

The legal framework: inspections, appeals, consequences

Galina Ward

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Ofsted's Common Inspection Framework

- Applies to:
- maintained schools and academies, non-maintained special schools and PRUs;
- non-association independent schools;
- FE, sixth form and independent specialist colleges;
- independent learning providers;
- community learning and skills providers;
- employee training funded by the Skills Funding Agency;
- HE institutions providing further education;
- providers of learning in the judicial services
- National Careers Service;
- registered early years settings.

Common inspection framework: grading scale and areas

- Grade 1: outstanding
 - Grade 2: good
 - Grade 3: requires improvement
 - Grade 4: inadequate
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- Effectiveness of leadership and management
 - Quality of teaching, learning and assessment
 - Personal development, behaviour and welfare
 - Outcomes for children and learners
 - Overall effectiveness

School inspections: Education Act 2005



Section 5: inspection at prescribed intervals

Section 8: if requested by Secretary of State, or at own instigation

Section 11: may arrange for publication of report in such manner as considered appropriate

Section 13: action to be taken where special measures or significant improvement required

Section 44 EA 2005: schools causing concern



(1) For the purposes of this Part, special measures are required to be taken in relation to a school if—

- (a) the school is failing to give its pupils an acceptable standard of education, and
- (b) the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school.

(2) For the purposes of this Part, a school requires significant improvement if, although not falling within subsection (1), it is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

Serious weaknesses and special measures: consequences



- An academy order will be issued for all maintained schools that have been judged inadequate by Ofsted, requiring them to become sponsored academies.
- Where an academy school is judged inadequate by Ofsted, the RSC is able to terminate the funding agreement with the existing academy trust, identify a new sponsor and move the academy to that new trust.
- Other powers of intervention in respect of maintained schools: require governing body to enter into arrangements; appoint additional governors; appoint interim executive board; suspend delegated budget; take over responsibility for an IEB.

Sections 124 and 125 EIA 2006:

- Duty to inspect all FE institutions and 16-19 academies at prescribed intervals
- Must arrange for report to be published in such matter as considered appropriate
- Providers judged outstanding not normally subject to routine inspection
- Providers judged good will usually be inspected within 3 years
- If judged to require improvement, full re-inspection within 12-24 months and “support and challenge” visits before this
- Judgment of inadequate will usually lead to first monitoring visit soon after publication of report, with further visits before re-inspection



Early years: Childcare Act 2006

- Section 49: must inspect at prescribed intervals, as and when required by Secretary of State and when considered appropriate
- Section 50: must make report, may arrange for publication in any manner considered appropriate
- Providers must be registered with Ofsted – action may be taken in accordance with Ofsted’s Early years compliance handbook
- Any decision to suspend or cancel registration may be appealed to First-tier Tribunal

Independent schools: Education and Skills Act 2008

- Section 108: must inspect independent educational institution at prescribed intervals and report on extent to which any relevant standard is or is not being met, unless notified that it will be inspected by an independent inspectorate
- Independent School Standards
- Schools must be on register maintained by Secretary of State, and enforcement powers include removal from register (section 116)
- Decision to de-register, or to impose restriction, can be appealed to First-tier Tribunal

Ofsted complaints procedure

- **Step 1:** raise with lead inspector during visit
- Ask to speak to manager if cannot be resolved directly
- Opportunity to comment on factual accuracy of report before finalised and published
- **Step 2:** raise a formal complaint – online, no later than 10 working days following incident of concern
- Investigating officer will be appointed and provide written response, normally within 30 working days
- Will not normally withhold publication of inspection report during investigation absent exceptional circumstances
- Judgment that school has serious weaknesses or requires special measures will not be reconsidered

Internal review procedure

- Request must be submitted within 15 working days of response to original complaint
- Will consider handling of original complaint, not re-investigate
- Any request for review of judgment that school has serious weaknesses or requires special measures will be carried out as part of this stage
- Scrutiny panel including external sector representative will normally consider review findings before they are finalised
- Written response normally within 30 working days

External review

- Independent Complaints Adjudication Service for Ofsted
- Must be requested within 3 months of internal review response letter
- Will investigate how complaint dealt with and provide advice to improve Ofsted's complaints handling
- Cannot overturn inspection judgments or decisions
- This step is required before going to PHSO