



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

When will the next school or pupil referral unit (PRU) inspection take place?

Guidance on inspecting new schools or PRUs, schools working collaboratively and federated schools, and on the cancellation, deferral and re-scheduling of school or PRU inspections

Version control

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1.0	Mererid Wyn Williams	October 2011	Amalgamation of two documents
2.0	Robert Gairey	March 2012	Addition of section on follow-up
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Equality Impact Assessment

A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

In accordance with Estyn's Equality Impact Assessment, an initial screening impact assessment has been carried out and this policy is not deemed to adversely impact on the grounds of the nine protected characteristics as laid out by the Equality Act 2010.

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Introduction

- 1 This document sets out Estyn's arrangements for inspecting schools in situations which may appear not entirely straightforward, such as when new schools are established, schools work collaboratively, or schools work in federations. In addition it sets out Estyn's approach to the cancellation, deferral and re-scheduling of schools inspected under section 28 of the [Education Act 2005](#).
- 2 Although the term 'school' is used throughout, the guidance applies equally to pupil referral units (PRUs).

Legislation

- 3 [The Education \(Amendments Relating to the Intervals for Inspection of Education and Training\) \(Wales\) Regulations 2016](#) require that Her Majesty's Chief Inspector (HMCI) for Education and Training in Wales ensures that every school to which section 28 of the 2005 Act applies is inspected at least once within a seven-year period beginning on 1 September 2016 and ending on 31 August 2023 and at least once within every subsequent six year period. HMCI also has the prerogative under the Education Act 2005 to arrange for the inspection of any educational establishment in Wales at any time.
- 4 [The Education \(Wales\) Measure 2011](#) ('the Measure') has put in place powers and duties to make collaboration between institutions easier, to improve school governance and to simplify the planning of school places. The Measure also includes proposals for giving local authorities power to establish federations of schools. The Measure is likely to increase the number and complexity of collaboration and federation arrangements between schools.

Informing Estyn of school closures and the establishment of new schools or federations

- 5 [The School Standards and Framework Act 1998](#), Section 29 requires the Welsh Government to provide Estyn with notification of proposals to discontinue or establish new schools in Wales. In addition, local authorities should keep Estyn informed of the following, as soon as practicable:
 - Any proposals for schools to work in federation
 - The date when proposals come into effect
 - New school names and reference numbers
 - Details of the type of federation, including whether arrangements include cross-phase working, federation, or working with schools in other local authorities
 - The type of leadership model in each federation
 - Any changes in a federation, for example if a new school joins or leaves

Arrangements for inspecting newly-established schools, schools working collaboratively, and federated schools

- 6 Estyn inspects schools according to current legislation. Estyn will consider and decide which arrangements are appropriate for inspecting newly-established schools, schools working collaboratively, and federated schools, once it has received notification about new schools from the Welsh Government or information from local authorities or schools about schools working collaboratively or in federation. Unless information is received by Estyn before the school is notified of an imminent inspection, we will inspect each school as usual (i.e. within the usual inspection period that pertains at that time).
- 7 The examples below describe commonly-arising situations and explain how HMCI will usually interpret their powers of inspection in those circumstances. Estyn will consider more complex situations that may arise on a case-by-case basis.

New schools

- 8 A newly-established school will have a new Welsh Government school reference number.
- 9 The following scenarios show how HMCI would normally arrange for the inspection of newly-established schools for the first time, depending on the context. The intention is to inspect the new school as soon as practicable.
- 10 A new school is often established:
- due to reorganising several smaller existing schools into one large school;
 - as a result of amalgamation of a junior school with its feeder infant school; or
 - to meet a new need, where no school previously existed
- 11 When a new school is established as a result of the reorganisation of several small schools which close and re-open as a new school, or as a result of a junior school and its feeder infant school closing and then re-opening as a new 'amalgamated' all-through primary school, Estyn will normally inspect the newly-established school within 4 years, but no earlier than 12 months after opening. Estyn will make use of relevant evidence from the separate schools that existed prior to the reorganisation where appropriate, taking due account of the time that may have elapsed since the amalgamation when the school is inspected.
- 12 Where a new school is established to meet a new need (not as a result of amalgamation or reorganisation of existing schools), for example a new Welsh-medium school to meet a locality's requirements, we will normally inspect when sufficient relevant evidence is available. These schools generally open with one or two cohorts on roll, and build up the number of pupils and cohorts over time. Therefore, we will normally inspect the newly-established school within six years, but no earlier than three years after opening.

- 13 When a new independent school is established, inspectors will normally complete a registration visit the school during the first two terms to confirm whether the school meets the Independent School Standards (Wales) Regulations. Estyn would normally carry out a full inspection within 4 years of the school opening.

Schools working collaboratively

- 14 Arrangements for governing bodies of schools to work more closely in collaboration are set out in [The Collaboration Between Maintained Schools \(Wales\) Regulations 2008](#); and [The Collaboration Arrangements \(Maintained Schools and Further Education Bodies\) \(Wales\) Regulations 2008](#). The regulations came into force in March 2008. The regulations enable school governing bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees. Each school retains its own Welsh Government school reference number.
- 15 These arrangements are sometimes known as ‘governing body collaborations’ or ‘soft federations’.
- 16 For schools working under these arrangements, we will inspect each school separately within the period specified in point 3 above, and produce a separate report on each school. The effectiveness of collaborative work may be reported within inspection area 5 of the inspection report, where appropriate. We will take a similar approach for any PRUs which are part of collaborative arrangements, even though PRUs are not covered by the regulations in paragraph 14.
- 17 Similarly, for schools with the same headteacher (with or without governing body collaboration), we will inspect each school separately and produce a separate report on each school.

Federated schools

- 18 Arrangements for governing bodies to create federations are set out in [The Federation of Maintained Schools and Miscellaneous Amendments \(Wales\) Regulations 2010](#).
- 19 Federated schools have one governing body. Each federation can consist of two to five schools. Federated schools can include schools of different types, such as maintained primary or secondary schools, voluntary controlled or maintained special. The schools may be in different local authorities.
- 20 These arrangements are sometimes known as ‘governing body federations’ or ‘hard federations’.
- 21 Even though they are legally federated, these schools remain separate legal entities, each retaining its own Welsh Government school reference number. For federated schools, Estyn will inspect each school separately and produce a separate report on each school. The judgements and recommendations in each inspection report will reflect the standards, provision and the effectiveness of the leadership in each particular school, but the reports may contain a degree of shared judgements and findings, for example in relation to the effectiveness of leadership across the federation as a whole.

- 22 Estyn cannot move the timing of an inspection in such a way as not to meet legal requirements, ie that schools must be inspected at least once within a seven-year period from September 2016 to 31 August 2023 and at least once within every subsequent six-year period, but would consider requests to inspect a school early. Normally, as far as possible, we will inspect schools constituting the federation at the same time or over a short period of time, such as within the same term, particularly when the federated schools have the same headteacher.
- 23 When an additional school joins an existing federation, Estyn will consider when the school was last inspected before deciding when to inspect it again. If we have already inspected the federation at least once during the prescribed period, but the individual school has not, Estyn will make provisions to inspect the individual school in line with legislation. This may mean that we inspect the school separately from the rest of the schools within the federation.

Cancellation and deferral of school inspections

- 24 There are a limited number of situations when Estyn might decide to cancel a planned inspection. This section sets out Estyn's approach to cancellation and deferral of schools inspected under section 28 of the Education Act 2005.
- 25 In accordance with [The Education \(School Inspection\) \(Wales\) Regulations 2006](#), the carrying out of a [section 28](#) inspection must be completed within the period of two weeks from the date on which the inspection began. Hence, decisions to move the start or end date of an inspection within five working days does not constitute a cancellation or deferral of a school inspection.
- 26 The following circumstances are examples of when Estyn may decide to move the start or end date of an inspection within five working days: the school is closed to all pupils, or at least three-quarters of the pupils will not be at school, owing to, for example, adverse weather conditions, a school trip or a religious festival, or industrial action.
- 27 Estyn uses the following definitions:
- **Cancellation:** if a school is due to close and Estyn agrees that the inspection should not go ahead. The school may or may not have received notification of the inspection.
 - **Deferral:** when, following the notification to the school of the date of the inspection, Estyn agrees to move the start date of the inspection by more than five working days.
- 28 The relevant Assistant Director will make a recommendation to the relevant Strategic Director and HMCI concerning decisions that an inspection should be cancelled or deferred.
- 29 Regulations require Estyn to inspect schools at least once within a seven year period from September 2016 to 31 August 2023 and at least once within every subsequent

six year period, and, if pupils are receiving their education at any school at the time when an inspection is due, then our policy is to continue as planned, unless any of points 30-36 apply.

Cancellations

- 30 The school is due to close and, in accordance with section 5 of the Education Act 2005, HMCI has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by an inspection of the school.
- 31 HMCI will normally make a decision to cancel an inspection where we have received official notification of a school's permanent closure from the Welsh Government (WG). Please note, HMCI may need to cancel an inspection on occasions where a school closes unofficially, for example, due to the low number on roll.
- 32 HMCI will normally only cancel an inspection, if the inspection is in the same term or the term immediately before the permanent closure is due. For example, if a school is due to close at the end of the summer term in July or at the end of the summer holiday period at the end of August, then any inspection that is scheduled for the summer term itself will be cancelled. If a school closure is scheduled for the summer term and the inspection is scheduled for the preceding spring term then the inspection will be cancelled. However, if the inspection is due in the autumn term with the school closing in the summer term, then the inspection will continue as planned.

Deferrals

- 33 Estyn will consider the deferral of inspections on a case by case basis. The following set of examples provide guidance as to when Estyn might normally defer an inspection:
- The school has experienced a recent major incident, such as a fatal accident to a pupil or member of staff.
 - HMCI agrees that the inspection is likely to cause significant disruption to the provision of education or distress to many pupils within the school.
 - The headteacher or the appropriate authority or a member of the school's senior management team is subject to a current police investigation that would be compromised by an inspection of the school.
 - There are other exceptional circumstances which, in the judgement of Estyn, normally justify deferral of the inspection. Examples may include deferring an inspection when all bids from contracted Registered Inspectors have been exhausted in a given inspection term and HMI cannot lead the inspection, or deferring an inspection where the Reporting Inspector is ill at late notice.
- 34 Applications to defer a planned inspection on the grounds that the headteacher is out of school will not be accepted as pupils at the school are still receiving education.
- 35 Building work should not normally be a reason for deferral if pupils are in the school.
- 36 In the case of serious illness or sudden death of the headteacher, HMCI will consider the matter and exercise their professional judgement.

Contracted additional inspector (CAI) roles

- 37 CAIs will retain the contract for deferred or re-scheduled inspections and be advised of the new inspection date by an inspection co-ordinator. Where a CAI is not able to continue with a contract, it will be offered to the next successfully ranked CAI until all termly bids for that region have been exhausted. If required, a further invitation to quote will be undertaken. Where Estyn determines that an inspection will be cancelled, the relevant inspection contract(s) will be terminated. This may apply to CAI and LI roles on both HMI and Registered Inspector (Rgl) led inspections.
- 38 Details regarding the termination of contracts are explained fully in the relevant terms and conditions of contract and are available within the Inspector policies area of the Estyn's website.

Follow-up arrangements for closing schools

- 39 This section concerns any necessary modifications to follow-up inspection arrangements when a school is scheduled to be closed or amalgamated with another; that is, when the relevant school is in any category of follow-up following its previous section 28 inspection.

Schools requiring follow-up monitoring visits by Estyn

- 40 If a school requiring Estyn visits is due to close, Estyn will follow usual procedures, and monitoring visits will go ahead as planned, until the school closes.
- 41 If a school requiring Estyn visits, particularly special measures visits, is closing and the number of pupils attending the school is reducing, the resource allocated to visits during the last two terms of the school being open will be proportionate and take into account the number of pupils remaining.
- 42 Once a school requiring follow-up has closed, there will be no further monitoring activity or visits by Estyn. Instead, a new section 28 inspection will take place in line with the guidance in paragraphs 46 and 47 below. Where appropriate, HMCI also has the prerogative under the Education Act 2005 to arrange for the inspection of any educational establishment in Wales at any time, in addition to Estyn's normal scheduling of inspections.

Schools closing in special measures or significant improvement

- 43 If a school in special measures or significant improvement has closed due to planned reorganisation or amalgamation with one or more schools, resulting in the opening of a new school (including an amalgamation of a junior school and its feeder infants school), Estyn will normally conduct a new section 28 inspection of the newly-established school within three years, but not usually earlier than 12 months after opening.

- 44 HMCI has the prerogative under the Education Act 2005 to arrange for the inspection of any educational establishment in Wales at any time, in addition to Estyn's normal scheduling of inspections. In exceptional circumstances, Estyn may visit a newly-established school during the first 12 months after opening.
- 45 Estyn will make use of relevant evidence from the separate schools that existed prior to the reorganisation where appropriate, taking due account of the time that may have elapsed since the amalgamation when the school is inspected, in line with paragraph 11 above.

Schools closing in Estyn review (formerly Estyn monitoring)

- 46 If a school in Estyn review has closed due to planned reorganisation or amalgamation of one or more schools, resulting in the opening of a new school, Estyn will normally conduct a new section 28 inspection of the newly-established school within six years, but no earlier than 12 months after opening, in line with paragraph 11 above.

References

Education Act 2005

http://www.legislation.gov.uk/ukpga/2005/18/pdfs/ukpga_20050018_en.pdf

The Education (Amendments Relating to the Intervals for Inspection of Education and Training) (Wales) Regulations 2016

<http://www.legislation.gov.uk/wsi/2016/135/introduction/made>

The Education (Wales) Measure 2011

<http://www.legislation.gov.uk/mwa/2011/7/contents>

The School Standards and Framework Act 1998

<http://www.legislation.gov.uk/ukpga/1998/31/contents>

The Collaboration between Maintained Schools (Wales) Regulations 2008

<http://www.legislation.gov.uk/wsi/2008/168/contents/made>

The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008

<http://www.legislation.gov.uk/wsi/2008/3082/contents/made>

The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010

<http://www.legislation.gov.uk/wsi/2010/638/contents/made>

The Education (School Inspection) (Wales) Regulations 2006

<http://www.legislation.gov.uk/wsi/2006/1714/contents/made>