

# Monitoring inspections of academies whose predecessor schools were in a category of concern

Guidance for inspecting academies whose predecessor schools were in a category of concern at the time of their conversion to academy status

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This guidance relates to monitoring inspections of academy converters, and sponsor-led academies that changed status under the provisions of the Academies Act 2010, whose predecessor schools were in a category of concern at the time of conversion. This guidance does not apply to other sponsor-led academies.

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## Introduction

1. Under the Academies Act 2010, schools may apply to the Secretary of State for Education in order to convert to academy status. These schools are known as 'academy converters'.
2. Upon conversion, the predecessor school effectively closes and is replaced by a new legal entity with a new unique reference number. Department for Education policy provides for any school, including those in categories of concern, to convert to become an academy; such schools may convert as part of an 'academy chain', a federation, or other collaborative arrangement. In all cases, the new academy is no longer maintained by a local authority; it becomes a state-funded independent school.
3. In addition to 'academy converters', there are sponsor-led academies which have become academies under the provisions of the Academies Act 2010 and whose predecessor schools were in a category of concern before they closed to be replaced by the new academy.
4. This guidance relates to monitoring inspections of academy converters, and sponsor-led academies that changed status under the provisions of the Academies Act 2010, whose predecessor schools were in a category of concern at the time of conversion. This guidance does not apply to other sponsor-led academies. In some instances, an academy converter may have had more than one predecessor school, with one or more of these subject to a category of concern at the time of conversion.
5. The inspection arrangements outlined below do not prejudice the Chief Inspector's power under section 8(2) of the Education Act 2005 to 'inspect any school in England in circumstances where he is not required to do so by section 5' of the Act.
6. All inspections are conducted in accordance with the principles and code of conduct for inspectors set out in *The framework for school inspection*<sup>1</sup> and the *School inspection handbook*.<sup>2</sup>

## Inspection arrangements

7. These academies will be subject to a monitoring inspection within two full terms of opening. The outcome of the monitoring inspection may influence the timing of future inspection events.

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<sup>1</sup> *The framework for school inspection* (110109), Ofsted, 2013;  
[www.ofsted.gov.uk/resources/090019](http://www.ofsted.gov.uk/resources/090019).

<sup>2</sup> *School inspection handbook*, (120101), Ofsted, 2013;  
[www.ofsted.gov.uk/resources/120101](http://www.ofsted.gov.uk/resources/120101).

8. Although a predecessor school was in a category of concern at the time the school became an academy, that designation does not carry over to the new school (which is a new legal entity). For this reason, the monitoring inspection will be carried out as a 'no-formal designation' monitoring inspection under section 8 of the Education Act 2005. It will focus on aspects of the evaluation schedule and inspectors will make an overarching judgement on whether the academy:
  - is making reasonable progress in raising standards for all pupils
 or
  - is not making enough progress in raising standards for all pupils.
9. If the academy is found to be making reasonable progress in raising standards for all pupils, it will be inspected again under section 5, normally within 24 months of opening. If the academy is judged to not have made enough progress, the monitoring report will set out clear priorities for improvement. Progress against these priorities will be assessed at the section 5 inspection, which is likely to take place early in the second year of operation.
10. However, if the academy is judged not to be making enough progress in raising standards for all pupils **and** the monitoring inspection raises serious concerns about the standard of education provided then the section 8 monitoring inspection will be deemed to be a section 5 inspection. In this event, the full evaluation schedule will be reported on and the academy will be placed in the appropriate category of concern, either serious weaknesses or special measures, in accordance with section 44 of the Education Act 2005.

### **Focus of the no formal designation monitoring inspection**

11. During the monitoring inspection inspectors judge the following.
  - Whether the academy has made reasonable or insufficient progress progress towards raising standards and whether the inspection raises concerns about the academy's progress (or some other aspect of provision such as safeguarding procedures) and its capacity to address weaknesses.
  - What further action the academy should consider. Clear recommendations for improvement should be set for the academy, derived from the inspection findings. These should help the academy focus on what needs doing next to improve the quality of education and outcomes for pupils. Additional recommendations should be identified only where they are crucial to the academy's further improvement.

12. If inspectors judge that the academy requires special measures or has 'serious weaknesses',<sup>3</sup> the monitoring inspection will be deemed a section 5 inspection. In these circumstances, all the judgements required by the evaluation schedule must be made and a full section 5 inspection report written.

### Writing the monitoring inspection letter

13. In common with other monitoring inspections conducted under section 8 of the Education Act 2005, the content of the monitoring inspection letter will vary depending on the specific focus of the monitoring inspection which is tailored to the circumstances of the academy. In making the judgement on the academy's progress in raising standards, inspectors should take account of, and report accordingly on, the following.
- **Contextual matters:** inspectors should comment on significant factors, which might include staffing and recruitment issues, including the proportion of staff appointed from the predecessor school, progress on any building programme, the academy specialism(s) and changes in pupil intake.
  - **Achievement of pupils in the school:** taking account of their attainment and the quality of learning and progress for all pupils, including disabled pupils and those with special educational needs, and how well the academy is narrowing the attainment gap. Inspectors should consider first-hand evidence, which must include a sample of lesson observations, academy data for different groups of pupils and, where appropriate, recent test and examination results. Reference should be made to the challenge and impact of the academy's targets.
  - **The quality of teaching** with particular emphasis on: how this promotes learning and progress; the use of assessment; and the impact of teaching on pupils' social, moral, spiritual and cultural development.
  - **Behaviour and safety of pupils** with particular reference to: pupils' attitudes, conduct and behaviour; the management of behaviour; how well pupils adopt safe practices; and pupils' attendance and punctuality.
  - **The quality of leadership in and management** of the academy – this includes the impact of leaders and managers at all levels, including the governing body, on school improvement and the academy's capacity for sustained improvement.
    - Inspectors should assess the rigour and accuracy of the academy's self-evaluation, including its own assessment of the quality of teaching and learning.

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<sup>3</sup> Under section 44(2) of the Education Act 2005 (as amended), a school judged to have serious weaknesses requires significant improvement because it is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

- The work of the governing body (or equivalent) should be evaluated with respect to the contribution that it makes to leadership and management, and its impact on the academy’s performance – inspectors will take account of the section 5 guidance on assessing and reporting on the effectiveness of governance at the school.
- Inspectors should consider whether the academy’s leaders can demonstrate convincingly that its capacity to improve is strengthening. It is important that the academy’s leaders are having a significant impact on all of its areas of weakness and are able to sustain improvement without an over-reliance on external support.
- There should be clear evidence that leaders and managers are having an impact on accelerating learners’ progress and thereby raising attainment, particularly in academies where attainment is low.
- **The impact of external support**, including from key partners and other members of a federation or collaborative group in helping the academy to raise pupils’ attainment.
- **Safeguarding arrangements** – inspectors **must always** check the single central register and may need to review other procedures if they have any concerns.

## Before the inspection

14. The lead inspector will inform the academy of the inspection, from the afternoon of the day before. Once the academy has been notified of the inspection, the inspection service provider will send formal confirmation to the academy by email. The email will include contact details for the inspection service provider, an outline of the arrangements for publication of the monitoring letter after the inspection and a list of requested documentation.
15. Academies are not required to provide copies of any information in advance of the inspection. However, during the pre-inspection telephone call, the lead inspector should explain that s/he might find it useful to have copies of any existing documents (such as those listed in the pre-inspection letter) that could be provided in advance. The lead inspectors should also make these available, as appropriate, to any team members. Inspectors should not expect an evaluation specifically prepared for their use or ask academies to update their self-evaluation in readiness for monitoring inspections.

## Pre-inspection preparation

16. The lead inspector must prepare for the inspection by gaining a broad overview of the academy’s performance, from the point when it achieved academy status. The outcomes of this preparation must be summarised on evidence forms. The focus of the inspection should always be made clear to the principal during the pre-inspection telephone call, so that s/he understands the purpose of the inspection and the judgements that will be made. The lead inspector

should plan the observation schedule or allocate specific areas for any team inspectors to observe and inspect.

17. The monitoring inspection should be informed by up-to-date self-evaluation carried out by the academy (where this is available), the current RAISEonline data, the academy's website, the pre-inspection telephone conversation with the principal and any additional documentation. If available, the academy's development plan (within a broader collaborative plan where appropriate) should be used to inform an initial view of its main priorities and strategies for raising standards. Documents should not be requested when they are already available to Ofsted and/or the inspection service provider.
18. The monitoring inspection should be planned to evaluate the impact of the academy's work to raise attainment. The lead inspector should plan to work with the academy to:
  - identify the main action(s) put in place
  - identify the role, if any, of external support, such as a collaborative group
  - evaluate and report on the impact of the actions taken to improve pupils' achievement.
19. Inspectors may, at their discretion, ask the academy to suggest particular developments or aspects of provision that would be useful for them to observe and evaluate.

## During the inspection

20. The **initial meeting** with the principal should:
  - cover pertinent contextual issues about the academy
  - reiterate the focus of the inspection
  - establish the key inspection activities, including observations, interviews and scrutinies of documents that the team will need to undertake.
21. The **team meeting** at the end of the first day of the inspection should establish preliminary views on:
  - the academy's progress on the areas being evaluated
  - any adjustments required to the focus of the second day of the inspection.
22. **Before the final feedback** inspectors will consider the priorities for the academy, given its context, before it has a section 5 inspection.
23. When the inspection team has made the final judgement, and if this judgement is that the academy requires special measures or has serious weaknesses, the lead inspector must telephone the helpline prior to the oral feedback and use

the form of words indicated in the next paragraph. The lead inspector should be prepared to explain briefly the reasons for the judgement.

24. Inspectors should telephone the helpline at the National Business Unit using the hotline number 0300 123 4234. When the call is answered, the lead inspector should use the following form of words: 'I am an inspector leading an inspection in a school and I would like to talk to the schools causing concern duty HMI'. The lead inspector will be asked for her/his name and the name and unique reference number (URN) of the school, and will then be put through to the duty HMI, with whom s/he will be able to talk through the situation.
25. **Feedback** to individual teachers should be offered in accordance with Ofsted guidance. Inspectors should respond flexibly to the academy's circumstances. Feedback on the quality of teaching and learning is an integral and essential part of the inspection. It is valued by schools and is a valuable means of furthering improvement. For any observation of 25 minutes or more, inspectors should offer feedback to the teacher concerned. If, as the inspection proceeds, it becomes clear that inspectors are seeing a significant proportion of inadequate teaching, the lead inspector should discuss with the principal the most appropriate way of handling feedback to individual teachers.
26. The lead inspector should ensure that the principal is aware that Ofsted's evidence from lesson observations, whether joint or otherwise, should not be used as evidence in competency/disciplinary proceedings or for the purposes of performance management.
27. Inspectors should speak to pupils during lessons and over break and lunchtimes and, where appropriate, meet with pupils to discuss issues relating to the academy. There is no statutory requirement for academies to inform parents about monitoring inspections. However, principals should be encouraged to let parents know about these visits and their outcomes. It is the duty of the governing body (or equivalent) to keep parents informed about the progress the academy is making. Monitoring letters and reports will be published on the Ofsted website, and each academy should be encouraged to draw parents' attention to the report. Meetings with pupils and surveys of parents' views should be carried out as appropriate. Parents' comments, by letter or via the Ofsted website, will be made available to inspectors. Inspectors should consider the current Parent View data for the academy as part of the inspection evidence.

## After the inspection

### Feedback to the academy

28. The lead inspector should maintain an ongoing dialogue with the principal and relevant senior leaders. Emerging issues should be discussed so that the final feedback, especially when challenging, should not come as a surprise. Feedback is not provided for middle leaders, such as heads of year and subject

leaders, though interviews should involve dialogue that will often include informal feedback.

29. The whole inspection team should normally attend and contribute to the final feedback to the academy. The feedback is attended by the principal, the chair of the governing body (or her/his equivalent), senior leaders (as appropriate), a representative of the sponsor and the Department for Education (Attached Adviser) and other external partners.
30. The lead inspector should make clear that the text of the letter or report may differ slightly from the oral feedback, but that the substance of the judgements will not change. It is helpful to summarise the evidence base before covering the areas and judgements specified in the template, including the key areas for further improvement.
31. The outcomes of monitoring inspections are reported in a letter for which a template is provided. The letter is published on the Ofsted website.

### **Writing, editing and publishing the letter**

32. The lead inspector is responsible for the quality of the inspection, drawing on, where appropriate, Ofsted's quality assurance and support procedures. These may include advice from the schools causing concern quality assurance national team helpline at Ofsted's National Business Unit, or relevant Senior HMI.
33. The monitoring letter will be subject to the usual quality assurance procedures for monitoring inspections under section 8 of the Education Act 2005.
34. The letter will be sent to the inspection service provider for final editing and distribution to the academy no later than nine working days after the end of the inspection.
35. The inspection service provider will edit and then send the letter to the academy within 10 working days of the end of the inspection. The letter is addressed to the principal.
36. The letter is sent to the academy for it to check and report any factual inaccuracies to the inspection service provider within 24 hours of receipt. Thereafter, the letter will also be copied by the inspection service provider to appropriate recipients; these include the lead inspector, the Academies Advisers Unit at the Department for Education, the chair of the governing body/interim executive board/proprietor/sponsor, the local authority and, where appropriate, the diocese.
37. The inspection service provider will pass the letter to Ofsted for uploading onto the Ofsted website. The letter will be published on the website within 15 days of the end of the inspection.

## **The evidence base**

38. The evidence base must be sent to the inspection service provider within five working days of the end of the inspection. The inspection service provider will retain and/or destroy evidence in accordance with Ofsted policy.