

## CHAPTER 4 GUIDANCE ON INSPECTION

### INTRODUCTION

1. This section covers inspections undertaken by the Department of Health and Social Security. It covers:
  - a. the legal position,
  - b. frequency and scope of visits,
  - c. notification to the Department of Education,
  - d. visit reports, and
  - e. placements on the mainland.

### THE LEGAL POSITION

Education Act 1949  
s. 106A (8)  
Education Act 2001  
s.48

s.106A(5)  
Education Act 2001  
s.48

Education Act 1949  
S.106A (7)  
Education Act 2001  
s.48

Education Act 1949  
106A (9)  
Education Act 2001  
s.48

on Act 1949  
(4)  
on Act 2001

2. A person authorised by the Department of Health and Social Security under the Education Act to inspect a school can do so at any reasonable time.
3. Officers of the Department exercising this power are required under the Education Act to produce a duly authenticated document showing their authority to do so, if asked.
4. Anyone who intentionally obstructs someone who has the authority to inspect from doing so is guilty of an offence and liable to a fine of up to £1,000.
5. The Inspection of Premises, Children and Records (Independent Schools) Regulations 2002 governs the Department's powers. Children may be inspected, including physically, subject, where appropriate, to informed consent.
6. Records held by the proprietor of a school or a person responsible for conducting it may be inspected. These records may relate to:
  - a. names and addresses of people with parental responsibility,
  - b. names and addresses of staff responsible for the children's welfare,
  - c. medical and dental treatment,
  - d. accidents,
  - e. serious illnesses or diseases,
  - f. significant harm sustained while at the school,
  - g. details of any absconding,
  - h. fire drills and tests of equipment, and
  - i. complaints regarding welfare and punishment

7. The Act authorises the Department to inspect records relating to the welfare of children in independent schools, including computer records and the operation of computer systems.

### **FREQUENCY AND SCOPE OF VISITS**

8. The Department will visit each independent school on the Island within 12 months of the implementation of the Act.
9. Following the first visit to each independent school there should be a further visit within a year to ensure that the guidance given in this volume has been implemented.
10. After this, the frequency of visits will vary, depending on:
  - a. the extent, if any, to which previous visits have given cause for concern,
  - b. reports received from other sources, including reports published by inspectors of the Department of Education,
  - c. the nature of any complaints from staff, parents or children, and
  - d. the nature of the relationship that has been built up between the Department and the school.
11. Where it appears necessary, the Department should not hesitate to visit frequently and should aim to make a visit of some kind to each school at least once a year.
12. Visits should include an element of formal inspection at least every two years. Visits should normally be notified in advance.
13. All aspects of the school's practices which bear on the children's welfare will be inspected, but the Department will not concern itself with matters that are primarily educational.
14. During the course of inspections staff from the Department should meet individual children and observe them during the normal course of the school's activities.

### **REPORTS OF VISITS**

15. The Department should record all visits made to independent boarding schools. It should make a written account of each visit that includes a significant element of inspection. The Department's views on the welfare of children should be recorded in this account.
16. Draft reports should be shown to proprietors and head teachers for factual correction before being finalised.
17. The Department will not normally wish to publish the final document. If it wishes to do so, legal advice should be taken first.
18. Published reports will be made available to parents and placing

agencies on request, at the Department's discretion. Alternatively, these requests might be referred to the school.

A copy of the final unpublished document should always go to the school.

## **NOTIFICATION TO THE DEPARTMENT OF EDUCATION**

19. Where the Department of Health and Social Security forms the opinion that a proprietor of an independent school is not safeguarding and promoting the welfare of a child it is under a duty to inform the Department of Education.
20. If notification is being considered, the Department will generally discuss the concerns first with the school. If the situation requires urgent action, such as when the Department suspects that a child is suffering or likely to suffer significant harm, it will consider asking a court to issue a Child Assessment Order or an Emergency Protection Order under the Act.

The Department will always seek to resolve any problem informally before taking formal action.

## **DEPARTMENT OF HEALTH AND SOCIAL SECURITY AND DEPARTMENT OF EDUCATION "PLACEMENTS"**

21. Children accommodated by an independent school may occasionally be placed by the Isle of Man Department of Health and Social Security, or by Social Services or Education Departments on the mainland.

Nothing in this guidance replaces or diminishes the duties which these authorities have towards children they have placed.