

# Education inspection framework: inspecting the substance of education

A report on the responses to the consultation

---

This is a report on the outcomes of the consultation on proposals for changes to the education inspection framework (EIF) from September 2019. The changes relate to the inspection of registered early years provision, maintained schools and academies, non-association independent schools and further education and skills providers.

**Published:** May 2019

**Reference no:** 190016



Corporate member of  
Plain English Campaign  
Committed to clearer communication

**361**

## Introduction

1. On 16 January 2019, Ofsted launched a consultation on the draft education inspection framework (EIF) and the associated inspection handbooks. We were seeking the views of the public as well as those working in the sectors covered by the framework. This followed 6 months of informal engagement with stakeholders. The consultation closed on Friday 5 April 2019.
2. The proposals generated a significant amount of interest. In total, we received more than 15,000 responses to the consultation. This included almost 11,000 responses to the online questionnaire, more than 600 responses by email and post, and more than 4,000 responses as a result of a campaign by YoungMinds. We received responses as a result of 2 smaller campaigns about young carers and Steiner schools but, given their scale, we have considered these as part of the main consultation response. Even without the campaign, this was the largest consultation in Ofsted's history. This report summarises the responses to the consultation.
3. The consultation exercise included more than 100 face-to-face events. It took place alongside the largest programme of piloting that we have ever done, with more than 250 pilots taking place in early years providers, maintained schools and academies, non-association independent schools and further education (FE) and skills providers. This document is informed by both consultation and piloting.
4. Responses to the consultation have informed the final drafts of the following documents, which we have published alongside this report.
  - Education inspection framework
  - Early years inspection handbook
  - Maintained schools and academies section 5 inspection handbook
  - Maintained schools and academies section 8 inspection handbook
  - Non-association independent schools inspection handbook
  - Further education and skills inspection handbook
  - Equality, diversity and inclusion statement

## Context

5. Ofsted's strategy sets out our guiding principle: to be a force for improvement through intelligent, responsible and focused inspection and regulation.
6. The new framework and the reforms proposed in the consultation will play a significant role in enabling us to fulfil the objectives set out in our strategy. It is intended to:

- ensure that education inspection focuses on the real substance of education: the curriculum
- allow us to play our part in helping to reduce unnecessary workload for teachers, leaders and inspectors
- help ensure that all learners have access to high-quality education

## Executive summary

7. The core proposals set out in the consultation – those relating to the proposed changes to the framework and key judgement areas – received an extremely positive response. More than three-quarters of respondents supported our introducing all new key judgements: quality of education, behaviour and attitudes, and personal development.
8. In light of the responses to the EIF consultation, we will make changes to our inspection of early years, schools, non-association independent schools and further education and skills providers.
9. **The focus of inspection will be on the real substance of education: the curriculum.** Respondents to the formal consultation, and indeed the views gained from the informal consultation, overwhelmingly supported the proposal to introduce a new 'quality of education' key judgement for all remits. This will focus on what is intended to be learned through the curriculum, how well it is taught and assessed, and the impact it has on learners.
10. **We will give greater recognition to education providers' work to support the personal development of learners.** Respondents overwhelmingly supported the proposal to create 2 separate judgements for 'personal development' and 'behaviour and attitudes'. The new 'personal development' judgement will consider what a provider does to help develop learners' character, resilience and values and the provider's advice and support to help learners succeed in life.
11. **There will also be more focus on behaviour and whether education providers create an environment in which learners are able to learn.** The new, separate judgement on 'behaviour and attitudes' will ask whether leaders, teachers and practitioners have high expectations for learners and implement these consistently and fairly. Inspectors will consider whether this is reflected in the behaviours and attitudes of learners. Inspectors will look particularly at whether providers tolerate bullying or harassment of learners and staff and how they deal with it swiftly and effectively.
12. **The new framework in its entirety will be applied to all registered early years providers, except those who only provide care for children at the beginning and end of the school day or in holiday periods.** Consultation responses convinced us that it is not appropriate to apply the 'quality of education' judgement in these settings. This is because they do not

have to meet the early years foundation stage (EYFS) learning and development requirements. Inspectors will make a judgement on the 'overall effectiveness: quality and standards of the early years provision' only. All judgements will apply to all other early years providers.

13. **Inspectors will not look at non-statutory internal progress and attainment data on section 5 and section 8 inspections of schools.** Similarly, in FE and skills providers, inspectors will not look at internal progress and attainment data on GCSE and A-level courses where fixed-time terminal examinations comprise the entire assessment of the course. This then aligns with the approach we will take in school inspections. Inspectors will put more focus on the curriculum and less on how schools and colleges generate, analyse and interpret data. Teachers have told us that they believe this will help us play our part in reducing unnecessary workload. Following feedback about the potential negative consequences of this proposal, especially from school leaders, we have clarified that inspectors will be interested in the conclusions drawn and actions taken from any internal assessment information, but they will not examine or verify that information first hand. Inspectors will still use published national performance data as a starting point on inspection.
14. **We will not introduce on-site preparation for section 5 and section 8 inspections of schools, but we will enhance inspectors' off-site preparation.** We received a great deal of feedback on the proposal for inspectors to prepare on site in school. It is clear that school leaders feel that the disadvantages outweigh the benefits. Nevertheless, the piloting we have carried out of new inspection arrangements has convinced us that we can enhance the way that inspectors prepare for inspection. All preparation will be carried out off site and notice of inspection will remain at half a day. However, inspectors will increase considerably the amount of time they spend speaking to leaders about the education provided by the school during the normal pre-inspection telephone call.
15. **To allow inspectors to gather sufficient evidence on section 8 inspections of good and non-exempt outstanding schools, the time inspectors spend on site will be extended to 2 days.** They will focus on particular aspects of the school's provision – principally the quality of education and safeguarding – as a subset of the full EIF criteria. The detail of this is set out in the section 8 school inspection handbook. Consultation and piloting have convinced us that inspectors need to have enough time to gather sufficient evidence against these criteria. We have also found that schools need to have this opportunity to provide evidence they believe is relevant. This change will apply to almost all mainstream schools and all special schools.

**However, inspectors will continue to be on site for only 1 day for section 8 inspections of the smallest schools.** Many respondents to the consultation expressed their concerns that a 2-day section 8 inspection for the smallest schools would be disproportionate and virtually indistinguishable from

a full section 5 inspection. We agree. As a result, section 8 inspections for mainstream schools with 150 or fewer pupils will continue to last for 1 day.

16. **Inspections of non-association independent schools will, when relevant, reflect these schools' freedom to provide a specialist curriculum.** If a non-association independent school offers a specialist curriculum, inspectors will work with leaders to understand how the curriculum as a whole is structured, and where they can find evidence that the Quality of Education criteria are shown. Inspectors will assess any school's curriculum favourably if leaders have built a curriculum with appropriate coverage, content, structure and sequencing and if they have implemented it effectively. Inspectors are, however, likely to assess it negatively if the specialist curriculum is being delivered in a way that limits pupils' opportunities to study a broad range of subjects, or that fails to prepare them for life in modern Britain.
17. **From September 2020, we will also introduce a way of providing up-to-date judgements about non-association schools' current performance** when we have found they have improved or declined at an additional inspection. This consultation proposal was supported strongly. We will not introduce this change until September 2020, to allow time for us to develop the detail of how it will work in practice.
18. **We will make our FE and skills inspections and reports more coherent and inclusive by reducing the number of provision types that we grade and specifically report on.** These will reduce from the current 6 to 4. As a result of the response to the consultation, we have been persuaded that this should include provision for learners who have high needs.
19. **A new model for short inspections will bring greater consistency to inspections of FE and skills providers.** These inspections will focus on particular aspects of the provision – principally the quality of education, safeguarding and leadership – as a subset of the full EIF criteria, while allowing the lead inspector some discretion. The detail of this new model is set out in the further education and skills inspection handbook.  
  
**A new timescale for re-inspecting FE and skills providers that are judged to require improvement will better recognise that genuine, sustained improvement can take time.** The timescale within which these providers will receive their next full inspection will now be 12 to 30 months. This will allow us to recognise whether rapid improvement has taken place or whether it may need more time.
20. **On FE and skills inspections, inspectors will not carry out on-site planning. They will continue to prepare for inspection off site.** Following the outcomes of the consultation and our experience on pilots, it is not clear that on-site planning is always beneficial to providers and inspectors. Therefore, we do not intend to proceed with this proposal.

## Next steps

21. We will continue to pilot the new framework during the summer term 2019. This will allow us to further refine our inspection methodology and test operational systems before implementation on 1 September 2019.
22. The new key judgements, grade descriptors and inspection methodology are set out in the remit-specific inspection handbooks. These have now been finalised and should be considered as the versions to be used from September 2019.

## The consultation exercise

23. The consultation ran from 16 January 2019 to 5 April 2019. It was open to the public and promoted widely through the media, our website and social media channels, and national conferences. We sought the views of key stakeholders and interested parties through a variety of methods.
24. We consulted on a range of proposals for changes to the EIF and inspection methodology:
  - introducing the 'quality of education' judgement
  - judging 'behaviour and attitudes' separately from 'personal development'
  - applying the proposed framework to early years providers
  - inspectors not reviewing internal progress and attainment data in school inspections
  - introducing a consistent focus and extending the time on site for section 8 inspections of good and non-exempt outstanding schools
  - introducing on-site preparation for all section 8 and section 5 school inspections
  - inspecting 'quality of education' in non-association independent schools that offer specialist curriculums
  - updating non-association school inspection outcomes following additional inspections
  - changing the FE and skills provision type judgements
  - introducing a consistent focus and on-site preparation for short inspections of FE and skills providers
  - extending the re-inspection window for FE and skills providers judged to require improvement
25. For the first time in Ofsted's history, we published the draft inspection handbooks for early years, maintained schools and academies, non-association independent schools, and FE and skills as part of the consultation. We wanted

to bring real transparency to the consultation process and to enable respondents to consider the detail of the proposals.

26. The findings in this report are based on quantitative data gathered through more than 10,000 responses to the consultation questionnaire, as well as qualitative feedback gathered through:
  - free-text comments received through the online questionnaire
  - consultation events, where we met with approximately 1,500 stakeholders from across all the education remits we inspect
  - submissions from groups, representative organisations and unions
  - external webinars with interested parties
  - attending events organised by representative organisations
  - pilots of the proposed framework in more than 200 providers across all education remits
27. In addition to the responses received from individuals, we received written submissions from a range of unions, professional associations, representative bodies, charities and groups.
28. We analysed these responses to enable us to better understand the issues they raised and the elements they supported. A summary of these organisations' responses to each consultation question is set out in following section.

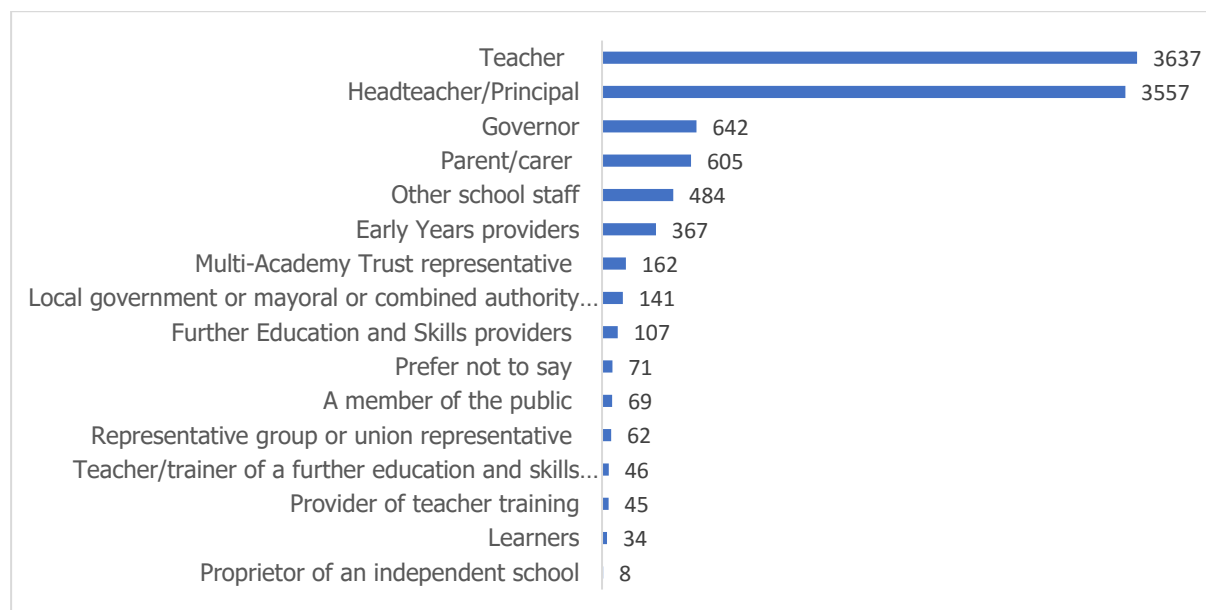
## **The findings in full**

29. We have carried out quantitative and qualitative analysis of all consultation responses. The consultation included 11 questions asking respondents the extent to which they agreed or disagreed with a proposal. In addition to this, a free-text box after each question, and another for each draft inspection handbook, gave respondents the opportunity to make detailed comments on the proposals and/or the detail set out in the draft handbooks. In total, we received just over 11,000 responses to the consultation. Across all 11 proposals, we received more than 17,000 individual free-text comments.

## **Respondents**

30. We received responses from people working in all the education remits that we inspect. Teachers and headteachers were the largest groups of respondents (34% and 33% respectively). Parents (6%) and school governors (6%) were the next largest groups. Note that respondents are asked to self-identify as a respondent type (for example, as a teacher, pupil or parent) and it is possible that some may not have done so accurately.

Figure 1: Respondent categories



## Consultation questions

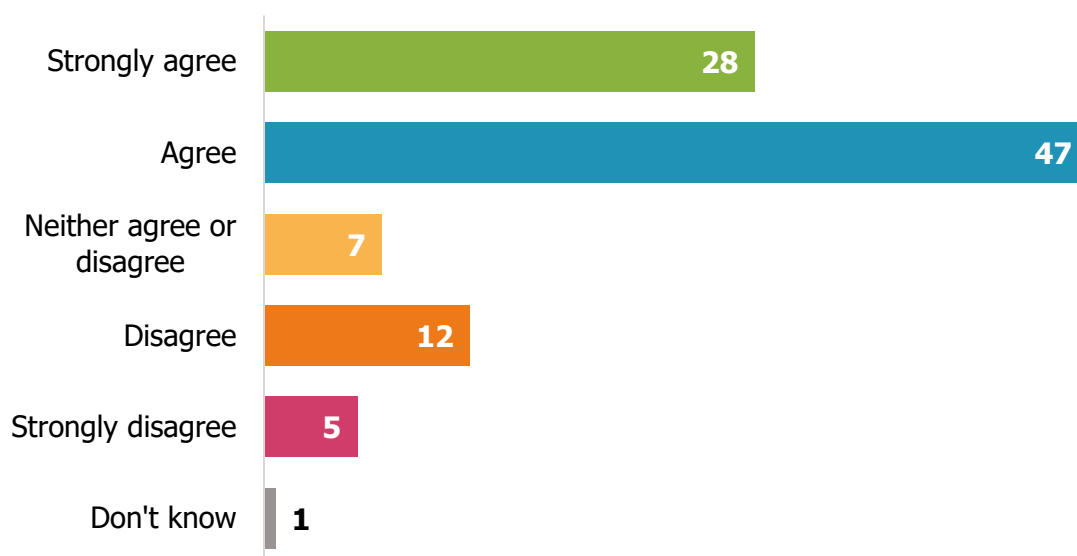
### Question 1: To what extent do you agree or disagree with the proposal to introduce a 'quality of education' judgement?

31. There was very strong support for this proposal from the full range of respondents and all education sectors. This proposal is the main element in ensuring that inspection can focus on the real substance of education: the curriculum. Three-quarters of respondents agreed or strongly agreed with this proposal. The groups that were most supportive included parents,<sup>1</sup> pupils and students, teachers and leaders in further education and skills, and those working in registered early years provision. Support for this proposal was also strong among stakeholders who attended our regional consultation events.

<sup>1</sup> When we use the term 'parents', this should be read to include both parents and carers.



Figure 2: Responses to question 1 (%)



32. Many respondents were pleased with the proposed focus on the curriculum rather than an over-focus on performance data. Many understood how this would help reduce the incentives for schools and colleges to focus on just achieving better published outcomes at the expense of a rounded education. Similarly, many parents were pleased because they believed that this focus would reduce the pressure that providers put on learners to get examination results at the expense of all else.
33. Some respondents were worried that this judgement, with a greater focus on the curriculum and less focus on data, would lead to less consistent inspection practice. This was of particular concern to some unions representing school leaders. Other unions, including NASUWT, strongly supported the proposal.
34. There was also some concern that the quality of education judgement would create additional workload for leaders, teachers and practitioners. However, comments represented a small minority of respondents.
35. Most bodies representing those who work in the education sectors we inspect supported the proposed quality of education judgement. There was particular appreciation for the shift in focus to the curriculum as the real substance of education and away from performance data. This support was common across a cross-section of professional associations, groups representing different types of schools and providers, charities and national bodies and agencies. When there were concerns, these often centred on the possibility of reduced consistency and increased subjectivity in reaching judgements about the quality of education judgement.

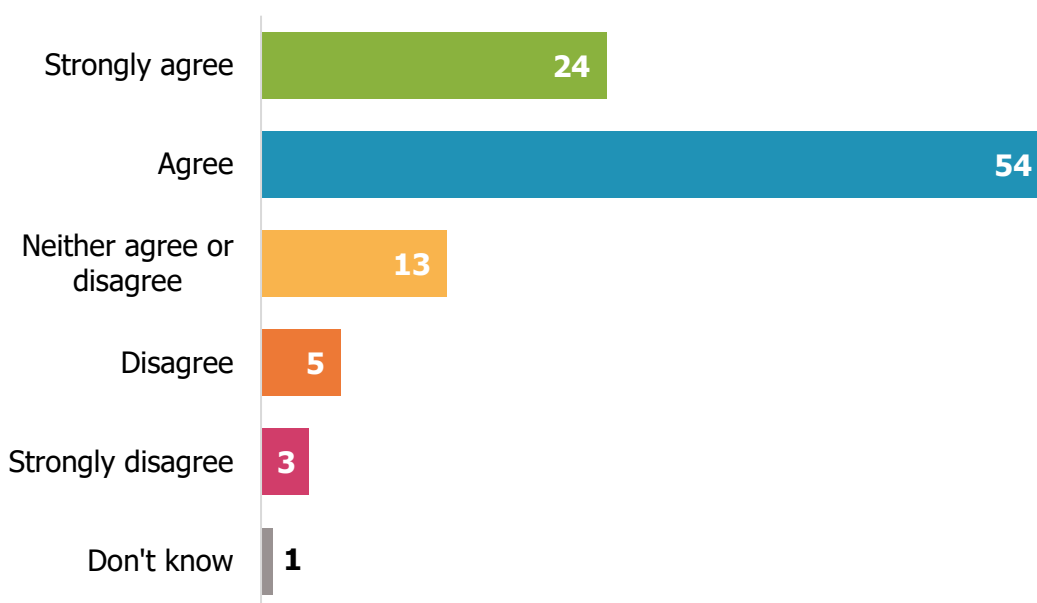
## **What we will do in response to the consultation findings for question 1**

36. In light of the strong support from parents, learners and those working in in all sectors, we will introduce the proposed 'quality of education' judgement in September 2019. The updated inspection handbooks for each remit set out how we will inspect against this key judgement in different contexts.
37. We recognise that concerns raised in response to the consultation centred mainly on how we will inspect against this judgement in practice. We have been considering these concerns through piloting and they have directly informed our research on work scrutiny and lesson visits. This will provide the basis for the methodological approaches we use (our inspection methodology).
38. Since 2017, inspectors have received a great deal of training on a number of the elements that underpin the new framework. In the case of the curriculum, we also made that same training publicly available, both face-to-face at free events across the country and online so that providers could use the materials at any time. Our intention is to be fully transparent with all teachers, trainers, practitioners and assessors.
39. Training between now and September will build on inspectors' prior training to further develop and embed their knowledge and prepare them for inspecting with the new framework and inspection handbooks.
40. We are clear that education providers do not need to do specific work to prepare for the EIF. The new framework and the quality of education judgement are intended to respond to what we found through carrying out research on the curriculum. Our findings showed that, in recent times, the curriculum has too often come second to achieving test and examination results at the expense of all else. For this reason, we recognise that the shift in focus may mean that some providers want to review their curriculum.
41. We recognise that this takes time and careful consideration. This is why we plan to phase in how we use the 'intent' grade descriptors in the 'quality of education' judgement for inspections of maintained schools and academies, non-association independent schools and FE and skills providers. While we are phasing it in, the judgement will not be negatively affected if it is clear to an inspector that leaders have a plan for updating the curriculum and are taking genuine action to do so. We will review this transitional phase in the summer of 2020.
42. We will not apply the same transitional approach for inspections of early years providers. The EYFS sets out the education and care standards that all early years providers must meet. Once a provider is registered on the Early Years Register, we carry out regular inspections to evaluate the overall quality and standards of the early years provision in line with the principles and requirements of EYFS. This will not change.

**Question 2: To what extent do you agree or disagree with the proposed separation of inspection judgements about learners’ personal development and learners’ behaviour and attitudes?**

43. There was strong support for this proposal. Nearly 8 in 10 respondents supported it, including a strong majority from all education sectors. In particular, it was strongly supported among headteachers, governors, those working in maintained special schools and sixth form colleges. Support was also strong among stakeholders who attended our regional consultation events.

Figure 3: Responses to question 2 (%)



44. The greater clarity offered by separately judging and reporting these 2 judgement areas was welcomed by many, including leaders and teachers working in early years, schools and FE and skills. Respondents welcomed Ofsted’s recognition that personal development can be impacted significantly by factors outside education providers.

45. A number of concerns were raised that the proposed ‘behaviour and attitudes’ judgement would fail to reflect the realities of education providers working in challenging circumstances or recognise that behaviour is often a product of influences outside education.

46. The Anti-Bullying Alliance, facilitated by the NCB, suggested that some of the grade descriptors in the draft handbooks about the absence of bullying could simply encourage providers to hide or fail to report it.

47. Among the bodies representing those working in the full range of education sectors, there was very strong support for us to create separate ‘personal development’ and ‘behaviour and attitudes’ inspection judgements. Most major groups commented that this would give space for inspectors to focus clearly on what they felt were 2 critical areas. The NASUWT welcomed our intention to

talk to a much wider range of staff in education providers to gather evidence against these judgements. The Association of Colleges was similarly supportive. However, PACEY expressed concern that these areas may be inseparable in early years settings.

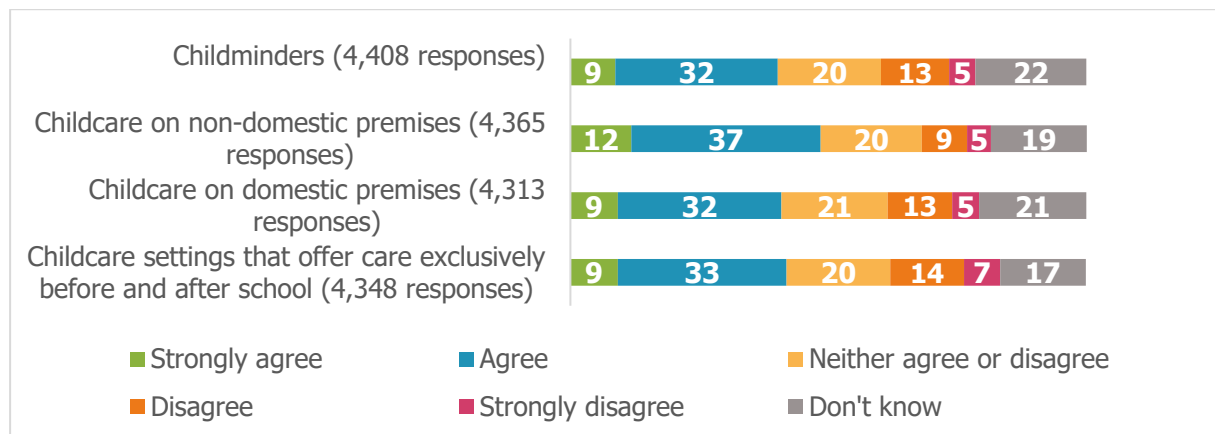
### **What we will do in response to the consultation findings for question 2**

48. Given the strong support from parents, learners and those working in in all sectors, we will introduce the proposed new key judgements on learners' 'behaviour and attitudes' and 'personal development'. The updated inspection handbooks for each remit set out how inspectors will make these key judgements in different contexts.
49. To address the concerns raised that the proposed 'behaviour and attitudes' judgement would fail to reflect the realities of education providers working in challenging circumstances, we have made a number of clarifying amendments to the grade criteria to better reflect this point.
50. It was not our intention that some of the grade descriptors included in the draft handbooks about the absence of bullying may simply encourage providers to hide or fail to report it. We have reviewed the relevant criteria carefully and now believe that the concern raised about this may be justified. We have therefore amended the criteria relating to bullying. The updated criteria place the emphasis on whether or not providers tolerate bullying, harassment, violence, derogatory language and discriminatory behaviour and, crucially, how swiftly and effectively they take action if these issues occur.
51. We have also made changes to the personal development grade criteria to allow inspectors to properly recognise the importance of high-quality pastoral support. We acknowledge that this it is vitally important to identify young people who are at risk of harm and so need extra support from the provider or referral to agencies and services that can provide the support needed.

### **Question 3: To what extent do you agree or disagree that the judgements will work well for all early years providers?**

52. There was generally strong support for applying the proposed EIF to all early years providers. The extent to which respondents felt that the judgements would work well varied by provider type. In all cases, approximately 1 in 5 respondents felt that the judgements would not work well.

Figure 4: Responses to question 3 (%)



53. Respondents who **only** provide care for children at the beginning and end of the school day or in holiday periods raised concerns that the proposed quality of education judgement would not work well for them. These providers are not required to meet the EYFS learning and development requirements. Under the current framework, we do not apply the 'outcomes' judgement because of this. The majority of responses from these providers rightly emphasis how they focus on meeting the safeguarding and welfare requirements of the EYFS. Responses include comments such as: 'While we educate children through play and discussion, we are not an education service'.
54. A number of respondents indicated that they were pleased to see the reference to 'cultural capital' in the early years inspection handbook. Conversely, some respondents were concerned about it. The early years handbook is clear that our definition of cultural capital matches that found in the national curriculum: 'cultural capital is the essential knowledge that children need to be educated citizens.' While the national curriculum does not apply to early years provision, we believe that the concept is equally applicable. It is about how well the curriculum a provider uses or creates enhances the experiences and opportunities available to children, particularly the most disadvantaged.
55. As with the feedback on the proposed 'quality of education' judgement, some respondents raised concerns about ensuring consistently high-quality inspection under the new framework, particularly given the reduced focus on data.
56. There was a mixed response from those representing the early years sector to the proposed separation of inspection judgements about children's personal development and behaviour and attitudes. There is some reservation about whether this split will enhance the focus on these 2 important areas in early years settings.

### What we will do in response to the consultation findings for question 3

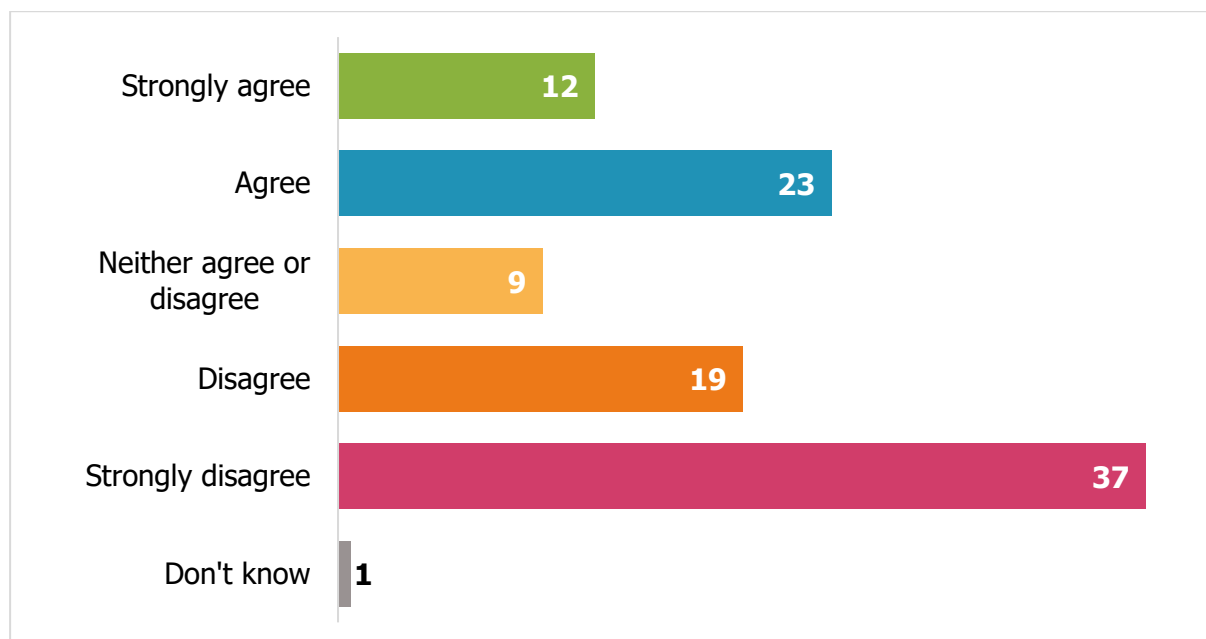
57. Given the broad support, we will apply the new framework to the inspection of all childminders and childcare on both domestic and non-domestic premises.

For those providers who **only** provide care for children at the beginning and end of the school day or in holiday periods, we will not apply the quality of education judgement. Inspectors will make a judgement only on the 'overall effectiveness: quality and standards of the early years provision'. They will consider the criteria for 3 of the key judgements ('behaviour and attitudes', 'personal development' and 'leadership and management') in reaching a judgement about whether or not the provider is meeting the safeguarding and welfare requirements of the EYFS. All judgements will apply to all other early years providers.

**Question 4: To what extent do you agree or disagree with the proposed focus of section 8 inspections of good schools and non-exempt outstanding schools and the proposal to increase the length of these inspections from the current 1 day to 2 days?**

58. Responses to this proposal were mixed. More than a third of respondents to the online questionnaire supported the proposal, but more than half of respondents did not support the proposed changes to section 8 inspections.
59. However, this response looked different when broken down by school phase. Respondents connected with secondary schools gave much more evenly balanced views. Just over 4 in 10 respondents supported and fewer than five in 10 opposed.
60. Those working in primary schools gave significantly more negative responses. More than 6 in 10 respondents disagreed with this proposal. There were 2 principal themes in the negative comments given.
  - Those working in the smallest schools had significant concerns that a 2-day section 8 inspection would end up being almost indistinguishable from a section 5 inspection
  - Most of these responses intermingled concerns about a 2-day section 8 inspection with the addition of a half day of on-site preparation (dealt with under question 5, below). It is clear that the concern was about the cumulative effect of these changes, particularly in smaller schools

Figure 5: Responses to question 4 (%)



61. Those who supported the proposal acknowledged that inspecting and reporting on the curriculum would require greater breadth and depth of activities on inspection, as well as time for inspectors to talk to staff and reflect on findings. Respondents felt that this would result in a stronger evidence base and therefore more accurate judgements and reporting.
62. Respondents also noted that more time on site would allow inspectors and school leaders greater opportunity for meaningful dialogue. Some leaders also welcomed the fact that more time on site would enable inspectors to engage directly with more staff and to see the strengths worth celebrating in a school.
63. The most frequent concern cited by those who did not support the proposal was a perceived increase in workload for all staff. Respondents also noted that the proposal would result in the same number of inspectors for the same number of days as a section 5 inspection in small schools.
64. This proposal received a mixed response from the professional associations representing the schools sector. Some recognised that the changes would enable inspectors to gather a better range of evidence and gain a better understanding of a school. However, there was a view that these changes would only be justified if they led directly to higher-quality inspection.
65. ASCL and the NASUWT supported the changes to both the length and methodology of section 8 inspections. Nevertheless, both also raised important caveats. ASCL noted the positive feedback that it and others had seen from pilots of the new section 8 inspections. It also asked that we be clearer publicly about the methodology that inspectors will use on section 8 inspections of good schools. The NASUWT also sought reassurance from us about how inspectors will form a view of quality of education within the constraints of a section 8 inspection.

66. NGA and other groups, while supporting the changes, raised the question of whether the proposed 2-day section 8 inspection would be proportionate for small rural primary schools.

**What we will do in response to the consultation findings for question 4**

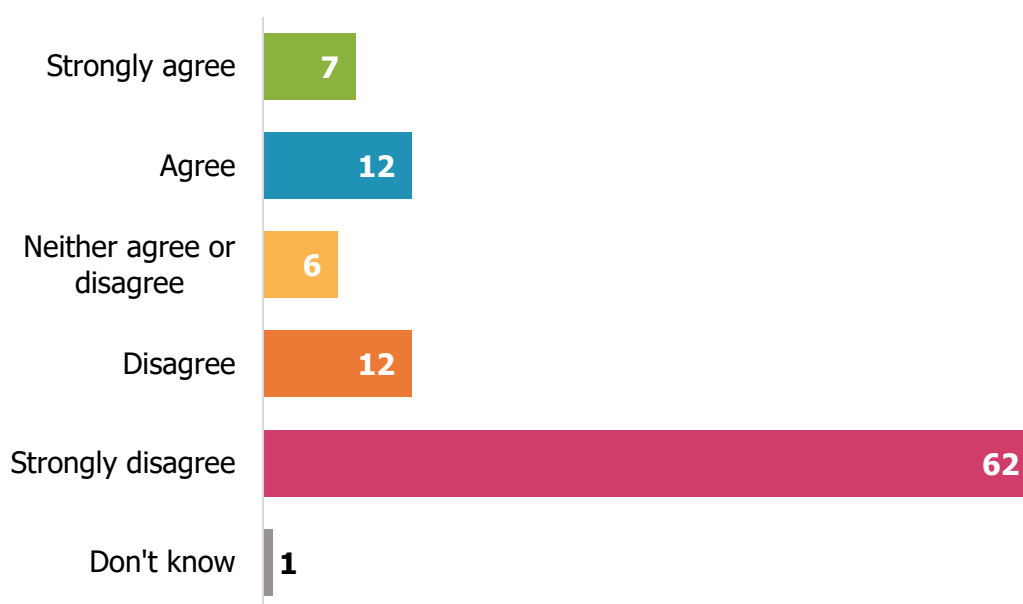
67. We have taken account of the full range of views, the intended benefits of this proposal and the findings from piloting. Having done this, we have decided to proceed with introducing the proposed focus of these section 8 inspections and extending the length to 2 days for most schools. We have tested 2-day section 8 inspections through our programme of pilots. Feedback from both inspectors and school leaders indicates that the additional time on site is a positive change. They found that it allows for greater professional dialogue and enables the inspector to better gather evidence under the new framework.
68. We are mindful of the impact, however, that this proposal could have on teachers' and leaders' workload in small schools. For this reason, good or non-exempt schools with 150 or fewer pupils on roll will continue to receive a 1-day inspection. The focus of section 8 inspections of these will remain the same as for larger schools. We piloted this approach for small schools during the summer term. We are confident that inspectors are able to gather high-quality evidence to enable them to confirm whether a school remains good.

**Question 5: To what extent do you agree or disagree with the proposed introduction of on-site preparation for all section 5 inspections, and for section 8 inspections of good schools, on the afternoon prior to the inspection?**

69. Most respondents, nearly three-quarters of those responding to the questionnaire, disagreed or strongly disagreed with this proposal. Approximately one-fifth of respondents supported it.

Figure 6: Responses to question 5 (%)





70. Those who supported the proposal recognised the opportunity for inspectors and leaders to build a positive working relationship and for some extra time to understand the school’s context before the inspection began. Feedback from schools that experienced this through our pilots was generally positive. More than half of those that took part and that provided feedback felt that on-site preparation was more effective than the current arrangements. Currently, the lead inspector has a short telephone call with the school leader on the afternoon of announcement just to make logistical arrangements for inspection the following day
71. Among the considerable majority who did not support introducing on-site preparation, the 2 greatest concerns were: an increase in workload for school leaders and a perceived reduction in the notice period. Many also raised concerns that it would simply extend the duration of the inspection. They argued that, for schools, the moment that an inspector arrived on site was the moment that staff perceived the inspection to begin. Others were concerned about logistical issues if the headteacher was not in school on the day or the potential lack of rooms for the inspector to use in a small school.
72. The proposal to introduce on-site preparation for all section 5 and section 8 inspections sharply divided the views of the major groups that responded to the consultation. ASCL, NAHT and others representing school leaders disagreed with the proposals. ASCL believed that the shorter period between notification of the inspection and the inspector arriving on site would negate the intended benefits of strengthening professional dialogue and reducing uncertainty. The NASUWT, in contrast, welcomed the new approach. It recognised our proposal was made in response to concerns about the workload generated when schools receive notice of inspection under the current system. While NEU did not respond directly to this and the other specific questions raised in the consultation, the general tone of its response on all the proposals was one of disagreement.

73. Others, such as the NGA and NASS, pointed out that the change could be perceived as introducing 'no-notice' inspection. They noted that this would increase stress and workload, and present significant challenges for school leaders who have teaching responsibilities or provide support to other schools and might, therefore, not be in school on the day the inspection was announced. Overall, the majority of those representing the sector disagreed with introducing on-site preparation.

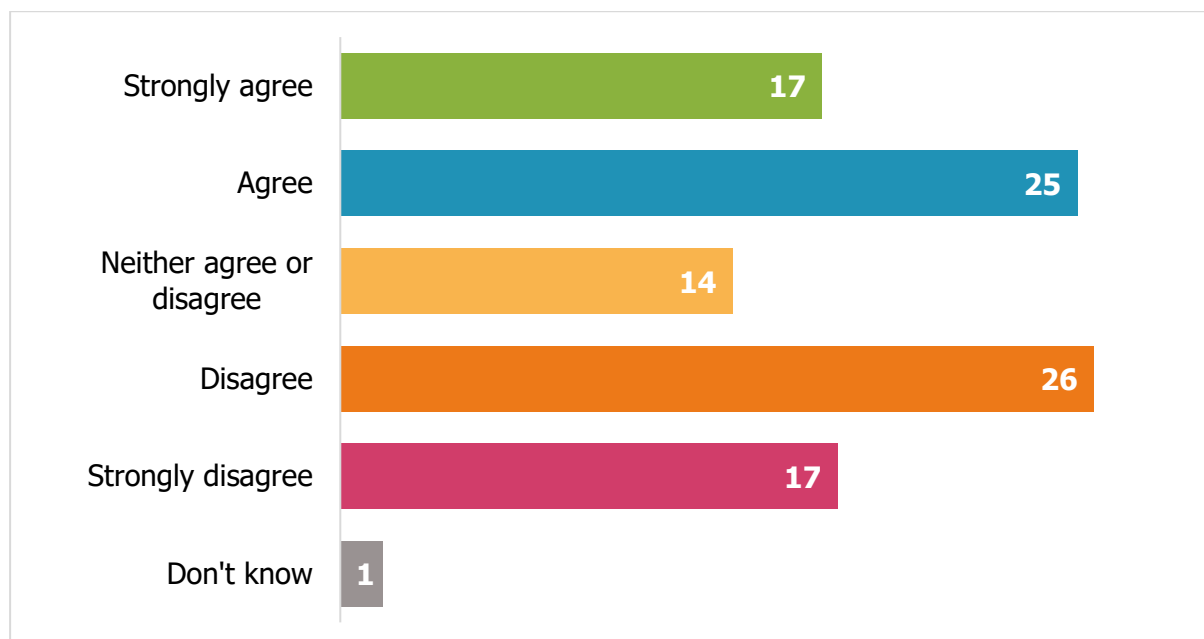
### **What we will do in response to the consultation findings for question 5**

74. Given the overwhelming opposition to the proposal, we will not proceed with introducing on-site preparation for section 5 and section 8 inspections.
75. We are eager to ensure that we do not, however, lose the intended benefits of the proposal. We want to provide an alternative way of realising the positives that those involved in piloting experienced.
76. In response, we will introduce a 90-minute phone call between the lead inspector and the headteacher (or their nominated delegate) on the afternoon before inspection begins. This will provide the opportunity to start building that vital positive working relationship between inspector and school, for professional dialogue to begin about the education provided by the school, and to discuss logistical arrangements and the timetable for the inspection.
77. The decision not to proceed with on-site preparation increases the importance of extending section 8 inspections of good and non-exempt outstanding schools to 2 days. This is to ensure that inspectors have time to gather high-quality inspection evidence against the new framework.

### **Question 6: To what extent do you agree or disagree with our proposal not to look at non-statutory internal progress and attainment data when we inspect schools and our reasons why?**

78. The response to this proposal was again mixed. More than 2 in 5 respondents to the online questionnaire agreed or strongly agreed with the proposal. The same proportion of respondents disagreed or strongly disagreed. School leaders and teachers were represented in both of these groups. There was generally more support for the proposal from teachers, approximately half of whom were in favour and just over a third against it. Approximately a third of headteachers and other senior leaders supported the proposal, while approximately half did not.

Figure 7: Responses to question 6 (%)



79. Many of those who supported the proposal were clear that it would be a welcome step for us to focus less on non-statutory internal progress and attainment data, and that it would help to reduce teachers' and leaders' workload. On the other hand, others suggested that school leaders and governors will continue to require this information and were concerned that the impact would therefore be minimal.
80. Some of those who did not support the proposal were concerned that it would result in published national data or individual inspection techniques – such as work scrutiny – playing a more significant role in assessing the quality of education. Conversely, there was concern about how 'impact' would be considered if a school does not have published national data, such as special schools, infant schools or middle schools.
81. The major groups responding to the consultation tended to give nuanced responses to this proposal. NASUWT was generally supportive of this proposal, which echoes the overall response from individual teachers. The headteacher unions welcomed the decisive shift towards inspectors placing less emphasis on data, but were concerned that the proposals may go too far. They wanted to keep the option to continue to present their internal data to inspectors. The teaching unions similarly emphasised the importance of inspectors being able to understand data in context, and highlighted the limitations of national data sets.
82. Caveats were raised by groups representing types of schools whose national, published data has significant limitations. JUSCO, the Middle Schools Forum and the National Association of Special Schools raised issues and concerns in relation to national published data for infant, middle or special schools. The Baker-Dearing Trust, representing studio schools and university technical

colleges, supported these changes but asked inspectors to consider the data issues specific to their types of schools.

### **What we will do in response to the consultation findings for question 6**

83. We have carefully considered all responses and the positive findings from piloting. On balance, we have decided to proceed with inspectors not looking at non-statutory progress and attainment data during school inspections.
84. However, to try to ease concerns, we have made clarifications in the school inspection handbook. We have recognised that school leaders draw on a variety of sources when considering pupil performance, including internal assessment information. We have explained that inspectors will consider the actions taken by schools in response to whatever internal assessment information they have. Inspectors will review the impact of those actions without reviewing the assessment information itself.
85. There was concern about published national data, which can be dated, carrying more weight under the EIF. This is not the case. Inspectors will use published national data about pupil performance as a starting point – and only ever a starting point. Consequently, those schools that do not have it will not be at a disadvantage.
86. Concerns have also been raised about the fact that published national data has particular limitations in certain types of schools. For this reason, the handbook makes clear that, if a school is in the process of improving from a low point (sometimes referred to as 'schools in turnaround'), nationally generated performance data may lag behind the current quality of education in the school. Therefore, inspectors will view the national data in this context. In addition, we have amended the section in the handbook that relates to junior, middle and studio schools and university technical colleges to highlight the particular caveats and limitations in national published progress data in relation to these schools. Inspectors will also take this into account.
87. We realise that this change is a significant and important one, and so it has been a focus during pilots. It has worked well during piloting. When schools have no published data or have made changes since national data was published and current pupils know and can do more than the previous cohort, leaders have explained their assessment of current progress and attainment to inspectors. Inspectors are able to listen carefully to this assessment, some of which may have been drawn from the leaders' understanding of their internal assessment information, exploring and probing leaders' actions effectively.
88. In relation to leaders' use of internal assessment information, inspectors are most interested in the conclusions leaders have reached and what action they have taken based on those. Inspectors have then focused on seeing first-hand evidence. Inspectors have not carried out any in-depth analysis of the school's data or what leaders believe it is saying about current pupils' progress or

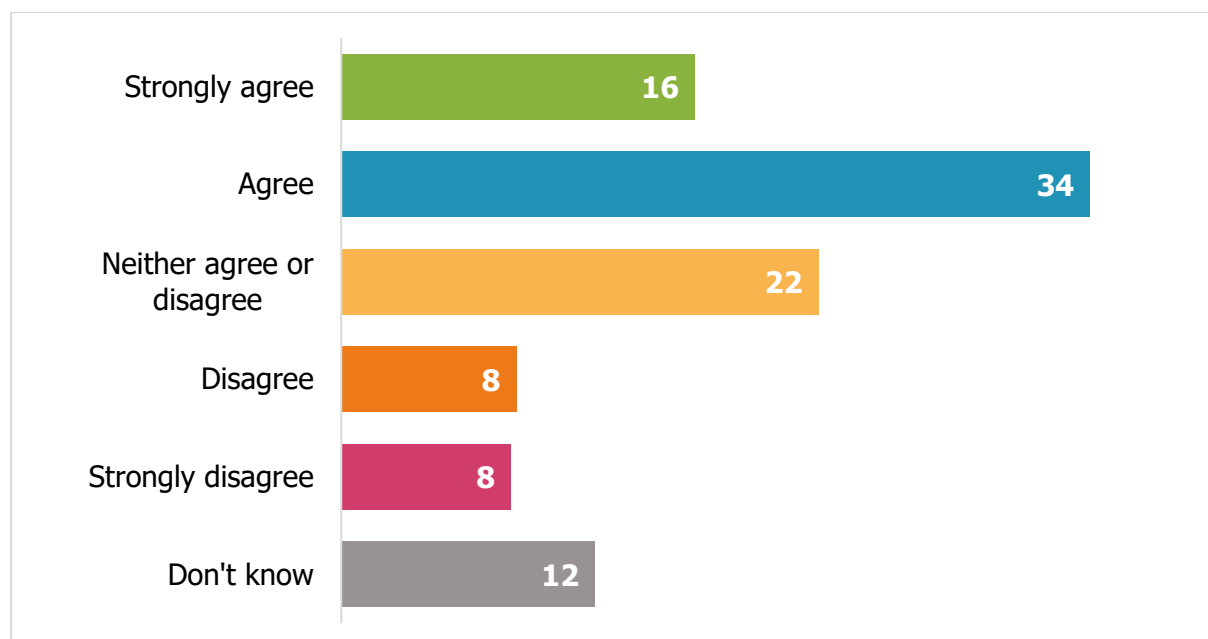
attainment. This is the essence of this change. We are putting the emphasis on inspectors testing whether the leaders' actions have led to improvements or sustained high performance in the context of what is really going on in a school.

- 89. We have amended the school inspection handbook to better reflect the intention of the proposal and how it will work in practice. Also, we have clarified how inspectors will use the sources of evidence and the range of inspection activities to gather evidence and arrive at judgements.
- 90. To align with the approach we will take in school inspections, in further education and skills providers, inspectors will not look at internal progress and attainment data on GCSE and A-level courses when fixed-time terminal examinations comprise the entire assessment of the course. We have updated the further education and skills inspection handbook to reflect this.

**Question 7: To what extent do you agree or disagree with the proposal that inspectors should normally use the non-specialist curriculum as their primary source of evidence in assessing the extent to which a non-association independent school meets the quality of education criteria?**

- 91. The response to this proposal was broadly positive, although respondents raised some common concerns. Overall, more than half of those responding to the online survey supported the proposal. Fewer than 1 in 5 were against it.

Figure 8: Responses to question 7 (%)



- 92. Only a minority of respondents disagreed with the idea that non-association independent schools should provide a broad, rich curriculum, and that any specialism offered should not reduce opportunities for pupils to study a wide range of other subjects.

93. However, opinions on how we should inspect the specialist curriculum were more mixed. Responses from those representing schools that offer a specialist curriculum tended to be more negative about the proposal. Other respondents were more likely to think that all schools should be inspected according to the same criteria, and that independent schools' freedoms to offer a specialist curriculum had the potential to lead to worse outcomes for pupils in some cases.
94. Many respondents who supported the proposal said that non-association independent schools should be inspected according to the same criteria as all other schools. Others agreed that, while the primary source of evidence for the quality of education judgement was likely to be the non-specialist curriculum, it was right that schools should also be allowed to use evidence from the specialist curriculum.
95. Of those who disagreed, some said it should not be assumed that the non-specialist curriculum would be the primary source of evidence. They suggested that instead, it should be for individual schools to explain how their curriculum is structured and where inspectors would be able to find evidence that it meets the criteria. They highlighted that pupils experience the curriculum as a whole, rather than as 'specialist' and 'non-specialist'.
96. Respondents from groups representing faith schools were concerned that focusing primarily on the non-specialist curriculum could give a distorted view of the overall curriculum offered, particularly in schools delivering other subjects through the faith-based curriculum. These respondents were often also concerned that the proposal implied that the specialist curriculum was in some way less important.
97. There were a small number of responses from those representing independent Steiner schools. These responses suggested that, while Steiner schools do not differ significantly from other schools in terms of the range of subjects on offer, the approach to the curriculum is distinct and should be reflected in the proposals. There were also a small number of responses from independent special schools asking for clarification on how these proposals apply to them.
98. There was a mixed response from the unions and organisations representing those working in the sector. While most supported the approach, some raised concerns that it would lead to inspectors not being able to consider the specialist curriculum. In the case of special schools, respondents felt that the specialist curriculum is likely to be the one most relevant to the learner and should, therefore, be considered.

### **What we will do in response to the consultation findings for question 7**

99. We have listened to concerns from schools offering a specialist curriculum about how inspectors will consider that curriculum as part of the quality of education judgement. We have updated the inspection handbook to make clear

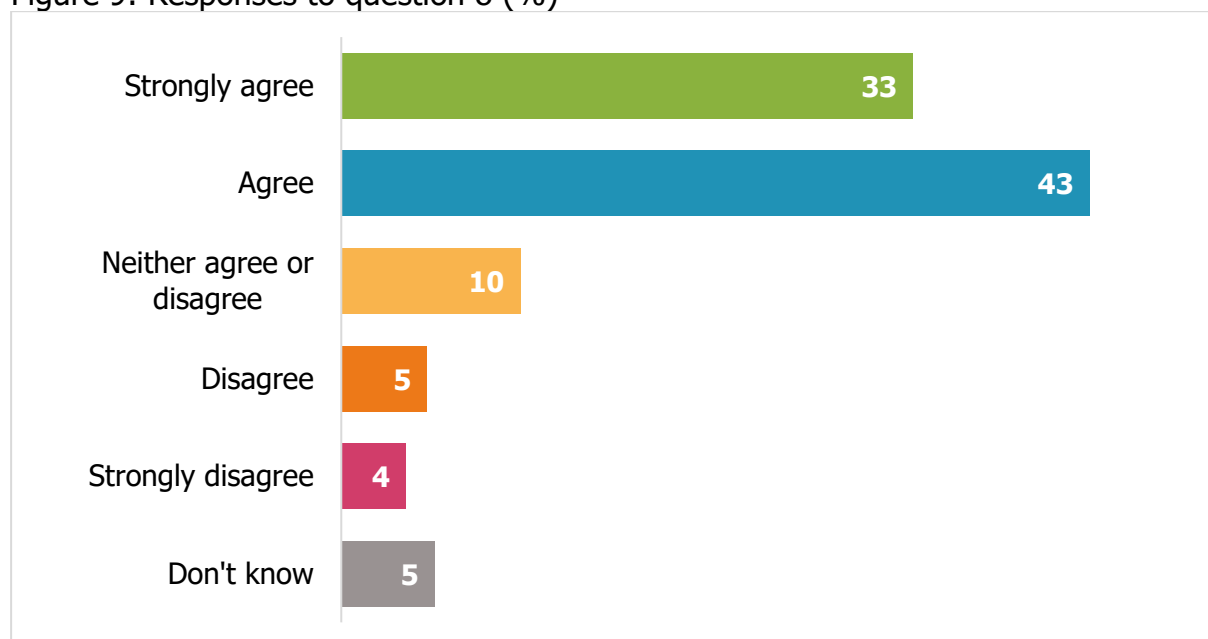
that in schools offering a specialist curriculum or taking a distinct approach to the curriculum (for example, Steiner schools), inspectors will work with leaders to understand how the curriculum as a whole is structured, and where they can find the evidence that the quality of education criteria are shown. We continue to expect that in many schools, much of the evidence in support of the criteria will be drawn from the non-specialist curriculum. This is because most schools structure their curriculum so that the specialist curriculum supplements, rather than directly delivers, the academic core of subjects.

100. We will judge fairly those schools that take radically different approaches to the curriculum. This includes, for example, schools that teach a range of academic subjects through the faith-based curriculum. Inspectors will assess any school's curriculum favourably when leaders have built a curriculum with appropriate coverage, content, structure and sequencing and have implemented it effectively.
101. Inspectors are likely to assess quality of education negatively, however, when the specialist curriculum is being delivered in a way that limits pupils' opportunities to study a broad range of subjects, or that fails to prepare them for life in modern Britain.
102. As originally proposed, we will evaluate a school's entire provision, including any specialist provision, when assessing compliance with the independent school standards and when reaching judgements under the EIF for overall effectiveness, behaviour and attitudes, personal development and leadership and management. No respondents commented on this aspect of the proposal.
103. We have also updated the inspection handbook to clarify that the section on the specialist curriculum is not intended to describe the approach we will take to inspecting independent special schools. There is a separate section in the handbook that sets out how the EIF will apply to independent special schools.

**Question 8: To what extent do you agree or disagree that where non-association independent schools have been found to improve or decline at an additional inspection, Ofsted should provide up-to-date judgements about the school's current performance?**

104. There was very strong support for this proposal. More than three-quarters of those responding to the online questionnaire agreed or strongly agreed. There was particular support for this proposal among parents, with 4 in 5 of supporting the proposal. Overall, fewer than 1 in 10 respondents disagreed with the proposal.

Figure 9: Responses to question 8 (%)



105. Among those who supported the proposal, many saw the major positive as being that parents and other stakeholders (for example, local authorities, which are often responsible for placing pupils with special needs in independent special schools) would have up-to-date information on a school's overall effectiveness. Respondents said this would allow them to make better informed decisions about which independent school to choose. We also received responses from current school teachers and headteachers at independent schools who said that they would welcome this proposal because it would give schools quicker recognition for improvements made, while also preventing schools whose performance has declined from giving a misleading impression to parents.
106. Although few respondents raised concerns about this proposal, when they did they were most often about whether the same approach should also be applied to maintained schools. We can provide reassurance on this point: in fact, the proposal brings independent schools more into line with our inspections of maintained schools and academies. Under current arrangements, when we find that a good or non-exempt outstanding school may have declined, we will carry out a full section 5 inspection of the school and make a new overall effectiveness judgement.<sup>2</sup> Similarly, we may make a new overall effectiveness

<sup>2</sup> Note that there are different arrangements and timescales for the section 5 inspection, including 'converting' section 8 inspections of good or non-exempt outstanding schools to section 5 inspections within 48 hours. Refer to the 'School inspection handbook – section 8': [www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections](http://www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections).



judgement when we judge that a requires improvement or inadequate school has improved and receives a section 5 inspection.<sup>3</sup>

107. On the whole, unions and organisations representing those who work in the sector supported the proposal to introduce a way of providing up-to-date judgements in independent schools when they are subsequently found to have improved or declined at an additional inspection. There was, however, some concern that this might lead to a different approach being applied to non-association independent schools and maintained schools and academies.

### **What we will do in response to the consultation findings for question 8**

108. Following the very strong support for this proposal, we will proceed with plans to provide up-to-date judgements about a non-association independent school's performance when we have found it has improved or declined at an additional inspection.
109. Designing the most effective way of doing this will take some time. For this reason, we will implement this change in September 2020 to allow time to do detailed policy development.

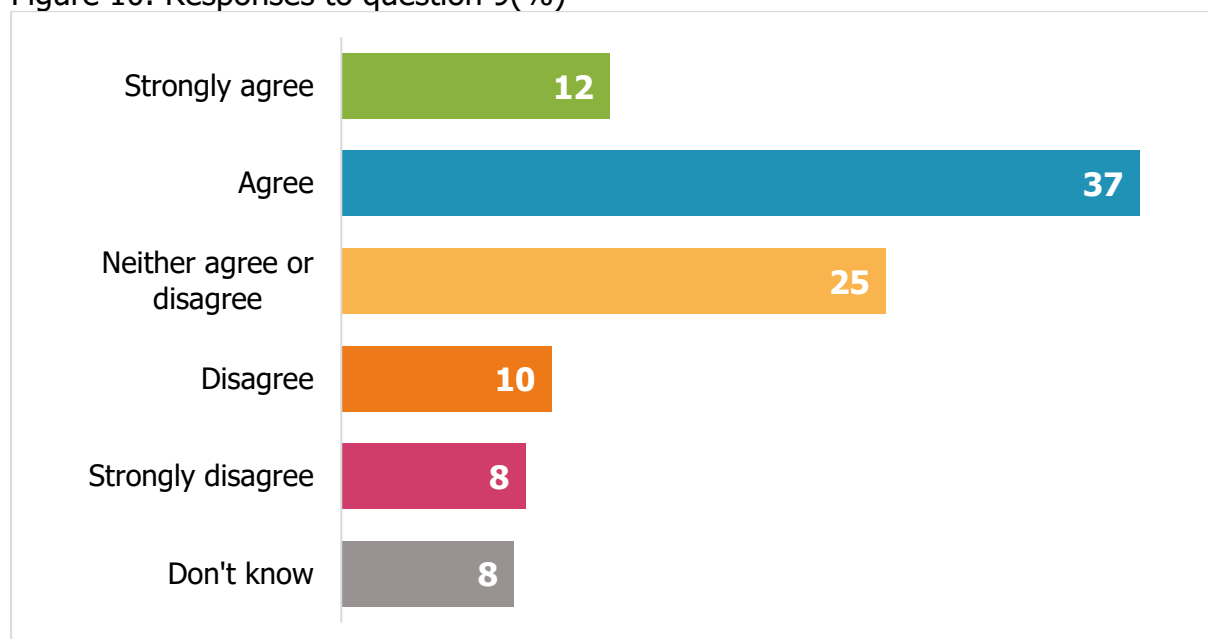
### **Question 9: To what extent do you agree or disagree that the proposal to reduce the types of provision we grade and specifically report on will make our further education and skills inspection reports more coherent and inclusive?**

110. The response to this proposal was broadly positive. Half of respondents to the questionnaire agreed or strongly agreed that it would make inspection reports more coherent and inclusive. Many respondents remarked that the proposal was logical and coherent. Approximately one in five did not agree.

---

<sup>3</sup> Refer to the 'School inspection handbook – section 8': [www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections](http://www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections).

Figure 10: Responses to question 9(%)



111. Most respondents supported these proposals. Those who did not often chose to set out why in their free text responses to the consultation. By far the most common issue raised in these comments was the fact that the proposal did not include 'high needs' as a provision type that would be graded. Often, the concern was that this would lead to providers reducing the priority given to high-needs provision and not making its quality sufficiently clear, especially in providers that have a small proportion of learners with high needs.
112. Overall, responses from unions and representative groups recognised that a simplification of the provider types was desirable. However, they too were often concerned about removing the judgement about provision for learners who have high needs. The Association of Colleges and the Association of School and College leaders both stated their concern that 14 to 16 provision coverage is not overlooked.

### What we will do in response to the consultation findings for question 9

113. Given the broad support for ensuring that our reports are more coherent and inclusive, we will proceed with reducing the types of provision that are graded and specifically reported on.
114. Having considered carefully the detailed feedback to the consultation, we will continue our current practice of specifically grading provision for learners who have high needs. This means that from September 2019, we will grade 4 provision types, rather than the current 6, in further education and skills inspection reports. These will be:
- education programmes for young people
  - apprenticeships

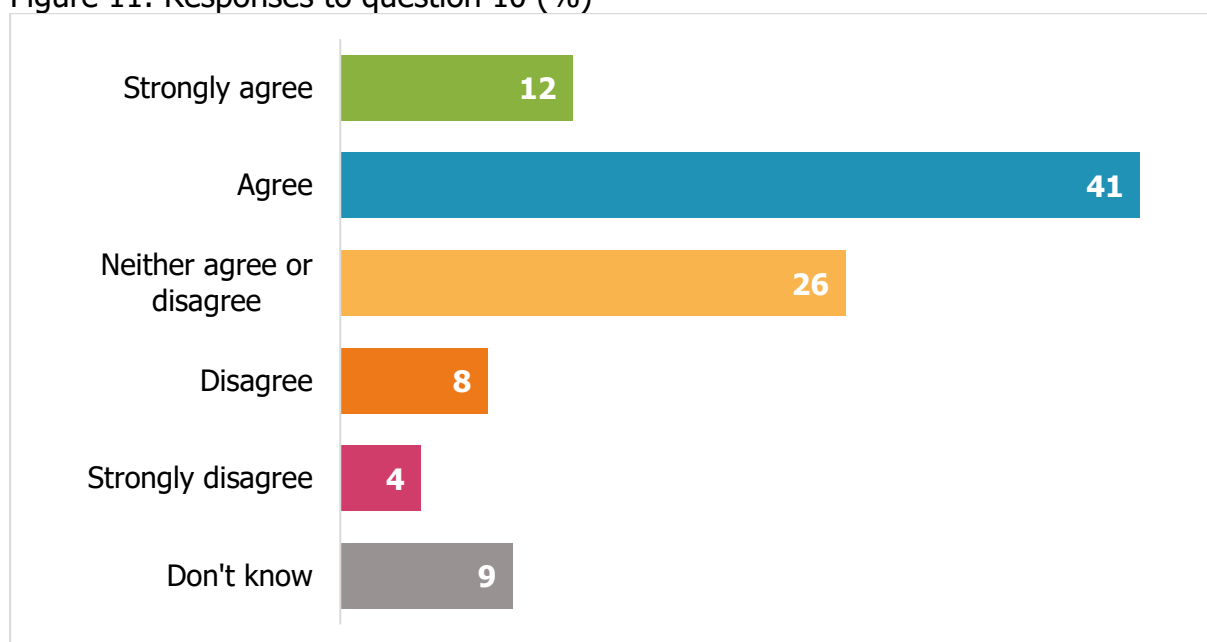
- adult learning programmes
- provision for learners who have high needs

115. We will ensure that inspectors always consider full-time 14 to 16 provision, when offered, as part of any inspection under the new framework. We will evaluate this provision as part of the 'education programmes for young people' judgement. The inspection report will include a specific comment about this provision.

**Question 10: To what extent do you agree or disagree with the proposed model for short inspections in further education and skills providers?**

116. More than half of respondents to the questionnaire supported introducing the proposed model for short inspections. About one in 10 disagreed. Nearly 9 in 10 respondents who gave a view and identified themselves as working in the further education and skills sector were supportive. Similarly, more than 4 in 5 parents responding were supportive.

Figure 11: Responses to question 10 (%)



117. Among those commenting on this proposal, there was general support for introducing common areas of focus on short inspections. Respondents felt that this would bring greater consistency and transparency to short inspections. In particular, respondents considered it important that inspectors make clear at the planning stage what they will be inspecting. Some were concerned, though, that inspectors might miss something important or relevant if they focus too narrowly on set themes.

118. When respondents voiced specific concerns about the proposal, these were most often about introducing on-site preparation. They were concerned that

this would effectively reduce the notification period and be the cause of stress and workload in providers.

119. The proposed changes to short inspections of further education and skills providers were generally well received by those representing the sector. Respondents felt that the proposed areas of focus were correct. Some welcome the proposal to introduce on-site preparation. Others, however, were concerned about the logistical challenges presented by a perceived reduction in the notice period.

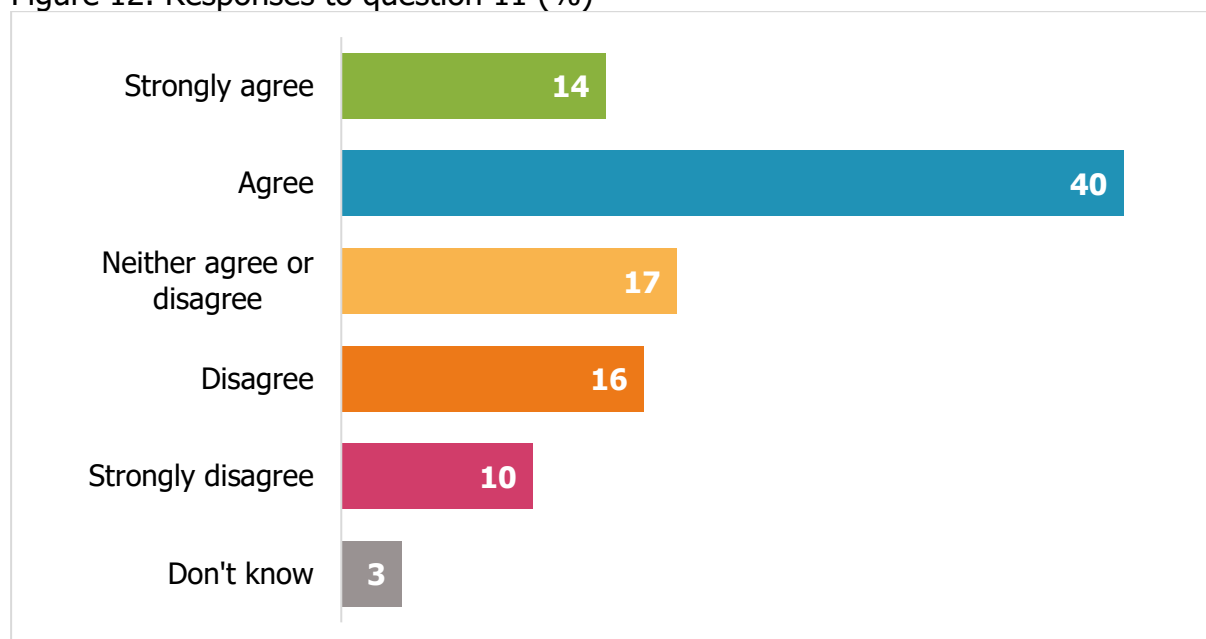
### **What we will do in response to the consultation findings for question 10**

120. We will proceed with introducing common areas of focus for all short inspections of further education and skills providers, while also allowing for the lead inspector to exercise some discretion as to the focus. In particular, it is important to make clear that short inspections seek to confirm whether a good provider continues to be good and to clarify this by gathering sufficient evidence. If the inspector cannot get sufficient evidence, the inspection will be extended to become a full inspection. We have set out how we will address this in the further education and skills inspection handbook.
121. We have listened to the concerns about the on-site preparation element of the proposal. As a result, we will **not** proceed with using on-site preparation when inspecting further education and skills providers.

### **Question 11: To what extent do you agree or disagree that the timescale within which further education and skills providers that are judged to require improvement receive their next full inspection should be extended from 12 to 24 months to 12 to 30 months?**

122. More than half of respondents to the questionnaire supported this proposed new timescale. Support was particularly strong among those working in further education and skills providers, approximately three-quarters of whom supported the proposal.
123. Just over a quarter of respondents did not support introducing the new timescale. Support was approximately half and half among the learners and parents who expressed a view on the proposal.

Figure 12: Responses to question 11 (%)



124. Those who supported the proposal often commented that genuine and sustained improvement can take time and that the new timescale would better enable Ofsted to reflect this, while also enabling us to re-inspect those that make rapid progress more quickly and update their inspection judgements.
125. Those who disagreed with the proposal often raised concerns that extending the timescale would result in further education and skills providers being left too long between inspections. They stated that this could result in an entire cohort of learners receiving less than good education. There was also concern that when a provider has genuinely improved, they would be left waiting for a full inspection to update their inspection judgements and that this would have an impact on their ability to attract learners and business.
126. The main unions and some representative organisations in the sector agreed that the proposed changes to the timescale for re-inspection following a requires improvement judgement would be sensible and would allow for quality improvements to be embedded when necessary.

### **What we will do in response to the consultation findings for question 11**

127. Given the general support for this proposal, we will proceed with introducing a new timeline of 12 to 30 months within which providers that are judged to require improvement receive their next full inspection.
128. In response to the concerns raised, we have revised the handbook to make clear the importance of the monitoring visit we will make to all providers judged to require improvement during the new timescale.
129. Requires improvement monitoring visits ensure that we are able to be a continuing force for improvement in those providers that need it most. They

help minimise the risk of an entire cohort of learners receiving less than good provision. In addition, they allow us to assess the progress that a provider previously judged to require improvement is making and therefore when the re-inspection is most appropriate. A provider making significant progress may be ready for their re-inspection early within this period range. A provider making reasonable and steady progress may benefit from having a bit longer to continue with their progress to get to a good standard. This time extension will allow for that to happen.

## Recurring themes in responses

130. In addition to the questions about the specific proposals set out in the consultation, respondents were given the opportunity to submit free-text comments on the 4 inspection handbooks. Many respondents also submitted by email responses to the consultation that did not follow the structure of the consultation. We have carefully considered these and identified a number of themes that recurred in many responses.

## References to specific groups of learners

131. Some respondents raised concerns about the fact that we have removed the list of specific groups of learners whose outcomes inspectors pay particular attention to. The concern was that this meant we would no longer consider these groups and that this might lead to providers reducing the priority given to those who most need support.

132. The intention behind the change is quite the opposite. The framework makes clear that to be judged good for leadership and management, leaders must 'have a clear and ambitious vision for providing high-quality, inclusive education and training to **all**'. Similarly, the good grade descriptors for the new quality of education judgement include 'leaders use or construct a curriculum that is ambitious and designed to give **all** learners, particularly the most disadvantaged and including pupils with SEND, the knowledge and cultural capital they need to succeed in life.'

133. The new framework is intended to enable Ofsted to be a force for improvement in ensuring that all learners have equal access to high-quality education. We will consider whether education providers have a system in place for ensuring that those learners falling behind in their learning get the additional support they need to succeed in life.

## Mental health

134. The charity YoungMinds ran a campaign encouraging members of the public to respond to the consultation, calling for greater focus on learners' mental health in education inspection. The campaign called for explicit reference to mental health to be included in the key judgements for 'personal development' and 'leadership and management'.

135. We recognise the important role that education providers can play in identifying and supporting learners suffering with mental health issues to access the support that they need. We also recognise the importance of education providers not putting undue pressure on learners to achieve test and examination results.
136. The education inspection framework is built around the factors that have the greatest protective effect for all children: good education, good pastoral care and a culture that promotes a strong connection between children and learners and their community (in this case their school or provider). We have made some amendments to the 'personal development' grade descriptors to better reflect the importance of high-quality pastoral support. The 'leadership and management' grade descriptors for a judgement of good include the importance of leaders engaging with learners and parents, acting with integrity, creating an inclusive culture and supporting all learners to complete their programmes of education.

### **Special educational needs and disabilities**

137. Some respondents raised concerns that the new framework would not work well for special schools or SEND provision in mainstream schools. The inspection handbooks for schools, both for maintained schools and academies and for non-association independent schools, set out how the framework is applied to special schools. Following consultation feedback, we have made some amendments to better clarify how we will consider SEND provision in mainstream schools.
138. The revised schools handbook makes it clear that when inspectors evaluate samples of pupils and this includes pupils with SEND, they will look at whether reasonable adjustments have been made in accordance with the Equality Act and the SEND code of practice. We have also clarified that pupils with SEND often have significant and complex vulnerabilities and can face additional safeguarding challenges. Inspectors will take this into account.
139. The revised handbook makes clear that pupils with SEND will not necessarily have lower starting points. Many may have starting points at least as high as other pupils of their age, for instance some pupils with sensory impairments.
140. We have rephrased our 'quality of education' grade descriptors to be clear that pupils with SEND in an outstanding school should achieve exceptionally well, and that lowered expectations for these pupils are not acceptable.
141. Finally, our 'behaviour and attitudes' grade descriptors make clear that good schools should be able to show improvement in the behaviour and attendance of pupils who have particular needs.

## **English Baccalaureate ('EBacc')**

142. The inclusion of references to the EBacc in the maintained schools and academies inspection handbook was a commonly raised concern. Some of those raising the issue were concerned that we were creating an implied EBacc target for individual schools. The Department for Education has been clear publicly that the EBacc is a national ambition rather than a target for individual schools. We share this understanding. Therefore, we have amended the maintained schools and academies handbook to reflect this.
143. Other respondents had a more fundamental concern that the EBacc should not be used as an accountability measure. We have listened carefully to this view, but recognise that it is government policy to encourage schools to enter their pupils for the subjects making up the EBacc at GCSE level, as set out in the DfE's ambition. Also (in secondary schools), we regard the EBacc subjects as the academic foundation of a broad, rich curriculum. It is important that pupils do not miss out on the opportunity to study EBacc subjects. Inspectors will therefore continue to ask school leaders during inspection whether they are aware of the EBacc ambition and what they are doing to work towards it.

## **Exclusions in schools**

144. Some responses from representative groups called for greater focus on the way in which exclusions are used. They asked that we consider carefully whether a school's exclusion policy and practice are operating within the legal framework. Some respondents asked us to explicitly consider the profile of those pupils being excluded and consider whether this raises any equalities issues.
145. Some respondents also raised concerns about the use of internal exclusions and 'isolation booths'. There was a general concern that these practices are able to operate outside the legal framework for exclusions but can have a significant impact on learners.
146. The school inspection handbook matches closely the DfE's statutory guidance on exclusions. It is clear that exclusions must be legal and justified. Inspectors will ask schools to provide records and analysis of exclusions, pupils taken off roll, incidents of poor behaviour and any use of internal isolation.

## **Early years in schools**

147. We received a number of responses, including from organisations representing those working in the early years sector, that the judgement criteria for early years provision in the schools inspection handbook did not align with the criteria for registered early years settings. They felt the criteria for schools were too focused on Reception-age children and did not take enough account of schools with 2- and 3-year-olds. We have amended this to make sure there is emphasis for early years provision for younger children, while clarifying where criteria apply to Reception-age children.



148. We also received a number of responses about how inspectors will apply judgement criteria when inspecting a maintained nursery school. Maintained nursery schools are early education providers that are legally constituted as schools. This is why we inspect them under the common inspection framework currently. We have added clarification in the handbook to confirm the approach to inspecting a maintain nursery school under the EIF.

### **Research summary**

149. Alongside the consultation and draft framework and handbooks, we published a summary of our research that underpinned the criteria in the framework. The intention of this document was to explain the direct link between the research and the criteria.

150. We received feedback that raised concerns about the level of information given, or a lack of information, about certain areas. The most common concerns related to SEND, early years – particularly babies and very young children – further education and skills, and reading.

151. While some of these do not underpin specific criteria in the framework, we will add a summary of research in these areas, where it is available, to the research summary. We will publish it in due course.

### **Issues out of scope or outside Ofsted's remit**

152. A number of issues were raised during the course of the consultation that fell outside the scope of the consultation or raised points that are outside of Ofsted's remit. For example, many responses called for an end to the exemption from inspection for schools judged outstanding for overall effectiveness. When a significant number of responses have called for changes to government policy, we have shared these with the Department for Education for consideration.

153. In line with Cabinet Office guidance,<sup>4</sup> we consulted on proposals that we were in the process of developing and on which we welcomed views and constructive suggestions that might lead to change. We did not consult on matters that we did not intend to change.

### **Equality, diversity and inclusion**

154. As part of the consultation, we published a draft equality, diversity and inclusion (EDI) statement. Through the consultation process, we received feedback on both the content of the EDI and detail of the inspection handbooks.

---

<sup>4</sup> [www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance).

155. We have carefully considered this feedback and reviewed every response and free-text comment for EDI concerns. We have published a revised EDI alongside the consultation outcome. The vast majority of respondents welcomed our focus on ensuring high-quality education and effective personal development for all learners. Below, we have set out the most common issues that have arisen and how we have amended the inspection framework, handbooks and EDI statement.

### **Protected characteristics**

156. Respondents raised a number of points about inclusion in the broadest sense and others about specific protected characteristics.

157. We did not receive any responses that raised specific points about sex, marriage or civil partnership, or pregnancy and maternity. A summary of the issues that were raised and our response are set out below.

### **Age**

158. We received very few responses that raised specific concerns about age. Those that were received were primarily concerned about the early years judgement in schools, and the focus on reading and mathematics in key stage 1.

159. As set out in paragraphs 147 and 148, the early years judgement has been amended to make sure that there is appropriate emphasis for early years provision for younger children and clarity where criteria apply specifically to Reception-age children.

160. Some respondents raised concerns that the focus on reading and mathematics in key stage 1 might lead to a narrowed curriculum for children during this phase. In key stage 1, inspectors need to check that pupils are able to read and use mathematical knowledge, ideas and operations so that they are able to access a broad and balanced curriculum at key stage 2. Inspectors will consider the broader curriculum provided at key stage 1 but, for the reasons set out above, their focus will be on reading and mathematics.

### **Disability: special education needs and disabilities**

161. The overwhelming majority of responses about disability were about supporting learners with SEND. They expressed general support for the changes to the framework, including introducing the 'quality of education judgement' and separating the judgements on 'behaviour and attitudes' and 'personal development'. Some raised specific suggestions for how the handbooks could be improved. We received a very small number of responses relating to specific disabilities. These responses called for us to focus on what a provider is doing to meet the learners' needs and to minimise the impact that a disability has on their education.

162. We have carefully considered these points and our position is reflected in the updated handbooks.

163. As previously mentioned, some respondents raised concerns that the framework, handbooks and research summary did not consider effectively the issues relating to SEND. Detailed concerns included the following.

- **The use of the term 'ability' is a discriminatory concept.** The draft handbooks include inspectors considering 'whether when it is appropriate for the curriculum for learners with SEND to be amended to meet their age, aptitude and ability'. The use of the term 'ability' in this context is intended to explicitly reflect the language in section 7 of the Education Act 1996. We will, however, pass this concern to the DfE to consider.
- **Exclusions.** A number of responses called for inspectors to consider whether pupils with SEND are disproportionately represented in those excluded from school and any associated equalities implications. As discussed in paragraphs 144 to 147, inspectors will consider whether exclusions are legal and justified. It is also clear that inspectors will consider how well the school is recognising and acting to address any patterns of exclusion that exist.
- **Behaviour and reasonable adjustments.** While generally supporting the framework's recognition of the importance of high standards that are consistently and fairly applied, some respondents reiterated the importance of providers making reasonable adjustments for learners with SEND. We have amended the 'behaviour and attitudes' section in the inspection handbooks to include explicit reference to inspectors considering the way the school is ensuring that it makes appropriate reasonable adjustments in accordance with the Equality Act 2010 and the SEND codes of practice.
- **The research summary excludes research relating specifically to SEND.** The research summary, published as part of the consultation, was intended to set out how the framework criteria were supported by research. It was not intended to be a comprehensive review of all education research. We accept, however, that it would be useful to set out how the specific research on SEND has informed our approach to inspecting SEND, in special and mainstream provision. We will add a section on this to the expanded research summary that we will publish in due course.
- **The framework has not been piloted in enough special schools.** There was some confusion about the schools that had taken part in our research on curriculum and the use of quality indicators, and those schools in which we had carried out a pilot of the EIF criteria and inspection methodology. By the time we complete our full programme of piloting, special schools will have accounted for approximately 10% of pilots. They represent approximately 5% of schools nationally. The ability to consider

SEND provision effectively has been a feature of all pilots in mainstream schools.

- **Ofsted did not consult bodies specifically involved in the education of learners with SEND.** Individuals working in special schools attended our regional stakeholder consultation events in January and February. We also held a specific focus group for SEND stakeholders to gather feedback on the proposed framework and handbooks. We received consultation responses from a range of organisations supporting learners with SEND. These included (but are not limited to): Mencap, I CAN, the Special Education Consortium, the Royal College of Speech and Language Therapists, the Whole-school SEND Consortium, the National Association of Independent and Non-maintained Special Schools, the National Autistic Society, and the Royal National Institute of the Blind.
- **The removal of the high-needs provision judgement in further education and skills inspection reports.** Many respondents welcomed the proposed changes to the provision types that are graded and specifically reported. A number of respondents did, however, raise concerns that removing the grading and reporting of high-needs provision could be detrimental to the provision available for these learners and lead to a lack of clarity of the quality of that provision. We have listened carefully to this feedback and we will continue to grade and specifically report on high-needs provision.

## Race

164. While generally supportive of the focus on inclusive education, gaming and off-rolling, a small number of respondents raised concerns relating to race.

- **The removal of the list of groups of learners to whose outcomes inspectors pay particular attention.** There was some concern that this would mean that inspectors would pay less attention to the educational outcomes for specific racial groups, for example gypsy, roma and traveller learners. We are very clear in the framework and handbooks about the importance of **all** learners and the outcomes they are able to achieve, so that they are prepared to succeed in life. Categorisation fails to recognise that individual learners have multiple protected characteristics. The change is intended to enable us to better recognise the intersectionality of the protected characteristics by focusing on inclusion and the extent to which providers meet the needs of all learners.
- **Disproportionate effect of exclusions.** As referenced in paragraph 142, some responses called for us to consider the data on the profile of those excluded, to assess whether certain groups of learners are disproportionately affected. The school inspection handbook is clear that inspectors will consider whether the school recognises and addresses any patterns that exist.

## Religion or belief

165. There was strong support for ensuring that all learners, regardless of their faith or belief, or lack thereof, receive a high-quality education. A number of responses raised points for consideration in relation to religion and belief. These fell broadly into 4 categories.

- **Ability to be graded as good or outstanding.** Comments received raised two different concerns about the ability to be good or better and the link to religion or belief. First, it was suggested that the quality of education in maintained schools should not be able to be graded good or better unless the statutory requirements relating to religious education are being met. It was also suggested that schools that fail to teach about a range of religious beliefs should be graded as inadequate. Conversely, some non-association independent faith schools raised concerns about their ability to receive a good or better judgement while maintaining the principles of their faith.
- **Sensitivity to religious context.** Some responses noted the need for inspectors to be sensitive to the religious context of a school. This was raised in the context of inspectors speaking to learners and judging the appropriateness of questions and also when considering the curriculum offered in a non-association independent school.
- **Preparation for next stage of education and life in modern Britain.** A small number of responses suggested that when considering the extent to which learners are prepared for the next stage of education, we should be careful not to discount preparation for the next stage of religious learning. Similarly, when considering how well a provider prepares learners for life in modern Britain, it was suggested that we should recognise that preparation for living in accordance with a particular faith or denominations tenets is a valid form of life in modern Britain.
- **Use of interpreters in non-association independent schools.** There was a general sense that the proposed use of interpreters on inspection would be useful. Some concerns were raised that unless these interpreters understood the faith or community context, interpretation could be too literal and miss vital context.

166. We are very conscious of the need for inspectors to take account of the context in which an education provider operates. We are equally clear that our priority must be to ensure that all learners benefit from a high-quality education that prepares them effectively for life in modern British society. In the maintained schools and academies inspection handbook, we have clarified what inspectors can and cannot consider. We have also made greater reference to the basic curriculum, which includes the requirement to provide religious education.

167. The non-association independent schools inspection handbook makes it clear that interpreters will only interpret or translate what is said or written and will not contribute to the inspection judgements made about the school or decisions

about whether the school complies with the independent school standards. We source our interpreters from the main government supplier. They are familiar with working in areas where cultural or religious context is important and language may be nuanced. The non-association independent school inspection handbook also clarifies that we expect all policies, schemes of work and plans, and all other documents to be available in English.

### **Sexual orientation and gender reassignment**

168. A number of responses rightly pointed out that we had not included sexual orientation and gender reassignment in the EDI statement as a protected characteristic with particular relevance to education. We recognise that this was a significant omission. We have added a new section on the impact of the new framework on LGBT+ learners to the EDI statement.
169. Responses called for explicit recognition of the issues that LGBT+ learners often face in education. This includes homophobic, biphobic and transphobic bullying and the impact that this can have on attainment, attendance and mental health. Some respondents asked that we make explicit reference to the DfE's recently published relationships and sex education guidance.
170. Some respondents expressed concern about the removal of the list of groups, which included LGBT+ learners, from the framework. We are clear that this will not result in any reduced focus on the issues facing LGBT+ learners in education. It is instead intended to enable us to better recognise the intersectionality of the protected characteristics by focusing on inclusion and the extent to which providers meet the needs of all learners.
171. We are aware of concerns regarding a perceived conflict between the personal development criteria about ensuring that learners understand the fundamental British values and are prepared for life in modern Britain (which includes reference to LGBT+) and religious freedoms. We are clear that all schools are required to educate their pupils on the legal position and to ensure that they are able to recognise, understand and respect all people. At the same time, we recognise that schools have a right to educate their pupils on their faith's perspective on these issues.



The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory and Support Service (Cafcass), schools, colleges, initial teacher training, further education and skills, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for children looked after, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence](http://www.nationalarchives.gov.uk/doc/open-government-licence), write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This publication is available at [www.gov.uk/government/organisations/ofsted](http://www.gov.uk/government/organisations/ofsted).

Interested in our work? You can subscribe to our monthly newsletter for more information and updates: <http://eepurl.com/iTrDn>.

Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

T: 0300 123 1231  
Textphone: 0161 618 8524  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.gov.uk/ofsted](http://www.gov.uk/ofsted)

No. 190016

© Crown copyright 2019