



## Ofsted inspections of maintained and academy schools: FAQs

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This note provides background on Ofsted inspections of state-funded schools, and looks at recent developments in school inspection.

It aims to provide information in response to the questions the Library is asked most frequently, including:

- Does Ofsted inspection contribute to school improvement?
- How frequent are Ofsted school inspections?
- How has the way Ofsted inspects schools evolved?
- What are the consequences of the different Ofsted judgements or grades?
- What evidence do inspectors look at as part of the inspection process?
- What are the accountability arrangements for Ofsted?
- How does a school complain about an inspection?
- What are the current topical issues around Ofsted inspection?

This note relates to England only. Different inspection arrangements apply in Wales, Scotland and Northern Ireland. It does not cover the inspection of independent (fee-paying) schools in detail.

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## 1.1 School Inspection

### Overview

Ofsted is a non-ministerial department that reports directly to Parliament. It inspects maintained and academy schools (including free schools), some independent schools, and a wide range of other providers in England. Separate inspection arrangements apply in Scotland, Wales and Northern Ireland.

The position of Her Majesty's Chief Inspector is currently held by Sir Michael Wilshaw. The Chair of Ofsted's board is David Hoare.

This note mainly concerns inspections of state-funded schools. Independent schools are inspected by either [Ofsted](#), the [Independent Schools Inspectorate \(ISI\)](#), the [Bridge Schools Inspectorate \(BSI\)](#) or the [School Inspection Service \(SIS\)](#) in line with the relevant school inspection framework.

The table below shows which inspectorate is responsible for inspecting which type of school.

Type of school	Inspectorate responsible
Maintained mainstream schools, academies, pupil referral units/ alternative provision academies	Ofsted
Maintained and non-maintained special schools and special academies	Ofsted
Independent schools that are affiliated to the Independent Schools Council (ISC)	Independent Schools Inspectorate
Independent schools that are members of the Focus Learning Trust; some Cognita and Steiner Schools	School Inspection Service
Independent schools that are members of the Christian Schools' Trust or the Association of Muslim Schools	Bridge Schools Inspectorate
Independent schools – not affiliated to the ISC ('non-association schools') or one of the bodies above.	Ofsted
Boarding and residential provision in some independent schools, all maintained schools, and residential special schools. <sup>1</sup>	Ofsted

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<sup>1</sup> The ISI inspects independent boarding provision at schools not affiliated to the Independent Schools Council.

### **What do routine inspections of state schools focus on?**

Maintained schools and academies undergoing routine 'Section 5' inspections<sup>2</sup> are inspected in line with Ofsted's current [Framework for School Inspection](#) (last revised January 2015).<sup>3</sup> Inspectors are required to report on:

- the achievement of pupils at the school
- the quality of teaching in the school
- the behaviour and safety of pupils at the school
- the quality of leadership in and management of the school

In doing so, they must also take account of:

- the spiritual, moral, cultural and social development of pupils
- how well the school meets the needs of the whole range of pupils, and in particular those with Special Educational Needs or Disabilities (SEND).

Further detail about evaluation criteria and the evidence Ofsted consider prior to and during an inspection can be found in Ofsted's [School Inspection Handbook](#) (January 2015).

### **How has the school inspection framework evolved?**

There have been significant changes to the school inspection framework for maintained and academy schools in recent years. On 1 January 2012 Ofsted introduced a new inspection framework for these schools. In September 2012, it made further significant changes to the framework, including replacing the previous 'satisfactory' judgement category with a new category, 'requires improvement'. Ofsted said that this reflected the fact that the accepted standard for schools was now 'good'.

The Chief Inspector, Sir Michael Wilshaw, explained the rationale behind this move in Ofsted's [Annual Report for 2011-12](#):

Several of my predecessors have voiced the view that, when it comes to education and care, 'satisfactory is not good enough'. It follows that satisfactory is a condition that 'requires improvement within a defined period of time', and this change of descriptor was introduced in September 2012. No provider will now be allowed to trundle along year after year performing at a level that is less than good. We have raised the bar higher, but Ofsted will not walk away. We will continue to monitor, inspect, challenge and support these institutions until they improve.<sup>4</sup>

In October 2014, Ofsted launched a [consultation](#) on further longer-term revisions to the school inspection framework. Proposals include:

- Introducing a common inspection framework for maintained schools, academies, some independent schools, and FE and skills training providers. The same judgements would apply to all these providers.

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<sup>2</sup> Inspections carried out under Section 5 of the *Education Act 2005*, as amended.

<sup>3</sup> The arrangements for 16-19 academies and free schools are conducted in line with Ofsted's Common Inspection Framework.

<sup>4</sup> Ofsted, *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2011-12*. November 2012. Pp. 22. All web links last accessed 5 February 2015 unless otherwise stated.

- Shorter inspections for providers judged ‘good’, at approximately three-year intervals. These inspections would not provide a full set of judgements, but would instead report on whether a provider had maintained its effectiveness.
- Inspecting non-association independent schools (which Ofsted already inspects) within three years.
- A greater emphasis on safeguarding, breadth and suitability of the curriculum, and on assessing how well the school prepares pupils for life and work in Britain.

There is more information on this consultation – and its outcome – in section 1.4 of this note.

### ***How much notice do schools get of an inspection?***

The notice period that schools have of a routine inspection has shortened dramatically since Ofsted’s inception. Currently, schools are usually notified around midday on the working day prior to the start of a routine school inspection. Schools which have previously been rated inadequate for behaviour may be subject to no-notice inspections, as may schools about which there are significant concerns.

In exceptional circumstances, schools may be able to request that their inspection is deferred. More information on Ofsted’s deferral policy can be found in [Deferral of inspections: information for schools](#) (December 2012).<sup>5</sup>

### ***No-notice inspections?***

In January 2012, the newly-appointed Ofsted Chief Inspector Sir Michael Wilshaw announced that all schools would face no-notice inspections from autumn 2012, as opposed to the two days’ notice schools then received.<sup>6</sup> The Chief Inspector argued that it was important that inspectors should see schools “as they really are”.<sup>7</sup> The proposals were included in a subsequent wider consultation on reforms to the inspection framework launched in February 2012.

The teaching unions were highly critical of the ‘no-notice’ inspection proposals. The National Association of Head Teachers (NAHT) reportedly described the plans as an “empty gesture”, saying that if a school “could conceal evidence of widespread failure in just two days then the whole concept of inspection is flawed and Ofsted’s protestations that it examines progress and behaviour over the long-term ring hollow.”<sup>8</sup> The Association of School and College Leaders (ASCL) were quoted as saying that while they welcomed moves to improve the effectiveness of inspection, they were not confident that no-notice inspection would achieve this.<sup>9</sup> The National Union of Teachers (NUT) argued that such inspections would “keep schools looking over their shoulders in anxiety at the prospect of Ofsted’s arrival”.<sup>10</sup>

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<sup>5</sup> Ofsted, [Deferral of inspections: information for schools](#). October 2012.

<sup>6</sup> Ofsted press notice, ‘[Ofsted announces plans for no-notice inspection of schools](#)’, 10 January 2012

<sup>7</sup> *Ibid.*

<sup>8</sup> See: ‘[Schools in England will face no-notice inspections](#)’, BBC News [online], 10 January 2012

<sup>9</sup> *Ibid.*

<sup>10</sup> NUT press release, ‘[Changes to Ofsted inspections](#)’, 9 February 2012.

In May 2012, Ofsted published its report on the outcome of the consultation.<sup>11</sup> This said that, rather than no-notice inspections, schools would receive a half-day's notice that an inspection would be taking place.

In summer 2014, and in the wake of the 'Trojan Horse' affair in Birmingham, the Prime Minister's Office, 10 Downing Street and the DfE jointly issued a press release stating that they would ask Ofsted to report on the feasibility of carrying out snap 'no-notice' inspections.<sup>12</sup> This, the notice said, was because evidence from the Education Funding Agency (EFA) indicated that notice periods in some 'Trojan Horse' schools in Birmingham were used to "hastily arrange shows of cultural inclusivity".<sup>13</sup>

However, on 9 October 2014, at the launch of the consultation on the future of inspection (discussed above), Sir Michael Wilshaw said that Ofsted would *not* be consulting on routine no-notice inspections at the present time and that it was no longer proposing to change the existing notice period arrangements.

### ***What are the main outcomes of inspections?***

There are four main categories of overall judgement on a school's effectiveness:

- 'Outstanding' (Grade 1)
- 'Good' (Grade 2)
- 'Requires Improvement' (Grade 3)
- 'Inadequate' (Grade 4)

Inadequate schools are sub-divided into two further categories. Schools with 'serious weaknesses' (and in need of significant improvement) are deemed so because:

[O]ne or more of the key judgements is inadequate (grade 4) and/or there are important weaknesses in the provision for pupils' spiritual, moral, social and cultural development. However, normally, leaders, managers and governors have been assessed as having the capacity to secure improvement.<sup>14</sup>

In line with Section 44 of the *Education Act 2005*, as amended, a school is deemed to require 'special measures' if:

- It is failing to give its pupils an acceptable standard of education and
- The persons responsible for leading, managing or governing are not demonstrating the capacity to secure the necessary improvement in the school.<sup>15</sup>

Where a school is deemed inadequate, it is considered to be a 'school causing concern' and 'eligible for intervention'.<sup>16</sup>

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<sup>11</sup> Ofsted, *Responses to Ofsted's consultation, 'A good education for all' on maintained schools and academies, including free schools*, 30 May 2012.

<sup>12</sup> Prime Minister's Office and others, press notice, 'PM actions in response to allegations of extremism in schools', 9 June 2014.

<sup>13</sup> *Ibid.*

<sup>14</sup> Ofsted, *School Inspection Handbook*, January 2015. Pp. 29

<sup>15</sup> *Ibid.*, Pp. 29

<sup>16</sup> Schools can also be deemed to be causing concern or 'eligible for intervention' by other means – e.g., because they have been issued with warning notices by the LA, and have failed to address the issues satisfactorily.

Statutory guidance for local authorities, [Schools causing concern](#) (January 2015) outlines the options open to the LA and the Secretary of State where a school is eligible for intervention owing to an 'inadequate' Ofsted judgement or for another reason. These include:

- Suspension of a school's delegated budget
- Appointment of an interim executive board (IEB) – i.e., appointing a new temporary governing body or appointment of additional governors.
- Compelling the school to 'enter into arrangements' to bring about improvements – e.g., joining a federation of other schools.
- Requiring the school to 'enter into academy arrangements' via the making of an academy order.

The guidance makes clear that, in the case of schools deemed inadequate, the normal route to securing improvement will be via conversion to sponsored academy status. LAs have no general power to intervene in academy or free schools which are deemed inadequate. However, the EFA, Regional Schools Commissioner<sup>17</sup> or the Secretary of State for Education may intervene in these schools.

***How often are state schools currently inspected?***

The interval between school inspections depends in large part on a school's previous inspection judgement. The table below summarises Ofsted's current policy on the frequency of school inspections – although inspections may be brought forward if Ofsted's own risk assessment activities indicate cause for concern:

<b>Previous Section 5 inspection result</b>	<b>Frequency of future inspections</b>
New state schools not previously inspected and not converter academies	First Section 5 inspection usually within two years of opening, but not until after four terms have elapsed post-opening
'Outstanding' (Grade 1)	School exempt from further routine inspection providing there are no concerns about performance
'Good' (Grade 2)	Full re-inspection within three to five years
'Requires Improvement' (Grade 3)	Full re-inspection usually within two years; school subject to monitoring visits
'Inadequate' (serious weaknesses) (Grade 4)	Interim monitoring 'Section 8 inspections'; Full re-inspection usually within eighteen months.
'Inadequate' (special measures) (Grade 4)	Regular 'Section 8' monitoring inspections (up to 5 in the 18 months following the initial inspection); full re-inspection usually within two years.

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<sup>17</sup> Regional Schools Commissioners are DfE appointees. There are eight RSC regions and the eight commissioners have been operational since September 2014.

### ***Who are the inspectors?***

Currently, Ofsted inspectors are either directly-employed Her Majesty's Inspectors (HMIs) or Additional Inspectors (AIs). Additional Inspectors are currently contracted via three Inspection Service Providers (ISPs): Serco; Tribal; and CfBT.

On 29 May 2014, Ofsted announced it would no longer contract via ISPs for school or further education inspections, once the current arrangements came to an end in August 2015. Instead, it would bring all management of inspectors 'in-house' by directly contracting with AIs. Announcing the changes, Sir Michael Wilshaw said that inspection, as far as he was concerned "[I]s just too important for Ofsted to simply have oversight of third-party arrangements".<sup>18</sup>

Ofsted inspectors, whether contracted or directly employed, are required to hold Qualified Teacher Status (QTS). Schools' Minister David Laws MP recently indicated that 56 per cent of Ofsted inspection teams now included a serving practitioner – e.g., serving head teachers or members of school senior management teams.<sup>19</sup>

### ***Who inspects the inspectors?***

Quality assurance arrangements for inspections of maintained and academy schools are set out in paragraphs 117 and 118 of Ofsted's [School Inspection Handbook](#). All inspection reports are subject to internal quality assurance procedures, and in some cases inspections may be externally reviewed by HMIs or senior ISP managers.

The issue of Ofsted's accountability was discussed in a parliamentary debate on 10 December 2014. Responding to concerns raised by Members about alleged inconsistencies between inspection teams, Schools' Minister David Laws MP outlined the oversight arrangements for Ofsted:

The inspection and regulatory functions of Ofsted are vested in Her Majesty's chief inspector, who is primarily accountable directly to Parliament. He appears before the Education Committee at least twice a year, giving evidence on the work of Ofsted and on his annual report. He is also subject to other parliamentary scrutiny. As recently as last month he appeared before the Public Accounts Committee, so there are many parliamentary opportunities for the work of Ofsted to be examined. The Education Committee can also conduct inquiries specifically into Ofsted and its work. In April 2011, the Committee conducted an inquiry into the role and performance of Ofsted. The report from that inquiry concluded:

"Ofsted's independent status is broadly valued by inspectors, by professionals, and by the public, and we strongly support the retention of that status."

As the Department for Education is the lead policy and ministerial Department covering Ofsted's work, the Secretary of State for Education meets the chief inspector regularly, as do I, to discuss the work of Ofsted.

Every year Ofsted conducts approximately 6,500 school inspections and 30,000 inspections of all settings. It has a massive job of work to do. As part of its procedures, Ofsted sends out a feedback questionnaire after every inspection. The latest figures for the second quarter of 2014-15 show that 93% of respondents said that they were satisfied with the way an inspection was carried out. That is against an overall

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<sup>18</sup> Ofsted press release, '[Ofsted announces plans to bring management of all school and further education inspections in-house](#)', 29 May 2014.

<sup>19</sup> [HC Deb 10 Dec 2014, c339 WH](#).

response rate of 71%, which indicates that in the majority of settings, there is contentment on the effectiveness and fairness of the Ofsted process. As good as those figures are, there is no room for complacency.

I assure my hon. Friend the Member for Christchurch that Sir Michael takes particular interest in the quality of inspectors' work. He recognises—I believe he has said this publicly—that more needs to be done to ensure that all inspections are delivered to a consistently high standard the first time around. That is why he appointed Sir Robin Boshier, one of Ofsted's directors, to take direct responsibility for inspection quality and the training of inspectors. As a result, Ofsted has put in place more stringent quality checks and monitoring of inspections and reports. It has also invested more in the training of inspectors, in place of having detailed written guidance documents. I know that Sir Michael is working hard to ensure quality and consistency, and I am confident that he will tackle any underperformance in the inspection work force. He is prepared to take tough action where necessary to remove inspectors, or to require additional training where inspectors fail to meet his high expectations.<sup>20</sup>

In December 2014, Ofsted's National Director, Schools, Sean Harford, responded to a [critical blog post](#)<sup>21</sup> by the head of a north London school, Tom Sherrington, concerning the reliability of Ofsted inspection judgments and other issues. In his [response](#)<sup>22</sup> (which was posted on Mr. Sherrington's blog) Sean Harford appeared to accept the criticism that Ofsted had “not done enough in the past to test the reliability of inspection”.<sup>23</sup> He said that the inspectorate had consequently built reliability testing into the pilots for the new shorter inspections proposed in its October 2014 consultation. Mr. Harford is also quoted as acknowledging that some “weak inspectors” were guilty of “using [...] published data as a safety net for not making fully-rounded, professional judgements [...]”.<sup>24</sup>

An [article](#) in *Schools Week* (15 January 2015) suggested the piloting of the new short inspection methodology would take place in the spring of 2015 and would involve schools being visited by two inspectors on the same day, who would then compare their independent judgements.<sup>25</sup>

## 1.2 Complaints about school inspections

### *Internal complaints*

Providers who are unhappy about something that happens during the course of an inspection are encouraged to discuss the issue with the inspection team. There should also be an opportunity for the school to ‘fact check’ a draft of the report for accuracy. Providers that are still unhappy with the outcome of an Ofsted inspection can follow the remaining stages of Ofsted's published internal complaints procedure, as laid out in the document [Complaints about Ofsted](#) (April 2013). This says:

Where our work has not met the high standards we set, we will accept and acknowledge this and take steps to remedy the situation as quickly as possible. This includes acting swiftly to correct any factual errors in our inspection reports. However, we will not change our inspection judgements simply because they are disappointing to

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<sup>20</sup> HC Deb 10 Dec 2014, c 339WH

<sup>21</sup> *Headguruteacher* blog post, [Ofsted outstanding? Just gimme some truth](#), 30 December 2014.

<sup>22</sup> [Response by Sean Harford HMI to Tom Sherrington's blog: OfSTED Outstanding? Just gimme some truth](#), 30 Dec 2014

<sup>23</sup> *Ibid.*, Pp. 3

<sup>24</sup> *Ibid*

<sup>25</sup> [‘Ofsted reliability will be tested by ‘double inspections’](#) in *Schools Week*, 15 January 2015.

the provider or users of a service, or because improvements in provision have happened since the inspection or are promised in the future. (Pp. 4)

There are time-limits on submitting complaints. Those wishing to make a formal written complaint about an inspection are required to do so no later than ten working days after the publication of the inspection report. Complainants who remain unhappy with the outcome of their 'stage two' complaint can ask for an internal review of the complaint within 15 days.

Ofsted has also published a [protocol](#) (January 2015) on the arrangements for gathering further information where an inspection is 'incomplete'<sup>26</sup> – although the inspectorate says that such occurrences are very rare:

1. Ofsted has established processes for checking quality, finalising reports and dealing with concerns raised by providers within all remits of its work. In many cases these are carried out in partnership with inspection service providers (ISPs) who work alongside Ofsted in carrying out inspections and who are responsible for the employment of additional inspectors.

2. Exceptionally Ofsted or an ISP will think it necessary to delay publication of a report to ensure full consideration of concerns raised by a provider (or identified by Ofsted or an ISP). Very rarely, usually following consideration of the provider's concerns, or following its own internal pre-publication quality assurance/moderation processes, Ofsted may identify elements in the inspection evidence base which are not sufficiently secure and this may cause Ofsted to conclude that the inspection is incomplete. In such cases, Ofsted will need to take further action to complete the inspection and this action may include a further visit to the provider to gather more evidence to secure the evidence base. In those circumstances the inspection report will not be published until Ofsted is satisfied that the inspection judgements are secure.

3. When a draft report has been sent to the provider for a factual accuracy check or comments, and Ofsted decides subsequently that the inspection of the provider has not provided a sufficiently sound evidence base upon which to make judgements about the provider, Ofsted may carry out further inspection activity to secure the inspection. This may include a further visit to gather more evidence. An amended draft report will be sent to the provider following the conclusion of further inspection activity for factual accuracy checking and comment.

4. These situations should happen very rarely, but when they do, it is important that full and sensitive communication with the provider (and ISP where relevant) is maintained throughout.

5. In other cases, following publication (that is, receipt of the final report by the provider) of the inspection report, Ofsted may conclude that the evidence base for an inspection was insecure or that the inspection outcome is unreliable for another reason [...]. **This protocol is not applicable in those circumstances.**<sup>27</sup>

### ***Further complaint stages***

After following internal complaints procedures, schools and other providers may also be able to complain to the Independent Complaints Adjudication Service for Ofsted (ICASO). ICASO can consider complaints about a range of issues including alleged discourtesy during inspections, failure to apologise or accept mistakes, and failure to follow procedures. It cannot, however, overturn inspectors' judgements, and any recommendations it makes are

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<sup>26</sup> Ofsted, [Gathering additional evidence to secure an incomplete inspection. Ofsted Protocol](#). January 2015.

<sup>27</sup> *Ibid.*, January 2015, Pp. 4

not binding on Ofsted, although the inspectorate must publicly state any reasons for refusing to comply. ICASO publishes annual reports on its role – the latest [report](#), for 2013, was published in July 2014.

If the complainant is still unhappy with the outcome of a complaint to ICASO, they may be able to ask the [Parliamentary and Health Service Ombudsman](#) to look at the issue. The Ombudsman is only able to look at administrative process and, like ICASO, is unable to overturn an Ofsted judgement.

### 1.3 Does inspection drive school improvement?

According to the School Inspection Handbook, Ofsted inspection promotes improvement because it:

- Raises expectations by setting the standards of performance and effectiveness expected of schools
- Provides a sharp challenge and the impetus to act where improvement is needed
- Clearly identifies strengths and weaknesses
- Recommends specific priorities for improvement for the school and, when appropriate, checks on and promotes subsequent progress
- Promotes rigour in the way that schools evaluate their own performance, thereby enhancing their capacity to improve
- Monitors the progress and performance of schools that are not yet good, and challenges and supports senior leaders, staff and those responsible for governance.<sup>28</sup>

In its annual report for 2013/14, Ofsted cited international research which, it says, testifies that inspection can make a “real difference” to schools and other providers.<sup>29</sup>

In March 2014, the centre-right think tank Policy Exchange published a critical report on Ofsted, [Watching the Watchmen. The Future of School Inspections in England](#).<sup>30</sup> Its main conclusions and recommendations included:

- That an independent inspectorate continued to be needed
- Ofsted had been highly successful in many ways in its core mission of bringing about school improvement, but needed to become leaner and respond to concerns raised by schools about the quality and accuracy of inspections
- Ofsted regulation should become more ‘data-driven’ but that currently there were some concerns about the way Ofsted uses data, and inaccuracies.
- Stronger schools should “lead more” with their self-evaluation, while weaker schools should be subject to more tailored inspections.

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<sup>28</sup> Ofsted, [School Inspection Handbook](#), January 2015, Pp 4-5

<sup>29</sup> Nelson, M., and Ehren, R., ‘Review and synthesis of evidence on the (mechanisms of) impact of school inspections’, [schoolinspections.eu/](#) study funded by the European Commission Lifelong Learning Programme.

<sup>30</sup> Waldegrave, H., and Simons, J., [Watching the Watchmen. The Future of School Inspections in England](#). 17 March 2014.

- Rather than the current Section 5 routine inspections, schools should be subject to two-stage inspection procedure – a data-driven ‘Short Inspection’ should take place once every two years, with one inspector visiting the school for one day only. The purpose would be to validate (or otherwise) the school’s own self-assessment. Schools graded ‘good’ or ‘outstanding’ would face no further action; schools not falling into these categories would be subject to a more detailed ‘Tailored Inspection’.
- The abolition of lesson observations during routine inspections
- Respondents were concerned about the unintended impacts before and after Ofsted inspections – e.g., on stress levels of school staff, expensive and time-consuming planning and ‘practising for’ inspections.
- Either the abolition of additional inspectors (AIs), or bringing their management and employment in-house.

Some of Policy Exchange’s recommendations have since either been taken forward by Ofsted or are currently being consulted on (see Section 1.4 below).

There have been many calls for reform of the current Ofsted inspection regime from the main teaching unions. The Association of Teachers and Lecturers (ATL) has argued that inspection, as it currently stands, does not promote school improvement:

Even assuming Ofsted is entirely impartial and reliable in its inspection outcomes, ATL is adamant its punitive model is incompatible with the professional autonomy teachers need. “A centralised, top-down system of inspection takes away from teachers the scope and confidence to make professional decisions,” says Dr Boustead.

“I would say that Ofsted, far from being a force for school improvement, is keeping standards down. Evidence shows punitive accountability regimes bring up the lowest performers to an acceptable standard, but they always limit high performers. Unless teachers are very confident about what they’re doing, they’re not going to open themselves up to being outside the pale. They’re not prepared to take risks and this limits innovation.”<sup>31</sup>

Prof Peter Tymms and Karen Jones of the University of Durham have called for more research into the impact of Ofsted inspection on school improvement.<sup>32</sup>

The European Commission has recently funded a comparative project on school inspection regimes in member states. The summary report of the project’s findings suggests that in England, schools subjected to ‘close monitoring’ experienced increased levels of school improvement in the first two years as compared to schools subject to routine monitoring only. However, the researchers concluded:

[T]he fact that change in the monitored schools seems to last two years and seems to be implemented in a high pressure/low trust environment raises the question of whether these changes are long-lasting and sustainable.<sup>33</sup>

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<sup>31</sup> ‘Ofsted: not fit for purpose. Why England’s inspection regime needs a radical overhaul and ATL’s vision of what it should look like’ in [Report](#) magazine, April 2014. Pps 10-12. See also: NUT’s [response](#) to Ofsted’s October 2014 consultation.

<sup>32</sup> Jones, K.L. & Tymms, P.B. *Ofsted’s role in promoting school improvement: The mechanisms of the school inspection system in England*. Oxford Review of Education 40(3): 315-330, 2014

<sup>33</sup> Ehren, M., *et al.*, *Impact of School Inspections on Teaching and Learning (ISI-TL). Summary final results entire project after three years*, July 2014.

## 1.4 Current issues

### **October 2014 proposals to reform inspection framework**

On 9 October 2014, Ofsted launched a [consultation](#) on proposed major changes to the inspection framework for schools, FE and skills providers, and early years' settings.<sup>34</sup> This proposed:

- Creating a common inspection framework for: maintained and academy schools, registered early years' providers, FE and skills providers, and non-association independent schools. The same judgements would apply in each of these settings.
- Shorter inspections for state schools and FE and skills providers judged 'good' at their previous inspection. These would happen approximately every three years and would focus on whether a provider had maintained their effectiveness.
- Non-maintained independent schools will be inspected within three years.

Ofsted also proposes that inspections will focus more closely on:

- Safeguarding
- Suitability and breadth of the curriculum.
- Preparation for life and work in Britain, including personal development, behaviour and welfare.

The consultation closed on 5 December 2014. On 2 February 2015, Ofsted published its [report](#)<sup>35</sup> on the consultation responses, indicating it intended to press ahead with the following changes, which would be introduced from September 2015:

- The new common inspection framework for early years providers, maintained and academy schools, non-association independent schools, and further education and skills providers. This would be piloted during the Spring 2015 term.
- Shorter, more proportionate inspections for providers judged 'good' at their last inspection. Instead of a full re-inspection every three to five years, such providers would normally have a short inspection every three years. This will not be a 'mini full inspection' but will instead look at whether quality has been sustained.
- Non-association independent schools will all be inspected within three years.
- Introduce new judgements on 'quality of teaching, learning and assessment', 'personal development, behaviour and welfare', 'effectiveness of leadership and management' (including reporting on the curriculum) and 'outcomes for children and learners'.

Ofsted says, however, that it has no current plans to proceed with the following:

- Unannounced routine inspections
- Reinstating routine inspections of schools judged 'outstanding' at their last inspection.

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<sup>34</sup> Ofsted, [Better inspection for all – consultation document](#). 9 October 2014.

<sup>35</sup> Ofsted, [Better inspection for all. A report on the consultation responses](#). 3 February 2015.

### **Norfolk schools: allegations of advanced warning of inspections**

In August 2014, the *Observer* newspaper published an article alleging that three Norfolk schools connected to the Inspiration Trust academy chain had been given advanced warning of school inspections.<sup>36</sup> The Inspiration Trust's Chief Executive is Dame Rachel de Souza, who was also executive head at two of the schools, as well as a part-time inspector with Ofsted.

In response to the allegations, Ofsted appointed Sir Robin Boshier, National Director for Quality and Inspection Training to undertake a review of the case. Ofsted published the findings of Sir Robin's review on 23 September 2014.<sup>37</sup> The report's main finding was that there was "no evidence to substantiate the allegations that the three schools in question had improperly received prior notification of the dates of their Ofsted inspections in order to put them at an unfair advantage."<sup>38</sup> However, there had been a lapse of information-sharing procedures that meant that the Governors at one of the schools, as well as Ms. De Souza, were mistakenly given sight of an inspection schedule that included the planned date of inspection at that school.

On 19 October 2014, the *Observer* published a further story, alleging that it had seen new email evidence of advance notice of inspections.<sup>39</sup> A note on the *Observer* website says that the article is the subject of a legal complaint made on behalf of Rachel De Souza and the Inspiration Trust.

Subsequently, Ofsted appointed education lawyer Julian Gizzi to undertake further review of the evidence and his subsequent [report](#) was published on 28 January 2015.<sup>40</sup> In response to his terms of reference, he concluded:

201.1 that the manner in which Sir Robin Boshier carried out his investigation was, overall, appropriate, although I am not convinced that this conclusion is necessarily obvious from a reading of Sir Robin's report alone;

201.2 that, subject to my observations in paragraphs 95.2 and 95.4, the conclusions which Sir Robin reached were reasonable;

201.3 that there are no other matters connected with Sir Robin's investigation which should be drawn to the attention of Her Majesty's Chief Inspector;

201.4 that the evidence presented to Ofsted since Sir Robin completed his investigation, together with the other evidence available to Ofsted, does not demonstrate, on the balance of probabilities, that Ormiston Victory Academy, The Thetford Academy or Great Yarmouth Primary Academy were given advance notice of their inspection dates, beyond the requisite half day's notice.<sup>41</sup>

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<sup>36</sup> [Academies run by 'superhead' received advance notice of Ofsted checks](#), in *The Observer* [online], 17 August 2014.

<sup>37</sup> Ofsted, [Report to Her Majesty's Chief Inspector following an investigation into allegations of inspection irregularities in three Norfolk schools](#), 23 September 2014.

<sup>38</sup> *Ibid.*, Pp. 1

<sup>39</sup> [Emails expose how superhead's schools knew Ofsted inspectors were coming](#) in *The Observer* [online], 18 October 2014.

<sup>40</sup> DAC Beechcroft/ Julian Gizzi, [Alleged inspection irregularities at three Norfolk academies](#). January 2015.

<sup>41</sup> *Ibid.*, Pp. 51

### ***Ofsted after 'Trojan Horse'***

In spring 2014, press reports began to emerge alleging that a number of schools in Birmingham were being targeted by Islamic fundamentalists.<sup>42</sup> The schools were a mixture of academies and maintained schools. Ofsted conducted inspections at 21 schools, and by July 2014 it had published all the resulting inspection reports.

In April 2014, the DfE appointed Sir Peter Clark to investigate the Trojan Horse issue; his [report](#) was published in July 2014 and concluded that there was “clear evidence that there [were] a number of people, associated with each other and in positions of influence in schools and governing bodies, who espouse[d], endorse[d] or fail[ed] to challenge extremist views.”<sup>43</sup> Birmingham City Council also undertook its own inquiry into the allegations.

In the wake of Trojan Horse, the Government has made changes to the independent school standards which academies and free schools, as well as registered fee-paying schools, are required to adhere to. The changes were designed to ensure that schools were promoting pupils' social, moral, spiritual and cultural (SMSC) development, and were promoting equality and fundamental British values. Section 3.2 of the Library note on *Sex and Relationship Education in Schools*, [SN/SP/6103](#), provides further background information on these changes.

In parallel, Ofsted has made changes to its inspection framework and guidance, to ensure that schools were assessed on how well they were discharging their duties in this regard. In July 2014, Ofsted published revised guidance for the inspection of maintained schools and academies, which came into effect in September 2014. An Ofsted website [article](#) summarised the changes:

- While there is no fundamental change to inspection methodology, inspectors will from September 2014:
  - make graded judgements for early years and sixth form provision, following our consultation earlier this year;
  - no longer record on evidence forms a grade on the quality of teaching for individual lesson observations;
  - pay even greater attention to a school's curriculum to ensure that it is appropriately broad and balanced to help prepare young people for life in modern Britain.<sup>44</sup>

In September 2014, Ofsted [announced](#) a series of no-notice school inspections, following the 'Trojan Horse' allegations:

HM Inspectors are mounting a wave of no notice inspections of schools across every region in England, Ofsted announced today.

Around 40 schools up and down the country have been selected for the two-day unannounced inspections during a two-week window in September, under powers already available to the inspectorate.

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<sup>42</sup> ['Revealed: Islamist plot dubbed 'Trojan Horse' to replace teachers in Birmingham schools with radicals'](#) in the Daily Mail 7 Mar 2014

<sup>43</sup> Clark, Peter. [Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter](#), July 2014, HC 576, Pp. 12

<sup>44</sup> Ofsted, [Revised guidance for inspections of maintained schools and academies](#), 31 July 2014

Following recent events in some Birmingham schools, Chief Inspector Sir Michael Wilshaw agreed to examine the feasibility of moving to a system of inspecting all schools without notice, rather than the half-day notice that the majority of schools currently receive.

In the meantime, he has instructed Ofsted's Regional Directors to make wider use of existing powers to conduct no notice inspections of schools where there are concerns about:

- rapidly declining standards
- safeguarding, including a decline in the standards of pupils' behaviour and the ability of staff to maintain discipline
- standards of leadership or governance, or
- the breadth and balance of the curriculum (including where the statutory requirement to publish information to parents is not met)

Many of the schools selected for these inspections over the coming days were already scheduled to undergo 'section 5' inspections this term. However, others will be schools that weren't due for inspection but where Ofsted has become aware of concerns.<sup>45</sup>

Some of the resulting reports criticised particular schools – including certain schools with Christian and Jewish designations– of failing to teach adequately about life in multi-cultural and multi-faith Britain. Press articles have cited parental criticism of the judgements, on the grounds that the inspection findings had been motivated by 'political correctness'.<sup>46</sup>

In a speech at the Association of School and College Leaders annual conference on 20 March 2015, Ofsted's National Director for Schools, Sean Harford, said that inspecting British values had "made life difficult" for the inspectorate. He continued:

Nevertheless, we are not shirking this responsibility. It is one of the most important things we are doing. I say this because schools, particularly those in mono-cultural areas, are on the frontline of ensuring that our society doesn't become fragmented and divided. We have all seen in recent months what can happen when this frontline is breached.

All our schools, whether secular or of faith, have a huge responsibility for teaching children and young people about the society in which they live and for promoting understanding, tolerance and respect for others [...].

Our inspectors have had to go into schools serving predominantly Muslim communities in Birmingham and Tower Hamlets, Jewish schools in Hackney, and Christian schools in the north east and say some uncomfortable things about how these institutions were failing to prepare their pupils for life in modern Britain. This has been a tough call. But it is absolutely essential, for the reasons I have already mentioned, that we apply the same principles and inspect by the same standards in every school in every part of the country.

Challenging intolerance – in all its forms – is the right thing for all schools to be doing.

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<sup>45</sup> Ofsted press notice, '[Ofsted begins series of no-notice school inspections](#)'. 15 September 2014.

<sup>46</sup> See e.g., '[School marked down by Ofsted for being 'too white'](#)', in *The Telegraph* [online], 19 November 2014; '[Christian school 'downgraded for failing to invite an imam to lead assembly'](#)' in *The Telegraph* [online], 19 October 2014.

And of course the great majority of schools are getting this right already through strong PSHE, citizenship and RE programmes. They don't grab the headlines but are far more typical than the minority of schools that Ofsted has found to be failing in this increasingly important aspect of the curriculum.

I believe we were right to go into the schools in Birmingham last year and to report our findings and judgements as we did. These schools deserved their previous good or outstanding ratings because the headteachers who were in control at the time had worked incredibly hard to raise standards. It was only when these same heads were pushed out or marginalised by governors that things started to go wrong. The episode highlighted how rapidly schools – especially those in challenging areas – can decline and deteriorate in the absence of careful monitoring between inspections.<sup>47</sup>

### **Further reform?**

In December 2014, the *Telegraph* newspaper reported that the Conservatives were considering the future of Ofsted and could bring forward related proposals in their General Election manifesto.<sup>48</sup> The article suggested that a range of options were under consideration, including cutting the number of school inspections and making Ofsted's work more data-driven (echoing some of Policy Exchange's April 2014 recommendations – see section 1.3 above).

In a [speech](#) on 2 Feb 2015, Prime Minister David Cameron suggested that under a Conservative Government schools falling into Ofsted's 'requires improvement' category and which could not "demonstrate the capacity to improve" would be required to become sponsored academies.<sup>49</sup>

In an [article](#) in the Observer of 4 January 2015, shadow Education Secretary Tristram Hunt advocated that Ofsted should move "beyond box-ticking and data dependence", and reforms were needed to remove pressure felt by teachers preparing for inspections.<sup>50</sup> He also argued that Ofsted needed to be 'depoliticised'.<sup>51</sup>

In their election [pre-manifesto](#), the Liberal Democrats stated that they would allow Ofsted to inspect both local authorities and academy chains. The inspection of academy chains by Ofsted has been a controversial issue during the current Parliament. Secretary of State Nicky Morgan wrote to Sir Michael Wilshaw in January 2015 on this issue, clarifying the DfE's stance.<sup>52</sup>

In an [interview](#) with the Guardian newspaper [online] of 10 February 2015, Green Party schools spokesperson Samantha Pancheri outlined the reasons why her party would seek to abolish Ofsted in its current form. It would be replaced with a National Council of Educational Excellence and a "collaborative system of monitoring school performance".<sup>53</sup>

UKIP has said that it would require schools to be inspected by Ofsted on the presentation of a petition to the DfE signed by 25 per cent of parents or governors.<sup>54</sup>

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<sup>47</sup> Ofsted/ Sean Harford, [speech to ASCL annual conference 2015](#), 20 March 2015.

<sup>48</sup> 'Tories planning major review of 'unweildly Ofsted'', in *The Telegraph*, 21 December 2014

<sup>49</sup> 'A Britain that gives every child the best start in life', speech by David Cameron, 2 February 2015,

<sup>50</sup> 'Schools need freedom to thrive. Labour will offer it' in *the Observer* [online] 3 January 2014.

<sup>51</sup> *Ibid.*

<sup>52</sup> [Letter from Nicky Morgan to Sir Michael Wilshaw](#), 22 January 2015.

<sup>53</sup> 'The Green Party's education policies: You ask the questions', in the *Guardian* [online], 10 February 2015.

<sup>54</sup> See: UKIP website article, 'Policies for people', undated.