

Responses to Ofsted's consultation on the new framework for the inspection of non-association independent schools

This is an evaluation report on the outcomes of *The new framework for the inspection of independent schools* consultation about amended inspection arrangements for non-association independent schools to be introduced in January 2013.

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Introduction

1. This evaluation report summarises the responses to Ofsted's consultation on its proposals for the revision to the framework for inspecting non-association independent schools from 1 January 2013.
2. Prior to drawing up the consultation document, Ofsted consulted representatives from non-association independent schools, including faith and special schools and children's homes providing education, in order to explore the appetite for change to the independent schools' inspection framework. Their views were taken into account in drafting the consultation document.
3. The consultation opened on 24 January 2012 and ran for 12 weeks. It was primarily an online consultation, but with hard copies available on request. During this time, Ofsted also visited different types of independent schools in order to seek the views of their pupils, parents and staff.
4. The consultation proposed that, in future, key inspection judgements in independent school inspections will be made about: pupils' achievement; pupils' behaviour and safety; quality of teaching; quality of curriculum; spiritual, moral, social and cultural development; welfare, health and safety; and leadership and management. Other proposals included inspecting schools without prior notice; amending the inspection judgement 'satisfactory' to 'adequate'; and introducing a different way of inspecting the education provided by children's homes which are part of a group.

The consultation method

5. Quantitative data gathered through the 12-week online consultation resulted in:
 - 177 online responses to the adult consultation
 - 12 online consultation responses to the young person's consultation.
6. We were disappointed by the low response despite schools and inspectors encouraging pupils to complete the online survey. Because the number of responses is so small and those we received were mainly from the young people who attended the pupil focus group meeting reported on in Annex B, we do not provide separate data in the report.
7. Pre-consultation qualitative information was gathered through meetings with special schools, faith groups and children's homes chaired by the independent schools policy team. This helped to inform the consultation questions.
8. Qualitative information was obtained from comments by respondents to the consultation and through face to face meetings with parents, pupils and staff. The outcome is in Annex B.

Executive summary

9. The following inspection proposals will be implemented from 1 January 2013. Ofsted will:

■ **revise the key inspection judgements**

There was very strong support for the proposals for the revised key inspection judgements. We plan to implement these, with some minor revisions to those proposed for pupils' behaviour and safety, and pupils' moral, social and cultural development following feedback from trial inspections.

■ **introduce a leadership and management judgement**

There was very strong support for this proposal. We will implement this from January 2013.

■ **introduce a judgement for behaviour and personal development**

This will include the school's provision for pupils' spiritual, moral, social and cultural development and its impact on pupils.

■ **retain the judgement on provision for pupils' welfare, health and safety**

There was strong support for retaining this judgement from the current framework.

■ **introduce a judgement on pupils' achievement**

There was strong support for a judgement that enables inspectors to report both on the standards achieved by pupils in the school alongside the amount of progress pupils make relative to their starting points. This will be implemented from January 2013.

■ **change satisfactory to adequate**

In maintained schools the grade 'satisfactory' is to become 'requires improvement'. In the independent sector we will replace 'satisfactory' with 'adequate'. This reflects the regulatory requirements for independent schools. The judgement of 'adequate' will apply to a school that is meeting minimum standards, but that is not good enough to be judged good. Inspection reports will be clear about why these schools are not yet good, what these schools need to do to improve, but will also reflect their strengths. This proposal was supported by consultation responses and will be implemented from January 2013.

■ **shorten the notice we give of an inspection**

We will reduce the notice period to half a day in order to see schools as they really are, while ensuring that schools can make the necessary practical arrangements. We reserve the right to inspect without notice when required.

- **improve the way we inspect children’s homes which provide education for a small number of looked after children, particularly those which are part of a group**

Although we received a number of neutral responses to this proposal, there was strong support from providers to which it applies. We have recently carried out the first pilot inspection of education in a group of children’s homes and we will continue to work with the Department for Education (DfE) and with group providers to implement this change from January 2013.

Key findings

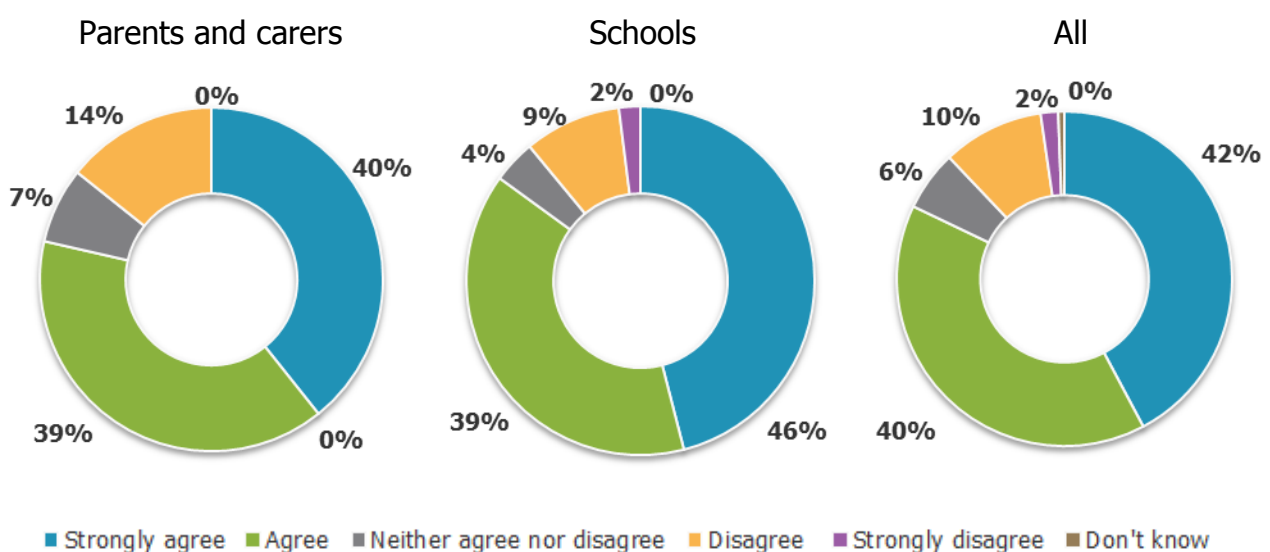
10. The responses to the consultation were strongly in favour of most of Ofsted’s proposals. Responses varied considerably by respondent type in relation to no-notice inspections. The majority of parents agreed with proposals, but teachers and headteachers were against its introduction for practical reasons. In shaping the arrangements for inspection, Ofsted has a responsibility to give attention to all the views expressed by respondents as interested parties in the inspection of independent schools. We have decided to give short notice of inspection. This will enable practical arrangements to be made.
11. The headline findings below reflect the summary of responses. The following proposals were supported by the vast majority of those who responded and a more detailed breakdown is given below.
 - The proposed judgement on pupils’ achievement was supported by 82% of all respondents.
 - The proposed judgement on pupils’ behaviour and safety was supported by 92% of all respondents.
 - The proposed judgement on the quality of teaching and the quality of education was supported by 86% of all respondents.
 - The proposed judgement on pupils’ spiritual, moral, social and cultural development was supported by 81% of all respondents.
 - The proposal to have a separate key judgement on safeguarding pupils’ welfare, health and safety was supported by 87% of all respondents.
 - The proposed judgement on leadership and management was supported by 85% of all respondents.
12. The following proposals were least well supported.
 - A large number of respondents – 47% – agreed with the proposal for new ways of inspecting children’s homes in national and regional group providers. However, many others – 48% – neither agreed nor disagreed or did not know, and only 6% disagreed.

- The majority of those who replied – 47% – rejected no-notice inspections, 12% neither agreed nor disagreed and 40% supported the proposal. While most parents and carers – 64% – agreed with the idea, many teachers and headteachers – 59% – disagreed.

What this will mean for independent schools?

Proposal 1: To what extent do you agree or disagree that inspectors should make a judgement on pupils' achievement?

Number of responses: parents and carers – 28, schools – 100, all – 172



- There was strong support for this proposal and over two thirds of those who replied agreed that it was an important judgement that inspectors should make. Just over 12% of all those who replied disagreed with the proposal. The majority of schools and parents and carers also backed this proposal.
- The written comments confirmed that most of those who responded agreed that this proposal was important. One noted that, 'We think Ofsted's requirements can be used by the school to help improve pupils' assessments and therefore progress.' Another said, 'Many pupils have fragmented and inconsistent educational experience and it is important that we can measure progress realistically within this context and support the pupils' attainment also as appropriate.' Yet another, from a school for pupils who have social, emotional and behavioural difficulties, said, 'It is key to the development of self-esteem and self-awareness that students are aware of the progress they are making and have access to nationally recognised qualifications that will support positive outcomes post 16.' Many respondents highlight that a range of evidence needs to be gathered in order to measure effectively pupils' progress.
- Some special schools stressed the need that achievement must be measured within the context of individuals' learning difficulties and a recognition that

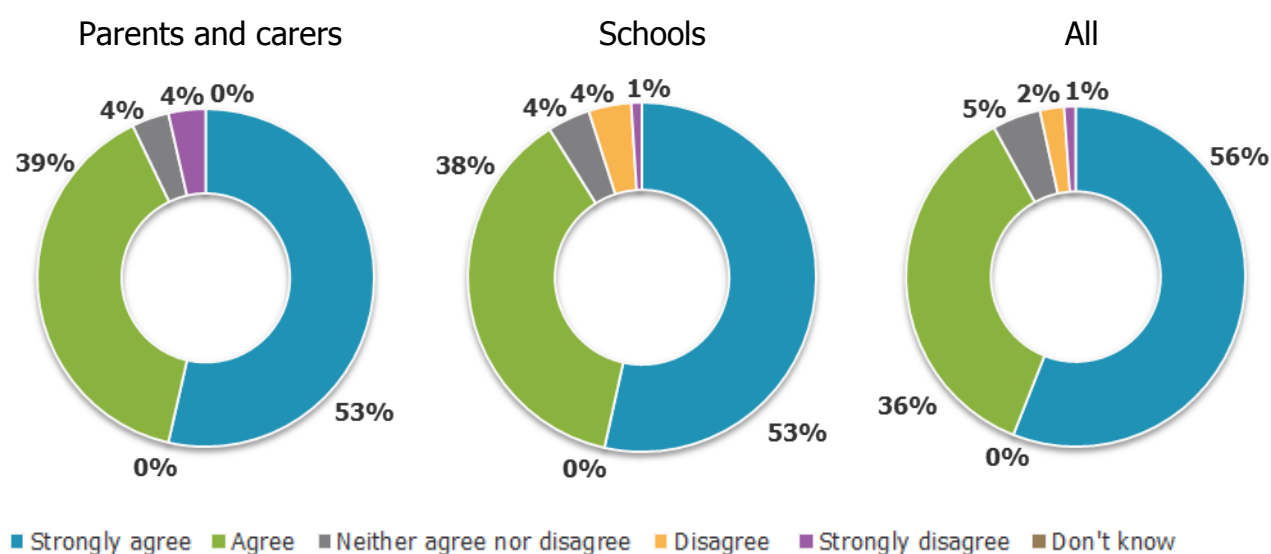
pupils progress at different speeds. Central to their concerns was the assumption that judgements are based on national performance data and schools with below average pupil achievement could be judged more harshly.

What we propose to do in the light of the consultation findings

- We will introduce this judgement in the new inspection framework, but, in order to address the concerns put forward by schools, we will ensure that guidance for inspectors explains how inspectors must take account of both the empirical standards reached by pupils and their rate of progress, given their starting points, in reaching a judgement of pupils' achievement. Inspectors will also take account of the quality of learning and progress of different group of pupils, especially disabled pupils and those who have special educational needs.

Proposal 2: To what extent do you agree or disagree that inspectors should make a judgement on pupils' behaviour and safety?

Number of responses: parents and carers – 28; schools – 101; all – 175



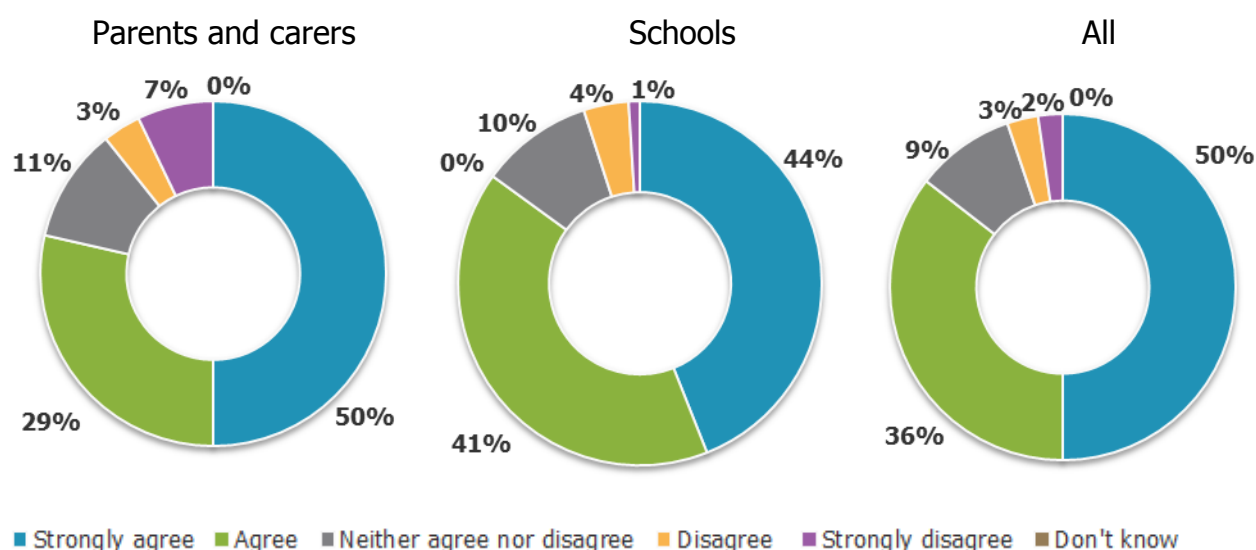
- The majority of all respondents agree that inspectors should make this judgement: over 50% strongly agreed and 36% agreed. Only 3% were against its introduction. Parents in particular gave strong support to this proposal.
- The comments received support the view that safety is very important in schools. The need to measure consistently the extent of bullying was raised by some respondents, while others felt that a clearer definition was needed to avoid any confusion with the judgement on welfare, health and safety.
- Of those who disagreed, only three commented, and two of these were parents who thought it was for them, not Ofsted, to comment on behaviour.

What we propose to do in the light of the consultation findings

20. This proposal remains central to our drive that schools ensure the welfare of their pupils, but the pilot inspection work (which took place in the spring term 2012) highlighted some duplication between this and the proposed judgement for safeguarding pupils' welfare, health and safety, particularly with regard to safety.
21. We will revise the wording of this judgement to 'behaviour and personal development' and it will incorporate spiritual, moral, social and cultural development of pupils. This will place a much greater emphasis on measuring pupils' behaviour and the way it is influenced by the schools' provision for pupils' personal development.

Proposal 3: To what extent do you agree or disagree that Ofsted should make separate key judgements on the quality of teaching and the quality of the curriculum in an independent school inspection?

Number of responses: parents and carers – 28; schools – 101; all – 175



22. Eighty five per cent of schools agree with this proposal, which we consider to be a strong endorsement. Comments suggested that the distinctive character of each independent school needs to be recognised. One noted that the curriculum in each independent school is unique to that school and must be taken into consideration and another that, 'Judgement of teaching and learning is essential to highlight the variety of experiences and opportunities the children have access to at school.'

What we propose to do in the light of the consultation findings

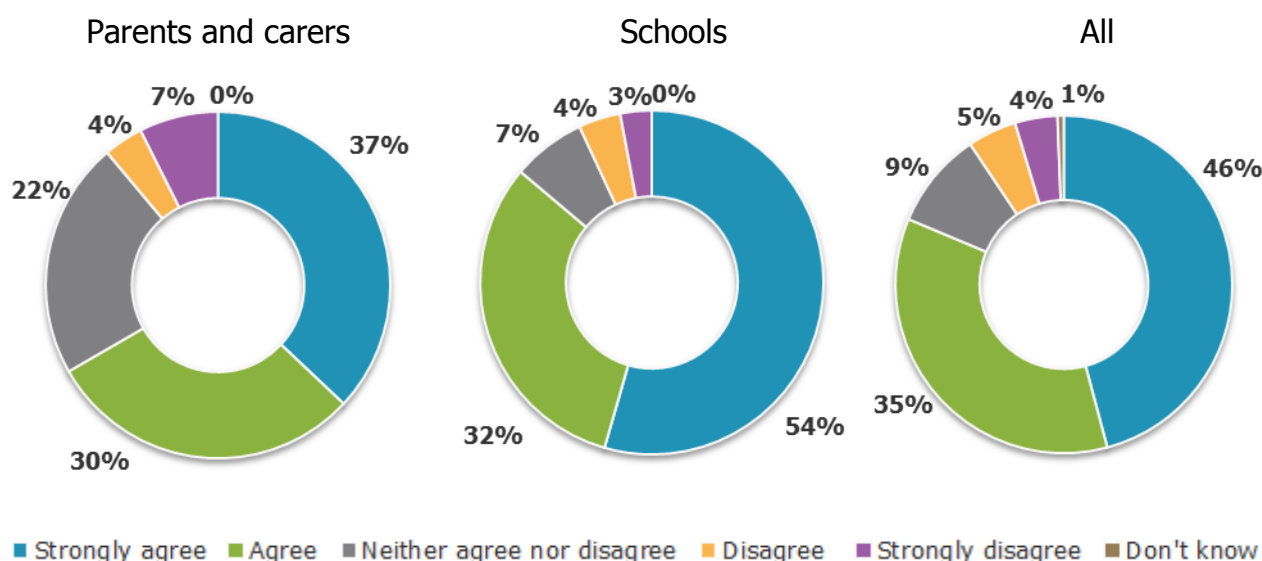
23. We recognise that as independent schools do not have to teach the National Curriculum, it is important to make a separate judgement about curriculum

provision, as well as the quality of teaching. Teachers and headteachers strongly support the need to provide a curriculum that best reflects individual pupils' needs and the school's mission statement or ethos. Inspections will look at how well pupils' needs are met through the provision of a curriculum which suitably prepares them for their next step of learning and adult life.

24. Our grade descriptors will make clear the elements required for teaching and curriculum to be good, with the aim of improving the quality of both. Ofsted inspections will focus on whether schools are providing a curriculum that has been suitably planned for each age group and key stage. This is to check that pupils of all abilities, including those who are disabled and those who have special educational needs are able to acquire knowledge and understanding, develop and practise new skills, and make progress in a range of areas of learning.

Proposal 4: To what extent do you agree or disagree that inspectors should make a separate judgement on pupils' spiritual, moral, social and cultural development?

Number of responses: parents and carers – 27; schools – 101; all – 172



25. The majority of respondents support this proposal and many who responded said it was an essential judgement to make. Many headteachers in faith schools felt that pupils' spiritual, moral, social and cultural development contributed to a fundamental element of a school's character. One noted that this judgement 'provides opportunities for inspectors to consider how well the school provides positive experiences for all pupils', and another that, 'This is a very important aspect of all schools but particularly relevant to children with special needs.'

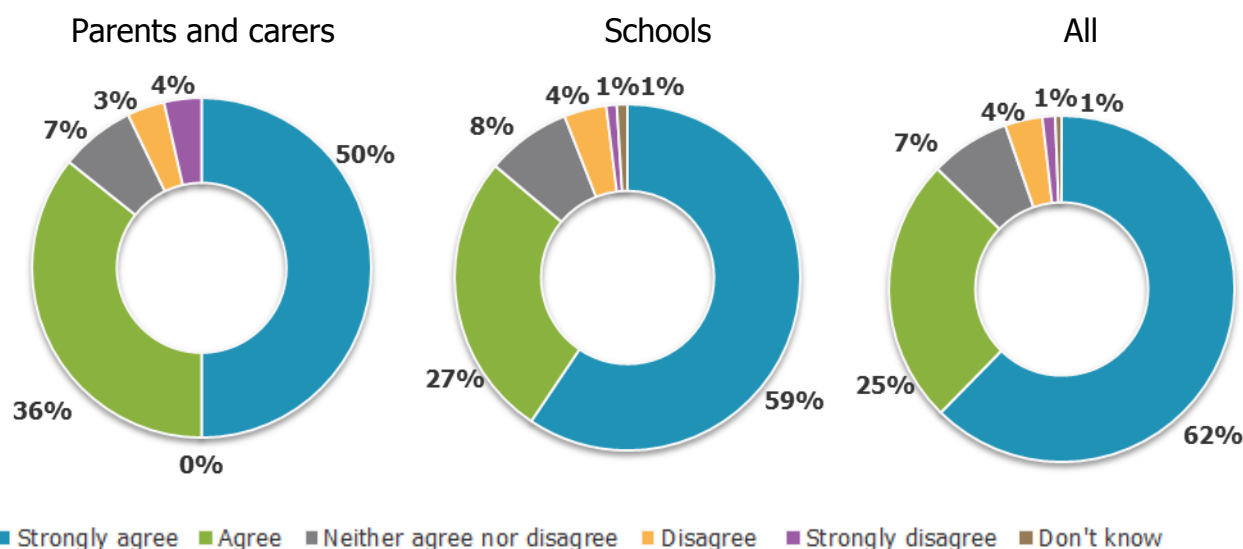
What we propose to do in the light of the consultation findings

26. We have decided that 'pupils' behaviour and personal development' will provide a more cohesive way to report pupils' development. The judgement will

incorporate the assessment of a school’s provision for pupils’ spiritual, moral, social and cultural development and its impact on pupils’ behaviour and personal development. This revision is an outcome of the pilot inspections, which showed that judgements for behaviour and pupils’ spiritual, moral, social and cultural development were often very similar. It will also eliminate the overlap between the proposed key judgements for ‘welfare, health and safety’ and ‘behaviour and safety’. This judgement provides a more focused approach to inspection by looking at the school ethos and provision and the impact it has on pupils’ behaviour, attitudes and personal development.

Proposal 5: To what extent do you agree or disagree that Ofsted should retain a separate key judgement on safeguarding pupils’ welfare, health and safety in an independent school inspection?

Number of responses: parents and carers – 28; schools – 101; all – 173



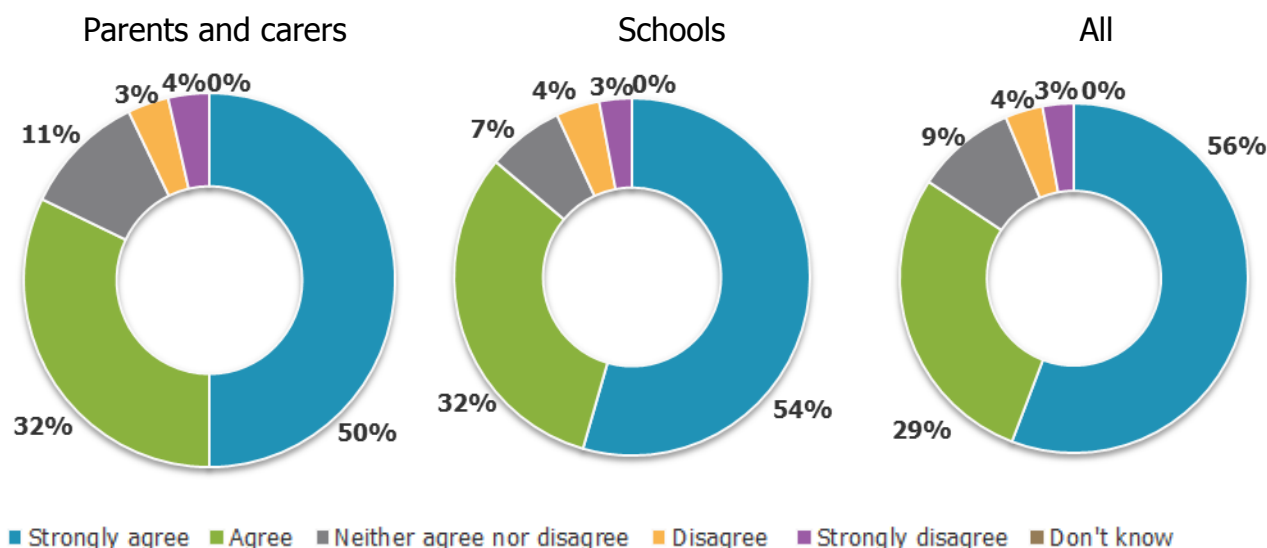
27. This proposal had a high approval rating from schools and parents and the majority agreed that this judgement is a priority. One noted they were ‘Very pleased as this is an essential component and of paramount importance’ and a local authority noted that pupils placed in independent special schools should only be the most vulnerable and complex and that, ‘It is therefore of vital importance that rigorous judgements are made regarding safeguarding.’ Many of the comments from teachers and headteachers also reflected the high priority that schools place on guaranteeing pupils’ welfare, health and safety.

What we propose to do in the light of the consultation findings

28. Ofsted will continue to make this judgement in the new framework to be implemented in January 2013.

Proposal 6: To what extent do you agree or disagree that we should introduce a judgement on leadership and management for independent schools?

Number of responses: parents and carers – 28; schools – 101; all – 172



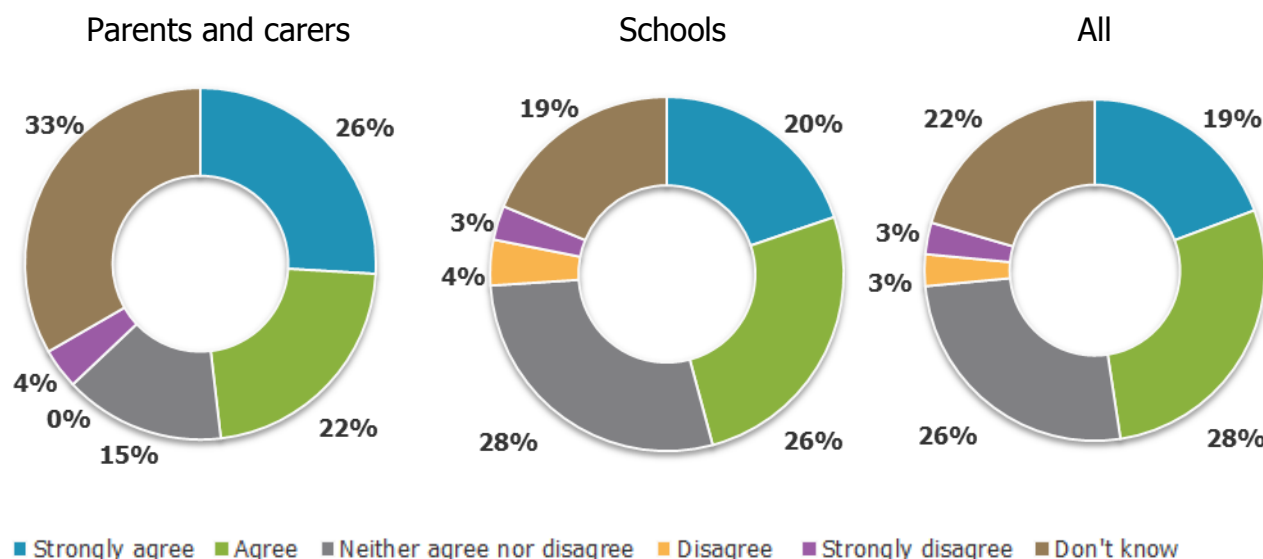
29. There was strong approval for the proposal to introduce a judgement on leadership and management. Headteachers welcomed this proposal and some expressed the view that this was long overdue and it was an important part of ensuring that a school was progressing well. One noted that the success of a school is heavily dependent on the effectiveness of leadership and management and another that without top quality leadership and management, no school can provide an outstanding education for its young people.
30. Most schools agreed with the proposal, although there were some minor reservations about how schools of very different sizes could be compared given the descriptors for measuring success and another that if the leadership and management were failing then parents would move their children to another school.

What we propose to do in the light of the consultation findings

31. We will introduce this judgement into the new framework. The leadership and management are seen as important parts of a school's ability to improve and to raise the bar. We have looked carefully at how leadership and management are defined and who this may encapsulate in a school. There will be an emphasis on the impact that leadership has on improving teaching and learning.

Proposal 7: To what extent do you agree or disagree with our proposed approach to inspecting children’s homes in national or regional group providers?

Number of responses: parents and carers – 27; schools – 96; all – 166



32. Many of those who responded did not have an interest in this area of inspection, because it relates to children’s homes, and so it did not have a view either way. For those who did make a response, the proposal was well received, but respondents sought more details. One thought that the approach is sensible especially for large organisations with multiple children's homes with education and another that ‘it is important to recognise, encourage and share good practice’.

33. Some reservations were raised about how this might apply to all settings, as some homes are run separately from others in the same group. Some providers agreed that policies and procedures are used across a number of settings and that a single group inspection would reduce duplication and bureaucracy.

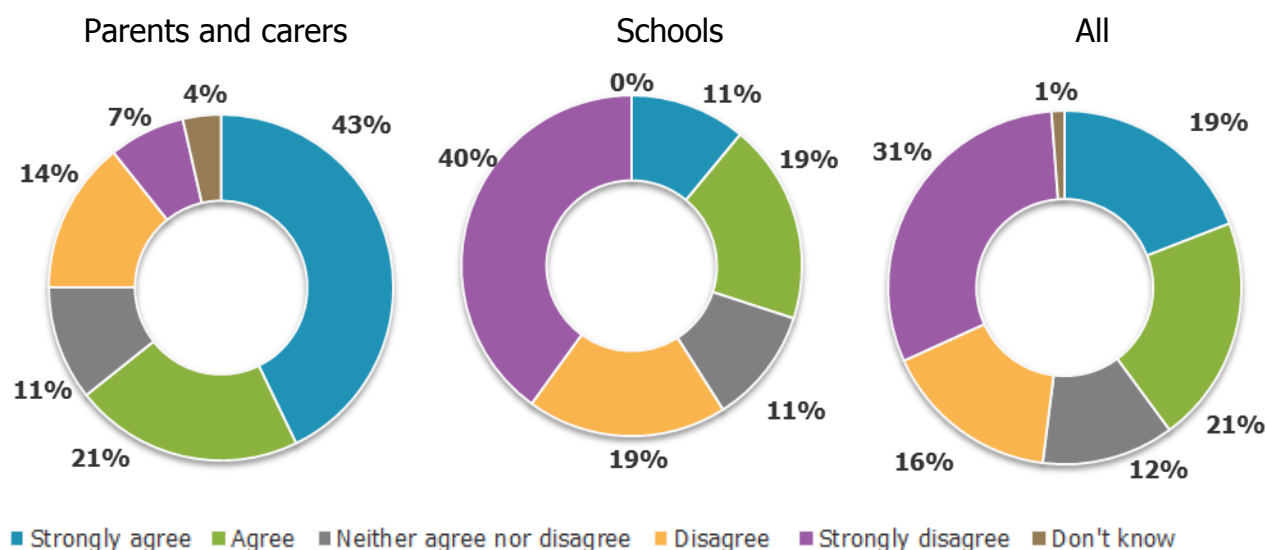
What we propose to do in the light of the consultation findings

34. We are piloting different ways to inspect education in very small children’s homes in group providers more efficiently and to ensure that inspection has greater impact on outcomes for looked after children. We are exploring the inspection of geographically close children’s homes that are in the same group provider in conjunction with the DfE, as this model of inspection has an impact on registration. The results of an early pilot inspection are encouraging. We have also discussed these proposals in more detail with representatives of children’s homes groups in our summer term seminars for schools and at a subsequent meeting. The proposals were very well received. We will develop this model of inspection during the autumn term 2012 and implement it from

January 2013 for those group providers who register their provision as a group with the DfE.

Proposal 8: To what extent do you agree or disagree with our proposal to give no notice when inspecting independent schools?

Number of responses: parents and carers – 28; schools – 100; all – 173



35. More than 48% of people who responded disagreed or strongly disagreed with this proposal, but the responses from parents and carers were markedly different than those from headteachers and teachers. Of the 100 headteachers and teachers who responded, 60% strongly disagreed or disagreed with no-notice inspections, while 64% of parents and carers agreed with the proposal.
36. Many of the concerns from headteachers and teachers related to the practicality of a no-notice inspection rather than a fundamental disagreement with the principle of giving no notice to schools in order to see them as they really are. Headteachers want to be present at their school's inspection, because they play an important part in the inspection process. They asked for notice of inspection so that they could be present to talk to inspectors and ensure that they have access to the full range of evidence, as well as access to the pupils, staff, governors and parents. Headteachers from small schools were concerned that they might be away on a school trip and the school might be closed when inspectors arrived. Parents and pupils were keen that inspectors should see schools 'as they really are' without any special preparation for inspection.

What we propose to do in the light of the consultation findings

37. The absence of a headteacher is not sufficient reason to defer an inspection, but we understand the practical issues arising from a completely unannounced inspection. We also recognise our responsibility for taking proper account of the

strong views articulated by parents and pupils that we should not give schools an opportunity to remedy problems, or even just tidy up the school in preparation for an inspection. We have given much consideration to these conflicting views and we have decided that lead inspectors will contact the school by telephone on the morning of the inspection and start the inspection in the afternoon. We believe this will reduce the stress that can occur from giving two days' notice of inspection and resolve some of the operational difficulties cited by headteachers and teachers. This approach will also allow the headteacher and senior leaders to continue to play a full part in the inspection and provide a short period of time for them to make the necessary practical arrangements for meetings with key staff and governors. We will continue to keep the notice period under review in the light of the strong support parents gave to completely unannounced inspections.

Annex A: Survey breakdown

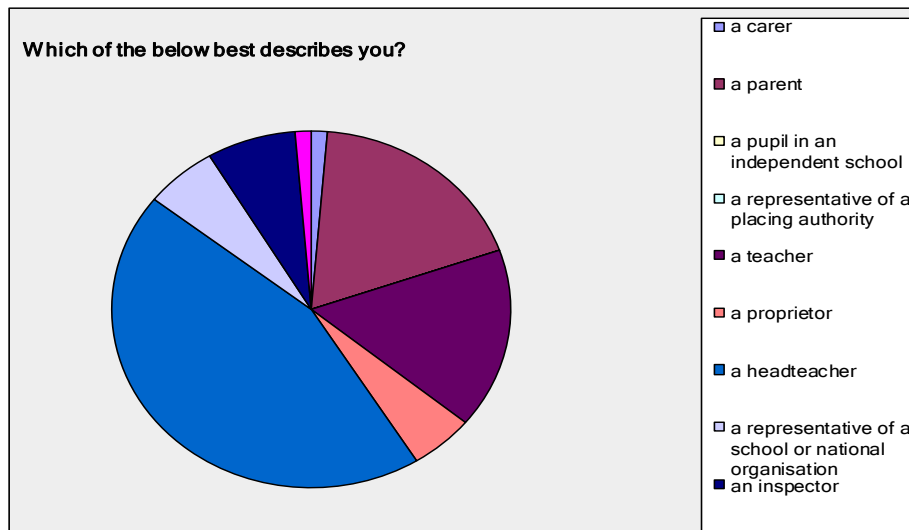
38. Table 1 reflects the respondent types and the numbers of respondents from within each type. Not every respondent responded to all the questions in the consultation. Where proportions of responses to specific questions are used in the analysis (for instance, the proportion of headteachers responding positively to a question), these relate to the totals responding to the specific question, not to the consultation overall.

Table 1

Answer options	Response per cent	Response count
Carer	1.3%	2
Parent	18.3%	28
Pupil in an independent school	0.0%	0
Representative of a placing authority	0.0%	0
Teacher	16.3%	25
Proprietor	5.2%	8
Headteacher	44.4%	68
Representative of a school or national organisation	5.9%	9
Inspector	7.2%	11
Prefer not to say	1.3%	2
Other (please tell us)		15
answered question		153
skipped question		24

39. Table 2 shows, in diagrammatic form that the majority of respondents represent the 'schools sector' – headteachers, teachers, and proprietors. However, it is worth noting that parents/carers represented 19.6% of responses. Very few respondents did not select a respondent type of any kind. These have been added to the 'prefer not to say' category. Respondents that did not select a category but did enter information in the adjacent column (seeking clarification on one's status or role) have been entered as 'other'.

Table 2



Level of response to open questions

Q1	Q2	Q3	Q4	Q5	Q6	Q7
84	65	61	57	46	56	27

40. This table shows the number of respondents who made a comment against each of the proposals.

Annex B: Report from focus group meetings with pupils and parents from an independent school

Introduction

Three separate groups of seven pupils, six parents and six members of staff discussed all the questions, apart from those on group inspections of children's homes, raised in the adult and separate young person's online consultation. Group inspections were not raised in these meetings because they were not relevant to these schools, pupils or parents at all.

Each discussion took between 40 and 45 minutes and, in the discussion with the young people, we handed out a paper copy of the survey.

Overall, all three groups generally agreed with the proposals apart from the staff group who did not support no-notice inspection.

Responses

The responses to each question are as follows.

Q1: Do you think it is a good idea that inspectors say how well the pupils in a school are achieving in their education?

All pupils/staff/parents strongly agreed with this idea. Staff mentioned how personal development is linked to achievement and it is therefore important to address key findings in this area, alongside the other key standards. Staff also felt that there should be more emphasis on socio-economic external factors in inspection and how they can affect a pupil's achievement/well-being.

Q2: Do you think inspectors should say how well pupils generally are behaving and how safe they are at school?

All pupils/staff/parents strongly agreed with this idea and felt that it was paramount that inspectors continue to carefully consider this aspect of the pupil's school experience in relation to the other key standards. The parents were concerned that in some schools the pupils did not behave or did not respect their teachers, and this made learning for other pupils difficult.

Q3: Do you think Ofsted should make separate key judgements on the quality of teaching and the quality of the curriculum in an independent school inspection?

All pupils and parents strongly agreed with this idea. The majority of teachers also felt this was a good suggestion, with one noting that, 'teaching and the curriculum are interdependent therefore it is very important to look at them together but to judge them separately.'

Q4: Do you think that inspectors should make a separate judgement on pupils' spiritual, moral, social and cultural development?

All pupils/staff/parents strongly agreed with this idea. One pupil commented that, 'it is a very important aspect of our school life, and it impacts on how we perform at school and develop as adults, so it is really important that this area is looked at by inspectors.'

Q5: Do you think Ofsted should retain a separate key judgement for safeguarding pupils' welfare, health and safety in an independent school inspection?

All pupils/staff/parents strongly agreed with this idea. Several staff also felt that there should be more rigour in this area of inspection and an increased focus on staff and pupil welfare. One parent commented, 'it is vital to how well pupils are doing in the school – it's a big part of school life.'

Q6: Do you think Ofsted should introduce a judgement on leadership and management for independent schools?

All pupils/staff/parents strongly agreed with this idea. One pupil's response was, 'it is important to look at the systems in place for the management/running of the school.' A staff member commented that, 'you need to engage with the leadership and management team to raise standards.'

Q7 (proposal 8 in the consultation): Do you agree with our proposal to give no notice when inspecting independent schools?

All pupils and parents strongly agreed with this idea. One pupil commented, 'you (Ofsted) will be able to look at the school how they naturally are, so they won't have time to prepare.' Another pupil remarked that, 'I think this is a very good idea, but you have to take into account events like school trips which may mean that 'no notice' wouldn't work.' One parent commented, 'A good school should be ready at any time.' All staff members disagreed with this idea, due to the logistical problems this scenario would create. One staff member commented, 'with smaller schools this would have a greater impact.' Some staff also felt the element of surprise could be unfair as it could give another impression other than a true reflection of the school.

Q8: Is there anything else you want to say to us about how we should inspect independent schools in the future?

Within each pupil/parent and staff focus group there were strong feelings that a six-year cycle of inspection was too long a gap between inspector visits.

Several pupils felt that inspections could be made more child-friendly, as they can be 'scary to pupils'. Pupils felt that, if more time talking with them during inspection was taken, in a format similar to this focus group, this would be beneficial. Pupils also felt that more emphasis should be given to looking at the extra-curricular activities a

school runs, such as booster clubs, and their effects on a pupil's performance and well-being.

Parents were interested to know what other methods were available to capture parent opinions, other than the school survey. One parent suggested that the school report should be more 'personal', giving an impression of the atmosphere at the school and how well it is run.

Staff suggested a widening of school-led practice would help to raise standards, with a view on performance at inspection linked to the school ethos. This led to a suggestion which, in effect, wanted the school information and evaluation form (SIEF) back, so that the headteacher and the inspector could quickly gain an understanding of the school's ethos and how well they were meeting it.

The lack of consistent data, such as RAISEonline¹, for independent schools was discussed and how, if it was available, it could be used to measure how good schools were.

One staff member thought that inspectors should ask 'What does a school contribute uniquely to a pupil's holistic achievement?' Staff also suggested more active involvement between independent and maintained/free schools, with a sharing of best practice to improve synergy and to build more bridges across different educational establishments.

¹ RAISEonline allows a detailed look at pupil attainment and progress in maintained schools. This level of analysis is available to schools and non-school users and does not require data management. More information can be found on the Ofsted website: www.ofsted.gov.uk/resources/raiseonline-data-management.