

# School inspection update

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## Message to inspectors from the National Director, Education

Welcome to the latest edition of 'School inspection update'. As mentioned in our September special edition, for the second half of this autumn term, we have published revised handbooks for section 5 and section 8 inspections. The changes reflect the outcome of the consultation on short inspections that took place during the summer and some other minor updates and clarifications on inspection policy, including further clarification of myths and misunderstandings about what Ofsted does and does not do on inspection.

As you will know, following our review of the responses to the summer consultation, we decided to conduct a further consultation on short inspections in the autumn term, more details of which are included in this edition. We also provide in this edition:

- information about key stage 1 prior attainment
- feedback from the new data analyst helpdesk service
- clarification about the use at inspection of attainment of past pupils
- information on the inspection data summary report (IDSR) releases
- guidance on the appointment of newly qualified teachers in special measures maintained schools, and
- guidance on schools requesting inspectors to sign declarations.

The 'Recent useful publications' section includes a link to updated guidance for primary schools on the PE and sport premium. This guidance covers the new requirement for primary schools in relation to publishing details about the numbers of Year 6 pupils that have reached the national curriculum requirement to swim competently, confidently and proficiently over a distance of at least 25 metres. Inspectors will not be routinely checking these requirements.

I am sure inspectors will have seen HMCI's commentary on the initial findings from the curriculum research we are carrying out currently. If not, I would urge you to



read it (<https://www.gov.uk/government/speeches/hmcis-commentary-october-2017>). I would like to thank those inspectors and schools who are contributing to this work.


HMCI's commentary has started an important debate about curriculum that is probably long overdue in this country. It has also raised some concerns among schools, especially where they have contracted key stage 3 to two years and extended key stage 4. We need to be clear that it isn't the length of time spent in key stage 3 but the quality, breadth and depth of the curriculum that are important here. No school will be downgraded for simply having a two-year key stage 3.

However, schools do need to be clear in the design and intent of their curricula in that if they are asking pupils to choose their GCSE options at the end of Year 8, how they are ensuring the entitlement of their pupils, to the end of Year 9, to those subjects that may be dropped in the process. In this situation, pupils are likely to suffer most when they can no longer study art, design and technology, music, drama, a foreign language, history and geography, to name just a few of the subjects that enrich our lives and form a firm foundation of a broad and balanced curriculum, at least up to age 14. However, as always during inspection, the professional discussion between inspectors and school leaders is the important thing here, not a mechanistic approach that doesn't consider the pupils' full experience.

The next stage of the curriculum research is the publication of the Reception survey later this month; again I would urge you to read this when it is available.

This is the last school inspection update of the calendar year, so may I take this opportunity to say thank you to all inspectors for all your hard work this year; I hope to see many of you in 2018.

Best wishes

A handwritten signature in black ink, appearing to read "Sean Harford".

**Sean Harford HMI**  
**National Director, Education**

## Updated section 5 and section 8 school inspection handbooks 2017

The revised handbooks for section 5 and section 8 inspections have been published to reflect the amendments to the short inspection process following the summer consultation, the advent of the inspection data summary report (IDSR) and some clarifications. The related issues are explained later in this edition of school inspection update.

The main updates are set out below.

### Section 5 and section 8 handbooks

- Updates to reflect changes to short inspections following the summer 2017 consultation.
- Clarification to the guidance on 'requires improvement' and 'inadequate' judgements.
- Clarification of arrangements for meeting relevant members of the governance structure and the inclusion of chief executives or equivalents in inspections of academies in multi-academy trusts.
- Changes to reflect the new inspection dashboard (IDSR) and replacement of 'RAISEonline' with 'analyse school performance' (ASP).
- Explanation of policy for exempt schools that undergo major structural changes (for example, added key stage or amalgamation).
- Clarification over what maintained schools requiring special measures should do to seek permission to appoint newly qualified teachers.

#### *Section 5 handbook only*

- Updates to the 'Clarification for schools' section to include some of the more recent myths and misunderstandings about what Ofsted does and does not expect.
- Refinement to references to pupil groups.
- Reflects changes to reformed GCSE grades.

## Short inspections of good schools: maintained schools and academies consultation

Following a review of the responses to the consultation on short inspections that took place in the summer, a second consultation was launched on 21 September, which ended on 8 November. This consultation was designed to put forward proposals that will reduce the number of conversions from section 8 to section 5 inspections and give schools that may be at risk of decline more time to improve following a short inspection, while retaining their good rating.

The proposals were as follows:

- Inspectors will continue to convert short inspections, within 48 hours, where there are serious concerns about safeguarding, behaviour or the standard of education.
- When inspectors are not confident that a school is still good, but the standard of education remains acceptable, the short inspection will not convert. Instead, we will publish a letter setting out the school's strengths and areas for improvement. A section 5 inspection will take place within one to two years, giving the school time to address any weaknesses; the school's overall effectiveness judgement of good will stand.
- When inspectors have reason to believe that a school may be improving to outstanding, we will publish a letter setting out the school's strengths and priorities for further improvement, and confirming that it is still good. A section 5 inspection will then be carried out within one to two years.

We are currently reviewing the responses to the consultation and intend to publish our response report before the end of the autumn term. We intend to introduce any changes that may result from the consultation in early spring 2018.

## Clarification about the attainment of past pupils

We have been asked to clarify two issues that have been raised about the impact of past attainment on inspection judgements.

### How much above national figures does a school's attainment have to be for it to be considered good or outstanding?

Attainment of past pupils does **not** determine inspection outcomes. It is a factor that inspectors take into account in evaluating outcomes but it is progress, particularly of current pupils, that carries greater weight. Past attainment can also inform the pre-inspection lines of enquiry.

Attainment is included in one bullet point in the outcomes grade descriptors for 'good' and one bullet point in the outcomes grade descriptors for 'outstanding'.

- For 'good', the bullet point is 'Where attainment overall is low, it shows consistent improvement.' This descriptor may be met where overall attainment is low.
- For 'outstanding', the bullet point is 'The attainment of almost all groups of pupils is broadly in line with national averages, if below these, it is improving rapidly.' This descriptor may be met where group attainment of past pupils is below national averages.
- Improvement is a key element in each of these two grade descriptors.

The section 5 school inspection handbook makes it clear that, in judging outcomes, the grade descriptors are not a checklist and that inspectors adopt a 'best fit' approach.

No specific attainment of past pupils in relation to national figures should be expected for a school's outcomes to be judged as good or outstanding.

## How should past attainment be taken into account in special schools?

### Attainment

The school inspection handbook, paragraph 194, states 'For groups of pupils whose cognitive ability is such that their attainment is unlikely ever to rise above 'low', the judgement on outcomes will be based on an evaluation of the pupils' learning and progress relative to their starting points at particular ages and any assessment measures the school holds. Evaluations should **not** take account of their attainment compared with that of all other pupils.' Inspectors in special schools should focus on the data from starting points shown in the IDSR.

### Progress

The school inspection handbook places a clear emphasis, in paragraph 185, on evaluating pupils' progress from starting points: 'Inspectors will consider the progress of pupils who have special educational needs and/or disabilities in relation to the progress of all pupils nationally with similar starting points.' The IDSR shows such progress for low, middle and high prior-attaining pupils who have special educational needs and/or disabilities.

## Key Stage 1 prior attainment

The IDSR includes key stage 1 data for all pupils, disadvantaged pupils and by the early learning goals from the early years foundation stage profile (EYFSP).

The EYFSP groups allow inspectors to reflect on a school's approach to early literacy and numeracy, across early years, Year 1 and Year 2. This is not a value added measure, nor is it an accountability measure and should not be reported as an outcome. It is to inform inspectors and to prompt questions about the quality of teaching, learning and assessment.

We will continue to review the content of the new IDSR in response to feedback, including the groups presented. Any feedback should be sent to [school.performance.data@ofsted.gov.uk](mailto:school.performance.data@ofsted.gov.uk).

## Data analyst helpdesk

Since the start of the autumn term, the Data and Insight team has provided an analyst help desk offering support and guidance to those inspectors leading secondary school inspections.

The team has provided telephone support for around 70 inspections to date. Common themes include:

- GCSE variability and the impact of the reforms
- comparability and interpretation of Progress 8
- identifying and assessing the impact of outliers.

In addition to providing a helpdesk, the team has also produced over 50 pre-inspection briefings commenting on noteworthy patterns and trends in schools' performance data. These briefings focus on progress 8, attainment 8 and the English Baccalaureate, but also comment on prior achievement as well as potential gaming of the system and examination entry patterns.

## Inspection Data Summary Report

### IDSR release

#### *Checking and provisional Department for Education (DfE) releases*

The DfE released provisional key stage 2 data in Analyse School Performance (ASP) on 26 September. This does not include data for children looked after, which was released on 2 November. Key stage 4 checking data was uploaded to ASP on 4 October.

#### *IDSR releases*

Ofsted's new IDSR for primary schools was released on 7 November. For secondary schools, release will be in early January, followed by those for 16 to 19 in January. The IDSR replaces Ofsted's Inspection Dashboard.

The front page of the IDSR includes 'areas to investigate', which will indicate what could be substantive, meaningful issues, just according to published data, that would warrant lines of enquiry to pursue at inspection.

Disadvantaged pupils will be compared to the national for other pupils and the national for all pupils, in line with the section 5 school inspection handbook. Sentences on the front page of the IDSR will also identify where disadvantaged pupil performance in the school is below the national for disadvantaged pupils.

For early years foundation stage profile (EYFSP), the IDSR will include the good level of development and early learning goals in reading, writing and mathematics. The EYFSP data will be published around December/January 2018.

The IDSR contains fewer detailed breakdowns of groups than the previous inspection dashboard. It shows trends and whether the group, where relevant and meaningful, has been performing well or poorly over time. The IDSR will also indicate whether the school is below floor standards and whether the school is 'coasting' according to

the DfE's published definition when these measures are confirmed by the DfE.

## Appointment of Newly Qualified Teachers (NQTs) in special measures maintained schools

Regulations governing the induction of teachers provide that induction may not be served in an institution (school) which is *eligible for intervention* by virtue of section 62 of the Education and Inspections Act 2006.<sup>1</sup> This applies to maintained schools judged to require special measures. Academies do not fall within scope of section 62 because they are not maintained schools; Ofsted can only make a recommendation that academies judged to require special measures should not appoint NQTs.

The regulations also provide that such induction may be served in a special measures maintained school (or in a part of that school) provided that HMCI has given permission for NQTs to be appointed and has certified this in writing. In practice, this express permission has been given through the judgement that inspectors make about NQTs, either at the section 5 inspection or during the course of monitoring the school under section 8.

### *Effect of directive academy orders*

Since the introduction of directive academy orders in April 2016 and the subsequent reduction in monitoring of these schools by Ofsted, appointing NQTs has caused difficulty in recruitment. In the absence of monitoring, or where monitoring is delayed, schools must be given the opportunity to seek approval to appoint NQTs. We have, therefore, amended both section 5 and 8 handbooks so that schools are able to write, with supporting evidence, to the relevant Ofsted regional director to seek such permission.

## Schools requesting that inspectors sign declarations

We have been informed that some schools have asked inspectors, before starting the inspection, to sign a declaration that they had no convictions in the past year and that no one in their household had any conviction either. Schools and inspectors must note that inspectors are not required to sign any such declaration. It may be that, where this has occurred, schools have misinterpreted the requirements in relation to disqualification under the Childcare Act 2006. These requirements are to do with the employment, by schools, of staff who may have been disqualified from providing childcare; please see the relevant DfE guidance [here](#). They are not relevant to the conduct of inspections by Ofsted inspectors.

Ofsted is committed to ensuring that all inspectors are suitably and regularly checked. They undergo enhanced disclosure and barring service (DBS) checks before

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<sup>1</sup> [www.legislation.gov.uk/ukxi/2012/1115/regulation/6/made](http://www.legislation.gov.uk/ukxi/2012/1115/regulation/6/made)

they are appointed and every three years thereafter. Schools should not be asking inspectors to sign such declarations in the context of inspection. Under section 10 of the Education Act 2005, in conducting an inspection under either section 5 or 8 of the Act, inspectors have explicit statutory powers of entry to the school.

## Recent useful publications/announcements relevant to inspections

### PE and sport premium for primary schools

The DfE has updated its guidance for primary schools on publishing details of how PE and sport premium is used: <https://www.gov.uk/guidance/pe-and-sport-premium-for-primary-schools#accountability>.

### Working together to safeguard children: changes to statutory guidance

The DfE is seeking views on significant revisions to the 'Working together to safeguard children' statutory guidance, which sets out what is expected of organisations, individually and jointly, to safeguard and promote the welfare of children. The revisions are being made largely to reflect the legislative changes introduced through the Children and Social Work Act 2017.

The consultation closes on 31 December and can be found at the following link: <https://consult.education.gov.uk/child-protection-safeguarding-and-family-law/working-together-to-safeguard-children-revisions-t/>

Ofsted will be sending a formal response to the consultation. If submitting a separate response to the DfE consultation, please make it clear that you are doing so in a personal capacity and not on behalf of Ofsted.

### Guidance: Preventing bullying

On 4 July 2017, the DfE merged the publication 'Supporting children and young people who are bullied: advice for schools' with 'Preventing and tackling bullying'. The new version of 'Preventing and tackling bullying' guidance includes additional information about how schools can support children and young people who are bullied.

### Phonics screening check and key stage 1 assessments: England 2017

The DfE and the Standards and Testing Agency (STA) have updated the tables to clarify that the data is provisional and includes pupils not matched to the census.

The provisional information on the 2017 phonics screening check and assessments at key stage 1, including breakdowns by pupil characteristics is available at the following link:



[www.gov.uk/government/statistics/phonics-screening-check-and-key-stage-1-assessments-england-2017](http://www.gov.uk/government/statistics/phonics-screening-check-and-key-stage-1-assessments-england-2017).

## Research into national curriculum testing at key stage 2

On 5 October 2017, Ofqual published its validation study relating to key stage 2 reading and mathematics tests, and a subsidiary report relating to the accessibility of the 2016 reading test.

The news story and full report is available at the following link:

[www.gov.uk/government/news/research-into-national-curriculum-testing-at-key-stage-2](http://www.gov.uk/government/news/research-into-national-curriculum-testing-at-key-stage-2).

## New education and skills measures announced

On 1 October 2017, the Secretary of State for Education announced plans to place education at the heart of the Government's ambition to provide opportunity for all and ensure that skills are built for a modern, post-Brexit economy.

Details of the measures announced are available on the DfE website:

[www.gov.uk/government/news/new-education-and-skills-measures-announced](http://www.gov.uk/government/news/new-education-and-skills-measures-announced).

## Health Conditions in School Alliance

The Alliance provides guidance on the duty of schools to support children with medical conditions. The following links provide important information for inspectors:

**Safe in school** awareness raising video - [www.youtube.com/watch?v=bhvyslu2xyE](http://www.youtube.com/watch?v=bhvyslu2xyE).

### **All-Party Parliamentary Groups (APPG) report**

The APPG for diabetes report on 'Safety and inclusion of children with medical conditions at school' is available on the following link -

<https://diabetesappg.files.wordpress.com/2017/04/appg-for-diabetes-report-on-safety-and-inclusion-of-children-with-medical-conditions-at-school.pdf>.

## Plans launched to drive social mobility in opportunity areas

The Secretary of State for Education has launched plans to raise education standards and broaden the horizons of young people in areas struggling with social mobility.

The full article is available at the following link:

[www.gov.uk/government/news/plans-launched-to-drive-social-mobility-in-opportunity-areas](http://www.gov.uk/government/news/plans-launched-to-drive-social-mobility-in-opportunity-areas).

## Academy trusts: notices about poor performance

A listing of all academy trusts that have received pre-warning notice or warning notice letters about poor or inadequate performance can be found at the following link: [www.gov.uk/government/publications/list-of-letters-to-academy-trusts-about-poor-performance](http://www.gov.uk/government/publications/list-of-letters-to-academy-trusts-about-poor-performance).

## **PE and Sports Premium doubles to £320 million**

The DfE recently announced that it is doubling the PE and Sports Premium funding for primary schools, from £160 million to £320 million, to improve the quality of PE and sport provision in schools, and to help children to be healthy and active. The full article can be found on the following link: [www.gov.uk/government/news/pe-and-sports-premium-doubles-to-320-million](http://www.gov.uk/government/news/pe-and-sports-premium-doubles-to-320-million).

## **Early years foundation stage profile results: 2016 to 2017**

The Early years foundation stage profile (EYFSP) results for the 2016 to 2017 academic year, at national and local authority level, are available at the following link: [www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-2016-to-2017](http://www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-2016-to-2017).

## **Local area SEND inspections: one year on**

Ofsted and the Care Quality Commission inspect how well local areas fulfil their 'Special educational needs and disability code of practice' duties. The report on the main findings in the first year of these inspections can be found using the following link: [www.gov.uk/government/publications/local-area-send-inspections-one-year-on](http://www.gov.uk/government/publications/local-area-send-inspections-one-year-on).

## **Care of unaccompanied migrant children and child victims of modern slavery**

The DfE has issued statutory guidance for local authorities and professionals who support unaccompanied migrant children who may be victims, or potential victims, of modern slavery. The statutory guidance can be found on the following link: [www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children](http://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children).

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory and Support Service (Cafcass), schools, colleges, initial teacher training, further education and skills, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for children looked after, safeguarding and child protection.

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