



**BRIEFING PAPER**

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# School inspections in England: Ofsted

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**Contents:**

1. Background to school inspection
2. Inspection process
3. Inspection outcomes
4. Current issues

# Contents

<b>Summary</b>	<b>3</b>
<b>1. Background to school inspection</b>	<b>4</b>
1.1 School 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 Key developments in inspection	5
<b>2. Inspection process</b>	<b>7</b>
2.1 What do routine inspections of state schools look at?	7
‘Full’ Section 5 inspections	7
Section 8 inspections	7
2.2 How often are state schools currently inspected?	8
Exempt schools	8
Short inspections	8
2.3 Inspection of new schools and schools that have changed status	9
2.4 How much notice do schools get before an inspection?	9
Deferring an Ofsted inspection	10
<b>3. Inspection outcomes</b>	<b>11</b>
3.1 What are the main outcomes of inspections?	11
Schools graded inadequate – serious weakness and special measures	11
3.2 What happens if a school is judged as ‘inadequate’?	11
Academy conversion is mandatory when a maintained school is rated inadequate	11
What happens when academies or free schools are deemed inadequate?	12
Inspection frequency following judgement of ‘inadequate’	12
3.3 ‘Coasting’ schools	13
3.4 Complaining about an Ofsted inspection	14
Internal complaints	14
Complaining to the Independent Complaints Adjudication Service for Ofsted (ICASO)	14
<b>4. Current issues</b>	<b>15</b>
4.1 Development of a new inspection framework for September 2019	15
Reaction to Ofsted’s proposals	15
4.2 National Audit Office report on Ofsted, May 2018	16
4.3 DfE review of school accountability framework	17
4.4 Unregistered schools	18
4.5 Inspection of multi-academy trusts	19

## Summary

### Scope of briefing

This briefing provides background on Ofsted inspections of state-funded schools in England, and looks at recent developments in this area. It covers issues such as:

- The frequency of Ofsted inspections.
- The potential outcomes for schools after inspections.
- Recent changes to the way Ofsted carries out its role.
- Commentary on Ofsted's impact and effectiveness.
- Current issues in inspection.

It mostly covers England. Separate school 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, against the relevant inspection framework. It also inspects other services, including childcare, social care and further education.

### Ofsted's school inspection framework from September 2015

In 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. This framework sets out the principles behind inspection, and is accompanied by separate inspection handbooks for each sector.

September 2015 also saw the introduction of short, one-day inspections for schools graded 'good' at their last full inspection.

### A new inspection framework from September 2019

Ofsted has said that it intends to introduce a new education inspection framework from September 2019, which will focus more on the quality and breadth of the curriculum. It intends to consult on the changes in January 2019.

### Consequences of inspections for schools

Currently, there are four overall judgements that Ofsted can reach about schools: Outstanding; Good; Requires Improvement; and Inadequate. Inadequate is further subdivided into two categories, serious weaknesses or requiring special measures.

In line with the *Education and Adoption Act 2016*, an inadequate overall grading of a maintained school triggers the mandatory issue of an academy order.

# 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 has been held by Amanda Spielman since January 2017. Her predecessor was Sir Michael Wilshaw.

The current Chair of Ofsted's board is Julius Weinberg.

## 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](#).

### 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.

### 1.3 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.
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

### 1.4 Key developments in inspection

In recent years, there have been a number of important changes to school inspections in England, and the way Ofsted carries out its duties. These include:

- In September 2012, the replacement of the 'satisfactory' judgement with a new grading of 'requires improvement', and associated changes to Ofsted's inspection framework.
- The commissioning of batched or focused inspections of constituent schools in multi-academy trusts, since 2013, reflecting the changing landscape of school organisation in England.
- In September 2015, the introduction of short, one-day inspections for most schools graded good and non-exempt outstanding schools instead of full Section 5 inspections (see Section 2 for information on different types of inspection).

<sup>1</sup> The ISI inspects independent boarding provision at schools affiliated to the Independent Schools Council.

## 6 School inspections in England: Ofsted

- The introduction of a new common inspection framework for education, skills and early years in 2015.
- Bringing all inspectors 'in-house' in 2015, on the grounds that this would improve quality; previously, additional inspectors had been contracted via private companies.
- In 2017, the appointment of Amanda Spielman as Her Majesty's Chief Inspector (HMCI), replacing Sir Michael Wilshaw.
- In recent years, an increased focus on identifying and tackling unregistered independent schools.
- The announcement of the planned introduction of a new education inspection framework, for introduction in September 2019. Ofsted has said that the focus of the new framework will be "more on the substance of education and a broad curriculum".<sup>2</sup>

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<sup>2</sup> Ofsted press release, '[Chief Inspector sets out vision for new Education Inspection Framework](#)', 11 October 2018.

## 2. Inspection process

### 2.1 What do routine inspections of state schools look at?

#### 'Full' Section 5 inspections

Maintained schools and academies are currently inspected in line with Ofsted's common inspection framework, introduced in September 2015.

Ofsted is required to undertake routine inspections of qualifying schools at prescribed intervals. These are sometimes known as 'full section 5 inspections' after the relevant section of the *Education Act 2005*, as amended. There are special arrangements for schools judged good or outstanding overall at their last full inspection – see S 2.2 below.

For full Section 5 inspections, inspectors are required to arrive at separate judgements on:

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

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

In making a judgement on overall effectiveness, inspectors will also take account of the effectiveness and impact of the provision for pupils' spiritual, moral, social and cultural development and how well the school meets pupil needs, including the needs of pupils with special educational needs or disabilities (SEND).

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

- [Ofsted, School inspection handbook from September 2015 \(Section 5\), last updated September 2018.](#)

#### Section 8 inspections

Section 8 inspections, named for Section 8 of the *Education Act 2005*, as amended, can be carried out in a range of different circumstances, including:

- For monitoring schools judged to require improvement or to be inadequate overall.
- For short one-day inspections of schools judged good at their last full Section 5 routine inspection.
- For investigating concerns about behaviour and other matters.

There is a [separate inspection handbook](#) for Section 8 inspections.

## 2.2 How often are state schools currently inspected?

**Table 1: Frequency of routine Ofsted inspections of mainstream primary and secondary state -funded schools**

Judgement at last S5 inspection	Usual cycle
Outstanding	Exempt from further section 5 inspections but may be inspected if concerns arise or in certain other circumstances.
Good	Short one-day inspection under S8 usually once every four years approximately; some schools receive a full S5 inspection if concerns arise about performance.
Requires improvement	Will usually have a full re-inspection within 30 months.
Inadequate – serious weaknesses or special measures	Arrangements differ depending on school status and other factors – see para 110 onward of the <a href="#">School inspection handbook (Section 5)</a> , and S 3, below.

### Exempt schools

Mainstream primary and secondary schools that were judged as outstanding at their last full Section 5 inspection are exempt from further inspection under Section 5. This does not apply to special schools, pupil referral units, and maintained nursery schools judged outstanding.

Exemption from routine inspection doesn't mean that outstanding schools will never be inspected. Circumstances in which they might receive a further inspection (under section 8 of the 2005 Act) are outlined in paragraphs 15 to 22 of Ofsted's School Inspection Handbook (Section 5).

Special schools, pupil referral units and maintained nursery schools judged outstanding at their last full inspection will usually receive short inspections approximately every four years, in common with mainstream schools judged good– there's more on short inspections, below.

### Short inspections

Schools graded good at their last full Section 5 inspection will usually receive a shorter, one-day inspection under Section 8 of the *Education Act 2005*, as opposed to a full re-inspection. This policy was first introduced in September 2015. As noted above, non-exempt schools judged good or outstanding will also usually receive short inspections.

Where Ofsted's own risk-assessment or other data indicates a good school's performance could have "deteriorated significantly", then there



will be a full Section 5 inspection, instead. Ofsted estimates that this will apply to around one fifth of good schools.<sup>3</sup>

There are several possible outcomes from a short inspection. They are:

Outcome 1 – the school continues to be a good school or

Outcome 2 – the school remains good and there is sufficient evidence of improved performance to suggest that the school may be judged outstanding if it received a section 5 inspection now. The school will be informed that its next inspection will be a section 5 inspection, which will typically take place within one to two years after the publication of the section 8 short inspection report or

Outcome 3 – the lead inspector is not satisfied that the school would receive at least its current grade if a section 5 inspection were carried out now. The school will be informed that its next inspection will be a section 5 inspection within the statutory timeframe, which will typically take place within one to two years after the publication of the section 8 short inspection report

Outcome 4 – the lead inspector has gathered evidence that suggests the school may be inadequate in one or more of the graded judgements under section 5 inspections; there are serious concerns about safeguarding, pupils' behaviour or the quality of education; there are concerns that the performance of an outstanding non-exempt school could be declining to 'requires improvement'. The short inspection will be converted to a section 5 inspection, usually within 48 hours.<sup>4</sup>

## 2.3 Inspection of new schools and schools that have changed status

Wholly new free schools and maintained schools that have been replaced by a sponsored academy usually receive a full inspection within three years of opening. Converter academies may be subject to the short inspection regime, or may be exempt from routine inspection, depending on the inspection history of their predecessor school and type of school.

Further details about the arrangements for inspecting new schools can be found in:

- Ofsted, [Policy statement on inspecting new schools and schools that undergo a change in status](#), August 2018.

## 2.4 How much notice do schools get before an inspection?

Schools are usually notified the working day prior to the start of a school inspection. However, Ofsted has powers to undertake inspections without notice in certain circumstance – for example, in response to receiving qualifying complaints or other evidence about standards or safety at a school.

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<sup>3</sup> Ofsted, [School inspection handbook from September 2015](#), September 2018, p11.

<sup>4</sup> Ofsted, [School inspection handbook – Section 8](#), September 2018, pp11-12

### 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](#)

## 3. Inspection outcomes

### 3.1 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)

#### Schools graded inadequate – serious weakness and special measures

The inadequate grading is sub-divided into two further categories.

Schools with serious weaknesses (and in need of significant improvement) are deemed so because:

106. A school is judged to have serious weaknesses because one 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.<sup>5</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>6</sup>

### 3.2 What happens if a school is judged as 'inadequate'?

#### 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 if a maintained school is deemed inadequate by Ofsted. The Department for Education's [Schools causing concern](#) guidance says:

The Secretary of State has a duty to make an academy order in respect of any maintained school that has been judged inadequate by Ofsted, to enable it to become an academy and receive additional support from a sponsor.

The RSC, acting on behalf of the Secretary of State, will take responsibility for ensuring that the maintained school becomes a sponsored academy as swiftly as possible, including identifying the most suitable academy trust and brokering the new relationship

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<sup>5</sup> Ofsted, [School inspection handbook from September 2015](#), September 2018, p33.

<sup>6</sup> *Ibid.*, p34.

between that trust and the maintained school. Further details about academy orders are set out in Chapter 4 of this guidance.<sup>7</sup>

### 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 and Skills Funding Agency (ESFA), the Regional Schools Commissioner (RSC) or the Secretary of State for Education may intervene in these schools.

RSCs are DfE officials. There are eight, each covering different regions of England. The DfE's 'Schools causing concern' guidance explains:

As a result of the Education and Adoption Act 2016, regardless of the terms in an academy's funding agreement, the RSC (on behalf of the Secretary of State) can terminate the funding agreement of an academy that has been judged inadequate. This is a power rather than a duty, meaning the RSC may decide to implement other measures to improve the school rather than terminate to bring about a change of trust, for example, where a change of academy trust would prevent the consolidation of improvements in a school [...]

When an academy's funding agreement has been terminated because the academy has been judged inadequate, the RSC will usually identify a new academy trust to take on responsibility for the academy, and will enter into a new funding agreement in respect of that academy (this is sometimes referred to as 'rebrokerage' of the academy). If the academy that was judged inadequate was previously a 'standalone' academy, this will generally mean it will join a multi-academy trust (MAT). The academy will remain open, and the RSC and the new academy trust will work to ensure minimal disruption to pupils' education during the transition. In some exceptional cases, where the academy is not considered viable in the long term, the RSC can move to terminate the funding agreement in order to close it.<sup>8</sup>

### Inspection frequency following judgement of 'inadequate'

Where a maintained school graded inadequate subsequently converts to academy status, or an academy is graded inadequate and transfers to a new sponsor, the School Inspection Handbook makes clear that such schools will usually receive a full re-inspection within three years. In some cases, though, a Section 8 inspection will be carried out before this.

The arrangements are slightly different for academies judged inadequate but which are not transferred to new academy trusts. The Handbook says:

115. Academies judged to have serious weaknesses, which are not rebrokered, will be subject to monitoring by Ofsted. They will normally be re-inspected within 30 months after the publication of the inspection report in which they were judged to have serious weaknesses.

116. Academies judged to require special measures, which are not rebrokered, will be subject to monitoring by Ofsted. The timing of the next section 5 inspection will be determined by the academy's rate of improvement. However, it will normally take place within 30 months

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<sup>7</sup> DfE Statutory Guidance [Schools causing concern](#), February 2018, p30.

<sup>8</sup> *Ibid*, pp31-32.

after the publication of the inspection report that judged it to require special measures.<sup>9</sup>

### 3.3 ‘Coasting’ schools

In a speech on 2 February 2015, then-Prime Minister David Cameron suggested that schools graded requires improvement and which could not “demonstrate the capacity to improve” would be required to become sponsored academies.<sup>10</sup>

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

The definition of ‘coasting’ is set out in regulations (the *Coasting Schools (England) Regulations 2017*, SI 2017/0009); it is based on measures of pupil attainment and performance over time, and does not take account of Ofsted judgements.

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<sup>9</sup> Ofsted, [School inspection handbook from September 2015](#), September 2018, p35.

<sup>10</sup> ‘[A Britain that gives every child the best start in life](#)’, speech by David Cameron, 2 February 2015.

## 3.4 Complaining about an Ofsted inspection

### Internal complaints

Providers who are unhappy about the way an inspection is being carried out 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 resulting 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 following document:

- Ofsted Guidance, [Complaints about Ofsted](#), May 2018.

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.

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.

## 4. Current issues

### 4.1 Development of a new inspection framework for September 2019

Ofsted is intending to introduce a new Education Inspection Framework from September 2019. HMCI, Amanda Spielman, provided details of the planned approach in a [speech](#) to the SCHOOLS NorthEast summit on 11 October 2018.<sup>11</sup>

Ofsted's intention is that the new framework will:

- Focus more on the “substance of education and a broad curriculum”. As such, it would “move focus away from headline data”.<sup>12</sup>
- Replace the current judgements on ‘outcomes for pupils’ and ‘teaching, learning and assessment’ with a new ‘quality of education’ judgement, alongside three other key judgements on:
  - Personal development
  - behaviour and attitudes
  - schools’ leadership and management

As now, Ofsted intends that there will also be an overall effectiveness judgement.

A consultation on the proposed changes is planned for January 2019.

#### Reaction to Ofsted's proposals

Dr Mary Bousted, Joint General Secretary of the National Education Union (NEU) said the union welcomed “the Chief Inspector’s admission that Ofsted’s focus on data has been a major factor in schools becoming exam factories”. However, she also alleged that Ofsted as an agency was “so discredited that it cannot achieve this U-turn in its inspection practice” and pointed to the experience of other countries that operated “very different school inspection and accountability systems.”<sup>13</sup>

The National Union of Head Teachers (NAHT) said that while they welcomed “Ofsted’s admission that for a long time “too much weight” has been placed on test and exam results [...] there isn’t “enough time to introduce change of the magnitude being suggested”[...].<sup>14</sup>

The Association of School and College Leaders (ASCL) were positive about the proposals:

Amanda Spielman’s aim of shifting the emphasis of inspections away from the crushing obsession with exam results towards championing a vibrant curriculum is a breath of fresh air. It has the potential to liberate schools, teachers and pupils from the drudgery of data and

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<sup>11</sup> [Amanda Spielman speech to the SCHOOLS NorthEast summit](#), 11 October 2018.

<sup>12</sup> Ofsted press release, [‘Chief Inspector sets out vision for new Education Inspection Framework’](#), 11 October 2018.

<sup>13</sup> National Education Union press notice, [‘Ofsted Chief outlines changes to education inspection framework’](#), 11 October 2018.

<sup>14</sup> National Association of Head Teachers press release, [‘Ofsted needs to be given more time to introduce the changes planned for inspection’](#), 18 October 2018.

give them greater confidence to focus on the important stuff of education – teaching, learning, knowledge and skills.

“Exams and tests will always play an important role but they have become too all-consuming in recent years, and we need a more balanced approach.

“There is still a long way to go. We have yet to see the detail of exactly how these new inspections will work in practice. But the direction of travel is the right one and will be widely supported by school and college leaders.”<sup>15</sup>

Chris Keates, General Secretary of the NASUWT teachers’ union, said that school staff would “no doubt welcome” Ms Spielman’s comments that she wanted to “shift the focus of inspection and treat teachers as experts, rather than data managers”. She continued:

“Data collection, often for the purposes of inspection, is one of the biggest contributors to excessive teacher workload and if implemented effectively, the NASUWT would expect these reforms to help address the problem of excessive bureaucracy which is diverting teachers from focusing on teaching and learning.

“However, the changes, if they are to genuinely support schools to continue to improve and succeed, will need to be carefully developed in close consultation with the school workforce and those that represent them.”<sup>16</sup>

## 4.2 National Audit Office report on Ofsted, May 2018

On 24 May 2018, the National Audit Office (NAO) published a report on Ofsted. In terms of Ofsted’s structure and role, this concluded:

- Ofsted provided “valuable independent assurance about schools’ effectiveness and as such is a vital part of the school system.” However, the inspectorate had limited evidence on efficiency and impact, and until that was rectified it would be “unable to demonstrate that its inspection of schools represents value for money.”<sup>17</sup>
- Ofsted’s budget has fallen significantly but its responsibilities have grown: “Its spending (at 2017-18 prices) fell from £280 million in 2005-06 to £167 million in 2015-16, a decrease of 40% in real terms. Ofsted’s budget is expected to fall further to 2019-20.”<sup>18</sup>
- The Department for Education needed to be clearer about how it saw Ofsted’s present and future role, and “resource it accordingly”.<sup>19</sup>
- There was some confusion over Ofsted’s role, with some overlap between the inspectorate’s functions and those of the Regional

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<sup>15</sup> Association of School and College Leaders press notice, ‘[ASCL comment on new vision for inspections](#)’, 11 October 2018.

<sup>16</sup> NASUWT – the Teachers’ Union press notice, ‘[NASUWT comments on reforms to the Ofsted inspection framework](#)’, 11 October 2018.

<sup>17</sup> National Audit Office, [Ofsted’s inspection of schools](#), HC 1004, Session 2017-18, 24 May 2018, p11.

<sup>18</sup> *Ibid.*, p6.

<sup>19</sup> *Ibid.*, p11.



Schools Commissioners – DfE officials who each cover one of eight regions in England.<sup>20</sup>

On Ofsted's performance, it found:

- Between 2012/13 and 2016/17, the inspectorate had failed to meet its statutory inspection target to reinspect good schools within five years for 43 schools – 0.2% of cases.<sup>21</sup>
- Although it had missed some inspection targets, Ofsted's performance had improved.
- In 2016/17, the average time between inspections of good schools was 4.4 years for primary schools and 4 years for secondary schools.<sup>22</sup>
- Ofsted's ability to meet targets had been impacted by the fact it had too few inspectors – 15% fewer Her Majesty's Inspectors than budgeted for, at March 2018. It also had a high level of workforce churn.
- At August 2017, 1620 schools had not been inspected for 6 years or more, and 296 'outstanding' schools had not been inspected for 10 years or more.<sup>23</sup>

The Committee of Public Accounts published its associated [report](#) on 7 September 2018.<sup>24</sup> In this, it asked the DfE and/or Ofsted to report back, by December 2018, after having reviewed various issues, including:

- The current rationale for exempting outstanding mainstream schools from further routine inspection.
- The current short inspection system, in terms of its ability to provide "sufficient, meaningful assurance" about schools' effectiveness.<sup>25</sup>
- Options for collecting more and better data from parents.

It also asked Ofsted to report back by April 2019 on the inspectorate's workforce and staff turnover.

### 4.3 DfE review of school accountability framework

On 4 May 2018, the DfE published a short policy paper, [Principles for a clear and simple accountability framework](#). This acknowledged that currently, schools may feel accountable to many different bodies, including Ofsted, Regional Schools Commissioners, local authorities and multi-academy trusts. It also acknowledged that it was sometimes unclear to schools what would happen to them based on Ofsted's findings and/ or performance data.

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<sup>20</sup> National Audit Office, [Ofsted's inspection of schools](#), HC 1004, Session 2017-18, 24 May 2018, p8.

<sup>21</sup> *Ibid.*, p7.

<sup>22</sup> *Ibid.* p8.

<sup>23</sup> *Ibid.*, p6.

<sup>24</sup> Committee of Public Accounts, [Ofsted's inspection of schools](#), Sixtieth Report of Session 2017–19, HC 1029, 7 September 2018.

<sup>25</sup> *Ibid.*, p6.

The policy document said that the DfE intended to launch a formal consultation on accountability in Autumn 2018.

## 4.4 Unregistered schools

Independent schools providing a full-time education to five or more children of compulsory school age, or one child with an Education, Health and Care (EHC) plan, or one child who is looked-after, must be registered with the DfE. Operating an unregistered independent school is a criminal offence.

Ofsted has powers to inspect suspected unregistered schools, and collect evidence for potential prosecutions brought by the Crown Prosecution Service.

On 10 November 2015, then-HMCI, Sir Michael Wilshaw [wrote](#) to then-Education Secretary, Nicky Morgan MP, expressing “serious concern” about the safety of children being education in unregistered schools. In his view, the arrangements for closing down unregistered schools were “inadequate”. He recommended that the Secretary State:

- Urgently review the arrangements between the DfE and local authorities for safeguarding children in premises confirmed by Ofsted as unregistered schools
- Review the arrangements for home education to ensure that they cannot be exploited in order to avoid registration
- Continue to work with Ofsted to ensure that we have the necessary resources to identify and support the prosecution of illegally operating schools.<sup>26</sup>

Subsequently, in January 2016, the DfE published a [policy statement](#) on prosecuting unregistered independent schools. In further [guidance](#) issued in March 2018, the DfE said that tackling the issue of unregistered schools was “a priority”.<sup>27</sup> The previous and current Governments have provided funding to Ofsted to support its work on unregistered schools.<sup>28</sup>

March 2018’s [Integrated Communities Green Paper](#) said the Government was reviewing Ofsted’s current powers in relation to unregistered schools, and looking at “strengthening their abilities to collect evidence and interview those suspected of running illegal schools, to meet the stringent requirements for criminal prosecutions and ensure the schools close.”<sup>29</sup> A consultation on the Green Paper closed on 5 June 2018.

In October 2018, the proprietors of a tuition centre in Ealing were successfully prosecuted for operating an unregistered independent school – the first such prosecution of this type. In an article on the Ofsted website, National Director of Education, Sean Harford, said:

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<sup>26</sup> [Letter from HMCI, Sir Michael Wilshaw, to Secretary of State for Education, Nicky Morgan MP](#), on unregistered independent schools, 10 November 2018.

<sup>27</sup> Department for Education, [Unregistered independent schools and out of school settings](#), March 2018, p4.

<sup>28</sup> See: [PQ HL4335, 5 January 2018](#).

<sup>29</sup> Ministry of Housing, Communities and Local Government, [Integrated Communities Strategy green paper](#), 14 March 2018, p36.

We have serious concerns about unregistered schools. These schools deny children a proper education and leave them at risk of harm and, in some instances, radicalisation.

[...]

From January 2016 to July 2018, we identified 420 suspected unregistered schools in England, and so far, we have inspected 274. We have issued 63 warning notices. During this time, 56 settings have closed or ceased operating illegally and the 7 remaining cases are still under active investigation. We find out about unregistered schools from a wide range of sources, including from our own workforce. Sometimes parents tell us, or the local authority raises concerns, or the police or the DfE

[...]

At the moment, we are investigating with one hand tied behind our back. We desperately need appropriate powers to search for and seize evidence, so that we can close these schools down. These powers can only come through legislation and we are glad that the government has pledged to review our powers in a [recent green paper](#).

We believe that if an institution is giving a child an education, it should be held accountable to the same standards as other schools. Almost always, the losers in this situation are the children.

We will continue to call on Ministers and others to keep this issue on the regulatory agenda [...]<sup>30</sup>

## 4.5 Inspection of multi-academy trusts

Multi-academy trusts (MATs) are (usually) groups of academies overseen by one central organisational structure and board of trustees. Ofsted don't currently have powers to inspect whole MATs.

Ofsted does, however, publish the results of focused or batched inspections of schools within MATs.

On 28 February 2017, the then- Education Committee published a report on MATs:

- [Education Committee report, 'Multi-academy trusts', 28 February 2017](#).

On the inspection of MATs, this concluded:

27. There is a gap in assessing MATs which neither Ofsted nor RSCs [Regional Schools Commissioners] presently fulfil. The current situation of Ofsted conducting 'batched inspections' is not sustainable or sufficient as MATs expand over the next five to six years. It is not a formal inspection or accountability process and does not necessarily lead to intervention from Ofsted or the Department.

28. Ofsted needs a new framework for MAT inspections and should develop the resources, skills and powers to conduct full inspections of trusts.<sup>31</sup>

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<sup>30</sup> Ofsted blog article, '[Schools in the shadows: investigating and prosecuting unregistered schools](#)', 25 October 2018.

<sup>31</sup> Education Committee, [Multi-academy trusts. Seventh Report of Session 2016–17](#), HC 204, p11.

At her pre-appointment hearing with the Education Committee, Amanda Spielman was asked about MAT inspections. In response, she said:

The system is evolving rapidly. I cannot imagine that, in a few years' time, it would be possible to have an inspection system that does not include multi academy trusts [...] Over time I think it is highly likely that we will end up with a multi-layered inspection model, and for me that would be a good development, but I think it is something that is part of the evolution of the system. It is not something that you can just snap a switch and say, "This is it".<sup>32</sup>

Giving further evidence to the Education Committee on 31 October 2017, Her Majesty's Chief Inspector, Amanda Spielman, said she would "would like Ofsted to be looking at the quality at multi-academy trust level, not just at individual school level [...] Looking at developing the batched inspection, it needs to be developed quite a long way to be something that properly addresses the system as it operates."<sup>33</sup>

In oral evidence to the Committee on 27 June 2018, Education Secretary Damian Hinds MP said he thought it was:

[L]egitimate—more than legitimate, I think that it is important—to be able to know, for parents and for others, what the effect and the value of the different multi-academy trusts is. As to how you do that, I think that it would be wrong to come to an immediate decision, so I have said I will work with the sector to understand what the best way to go about it is, and which body or bodies are required and are best placed to make those assessments.<sup>34</sup>

In July 2018, HMCI, Amanda Spielman said that the inspectorate was trialling a new approach to the inspection of schools in MATs over the summer months. She described the key objectives of this trial as being:

- to better understand the way MATs are organised, operate, and the role they play in their own right and ensure that our inspection reflects this
- to improve our reporting on the impact that MATs are having, whether this is as part of a MAT focused review or a standalone inspection of an academy or free school that is part of a MAT
- to make focused reviews of MATs more intelligent, through better coordination and through sharing of evidence between inspection teams.<sup>35</sup>

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<sup>32</sup> Education Committee, [Oral evidence: Appointment of Her Majesty's Chief Inspector of Education, Children's Services and Skills](#), HC 170, Wednesday 29 Jun 2016, Q58.

<sup>33</sup> Education Committee, [transcript of oral evidence](#), 31 October 2017, Q130-131

<sup>34</sup> Education Committee, [transcript of oral evidence](#), 27 June 2018, Q1154.

<sup>35</sup> [Speech by Amanda Spielman](#) to the Education Policy Institute conference, 3 July 2018.

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