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Impact assessment

Ofsted's phased return to inspection

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Routine inspection remains suspended until later in 2021 due to the COVID-19 (coronavirus) pandemic. However, resuming some inspection activity in January 2021 – particularly for those providers most in need of support – will enable us to continue to fulfil these requirements.

The PSED requires us to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We are publishing this statement alongside our [operational notes and guidance](#) for monitoring visits in schools, colleges and other further education and skills providers and early years assurance inspections for the spring term. Registration and other regulatory activities have and will continue as required.

Phased return to routine inspection activity

On 25 March 2020, the Secretary of State for Education wrote to Her Majesty's Chief Inspector, suspending routine inspection activity from March 2020.

We began our phased return to routine inspection in September 2020. Since then, we have:

- provided assurance about local authorities and social care providers, including children's homes
- resumed childcare registration inspections and visited early years providers
- made visits to schools, colleges and other further education and skills providers to look at how they are managing, to help them with collaborative conversations, and to report on the picture across England

One of our [strategic principles](#) is that Ofsted exists to be 'a force for improvement through intelligent, responsible and focused inspection and regulation'. We believe that a phased return to routine inspection activity will have a positive impact on all children, young people and learners, including those who share protected characteristics.

Our spring activity will continue to be focused on all children, young people and learners, including those who share protected characteristics and those who live in households with people who share relevant protected characteristics.

Spring 2021 inspection activity

Given the length of time that routine inspection has now been suspended, it is right that we increase assurance to parents, carers and learners while continuing to be sensitive to the pressure that providers face. Therefore, although routine inspection will remain suspended until later in 2021, we have agreed plans to resume some inspections, particularly for those providers most in need of support.

The health and safety of providers, as well as our own workforce, remain a high priority for us. Therefore, during the current national lockdown, the majority of inspection activity in schools and further education and skills providers will be carried out remotely until at least the February half term. We will tailor any on-site activity to the specific circumstances of each provider.

While remote inspections offer a level of assurance on the provision of education to children and learners, they do not provide sufficient assurance about safeguarding. As a result, we will carry out on-site inspection where this is deemed necessary. We will risk assess each case individually.

For registered early years providers, we will not carry out assurance inspections until national restrictions allow us to inspect on site. Our regulatory work in children's social care and early years is not suspended and will continue.

We will continue to visit social care providers to give assurance about the settings and services we regulate. We will make assurance visits and monitoring visits to settings that we inspect under the [social care common inspection framework](#). We will not start local authority children's services fieldwork in January, so as not to prevent local authorities from being active leaders in the local response to the national lockdown. We will reassess fieldwork for the remainder of the spring term with local authorities. This will enable us to identify where support is needed and provide insight to government about the challenges local authorities are facing.

Inspectors will consider all the protected characteristics and whether providers are taking appropriate steps to eliminate discrimination, promote equality and diversity and foster good relations within their school, college or provision. Our [operational notes and guidance](#) set out the process and the range of activities that inspectors will carry out.

How we prioritise activity during the spring term will vary across the different providers we inspect. For the most part, we will prioritise based on:

- the most recent inspection judgements
- information we hold about the provider, including any recent concerns or notifications
- the amount of time since the last inspection

You can find further details in the specific [operational notes and guidance](#) for each type of provision.

How will Ofsted's phased return to inspection and spring activity impact on those with protected characteristics and the 3 PSED aims?

We have considered how the phased return to inspection and spring activity could have an impact on individuals or groups of people with protected characteristics. Our intention is to ensure that the phased return to inspection is able to play its part in advancing equality, diversity and inclusion.

We have also considered whether the planned activity meets the 3 PSED aims, as follows.

Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act

On-site visits and inspections during the spring term 2021, when risk assessed as being essential or when we are able to do so routinely, will allow us to consider and report on the safeguarding and welfare of children in the wide variety of provision that we inspect and/or regulate. We believe that this will discourage unlawful discrimination, particularly with regard to safeguarding and welfare.

Advancing equality of opportunity between people who share a protected characteristic and people who do not share it

The activity we will carry out will be led by what is most important for children, young people and learners in each remit, including those who share protected characteristics and those who live in households with people who share protected characteristics. We will prioritise the things that matter most to the lives of children and young people. We will encourage equality of opportunity for all through the focus of our visits.

Fostering good relations between people who share a protected characteristic and those who do not

We do not believe that the introduction of monitoring inspections and the continuation of visits will particularly impact on this aim of the PSED. We believe that our activity will encourage providers to continue to take steps to foster good relations.

We have considered each of the relevant protected characteristics in developing arrangements for the spring term:

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

We will continue to prioritise the safety and welfare of everyone involved in the monitoring inspections and visits, including children, carers, staff and inspectors. We will follow the most up-to-date guidance from Public Health England and the Department for Education.

If a provider has concerns about the timing of their visit and wishes to defer, we will judge each case in line with our [deferral policy](#).

Our operational notes make clear that inspectors will focus on ensuring that leaders have the support they need and are focusing on all children, young people and learners, including those who share protected characteristics. This includes considering how providers are identifying and addressing specific issues relating to special educational needs and disabilities but also specific issues relating to the health, care and well-being of pupils generally.

The aims and focus of the social care visits are consistent with the aim of eliminating unlawful discrimination. The impact of COVID-19 is likely to have been significant for children in need of help and protection, children in care and care leavers, many of whom may share protected characteristics or have family members who share protected characteristics. The assurance visits and focused visits to local authorities will offer assurance about decision-making in children's best interests in the context of the COVID-19 pandemic.

Monitoring and evaluation

We believe that our spring activity has the potential to have a positive impact on individuals or groups who share relevant protected characteristics. We believe that we have fully and appropriately considered all elements of the PSED.

It is important to note that scientific information about COVID-19 is constantly emerging. The advice and guidance for people who share a characteristic that may make them more vulnerable to the effects of COVID-19 changes on a regular basis. Providers may seek deferrals using our deferral policy, which we updated to reflect COVID-19 issues and will continue to review and update to reflect the changing circumstances.

We will monitor implementation to ensure that the new arrangements challenge and support all providers effectively. We will make reasonable adjustments as required to support individuals who need them, also taking on board other exceptional circumstances where necessary. As we turn our attention to our return to routine activity, we will ensure that the programme takes account of all those who share relevant protected characteristics.

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