



BRIEFING PAPER

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School inspections in England: Ofsted

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Contents:

1. Background to school inspection
2. Current issues

Contents

Summary	3
Ofsted's school inspection framework from September 2015	3
Consequences of inspection outcome for schools	3
1. Background to school inspection	4
1.1 Inspection in England: Ofsted	4
1.2 School inspection in Wales, Scotland and Northern Ireland	4
Wales	4
Scotland	4
Northern Ireland	4
1.3 Who inspects different types of schools in England?	5
1.4 What do routine inspections of state schools look at?	5
1.5 How often are state schools currently inspected?	6
1.6 Inspection of new schools and schools that have changed status	7
1.7 How much notice do schools get of an inspection?	7
Deferring an Ofsted inspection	7
1.8 What are the main outcomes of inspections?	7
1.9 What happens after an inspection?	8
Academy conversion is mandatory when a maintained school is rated 'inadequate'	8
What happens when academies or free schools are deemed inadequate?	8
1.10 'Coasting' schools	9
1.11 Who are the inspectors?	10
1.12 Complaining about an Ofsted inspection	10
Internal complaints	10
Complaining to the Independent Complaints Adjudication Service for Ofsted (ICASO)	10
2. Current issues	11
2.1 Recommendation of Amanda Spielman for appointment as Majesty's Inspector of Education, Children's Services and Skills (HMCI)	11
2.2 The inspection of academy chains	12
2.3 Closure of the Bridge Schools Inspectorate (BSI)	12

Summary

Scope of note

This note provides background on Ofsted inspections of state-funded schools, in England, and looks at recent developments in school inspection. It aims to answer the questions the Library is asked most frequently, including:

- How often are Ofsted inspections carried out?
- What consequences do the different inspection grades have for schools?
- What evidence do inspectors look at as part of the inspection process?
- How is Ofsted held accountable?
- How does a school complain about an Ofsted inspection?

This note mostly covers England. Separate inspection arrangements apply in Wales, Scotland and Northern Ireland.

Ofsted's remit

Ofsted inspects all maintained and academy schools in England, and around half of independent schools, using the relevant inspection framework.

Ofsted's school inspection framework from September 2015

From September 2015, a new common inspection framework was introduced to cover early years providers, state-funded schools, some independent schools and further education and skills providers in England. Schools graded 'good' at their last inspection can expect a short, one-day inspection after around three years, rather than a full re-inspection within three to five years, as it was previously.

Consequences of inspection outcome for schools

There are four overall judgements that Ofsted can reach about schools: 'Outstanding'; 'Good'; 'Requires Improvement'; and 'Inadequate' and either 'requiring special measures' or having 'serious weaknesses'.

Following the passage of the *Education and Adoption Act 2016*, an 'inadequate' grading triggers automatic conversion to academy status.

Complaints about Ofsted inspections

Ofsted has published complaints procedures and individuals concerned about inspections should follow these. There are time limits on lodging some complaints.

Complainants unhappy with Ofsted's response may be able to ask the Independent Complaints Arbitration Service for Ofsted to examine their case, but ICASO cannot overturn an Ofsted judgement. Some complainants may also be able to ask the Parliamentary and Health Services Ombudsman (PHSO) to consider their complaint but again the PHSO cannot overturn Ofsted's findings.

1. Background to school inspection

1.1 School inspection in England: Ofsted

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.

The position of Her Majesty's Chief Inspector is currently held by Sir Michael Wilshaw but his term is due to finish at the end of 2016. The government has appointed Amanda Spielman as his successor; ¹ see section 2.1 for more details on her appointment.

The current interim Chair of Ofsted's board is James Kempton.

1.2 School inspection in Wales, Scotland and Northern Ireland

Wales

Estyn is the inspectorate for state-funded schools, independent schools and many other types of provider in Wales.

Further information about school inspection in Wales can be found on the [Estyn website](#).

Scotland

Schools in Scotland are inspected by Education Scotland. Further information about inspection for primary schools, secondary schools and other providers can be found on the [Education Scotland website](#).

From August 2016, new inspection models are being introduced in Scotland, on a phased basis. Inspection models for schools will take account of quality indicators outlined in "[How good is our school?](#)"

Northern Ireland

The [Education and Training Inspectorate \(Northern Ireland\)](#) (ETI) is responsible for inspecting schools and other education and training providers in Northern Ireland. Information about the evidence considered, and what happens during and after an inspection, can be found in an ETI website article:

- ETI website article, '[information about inspection](#)', undated.

¹ Department for Education and Nicky Morgan press release "[Education Secretary recommends new Chief Inspector of Ofsted](#)", 10 June 2016.

1.3 Who inspects different types of schools in England?

This note mainly concerns inspections of state-funded schools, although Ofsted also inspects around half of independent schools in England. The remainder are inspected by either the Independent Schools Inspectorate (ISI) or the School Inspection Service (SIS). The table below shows which inspectorate is responsible for inspecting different types 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	Ofsted, formerly the Bridge Schools Inspectorate <i>see section 2.3</i>
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. ²	Ofsted

1.4 What do routine inspections of state schools look at?

Maintained schools and academies undergoing routine 'Section 5' inspections³ are inspected in line with Ofsted's common inspection framework introduced in September 2015.

Inspectors are required to report on:

- The effectiveness of leadership and management
- The quality of teaching, learning and assessment
- Personal development, behaviour and welfare
- Outcomes for pupils

The Inspectors will always make a written judgement on the effectiveness of the arrangements for safeguarding pupils.

In doing so, inspectors must also take account of the effectiveness and impact of the provision for pupils' spiritual, moral, social and cultural

² The ISI inspects independent boarding provision at schools not affiliated to the Independent Schools Council.

³ Inspections carried out under Section 5 of the *Education Act 2005*, as amended.

development and how well the school meets the needs of the whole range of pupils, in particular those with special educational needs or disabilities (SEND).

Further detail about evaluation criteria and the evidence Ofsted considers prior to and during an inspection can be found in:

- [Ofsted, *School inspection handbook from September 2015, last updated 23 August 2016*](#)

1.5 How often are state schools currently inspected?

The interval between routine school inspections depends largely on a school's previous inspection grading. The table below summarises the frequency for routine inspection of mainstream primary and secondary schools:

Table 1: Frequency of routine Ofsted inspections of state schools

Judgement	Usual cycle
Outstanding	Exempt from further section 5 inspections but may be inspected if concerns arise. ⁴
Good	Short one-day inspection usually once every three years.
Requires improvement	Will usually have a full re-inspection within 2 years + monitoring visits.
Inadequate – serious weaknesses	Full re-inspection usually within 18 months + monitoring visits.
Inadequate – 'special measures'	Full re-inspection usually within 2 years + monitoring visits.

In its recent education White Paper, [Educational Excellence Everywhere](#), the Government said it intended to introduce "improvement periods" for schools judged to require improvement and where a new head steps forward to lead the school.⁵ This would mean that such schools would not normally be re-inspected for around 30 months.

⁴ Some categories of providers judged outstanding are not exempt from inspection, e.g., special schools, pupil referral units/ alternative provision schools and maintained nursery schools.

⁵ DfE, White Paper, [Educational Excellence Everywhere](#), Cm 9230, March 2016, p. 47

1.6 Inspection of new schools and schools that have changed status

New free schools and schools that have undergone a recent change in status are inspected within three years of opening. Further details about the arrangements for these schools can be found in:

[Ofsted, *How Ofsted will select new schools for inspection, December 2016*](#)

1.7 How much notice do schools get of an inspection?

Schools are usually notified around midday on the working day prior to the start of a routine school inspection. Schools previously rated inadequate for behaviour may be subject to no-notice inspections, as may schools about which there are significant concerns.

Deferring an Ofsted inspection

In exceptional circumstances, schools may be able to request that their inspection is deferred. More information on deferral policy can be found in the following document:

- [Ofsted, *Deferring Ofsted inspections, June 2016*](#)⁶

1.8 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)

The 'inadequate' grading is 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, inspectors will have judged leadership and management to be at least grade 3 because leaders, managers and governors will have demonstrated the capacity to secure improvement.⁷

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

⁶ Ofsted, [Deferring Ofsted inspections](#), August 2015.

⁷ Ofsted, [School inspection handbook from September 2015](#), August 2016. Pp. 27-28.

- 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.⁸

Where a maintained school is deemed by Ofsted to have serious weaknesses or to require 'special measures', it is considered to be 'eligible for intervention'. Schools can also be eligible for intervention as a result of other factors, e.g., if they have been served with a warning notice and have failed to address the issues satisfactorily. The definition of 'eligible for intervention' is set out in Part 4 of the *Education and Inspections Act 2006*, as amended.

1.9 What happens after an inspection?

DfE statutory guidance outlines the options open where state-funded schools are eligible for intervention or otherwise causing concern:

- [DfE statutory guidance, *Schools causing concern*](#), June 2016

Options include:

- Suspension of the school's delegated budget.
- Appointment of an interim executive board (IEB) – i.e., appointment of a new temporary governing body.
- Requiring a school to enter into arrangements' to bring about improvements in the school e.g., joining a federation of other schools.
- In the case of an 'inadequate' judgement of a maintained school, mandatory conversion to academy status.

Academy conversion is mandatory when a maintained school is rated inadequate

The *Education and Adoption Act 2016* places a duty on the Secretary of State for Education to make an academy order and convert a maintained school to sponsored academy status where it was deemed inadequate by Ofsted.

Schools that have been judged inadequate by Ofsted – An academy order will be issued for all maintained schools that have been judged inadequate by Ofsted, requiring them to become sponsored academies. To minimise delays and ensure swift action, there is a new duty on governing bodies and local authorities to facilitate academy conversion.⁹

What happens when academies or free schools are deemed inadequate?

Local authorities have no general power to intervene in academy or free schools deemed inadequate. However, the Education Funding Agency (EFA), the Regional Schools Commissioner (RSC) or the Secretary of State for Education may intervene in these schools. Regional Schools

⁸ Ofsted, [School inspection handbook from September 2015](#), August 2016. p. 28

⁹ DfE Statutory Guidance [Schools causing concern](#), June 2016, p. 6.

Commissioners are DfE appointees. There are eight RSC regions and the eight commissioners have been operational since September 2014.

When an academy is judged inadequate by Ofsted, then the RSC is able to terminate the funding agreement with the existing academy trust, identify a new sponsor and move the academy to that new trust.¹⁰

1.10 'Coasting' schools

In a speech on 2 February 2015, then Prime Minister David Cameron suggested that under a Conservative Government schools graded requires improvement and which could not "demonstrate the capacity to improve" would be required to become sponsored academies.¹¹

The *Education and Adoption Act 2016* gave the Secretary of State substantial new powers, including the power to make an academy order, when a school is deemed to be 'coasting'.

The definition of 'coasting' is to be set out in regulations. Illustrative regulations published in 2015 did not foresee Ofsted judgements being used to determine whether a school was deemed 'coasting'.¹² Instead, the definition would be based on measures of pupil attainment and progress over time.

The government published a response to its consultation on coasting schools in March 2016:

- [DfE, *Intervening in failing, underperforming and coasting schools - Government consultation response*, March 2016](#)

¹⁰ DfE Statutory Guidance *Schools causing concern*, June 2016, p. 6

¹¹ '[A Britain that gives every child the best start in life](#)', speech by David Cameron, 2 February 2015,

¹² DfE policy paper, [Coasting schools: illustrative regulations](#), 13 July 2015.

1.11 Who are the inspectors?

From September 2015 all Ofsted inspectors are directly employed Her Majesty's Inspectors (HMIs). Prior to this Ofsted contracted Additional Inspectors (AIs) via three Inspection Service Providers (ISPs): Serco; Tribal; and CfBT.

Ofsted inspectors are required to hold Qualified Teacher Status (QTS).

1.12 Complaining about an Ofsted inspection

Internal complaints

Providers who are unhappy about events during the course of an inspection are encouraged to discuss any concerns 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 guidance document, *Complaints about Ofsted*.

- [Ofsted Guidance, *Complaints about Ofsted*, September 2015](#)

There are time-limits for submitting complaints.

Complaining to the Independent Complaints Adjudication Service for Ofsted (ICASO)

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, but it cannot overturn inspectors' judgements. ICASO publishes annual reports on its role. The most recent is for 2015:

- [Independent Complaints Adjudication Service for Ofsted \(ICASO\), *Annual report 2015*, published March 2016](#)

Individuals or private organisations unsatisfied with the outcome of an ICASO review may be able to ask the Parliamentary and Health Service Ombudsman to look at the issue.

2. Current issues

2.1 Recommendation of Amanda Spielman for appointment as Majesty's Inspector of Education, Children's Services and Skills (HMCI)

Amanda Spielman is due to take over as HMCI in January 2017. She co-founded the Ark academy school chain and has been the Chair of examination regulator Ofqual since 2011.

The Education Select committee held a pre-appointment hearing with Amanda Spielman on 29 June 2016. Following the pre-appointment hearing the committee reported to the house that it was unable to support the appointment of Ms. Spielman.¹³ The recommendation of Ms. Spielman for the role also attracted criticism from the National Union of Teachers (NUT).¹⁴

Despite this the Secretary of state for education remained committed to her recommendation:

[I] have considered your report carefully, alongside the transcript of the pre- appointment hearing that you held with Amanda Spielman last week. I have also considered the evidence available throughout this rigorous recruitment process, all overseen by the Office of the Commissioner for Public Appointments. This evidence includes feedback from Amanda's written application, formal interview, psychological assessments and a media test.

This has been an open and transparent process, where the best candidate has been selected on merit. A senior, independently-chaired panel assessed Amanda as eminently appointable against all the requirements of the role, and my judgement is that she was the best candidate from a strong field. I have therefore decided to proceed in recommending Amanda's appointment as the next HMCI.

[...]

I am sure that Amanda will generate fewer headlines than her predecessor, but I also know that she will not shy away from challenging Government, nor offering frank assessments of the performance of our educational institutions. I have absolutely no doubt that under her watch Ofsted will play a central – and highly effective – role in supporting and driving improvement in childcare, schools, children's services and adult learning.¹⁵

On 19 July 2016 Ms Spielman's appointment was confirmed by the new Education Secretary Justine Greening.¹⁶

¹³ Education Committee, [HC 170, Second Report of 2016-2017, Appointment of Her Majesty's Chief Inspector of Education, Children's Services and Skills](#), 5 July 2016., para 11, pp 9.

¹⁴ NUT press release, '[Nicky Morgan recommends next Chief Inspector](#)', 10 June 2016.

¹⁵ Department of Education/ Nicky Morgan [Letter from Nicky Morgan: appointment of Amanda Spielman as HMCI](#), 7 July 2016.

¹⁶ Department of Education, [Amanda Spielman confirmed as next Ofsted Chief Inspector](#), 19 July 2016.

2.2 The inspection of academy chains

Ofsted can inspect local authorities to find out how well they carry out their statutory duties in relation to promoting high standards in schools and other providers.

However they have no similar powers to inspect whole academy chains. Outgoing HMCI, Sir Michael Wilshaw, has advocated of extending this power to Ofsted.¹⁷ Ministers have not given way on this issue, and in response have emphasised that Ofsted already carries out focused inspections of schools within multi-academy trusts.

Ofsted publishes the results of focused inspections of schools within multi-academy trusts in the form of outcome letters:

- [Ofsted document collection, Ofsted inspections of multi-academy trusts: Outcome letters, updated February 2016.](#)

2.3 Closure of the Bridge Schools Inspectorate (BSI)

From 2008 until September 2015 the Bridge Schools Inspectorate was approved by the Department for Education to inspect selected registered independent schools that were members of the Association of Muslim Schools UK or the Christian Schools Trust - about 50 schools in all.¹⁸

BSI was regularly monitored by Ofsted and in 2014 it judged that the quality of on-site inspection required improvement, and also expressed concern about BSI's ability to identify extremism:

The quality of the inspectorate's sampled work is less strong than in previous years. The inspectorate has not ensured that inspectors are able to identify warning signs of extremism and radicalisation in school settings with enough rigour. Her Majesty's Inspectors found that inspectors do not always probe sufficiently deeply to verify whether schools' arrangements for safeguarding pupils are effective. At times, inspectors rely too heavily on the assertions of school leaders and not enough on substantive evidence.

[...]

Some inspectors did not demonstrate sufficient knowledge of ways to root out extremist behaviour, views and practices.¹⁹

The Bridge School Inspectorate closed in October 2015 and Ofsted took over the inspection of its schools. Ofsted carried out an inspection of 22 former BSI schools in 2015, 17 of which had not been inspected since 2012 and 5 others at the Department of Education's request. Seven schools were Christian the remaining 15 schools were Muslim.

¹⁷ See e.g., Education Committee, HC269, [Fourth Report of Session 2013–14, School Partnerships and cooperation, 30 October 2013](#), p. 34.

¹⁸ [AMS UK - Bridge Schools Inspectorate](#), undated.

¹⁹ Ofsted, [Annual report on the quality of the inspections and reports by the Bridge Schools Inspectorate 2013/14](#), November 2014

Of the 22 schools inspected Ofsted found that only one was 'outstanding' and four 'good'.²⁰

Other findings included:

[O]ver half of the schools failed to meet a number of the independent school standards

[...]

The effectiveness of leadership and management, including governance, was inadequate or requiring improvement in 17 of the 22 schools

[...]

Safeguarding arrangements in eight schools were ineffective

[...]

Inadequate practice in promoting fundamental British values in four schools was of serious concern

[...]

Ofsted had already committed to inspecting all non-association independent schools by August 2018 but as a result of these inspections decided to prioritise inspection of the remaining former BSI schools, within this timescale.

²⁰ Ofsted, [*Advice note from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on the inspection of schools previously inspected by the Bridge Schools Inspectorate*](#), November 2015

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