential special schools.

1(2)(e) Where any pupil has a statement of special educational need, does the education provided fulfil its requirements?

31. Inspectors will need to look at a sample of statements (from those with differing needs or the most recent annual reviews of them) for pupils for whom a statement is maintained, whether they are paid for by the local authority or their parents. Part 3 of the statement sets out the special educational provision that the local authority considers necessary to meet the child's special educational needs and/or disabilities; this must be provided by the school. Where pupils' statements specify that they should have access to the full National Curriculum, then schools must provide it.
32. Local authorities have a duty to review statements annually. Inspectors should consider whether this has been done properly or whether, for example, it has only been amended when a pupil moves to a different school. The most recent annual review is generally regarded as updating the statement.
33. It is also worth checking that the school provides access to therapy (for example, speech and language therapy, physiotherapy) where this is required in the statement and has not been discontinued by a subsequent annual review.

1(2)(f) Does the school provide personal, social and health education which reflects its aims and ethos?

34. The regulation does not prescribe how personal, social and health education is to be delivered: it could be as a separate subject; it could be through a range of subjects, tutorial periods, or, in many faith schools, it could be in the context of religious instruction. As with all regulations in this section, it should be supported by 'appropriate plans and schemes of work'. There must, therefore, be an organised and coherent programme that is appropriate to the individual needs of pupils. In judging the content of this programme, inspectors will need to be sensitive to any religious or philosophical principles which the school

holds: the regulation explicitly recognises that personal, social and health education should reflect the school's aims and ethos. Personal, social and health education may also include citizenship, linking to paragraph 2(d), and schools may make reference to the Qualifications and Curriculum Authority guidance on citizenship in their planning.

35. It may be impossible to observe personal, social and health education sessions during a short inspection; however, inspectors should ascertain whether pupils have a sound knowledge and understanding of personal, health and social issues, and an awareness of their ability to make choices.
36. Independent schools sometimes provide less personal, social and health education than is usual in state schools. Where this happens it is especially important that the provision for boarders, particularly termly boarders, is sufficient for pupils who lack the contributions of family life to these important areas during term time.

1(2)(g) Does the school provide appropriate careers guidance for secondary-age pupils?

37. As a minimum, schools should offer pupils in Key Stage 3 advice on their choices of options for GCSE or other courses, and pupils in Key Stage 4 and beyond advice on future pathways. Specific careers education and guidance often start in Year 9. The best programmes offer systematic information about careers, access to individual guidance, direct experience of the world of work and access to up-to-date information about work, further and higher education, training and career opportunities. Guidance should help students to develop self-awareness and to recognise their talents, strengths and weaknesses in order to explore future options realistically.

1(2)(h) If there are pupils *above* compulsory school age, does the school provide a programme of activities appropriate to their needs?

38. For pupils of this age, it is particularly important that they receive 'adequate preparation for the opportunities, responsibilities and experiences of adult life' (paragraph 1(2)(j)). Beyond that, there can be considerable flexibility, taking account of their aspirations and interests as well as of their needs. It would be unreasonable to expect the post-16 curriculum in independent schools to be more constrained than that which is offered in maintained schools and colleges.

1(2)(i) Does the curriculum provide the opportunity for all pupils to learn and make progress?

39. Inspectors must check that the curriculum does not deny opportunities to individual pupils or groups of pupils, whether these groups are characterised by ability, previous attainment, behaviour patterns, disability, gender, ethnicity, linguistic background or any other criteria. This is not simply a matter of looking at the written curriculum documents. It will also be necessary to consider how

the curriculum is implemented in practice by observing lessons, scrutinising pupils' work and talking to pupils, to evaluate the impact of provision. The summary of achievements in the *Record of inspection evidence and judgements* will be particularly helpful in deciding whether this key regulation is met.

40. For pupils with special educational needs and/or disabilities it is important to consider whether they are placed appropriately in the school or group.

1(2)(j) Is there adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life?

41. It is good practice to make a conscious effort to prepare all pupils for adult life. However, this regulation should only be 'failed' in those schools in which pupils stay up to or beyond school-leaving age, where the school makes insufficient effort to prepare pupils in this way. In boarding schools, particularly those with pupils with behavioural, emotional and social difficulties, the care aspect of provision should contribute to this.

Quality of teaching and assessment

1(3)(a) Does the teaching enable pupils to acquire new knowledge and make progress according to their ability so that they increase their understanding and develop their skills in the subjects taught?

1(3)(b) Does the teaching encourage pupils to apply intellectual, physical or creative efforts and to show interest in their work and to think and learn for themselves?

1(3)(c) Are lessons well planned, effective teaching methods and suitable activities used and is class time managed wisely?

1(3)(d) Do teachers show a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensure that these are taken into account in the planning of lessons?

1(3)(e) Do teachers demonstrate appropriate knowledge and understanding of the subject matter being taught?

1(3)(f) Are classroom resources of an adequate quality, quantity and range and are they used effectively?

1(3)(g) Is there a framework in place to assess pupils' work regularly and thoroughly and is information from such assessment utilised to plan teaching so that pupils can make progress?

1(3)(h) Does the teaching utilise effective strategies for managing behaviour and encouraging pupils to act responsibly?

42. The main evidence for judging the eight regulations concerned with teaching will be the lesson observations. Further useful evidence may be gleaned from looking at pupils' work, discussions with teachers and pupils and examining the teachers' planning and assessment records. Inspectors should also take account of the school's results in public, common entrance and scholarship examinations. They should consider the school's intake and use their professional judgement in deciding overall whether the teaching which led to these achievements is likely to be satisfactory or not.
43. The proportion of unsatisfactory teaching observed will be a significant indicator, but there is no automatic relationship between this proportion and compliance with the regulations. Each regulation needs to be considered on its own and discussed by the inspectors in the team after they have finished observing lessons and gathering other evidence.
44. It is possible for a school in which no unsatisfactory lessons are observed to fail to meet one of the regulations. For example, a school may fail to meet 1(3)(f) even though, in every lesson observed, the teachers have done their best to minimise the adverse effects of inadequate resources. It may also be that there

is a strong pattern to the weaknesses in all the lessons in which teaching is judged to be inadequate. For example, if the assessment frequently fails to inform the future planning then the school will not meet 1(3)(g).

45. Conversely, the existence of some lessons in which the teaching is judged to be unsatisfactory does not necessarily mean that one of the regulations is not met. A single lesson in which pupils apply no effort and show little interest may not undermine a broad judgement that paragraph 1(3)(b) is generally met.
46. The crucial judgement that needs to be made by the team is whether the weaknesses that make some lessons **inadequate**, or are observed in lessons graded as satisfactory, follow a pattern that reveals that one or more of the regulations frequently fails to be met. If behaviour is poor despite strong encouragement from teachers for pupils to act responsibly (as in paragraph 1(3)(h)), then it may be considered inappropriate to 'fail' the teaching in respect of 1(3)(h). Inspectors may wish instead to consider whether failure to meet part of paragraph 1(3)(c), such as inappropriate teaching methods, may be the source of the problem.
47. Inspectors must reach a corporate judgement about each individual teaching regulation in their team meeting. Where they consider that a regulation is not met by the school, sufficient evidence to support this judgement must be included in the *Record of inspection evidence and judgements*. Likewise, inspectors should make clear in the *Record of inspection evidence and judgements* the reasons for judgements made about the overall quality of teaching which may seem not to be directly supported by the lesson observation findings. Also, in exceptional circumstances, if the inspector's professional opinion is that there should be different judgements for teaching and assessment, then this can be written in the report, for example 'teaching is good, but assessment is satisfactory'. The reason for this judgement must be made clear in the teaching section of the *Record of inspection evidence and judgements* and only one overall judgement for teaching and assessment must be included in the inspection judgements form at the back of the *Record of inspection evidence and judgements*. Where the judgements differ, the teaching judgement would normally carry greater weight when arriving at the overall judgement.

1(4) Does the school have in place a framework by which pupil performance can be evaluated by reference to either the school's own aims, as provided to parents, and/or by national norms?

48. While independent schools are not obliged to use national curriculum assessments, many choose to do so, either wholly or in part. Additionally, or alternatively, many schools use a range of standardised tests, which also provide a reference to national norms, provided they are not too out of date.
49. If the school uses national curriculum assessments and they are moderated at Key Stages 1 and 3 and the tests are externally marked at Key Stage 2, then

this regulation is met. If there is no moderation or external marking then inspectors will need to be sure that the assessments and tests are properly administered and accurately marked.

50. If standardised tests are used then these must also be properly administered and accurately marked. If the school does not use national curriculum assessments, the standardised tests should measure a reasonable range of performance including literacy and numeracy.
51. If the school measures performance solely by reference to its own aims, then inspectors will need to check that the aims used in measuring performance are included in the statement of ethos and aims provided to parents (paragraph 6(2)(d)).

Record of lessons seen

52. This is a summary of all the lessons observed, noting the year group or age range and the subject or subjects being taught. For each lesson, grades for teaching, progress and curriculum are given on a four-point scale:
 - Grade 1 = outstanding
 - Grade 2 = good
 - Grade 3 = satisfactory
 - Grade 4 = inadequate.

Where there is insufficient evidence, the grade given should be 0.

53. The grid should be used for recording lesson observations only and should not include assemblies or extra-curricular activities. Note: one evidence form is used for recording all evidence, including lessons, interviews and other inspection activity.

Evidence of the pupils' achievements

54. The pupils' achievements are to be judged in terms of the rate of progress that they make over time in relation to their capabilities, aptitudes and prior attainment. While the observation of lessons makes a contribution to judgements about achievements, other forms of evidence are also needed.

Statistical evidence

55. This should include any data that is available about attainment on entry, together with data on pupils' attainment during and at the end of their time at the school, and the results of any public examinations that have been taken. Analysis can be made of the value added by the school, noting any marked variation between subjects or different groups of pupils (for further guidance on attainment in special schools, see 'Use of data in special schools' and 'Target

setting for pupils with special educational needs' in the 'Useful information' section of the *Independent schools inspection handbook*). In preparatory schools which take pupils up to and including Year 8, inspectors should consider the destinations of pupils leaving the school, the results of common entrance examinations and any scholarships to secondary schools acquired by pupils.

Pupils' work

56. Wherever possible, examples of pupils' work that has been completed over several months should be scrutinised so that judgements can be made about their progress over time.

Discussions with pupils

57. Discussions will take place with pupils during lessons and informally around the school. There may also be formal arrangements made for inspectors to talk to children. Following discussions, judgements can be made about how well they understand the work they are doing and whether they find it too easy, too difficult or at the right level of challenge. There is room here for inspectors to record the key points which pupils made in their response to the pupils' questionnaire and a box to capture the number of responses received. Inspectors should take the opportunity to comment on the pupils' views in any relevant aspect sections of the report.

Evidence from extra-curricular activities

58. The observation of extra-curricular activities is particularly important in boarding education, where the school should have regard to the national minimum standards for boarding schools or residential special schools. Inspectors should look at the range of extra-curricular activities, including weekend activities offered, what level of participation there is and what pupils get out of them in terms of academic, personal or spiritual development. Please comment on anything particularly noteworthy in the report.

Overall judgement of pupils' progress

59. Drawing on all the evidence above, a judgement should be made about pupils' progress, noting any significant variations between pupils of different ability, previous attainment, behaviour patterns, disability, gender, ethnicity or linguistic background. This summary will inform judgements about many of the regulations and in particular the judgements about the key paragraph 1(2)(i).

2. Spiritual, moral, social and cultural development of pupils

2(a) Does the school enable pupils to develop their self-knowledge, self-esteem and self-confidence?

2(b) Does it enable pupils to distinguish right from wrong, and to respect the law?

2(c) Does it encourage pupils to accept responsibility for their behaviour, show initiative, and understand how they can contribute to community life?

2(d) Does it provide pupils with a broad general knowledge of public institutions and services in England?

2(e) Does the school assist pupils to acquire an appreciation of and respect for their own and other cultures, in a way that promotes tolerance and harmony between different cultural traditions?

60. The way in which the regulations apply will vary according to the age range of the pupils. For example, paragraph 2(d) could be met in a school catering mainly for children in the Early Years Foundation Stage by a topic such as 'People who help us' or by visits to local places of interest. For older pupils, schools may introduce more formal work, taking account of the Qualifications and Curriculum Authority guidelines on citizenship.

61. There is no clear agreement as to what is meant by 'spiritual development'; therefore, inspectors will need to exercise sensitivity and discretion in approaching this section. In some schools, this will clearly be a central feature of the school's provision and in such cases it will be appropriate to highlight this in the report. There is no need to search at great length for material to present a detailed analysis in the report of the school's promotion of pupils' spiritual development. However, it must be remembered that all schools should be providing opportunities for pupils' spiritual development, and suitably preparing pupils for life in a multiracial society. The report should include some reference to how well spiritual development is being promoted.

62. The requirement in paragraph 2(e) to assist pupils to acquire an appreciation of other cultures may be met in many ways. Studies in literature, drama, religious education, art, music, history and geography as well as specific topics in personal, social and health education and visits into and out of school may all make contributions. Despite this, the promotion of cultural awareness is not as central to this regulation as the promotion of tolerance of other groups of people. Pupils' attitudes should be probed through conversation and discussion, as well as through analysing the curriculum. It is not acceptable for schools to

argue that they do not wish to expose their pupils to knowledge of other cultures. Such a school must be recorded as failing to meet this regulation.

63. The paragraph in the report may either deal in turn with spiritual, moral, social and cultural matters, or it may refer to pupils' overall personal development. In either context, this is a suitable place to reflect on pupils' behaviour and attendance and on activities outside school.

3. Welfare, health and safety of the pupils

64. Inspectors should be aware that on occasions schools may draw on policies from other institutions. These must be entirely accurate and reflect the school being inspected. Inspectors should check that staff are aware of all policies and where appropriate have been involved in their development, production and implementation. If the 'borrowed' policies have **not** been suitably amended there is **non-compliance**.

3(2)(a) Has the school prepared and implemented written policies to prevent bullying in accordance with the DCSF guidance contained in publication *Safe to learn: embedding anti-bullying work in schools*?²

65. Inspectors will need to check not only that the school has a written policy, but that it is effectively implemented. This DCSF guidance says:

Inspectors will need to check not only that the school has a written policy, but that it is implemented effectively.

The anti-bullying policy should dovetail with the school's behaviour policy. It should be clear what the sanctions are for bullying and in what circumstances they will apply. Section 3, page 21 of DCSF guidance *Safe to learn* gives advice on what should be in an anti-bullying policy.

The policy should be clear to pupils, parents and staff. It should define bullying, including the signs to look out for, and contain a commitment to eliminating bullying and promoting a safe environment in the school. The policy should give advice on how to report bullying; how the school will deal with it. It should be clear what the sanctions are for bullying and in what circumstances they will apply.

Inspectors should also check that the policy is embedded in school practice; seeking opportunities through personal, social and health education, the curriculum, and in boarding routines and practice. The anti-bullying policy should dovetail with the school's behaviour policy.

² *Safe to learn: embedding anti-bullying work in schools* (DCSF 00656-2007), DCSF, 2007; www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn.

The school should be monitoring that the policy is implemented effectively and seeking views of children, staff and parents.

66. Staff should be aware of the policy and alert to its implications. Teachers and pupils should know what actions they should take in response to incidents of bullying. The school should have effective means of detecting and combating bullying in all its different forms. Pupils should show confidence in the school's strategies for dealing with bullying and should feel safe and free from harassment.

3(2)(b) Has the school prepared and implemented written policies to safeguard and promote the welfare of children who are pupils at the school, in compliance with the 2007 DCSF guidance *Safeguarding children and safer recruitment in education*?³

67. This regulation is about all the school's policies which are designed to safeguard and promote pupils' welfare which are covered by the DCSF guidance document. The child protection policy must be explicit about how any instances of suspected child abuse are dealt with and it must be clear about how allegations made against staff are handled. There must be a senior member of the school's own staff with designated responsibility for child protection and welfare issues, and for liaison with the local authority and the Local Safeguarding Children Board. Staff should know who this is and should know what signs to look for and what to do if they have reason to suspect child abuse in any form. Children should know that there is a responsible adult to whom they can turn in the event of encountering problems. If a child protection concern arises during an inspection the lead inspector must follow Ofsted's safeguarding procedures. Initially inspectors should telephone Ofsted's Compliance, investigation and enforcement team using the National Business Unit golden number: 08456 404040. Depending on their advice, it may be necessary to insert a sentence into the draft report regarding an ongoing investigation (see *Guidance on writing the inspection report* in the Independent Schools Inspection Handbook).
68. The requirement to comply with *Safeguarding children and safer recruitment in education* came into effect on 1 January 2007. The requirements include that the designated person must undertake training to a standard set by the Local Safeguarding Children Board, with refresher training at two-yearly intervals. The headteacher and all permanent staff who have direct contact with children must undertake training, with refresher training at three-yearly intervals. All staff must undertake extended training in relation to working with multiple agencies. The proprietor must undertake an annual review of the school's policies and procedures relating to safeguarding pupils.

³ *Safeguarding children and safer recruitment in education* (DFES-04217-2006), DCSF, 2006; <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-04217-2006>.

FAQ: Can the designated person for child protection be a trustee of the school and not a member of staff?

Answer: No, the designated person must be a member of the school's staff.

FAQ: Is there a requirement for a school to have a deputy to the designated person?

Answer: There is no such requirement in the regulations, but it is the responsibility of the proprietor or school manager to ensure that children are protected at all times.

FAQ: In a school which has two sites, does the school need to have a designated person for child protection on each site?

Answer: Safeguarding of children is of paramount importance. If the two sites are in the same town and there is a lot of contact between them, it would be acceptable to have the designated person attached to one site and a deputy with safeguarding training attached to the other for practical purposes, and to enable them to deputise for one another when necessary. It would be good practice to look at training other members of staff on each site to be deputies in the case of leave or staff absence. Where the sites are miles apart and for all practical purposes are operating as two separate establishments, or where it is impractical for the designated person from one site to reach the other in reasonable time, the school should staff each site with a member of staff who is trained in child protection.

FAQ: One individual is the headteacher of two small schools and is the designated safeguarding officer for both establishments. Is that acceptable?

Answer: It is acceptable for the individual to be the designated officer for both schools, but, as one person cannot be in two places at once, there must be a deputy in place for each site who can handle practical matters if the DO is not there. Inspectors are asked to use their professional judgement, for example where the two small schools are next door to one another and the DO is easily accessible from both.

FAQ: Can the child protection training be provided by a commercial or private provider or does it have to be provided by the Local Safeguarding Children Board?

Answer: The training can be provided by a commercial or private provider, but it must be to a standard set by the Local Safeguarding Children Board.

FAQ: If the school has significant failures in standard 4 regarding recruitment practices should it fail regulation 3(2)(b)?

Answer: Inspectors should use their professional judgement, but in general substantial failures in recruitment practice should lead to a failure to safeguard children whereby 3(2)(b) is also not met.

3(3) If the school provides boarding accommodation does it have regard to the national minimum standards for boarding schools or, where applicable, the national minimum standards for residential special schools?

69. Boarding schools, residential special schools and children’s homes which provide education are subject to regular inspections by Ofsted’s social care inspectors. The boarding in residential special schools is inspected every year and in children’s homes twice yearly. Once every three years there will be an integrated inspection of education and boarding. The inspector for social care will advise the lead inspector on whether the school meets the relevant national minimum standards. A brief evaluative comment should be included in the *Record of inspection evidence and judgements* under ‘other supporting evidence for boarders’ regarding the accommodation provided for them. Inspectors should note, however, that regulation 3(3) refers only to provision in boarding and residential special schools, but **not to children’s homes**. Therefore, on an integrated inspection, this regulation should only be failed if the provision in a boarding or residential special school does not meet requirements. Where the provision in a children’s home does not meet requirements, this must be recorded by the social care inspector in the Regulatory Support Application toolkit and explained in the social care report. The lead inspector should tick the ‘N/A’ box and note the national minimum standards failure on the *Record of inspection evidence and judgements*. The recommendations in the integrated report should not record a failure against 3(3); this should be picked up by the social care report and followed up by Ofsted. This is because the DCSF, which follows up all regulatory failures, has no powers of enforcement in children’s homes, other than for the educational provision in those that are dually registered.

3(4) Does the school have regard to the DCSF guidance *Health and safety: responsibilities and powers*?⁴

70. Inspectors are not experts on health and safety. At the same time they have a duty to point out any concerns about health and safety that come to their attention as lay people. Any comments made orally or in writing about health and safety should make clear that it is the school’s responsibility to identify and remedy hazards.

⁴ *Health and safety: responsibilities and powers* (DfES 0803/2001), Department for Education and Skills, 2001.

71. As in 3(3) 'have regard' means 'knows about and takes into consideration' rather than 'follows in every detail'. This is by no means an exhaustive list, but points to look out for include:

- unrestrained windows on upper floors
- unlocked cupboards containing chemicals and/or cleaning fluids
- access to maintenance equipment and power tools
- unsupervised access to laboratories
- swimming pools which are unfenced and without depth markers
- gardening machinery left with ignition keys in or ready to start
- lack of safety glass in low level windows or workshops
- trailing cables
- safety checks on electrical equipment (look for stickers)
- shared fabric towels in toilets.

72. There are many more and inspectors will need to use common sense in identifying health or safety risks to children. Inspectors will wish to satisfy themselves that the school has carried out suitable risk assessments covering individual pupils, the premises and curriculum activities (on and off-site).

73. Significant health and safety issues must be recorded in the *Record of inspection evidence and judgements* and in the body of the report. Inspectors should refer to the school 'attending to health and safety issues identified in the report' if these are sufficiently significant for the school to fail paragraph 3(4).

3(5) Does the school have a satisfactory level of fire safety and does it comply with the Regulatory Reform (Fire Safety) Order 2005?

74. Inspectors are not experts on fire safety. Guidance in the DCSF *Information pack for independent schools* is as follows.

The Regulatory Reform (Fire Safety) Order 2005 was introduced on 1 October 2006. The order places a responsibility on the proprietor to:

- carry out a fire risk assessment (formally recorded and regularly reviewed so as to keep it up to date)
- produce a fire risk policy which includes the elimination or reduction of risks from dangerous substances
- develop fire procedures and provide staff training (repeated periodically where appropriate)
- ensure the safety of staff or anyone else legally on the school premises

- appoint one or more competent persons (with sufficient training, experience and knowledge) to assist in taking preventative and protective measures (including fire fighting and evacuation)
- have a suitable system for the inspection and maintenance of emergency lighting (where required), fire alarms and extinguishers; the maintenance should be by a 'competent person' (for example ISO9001 certified or BAFE approved)
- provide staff and any others working on the school site with fire safety information. The staff are required to take reasonable care.

Inspectors should ask the school to provide evidence that it has complied with these requirements. Local fire services will inspect independent schools in the same way as any other business, for example on a risk basis. Inspectors should note that there may not have been a recent visit by the local fire officer and the school is responsible for ensuring that it complies with requirements.

- Boarding and special schools carry an inherently higher level of risk. In these schools the local fire and rescue services should have carried out a full fire safety audit and sent a report to the DCSF. Inspectors should check that the school has a copy of this audit and has addressed any recommendations made (see sample Memorandum of Understanding between the DCSF and fire and rescue services, in the 'Useful information' section of the *Independent schools inspection handbook*).

75. If there is any doubt about this matter (and before failing the school on this regulation), inspectors should check the status of the school's fire safety clearance with the DCSF.

3(6) Does the school have a satisfactory written policy on first aid and does it implement this?

76. Since January 2005, a written policy has been required by the regulations. The policy should include/inform the procedures listed below.

- All staff should know which of their colleagues are qualified to give first aid and should refer any accidents or other medical emergencies to them promptly.
- At all times there should be at least one designated first-aider on every site occupied by the school.
- All first-aiders should have attended a training course within the last three years, should follow the guidelines given at the course, and should have easy access to first aid kits.
- Accidents and other medical emergencies should be recorded appropriately. Parents should be informed when necessary and a record kept of occasions when they have been.

- Members of staff should be made aware of any particular hazards in the subjects that they teach or the activities that they supervise and should have appropriate training and access to first aid kits.
- Pupils with medical conditions, such as epilepsy, asthma or severe allergies, should be identified. All staff should be aware of their conditions and alert to the need for prompt action.
- There should be clear guidance on what levels of injury are to be treated on site and what levels automatically trigger an emergency ambulance call or visit to the hospital.
- There should be guidance on hygiene procedures in case of spillage of blood or body fluid.

77. If the guidance omits a minor element of the above contents, then it would be appropriate to bring this to the school's attention and not to 'fail' the school on the requirement. Inspectors please note that there is further guidance on special requirements for the Early Years Foundation Stage.

FAQ: In a very small school could the first-aider be a parent on call?

Answer: There must be someone **on the school premises** who is qualified in first aid, no matter how small the school is. A parent on emergency call is not sufficient.

3(7) Are school staff deployed in such a way as to ensure the proper supervision of pupils?

78. Inspectors should make sensible judgements, taking into account the age and behaviour of the pupils and the nature of the activities in which they are engaged. 'Proper supervision' does not require that pupils must always be within sight of an adult, but they should be able to summon help quickly in the event of an emergency. Similarly, where one adult is supervising a group of pupils at some distance from any of their colleagues, they will need a mobile phone or some other method of rapid communication.

3(8) Does the school keep written records of sanctions imposed upon pupils for serious disciplinary offences?

79. The regulation does not prescribe the form of these records, but they can be expected to include the reasons for the sanctions as well as their nature and the dates on which they took place. Inspectors should check that sanctions are reasonable and not excessive and do not show unfair discrimination against individuals or categories of pupils. The written records may be kept together in a punishment book or in a loose-leaf file, or they may be distributed among pupils' files. The records should certainly include any temporary or permanent exclusions and may also include detentions or other punishments.

80. If inspectors are satisfied that a school has never imposed sanctions upon pupils for serious disciplinary offences, then this regulation is met, although the school should be reminded of its duty to keep written records if sanctions are imposed in the future. It is preferable, however, for the school to prepare a 'sanctions record book' which may take the form of an appropriately labelled exercise book or similar.
81. The School Standards and Framework Act 1998 prohibits corporal punishment in independent schools. If inspectors come across any evidence that suggests that corporal punishment or undue physical force is being used, they should follow this up carefully.

3(9) Does the school maintain an admission and attendance register in accordance with the Education (Pupil Registration) (England) Regulations 2006?

Note that the 1995 regulations have now been revoked by 2006 legislation; see the 'Useful references' section of the *Independent schools inspection handbook*.

Note also that independent schools have a duty (under the 2006 Pupil Registration Regulations) to inform the local authority of any pupil with 10 continuous days of unauthorised absence; any pupil who fails to attend regularly; and any deletion from the school register where the school the pupil is moving to is not known. Inspectors should ensure that schools are making these returns to the local authority where relevant. They do **not** meet this regulation if they are not doing so.

82. All schools are required to keep an admission register which contains an index in alphabetical order of all the pupils at the school and the following information about each pupil:
- name in full
 - sex
 - the name and address of every person known to the proprietor to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and an emergency telephone number
 - day, month and year of birth
 - day, month and year of admission or re-admission to the school
 - name and address of the school last attended, if any
 - in boarding schools, whether the pupil is a boarder or a day pupil.
83. The admission register must be completed in ink, with corrections made in such a way that the original entry is still clearly distinguishable, and every entry must be kept for at least three years. An admission register may be kept on computer provided a printout is made at least once a year.

84. All schools, except those in which **all** pupils are boarders, are required to keep an attendance register which:
- must be taken at the beginning of the morning and afternoon sessions
 - must record the presence or absence of all day pupils using the recommended codes
 - may mark pupils as 'unable to attend due to exceptional circumstances' where the school site, or part of it, is closed, for example due to heating failure or flooding; or the transport arrangements made by the school or local authority have failed
 - may mark pupils as 'present at approved educational activity'
 - must distinguish between authorised and unauthorised absence for all day pupils of compulsory school age
 - must be completed in ink and with corrections made in such a way that the original entry is still clearly distinguishable and showing why the amendment was made and by whom
 - must be kept for three years
 - may be kept on computer provided that either a printout is made at least once a month and all printouts during the year are retained in a single volume, or electronic back-up or microfiche copies are kept and made available to inspectors on request.
85. There is no legal requirement to include boarders in the attendance register, although most boarding schools do so and should be encouraged to continue this good practice.

Does the school fulfil its duties under the Disability Discrimination Act 1995, as amended by the Special Educational Needs and Disability Act 2001?

86. The Secretary of State's remit letter to HMCI asks for section 162A inspections to look at whether schools fulfil their duties under the Disability Discrimination Act, in addition to whether they meet the requirements of the Independent School Standards Regulations. Because the schools' duties under the Disability Discrimination Act do not form part of the regulations, this question in the *Record of inspection evidence and judgements* does not have a paragraph number.
87. Under Part 4 of the Disability Discrimination Act 1995, as amended by the Special Educational Needs and Disability Act 2001, it is unlawful for schools to:
- (a) treat disabled pupils or prospective pupils less favourably for a reason related to their disability than someone to whom that reason does not apply, without justification for doing so

(b) fail to make reasonable adjustments to admission arrangements and in relation to education and associated services to ensure that disabled pupils or prospective pupils are not placed at a substantial disadvantage in comparison with non-disabled pupils, without justification for doing so.

88. However, independent schools can continue to select on grounds of ability and aptitude, so long as the criteria are not chosen only to exclude pupils with a disability.
89. In addition, the proprietors of all (including special) independent schools have a duty to draw up a written plan covering a three-year period to increase over time the accessibility of the school premises, the curriculum and information to disabled pupils, within the resources that the schools can afford. This plan must be present even if the school has already made good provision for access. It should be made available to inspectors and should be reviewed regularly and implemented gradually.
90. If the school has made some good provision for disabled access already, but has no plan now to develop it further, it should not be 'failed' with regard to the Disability Discrimination Act. A reference should be made in the report along the lines that: 'The school has planned well to increase accessibility and will be drawing up a further plan to review the possibility of further improving access'.
91. Words and phrases like 'reasonable adjustments', 'substantial disadvantage' and 'justification' are not defined and are subject to wide variations in interpretation; ultimately any definitive interpretation is a matter for the courts. Inspectors should proceed with caution and be wary of offering advice. Further guidance can be found in the *Independent schools inspection handbook*. Also, schools can be referred to the sources of information outlined below.
92. Copies of the Disability Discrimination Act and regulations made under it can be purchased from The Stationery Office.

Free information about the Disability Discrimination Act can be obtained by contacting the Equality and Human Rights Commission Helpline:

Telephone	0845 604 6610
Textphone	0845 604 6620
Fax	0845 604 6630
Website	www.equalityhumanrights.com
Email	englandhelpline@equalityhumanrights.com
Post	Equality and Human Rights Commission Helpline Freepost RRL-LGHUX-CTR Arndale House

Arndale Centre
Manchester
M4 3AQ

93. If the inspector finds that the school is clearly in breach of its duties, for example there is blatant discrimination in admissions or exclusions, or there is no accessibility plan or a very inadequate one, then the *Record of inspection evidence and judgements* and the report must say so.

4. Suitability of proprietors and staff

94. The independent schools regulations (Education Act 2002) which came into force on 1 September 2003 placed a duty upon proprietors to check the suitability of proprietors and staff. In relation to the appointment of staff, the regulations state that 'staff' means those people working at the school, whether under a contract of employment, under a contract for services or as a volunteer.
95. These regulations were changed by Statutory Instrument 1087 which came into force on 1 May 2007 and brought them into line with the statutory requirements in the DCSF guidance *Safeguarding children and safer recruitment in education* (see regulation 3(2)(b)). Inspectors should take account of the extent and seriousness of any failures to meet these regulations when they are making the judgement on the overall quality of welfare, health and safety of pupils.
96. Staff appointed before 1 September 2003 need not have been checked with the Criminal Records Bureau (CRB) provided they have not had a break in service. They should, however, have been checked against List 99. The school should be able to produce a letter from Teachers' Misconduct (Vetting) Team at DCSF which was issued at the time of their appointment.
97. Enhanced CRB checks are required for all staff appointed since 1 September 2003. Forms requesting disclosures must be sent off to the CRB as soon as possible and **before** staff take up their duties. While waiting for CRB confirmation, staff may commence duties at the school provided that the proprietor has undertaken a List 99 check to ensure that they are not currently barred from working with children. From 1 April 2009, employers are only able to undertake a List 99 check if they are registered with the Teachers' Pensions Online Service (TP Online). If an employer chooses not to register with TP Online, then the school must wait until the CRB disclosure is provided before any new staff member can begin work in the school.
98. Schools have also been informed by the DCSF that in future all staff in independent schools will have to register with the ISA. Employers will have to check that staff are ISA registered before they are allowed to work in the school – ISA registration checks will supersede TP Online List 99 checks. Further details of this requirement to register with the ISA will be sent to schools shortly.

99. Appointments of new staff should not be confirmed until a satisfactory enhanced CRB clearance has been received. Proprietors are not required to obtain a new CRB clearance for newly appointed staff who have come from a similar post in another school and have had no more than three months' break in service. These staff must provide evidence of their most recent enhanced CRB clearance; failure to do so means that a new CRB check must be carried out prior to confirmation of appointment. Ofsted's *Safeguarding children* review (2008) stated that it is good practice for schools to update their CRB checks every three years; however, it is **not** a requirement to do so, and inspectors **must not** insist that schools do this.⁵

Starting work before a CRB check is in place – boarding and residential special schools

100. When inspecting boarding and residential schools, there are two separate sets of guidance that apply: the DCSF guidance *Safeguarding children and safer recruitment in education*, and the relevant national minimum standards. These two pieces of guidance differ in what they say about people being able to start work before a CRB disclosure is in place. The DCSF's guidance for day schools allows a person to start work before a CRB disclosure is in place, as long as they are supervised and all other checks are in place. The national minimum standards for boarding and residential special schools state that a person cannot start work at the school until they have a CRB disclosure in place.
101. This difference has caused some confusion amongst inspectors and providers about when it is acceptable to allow a person to start work in advance of a CRB disclosure being in place. *Information for inspectors 100* (social care inspectors' guidance, available on the Ofsted intranet) made it clear that in all residential settings, the national minimum standards require that a person should not start work before a CRB disclosure is in place.
102. The higher standard detailed in the national minimum standards for boarding schools, residential special schools and children's homes applies to all staff appointed to these schools. The DCSF guidance regarding staff starting work before CRB checks have been finalised only applies to schools which are solely day schools.

FAQ: Should there have been CRB checks for all the parents who work as volunteers, especially as sometimes this means they are in charge at lunchtime?

Answer: All volunteer workers should be checked through the CRB if they have regular contact with or substantial access to the children. Being left

⁵ Safeguarding children: the third joint chief inspectors' report on arrangements to safeguard children (080063), July 2008, [www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/Key-themes/Safeguarding-children/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/Key-themes/Safeguarding-children/(language)/eng-GB)

in charge at lunchtime is substantial contact.⁶ However, if, for example, the parent or volunteer is helping in the kitchen, or is serving food, but there is a member of staff (CRB checked) supervising the children, this is not necessary. It is the school's responsibility to ensure that it has carried out risk assessments and conducted the necessary checks to ensure suitability to work in a school.

Note that for the purposes of determining whether a volunteer should be subject to an enhanced CRB check, the DCSF defines regular contact with children as three or more times in a 30-day period or overnight. It also stresses that at no time should a volunteer be left unsupervised with children, whether they have had a CRB check or not.

103. The checks on **individual proprietors** are carried out by the Deputy Registrar of Independent Schools (DCSF), so in nearly all cases regulation 4B (2 and 3) will be met and this box in the *Record of inspection evidence and judgements* will have been ticked. Where there is a **proprietary body**, the DCSF will only have checked the chairperson, and it is for him/her to carry out checks on other members of that body. Inspectors should ensure that all checks in 4B (2 and 3) and (4 and 5) have been done. It may occasionally emerge that there has been a change in the membership of the board of directors or of the trustees and the DCSF has not been informed. In these unusual circumstances, the DCSF's Independent Schools Registration Team should be contacted to find out whether all current proprietors have been checked at the appropriate level. The 'N/A' option should be used in 4B (4 and 5) and 4C (6 and 7) of the *Record of inspection evidence and judgements* where there is no proprietary body. More detail on CRB checks for proprietors is given in the DCSF information pack (see 'Useful information' section of the *Independent schools inspection handbook*). Note that proprietors in post before April 2002 may not have been subject to enhanced CRB checks by the DCSF as these were not required. However, List 99 checks were required and confirmation of these should be included in the single central register.

CRB checks for governors

Q. The January 2007 guidance *Safeguarding children and safer recruitment in education* refers to CRB requirements for 'a position as a governor which involves regular work in the presence of, or care for, children, or training, supervising or being in sole charge of children'. The document further states 'all others should be asked to sign a declaration confirming their suitability to fulfil the role'. Do similar conditions apply to members of a proprietary body? Schools appear to be unclear about who should be checked.

⁶ Please also see text in paragraph 114 of this document, which defines regular and substantial contact.

A. The position for proprietors is different and it is not just a matter of confirming their suitability to work with children in the sense of contact with children. There is a need to check all proprietors since they could be involved in decisions about staffing and financial matters. They should therefore be CRB checked to confirm there are no reasons to suggest they would make inappropriate staffing decisions or defraud the school in some way – although it would be down to the school to make a decision, unless it was the chair of governors, where the DCSF would do the check.

Governors who are not members of the proprietorial body need not be checked unless they come into contact with children.

104. Separate checks have been introduced which proprietors are required to carry out before allowing **supply or agency staff** to work in the school. These are covered in regulations 4A and 4C. Use 'N/A' options where schools do not use supply or agency staff. Inspectors should check that the school's contractual arrangements with agencies meet the requirements set out in 4A(7) to confirm that all the required checks have been carried out. Inspectors should note that, in addition to the above, schools are required to confirm the identity of any supply or agency staff before they allow them to start work.
105. In respect of **foreign nationals** seeking employment at the school, proprietors will need to check their right to work in the United Kingdom. Further information and helpline numbers for employers are given on pages 90–91 in Appendix 8 of the document *Safeguarding children and safer recruitment in education*.
106. Schools will also need to arrange enhanced CRB checks for foreign nationals. Where a foreign national is either the proprietor of the school, or is employed as a member of staff, and for whom a CRB check is unlikely to reveal the full background, that person should be subject to checks for overseas teachers set out in the DfES guidance *Child protection: preventing unsuitable people from working with children and young persons in the education service*.⁷
107. Where an applicant is from a country where criminal record checks cannot be made for child protection purposes, the DCSF advises that employers must take extra care in taking up references and carrying out other checks on a person's background. Proprietors who are appointing staff from overseas are advised to ask the appointee to seek confirmation or a certificate of good conduct from the police service in the country where they are residing, before they leave for the United Kingdom. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Further information about the criminal record information which may be obtained from overseas police forces and countries is available

⁷ *Child protection: preventing unsuitable people from working with children and young persons in the education service* (DfES 0208/2002), Department for Education and Skills, 2002.

from the Criminal Records Bureau website.⁸ The DCSF may be able to provide details about the sort of information available from some countries not currently covered by the Criminal Records Bureau's overseas information service.

108. The CRB operates a fax-back service which provides employers with details of the sort of criminal record information which new employees may be able to obtain from their home countries. At present the service covers 17 countries:

Australia, Canada, Denmark, Finland, France, Germany, Irish Republic, Italy (excluding Vatican City), Jamaica, Malaysia, Netherlands, New Zealand, Philippines, Poland, South Africa, Spain, Sweden.

109. Inspectors will be aware of the national minimum standards relating to the need for staff to have had a CRB check before they begin work in a boarding school. Schools have frequently raised the difficulty this poses for gap year students: specifically, a check cannot be done until they arrive in the UK, but as soon as they arrive they wish to take up residence and duties in the school. The difficulty can be compounded by the variable length of time needed for the CRB check to take place. Please note the following advice received from the Safeguarding Vulnerable Groups Implementation Division in the Department for Children Schools and Families, which CRB have confirmed that they will be including on the FAQ section of their web page that deals with handling applications from applicants who are coming from overseas.

'It is possible for a Registered Body to submit an application while the applicant is still overseas. However the Registered Body will need to have assurances of the applicant's identity. Where the applicant is being appointed as part of an exchange programme, for example a school in the UK recruiting an assistant from a school abroad, the UK Registered Body may be able to do this if it is able to rely on its partner abroad confirming the applicant's identity. This might be as part of other checks being made in partnership with the institution abroad, such as taking up references etc. Being able to submit the application before the applicant arrives in the UK may help to avoid delays in the applicant taking up duties on arrival. Employers (which may be the Registered Body) should also undertake their own identity checks when an individual commences employment or a placement.'

110. Inspectors should continue to enforce the national minimum standards as written, but draw to schools' attention the information above.

FAQ: What checks should the school have made on gap year students?

Answer: Gap year students are generally employed by boarding and residential schools and live on the premises. If they live off site and have no role whatsoever in looking after boarders, then the same regulations

⁸ CRB website: www.crb.gov.uk.

apply to them as for staff in a day school. However, if they live on site or help with boarding duties, as most do, they require the same level of checks as all members of a boarding schools staff. This means that **the school must have a CRB check in place for gap year students before they start to live or work at the boarding school**. The Independent Safeguarding Authority (ISA) website carries information about how schools may initiate the CRB checks on gap year students, or members of staff appointed from abroad, before they arrive in the UK, and this should be useful in cutting down the delays incurred while waiting for the CRB check to come through. Inspectors should also check that the school has obtained a 'certificate of good conduct' for its gap year students and members of staff coming from abroad (national minimum standards 38.5) in addition to the CRB check. The certificate of good conduct is not enough in itself. Whilst there is now a mechanism for checking staff coming from abroad, inspectors will generally be in a position of checking retrospectively on what a school did to check staff and gap year students from overseas when they appointed them, and should be able to pick this information up from the single central register. If the gap year students started **before** the CRB check was in place this does not meet national minimum standards 38.4, and inspectors must state this clearly in the report.

111. Inspectors will need to look carefully at the school's **procedures for recruiting** new staff and for vetting volunteers. The school should also be able to demonstrate to inspectors that appropriate checks are carried out by any contractors who employ staff who work in school. These standards require a satisfactory written recruitment process that includes the following checks.

For those appointed since 1 September 2003:

- check of identity against an official document
- CRB check at enhanced level
- check on medical fitness
- requirement that applicants supply a full employment history, with explanation of any gaps in the CV, with a written record by the school that explanations for any gaps have been sought and are satisfactory
- contact with each previous employer involving work with children or vulnerable adults to check the reasons the employment ended
- at least two written references, including a character reference and, where appropriate, a professional reference from the most recent employer confirming the applicant's suitability to work with children
- direct contact by the school with each referee to verify the reference
- interview, with a written record of the outcome
- check on proof of qualifications, where relevant.

In addition, for those appointed since 1 May 2007:

- check that the applicant has the right to work in the United Kingdom.
112. In day schools where a CRB disclosure has been applied for, the staff member concerned may, at the discretion of the headteacher or principal, start work pending the arrival of the disclosure provided that all other vetting checks have been completed including a check against list 99, and from the 12 October 2009, against the new barred lists maintained by the ISA.
113. European Union citizens have the right to work in the United Kingdom. Where the person concerned is a foreign national, the right to work in the United Kingdom generally appears as a stamped document in the passport which states that the person has permission to work in the United Kingdom.
114. Some schools are uncertain of how to carry out checks on medical fitness. The DCSF information pack says:

It is important that employers satisfy themselves of the physical and mental fitness of their employees. It would normally be expected that employers would ask prospective employees to complete a medical questionnaire. Independent schools will then have to decide whether, based on the information in the questionnaire, they need to seek further medical advice, with the written consent of the prospective employee.

115. Some schools are uncertain what checks are required for volunteers. The regulations apply to volunteers as well as members of staff if they have frequent or substantial contact with children. The only leeway is that the checking of qualifications and professional references is 'where appropriate'. Inspectors will need to exercise professional judgement on whether the checking of qualifications is relevant for the role the volunteer is required to perform. In many cases, this will not be appropriate, but some schools have drawn the teaching staff from volunteers in their community, and it would be appropriate in these cases for their professional qualifications and references to be checked. Schools must assure themselves that the volunteers who work with their children are fit and proper, and do not pose a risk to young people, and inspectors are required to check that they have done so. With regard to 'what constitutes substantial contact with children', the following recommendations were accepted in December 2009 by the Secretary of State from Sir Roger Singleton's report 'Drawing the Line'. They are:
- Where organisations such as schools, clubs or groups make the decisions as to which adults should work with their children, then the requirement to register with the Vetting and Barring Scheme through the ISA should apply, subject to the frequent and intensive contact provisions.
 - The frequent contact test should be met if the work with children takes place once a week or more.

- The intensive contact test should be met if the work takes place on 4 days in one month or more or overnight
 - Individuals who go into different schools or similar settings to work with different groups of children should not be required to register unless their contact is with the same children is frequent or intensive
 - The minimum age of registration for young people who engage in regulated activity as part of their continuing education should be reviewed. The Government will make immediate changes to the rules so that 16, 17 and 18-year-olds in education will not be required to register
 - Overseas visitors bringing their own groups of children to the UK e.g. to international camps or the Olympics, should have a three months exemption from the requirement to register for the work they do with children they have brought to the UK
 - Exchange visits lasting less than 28 days, where overseas parents accept the responsibility for the selection of the host family, should be regarded as private arrangements and will not require registration.
116. In respect of regulation 4(2)(e) concerning staff who supervise children in boarding, schools must comply with the relevant national minimum standards for boarding or residential special schools. The social care inspector's advice should be taken as to whether this regulation is met and any additional evidence recorded in section 4 of the *Record of inspection evidence and judgements*.
117. Since 1 May 2007 independent schools have been required to keep a central register (regulation 4C) which gives details of all the statutory checks which they have carried out in respect of staff, proprietors, volunteers, supply staff and foreign nationals. A model register table showing necessary headings is given on page 48 in the DCSF guidance on safeguarding above, *Safeguarding children and safer recruitment in education?* The Single Central Register must be a single computer file or document which can be presented electronically, in hard copy, or handwritten, but it must include:
- identity: name, address, date of birth; evidenced and date checked
 - qualifications: required Yes/No; evidenced and date checked
 - List 99; evidenced and date checked
 - CRB; date checked (it is also good practice to record the CRB number)
 - right to work in the UK: evidenced and date checked
 - overseas criminal records checks: required Yes/No.
118. Inspectors should first check that there are no gaps and that all the required details are recorded on the SCR. Inspectors are also asked to assure themselves that the SCR represents a faithful record of the necessary checks having been done. They are asked to look at a sample of evidence, and should use their

professional judgement over the size and nature of the sample as befits the school they are inspecting. It is not necessary or practical to check all staff files, but it would be sensible, for example in a large school, to check a sample of files from members of staff with different recruitment dates and who perform different roles in the school.

119. Inspectors should note that the single central register may be kept in electronic form provided that it is capable of being reproduced in legible form. Also note that the register should show who has carried out the checks and the date on which this was done. Regulation 4C(9) requires inspectors to tick 'yes' or 'no' to whether the register is kept in legible form, whether electronic or hard copy. From 1 August 2007, this register must contain the details of all staff working at the school on or after that date. This means that schools should have gone back over their personnel files to obtain the required information and entered this onto the register. Where schools do not have complete information for each member of staff, for example if they were recruited some years before and didn't keep copies of references, then inspectors should make sure that recent recruitment procedures show evidence that proper records are currently kept as standard procedure. The school would not fail a regulation in these circumstances. If there is any doubt about whether the school does have such robust procedures in place then it should be failed against the appropriate regulation. If the school is unable to provide evidence of CRB or List 99 checks for each member of staff in post, then this is a failure. However, inspectors should note that the actual disclosure form may not be available. A note of the check number and the date undertaken will suffice.
120. **Barring and vetting of staff:** Inspectors should note changes which came into effect in January 2009, establishing the ISA and giving it powers under the Safeguarding Vulnerable Groups Act 2006 to make decisions about barring people who are unsuitable to work with children. Proprietors are currently required to provide information to the DCSF where they have ceased to use a person's services, for example dismissed them from work in a role involving regular contact with children, because:
- they are considered unsuitable to work with children, or
 - as a result of misconduct, or
 - because of a medical condition that raises a possibility of risk to the safety or welfare of children.
121. They should also provide information where a person has resigned or retired during an investigation relating to safeguarding or children.
122. These referrals must now be made to the **ISA** instead of the DCSF. Further information on ISA referrals is available from the ISA website.⁹ Copies of the

⁹ See *Fact sheet on an employer's duty to refer information*, ISA, 2007; www.isa.gov.org.uk/default.aspx?page=303.

letters which were sent out to all independent schools in February 2009 regarding the ISA are included in the 'Useful information' section of the *Independent schools inspection handbook*.

123. Inspectors must check, and confirm in the *Record of inspection evidence and judgements*, whether the correct procedure has been followed where safeguarding concerns have been raised about a member of staff.
- Since the last inspection, has there been any member of staff who has been disciplined, dismissed, currently under investigation or left prior to the end of an investigation for causing emotional, psychological, physical or sexual harm, neglect or risk of harm to children? If in doubt, inspectors should consult page 11 of the ISA referral guidance¹⁰.
 - If so, was a notification made by the school to the ISA, if it occurred after 12 October 2009 (and to DCSF if before)?
 - Is the school aware of the duty to refer a person who is deemed to be unsuitable for working with children, to the ISA?

Note that these checks do **not** have independent school regulation numbers assigned to them.

124. Inspectors should check that the school's safeguarding policy is up to date and includes reference to the mandatory duty to notify the ISA in these circumstances. Inspectors should also check that key staff in the school are aware of this duty in order to assure themselves that the school would follow the correct procedure to safeguard children should such a case arise. If they are not confident that key staff are aware of this duty, then this is unsatisfactory and would lead to a judgement of welfare health and safety of 'inadequate' overall. It may be judged 'satisfactory' if staff are aware of the duty but their school policy has not been updated to refer to ISA (and still refers to DCSF, for example), and **this can be amended before the end of the inspection**.
125. On occasions, the timing of an inspection may cause difficulty in answering the questions above. For example, a school may only just become aware of a case concerning a member of staff. Provided that the school has alerted the local authority designated adviser (LADO) about the case and the LADO is investigating it with the intention of coming back to the school with advice, prior to the school informing ISA if necessary, this is acceptable. In such circumstances, inspectors should tick 'no' in answer to the question 'was a notification made by the school to the ISA?' and make a note of the circumstances in the text of the ROIEJ.¹¹

¹⁰ The Independent Safeguarding Authority Referral Guidance V2009-02- Referral policy, ISA, 2007; www.isa.gov.uk/default.aspx?page=397.

¹¹ Inspectors should consult the document: *Guidance for writing the report* on what to write in the report about referrals to the ISA.

126. The DCSF operates a secure website which contains the annual census forms which schools are obliged to return to the DCSF. The ISPs have a password to access the site. In advance of the inspection, inspectors will have access to the information about the census for the school they are inspecting. The important part for an independent school inspection is the front page, which details the members of staff who left or came new to the school during that year. Inspectors should ask the school what action it would take if it were to discover any misconduct by a member of staff. Inspectors may wish to use the information in the census form to 'spot check' either appointments of new staff or leavers, with regard to ensuring that the school is following the correct procedures. The census form should be returned to the inspection services provider with the other inspection evidence. More detailed guidance is given on this matter in the 'Useful information' section in the *Independent schools inspection handbook*.
127. In boarding schools, also note briefly any additional evidence as to whether the school meets the relevant national minimum standards.
128. Inspectors should note that any failings in safeguarding, including recruitment and vetting checks, should be taken into account when making the inspection judgement about the quality of welfare, health and safety. Where schools are part of larger groups, it may be the case that recruitment and vetting checks are undertaken by head office personnel. It is the responsibility of proprietors to ensure that such checks meet requirements; where they do not, the lack of rigour in safeguarding procedures at both school and a higher level will impact on the overall welfare, health and safety judgement.
129. Inspectors should note DCSF guidance on safe recruitment training. This is made available to all headteachers and governors via online training delivered by the National College for School Leadership. The DCSF recommends that each school should have two people trained; however this is guidance only and does not impose a statutory requirement on independent schools. The online materials are being revised and will be available later in 2009 from the Children's Workforce Development Council.

5. Premises and accommodation

130. Note that in the SIEF, schools are asked to give a definite 'Yes/No' answer to questions concerning paragraphs 5(a), 5(b) and 5(c), so that inspectors can be sure that schools have considered whether or not they comply with these requirements. In the *Record of inspection evidence and judgements* these boxes continue to be shaded and contain red text, and inspectors are asked to complete these in the usual way; therefore if a school does meet the regulation inspectors will continue to put a tick in the 'No' box.

5(a) Is there any reason to believe that the water supply does not meet the requirements of the Education (School Premises) Regulations 1999?

131. The School Premises Regulations apply in full to maintained schools. The only parts of them which apply to independent schools are those which are explicitly mentioned in this section.

132. The School Premises Regulations require that:

- schools have a wholesome supply of water for domestic purposes including a supply of drinking water
- toilets have an adequate supply of cold water
- washbasins, sinks, baths and showers have an adequate supply of **hot and cold** water, and the temperature of the hot water should not exceed 43°C.

5(c) Is there any reason to believe that each load-bearing structure does not comply with the Education (School Premises) Regulations 1999?

133. The School Premises Regulations require that 'any load-bearing structure in a school building shall be capable of safely sustaining and transmitting the dead load and imposed loads, and the horizontal and inclined forces, to which it is likely to be subjected'. Inspectors are not experts in such matters and should avoid saying or writing anything that implies that they are. They can accept that the building is likely to be structurally sound if there is no obvious evidence to the contrary. However, if there are cracks, bulges or other deformities in the fabric, or parts of the building move or vibrate when walked upon, or there are any other causes of concern, then inspectors have reason to believe that the school does not comply with this regulation. Unless inspectors are shown written reports from suitably qualified professionals that confirm that pupils are not at risk, they should tell the school to take professional advice as soon as possible and raise their concerns in the report.

5(d) Does the school have adequate security arrangements for the grounds and buildings?

134. If the security arrangements are inadequate then this needs to be made clear to the school and to the DCSF. However, the report should not make any references to security, good or bad, as the report will be published on the internet and could be used by criminals to identify targets. A separate minute about the security issue should be sent to the DCSF via the inspection services provider.

5(g) Is there sufficient access so that emergency evacuations can be accomplished safely for all pupils, including those with special needs?

5(h) Is access to the school such that it allows all pupils, including those with special needs, to enter and leave the school in safety and comfort?

135. These regulations **apply only to the current school population**. If there are no pupils on roll who have mobility problems or disabilities, then the school meets these regulations even if the access is currently restricted for such pupils. If there were a problem with access for disabled pupils (but there were none on roll) then the school might fail to meet the Disability Discrimination Act, but not this regulation.

5(j) Having regard to the number, age and needs (including any special needs) of pupils, are classrooms appropriate in size to allow effective teaching and do all areas of the school not compromise health or safety?

136. The judgement that needs to be made is whether there is adequate space for safe and effective teaching and learning, having regard to the subject being taught and the activities being undertaken, as well as to the number, age and needs of pupils. A classroom that is so crowded that the teacher cannot move around it easily is not going to be adequate even for the most sedentary activities. A science classroom that does not have enough space for experiments to be undertaken safely is inadequate in size. Where pupils do not have access to specialist accommodation their classroom must be large enough to allow practical work to take place. As pupils grow older, the need for specialist accommodation increases if their curriculum is not to be restricted. However, there is no regulation that requires a school to have any specialist subject accommodation.

137. There are no set space allocations for pupils of statutory school age and beyond but, as a minimum, each classroom will normally require around 2 square metres per pupil, and for some subjects more space will be needed. For under fives, the National Care Standards for Day Care give figures that indicate the minimum space that can be expected in independent schools: 3.5 square metres per child for under-tuos; 2.5 square metres for two- to three-year-olds; and 2.3 square metres for three- to five-year-olds. Pupils with special educational needs and/or disabilities will often require additional space. For further details see the additional guidance for independent special schools and DCSF guidance *Building Bulletin 77 (2005) designing for pupils with special educational needs and disabilities in schools*.

138. A judgement will have to be made as to whether to feature particular health and safety issues here or in section 3 of the report (paragraph 3(4)). Any health and safety issues concerned solely with the building should be covered here.

5(k) Are there sufficient washrooms for staff and pupils, including facilities for pupils with special needs, which take account of the Education (School Premises) Regulations 1999?

139. The School Premises Regulations stipulate that there should be at least one sanitary fitting (water closet or urinal) for every 10 pupils under five, and for every 20 pupils over five. In a special school there should be one sanitary fitting for every 10 pupils. The number of washbasins should be at least two thirds of the number of sanitary fittings. For pupils over the age of eight, toilets for males and females should be separate. There should also be separate facilities for staff, which may also be used by visitors. DCSF informal guidance says that where there are less than five pupils in a day school, it is permissible for staff, visitors and pupils to use the same toilet, provided that it is self-contained with a hand basin and lockable for privacy. In effect this means that the toilet must be directly accessible from a general corridor or hall area. It would not be appropriate for there to be an outer door through which a pupil or member of staff could go, which led into a room with a hand basin and then a further door into a toilet cubicle. In these circumstances a pupil could be using the toilet at the same time as an adult was washing his/her hands – this would not provide adequate child protection. It is permissible for toilets specially adapted for the disabled to be used by staff, visitors and pupils, provided that privacy is guaranteed. Refer to tutorial college guidance for older students.

FAQ: This is a small residential school providing education for two of its three residents in a schoolroom on the premises (a large semi-detached house). The children go back into the residential provision to use the toilets. Is this acceptable?

Answer: In a very small provision such as this, it is acceptable (although not the best practice) for pupils living on site to use toilet provision within the residential area. They should not, however, be reliant on ensuite toilets in their bedrooms if at all possible. It is good practice to provide separate school-time toilets, and to minimise the occasions on which pupils have to return to the residential provision.

If pupils other than residents on those premises attend the school, they should **not** use residential toilets.

Note that under section 7 of the School Premises Regulations, schools must provide showers for pupils aged 11 or over where PE takes place. Additional guidance is given in the table in the 'Useful information' section of the *Independent schools inspection handbook* about the requirements for toilet and shower facilities in all types of schools.

5(l) Are there appropriate facilities for pupils who are ill, in accordance with the Education (School Premises) Regulations 1999?

140. The School Premises Regulations specify that there should be appropriate facilities for the care of sick or injured pupils that include a place where a pupil can lie down quietly and privately, with a washbasin and located reasonably near a toilet. This need not be a separate room, particularly in a very small school. It may be combined, for instance, with an interview or tutorial room which is not in essential regular use. However, a couch in the corner of the staffroom or the headteacher's office is not suitable. If there is residential provision attached and the medical room is provided there rather than in the school itself, this would meet the regulations only if there were staff around in the residential provision to check on the young person at regular intervals. Facilities for day pupils should be provided on the school site rather than in the residential provision.

FAQ: Must pupils have access to drinking water in the playground or elsewhere?

Answer: There is no statutory requirement for drinking water to be available in playgrounds. The Education (School Premises) Regulations 1999 require a school to have a wholesome supply of water for domestic purposes, including a supply of drinking water. The *Standards for school premises* circular states that the health and safety guidance advises that drinking water taps should not be installed in sanitary accommodation.¹² There are no standards for the distribution of drinking water outlets throughout the school premises, but bodies responsible should consider the pattern of demand within schools, which can be concentrated within quite short breaks.

5(m) Where food is prepared, are there adequate facilities for its hygienic preparation, serving and consumption?

141. Any school in which food is prepared is open to inspection by the local environmental health officer. Inspectors should find out when the environmental health officer last visited, whether any recommendations were made and, if so, whether they have been implemented. Any food preparation area should have a hand basin separate from the sink, with hand-drying facilities and soap.

5(p) Are the lighting, heating and ventilation adequate? See the Education (School Premises) Regulations 1999 for details of what is required.

142. The School Premises Regulations give precise requirements for these three aspects, but inspectors will not normally need to use specialist measuring

¹² *Standards for school premises* (DCSF 0029/2000); www.teachernet.gov.uk/docbank/index.cfm?id=3928.

equipment. They should first make a common-sense judgement as to whether the lighting is adequate, the heating is sufficient and not excessive and there is enough ventilation. If there are concerns, inspectors may need to make some measurements, for example of temperature, especially if it seems likely that the school may dispute their findings.

143. The requirements in the School Premises Regulations are as follows.

- 'Lighting: the maintained illuminance of teaching accommodation shall be not less than 300 lux on the working plane and where visually demanding tasks are carried out, it should be not less than 500 lux; and the glare index shall be no more than 19.' Clearly, inspectors are not experts; they should use their common sense in making a judgement: is it too dim or gloomy and therefore likely to cause risk to pupils' health or safety, or prevent effective teaching and learning from taking place?
- Heating: sick rooms should be 21°C; accommodation for teaching, private study and exams should be 18°C; spaces used for PE, washrooms, circulation spaces and sleeping accommodation should be 15°C.
- Ventilation: all areas should have controllable ventilation at a minimum rate of three litres of fresh air per second per person; in teaching accommodation, sick rooms, sleeping and living accommodation the minimum rate should be eight litres per second per person; washrooms should be capable of being ventilated at a rate of at least six air changes an hour; there should be adequate measures to prevent condensation and to remove noxious fumes. As above, inspectors should use common sense in the first instance to judge whether ventilation is adequate to enable effective teaching and learning to take place, and whether ventilation in toilet and shower areas is adequate.

FAQ: I am not sure how to measure it, but I suspect the school does not meet the regulations. What do I do?

Answer: If you notice this at your pre-visit to the school, request that Ofsted's Institutional Inspections and Frameworks Division sends you one of the 'inspectors' boxes' containing the appropriate equipment.

5(t) Are there appropriate arrangements for providing outside space for pupils to play safely?

144. There should be enough space outside for play and recreation but it is reasonable to take account of the way in which this space is used in judging its adequacy. For example, if playtimes are so arranged that there are never more than 30 pupils outside at any one time, then a playground of around 300 square metres may be adequate even if the total number of pupils in the school is 90. Usually, there should be at least 9 square metres of play space per pupil using it at any one time. For some schools in the middle of cities, it is also reasonable to take account of regular use of nearby parks, provided the journey to the park

takes only a few minutes and pupils are properly supervised and safe at all times. Ideally, there should be both hard-surfaced and grassed areas, but if there is only a grassed area that drains well and can be used all year round, this may be adequate. Similarly, if there is only a hard play area, but use is made of nearby sports fields, this could also be sufficient. Do not refer in the report to any security issues arising from inspection of play space (for example, lack of fencing), but alert the school to your concerns and send a minute to the DCSF via the inspection services provider.

FAQ: If there is a right of way that passes through the playground does this mean that the school automatically fails on paragraph 5(t)?

Answer: A right of way through a playground is not a failure of paragraph 5(t) if suitable safeguards are in place, for example proper supervision.

5(u) Where boarding accommodation is provided, does the school have regard to standards 40–52 of the national minimum standards for boarding schools, or where applicable standards 23–26 of the national minimum standards for residential special schools?

145. The social care inspector will be inspecting the boarding provision at the same time as the section 162A inspection is taking place and will advise on whether these regulations are met. He/she records the details of this separately in the regulatory support application toolkit. The lead inspector should use the *Record of inspection evidence and judgements* to note under ‘other supporting evidence in relation to boarding accommodation’ any standards that are not met. Inspectors should note, however, that the regulation refers only to provision in boarding and residential special schools, and **not to children’s homes**. Therefore, on an integrated inspection, this regulation should only be failed if the provision in a boarding or residential special school does not meet requirements. Where the provision in a children’s home does not meet requirements, this must be recorded by the social care inspector in the Regulatory Support Application toolkit and explained in the social care report. The lead inspector should tick the ‘N/A’ box and note the national minimum standards failure on the *Record of inspection evidence and judgements*. The recommendations in the integrated report should not record a failure against 5(u); this should be picked up by the social care report and followed up by Ofsted. This is because the DCSF, who follow up all regulatory failures, have no powers of enforcement in children’s homes, other than for the educational provision in those that are dually registered.

6. Provision of information

146. All the information in 6(2) (a–d) must be given to parents and would normally be included in the prospectus. The information in 6(3) must be made available to parents of pupils, prospective parents, and on request to the Chief Inspector, the Secretary of State and others. The DCSF has confirmed that these

regulations are met if a school has placed the information on the school's website (where one exists) and they have told the parents that is where it can be found. If a school does not have a website or has decided not to place a copy on its website, then it must make a copy available in the school, inform parents of its availability and provide the required information on request. Schools with boarding pupils frequently have additional information, such as a booklet for boarders, aimed specifically at boarders or their parents/carers.

6(2)(b) Where the proprietor is an individual, his full name, address for correspondence during both term time and holidays, and a telephone number or numbers on which he may be contacted at all times, or, where the proprietor is a corporation, a Scottish firm or a body of persons, the address and telephone number of its registered or principal office.

147. Proprietors do not now need to reveal their 'usual residential address and telephone number'.

6(2)(c) Where there is a board of governors, the name and address of its Chair.

148. This regulation does not specify that the 'usual residential address' of the chair of governors should be given to parents. It is sufficient to give the school as a forwarding address. Where there is no board of governors, inspectors should tick N/A box.

6(3)(b) Particulars of educational and welfare provision for pupils with statements and for pupils for whom English is an additional language.

149. If there are no such pupils on roll or likely to be admitted imminently, the school may not be failed on this regulation.

6(3)(g) The number of staff employed at the school, including temporary staff, and a summary of their qualifications.

150. Schools are required to provide, as a minimum, information showing a summary of the staff employed and their qualifications. This can take the form of a list showing each of the types of jobs, for example: one headteacher, one deputy headteacher, three teachers, two teaching assistants, plus a summary of their qualifications. The summary may say, for example, that all teachers have degrees or qualified teacher status, or all support staff hold NVQ qualifications, indicating their levels.

6(6) Does the school provide an annual written report of the progress and attainment of each registered child in the main subject areas taught to parents (except where a parent has agreed otherwise)?

151. Parents should be provided with a clear written report on their child's progress in each main subject on an annual basis. If a new school has convincing

evidence that it plans to do so at the end of the first year, it may not be failed on this regulation.

6(7)(b) Did the school provide access to the admission register, and any attendance register?

152. If one or other register is missing, then tick 'No'.

6(8) Where a pupil who is registered at the school is wholly or partly funded by the local authority, is an annual account of income received and expenditure incurred by the school in respect of that pupil submitted to the local authority and, on request, to the Secretary of State?

153. It is the responsibility of the school to provide this information. Its format is not prescribed and only basic financial information is sent to the local authority in respect of each pupil wholly or partly funded by the local authority.

7. Procedures for handling complaints

154. All schools must meet paragraphs 7(a–k). If a school meets Regulation 7(a) and has a written complaints procedure, it is an easy matter to see from it whether the other regulations are met. If it does not have a written complaints procedure it is unlikely that it can be established that any of the other regulations are met.

155. There has been a minor change to the wording of regulation 7(b): it now states that the complaints procedure must be made available to parents, rather than is available on request.

156. Regulation 7(i) has been revised by the DCSF to clarify what is expected in relation to the distribution of panel findings and recommendations.

157. Paragraph 7(l) applies only to boarding schools and residential special schools. The social care inspector's advice should be taken as to whether this regulation is met. Inspectors should note that this regulation **does not refer to children's homes**. Therefore, on an integrated inspection, this regulation should only be failed if the provision in a boarding or residential special school does not meet requirements. Where the provision in a children's home does not meet requirements, this must be recorded by the social care inspector in the regulatory support application toolkit and explained in the social care report. The lead inspector should tick the 'N/A' box and note the national minimum standards failure on the *Record of inspection evidence and judgements*. The recommendations in the integrated report should not record a failure against 7(l); this failure should be picked up by the social care report and followed up by Ofsted. This is because the DCSF, who follow up all regulatory failures, have no powers of enforcement in children's homes, other than for the educational provision in those that are dually registered.

FAQ: How does an inspector respond when an individual wishes to provide the team with confidential information about an aspect of the school or college which they claim is pertinent to the inspection?

Answer: Enquire whether they have exhausted the school's complaints procedure. If they have, then advise them that the inspection team does not investigate individual complaints but will investigate the school's process for handling complaints. Where their information raises issues which relate directly to the school's ability to meet the regulations, treat the information as if it had come via any of the questionnaires. The source of the information should remain confidential, but the inspection team may use it to generate hypotheses to be followed up in the course of the inspection.

8. Inspecting the Early Years Foundation Stage

158. More comprehensive guidance on inspecting the Early Years Foundation Stage in independent schools is given in a separate document entitled *Guidance on inspecting the Early Years Foundation Stage in independent schools*.¹³ It can be found in the *Independent schools inspection handbook*. Inspectors should ensure they are familiar with its contents.
159. Inspectors should check that the school has properly registered any provision for under-fives in accordance with the statutory Early Years Foundation Stage Framework. Provision for pupils aged from 'rising three' (the term in which their third birthday falls) is covered under the registration of the school. Provision made for children younger than this must be registered separately with Ofsted. Further details of registration requirements and inspection arrangements for the Early Years Foundation Stage are given in the document *Guidance on inspecting the Early Years Foundation Stage in independent schools*. Inspectors should check that the school's provision is correctly registered.
160. Regardless of whether schools receive local authority grant funding for their three- and four-year-olds, they must now fulfil the welfare and learning and development requirements of the Early Years Foundation Stage. It will now be inspected by the same inspection team and at the same time as the section 162A independent school inspection, as a fully integrated inspection and with one report. The team will use the same pre-inspection information (the school's SIEF and any previous childcare and education reports or section 162A reports) and the same *Record of inspection evidence and judgements* template. An inspection of an independent school which makes Early Years Foundation Stage provision will always include an additional inspector trained on the Early Years Foundation Stage. The lead inspector is responsible for the deployment of the

¹³ *Guidance on inspecting the Early Years Foundation Stage in independent schools*, Ofsted, 2009; www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Guidance-on-inspecting-the-Early-Years-Foundation-Stage-in-independent-schools.

Early Years Foundation Stage inspector. This will include allocating responsibilities and checking that evidence is gathered efficiently to avoid duplication; quality assuring their work, including the quality of their evidence base, and checking that they are using the *Record of inspection evidence and judgements* correctly; and negotiating times for team discussion and to jointly feed back findings to the school.

161. As provision for pupils under the age of three is now part of a section 162A inspection, inspectors will cover both the care and education elements under the requirements of the Early Years Foundation Stage. However, inspectors must gather a range of evidence for all age groups within the provision and must report on any variance in the quality of the provision for different ages.
162. Inspectors should refer to the *Statutory Framework for the Early Years Foundation Stage Statutory Framework and Guidance* (May 2008) (available from DCSF Publications on 0845 60 222 60 quoting ref: 00267-2008BKT-EN).¹⁴ A copy of the Framework is also located within the 'Useful information' section of the *Independent schools inspection handbook*. The areas of learning are: personal, social and emotional development; communication, language and literacy; problem-solving, reasoning and numeracy; knowledge and understanding of the world; physical development; and creative development. More emphasis has been given to children using phonic knowledge within communication, language and literacy.
163. The Early Years Foundation Stage endorses learning through play. There should be investigational and practical activities and opportunities for pupils to use their own initiative, make informed choices, and apply the skills that they are acquiring. The curriculum should stimulate the child's curiosity, encourage experimentation, imagination and creativity and develop early knowledge, understanding and skills in ways which provide a sound basis for later education. There is a greater emphasis on the use of the outdoors to support indoor learning and inspectors must evaluate both aspects. The formal teaching of literacy (other than phonic awareness for older children in the Early Years Foundation Stage) is not a requirement; it may not be found in some foreign national schools or in many Steiner schools. Inspectors may be handed evidence of exemption (requested individually by parents to the DCSF and certified if approved) from some parts of the curriculum or assessment, usually in schools with a particular educational ethos or on religious grounds or for some children who have a learning difficulty or disability.
164. Inspectors are required to note whether any children, or groups of children, are exempt from the learning and development requirements of the Early Years Foundation Stage. If so, inspectors must make sure they see the exemption certificate from the Secretary of State or a copy of the school's or parents' application to the Qualifications and Curriculum Authority for this.

¹⁴ *Statutory Framework for the Early Years Foundation Stage* (00267-2008BKT-EN), DCSF, 2008; www.teachernet.gov.uk/docbank/index.cfm?id=12628.

165. Inspectors should take care to ensure that the ratio and qualifications requirements (as set out in Appendix 2 of the Statutory Framework) for children in the Early Years Foundation Stage are maintained at all times. These requirements relate to staff time available to work directly with children, including additional staff to cover staff breaks and preparation, planning and assessment time. It is not practicable to apply ratios to every room or outdoor space, but settings (and inspectors) should look to apply ratio and qualification requirements to the whole of the Early Years Foundation Stage provision and take account of how staff are deployed within that overall ratio to meet children's needs and ensure their safety. The qualified teacher would not therefore necessarily have to be with the children during non-teaching times, but the children would need to be placed with other suitably qualified staff over lunch and break times in accordance with the set ratios and qualifications arrangements.
166. The *Record of inspection evidence and judgements* has a number of references to the Early Years Foundation Stage and all are marked in red text. Inspectors are required to make four judgements relating to the quality of Early Years Foundation Stage: these are noted in the appropriate sections and also on the inspection judgements form at the back of the *Record of inspection evidence and judgements*. In a straightforward section 162A inspection, inspectors do not make a judgement about leadership and management of the school. However, where there is Early Years Foundation Stage provision inspectors are required to judge leadership and management specifically of the Early Years Foundation Stage and provide evidence for this judgement.
167. Sometimes, the judgements for the Early Years Foundation Stage may be different from the judgements for the whole school. In these cases, this must be clearly explained in the *Record of inspection evidence and judgements*. Inspectors should always consider the impact of the Early Years Foundation Stage judgements on the whole school judgements, particularly where most children are located in this phase. It is highly unlikely that the judgements for the whole school could be better than satisfactory if the childcare is inadequate. This would, however, be dependent on the nature and scale of the inadequacies.

9. Completing the inspection judgements form

168. The inspection judgements form should be completed towards the end of the inspection and ideally in consultation with education, early years and social care inspectors on the team. Please check the grades with the text of the report. Note that all seven section 162A judgements are made and recorded on the inspection judgement regardless of whether it is a standard or light-touch inspection.

169. Where there is Early Years Foundation Stage provision, the four judgements should be made and recorded in the appropriate boxes on the inspection judgements form. If this does not apply, these boxes should be deleted.
170. Where there is boarding provision, the one judgement should be made and recorded in the appropriate box on the inspection judgements form. If this does not apply, these boxes should be deleted.
171. Judgements on the overall quality of education and behaviour represent an overview, best made towards the end of the inspection and checked against the main findings and the effectiveness of the Early Years Foundation Stage section of the report.