

# An update on Ofsted's early monitoring programme: ineffective safeguarding

📅 28 September 2023    👤 Anna Fellows

Further changes to Ofsted's latest School Inspection Handbook and School Monitoring Handbook (in place from 1 September 2023) have provided much-needed clarification on Ofsted's new process for monitoring for schools judged as having serious weaknesses (inadequate) solely due to safeguarding.

Our [original article](#) on the background to this recently announced reform included commentary on what appeared to be some ambiguity about the intended application of the policy, including inconsistency between Ofsted's original press release, the published process, and the Department for Education's (DfE) guidance in Schools Causing Concern.

## Schools Causing Concern

The latest changes, made on 13 September 2023, introduced new sections into the School Monitoring Handbook which resolved many of these uncertainties. The Handbook now sets out in detail the criteria a school must meet to be eligible for early monitoring inspections, the process that will be followed in these cases, and the possible outcomes for schools as a result.

## Criteria for early monitoring

To be eligible for early monitoring, a school must have been judged inadequate solely due to ineffective safeguarding, **and** must be graded good or outstanding for all judgements other than leadership and management.

Schools which are inadequate solely due to safeguarding but which have a requires improvement judgement in one or more other judgement areas will therefore **not** be eligible for early monitoring inspections. Schools in this position will be subject to the standard monitoring programme for inadequate schools.

No rationale for this is given, but this may be due to the link with the DfE's criteria for revocation of an academy order. Schools Causing Concern is clear that for revocation to be considered in these circumstances, a school must have improved to good or outstanding.

### "Ofsted has retained some discretion..."

The School Monitoring Handbook states that the graded inspection report will clearly identify schools that will receive an early monitoring inspection. It's worth noting that Ofsted has retained some discretion over whether to carry out the inspection or not, even where a school meets the criteria. Ofsted says it "*may decide not to carry out early monitoring in certain circumstances*", and gives some examples of these circumstances as follows:

- Where two graded inspections in a row have resulted in the same overall effectiveness judgement (i.e. the school was also graded inadequate at its previous inspection)
- An urgent inspection takes place after the graded inspection (for example due to concerns raised in a qualifying complaint)
- Where the school requests a deferral

This list isn't exhaustive, and it remains to be seen whether Ofsted will decline to carry out early monitoring on any other grounds. Schools that don't receive early monitoring will be monitored in accordance with Ofsted's standard policy for inadequate schools.

# Process

Where the early monitoring policy applies, a school will receive a monitoring inspection within 3 months of the publication of the inspection report which sets out the inadequate judgement.

The School Monitoring Handbook confirms that while early monitoring inspections will broadly follow the standard monitoring processes, the main focus will be on whether safeguarding is now effective. If safeguarding is judged effective, the inspection will be deemed a graded inspection.

The inspectors will consider whether the judgements made at the previous inspection remain valid. If they do, the school's overall effectiveness and leadership and management judgement will be changed to a higher grade, while the other key judgements will remain the same. However, if evidence suggests a significant decline or improvement in any other judgement area, a full graded inspection will be undertaken in accordance with the School Inspection Handbook, with a new set of judgements made.

If safeguarding is judged to remain ineffective, the school will remain inadequate and the school will receive further monitoring in line with the standard monitoring programme for inadequate schools.

## Impact of early monitoring on intervention measures

The latest changes bring the School Monitoring Handbook into line with what was expected when Ofsted originally announced the policy. They also render Ofsted's policy consistent with the latest version of the Schools Causing Concern guidance, and the Schools Monitoring Handbook now includes reference to the impact that early monitoring inspections will have on intervention measures led by the Department of Education.

### 1. Maintained schools

The School Monitoring Handbook now reiterates the DfE's position for maintained schools as set out in Schools Causing Concern. It confirms that whilst an academy order will be issued for schools judged inadequate solely due to safeguarding, where early monitoring is to be carried out, the timeframe for implementing an academy order will allow for reinspection.

In practice, we expect this to mean that the DfE will not take further steps to progress a conversion to academy status pending the outcome of the early monitoring inspection.

If the early monitoring inspection results in the school's overall effectiveness being regraded to good or better, the governing body of the school will be able to apply to the Secretary of State for Education to have its academy order revoked.

### 2. Academies

For academies, the School Monitoring Handbook offers no specific insight into the impact of early monitoring on the DfE's decision to issue a Termination Warning Notice (TWN). Schools Causing Concern suggests that the DfE will consider issuing a TWN to a school judged inadequate solely due to ineffective safeguarding in the same way as for other inadequate schools.

However, Schools Causing Concern acknowledges the circumstances in which an early monitoring inspection may be carried out, and states that *"if an academy receives an improved Ofsted inspection the regional director may decide to withdraw the TWN"*.

Equivalent to their approach to maintained schools, we would expect the DfE to delay any further action pursuant to the TWN pending the early monitoring inspection taking place.

## Conclusion

The latest changes address our previous concerns about the application of this new policy, bringing greater certainty to schools who find themselves in the position of being judged inadequate solely for ineffective safeguarding. We will continue to monitor how this change impacts on our school clients in the coming months, both in terms of how Ofsted implement this process and the impact on subsequent intervention action by the DfE.

## Key contact



Anna Fellows

Associate

[anna.fellows@brownejacobson.com](mailto:anna.fellows@brownejacobson.com)

+44 (0)115 976 6560

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