

The Annual Report of Her Majesty's Chief Inspector of  
**Education, Children's Services and Skills 2018/19**





# **The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2018/19**

Presented to Parliament pursuant to section 121  
of the Education and Inspections Act 2006.

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21 January 2020

Rt Hon. Gavin Williamson CBE MP  
Secretary of State for Education  
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London  
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*Dear Secretary of State*

**The Annual Report of Her Majesty's Chief Inspector 2018/19**

I have pleasure in presenting my Annual Report to Parliament, as required by the Education and Inspections Act 2006.

This report addresses the full range of our inspection and regulation both in education and care. It is underpinned by evidence from more than 26,700 inspections of and visits to schools, colleges and providers of social care, early years and further education and skills. I also draw on findings from our research, evaluation, data and analysis this year.

Our aim is to be a force for improvement across education and social care. As Chief Inspector, it is my priority to not only report on individual providers but to offer the national picture of education and care from Ofsted's unique, independent view in order, unwaveringly, to support improvement and raise standards for all children and learners in England. In this report, I aim to recognise the many successes we have seen, but also to direct attention to areas in which professionals are not acting with integrity or for the benefit of children and learners.

The proportion of good and outstanding education and care providers has remained at similar levels to last year. We can all be proud of the achievements of all the many professionals who have this year delivered a good, and often improving, standard of education and care.

I trust that this report will provide useful evidence to inform policies aimed at securing the very best futures for our children and learners.

Copies of this report will be placed in the Libraries of both Houses.

Yours sincerely

*Amanda Spielman*

**Amanda Spielman**  
Her Majesty's Chief Inspector



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# HMCI commentary

Ofsted is a force for improvement across education and social care. Our core job is to inspect, regulate and report objectively and without fear or favour. Sometimes, that means giving difficult messages to hard-working, hard-pressed professionals. Although this may provide uncomfortable moments, we are clear that the standard of education and care for children must come first. We must also continue to highlight the good and important work that we do across our remits, not just to report on individual providers but to provide a national picture of education and care quality. We are the only independent body that can provide that view across England. In doing so, we highlight where those acting with substance and integrity are getting things right as well as where standards are falling short.

The education sectors we inspect continue to present an overall positive picture in terms of quality:

- 86% of schools are judged to be good or outstanding
- 96% of early years (EY) providers are judged good or outstanding
- 81% of inspected further education and skills (FES) providers are judged to be good or outstanding.

This picture is partially supported by the results of the latest Programme for International Student Assessment (PISA) study, which shows average scores for 15-year-olds in England significantly above international averages in mathematics, reading and science. In 2018, we saw a significant improvement from 2015 in mathematics and a small rise in reading.<sup>1</sup> However, there was no improvement in science.

We have also seen positive developments in social care. Our inspections of local authority children's services (ILACS) showed further improvements in the sector this year: 48% of local authorities (LAs) are now judged to be good or outstanding. This compares well with 36% after their first inspections under the previous framework, the single inspection framework (SIF).

Although our regulatory, inspection and enforcement work helps to identify and act on issues and celebrate achievements, much of our impact comes from influence. Ofsted does not legislate, nor do we direct policy in education or social care. We have regulatory powers relating to children's homes, nurseries and childcare, for example, but not in schools or FES. We investigate illegal schools, but it is the Crown's role to bring prosecutions to court using our inspection evidence.

Some of our soft power lies in the research we publish to advance thinking and to report back on the actions and attitudes of the sectors we oversee. We speak out about the big issues that have an impact on education and social care. Of course, we also exercise great influence through our inspections and the criteria that we establish for our judgements in schools, children's social care, EY and FES.

In 2017, we introduced the social care common inspection framework (SCCIF). This was a big step forward for us and for social care providers in terms of consistency and effectiveness. In 2018, we introduced the ILACS framework to make sure that the children's social care inspections in LAs focus on the things that matter most to children. Finally, in 2019, it was the turn of education to have a new framework – from early years through schools and on to adult learning.

In designing and implementing this new education inspection framework (EIF), we based our criteria on hard research. We could see where and how some schools and colleges had lost sight of the real substance of education: the curriculum. We also assessed honestly the ways in which we had played a role in legitimising that change and what we could do to reverse it. In this part of this report, I explore some of the features of the EIF: curriculum, behaviour, off-rolling and teachers' workload.

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1. Organisation for Economic Co-operation and Development; [www.oecd.org/pisa/publications](http://www.oecd.org/pisa/publications).

Through our work this year, we have seen good, bad and indifferent practices. It is right that we have a clear focus on substance and integrity, and on the needs and experiences of the children with the greatest and most complex needs, of any kind.

However, focusing too narrowly on children with the greatest needs can obscure the positive impact of education for all children. A good education and a strong bond with their school can not only help children learn and develop, but also build resilience and confidence. A good education helps prevent some of the problems that most exercise parents and policy-makers – from mental ill health to social exclusion, poor adult literacy to a growing prison population.

Similarly, in social care, early preventative work can remove the need for more intrusive, challenging and costly interventions at a later stage. Tightened budgets have led to an understandable focus of resources on children in need of help and protection, and on statutory services. However, a reduced focus on preventative work may in the longer term be more expensive in staff time, cost and of course distress for children. Ofsted's oversight of the children's social care system is an important part of our work, this year and every year.

In many of the situations that schools and social care providers struggle with – from exclusions to mental ill health – prevention is better than cure. Therefore, it is important to acknowledge and celebrate when professionals do their jobs with integrity and make good decisions for young people. It is equally important to identify and tackle the occasions when poor decisions are made, or when providers are not acting with integrity or focusing on what really matters, and when children are therefore not having fulfilling childhoods or being well prepared for adult life.

Ofsted could not have a more important role in demanding substance and integrity in everything educators, social care professionals and sector leaders do.

## A good education for all – our new inspection framework

In June 2019, I published a commentary on 'the roles of inspection and accountability'.<sup>2</sup> I argued that education systems across the world have to balance carefully the autonomy given to providers to educate as they see fit, with the need to hold them to account for their performance. When we have autonomy without accountability, systems underperform. When the two work well together, educators – and therefore children – can thrive.

However, for accountability to work well, we need to ensure that the measures we use focus on the right things – in this case, the substance of education. When measures and processes focus narrowly on outputs such as exam results or testing, they can pull people's focus away from the substance.

In our first phase of curriculum research back in 2017, we found that school leaders were focused on increasing performance measures, too often to the detriment of much else. Teaching to the test, narrowing the curriculum, off-rolling and qualification-gaming have become all too common. We do acknowledge the role that strongly data-driven accountability, including our own inspection frameworks, has played in distracting us collectively from the real substance of education, at the centre of which is the curriculum.

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2. 'HMCI commentary: the roles of inspection and autonomy', Ofsted, August 2019; [www.gov.uk/government/speeches/hmci-commentary-the-roles-of-accountability-and-autonomy](http://www.gov.uk/government/speeches/hmci-commentary-the-roles-of-accountability-and-autonomy).

## Primary science

Our curriculum research this year<sup>3</sup> showed that, in a number of primary schools, headteachers had decided to focus on English and mathematics over other subjects, including science. This was often done explicitly to improve test results in English and mathematics. We saw that both quantity and quality of science teaching were reduced. In these schools, pupils were often given little access to science content. Little consideration was given to developing scientific concepts and skills and the vocabulary that comes with being taught science.

This research reflects the position of science in primary schools a decade after science was removed from the key stage 2 universal testing programme and from accountability measures and nearly 15 years after the direction of government policy started to limit our capacity to look at what is taught in primary schools beyond English and mathematics.

The Department for Education's (DfE) own sample test also shows that, while in the first year of the sample-only regime, 81% of children met the expected standard in science,<sup>4</sup> by 2018 only 21% met the expected standard.<sup>5</sup>

The deprioritisation of primary science by schools that this reflects may be part of the reason why in the otherwise generally encouraging set of PISA outcomes last year, science showed a further decline. The children who took PISA science tests in 2015 and 2018 are the first who did not take the key stage 2 science test at primary school. However, it is encouraging that the proportion of pupils taking at least two science GCSEs has increased, from 63% in 2010 to 96% last year.

We understand the incentives that have led many primary schools to limit science teaching, and the difficulties of ensuring that teachers themselves have sufficient scientific knowledge to teach it well. However, there is enough room in the timetable to give children plenty of time for English and mathematics at the same time as building their knowledge in science. We are pleased that the DfE is planning to work with a small number of schools in the development of complete curriculum programmes for science at key stage 2.

More generally, this erosion shows what can happen when neither inspection nor testing look below the surface at subject level, and the importance of the curriculum focus in our new framework.

3. 'Intention and substance: primary school science curriculum research', Ofsted, February 2019; [www.gov.uk/government/publications/intention-and-substance-primary-school-science-curriculum-research](http://www.gov.uk/government/publications/intention-and-substance-primary-school-science-curriculum-research).
4. 'Key stage 2 science sample test results published', Department for Education (coalition), August 2010; [www.gov.uk/government/news/key-stage-2-science-sample-test-results-published](http://www.gov.uk/government/news/key-stage-2-science-sample-test-results-published).
5. 'Key stage 2 science sampling 2018: methodology note and outcomes', Standards and Testing Agency, July 2019; [www.gov.uk/government/publications/key-stage-2-science-sampling-2018-methodology-note-and-outcomes](http://www.gov.uk/government/publications/key-stage-2-science-sampling-2018-methodology-note-and-outcomes).

## Curriculum

In December 2018, I published the third of three commentaries on the final phase of our curriculum research,<sup>6</sup> along with a report on assessing the quality of education through curriculum intent, implementation and impact.<sup>7</sup>

In providers that scored highly on the curriculum indicators used, we found that:

- the curriculum was at least as ambitious as the national curriculum
- subject leaders had clear roles and good subject knowledge
- there was effective curriculum planning in all subjects
- as many pupils as possible had access to a rich and broad curriculum
- the school's curriculum had sufficient depth and coverage of knowledge, including a well-thought-out model of progression and sequencing.

This research was central to the development of the EIF. It showed that inspectors, leaders and teachers in all types of provider can talk together and in detail about curriculum intent and implementation. Leaders and teachers in the research were comfortable with the difference between intent and implementation. Inspectors could see differences in curriculum quality between schools and also between subject departments within schools. This enabled them to make valid assessments of the quality of curriculum. We used this to establish the new 'quality of education' judgement, which we then developed and tested further across all our remits, not least EY and FES, to develop a framework that works for all.

We thought deeply about the EIF throughout its development. We have shaped a framework that enables professionals to consider and discuss the education they give to all their pupils. The input and feedback from those working in education along the way have been invaluable.

We know from feedback that both the research and the intent underlying the EIF have released leaders and teachers from believing that they must teach to the test or narrow the curriculum to secure success at inspection. We know that leaders and teachers have welcomed the opportunities this has given them to think deeply and carefully about the curriculum. And we know that they have been inspired to make their curriculums truly inclusive – to be able to give every single learner the opportunity to acquire the same knowledge and learning.

Of course, we also know that, although we do not want leaders and teachers to teach to the test, attainment does still matter. It would be hard to describe a curriculum as high quality if it does not lead to substantive educational achievement. That is why we are still looking at national attainment and progress measures on inspection. However, we are making sure that we identify and report on curriculum distortions that sometimes exist under apparently strong results.

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6. 'Commentary on curriculum research - phase 3', Ofsted, December 2018; [www.gov.uk/government/speeches/commentary-on-curriculum-research-phase-3](http://www.gov.uk/government/speeches/commentary-on-curriculum-research-phase-3).

7. 'An investigation into how to assess the quality of education through curriculum intent, implementation and impact', Ofsted, December 2018; [www.gov.uk/government/publications/curriculum-research-assessing-intent-implementation-and-impact](http://www.gov.uk/government/publications/curriculum-research-assessing-intent-implementation-and-impact).

The consultation on our EIF was the largest we have ever run, involving discussions with many organisations and many wider consultation events around the country. There was extensive input from both staff and senior management from EY, schools and post-16 education, as well as from parents, governors, students and other groups, including unions, local authorities and charities. This shows the level of interest on all sides, and also the overwhelming commitment from everyone involved to making the best possible education for children and learners. In over 15,000 responses to the published consultation, we found strong support for the core proposals, as well as a vast array of constructive ideas.

The most significant changes are:

- a new 'quality of education' judgement, with curriculum at its core (and the removal of the standalone 'outcomes' judgement)
- to separate the 'personal development' and 'behaviour and attitudes' into two separate judgements, when they were previously combined
- within the 'leadership and management' judgement, to increase our focus on teacher workload and off-rolling.

## Deep dives

We inspect quality of education by starting with a top-level view of the curriculum and testing this out with 'deep dives' into individual subjects. These include:

- discussions with senior leaders
- discussions with teachers
- discussions with learners
- discussions with curriculum leaders
- scrutiny of learners' work
- visits to a connected sample of lessons.

The aim is to assess the planning and sequencing of the curriculum and how this is being implemented in the classroom, workplace or setting.

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We were encouraged by the richness of the educational discussion and interest shown on pilot inspections. Professionals across all sectors are clearly passionate about making sure that they build the right curriculum for their learners, and many have seized the opportunity to make more space for real curriculum thinking.

As with all our frameworks, we will be evaluating how well we are applying the EIF. The EIF is one of the main building blocks of our strategy to make Ofsted a force for improvement through intelligent, focused and responsible inspection. Responses to the new framework have been very positive so far.

## Behaviour

A good education starts with a great curriculum and good teaching, and also helps children develop self-regulation and resilience. Good pupil behaviour is essential for teachers to be able to teach well. If classrooms are constantly disrupted, pupils' learning is disrupted. That is why we have introduced a new 'behaviour and attitudes' judgement.

As well as disrupting pupils' learning, teachers report that poor pupil behaviour is having a negative impact on their own well-being. Following our research into teacher well-being,<sup>8</sup> and an earlier report into behaviour in 2014,<sup>9</sup> we wanted to look at current school approaches to managing behaviour and began a phased research project into this.<sup>10</sup>

We found some good practice. For instance, staff understood how important it is that behaviour policies are implemented consistently. They also understood the importance of whole-school behaviour approaches. However, work is still needed to bring those policies to life. Good behaviour needs to be taught, along with the routines that enable it. Rewards and sanctions need to be applied consistently and fairly. Also, teachers need support. In the research into teacher well-being, teachers cited lack of support, by leaders and even by parents, in managing behaviour as one of their main sources of stress.<sup>11</sup>

In the new 'behaviour and attitudes' judgement, we focus on the factors that we know, through research and inspection evidence, contribute most strongly to pupils' positive behaviour and attitudes, and that give them the greatest possible opportunity to achieve positive outcomes.

The new judgement is intended to give inspectors more space to look at this aspect of education in depth, including how behaviour looks from children's perspectives. It is important that schools do not see behaviour and attitudes as collateral or secondary, but as integral to the delivery of a strong curriculum. It is vital that the next generation of teachers know the important principles of behaviour management, how to create an environment that allows them to focus on learning and how to teach pupils expectations of good behaviour and routines. For this reason, the new framework for inspecting initial teacher education will have a sharp focus on the behaviour strand.

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8. 'Summary and recommendations: teacher well-being research report', Ofsted, July 2019; [www.gov.uk/government/publications/teacher-well-being-at-work-in-schools-and-further-education-providers](http://www.gov.uk/government/publications/teacher-well-being-at-work-in-schools-and-further-education-providers).

9. 'Below the radar: low-level disruption in the country's classrooms', Ofsted, September 2014; [www.gov.uk/government/publications/below-the-radar-low-level-disruption-in-the-countrys-classrooms](http://www.gov.uk/government/publications/below-the-radar-low-level-disruption-in-the-countrys-classrooms).

10. 'HMCI commentary: managing behaviour research', Ofsted, September 2019; [www.gov.uk/government/speeches/research-commentary-managing-behaviour](http://www.gov.uk/government/speeches/research-commentary-managing-behaviour).

11. 'Teacher well-being at work in schools and further education providers', Ofsted, July 2019; [www.gov.uk/government/publications/teacher-well-being-at-work-in-schools-and-further-education-providers](http://www.gov.uk/government/publications/teacher-well-being-at-work-in-schools-and-further-education-providers).

The next step is for us to look at the existing evidence on what schools that are best at managing challenging behaviour do differently from other schools. We will follow this up with in-depth research so that we can use what we know about good practice to inform both inspectors and providers. Our new judgement and second research phase will have given us more insight by the time I next report.

## Peer-on-peer abuse

In autumn 2018, the National Society for the Prevention of Cruelty to Children (NSPCC) reported a 29% increase in children seeking help from Childline after peer-on-peer abuse.<sup>12</sup> This includes physical, sexual and emotional abuse, both in person and online. The issue has also understandably caught the attention of the media recently. It is an area that requires effective working across the system, which is too often lacking.

Peer-on-peer abuse that involves sexual assault and violence almost always needs a coordinated response from health, education, police and social care agencies. Children who develop harmful sexual behaviour have often experienced abuse and neglect themselves. As well as supporting and protecting the victim, and taking appropriate punitive and safeguarding action, professionals need to consider whether the perpetrator could be a victim of abuse too.

As an inspectorate, we do not have any role in investigating individual child safeguarding cases, including peer-on-peer abuse in schools. However, we take the protection of children very seriously. That includes making sure that everyone we regulate and inspect has effective procedures to keep children, other learners and vulnerable adults safe from abuse, neglect and exploitation.

## Off-rolling

Over the past year, we have continued to be concerned about the number of pupils leaving schools without another school to go to, and without a formal exclusion process. Twenty thousand pupils left their state-funded secondary schools between Year 10 (2017) and Year 11 (2018). There are 340 schools with exceptional levels of pupil movement, of which we have inspected around 100 this year.

It is important to understand that there are legitimate reasons for pupils moving between schools, and between mainstream schools and alternative provision or pupil referral units (PRUs). We highlighted this issue three years ago and, more recently, have been using our data on exceptional levels of pupil movement to:

- prioritise which schools to inspect
- ask schools about exceptional levels of pupil movements in school inspections
- ask about movements of pupils with special educational needs and/or disabilities (SEND) inspections
- talk to LAs and multi-academy trusts (MATs) about pupil movements in their area/in their schools, as part of our regular meetings.

12. '29% rise in counselling sessions on peer sexual abuse', National Society for the Prevention of Cruelty to Children, September 2018; [www.nspcc.org.uk/what-we-do/news-opinion/rise-childline-counselling-sessions-peer-sexual-abuse](http://www.nspcc.org.uk/what-we-do/news-opinion/rise-childline-counselling-sessions-peer-sexual-abuse).

These questions have been useful in giving leaders an opportunity to explain valid reasons for pupil movement. They have shown that there are considerable grey areas here, and we have directly mentioned off-rolling – removal from the roll without an exclusion and in the interest of the school – in only five published inspection reports.

We commissioned a YouGov survey on teachers' views of off-rolling, which showed that teachers perceive an increase in the practice. Teachers also say that:

- vulnerable students, with SEND or other needs, are more likely to be affected
- although schools may say that pupils are off-rolled due to behaviour, teachers believe that academic achievement is more important in the decision-making
- both senior leadership teams and classroom teachers believe that the pressure of maintaining high performance table positions and good Ofsted ratings can trigger off-rolling
- parents are pressured to accept off-rolling through elective home education and many teachers think that parents need more support, especially those with the least understanding of their children's rights and/or who speak English as an additional language.

Pupils leaving a school create challenges that go wider than the school system, including for children's services and wider education services. Many children fall out of sight of any authority. The luckier ones may be placed in a good PRU or into effective alternative provision. Many of these providers are doing well for their pupils. However, when faced with a lack of high-quality supply, professionals sometimes place children in unregistered or unregulated education, which I will return to later.

## Teacher workload and well-being

The final aspect of the EIF that I want to emphasise is around workload. The data-gathering culture in our schools, EY providers and colleges has grown out of all proportion to its usefulness. We needed to stop contributing to this overload. Inspectors no longer look at school-generated attainment or progress data, partly because it is simply not possible for them to validate it within the limited space of an inspection. We have also re-emphasised that we do not expect any particular form of marking or feedback. We hope that this will help end any data collection that is asked of teachers 'for Ofsted' and so make a meaningful contribution to reducing workload.

I recognise that any change in inspection framework does create some work, but the feedback so far tells us that people find working on curriculum plans and strategies for effective teaching of the curriculum much more rewarding than over-elaborate marking, assessment, data capture and data analysis.

This year's survey of teacher stress, workload and well-being came at the request of teachers. I spoke at the time about how important it is that Ofsted listens.<sup>13</sup> We know that education professionals report relatively high rates of work-related stress, although still below the average for all professional occupations in Britain.<sup>14</sup> Our report looked at levels of occupational well-being, as well as positive and negative factors that influence well-being. We wanted to understand the issues and causes better to provide evidence-based recommendations for further action and to manage our own work to minimise unnecessary stress and workload for teachers.

The report's headline findings:

- Long working hours in schools and colleges affect teachers' work-life balance. Teachers reported spending less than half of their time on teaching, and almost a third on lesson planning, marking and administrative tasks. They also said that they do not have enough time for the important aspects of their role.
- Staff believe that lack of resources – both human and physical – affects their ability to do their job as well as they could. Human resource shortages increase the already high workload, decrease staff's ability to do their core job effectively and mean that they are often asked to take on additional responsibilities outside their expertise. Staff also feel hampered by a lack of physical resources such as computers or library materials. This all contributes to a sense of disempowerment, despite having the skills and knowledge needed to deliver good-quality education.
- Pupils' behaviour often has a negative effect on teachers' well-being and teachers do not always feel supported by senior leaders or line managers in addressing poor behaviour. This is often because behaviour management is inconsistent.
- Teachers also reported that Ofsted inspections can affect well-being and stress levels, especially when senior leaders expect more administrative work in preparation or if they focus too much on data and exam results.

The leadership and management judgement in the EIF reflects the extent to which leaders take into account the workload and well-being of their staff. I look forward to reporting on the outcomes in next year's Annual Report.

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13. 'Amanda Spielman at the 'Wonder Years' curriculum conference', Ofsted, January 2019; [www.gov.uk/government/speeches/amanda-spielman-at-the-wonder-years-curriculum-conference](http://www.gov.uk/government/speeches/amanda-spielman-at-the-wonder-years-curriculum-conference).

14. Health and Safety Executive; [www.hse.gov.uk/stress/resources.htm](http://www.hse.gov.uk/stress/resources.htm).

## Social care – making the right decisions for children

The national children's social care system involves 151 LAs, some types of school, providers of children's homes, fostering and adoption agencies, foster and adoptive parents and other provider types. LAs play a strategic and commissioning role in their area, but only Ofsted can join up those often-disparate bits of the system into an overall picture of whether children are being well served by the state, and where improvement needs to be made.

Under the ILACS framework, we have visited more than half of LAs this year. Twenty-seven had improved since their previous inspection. As we highlighted earlier in this report, the proportion of LAs that we have judged to be good or outstanding has improved from 36% to 48% compared with their first inspections under the previous SIF. The proportion judged as inadequate has decreased considerably, from 22% to 12%. This is heartening, but government must continue to create the conditions for good social work to thrive, so that those on the frontline can make the best possible decisions for children.

## Lack of capacity in the social care workforce

The main challenges in the children's home sector are sufficiency and capability. No single LA can fix this. What is needed is national oversight and strategic leadership – the system needs to work as a whole.

We do not have enough children's homes in the right places across the country. Information on children's needs is fragmented nationally and locally, and there is no central joined-up strategy or plan to meet children's needs.

The residential workforce is low-paid and undervalued. Although progress has been made on minimum qualification requirements, there continue to be concerns about staff qualifications and training in weaker settings. A common feature of inadequate children's homes is limited capacity of the workforce to meet the needs of the children. This is usually because workers have inadequate training, receive poor support or lack management oversight or leadership.

## Unregulated providers and unregistered children's homes

In last year's Annual Report, we raised the issue of unregistered and unregulated social care provision, which LAs often use because of a lack of registered places. We called for the sector to step up and to better oversee currently unregulated provision, which is a stepping stone to independence for care leavers. We did, however, say that any regulation needs to be proportionate, 'right touch'<sup>15</sup> and with all parts of the system working together in the best interests of children.

A number of well-intentioned initiatives, such as reducing the number of children in the criminal justice and mental health systems, have placed additional and unintended stress on the children's home system. The sector needs sufficient and suitable provision. We know that increasing numbers of older children are in care (over 3,000 more aged over 16 in 2019 than in 2015)<sup>16</sup> but not enough has been done at a national level to understand the needs of children in order to be able to plan. It needs collective consideration and action.

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15. Professional Standards Authority, 2015; [www.professionalstandards.org.uk/what-we-do/improving-regulation/right-touch-regulation](http://www.professionalstandards.org.uk/what-we-do/improving-regulation/right-touch-regulation).

16. 'Children looked after in England including adoption: 2018 to 2019 – national statistics', Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

Without purposeful planning and an injection of capacity into the system, the children's home market will continue to grow in a way that does not necessarily meet children's needs, either in terms of type of service or location. Government and agencies involved also need to develop a workforce strategy to increase capacity and competence.

To really improve standards and improve safeguards for children, we need:

- a better understanding of the needs of children in care at a national level
- investment in the sector so that there are enough places in the right areas
- a review of the type of qualifications that will best equip the workforce to meet children's needs
- investment to create the right qualification systems
- portable registration for registered managers
- to improve the status of care workers so that more people are attracted to work and stay in the profession.

## Secure training centres and secure children's homes

Unfortunately, it is occasionally necessary to incarcerate young people because they have committed serious crimes or are at risk of serious harm themselves. Children placed in secure children's homes (SCHs) and secure training centres (STCs) continue to be the most vulnerable and at risk, with highly complex needs as well as in some cases posing a significant risk to others. However, we cannot always be sure that the right people are working in those settings or that they are clear on what they can and cannot do.

In July 2019, the government published new guidance on restraint and restrictive intervention (RRI), which covers health services, social care services and special education, but not STCs.<sup>17</sup> This same guidance should apply to all settings in which children are cared for and educated. It should enable staff to work positively and confidently with children and apply the least intrusive method to keep children safe.

It is important to recognise staff members' rights to use reasonable force when in their professional judgement it is right to do so. There may be circumstances when de-escalation has failed and staff need to physically intervene to keep children safe. However, we have also seen pain-inducing techniques used to control children in STCs, along with high levels of violence. This is never appropriate.

We have also seen RRI being used by providers without them realising it as such. Providers may not recognise that door keepers who inadvertently restrict a child's choice to leave the room could amount to RRI.

The national capacity of SCHs remains a significant concern, with approximately 20 children awaiting a placement on any given day and the same number are placed in Scottish secure units. This increases pressure to use unregulated provision. Provision is also not always in the right place, so that some children are placed a long way from their home and family.

Our concern about staff recruitment and retention is reflected more broadly in our concerns about sufficiency in the sector as a whole, and consequently the system's ability to meet children's needs.

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17. 'Reducing the need for restraint and restrictive intervention', Department for Education and Department of Health and Social Care, July 2019; [www.gov.uk/government/publications/reducing-the-need-for-restraint-and-restrictive-intervention](http://www.gov.uk/government/publications/reducing-the-need-for-restraint-and-restrictive-intervention).

## Multi-agency working across the system

As above, no one local area can solve the systemic issues in children's social care. We use inspection and research to highlight good and poor practice across the country, to help practitioners do the best for children. We have now completed five rounds of joint targeted area inspections (JTAs) across the country with the inspectorates of health services, police, probation and youth offending services.

The subject of the JTAs have been:

- child sexual exploitation
- domestic abuse
- neglect of older children
- child criminal exploitation
- sexual abuse in the family environment.

From this work, we have identified several areas that we continue to report are weak. These include:

- partnership working
- information-sharing
- adult services
- support for children and families
- over-optimism of professionals.

### Partnership working

In all JTAs, we have found continued weaknesses in some aspects of partnership working. Agencies in too many areas work in silos. They do not make decisions together or use each agency's expertise to full effect.

This can mean delays in decisions for children. It can also mean children missing out entirely on services such as medical treatment, mental health support or youth services. Agencies need to be empowered to work better together.

### Information-sharing

One result of weak partnership working that we have seen time and again is that information about children's experiences and safety is not always shared with partner agencies, even when they are making critical decisions. This results in poor decision-making that can – and has – left children at serious risk of harm. All agencies should be following the DfE's principles of information-sharing.<sup>18</sup>

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18. 'Information sharing: advice for practitioners providing safeguarding services', Department for Education, March 2015; [www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice](http://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice).

### **Adult services**

In several of our JTAI deep-dives, we have reported that adult mental health and substance misuse services are not good enough at sharing information about the welfare of children whose parents they are treating. In other cases, children living with domestic abuse or neglect have suffered unduly due to delays in adult services sharing information that was necessary to protect them. These findings are particularly worrisome given the fact that we and the Care Quality Commission (CQC) highlighted this problem as long ago as 2014.

### **Support for children and families**

Access to therapeutic intervention and support for children and families can be very poor. Although in some areas children can obtain services promptly and the services make a difference, children in other areas face significant delays in getting access to the help and support they need. When they do, it is often not provided for long enough. Many of the children we see in our inspections have multiple vulnerabilities that are complex and require specialist approaches. Unfortunately, not enough good support is available. This leaves children at risk of further harm.

### **Over-optimism of professionals**

There is a pattern of findings that show that professionals can be over-optimistic about the ability of adults to change. In domestic abuse, for example, we highlighted poor use of written agreements with mothers, through which professionals expected them to police their homes from abusive partners. We saw the same again when we looked at child sexual abuse in the family environment. In neglect, we see some professionals being over-optimistic that parents will improve things in the home when there is no evidence to suggest that they are more capable of doing so than they were previously.

Professionals must always ensure that they have a realistic view of the risks to children and the capacity that the adults in their lives have, or lack, to effect real and lasting change.

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## Special educational needs and disability

Another area in which effective multi-agency working is essential is for children and young people with SEND.

Identification of SEND is one of the main complexities and drivers of change in the sector. Official identification rates for special educational needs (SEN) vary widely across Europe and are often not comparable across countries. This is linked to differing definitions of SEND and is further complicated by different categories within the SEND definition. For example, not all countries define complex needs in the same way England does.<sup>19</sup> This makes it almost impossible to know what the 'right' identification rate is.

Identification rates in England of broad special educational needs are currently increasing, but the percentage of pupils identified as having SEND and supported without statements or education, health and care (EHC) plans dropped sharply after the 'SEND code of practice' reform in 2014 following the revision of categories.<sup>20</sup> The current increase in numbers to almost 15% still leaves the percentage well below its peak of over 21% of pupils in 2010. However, pupils with statements or EHC plans have steadily increased by almost 17% since 2014.<sup>21</sup>

Our area SEND inspections show a decidedly mixed picture. In the most successful areas:

- needs are identified effectively
- leaders have a strong understanding of the effectiveness of SEND arrangements
- co-production is working well and area leaders jointly plan, commission and provide services that are responsive to the needs of children and young people with SEND and their families<sup>22</sup>
- education, health and care professionals work together in a joined-up way to improve outcomes for children with SEND.

However, in too many areas, this is not yet the case.

Joint commissioning is a weakness in around a third of areas we have inspected to July 2019. We see leaders not understanding children's education, health and care needs in enough depth and not having enough insight into children's lived experiences. They therefore do not have enough understanding of what services to commission. This leads to considerable waste, especially where different services overlap.

System leaders across education, health and care in a local area do not always see themselves as collectively accountable for this provision. Too often, parents encounter significant fractures in statutory arrangements such as EHC assessment and planning, even in areas that seem to be working well.

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19. 'European Agency statistics on inclusive education: 2016 dataset cross-country report', European Agency for Special Needs and Inclusive Education, 2018; [www.european-agency.org/resources/publications/european-agency-statistics-inclusive-education-2016-dataset-cross-country](http://www.european-agency.org/resources/publications/european-agency-statistics-inclusive-education-2016-dataset-cross-country). The 2016 dataset includes data from participating countries from 2014/15 academic year.

20. 'The SEND code of practice', Department for Education and Department of Health and Social Care, June 2014; [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25).

21. 'Special educational needs in England: January 2019', Department for Education, July 2019, main text and Table 1; [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019).

22. Co-production is a way of working where children and young people, families and those that provide the services work together to create a decision or a service that works for them all.

In these cases, the system is not working well as a whole to make the best decisions and achieve the best outcomes for children and young people.

Our area SEND inspections and the insights we can draw from them have exposed a lack of coherence and coordination in SEND provision across local areas. We welcome the DfE's review of SEND and we are contributing our expertise.<sup>23</sup> All agencies involved in this area must think carefully about why partnerships are not working well enough and about why resources are not being employed effectively.

## Mental ill health

Mental ill health is the focus of our next JTAI. In 2017, NHS Digital found that one child in eight aged between five and 19 had at least one mental disorder. Emotional disorders such as anxiety or depression were the most prevalent, with 8% having an emotional disorder, and rates are on the rise.<sup>24</sup>

Adolescence is a tough period in children's lives. Around half of all people who have a mental health problem at some point in their life will experience the first symptoms before they are 14 years old.<sup>25</sup>

Ofsted has continued to focus on risks to older children since publishing our JTAI report on neglect of older children in 2018.<sup>26</sup> We have now begun JTAs on multi-agency responses to children with mental ill health.

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23. 'Major review into support for children with special educational needs', Department for Education, September 2019; [www.gov.uk/government/news/major-review-into-support-for-children-with-special-educational-needs](http://www.gov.uk/government/news/major-review-into-support-for-children-with-special-educational-needs).
  24. 'Mental health of children and young people in England', NHS Digital; November 2018; <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2017/2017>.
  25. 'Review of children and young people's mental health services: phase one', Care Quality Commission, October 2017; [www.cqc.org.uk/publications/major-report/review-children-young-peoples-mental-health-services-phase-one-report](http://www.cqc.org.uk/publications/major-report/review-children-young-peoples-mental-health-services-phase-one-report).
  26. 'Growing up neglected: a multi-agency response to older children', Ofsted, Care Quality Commission, Her Majesty's Prison and Probation Service, and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, July 2018; [www.gov.uk/government/publications/growing-up-neglected-a-multi-agency-response-to-older-children](http://www.gov.uk/government/publications/growing-up-neglected-a-multi-agency-response-to-older-children).

## Independent Inquiry into Child Sexual Abuse

This year we submitted evidence to the Independent Inquiry into Child Sexual Abuse (IICSA) hearing on residential schools. The inquiry heard upsetting testimony from several participants about historic failures to keep children safe, but also some encouraging testimony about improvements in recent years.

In my closing statement to the inquiry, I set out Ofsted's view on how to improve the system further:

- Policy makers need to strike a balance between detailed regulation and guidance on the one hand and the need to ensure that this regulation is effective and capable of being implemented.
- Inspection provides a level of assurance about the quality of safeguarding but, unfortunately, a minority of those working in schools and other institutions seek to cover up, conceal or ignore safeguarding issues. Ofsted needs stronger regulatory tools to address this.
- We broadly support a mandatory duty on professionals to refer allegations of child sexual abuse provided that it:
  - is clear and unambiguous in its scope
  - is accompanied by high-quality guidance
  - does not conflict with existing guidance
  - is limited to those in leadership or designated positions
  - contains safeguards for those who report
  - is not regarded as a single solution to a complex issue.
- All residential schools should be required to notify Ofsted or the Independent Schools Inspectorate (ISI) about allegations of abuse.
- Further consideration should be given to introducing a duty of candour on schools, to strengthen the existing requirement for schools to provide any information reasonably requested by inspectorates.
- There should be one quality standard for all children living away from home. This would mean that the current national minimum standards for residential special schools should be replaced by quality standards equivalent to those imposed on children's homes, ensuring equivalent high levels of protection and care.
- The independent school standards need to include specific requirements about governance. The standards should require evidence that a school's governance structure can hold headteachers to account effectively and scrutinise school policies and practice independently.

Where Ofsted has the remit, powers and funding to regulate and inspect, there are steps we can take if we find that children are not safe. We also highlight good practice and push for improvement where we see that it is needed. What are most concerning are those areas that have no oversight, from Ofsted or anyone else.

## Closing old loopholes and addressing new realities

There are areas of provision for children that we cannot see and about which we have serious concerns, owing to gaps and weaknesses in the law and current regulatory regimes.

The use of unregistered residential homes for children is one area in which the definitions of what is and is not acceptable could and should be more tightly drawn. The oversight of unregulated provision for older children leaving care should be strengthened. The weak definition of a school, which means that some schools cannot be registered and regulated because they teach a very restricted curriculum, is another loophole that is exploited by the unscrupulous to operate out of reach of legislators, law enforcers and regulators. Even when those running illegal schools have been successfully prosecuted, there are no powers to close them down and some have continued to operate. The DfE has made it clear that it is committed to strengthening the legislation for illegal schools. Ofsted welcomes these commitments and urges the DfE to make progress on them as soon as possible.

I report on that below. However, there are also other changes that would allow us to inspect and address issues that currently lie outside our purview, although not to the level that we see in illegal schools.

Increasingly, some of the decisions that affect children's education and care are being made by central management, in large MATs, nursery operators or children's home operators. Decisions about the curriculum, the model of care, staffing, safeguarding and behaviour policies go to the heart of what Ofsted needs to consider through inspection and regulation, but the legal framework for accountability is not keeping up with the evolution of the education and care sectors. It is not easy to form a view of quality and sustainability when we cannot talk to the person actually responsible. Also, when groups use standard models in all their provision, it is wasteful to test these out in full in every inspection.

## Prosecutions of illegal schools

We have made strong progress in investigating unregistered schools and our work has led to three sets of convictions. However, legal constraints still make it too easy for illegal schools to operate in defiance of the law.

Since it was established four years ago, Ofsted's unregistered schools taskforce has investigated over 600 suspected unregistered schools. Of these, we found reasonable cause to believe that an unregistered school may be operating in over 290 settings. We have inspected all of these. We found safeguarding or health and safety concerns in over a third of them and issued warning notices to 83 that we believe are unregistered schools.

Since these warnings, over 50% of the unregistered schools visited have changed the way that they run to comply with the law. They achieve this most commonly by reducing their hours to below 18 hours per week. Fourteen per cent have closed and 12% have registered as independent schools.

However, the legal constraints around collecting evidence make this work much more difficult than it could be. For example, we urgently need stronger powers to seize documents. We also need the government to tighten the legal definition of a school and of full-time education. Otherwise, we are investigating with one hand tied behind our backs. This is a frustration that I have had to repeat in every Annual Report I have presented, and conversations with government continue.

The lack of regulatory teeth encourages some settings to continue in wilful non-compliance. In September 2019, a court convicted the headteacher and the proprietor of Ambassadors High School, Streatham, an unregistered school with a faith ethos, of operating an illegal school.<sup>27</sup> Despite their conviction, the proprietors informed the presiding magistrate that they intended to continue operating. This highlights the need for greater enforcement powers to prevent those convicted from running these or other educational institutions.

We welcome the DfE's announcement of a proposed register of children not in school.<sup>28</sup> The DfE hopes that this will make it easier to recognise unregistered education settings. This in turn will help identify and tackle the misuse of home education to conceal children attending unregistered schools.

## Stuck schools

We have previously expressed our concern about schools that remain 'stuck' at inadequate or requires improvement grades for a long time.<sup>29</sup> There are currently over 400 of these stuck schools.

We know that although these schools may face extremely challenging circumstances, it is possible for them to break free from their cycle of underperformance, particularly with the support of a strong MAT.

We have recently published the results of our research to find out why some schools are able to sustainably improve and others are not.<sup>30</sup> It is clear from the evidence that whatever the context or environment these schools operate in, it is possible to turn them around. However, we found that in some cases the separate systems of inspection and support are not working together as effectively as they could.

We recognise that we have a role to play here. We are currently working with the DfE to develop proposals to help improve education for children in stuck schools. We are considering how we might seek to diagnose in more detail, and work with those responsible for school improvement more closely, to improve the quality of education that these schools are providing. Subject to funding, we will be looking to pilot our approach in a small number of schools in spring 2020, with a view to a larger number of visits in 2020/21.

## Inspecting outstanding schools

Since 2012, we have been prevented by law from routinely inspecting outstanding schools. We are working closely with the DfE on this and welcome its intention to remove this exemption, and await the results of the DfE's recently launched consultation.<sup>31</sup> It's a change that is overdue – and one that we have repeatedly called for.

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27. 'Two convicted of running illegal school in London', Ofsted, September 2019; [www.gov.uk/government/news/two-convicted-of-running-illegal-school-in-london](http://www.gov.uk/government/news/two-convicted-of-running-illegal-school-in-london).

28. 'New register to help all children get the education they deserve', Department for Education, April 2019; [www.gov.uk/government/news/new-register-to-help-all-children-get-the-education-they-deserve](http://www.gov.uk/government/news/new-register-to-help-all-children-get-the-education-they-deserve).

29. Further information on stuck schools is contained within part 2 of this report.

30. 'Fight or flight? How 'stuck' schools are overcoming isolation', Ofsted, January 2020; [www.gov.uk/government/publications/fight-or-flight-how-stuck-schools-are-overcoming-isolation](http://www.gov.uk/government/publications/fight-or-flight-how-stuck-schools-are-overcoming-isolation).

31. 'Ofsted inspection: removal of the outstanding exemption', Department for Education, launched 10 January 2019; <https://consult.education.gov.uk/inspection-and-accountability-division/removal-of-the-outstanding-exemption/>.

There are currently around 3,600 schools and 150 FES providers in this category, and we do visit if our risk assessment shows them to be at risk of significant decline. This year, we inspected 10% of exempt outstanding schools. Eighty-four per cent lost their outstanding grade, while 28% dropped to requires improvement or inadequate. A high proportion is to be expected, given the risk profile, but it is nonetheless concerning that only 16% remained outstanding and that so many were less than good. Of 12 FES providers inspected, three dropped to requires improvement and only two remained outstanding.

However, more than 1,000 schools and 30 FES providers have now not been inspected for a decade. Nine hundred schools that ‘inherited’ their predecessor’s grade (for example, schools that have converted to become academies) have never been inspected. Long periods without inspection are unpopular with parents and with teachers: 85% of teachers say the exemption should not be indefinite.<sup>32</sup> The exemption has left us with blind spots about the quality of education, training and safeguarding in these schools and providers.

## Inspecting MATs

As the trend of individual schools consolidating into MATs continues, we are getting a greater understanding of the link between decisions and activities at the MAT level, and their impact on school quality.<sup>33</sup> We are therefore aiming to increase the amount of work we do at MAT level.

Since December 2018, we have carried out MAT summary evaluations (MATSEs).<sup>34</sup> The first seven MATSEs have shown us:

- MATs are more likely to focus on back-office functions than designing the curriculum, despite the clear value that can be added there. This is not to say that MATs should necessarily design the curriculum, but they should be making active and logical decisions as to where responsibility lies. Inspectors need to focus on understanding those decisions and their impact.<sup>35</sup>
- Our early MATSEs and our research have highlighted the role of MATs in creating data workload for schools. Too many people tell us that there is no workload reduction from Ofsted’s new approach to school-collected assessment data because their MAT continues to require extensive data collection and analysis, beyond what is valuable for monitoring and improving the quality of education.
- We have also seen examples of MATs failing to take enough action to improve performance in inadequate schools. We have highlighted this when we have seen it, but we are concerned that, due to the lack of rating from a MATSE, the MATs concerned may not take effective action based on our assessment of these problems.

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32. ‘Annual teachers survey 2019: teachers’ awareness and perceptions of Ofsted’, Ofsted, July 2017; [www.gov.uk/government/publications/annual-teachers-survey](http://www.gov.uk/government/publications/annual-teachers-survey).

33. ‘Multi-academy trusts: benefits, challenges and functions’, Ofsted, July 2019; [www.gov.uk/government/publications/multi-academy-trusts-benefits-challenges-and-functions](http://www.gov.uk/government/publications/multi-academy-trusts-benefits-challenges-and-functions).

34. ‘Multi-academy trust: summary evaluations’, Ofsted, December 2018; [www.gov.uk/government/publications/multi-academy-trusts-summary-evaluations](http://www.gov.uk/government/publications/multi-academy-trusts-summary-evaluations).

35. ‘Multi-academy trusts: benefits, challenges and functions’, Ofsted, July 2019; [www.gov.uk/government/publications/multi-academy-trusts-benefits-challenges-and-functions](http://www.gov.uk/government/publications/multi-academy-trusts-benefits-challenges-and-functions).

Although our work tells us that MATSEs are working well and that the sector finds them useful, their scope is limited and we can only carry them out with a MAT's permission. To address this, we are looking at a methodology refresh that we hope will enable us to give a far richer picture and take us a step further in the direction of an inspection system that reflects the way the sector operates today.

## Developing the skills our economy needs

Overall, the FES sector performance has remained static this year. However, the rapid growth in new apprenticeship training providers and the planned changes to the qualification landscape through the introduction of T-levels will continue to require careful monitoring.

Apprenticeships have the potential, through training and skills development at and away from work, to be a major development channel for the skills needed for our changing economy. They can transform the lives of young people seeking their first job and allow adults to retrain and change job roles. They can enable employers to target skill shortages and drive up productivity.

However, too many training providers are not clear on the purpose of an apprenticeship. As a result, their provision can lack adequate sequencing or attention to education outside the workplace. The gap between the knowledge and skills required for our economy and future and current provision remains, in particular in relation to a lack of training for low-skilled workers.<sup>36</sup> The FES sector needs to work much more in tandem with the government's Industrial Strategy.<sup>37</sup>

The latest update to the Industrial Strategy highlighted four grand challenges that we need to meet for our future economic prosperity:

- artificial intelligence and data
- ageing society
- clean growth
- future of mobility.

However, the Industrial Strategy fails to recognise that the skills our nation needs may depend on the scale of apprenticeship delivery, particularly at higher levels.

Out of every 100 apprenticeships started in 2018/19, 15 are health apprenticeships, 12 are business management, only six are in construction, five in ICT and five in engineering. Business management and health accounted for almost half of all higher-level apprenticeships started in 2018/19. This does not appear to align well with our grand challenges as a country. The current mismatch in provision needs addressing urgently while discussions about Brexit and future national productivity continue. The apprenticeship funding system needs to target levy money more directly at skills shortages.

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36. 'Adults skills gap', Social Mobility Commission, January 2019; [www.gov.uk/government/news/adults-skills-gap](http://www.gov.uk/government/news/adults-skills-gap).

37. 'The UK's industrial strategy', Department for Business, Energy & Industrial Strategy; [www.gov.uk/government/topical-events/the-uks-industrial-strategy](http://www.gov.uk/government/topical-events/the-uks-industrial-strategy).

## Inspecting nursery chains

EY providers that run multiple nurseries have a single registration with Ofsted, rather than a separate registration for each individual nursery. Under current legislation, the provider must apply to Ofsted to add additional nurseries to its registration, and each has to be inspected separately.

Nurseries that are part of a larger organisation are more likely to be rated as outstanding. This suggests that for the larger nursery chains, strong practice and sound improvement measures can be shared effectively across the whole chain. There may be benefits from a different inspection model that would allow individual inspections of nurseries to be brought together and the outstanding features across the whole chain to be analysed.

## The changing picture of children's home ownership

Over the years, the children's homes sector has continued to change and develop. A sector that was historically mostly LAs and voluntary sector organisations is now 75% privately owned. Forty-nine organisations now own half of all private or voluntary run homes, an increase in their market share for the third consecutive year.

It is right that we continue to inspect children's homes at the level of the individual home. This is where some of our most vulnerable children live and we know that things can change rapidly if poor decisions are made about who lives there or if the manager leaves. Children's homes are not like nursery chains. They are not part of a 'brand' and sometimes it is not even clear that homes or groups of homes are owned by the same organisation. This can leave us not knowing how companies link together or indeed who is at the top of the company 'tree'.

Legislation has not kept pace with this changing sector. As a regulator, we can only use our regulatory powers on individual homes. It is a gap that we have no power to look at the wider organisation. No-one has the responsibility for overseeing this market and making sure that it is a stable market that is growing and developing for the best interests of children.

To improve the system, we need:

- a nationally agreed framework that sets out the expectations for supported living of care leavers and children in care
- regulation that is 'right touch' and that minimises unintended consequences
- increased capacity in Ofsted to deal with the unregistered social care provision that we are finding
- more joined-up working across government and clear leadership in planning provision that meets children's needs.

## Regulatory review

We regulate and inspect nearly 80,000 EY, childcare and care services for children. The EY and care sectors have changed and developed significantly since we became their regulator. However, legislation has not always kept pace with these changes. This context, and the recommendations put forward by the Regulatory Futures Review in 2017,<sup>38</sup> has prompted us to review the purposes of the regulation that we operate and the role that Ofsted plays.

We want to maximise our impact as a regulator, while achieving ‘right-touch regulation’. The review will also take forward any lessons that come from the IICSA inquiries. We are engaging with the DfE and the sector about possible changes, such as a better regulatory system for supported lodgings.

## New research and evaluation programme

We are also continuing our programme of evaluation and research to ensure that we continue to base our own work on best evidence, evaluate our own quality and impact, and inform the education and care sectors.

Future work includes:

- an evaluation of the EIF
- a new programme of thematic subject reviews, in which we will be looking at national curriculum subjects
- evaluation of inspection of subcontractors in FES
- our ‘good decisions’ research programme in social care, which will look at decision-making at different points in children and young people’s lives
- a research programme on child sexual abuse within the family
- research on how the three prime areas of learning (personal, social and emotional development; communication and language; and physical development) are delivered in the EY sector.

We remain committed to transparency in our research and evaluation work and will publish reports or commentaries on all projects.

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38. ‘Regulatory Futures Review’, Cabinet Office, January 2017; [www.gov.uk/government/publications/regulatory-futures-review](http://www.gov.uk/government/publications/regulatory-futures-review).

## Conclusion

Through all our work, we are uniquely able to look across the system and take an independent view of how the country educates and protects children and young people, and what needs to be better.

The best possible education and care can only be realised when all leaders consistently act with integrity, take evidence-informed approaches and create the environment across all services in which great practice can thrive. We see good practice, in which children's social care departments, schools, health agencies, police, families and others take complicated situations and work through them together to ensure that children are safe, cared for and well educated.

We can see from our inspection outcomes that the vast majority of people in education and social care make the right decisions for children day after day, week after week, month after month. For most children, the systems in place work well. Where improvements are needed, we say so.

In the areas in which Ofsted works, we see these decisions being made. We see schools' and colleges' decisions about the curriculum, teaching, assessment, behaviour policies and personal development. We can see whether all partners in an area are supporting children with SEND effectively. We can see how LAs are making life-changing decisions about vulnerable children and doing purposeful work with children and families to make positive changes.

We also see where things are not working as they should: when the wrong decisions are made for children. We have reported on schools that are off-rolling vulnerable pupils to gain exam results or entering pupils for sham qualifications. We have seen schools and colleges narrow their curriculum and teach to the test. We gave evidence to IICSA on the limitations of inspection in settings in which leaders do not act with integrity. We have highlighted for LAs, police, schools, youth offending services and probation services areas in which they could improve outcomes for children suffering neglect or criminal exploitation or at risk from knife crime.

Most concerning, though, are the settings we cannot see. Our blindspots are caused by weak legislation, weak powers and weak enforcement. These areas, like unregistered children's homes, unregulated provision for care leavers and unregistered and illegal schools, are where children are potentially coming to significant harm as a result of poor commissioning decisions, ill-informed parental choices or simply unsafe and unsuitable conditions for children.

There are also settings that we inspect but that we are unable to look closely at where important decisions are being made. For instance, we inspect schools but the important decisions about finance, curriculum, behaviour or exclusions may be taken by a MAT. We inspect individual nurseries, but actually they may be part of a large chain. We cannot always know who the owners of children's homes are. We are blind to the impact that has on each setting.

In the coming year, we will look harder at some of these areas to see if we can do things differently to improve outcomes for children.



# Children's social care

1. This section looks at the range and quality of children's social care provision. It includes that provided by local authorities (LAs), regulated providers and other providers of placements.
2. We then go on to look at overall sufficiency in the market (both in providers and places) and the impact that the availability of places may be having on children. We look too at the staffing of children's homes, and then finally at complaints, child protection notifications and enforcement.
3. The overall story this year is one of improvement in LA inspection outcomes and stability in outcomes of children's social care providers. However, there is cause for concern with the quality of secure accommodation, where the level of inadequacy has grown.
4. On market sufficiency, we see the overall number of children's homes and beds continuing to rise, although the number of homes is increasing at a faster rate than places (6% versus 1%). The number of children in care has risen by 12% since 2015 to 78,150 as at 31 March 2019. This increases the pressure on children's services to provide care for a growing number of children each year.<sup>39</sup>
5. We also see some potential causes for concern, particularly in children's homes services. This includes some children being placed a long way from their original homes, especially children from the South West and London. We are continuing to investigate potentially unregistered children's homes.
6. In children's homes, we see fairly small, but ongoing, increases in staff turnover in the last four years.

## Local authorities

7. There are almost 12 million children and young people aged under 18 in England.<sup>40</sup> Across the 151 English LAs, children's services support around 400,000 children (classed as 'children in need') each year.<sup>41,42</sup> More than 78,000 of these children are children in care.<sup>43</sup>
8. In 2018/19, we carried out visits or inspections to over half of all LAs.<sup>44</sup> In total, we did 151 inspections and visits in 115 LAs, all under the inspections of local authority children's services (ILACS) framework. In addition, we carried out joint targeted area inspections (JTAs) in eight LAs, and held annual engagement meetings with most LAs.<sup>45</sup>

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39. 'Children looked after in England including adoption 2018 to 2019', Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

40. 'Population estimates for the UK, England and Wales, Scotland and Northern Ireland', Office for National Statistics, June 2019; [www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnorthernireland](http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnorthernireland).

41. The number of LAs is 151 from April 2019, due to the merger of Poole and Bournemouth LAs into a single LA (Bournemouth, Poole and Christchurch), and the reformatting of Dorset's borders. These two LAs had not been inspected as at 31 August 2019.

42. 'Characteristics of children in need: 2018 to 2019', Department for Education, October 2019; [www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019](http://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019).

43. 'Children looked after in England including adoption 2018 to 2019', Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

44. Throughout the social care section of this report, we use 2018/19 for the academic year (September to August) and 2018-19 for the financial year (April to March).

45. These are annual meetings between Ofsted and individual LAs to discuss each LA's annual self-evaluation of the quality and impact of its practice with children and families.

**Figure 1: Local authority inspections and visits in 2018/19**

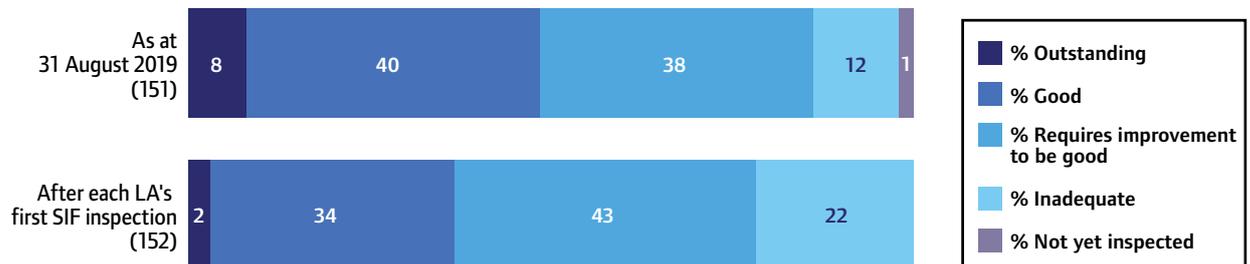


Source: Ofsted

### Inspection outcomes

- Nationally, the overall effectiveness of LA children’s services continues to improve. Currently, 48% of LAs are judged good or outstanding, 38% require improvement to be good and 12% are inadequate. Although some LAs are still to receive their first inspection under ILACS, the overall position is improving compared with the situation after each LA’s first inspection under our last framework, the single inspection framework (SIF). Under the SIF, 36% were good or outstanding, and 22% were inadequate. The proportion judged as inadequate has decreased considerably, to 12%.

**Figure 2: Local authority inspection outcomes<sup>46</sup>**



1. Based on inspections carried out by 31 August 2019 with a report published by 30 September 2019.  
 2. Percentages are rounded and may not add to 100. Where the number of inspections is small, percentages should be treated with caution.  
 Source: Ofsted

- The 2018/19 year was the first full year of inspections under the ILACS framework. In total, 54 LAs received an ILACS inspection in this period, with half improving their overall judgements and just over a quarter remaining the same. Of the 54 LAs inspected, six were judged outstanding, 19 good, 20 requires improvement to be good and nine inadequate.
- Eleven LAs previously judged inadequate were inspected in this year, all improving at this inspection. Three (Barnet, Bromley and Tower Hamlets) improved by two grades, to good. The remaining eight (Birmingham, Dudley, Kirklees, Slough, South Gloucestershire, Tameside, Wirral and Worcestershire) improved by one grade, to requires improvement to be good.

46. The number of LAs is 151 from April 2019, due to the merger of Poole and Bournemouth LAs into a single LA (Bournemouth, Poole and Christchurch), and the reformatting of Dorset’s borders. These two LAs had not been inspected as at 31 August 2019.

## Monitoring and focused visits

12. As well as our inspections, we also carry out:
  - monitoring visits, to monitor the progress of an inadequate LA
  - focused visits, to reflect on improvement or ‘catch an LA before it falls’.
13. This year, we carried out 36 monitoring visits to 17 inadequate LAs. All but one of these 17 LAs had been judged inadequate in the area of children in need of help and protection. Around half (eight of 17) had been judged inadequate for children in care and care leavers.
14. Generally, we saw improvement beginning to happen on these visits, though at varied rates. Some LAs showed substantial progress, while others showed slower progress. In a small number of cases, there was very limited progress or the progress was from an initially low base. However, the visits consistently provided a view on the specific areas in which each visited LA needs to do more, as well as highlighting areas of particular good progress. One LA, for example, was able to show that it had brought in a new practice model for social work as part of a redesign and restructure of its children’s services, and the initial impact of this on its progress.
15. Our focused visits look at a smaller area of service provision than is covered by the ILACS judgements. We make the final decisions on the topic to be covered during a visit based on one or more of the following factors:
  - if we have identified an LA’s specific area of service as an example of good or outstanding practice
  - if we have identified a specific area of service that needs to improve or in which we have identified themes, trends and issues to look into
  - if we have agreed with the LA that a specific focus will support that LA’s improvement
  - if we decide to carry out a short programme in a particular area of service, which will then lead to a thematic overview.<sup>47</sup>
16. This year, we carried out 61 focused visits across different LAs. The ‘front door’ (the first point of contact people have with an LA) continues to be the most common theme. In 2018/19, the proportion of visits having this as their theme decreased slightly. Instead, there was an increase in visits focused on the theme of children in need/subject to a plan.
17. Generally, these visits show examples of good practice in the areas of focus, although a small number report that practice or performance has declined. We almost always make recommendations for further improvements. The themes of these vary depending on the topic of the visit, but often include elements of planning and assessment, and children’s experiences of being in care. Four of the 61 visits resulted in ‘priority actions’. These are areas of practice that need to be addressed promptly by the LA.

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47. ‘Framework, evaluation criteria and inspector guidance for the inspection of local authority children’s services’, Ofsted, June 2017; [www.gov.uk/government/publications/inspecting-local-authority-childrens-services-from-2018](http://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-from-2018).

**Table 1: Theme, aspect of service or experience of a cohort of children looked at during focused visits, 2017/18 and 2018/19**

Theme	2017/18 (number)	2018/19 (number)	2017/18 (percentage)	2018/19 (percentage)
Front door	18	24	46%	39%
Children in need/subject to a plan	9	18	23%	30%
Care leavers	4	6	10%	10%
Achieving permanence	3	5	8%	8%
Children in care	1	5	3%	8%
Vulnerable adolescents	4	3	10%	5%
<b>Total visits</b>	<b>39</b>	<b>61</b>		

1. Based on visits carried out by 31 August 2019 with a report published by 30 September 2019.  
Source: Ofsted

## Regulated and other providers

18. LA children’s services are responsible for placing the 78,000 children in care in England into suitable provision. The number of children in care has increased by 12% since 2015, and by 4% since 2018. Most of these children (72%) live in foster care and most of these placements are arranged through and overseen by LAs themselves.<sup>48</sup> As well as inspecting the LA children’s services, through the ILACS framework, we also inspect and/or regulate most of the providers of placements for children in care. There are over 3,000 social care providers, including providers of residential accommodation in boarding schools and further education colleges.
19. In the last year, we carried out almost 3,500 inspections and visits to social care providers. These included 2,570 full inspections, 510 interim inspections, 375 monitoring visits and five emergency inspections.



48. ‘Children looked after in England including adoption: 2018 to 2019’, Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

**Figure 3: Social care providers and inspections in 2018/19<sup>49</sup>**



1. The number of inspections for 2018/19 includes inspections of providers that had closed by 31 August 2019.
2. The children’s homes figures include all three types of children’s homes. Those are residential special schools registered as children’s homes, secure children’s homes, and all homes that do not fall into one of the previous two categories.
3. The time period of one academic year means that not all social care providers will have been inspected in the period. This is because providers on a one-year inspection cycle, April to March, may have been inspected outside of the time period covered and also some providers are only inspected once every three years.

Source: Ofsted

**Inspection outcomes**

20. Most social care inspection cycles align with financial years, rather than the academic year, which we use in this report. Due to this, and varying inspection cycle lengths for different provider types, the providers that we inspected in 2018/19 are not necessarily representative of social care providers as a whole.
21. Of 2,570 full inspections in 2018/19, 19% resulted in an outstanding judgement, 58% in a good judgement, 17% in a requires improvement to be good judgement and 6% in an inadequate judgement.
22. At the end of 2018/19, 84% of all inspected providers were judged good or outstanding at their most recent full inspection, the same as at the end of 2017/18. Residential holiday schemes for disabled children continue to perform particularly well, with all settings currently judged good or outstanding. Secure training centres (STCs) continue to have the worst performance of all provider types, with all three currently judged requires improvement to be good.

49. Number of providers as at 31 August 2019.

**Table 2: Social care provider inspection outcomes: 31 August 2019**

Provider type	Outstanding or good (%)	Outstanding (%)	Good (%)	Requires improvement to be good (%)	Inadequate (%)
All providers (2,881)	84	21	63	13	3
All children's homes (2,216)	82	18	64	15	3
<i>Children's homes (2,141)</i>	83	18	65	15	3
<i>Residential special schools registered as a children's home (61)</i>	77	23	54	18	5
<i>Secure children's homes (14)</i>	57	14	43	14	29
Independent fostering agencies (286)	92	17	74	6	2
Residential special schools (135)	90	46	44	8	2
Boarding schools (71)	75	31	44	10	15
Residential family centres (45)	87	20	67	11	2
Further education colleges with residential accommodation (43)	93	49	44	5	2
Voluntary adoption agencies (37)	92	43	49	8	0
Adoption support agencies (31)	90	55	35	10	0
Residential holiday schemes for disabled children (14)	100	43	57	0	0
Secure training centres (3)	0	0	0	100	0

1. The number of providers is given in brackets.

2. Percentages are rounded and may not add to 100.

Source: Ofsted

## The child's perspective

23. We are particularly interested in the intersection of social care and education. Using data collected at inspections, we have looked at the educational experiences of around half of all children living in children's homes (2,820) between April 2018 and March 2019.
24. Most of these children (2,190, 78%) were attending Ofsted-inspected provision, mainly in special schools.

**Table 3: Educational provision type for pupils living in children's homes, 2018–19**

Provision type	Number	Percentage
Ofsted-inspected	2,190	78
<i>Independent special schools</i>	735	26
<i>State-funded special schools</i>	630	22
<i>State-funded mainstream schools</i>	445	16
<i>Further education and skills</i>	170	6
<i>Pupil referral units</i>	125	4
<i>Independent mainstream schools</i>	85	3
Not in education, employment or training (NEET), or awaiting placement	170	6
Other/unknown	460	16
<b>Total</b>	<b>2,820</b>	<b>100</b>

1. Figures are rounded to nearest five.  
 2. Percentages are rounded and may not add to 100.  
 Source: Ofsted

25. Of pupils living in children's homes and attending Ofsted-inspected education providers, 84% attended good or outstanding educational provision, in line with all pupils nationally. However, there were variations in this across the different provision types. Children living in children's homes and educated in independent special schools were more likely than all pupils nationally to attend good or outstanding provision. The reverse was true for young people attending further education and skills (FES) providers and state-funded mainstream schools. In both cases, children's educational placements are likely to be influenced by the particular needs of the children when they enter care. These placements may well be the best placements to meet the pupils' needs, but for FES providers and state-funded mainstream schools, they also raise potential concerns about the quality of education provided.<sup>50</sup>

50. We will explore this further in a forthcoming analysis paper.

**Table 4: Pupils living in children’s homes attending Ofsted-inspected good or outstanding education compared with all pupils, at the time of the children’s home inspection, 2018–19**

	Pupils living in children’s homes (%)	All pupils (%)
All educational provision	84	84
State-funded mainstream schools	75	85
State-funded special schools	95	94
Independent special schools	84	68
Further education and skills	74	83

Source: Ofsted

## Secure accommodation

26. There are 14 secure children’s homes (SCHs) in England. Thirteen are run by LAs and one by a charity. They provide 237 places, up from 231 in 2018.<sup>51</sup> The number of places contracted to the Ministry of Justice has reduced from 114 in 2018 to 100 in 2019.<sup>52,53</sup> According to the Secure Welfare Commissioning Unit, around 20 children are waiting for a secure children’s home placement on any given day.
27. The number of SCHs judged good or outstanding has dropped this year, from 10 last year to eight. In the same period, the number judged inadequate has increased, from one to four. This shift in the overall effectiveness of SCHs is a cause for concern.

**Table 5: Secure children’s homes latest inspection outcomes, 2017/18 and 2018/19**

	2017/18	2018/19
Outstanding	2	2
Good	8	6
Requires improvement to be good	3	2
Inadequate	1	4

1. Based on inspections carried out by 31 August 2019 with a report published by 30 September 2019.

Source: Ofsted

28. The common themes across these inadequate judgements include:
- weaknesses in leadership and management, especially ineffective oversight and monitoring systems
  - difficulties in recruiting, retaining and developing staff, including appropriate training and supervision, leading to a lack of good-quality, continuous care for young people
  - poor record-keeping of control, discipline and restraint
  - lack of appropriately detailed risk assessments for some children.

51. ‘Children accommodated in secure children’s homes’, Department for Education, March 2019; [www.gov.uk/government/statistics/children-accommodated-in-secure-childrens-homes-31-march-2019](http://www.gov.uk/government/statistics/children-accommodated-in-secure-childrens-homes-31-march-2019).

52. ‘Children accommodated in secure children’s homes’, Department for Education, March 2019; [www.gov.uk/government/statistics/children-accommodated-in-secure-childrens-homes-31-march-2019](http://www.gov.uk/government/statistics/children-accommodated-in-secure-childrens-homes-31-march-2019).

53. These places are for children who are remanded to custody or have been sentenced by the courts for committing a criminal offence.

29. Areas of strength include:
- staff who develop positive relationships with children and consult them about their care and the running of the home
  - good relationships with safeguarding partners.
30. All three STCs are currently judged requires improvement to be good. This is the same as last year. We introduced a new inspection framework for STCs in March 2019, to have a sharpened focus on the experiences of children. We also introduced additional inspection activity for STCs judged inadequate.<sup>54</sup> Although there have been some small improvements, STCs continue to be a concern for us due to:
- high levels of violence
  - risks to the safety of children and staff
  - the levels of staff skill and knowledge to care appropriately for the children.

## Sufficiency and the market

31. Sufficiency in children's social care provision covers a number of topics, including the number and location of settings, their performance and how accessible they are to children. In this section, we look at these aspects of children's homes and independent fostering agencies (IFAs), because these account for the majority of the social care provision we regulate.

### Providers and places

32. Overall, numbers of providers and places are increasing, although not always in line with the increase in numbers of children in care. Around three quarters of all active social care providers are children's homes, caring for around 6,500 children at any time.<sup>55</sup>
33. The number of children's homes continues to rise, with a 6% (131) increase in the number of homes and a 1% (176) increase in the number of beds from August 2018. This continues a pattern over the last three years of the number of homes increasing at a faster rate than places. These increases, however, are not spread evenly across the country. The North West, for example, saw a large increase, of 60 homes (11%). The South East was the only region to see a decrease, of 3% (nine homes).
34. Although a large proportion of providers are children's homes, 72% of children in care live with foster parents. The number of approved fostering households in 2018–19 has increased by 2% since 2017–18, to 44,500. This is a welcome change after falling numbers of households since 2015–16. The number of places has also increased, to 88,370 as at 31 March 2019. This is a 1% increase from 31 March 2018. However, the DfE has noted that the number of children in care increased by 4% from 2018 to 2019, suggesting that the increase in places may struggle to keep pace with the increase in need.<sup>56</sup>

54. 'Inspecting secure training centres: framework', Ofsted, Care Quality Commission and Her Majesty's Inspectorate of Prisons, March 2019; [www.gov.uk/government/publications/inspecting-secure-training-centres-framework](http://www.gov.uk/government/publications/inspecting-secure-training-centres-framework).

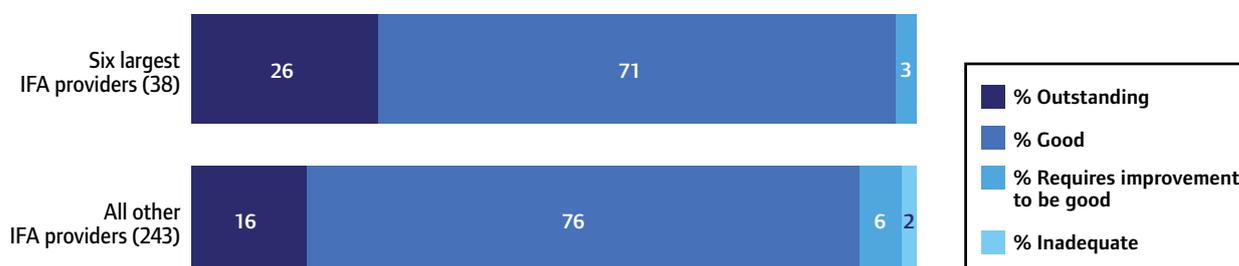
55. 'Children looked after in England including adoption: 2018 to 2019', Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

56. 'Children looked after in England including adoption: 2018 to 2019', Department for Education, December 2019; [www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019](http://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019).

## Large social care providers

35. A large children's homes provider is one that owns 10 or more homes. On 31 August 2019, there were 35 large children's homes providers, which owned 47% of all private or voluntary-run homes. Their market share has remained stable since 2018.
36. The largest six IFA providers also own a large portion of that market (38% of all IFA places, or 13,000 places).<sup>57</sup> Unlike children's homes, however, their market share has fallen from 44% in 2018.
37. Across the regions, large providers of children's homes and IFAs vary considerably in how many homes or places they own. Proportions are lower in London and the South East, and higher in the North West, East Midlands and West Midlands.
38. We published inspection profiles for the 10 largest private and voluntary providers of children's homes earlier this year, which between them own just under 30% of all private and voluntary-owned children's homes.<sup>58</sup> This showed that homes owned by the 10 largest providers performed better than all other private and voluntary homes, with 82% judged good or outstanding compared with 78% for all other providers. IFAs show a similar pattern, with 97% of the IFAs owned by the six largest providers judged good or outstanding compared with 92% of all others.

**Figure 4: Largest IFA providers compared with other IFAs, by inspection judgement, 31 August 2019**



1. Based on inspections carried out by 31 August 2019 with the report published by 30 September 2019.

2. Number of IFAs owned by providers is given in brackets.

2. Percentages are rounded and may not add to 100. Where the number of inspections is small, percentages should be treated with caution.

Source: Ofsted

## Distance from home to children's homes

39. As we described in July's official statistics, the uneven distribution of children's homes around England can mean that some children are placed in children's homes far from their original home.<sup>59</sup> In some circumstances, this can be wholly appropriate as part of the child's care plan. For others, it is an area of concern.

57. IFAs account for 39% of all approved fostering places. The other 61% are in LA fostering agencies. 'Fostering in England 1 April 2018 to 31 March 2019', Ofsted, November 2019; [www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019](http://www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019).

58. 'Inspection profiles of the largest private and voluntary providers of children's homes March 2019', Ofsted, July 2019; [www.gov.uk/government/publications/inspection-outcomes-of-the-largest-childrens-social-care-providers](http://www.gov.uk/government/publications/inspection-outcomes-of-the-largest-childrens-social-care-providers).

59. 'Children's Social Care data in England 2019', Ofsted, July 2019; [www.gov.uk/government/statistics/childrens-social-care-data-in-england-2019](http://www.gov.uk/government/statistics/childrens-social-care-data-in-england-2019).

40. Around half of all children living in children's homes are placed more than 20 miles from home. This proportion is fairly consistent across the age groups. Around a quarter of all children living in children's homes are placed more than 50 miles from home. Again, this is fairly consistent across the age groups.<sup>60</sup>
41. Around 60% of children were living outside their LA on 31 March 2018. These children lived on average 53 miles from their home compared with 10 miles for children living within their LA. This was quite consistent across the LAs, with the majority (121) placing half or more children outside their LAs.
42. Some smaller groups of children lived much further from their original home. Around 9% of children (570) were placed 100 or more miles from their original home. Seventy of these children were placed more than 200 miles away. This was more likely for children from London or the South West.

### Unregistered children's homes

43. All children's homes that provide care as well as accommodation are required by law to register with Ofsted. A children's home that provides care and accommodation but has not registered with Ofsted is an unregistered children's home. Its managers are committing an offence.<sup>61</sup> Unregistered provision is a national issue. Our regulatory inspectors visit suspected unregistered provision across all regions.
44. In 2018/19, we investigated more than 150 potentially unregistered children's homes. Around 15 of these homes were not required to register, usually due to them being unregulated homes – that is, accommodation without care, usually for children over the age of 16. Most of the remaining homes (around 100) should have been registered. Of these, many were short-term and ended naturally. Others ceased operating when they realised they had made a mistake, or applied to register as children's homes with Ofsted. Some of our enquiries are continuing.
45. Alongside these homes, we believe that a small number of companies are purposely setting up short-term arrangements as a way to avoid registering as children's homes. This may be a form of deliberate 'gaming', and these are some of the settings that we continue to address.

### Staffing in children's homes

46. Having consistent, suitably qualified staff and managers is an important part of effective social care provision. Staff can provide better support to the children they care for if they have the right qualification. We therefore collect data on staff in children's homes when we inspect.
47. An important factor in support for children is consistency of staff. Over the last year, 34% of children's homes have had new managers.
48. Because the number of children's homes is not static across the years, we looked at the number of staff, and leavers and joiners, per children's home. The average number of staff per children's home has stayed fairly static over the last four years, at around 13 members of staff per home. However, numbers of both leavers and joiners have generally increased up to 2017–18, although the number of leavers per home dropped in 2018–19.

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60. We will explore this further in a forthcoming analysis paper.

61. These should not be confused with unregulated children's homes, which are allowed by law. This is when a child (usually over the age of 16) receives accommodation, but not care, as part of their support to live independently. This type of provision is not regulated by Ofsted.

**Table 6: Number of joiners and leavers per children’s home, 2015 to 2019**

	2015–16	2016–17	2017–18	2018–19
Leavers per home	3.0	3.4	3.9	3.6
Joiners per home	3.9	4.4	4.7	4.8

Source: Ofsted

49. Across the four years of data collection, the number of agency staff working in each children’s home has also stayed relatively static. There are around 0.2 agency staff per permanent member of staff.
50. We also collect data on the levels of qualifications held by staff in children’s homes. The 2018–19 data shows that over half of children’s homes staff had achieved a required level 3 qualification (61%).<sup>62</sup> This was an increase of eight percentage points from 2017–18. A further 21% of staff were undertaking a level 3 qualification.
51. The percentage of managers with a level 5 diploma continued to increase, to 51% in 2018–19.<sup>63</sup> Managers are allowed up to three years to gain the level 5 diploma. This means that many start in post with level 4.<sup>64</sup> Seventy-two per cent of managers had at least a level 4 diploma in 2018–19.

### Fostering places

52. The number of fostering places as at 31 March 2019 was 88,370, a 1% increase from 31 March 2018. The number of places that are filled (have a child living there) has also increased, by 3% to 54,870 filled places.
53. We have explored the changes to the fostering sector in more detail in our national statistics for fostering in England 2018–2019.<sup>65</sup>

## Complaints and child protection notifications

54. As already mentioned, we regulate as well as inspect children’s social care providers. We also receive complaints about these providers. In 2018/19, we received 989 complaints about 638 providers. Most of the complaints (79%) were about children’s homes.
55. We also receive child protection notifications about social care providers. In 2018/19, we received 157 notifications. Most of these (86%) were about children’s homes, with most of the remainder (11%) being about IFAs.

62. ‘Level 3’ refers to Level 3 Children and Young People’s Workforce Diploma with Social Care Pathway, NVQ 3 Caring for Children and Young People and NVQ 3 Health and Social Care.

63. ‘Level 5’ refers to Level 5 Diploma in Leadership and Management for Residential Childcare, introduced in January 2015.

64. ‘Level 4’ refers to NVQ Level 4 Leadership and Management for Care Services.

65. ‘Fostering in England 1 April 2018 to 31 March 2019’, Ofsted, November 2019; [www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019](http://www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019).

56. We review all complaints and notifications and make a decision on the most appropriate further actions to take. These actions include:
- referral to the relevant LA's child protection team
  - investigation and response from the provider
  - inspection activity, including carrying out a monitoring visit or bringing forward a scheduled inspection
  - enforcement action, including that discussed below.

## Enforcement

57. As the regulator, we have legal powers to take a number of kinds of enforcement action when required. The most serious of these are:
- restricting accommodation for a provider
  - suspending a provider
  - cancelling a provider.

**Table 7: Number and type of enforcement action by year**

	2015/16	2016/17	2017/18	2018/19
Cancellations	4	1	21	6
Suspensions	2	12	28	29
Restrictions	25	43	60	68

Source: Ofsted

58. The number of suspensions and restrictions has increased over time, though in both cases the increase slowed between 2017/18 and 2018/19.<sup>66</sup> The higher number of cancellations in 2017/18 compared with other years is due to the cancellation of three chains of providers in that year. Between them, these accounted for 15 of the 21 cancellations in 2017/18.
59. Most enforcement action is against children's homes; restriction of accommodation does not apply to IFAs.

**Table 8: Number and type of enforcement action by provider type, 2018/19**

	Cancellation	Suspension	Restriction
Children's homes	4	26	67
Residential family centres	1	1	1
Independent fostering agencies	1	2	n/a

1. IFAs are not subject to restrictions of accommodation.

Source: Ofsted

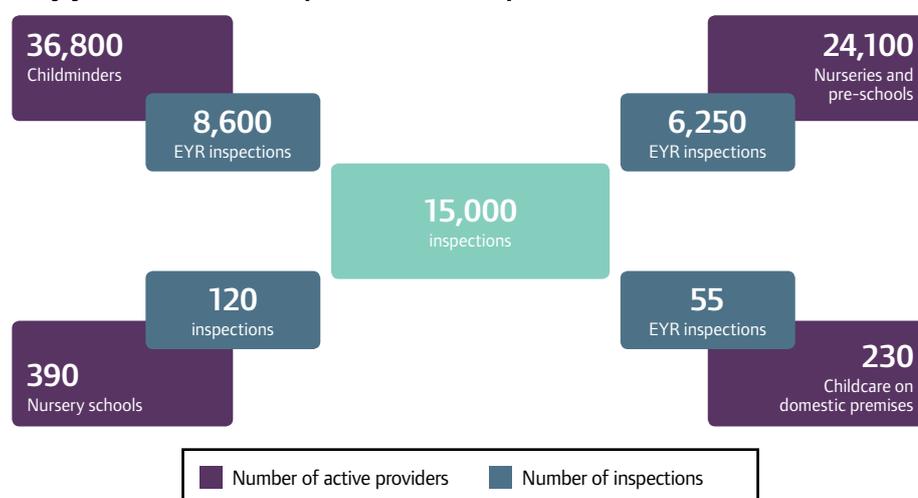
66. For this Annual Report, enforcement action is analysed based on academic year (1 September to 31 August). In our 2017/18 Annual Report, we used the financial year (1 April to 31 March). As a result, the annual numbers of enforcement actions will be different this time.



# Early years

60. This section looks at the care and education of children in their ‘early years’, from birth to five years old. This includes providers registered with us, such as childminders, nurseries and pre-schools.<sup>67</sup> It also includes maintained nursery schools and nursery and Reception classes in schools.<sup>68</sup>
61. We look at inspection outcomes and the number of providers and places available for children. We also look at how the quality of provision varies by area before concluding with summary information on our regulatory activity, including complaints, notifications, cancellations and suspensions.
62. Ofsted operates two registers: the Early Years Register (EYR) and the Childcare Register (CR). The EYR is for providers that care for children in the early years age group. Registration is compulsory for these providers and they must meet the requirements of the early years foundation stage (EYFS). The CR is a light-touch scheme, designed by government to give parents some reassurance that providers have had basic checks. Parents who send their children to providers on the CR are also eligible for certain tax credits.
63. For providers on the EYR, inspection outcomes remain strong. More than nine out of 10 providers were found to be good or outstanding at their most recent inspection. Eighty-six per cent of the inspected CR-only providers met the requirements of registration.

**Figure 5: Early years and childcare providers and inspections in 2018/19**



- Includes inspections carried out between 1 September 2018 and 31 August 2019 with a report published by 30 September 2019.
  - Home childcarers are excluded because they are not required to register with Ofsted but may choose to register on the voluntary part of the CR.
  - Numbers over 100 are rounded.
- Source: Ofsted

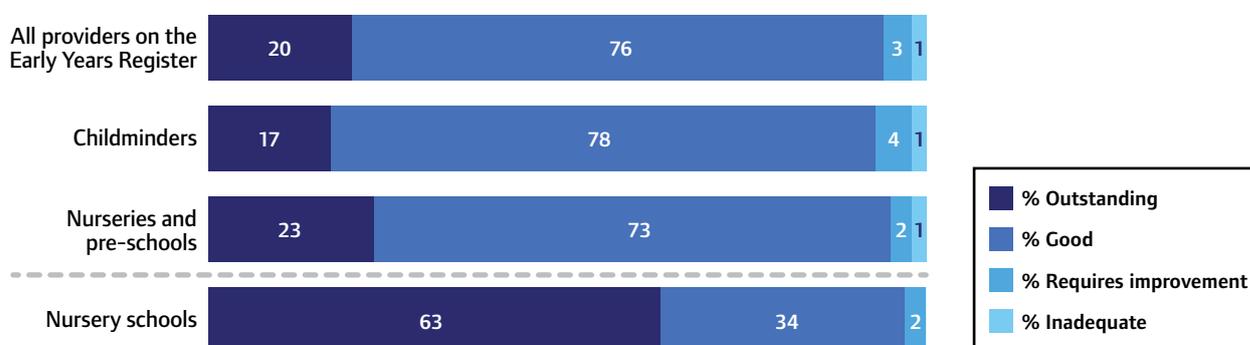
67. The term ‘nurseries and pre-schools’ is used throughout to describe childcare on non-domestic premises.

68. Some primary and all-through schools have nursery classes in which they look after children aged between two and four, but these are exempt from registration on the EYR.

## Inspection outcomes

64. During the 2018/19 academic year, we carried out 15,000 inspections of early years and childcare providers. Of these, 13,600 were full inspections of EYR registered providers. We judged 86% of these providers as good or outstanding overall.<sup>69</sup>
65. On 31 August 2019, 49,800 (81%) EYR providers had received a full inspection. Of the remaining 11,400 (19%), most were new providers that had not yet received their first inspection.<sup>70</sup>
66. Of the inspected EYR providers, 96% were judged good or outstanding at their most recent inspection (Figure 6). This is a very slight increase on last year and a marked increase from 85% in 2015, the start of the common inspection framework (CIF). The small number of nursery schools also have very positive inspection outcomes, with 63% judged outstanding at their most recent inspection.
67. Each year, Ofsted inspects a 10% sample of providers that are only on the CR. These inspections do not result in a quality judgement but a judgement as to whether the provider has met, or not met, the legal requirements for registration. We found that 86% of the inspected CR-only providers met the requirements of registration.
68. For EYR providers graded requires improvement or inadequate, the main weaknesses were in ‘leadership and management’, followed by ‘personal development, behaviour and welfare’.

**Figure 6: Overall effectiveness of early years providers: 31 August 2019**



1. Includes inspections carried out by 31 August 2019 with a report published by 30 September 2019.
2. Nursery schools are inspected under section 5 of the Education Act 2005, indicated by the dotted line.
3. Childcare on domestic premises are not included because there are only a small number of providers.
4. Percentages are rounded and may not add to 100.

Source: Ofsted

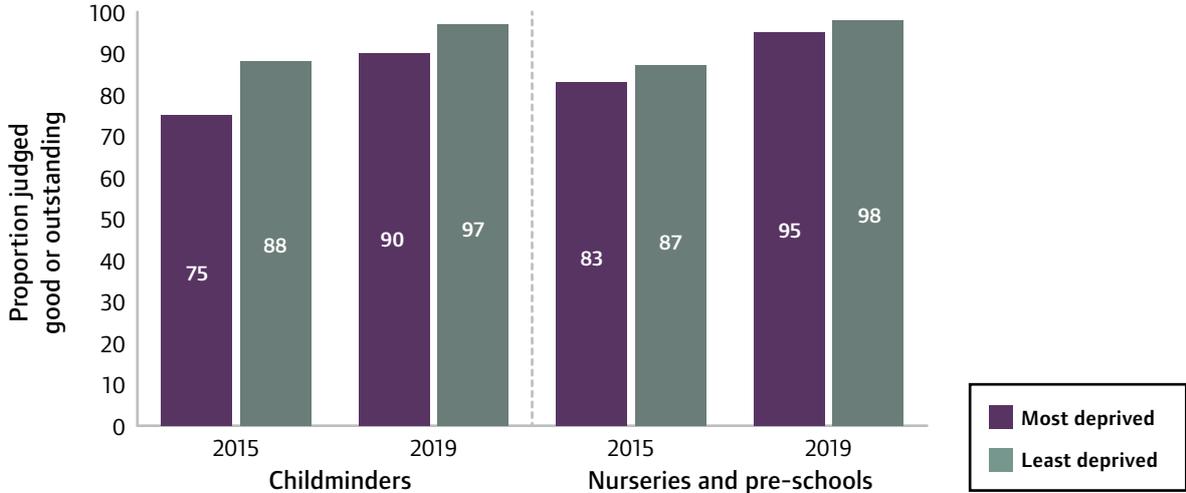
69. Over the last year, the proportion of childminders judged outstanding has increased slightly, from 16% to 17%. The percentage of outstanding nurseries and pre-schools was 23%.

69. Providers on the EYR are inspected on a four-year inspection cycle. Inspections are carried out in a targeted way to help drive improvement in early years providers. Therefore, a single academic year of inspection volumes does not necessarily represent a balanced statistical sample.

70. New providers joining the EYR are normally inspected within 30 months of registration. Our guidance on being inspected as a childminder or childcare provider gives more information about inspection; [www.gov.uk/ofsted-inspection-childcare-provider](http://www.gov.uk/ofsted-inspection-childcare-provider).

- 70. Several factors, including our inspection and registration policies, may have contributed to the improvement in the quality of the early years sector over time. We re-inspect all nurseries and pre-schools judged as requires improvement within 12 months.<sup>71</sup> Similarly, we prioritise the inspection of childminders who were previously judged requires improvement. This means that these providers have been more frequently monitored and so have had the opportunity to demonstrate improvement sooner.
- 71. The quality of early years provision varies only slightly with local area deprivation. On 31 August 2019, the proportion of all early years providers on the EYR judged good or outstanding was highest for those in the least deprived areas (97%) and lowest in the most deprived areas (92%).<sup>72</sup>
- 72. The gap between the proportion of good and outstanding providers in the least deprived compared with the most deprived areas has narrowed for both provider types. However, childminders narrowed the gap the most, from 13 to seven percentage points since 2015 (Figure 7). This is partly due to the fact that areas with a greater number of providers previously judged to be requires improvement or inadequate have greater opportunity for improvement.

**Figure 7: Proportion of providers on the EYR judged good or outstanding by deprivation quintile: August 2015 and 2019**



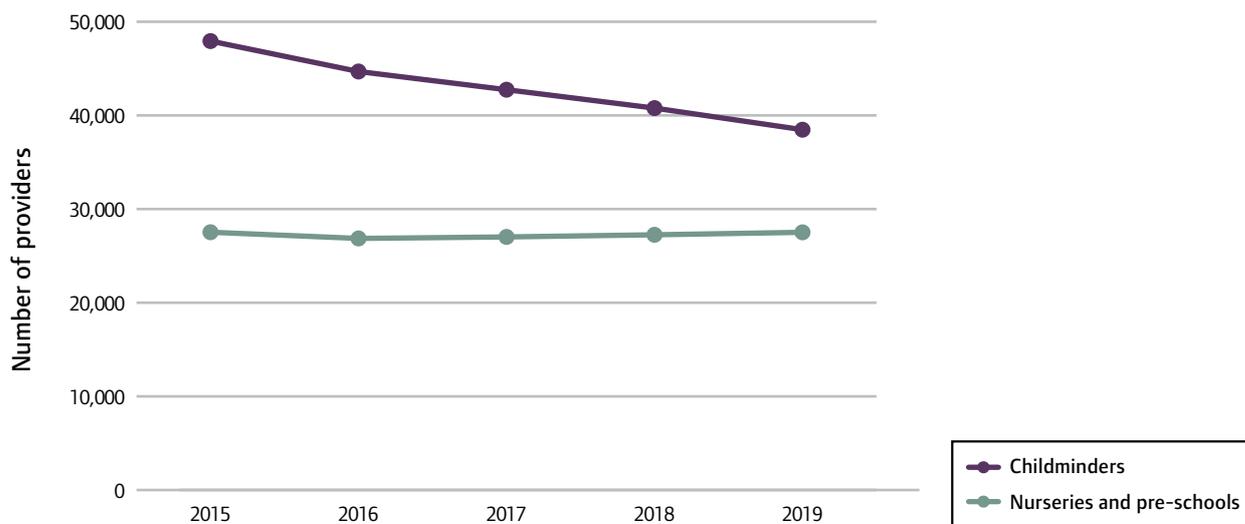
1. Includes inspections carried out by 31 August with a report published by 30 September for each year.  
 Source: Ofsted

71. 'Press release: Ofsted revises early years inspection framework', Ofsted, November 2013; [www.gov.uk/government/news/ofsted-revises-early-years-inspection-framework](http://www.gov.uk/government/news/ofsted-revises-early-years-inspection-framework).  
 72. Most deprived and least deprived areas are based on deprivation quintile, calculated from the Income Deprivation Affecting Children Index (IDACI) rank of all lower super output areas. This is based on the provider address, not the area where the children who attend live.

## Providers and places

73. The total number of providers has fallen, while the number of places has remained relatively stable. The total number of early years and childcare providers registered with us on 31 August 2019 (76,200) has fallen by 13% since 31 August 2015. Most of the fall is due to a decrease in childminders (Figure 8).

**Figure 8: Number of childminders, nurseries and pre-schools registered with Ofsted**



1. Data refers to providers registered with Ofsted on any register on 31 August in each year.

Source: Ofsted

74. There has been a continuing decline in the number of childminders since 2011/12, with joiner numbers falling and also consistently exceeded by leaver numbers (Figure 9).

**Figure 9: Childminder joiners and leavers since 2009/10**



1. Each estimate is built up from multiple reporting periods (between three and seven months long) for each year.

2. The year 2013/14 represents 11 months of data; all other years cover the full 12 months.

Source: Ofsted

75. Despite the continuing decline in childminders, the number of places for all providers on the EYR has remained relatively stable, at around 1.3 million since August 2015. This shows that the average number of places offered per setting has increased over time. The average number of places offered per childminder has increased from 5.6 in August 2015 to 6.5 in August 2019.<sup>73</sup> The average number of places offered by nurseries and pre-schools has increased from around 41 in August 2015 to 45 in August 2019.<sup>74</sup>
76. As expected, the total number of places offered by childminders has decreased slightly (10,900 fewer) since 31 August 2018. This is compensated by the increase in the number of places offered by nurseries and pre-schools (25,300 more than last year).

## Children aged three and under in schools

77. Early years services are also provided in nursery schools and in early years classes in state-funded and independent schools. If school nurseries only look after children aged two and over, they are exempt from registration on the EYR. Most of this provision is in primary schools.
78. The latest DfE school census shows that at the start of 2018/19, around 370,000 children aged three and under were attending early years services in schools:<sup>75</sup>
- 289,000 (78%) in primary schools
  - 41,700 (11%) in nursery schools
  - 33,900 (9%) in independent schools
  - 3,720 (1%) in secondary schools, including all-through schools<sup>76</sup>
  - 1,940 (1%) in special schools, pupil referral units and LA-run alternative provision.
79. We inspect the provision for many of these 370,000 children through school inspection.
80. In inspections of state-funded schools, other than nursery schools, we give early years provision its own judgement. There are around 10,700 state-funded schools with an early years judgement at their most recent inspection. Of these, 89% were judged to be good or outstanding in their early years provision.

73. For childminders, the maximum number of places that they can offer if they do not have any assistants is six. All childminders are recorded as offering six places at registration.

74. Since 2018, the number of places has been recorded differently due to a new administrative system.

75. 'Schools, pupils and their characteristics: January 2019', Department for Education, June 2019; [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2019](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2019).

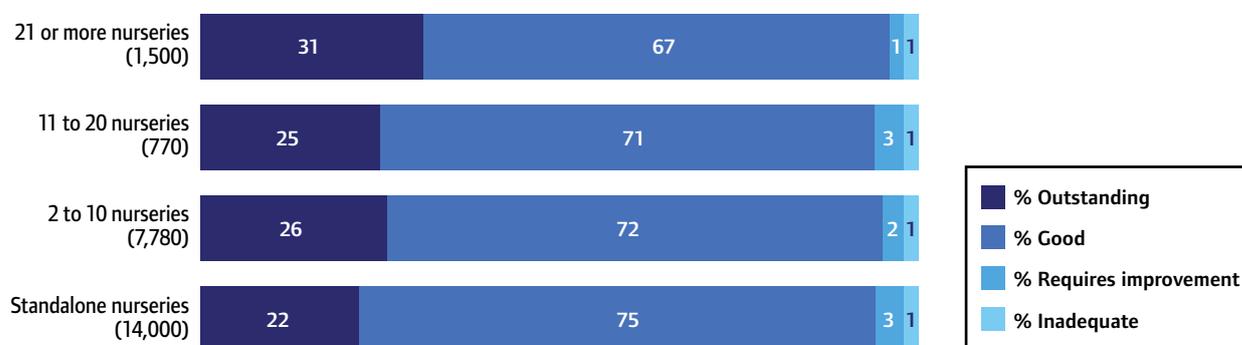
76. An 'all-through' school is a school that combines at least two stages of a child's education – typically primary and secondary – in one establishment. They must accommodate both pupils under the age of seven and over the age of 14.

## Nursery and pre-school groups

81. We define a nursery and pre-school group as at least two nurseries and pre-schools on the EYR under the ownership of the same registered person.<sup>77</sup> Over half of nurseries and pre-schools operate as standalone provision, but around 42% operate as part of a group under a single registration.<sup>78</sup> On 31 August 2019, 6% of nurseries and pre-schools were part of a group with 21 or more nurseries under a single registration.
82. The proportion of nurseries and pre-schools judged good or outstanding is similar across those in groups and those operating alone (Figure 10). However, there is a notable difference in the proportion judged outstanding for groups of 21 or more compared with smaller groups.

**Figure 10: Overall effectiveness of nurseries and pre-schools by group size: 31 August 2019**

Number of nurseries and pre-schools in brackets (rounded)



1. Includes inspections carried out by 31 August 2019 with a report published by 30 September 2019.

2. Overall effectiveness judgement is based on providers within a nursery and pre-school group that had received a full EYR inspection.

3. Percentages are rounded and may not add to 100.

Source: Ofsted

## Complaints and notifications

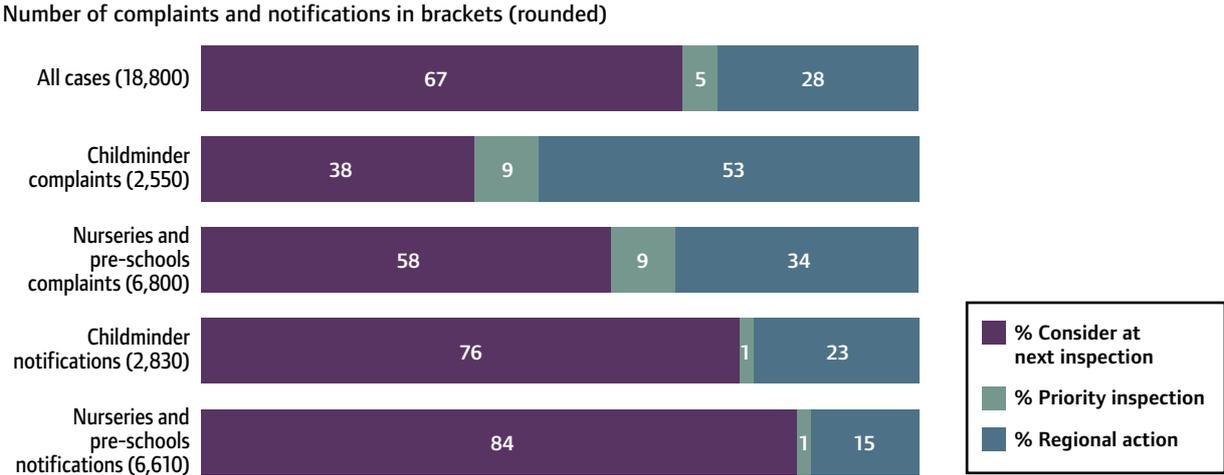
83. It is a legal requirement for early years and childcare providers to notify us about certain events that occur in their setting. We may also receive complaints about providers.
84. In 2018/19, we received 19,200 complaints and notifications related to around 11,500 providers (15% of all providers). The number of complaints (9,620) was similar to the number of notifications (9,580). The large majority of these cases related to nurseries and pre-schools.
85. Most cases were about safeguarding or people's suitability to care. Notifications were more often about accidents or injuries.
86. We make risk assessments when information suggests that a provider is not meeting the requirements for registration. We may:
- log the issue for consideration at the next routine inspection
  - carry out a full inspection of the provider within seven days (known as a priority inspection)
  - refer the details of the incident to the relevant regional regulatory team (known as regional action).

77. Some registered persons may form part of the same company.

78. Providers that operate as part of a group account for 507,000 (47%) places in nurseries and pre-schools on the EYR.

87. Around two thirds of cases were logged for consideration at the provider’s next inspection because the issue did not require immediate action. This was the case for most notifications from nurseries and pre-schools (Figure 11). In contrast, we referred just over half of the complaints made about childminders for regional action.

**Figure 11: Outcomes of complaints and notification cases, by provider type**



1. Childcare on domestic premises and home childcarers are excluded due to small numbers.  
 2. Miscellaneous outcomes have been excluded due to small numbers.  
 3. Percentages are rounded and may not add to 100.  
 Source: Ofsted

88. In 2018/19, we carried out 4,640 regulatory visits to early years and childcare providers. Most of the regulatory visits were due to complaints or notifications. Around 5% of visits were as a result of providers being judged inadequate at inspection.

### Cancellations and suspensions

- 89. We regulate the early years sector using the ‘Statutory framework for the early years foundation stage’ or the requirements for registration on the CR.
- 90. In 2018/19, there were 2,120 cancellations and 260 suspensions of childcare providers.<sup>79</sup> Almost all cancellations (97%) were due to the provider not paying their fees. The remaining cancellations were about more serious issues.
- 91. Around three quarters of providers that were cancelled were childminders. Similarly, 78% of providers suspended were childminders and 21% were nurseries and pre-schools.

79. Home childcarers are excluded because they are not required to register with Ofsted but may choose to register on the voluntary part of the CR.

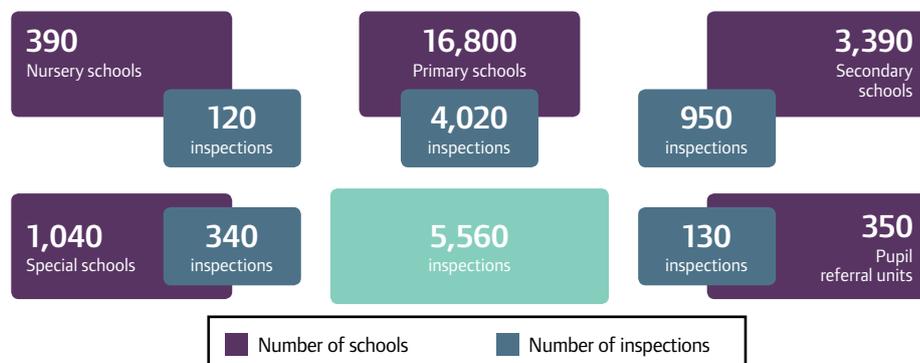


# State-funded schools and initial teacher education

92. This section looks at state-funded schools and reports on the differences we see through inspection across a range of factors. We report on what we find in primary and secondary schools, consider the challenge of understanding current quality in exempt schools and look at complaints against schools.
93. More broadly, we consider the mix and quality of what we see in academies and multi-academy trusts (MATs). We then take a more detailed look at matters including:
  - stuck schools
  - aspects of ‘gaming’
  - the support given to pupils who leave primary school with a low level of prior attainment.
94. This section concludes with a summary of our findings from our inspections of initial teacher education.
95. There are currently nearly 22,000 state-funded schools. Together, these provide education for more than eight million pupils. Forty per cent of schools are now academies and free schools, educating over half the children in state-funded schools. Eighty-two per cent of these schools are part of a MAT.
96. Overall, 86% of all schools have been judged good or outstanding at their most recent inspection. This is a substantial increase from 68% in 2010, but remains unchanged since 2018. A small group of schools have been stuck in a cycle of poor performance since 2006, and this year we carried out major new research into this.
97. There are more academies and free schools, and more MATs, than ever before. However, fewer new schools opened this year than in the last few years. Although the number of MATs is still increasing, this is in the medium- and larger-sized MATs rather than the smaller ones. There are now 110 MATs with 13 or more schools, comprising 9% of all MATs.
98. Last year, we highlighted the issue of ‘off-rolling’. This is when pupils are moved from the school roll for reasons not in their best interests. Over the past year, we have looked at this problem in our inspections. We have also considered other potential forms of ‘gaming’, when schools may not be acting in the best interests of their pupils.
99. We began inspecting under our new EIF in September 2019. Under this, we judge schools on the quality of education they provide, and how they construct a curriculum that is ambitious for all of their pupils. This year, we have investigated how secondary schools help pupils with low prior attainment at primary school to make good progress when they reach secondary school. This has highlighted how varied this group of pupils are, and how important it is to attend a great school.

## Inspections of state-funded schools

Figure 12: State-funded schools and inspections in 2018/19



1. Number of schools open on 31 August 2019.

2. Includes full inspections, short inspections, monitoring visits, no formal designation visits and exempt school inspections.

3. Includes inspections carried out between 1 September 2018 and 31 August 2019 that had a report published by 30 September 2019.

4. Numbers are rounded.

Source: Ofsted

100. We carry out the following types of inspections and visits:

- full inspections under section 5 of the Education Act 2005,<sup>80</sup> which result in a graded judgement
- visits to good and non-exempt outstanding schools (known as ‘short inspections’ before the introduction of the EIF), which can:
  - confirm a school’s existing grade
  - convert to a full inspection when there are serious concerns
  - trigger a full inspection at the next visit if there is evidence that the school may be improving or declining from good
- monitoring visits to inadequate schools and those that require improvement
- other visits carried out under section 8 of the Act,<sup>81</sup> which include:
  - visits following a parental complaint
  - inspections of exempt schools
  - other visits carried out under Ofsted’s discretionary power to inspect.

101. We carried out 5,560 school inspections in total this year, including 2,580 full inspections and 2,460 short inspections that did not convert to a full inspection. Schools were judged good or outstanding in 80% of full and short inspections in 2018/19. This is similar to the 82% of schools judged good or outstanding in 2017/18, although both are affected by the mix of schools selected for inspection in a single year.

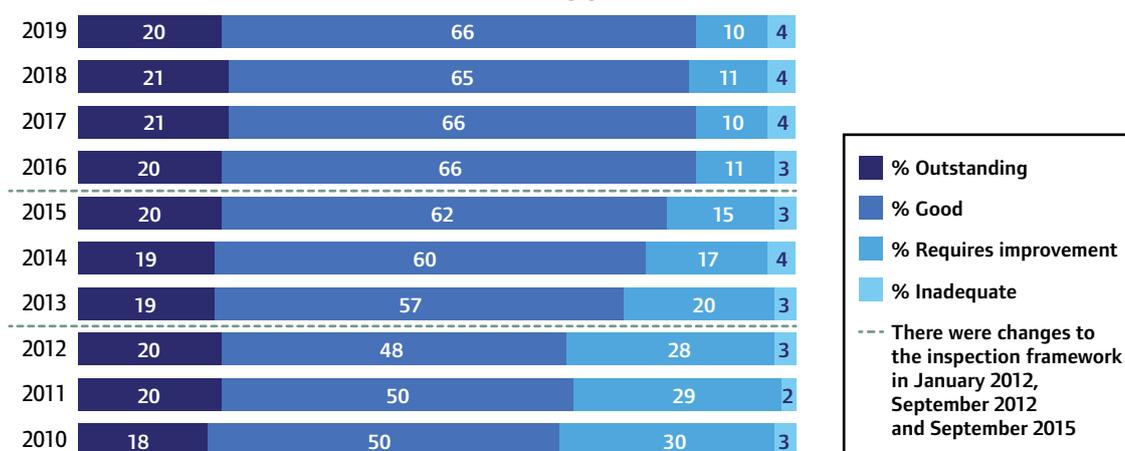
80. Education Act 2005; [www.legislation.gov.uk/ukpga/2005/18/contents](http://www.legislation.gov.uk/ukpga/2005/18/contents).

81. School inspection handbook: section 8, Ofsted, September 2018; [www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections](http://www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections).

## Inspection outcomes for state-funded schools

102. Eighty-six per cent of all schools were judged good or outstanding at their most recent graded inspection. This has increased from 82% since the introduction of the common inspection framework in 2015 but is unchanged from August 2018. Under the previous two inspection frameworks, the proportion increased steadily from 68% in August 2010. That was mostly due to a decrease in the proportion that require improvement and an increase in the proportion judged to be good.

**Figure 13: Overall effectiveness of state-funded schools by year**



1. Includes inspections carried out by 31 August 2019 that had a report published by 30 September 2019.

2. Percentages are rounded and may not add to 100.

Source: Ofsted

103. More primary schools are good or outstanding than secondary schools: 87% compared with 76%. Looking at other types of schools, 98% of nursery schools, 92% of special schools and 83% of alternative provision and PRUs are good or outstanding.

104. In September 2019, we began inspecting under the EIF.<sup>82</sup> This framework puts more focus on assessing whether a school provides a high quality of education through a well-designed and ambitious curriculum, and whether it has the same ambition for all pupils.

## The relationship between inspection outcomes and pupils' progress

105. When we look at all the secondary schools inspected this year, we see a clear relationship between median Progress 8 scores and inspection grades. For instance, the median Progress 8 scores for outstanding schools is +0.5, compared with -0.6 for inadequate schools. However, there is also considerable overlap in the scores across the four grades, and schools with the same overall grade may have a range of different Progress 8 scores. The overall pattern has been similar for the last few years (for instance, see the chart in our 2017 Annual Report).<sup>83</sup>

82. Education inspection framework, Ofsted, September 2019; [www.gov.uk/government/publications/education-inspection-framework](http://www.gov.uk/government/publications/education-inspection-framework).

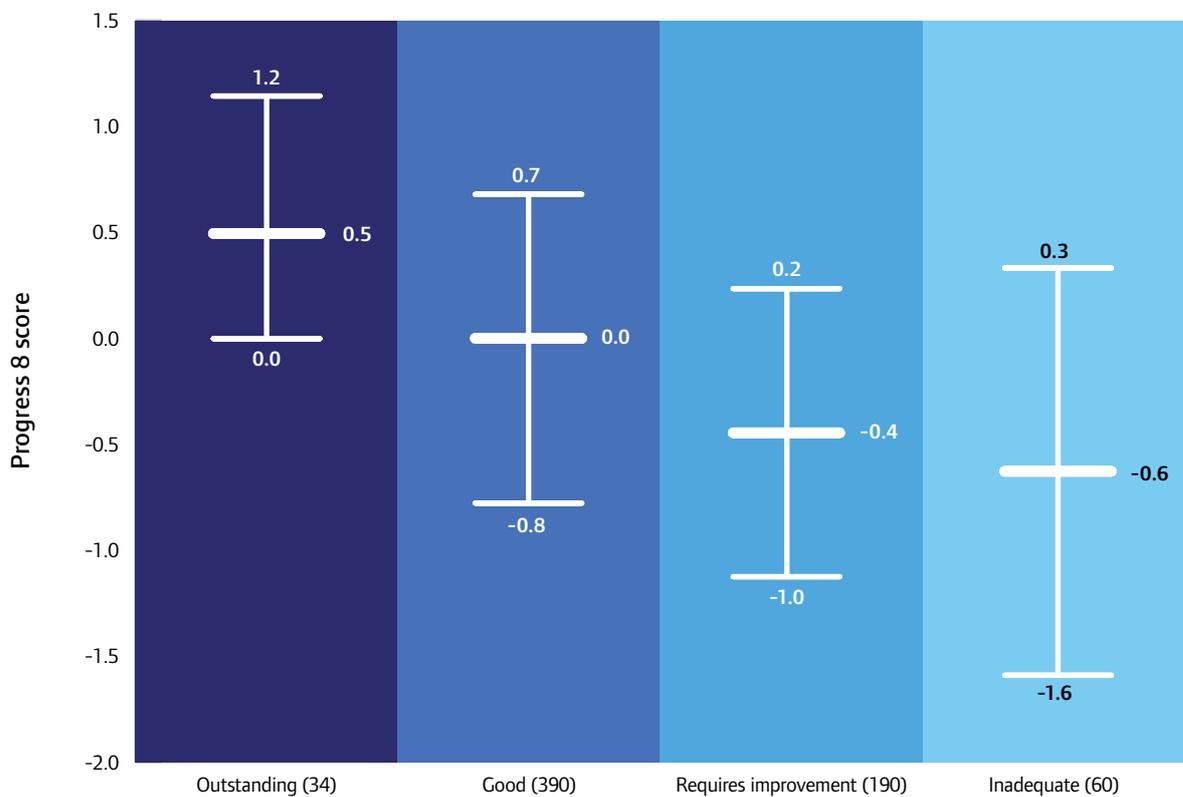
83. See the chart on page 36 of 'The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17', Ofsted, December 2017; [www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills](http://www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills).

106. How much progress pupils make is an important factor in assessing the quality of the education provided by a school. However, performance data is just one piece of information we use when judging a school's overall effectiveness. For instance, we look at:

- the extent to which pupils are learning the curriculum the school has set out for them
- the standards they are achieving
- their wider personal development in areas such as character, resilience and citizenship
- the careers advice and choices that are open to them.

107. We also look at whether schools are calm, orderly places where pupils can learn and where bullying and low-level disruption are dealt with quickly and effectively.

**Figure 14: Progress 8 scores for secondary schools inspected in 2018/19, by overall effectiveness grade**



1. Outliers have been excluded from the chart. Outliers are values beyond the standard 1.5 x the inter-quartile range. Twenty-eight schools had values outside of this range.
2. The centre mark on each bar shows the median Progress 8 score for each group of schools. The upper and lower marks are the maximum and minimum scores after the outliers have been excluded.
3. Includes full and short inspections. If a short inspection did not convert to a full inspection, the previous grade (of good) is used in the analysis.
4. Numbers over 100 are rounded.

Source: Ofsted

## Schools previously judged to be outstanding

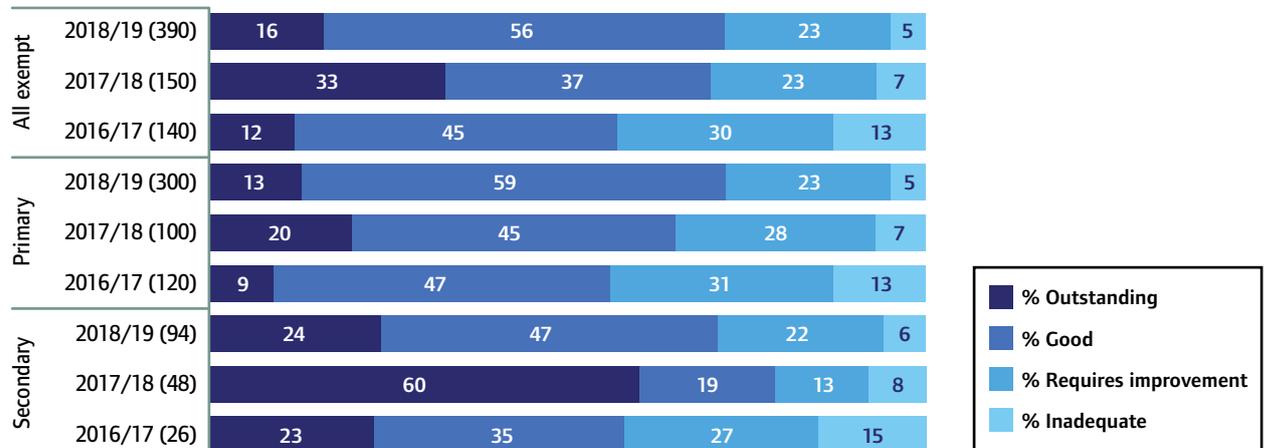
108. One in five schools were judged to be outstanding at their most recent inspection: more than 4,330 schools. This includes 2,930 primary schools and 700 secondary schools. The rest are nursery schools, special schools, alternative provision and PRUs.
109. We inspect most schools within five years of their last full inspection. However, in 2012, the government of the day made outstanding primary and secondary schools exempt from routine inspection.<sup>84</sup> We can still inspect exempt schools if:
- a risk assessment suggests that their performance has declined
  - we have other concerns, such as when a complaint has been made against the school
  - the school has undergone a significant change.
110. There are now over a thousand schools that have not had a full inspection for at least 10 years. This is the inevitable consequence of the exemption, which has now been in place for a long time. A quarter of exempt schools are academies that have not been inspected since becoming an academy and that inherited their exemption from the LA school they replaced.
111. For many years, we have raised concerns about what the exemption means for the quality of education and safeguarding in exempt schools. In December 2018, the DfE asked us to increase the proportion of exempt schools we inspect to 10% in the year. We have met that target, inspecting 390 of the 3,810 schools that were exempt at the start of the year compared with 150 that we inspected in 2017/18. The government has now announced its intention to remove the exemption entirely.<sup>85</sup>
112. While we currently inspect exempt schools on the basis of risk, only 16% of those we inspected this year remained outstanding. Over half (56%) declined to good, 23% to requires improvement and 5% to inadequate. A higher proportion of exempt primary schools declined than secondary schools: 87% compared with 76%. These findings are a significant concern.

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84. Outstanding primary and secondary schools became exempt from routine inspection following the Education Act 2011. 'Education Bill receives Royal Assent' (press release), Department for Education, November 2011; [www.gov.uk/government/news/education-bill-receives-royal-assent](http://www.gov.uk/government/news/education-bill-receives-royal-assent). The Act provided a power to create regulations to exempt schools, and the regulations were then laid and took effect in 2012.

85. 'New drive to continue boosting standards in schools', Department for Education, September 2019; [www.gov.uk/government/news/new-drive-to-continue-boosting-standards-in-schools](http://www.gov.uk/government/news/new-drive-to-continue-boosting-standards-in-schools).

**Figure 15: Overall effectiveness of exempt schools in the last three academic years**



1. Includes all inspections that had a report published by 30 September 2019.
  2. The proportion of schools remaining outstanding includes schools that had a section 8 inspection that did not convert to a full inspection.
  3. Percentages are rounded and may not add to 100.
- Source: Ofsted

113. We reviewed 20 inspection reports for primary schools that declined from outstanding to requires improvement in 2018/19.<sup>86</sup> We looked at the breakdown of judgements within their inspection reports. The quality of teaching, learning and assessment, and outcomes for pupils, required improvement in all 20 schools. Most (17 out of 20) had leadership and management that required improvement too, but in three schools this was good. Fourteen of the schools had good personal development, behaviour and welfare; only six required improvement in this area.

114. Poor subject knowledge was a common criticism in the 20 schools. Leaders and managers often lacked effective planning skills and were poor at evaluating their own performance. Curriculum and subject leaders often lacked experience and were yet to develop the skills needed to lead their areas of responsibility well.

115. Assessment was often not used effectively in planning for pupils' current learning needs. Teachers did not ensure that pupils remembered what they needed to help them learn in future.

116. In addition, teachers' expectations of what pupils could achieve was often too low. For example, pupils' work was often of poor quality and teachers did not do enough to help them improve. Teachers also did not pay enough attention to pupils' basic skills of handwriting, spelling and punctuation. As a result, inaccuracies and misunderstandings in pupils' work were not addressed.

86. The review looked at a sample of 20 exempt primary schools out of the 69 that declined from outstanding to requires improvement in 2018/19.

## Complaints about schools

117. In the financial year 2018–19, we received 12,200 separate complaints about schools. This is more than double the number in 2013–14. However, although the number of complaints continues to grow year on year, the rate of growth is slowing down.
118. We do not have powers to investigate individual safeguarding matters, so we refer relevant safeguarding concerns to the LA or to the police as the appropriate statutory agencies.
119. We have powers to investigate ‘qualifying’ complaints. A qualifying complaint is one that raises serious whole-school issues. We only consider these complaints in order to determine whether to inspect a school sooner than scheduled. When a complaint does not qualify for investigation by Ofsted (for example, when formal local complaint routes have not been completed), we give complainants information about appropriate sources of help and advice. This includes details of other relevant statutory agencies if their powers would ensure a better outcome for the pupils.
120. There were 1,200 qualifying complaints in 2018–19, which is nearly twice that in 2013–14, but lower than last year’s 1,900.
121. Most complaints were about the leadership and management of a school, pupils’ well-being, or both. Other complaints this year included safeguarding concerns such as knife-related incidents, attempted or actual suicides, self-harming and allegations of sexual abuse.
122. We have retained the information from around 850 complaints for the next scheduled school inspection so that the issues raised can be taken into account. On 71 occasions, we made the decision to carry out an immediate inspection.

## Alternative provision

123. Alternative provision is a complicated area. It caters for a range of needs and is delivered in a variety of ways across the state-funded and independent sectors. It may be commissioned by LAs or by mainstream schools. Although it provides education for some of the most vulnerable pupils, some alternative provision is not registered.
124. In the state-funded sector, we inspect around 350 PRUs, alternative provision academies and free schools. Eighty-three per cent of these were good or outstanding at their most recent inspection. This is similar to August 2018. However, only 78% of pupils in PRUs, alternative provision academies and free schools are in provision graded good or outstanding.
125. When we inspect a mainstream primary or secondary school, our inspectors ask the school whether it uses any off-site alternative provision.<sup>87</sup> If it does, inspectors evaluate how well the school continues to take responsibility for these pupils, and how it checks that provision is suitable, safe, and meeting pupils’ needs. Where possible, inspectors also speak to some of the pupils who attend the off-site provision.

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87. School inspection handbook, Ofsted, September 2019, pages 67 to 68; [www.gov.uk/government/publications/school-inspection-handbook-eif](http://www.gov.uk/government/publications/school-inspection-handbook-eif).

126. Since the EIF began in September 2019, inspectors also ask the school about whether the alternative providers it uses are registered. They will normally visit a sample of any unregistered alternative providers it uses. When the school uses registered providers (whether state-funded or independent), inspectors will look at that provider's latest Ofsted inspection report to see the quality of the provision.
127. We are going to carry out further analysis of the data on alternative provision. We are interested in the:
- off-site alternative provision used by mainstream schools
  - alternative provision funded by LAs
  - characteristics of children in different types of alternative provision
  - use of unregistered alternative provision.
128. This analysis may help to inform both our inspections of mainstream schools and our inspections of unregistered provision when we have reasons to be concerned.

## Academies and MATs

129. The academy sector continues to grow and evolve. In August 2019, there were 8,700 academies and free schools. Between September 2010 and August 2018, the sector grew by an average of 960 schools each year. However, this year growth slowed, and there are 800 more academies in August 2019 than in August 2018.
130. Four out of 10 schools (40%) are now an academy or free school. Proportions are greater for secondary schools (76%) than primary schools (34%). More than half of all pupils in state-funded schools (4.2 million<sup>88</sup>) are educated in academies and free schools.
131. Forty-seven of the 151 LAs now have more academies than maintained schools. For instance, more than 90% of all schools in Kingston Upon Hull, Bromley and Thurrock are academies. In 15 LAs, all secondary schools are academies. In a further 27 LAs, more than 90% of secondary schools are academies.

## MATs

132. In August 2019, there were 1,180 MATs that ran two or more schools.<sup>89</sup> This has changed little from 2018 (1,140 MATs). Collectively, these MATs run 7,100 academies and educate 3.1 million pupils (38% of all pupils in state-funded schools).
133. Across the sector, there are still many small MATs, with 66% running five or fewer schools, and 42% running two or three schools. However, this past year has seen a shift in the balance of schools in smaller MATs to larger ones. The number of MATs with two to three schools has decreased (from 540 to 490), while the number of MATs in all other (larger) categories has grown. There are now 110 MATs with 13 or more schools compared with 75 last year.

88. Based on schools open on 31 August 2019, and pupil numbers from the Department for Education's School Census of January 2018. Data is not available for 105 schools that did not complete the census.

89. Based on data from the DfE as at 27 September 2019. There are additional MATs that do not yet have any schools or only have one school, but these are not included in the analysis.

**Table 9: MAT sector breakdown, by number of schools, 2018 and 2019**

Size of MAT	Number of MATs			Number of schools in MATs		
	August 2018	August 2019	Change	August 2018	August 2019	Change
<b>Grand total</b>	<b>1,140</b>	<b>1,180</b>	<b>+44</b>	<b>6,180</b>	<b>7,130</b>	<b>+950</b>
2–3 schools	540	490	-41	1,280	1,200	-79
4–6 schools	340	380	+38	1,580	1,790	+220
7–12 schools	190	200	+12	1,630	1,740	+110
13–19 schools	40	65	+25	590	980	+390
20–29 schools	18	24	+6	430	580	+150
30+ schools	17	21	+4	680	840	+170

1. Numbers over 100 are rounded but numbers under 100 are not. Numbers may not add due to rounding.

Source: Department for Education

### National MATs

134. Very large national MATs are a relatively small part of the sector, but there are now 45 MATs that each run more than 20 schools. On average, these MATs operate in seven LA areas and two Ofsted regions. Five MATs operate in six or more regions, and one MAT operates in all eight regions.

### Specialist MATs

135. There are 147 MATs that run at least one alternative provision setting or special school. Together, they run 380 of these schools. There are 82 MATs that run a mixture of mainstream and non-mainstream schools. With 12 schools on average, they tend to be larger than average MATs.

136. There is also a group of 65 MATs that exclusively run special and/or alternative provision schools. Four of these MATs run more than nine schools. Of the 235 academies run by these MATs, 70% are special schools.

### Summary evaluations of MATs

137. Since the launch of the new summary evaluation process last year,<sup>90</sup> we have carried out seven summary evaluations of MATs.<sup>91</sup> Nearly all have shown that the MATs understand their academies well and recognise the strengths and weaknesses of each. We have also seen MATs showing a strong commitment to sustainable improvement. There have, however, been a few examples of academies with persistent weaknesses that their MAT has failed to address. We have seen examples, too, where MATs could be more involved in addressing underachievement and poor attendance in one or more of their academies.

90. 'Multi-academy trust: summary evaluations', Ofsted, December 2018; [www.gov.uk/government/publications/multi-academy-trusts-summary-evaluations](http://www.gov.uk/government/publications/multi-academy-trusts-summary-evaluations).

91. Based on an analysis of the MATs visited in the 2018/19 academic year: The Active Learning Trust; Truro and Penwith Academy Trust; Oxford Diocesan Schools Trust; Fylde Coast Academy Trust; Bishop Anthony Educational Trust; University of Brighton Academies Trust and Outwood Grange Academies Trust.

138. MATs can balance delegation and accountability through a range of different approaches. For example, some MATs do their curriculum design centrally and some do it at individual school level. Both approaches can work effectively. However, some MATs that we visited were insufficiently clear about what functions sit at what level in the trust. We saw cases in which lines of delegation and of accountability were unclear or confused. MATs need to ensure that it is always clear, both at trust management level and in the individual academies that make up the trust, who is responsible for what, and accountable to whom.
139. Generally, school leaders feel well integrated into their MAT and most speak of strong communications. We have, however, seen some MATs in which school leaders feel less consulted in the strategies that their MAT develops. We have seen examples of inconsistent involvement within the same MAT, with some school leaders feeling less involved than their colleagues. In almost all the MATs we have evaluated this year, schools have praised the MAT's ability to facilitate good school-to-school support and ability to give good HR, finance, performance management and data support. A minority of schools within the MATs we visited expressed frustration at the quality of corporate support.

### Schools with directive academy orders

140. Regional schools commissioners (RSCs) issue maintained schools with a directive academy order (DAO) if the school is judged to be inadequate.<sup>92</sup> The order requires the school to close and re-open as a sponsor-led academy. The process of matching the school to a sponsor and re-opening as an academy can be complicated and take a long time. Compared with August 2018, in August 2019 there were fewer open schools with a DAO (170 compared with 220), but there had been a slight increase in the number of schools remaining open with a DAO for a very long time. In August, 51 schools were still open after 18 months, of which 39 were still open after 24 months.
141. Sometimes, if a school is still open a long time after its DAO was issued, we may decide to inspect it again. At this inspection, the school may show that it has improved and is no longer inadequate. It is at the discretion of the RSC as to whether the DAO is then rescinded. Of the 170 schools with DAOs currently open, 97 have had a full inspection since the DAO was issued. Twenty-six of those improved to good or requires improvement.

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92. 'Schools causing concern: guidance for local authorities and RSCs', Department for Education, September 2019; [www.gov.uk/government/publications/schools-causing-concern--2](http://www.gov.uk/government/publications/schools-causing-concern--2).

## Stuck schools

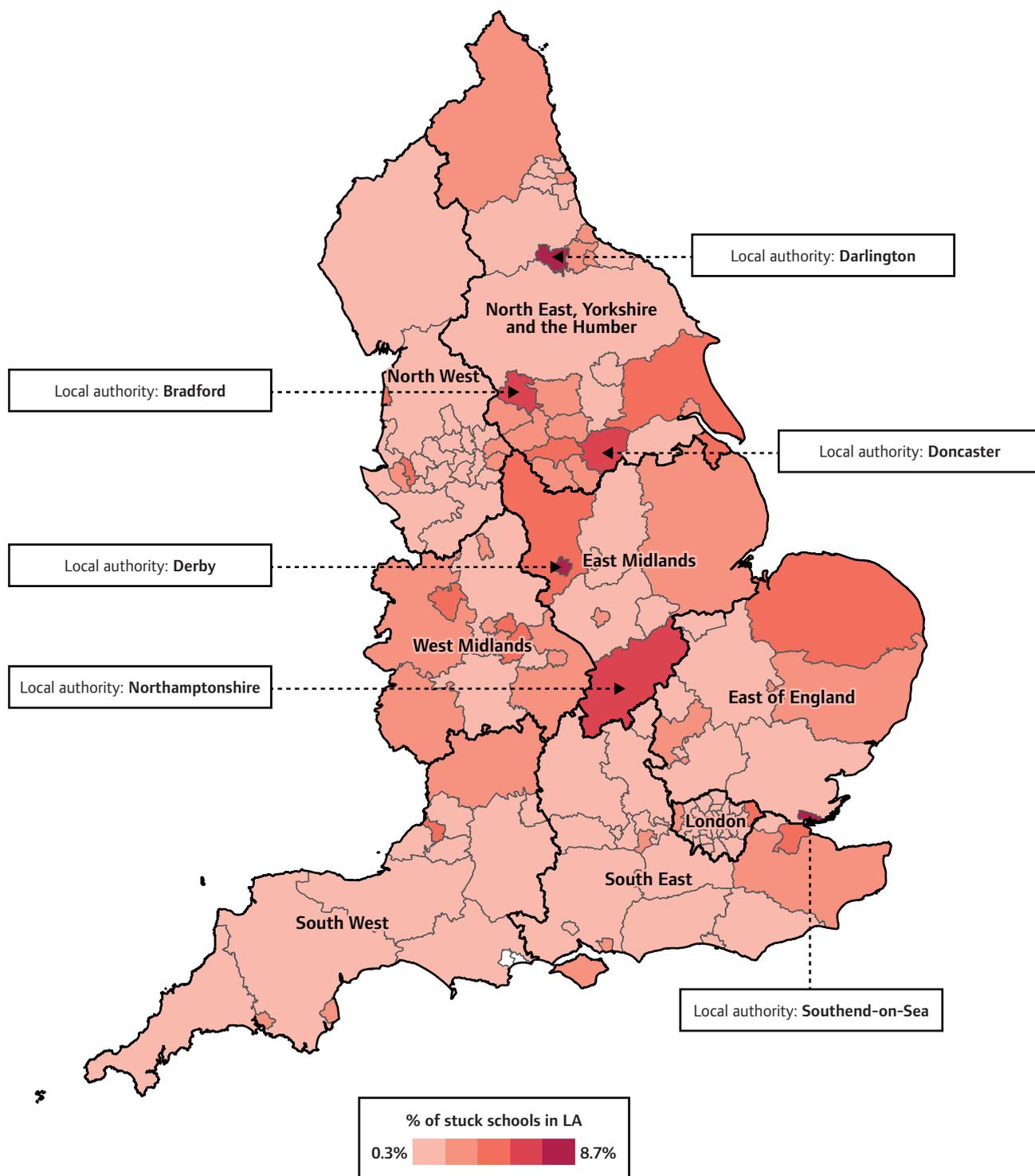
142. A 'stuck' school is a school that has not been judged to be good since 1 September 2006 and has had at least four full inspections since then. If the school has become an academy or changed its unique reference number (URN), then predecessor school inspection outcomes are also considered as part of the history of the school.
143. At the end of August 2019, there were 415 stuck schools (2% of all schools), compared with 485 at the end of August 2018. Since 1 September 2018, we have inspected nearly 190 of the original 485 schools. Encouragingly, over half have managed to improve to good or outstanding. However, at the end of August 2019, there were still an estimated 210,000 pupils being educated in stuck schools.<sup>93</sup>
144. There are stuck schools in all phases of education: 54% are primary schools, 44% are secondary schools and 2% are PRUs/alternative provision or special schools. Secondary schools are much more likely to be stuck than primary schools.
145. Eighty-six per cent of stuck schools are currently academies. This is not surprising, because it reflects the government's policy of academisation as a means of supporting struggling schools. Since April 2016, when an LA-maintained school is judged inadequate, it receives a DAO and is legally required to become an academy.<sup>94</sup> Many schools that require improvement also become academies. The vast majority (95%) of stuck academies are part of a MAT. Around half of these academies are in small to medium MATs, with nine schools or fewer.
146. Forty-two per cent of all stuck schools are now academies but have yet to be inspected as the current school. This is because the first inspection of new schools usually takes place in the school's third year of operation. Some of these schools may have made good progress, but until we visit, we cannot know whether they have improved enough to be judged good or outstanding.
147. Eight out of 10 stuck schools have been inspected four or five times since 2006. The rest have been inspected six or seven times.
148. Ninety-three per cent of stuck schools have been judged to require improvement or be inadequate for 10 years or more.
149. A large majority of LA areas have at least one stuck school but no more than 9% are stuck in any LA. Figure 16 highlights the LAs in which the percentage of stuck schools was greater than 5%.

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93. Pupil numbers were estimated using actual pupil numbers from the January 2018 census when available and school capacity if actual pupil numbers were not available.

94. 'Schools causing concern: guidance for local authorities and RSCs', Department for Education, September 2019; [www.gov.uk/government/publications/schools-causing-concern--2](http://www.gov.uk/government/publications/schools-causing-concern--2).

Figure 16: The location of stuck schools



1. Based on inspections carried out and published as at 31 August 2019.  
 2. The percentages shown are the percentage of stuck schools out of all schools in the LA.  
 Source: Ofsted

150. We know that, although stuck schools may face extremely challenging circumstances, it is possible for them to break free from their cycle of underperformance. We want to think carefully about our interaction with these schools over the coming year. We have carried out new research into why some schools are stuck while others improve.<sup>95</sup> We are currently working with the DfE to better coordinate our work with these schools.

## Preserving integrity

151. Our inspections show that, every day, thousands of teachers and school leaders make difficult decisions to best serve their pupils. They do the right thing, even when that is hard. They make the choice to enter pupils for the courses and qualifications that are right for them, rather than the ones that might maximise their school's 'scores'. They resist the temptation to move pupils off the school roll when it is not in pupils' best interests.

152. In all of the provision we inspect and regulate, we look out for signs that schools and other providers may not be acting in the best interests of the children, families and learners they are there to help. Most do, but a small minority do not.

153. In schools, if we see actions that appear to be taken in the school's own interests, this may be a type of 'gaming', by seeking to make things look better than they are. Gaming can take various forms, and the methods used change over time.

154. Some actions that schools take may have a beneficial impact on the school's performance data but be of limited benefit, or even at odds with, the best interests of pupils. This year, we have looked at schools that:

- enter pupils early in subjects such as English (possibly to avoid needing to teach it to the end of Year 11)
- have very different GCSE results for English literature and English language (which may indicate that the school has focused on teaching only one of these subjects)
- enter pupils for qualifications that the school thinks are 'easier' (potentially requiring less teaching time and leading to higher pass rates)
- enter English-speaking pupils for 'English for speakers of other languages'<sup>96</sup> qualifications (as above, this may be to get an 'easy' qualification, even if it is unsuitable/superfluous for the pupil)
- have exceptional pupil movements (which could be an indication of deliberate off-rolling).

155. These issues are complex. What is in the best interests of the pupils is not always clear, or visible, from data alone. It is particularly concerning when a school has engaged in a number of these activities. This may be a sign of problems with its curriculum, or that it is not focusing on what pupils really need. The indicators above only show possible reasons for concern. Therefore, we provide data to inspectors for discussion on inspection, but we do not publish it.

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95. 'Fight or flight? How 'stuck' schools are overcoming isolation', Ofsted, January 2020; [www.gov.uk/government/publications/fight-or-flight-how-stuck-schools-are-overcoming-isolation](http://www.gov.uk/government/publications/fight-or-flight-how-stuck-schools-are-overcoming-isolation).

96. From 2018/19, this qualification no longer counts towards the DfE's accountability measures.

156. Our regional teams take information about potential issues into consideration when finalising decisions about which schools to inspect. It is a small element in a much wider set of data and information used in this process.<sup>97</sup> When there are concerns about an individual school, we also use the data to inform the next inspection. This process helps us to form a clearer view on which activities are not in the best interests of pupils.

### Off-rolling

157. In last year's Annual Report, we looked at the pupil movements between Years 10 and 11.<sup>98</sup> This year, we updated this analysis and saw over 20,000 pupil movements between Years 10 (2017) and 11 (2018).<sup>99,100</sup>

158. We could not see the destination for about half of these pupils because they had not moved to another state-funded school. They may have moved to an independent school, some of which may be registered alternative provision, or to be home-educated, but we could not be sure.

159. Using a statistical model, we identified around 340 schools (around 10% of all secondary schools) that had exceptional levels of pupil movement compared with schools with pupils with similar characteristics. On average, 13 pupils left each of these 340 schools between Years 10 and 11, at a critical stage in their education. Of the 20,000 pupils who left their school, 22% were in one of these 340 secondary schools.

160. Comparing this year's analysis with last year's, we saw an increase in the number of schools identified as having pupil movements above expectation. Sixty per cent of the schools on the previous list of 300 schools are also in the new list of 340. There are many legitimate reasons for pupil movements, so this increase does not necessarily mean that instances of off-rolling are increasing. However, the increases do warrant further consideration. The latest census data (January 2018) precedes the action that we have been taking since summer 2018. We will be looking to see whether the numbers of pupils moving reduces over the next few years as a result of our highlighting the issue.

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97. 'Risk assessment methodology: good and outstanding maintained schools and academies', Ofsted, September 2019; [www.gov.uk/government/publications/risk-assessment-methodology-for-maintain-schools-and-academies/risk-assessment-methodology-good-and-outstanding-maintained-schools-and-academies](http://www.gov.uk/government/publications/risk-assessment-methodology-for-maintain-schools-and-academies/risk-assessment-methodology-good-and-outstanding-maintained-schools-and-academies).

98. We used pupil-level data from the Department for Education's January 2017 school census and identified pupils that were in each school in January of one year, and whether they were still in the same school in January of the following year. When we refer to children whose destinations are unknown, we mean children who we cannot track through the pupil-level census data for state-funded schools.

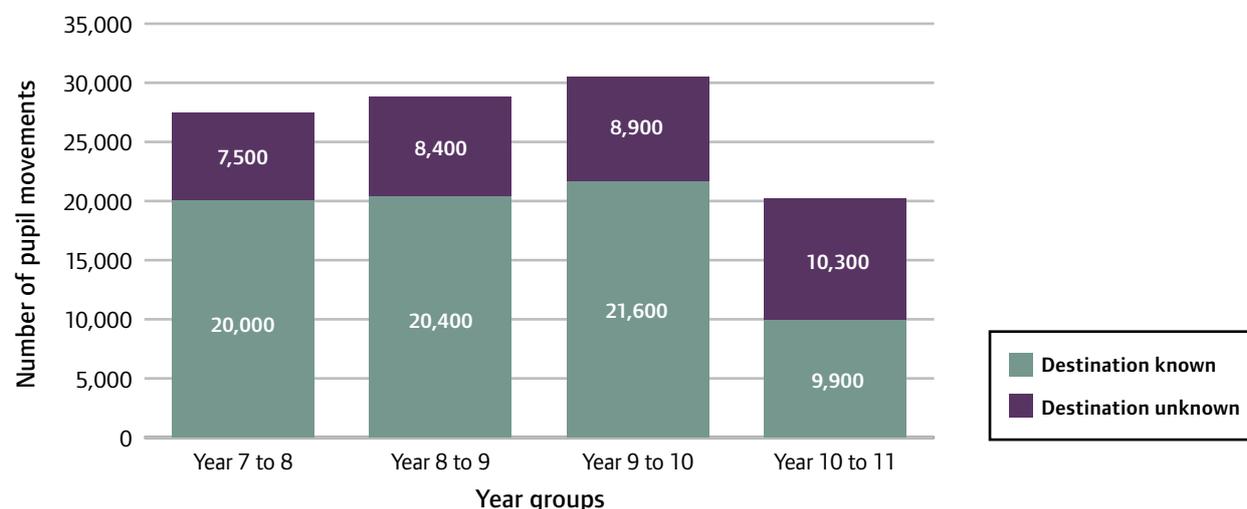
99. 'Off-rolling: an update on recent analysis', Ofsted, September 2019; <https://educationinspection.blog.gov.uk/2019/09/06/off-rolling-an-update-on-recent-analysis>.

100. The analysis relates to pupil movements, not 'off-rolling'. Ofsted defines off-rolling as 'the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil'. Analysis of pupil movements may therefore help signpost potential off rolling, but is not proof in itself as there can be other reasons for pupil movement.

### Pupil movements in Years 7 to 11

161. As well as pupil movements between Years 10 and 11, this year we have also looked at movements between all year groups in secondary schools. Between January 2017 and January 2018, 107,000 pupils left their state-funded secondary school before the end of Year 11.
162. Pupil movements in younger year groups were higher than the 20,000 moving between Years 10 and 11. This is not in itself surprising, because most families avoid moving their children during the GCSE years if they can. Movements peaked between Years 9 and 10, around the time pupils usually begin their GCSE courses.
163. The proportion of pupils whose destination is unknown (because they left the state-funded sector and we were unable to track them with the data currently available) was lower for the younger age groups. For instance, 29% went to an unknown destination for Years 9 to 10 compared with 51% in Years 10 to 11.
164. This may show that younger pupils are moving because their family is leaving the area. We can usually track these pupils to their next school. In contrast, more of the pupils who move later are becoming home-educated, attending independent schools or unregistered provision, or not attending any provision and so we cannot track them.<sup>101</sup> We do not have pupil-level data on pupils who become home-educated. However, we do know that some home-educated pupils in the 14 to 16 age group actually spend some of their time at further education providers.

**Figure 17: Number of pupil movements between January 2017 and January 2018, by year group and destination**



1. We used pupil-level data from the Department for Education's January 2017 school census and identified pupils that were in each school in January of one year, and whether they were still in the same school in January of the following year.  
Source: Ofsted, Department for Education school censuses January 2017 and January 2018

101. 'Home education: a choice or a last resort?', Ofsted, October 2019;  
[www.gov.uk/government/news/home-education-a-choice-or-last-resort](http://www.gov.uk/government/news/home-education-a-choice-or-last-resort).

### *Looking at pupil movements on inspection*

165. Over the past year or so, we have started to use pupil movements data to:
- prioritise which schools to inspect
  - ask schools about exceptional levels of pupil movements in school inspections
  - ask local areas about movements of pupils with SEND as part of our area SEND inspections
  - talk to LAs and MATs about pupil movements in their area/schools as part of our regular meetings.
166. Between 1 September 2018 and 30 June 2019, we inspected around 100 schools with high levels of pupil movement. We looked closely at the reasons for the pupils leaving the school roll. Some of the reasons that emerged included:
- weaknesses in SEND provision that meant the child's needs were not being met by their current school
  - removal to alternative provision
  - coercion by leaders to leave, sometimes nominally to home education.
167. Inspectors discuss what the school does to support pupils to either continue at the school or to find a place in other schools. Where this had broken down, we found a variety of reasons. In some cases, parents had removed their child from school because they were unable to resolve problems with the school. In other cases, when the school had instigated formal procedures to fine or prosecute the parents for their child's poor attendance, parents had decided to home-educate their child rather than work with the school to improve the child's attendance. In other cases, parents felt that their child's particular needs were not being met and removed them from the roll to another school or to home education.<sup>102</sup>
168. We are clear that high levels of pupil movement are often for legitimate reasons. This year, inspectors' discussions with the leaders of schools that had unusual levels of pupil movement touched on many of these reasons. These included, but were not limited to:
- families leaving the area
  - parents waiting for a place in their first-choice school
  - pupils moving to specialist school provision nearby (such as schools specialising in engineering)
  - a lot of school choice in a small area, which can result in pupils moving school more often
  - an active and positive choice to home-educate.
169. In these cases, inspectors established the facts with school leaders, and then focused the remainder of the inspection on other aspects of the school inspection handbook. Schools were not penalised when pupils had moved for reasons such as the ones given above.
170. However, five published inspection reports from this period directly refer to 'off-rolling'. In these cases, inspectors reached the conclusion that some pupils left to primarily serve the schools' best interests, not the pupils'.

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102. Based on findings from our research 'Home education: a choice or a last resort?', Ofsted, October 2019; [www.gov.uk/government/news/home-education-a-choice-or-last-resort](http://www.gov.uk/government/news/home-education-a-choice-or-last-resort).

## Pupils with low prior attainment at the end of primary school

171. This year, we have investigated how secondary schools help pupils with low prior attainment at primary school to make good progress when they reach secondary school. Under the EIF, we judge schools on the quality of education they provide for all pupils and not just those who are most likely to make the strongest progress. Inspectors now look at whether:

- leaders adopt or construct a curriculum that is ambitious and designed to give all pupils the knowledge and cultural capital they need to succeed in life
- that curriculum is delivered in a way that ensures that all pupils acquire the knowledge they need to be successful
- teachers adapt lessons as needed to make the content relevant and accessible to all pupils
- the curriculum is well delivered and leads to all pupils reaching ambitious end points
- there is high academic, vocational or technical ambition for all pupils and the school offers disadvantaged pupils or pupils with SEND a rich, ambitious curriculum.

172. Pupils with low prior attainment are those with an average point score of under 24 at key stage 2.<sup>103</sup> In 2018, 61,000 pupils with low prior attainment completed key stage 4 in state-funded secondary schools. These pupils make up 13% of the 2017/18 Year 11 cohort.

173. Pupils with low prior attainment and disadvantaged pupils are often conflated and talked about as if they are the same group of children. However, pupil-level data shows that low prior attainers are a diverse group. Only four out of every 10 pupils with low prior attainment have been eligible for free school meals in the past six years (a category known as 'FSM Ever 6').<sup>104</sup> Only two out of every 10 pupils in the FSM Ever 6 category have low prior attainment. Furthermore, pupils with low prior attainment make variable levels of progress at secondary school, depending both on their other characteristics and the type of school they attend.

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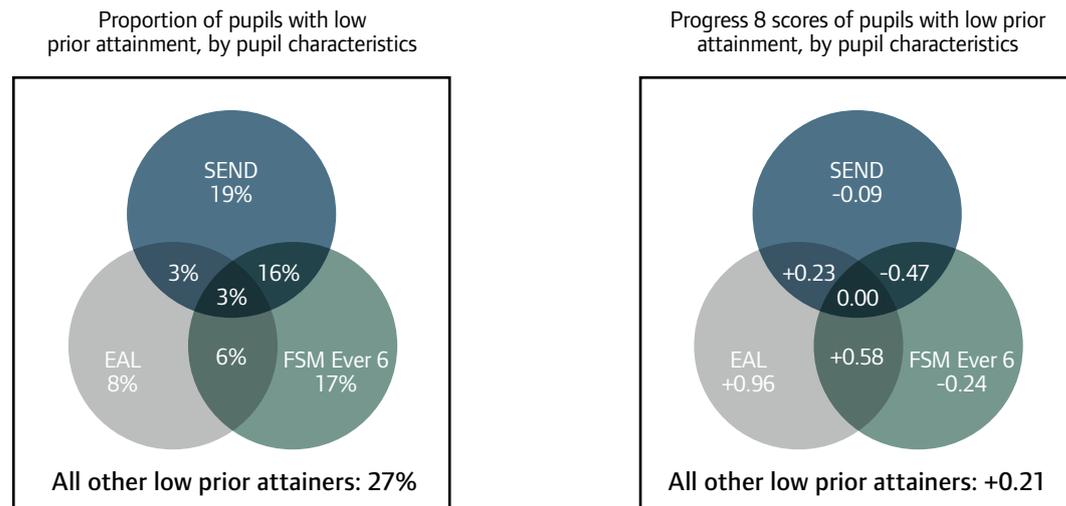
103. This is defined by the DfE.

104. A higher proportion of low prior attainers have been eligible for FSM in the past six years than Year 11 pupils as a whole: 42% compared with 26%. However, 42% is still a relatively small proportion of pupils with low prior attainment.

## Pupil characteristics and low prior attainment

174. Our analysis looked at the numbers of pupils with low prior attainment and Progress 8 scores of those who are within certain categories.

**Figure 18: Proportions and Progress 8 scores of pupils with low prior attainment who reached the end of key stage 4 in secondary schools in 2018, by pupil characteristics**



- Both charts look at pupils with special educational needs and disabilities (SEND), pupils with English as an additional language (EAL), and pupils eligible for free school meals at any point in the last six years (FSM Ever 6).
- This analysis is based on a cohort of all low prior attainers who were included in national results tables and in the Progress 8 calculations, and therefore excludes around 1,000 pupils.
- Percentages are rounded and may not add to 100.

Source: Ofsted, Department for Education 2017/18 key stage 4 data

175. We looked at three pupil characteristics:

- having special educational needs and/or disabilities (SEND), which accounts for 42% of all pupils with low prior attainment (compared with 12% of all Year 11 pupils); these pupils have a Progress 8 score of -0.21
- being eligible for free school meals (FSM Ever 6), which accounts for 42% of pupils with low prior attainment (compared with 26% of all Year 11 pupils); these pupils have a Progress 8 score of -0.19
- having English as an additional language (EAL), which accounts for 20% of pupils with low prior attainment (compared with 14% of all Year 11 pupils); these pupils have a Progress 8 score of +0.59.

176. Although the first two characteristics are associated with pupils making less progress in secondary school, pupils in the third category, who speak English as an additional language, make much stronger progress than pupils with low prior attainment overall. These pupils make on average over half a grade more progress than pupils with similar attainment at key stage 2 across each of the subjects included in Progress 8.

177. Pupils who fall into both the FSM Ever 6 and SEND categories but not the EAL category tend to make the least progress (Progress 8 score of -0.47). Pupils in the FSM Ever 6 category but neither the SEND nor EAL categories also make weak progress (Progress 8 score of -0.24). There are around 10,000 pupils in each of these two groups. Together, these 20,000 pupils account for 33% of pupils with low prior attainment and 4% of all Year 11 pupils.

### The schools that pupils with low prior attainment attend

178. Around 13% of all Year 11 pupils nationally have low prior attainment. Studio schools and sponsor-led academies tend to have particularly high proportions of pupils with low prior attainment. In these schools, 18% and 17% of their 2017/18 Year 11 cohorts, respectively, have low prior attainment. However, almost half of pupils with low prior attainment nationally attend a converter academy.

179. Pupils with low prior attainment generally make much stronger progress in schools that we have judged outstanding (an average Progress 8 score of +0.36).<sup>105</sup> However, pupils with low prior attainment are less likely to attend these schools than all other pupils nationally. This means that pupils with low prior attainment are less likely to have access to the highest quality education.

180. We looked at the inspection reports of 22 schools with strong Progress 8 scores for pupils with low prior attainment. We found that:

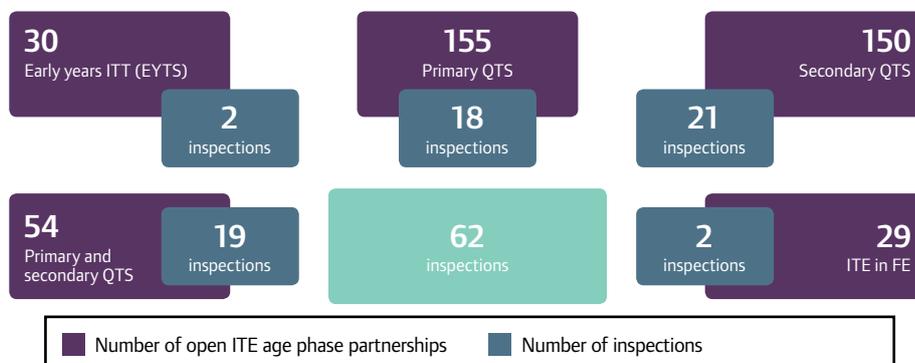
- they have designed a curriculum that is broad and ambitious for all pupils, including those with low prior attainment
- teaching staff deliver the curriculum in ways that ensure that pupils with low prior attainment are not left behind
- they use additional funding, such as pupil premium funding or catch-up funding, to provide targeted support that helps pupils with low prior attainment make stronger progress.

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105. Based on each school's most recent overall effectiveness grade on 31 August 2018. We have used 2018 data rather than 2019 data here because the pupils sat their key stage 4 tests in summer 2018.

## Initial teacher education

Figure 19: Initial teacher education age phase partnerships and inspections in 2018/19

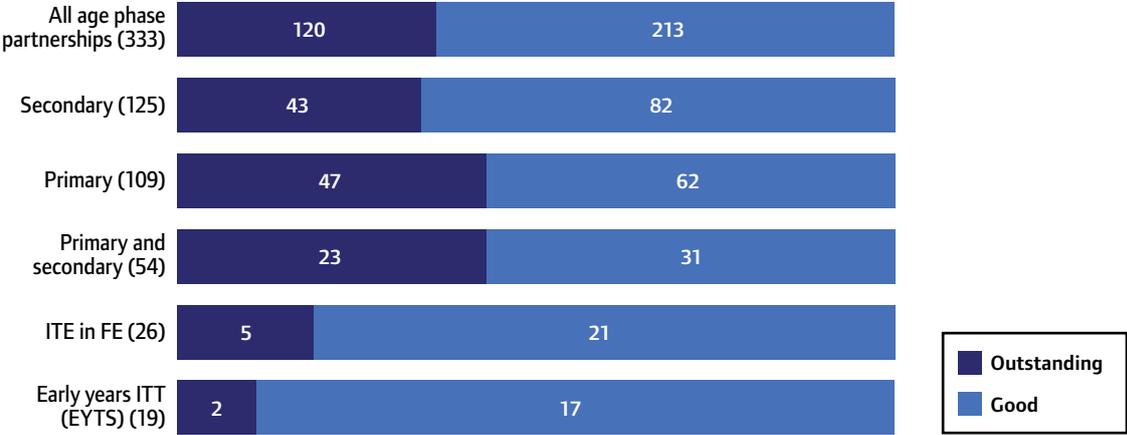


Source: Ofsted

181. Inspection outcomes for initial teacher education (ITE) remain very high, with 100% of age phase partnerships now judged good or outstanding. The split between good and outstanding varies by age phase partnership, with primary ITE most likely to be judged outstanding. Forty-three per cent of primary age phases were judged outstanding at their most recent inspection.
182. When looking at this by type of partnership, school-based ITE providers have the highest proportion of outstanding inspection outcomes. Teach First has a particularly high proportion of outstanding judgements, with nine of 11 Teach First age phase partnerships judged to be outstanding. Twenty-eight per cent of university-based partnerships were judged to be outstanding.

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**Figure 20: Overall effectiveness of initial teacher education, by age phase partnership (number): 30 June 2019**



Source: Ofsted

183. We are due to launch a new ITE inspection framework in summer 2020, after a public consultation in the spring. The focus of the new framework will be the content and quality of the ITE curriculum, which will be aligned to the focus of the EIF. We will use our research into the ITE curriculum and a series of pilots to inform the new approach. We are also working with the DfE to align our new approach with its updated 'ITT core content framework' and 'Early career framework'.

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# Independent and unregistered schools

184. This section looks at the inspection and quality of independent schools, and the concerning problem of unregistered schools. We look at inspection outcomes for non-association independent schools, broken down by special schools and other independent schools. We then comment on those independent schools set up as faith schools and on the group of independent schools that we find to be persistently inadequate. Finally, we look at the extent to which independent schools meet the government's independent school standards (ISS). We also comment on our progress in tackling unregistered settings.
185. Overall, since August 2018, inspection outcomes for non-association independent schools have improved. By 31 August 2019, three quarters of schools were judged good or outstanding at their most recent inspection.
186. In the same period, the proportion of schools judged inadequate has decreased from 13% to 10%. Despite this reduction, it is still too high.
187. Inspection outcomes for independent schools, including special and faith independent schools, are weaker than the state-funded sector.
188. Additionally, nearly a fifth of independent schools are not meeting the ISS, which they are legally required to meet.<sup>106</sup>
189. Our unregistered schools taskforce has received 640 referrals of suspected illegal schools since it was set up in January 2016.<sup>107</sup> Of those 640, we have inspected over 290 settings and issued warning notices to 83 settings. After the first successful prosecution of an unregistered school in October 2018, there have been two further prosecuted settings in September 2019.

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106. The Education (Independent School Standards) Regulations 2014; [www.legislation.gov.uk/uksi/2014/3283/contents/made](http://www.legislation.gov.uk/uksi/2014/3283/contents/made).

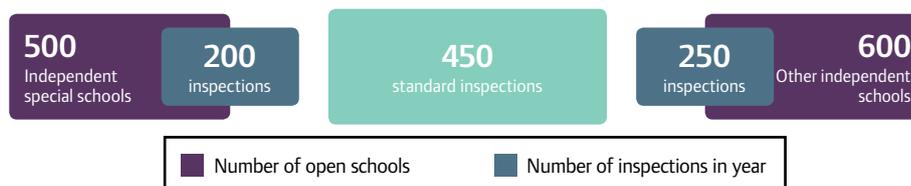
107. A small number of referrals were received before the taskforce was set up and some settings may have more than one referral.

## Independent schools

190. There are around 2,350 independent schools in England. Of these, we inspect 1,100 non-association independent schools. The remaining independent schools are members of an association affiliated to the Independent Schools Council and are inspected by the Independent Schools Inspectorate (ISI).<sup>108</sup>

191. Over 40% of the independent schools that we inspect are special schools. Nearly half of the remaining schools are faith schools.

**Figure 21: Non-association independent schools and inspections in 2018/19**



1. Includes inspections carried out between 1 September 2018 and 31 August 2019 with a report published by 30 September 2019.

2. Numbers over 100 are rounded.

Source: Ofsted

## Inspection outcomes

192. Independent schools are inspected on a three-year cycle, with weaker schools tending to be inspected at the beginning of the cycle. The current cycle runs from September 2018 to August 2021. Schools judged as requires improvement or inadequate will normally have a standard inspection within two years of their previous standard inspection. This selection method means that the number and types of inspections we carry out and the outcomes in any given year may not be representative of non-association schools as a whole.

193. We carried out over 450 standard inspections of non-association independent schools in the 2018/19 academic year. We also did nearly 640 additional inspections, including:

- emergency inspections
- material change inspections
- pre-registration inspections
- progress monitoring inspections
- evaluation of independent school action plans.

194. Of those that we inspected in 2018/19 (the first year of the cycle), 10% of schools were judged outstanding, 55% good, 19% requires improvement and 16% inadequate.

195. Most independent schools (1,040) had received a standard inspection by 31 August 2019. A small number of new schools (64 schools including, those that had moved from another inspectorate to Ofsted) were awaiting their first standard inspection.

108. See: [www.isc.co.uk/about-isc/associations/](http://www.isc.co.uk/about-isc/associations/).

196. On 31 August 2019, 75% of schools were good or outstanding. This is an increase of six percentage points since last August. This means that the proportion of good or outstanding schools is now at a similar level to September 2015, when the common inspection framework was introduced.

**Figure 22: Overall effectiveness of non-association independent schools: 31 August 2019**

Number of schools in brackets (rounded)



1. Includes inspections carried out by 31 August 2019 with a report published by 30 September 2019.

2. Percentages are rounded and may not add to 100.

Source: Ofsted

197. The proportion of independent schools that were judged to have ineffective safeguarding at their most recent inspection has reduced slightly this year from 10% to 8%. Although this fall is welcome, this is still a worrying figure of 78 schools. All schools with ineffective safeguarding were judged inadequate.

### Special schools

198. Of the 470 independent special schools inspected to date, 83% were judged good or outstanding at their most recent inspection on 31 August 2019. This is an increase of five percentage points since last year but is still lower than the proportion of state-funded special schools judged good or outstanding (92%).

199. Independent special schools have much better inspection outcomes than other independent schools: only 17% are judged to be less than good at their most recent inspection compared with 33% of other independent schools.

200. A lower proportion of independent special schools have ineffective safeguarding compared with other independent schools (4% and 10%, respectively).

## Non-association independent faith schools

201. Over a quarter of non-association independent schools are faith schools.<sup>109</sup> Muslim schools are the largest group (48%), but there are also significant numbers of Christian schools (31%) and Jewish schools (20%). Jewish schools tend to be larger. Over twice as many pupils are taught in independent Jewish schools as in Christian schools.
202. Independent schools with a faith background have considerably weaker inspection outcomes than non-faith independent schools. We judged 61% of independent faith schools as good or outstanding at their most recent inspection compared with 80% of non-faith schools.
203. The quality of independent faith schools is also weaker than the state-funded faith schools. We judged 61% of independent faith schools as good or outstanding at their most recent inspection compared with 88% of state-funded schools.

**Figure 23: Overall effectiveness of non-association independent schools by faith: 31 August 2019**

Number of schools in brackets (rounded)



1. Includes inspections carried out by 31 August 2019 with a report published by 30 September 2019.
  2. Some percentages are based on small numbers and should be treated with caution.
  3. A small number of schools declared 'inter/non-denominational' or 'multi-faith' and have been included in 'non-faith' figures.
  4. Percentages are rounded and may not add to 100.
- Source: Ofsted

204. Inspection outcomes differ considerably across faith groups. Only 39% of Jewish schools were judged good or outstanding at their most recent inspection, compared with 76% of Christian schools and 61% of Muslim schools. Jewish schools are nearly four times as likely to be judged inadequate compared with Christian schools (34% and 9%, respectively).
205. The differences between faith groups in schools is also apparent when looking at their compliance with the government's ISS. Around 14% of non-faith schools fail to meet the ISS. However, nearly half of Jewish schools (47%) and 30% of Muslim schools do not meet all of the standards. Across the individual eight parts of the ISS, this message is fairly consistent, particularly in the 'quality of education' and 'quality of leadership in and management of schools' parts.

<sup>109</sup>. A school is defined as a faith school based on whether it has declared either a religious character, a religious ethos or both. This information is updated by the school on <https://get-information-schools.service.gov.uk>.

## Steiner schools

206. Part of Ofsted's remit is to listen to concerns raised by parents or others, then investigate them if appropriate. Sometimes, these concerns relate to a group of schools that are linked. This year, our attention was drawn to Steiner schools, following a number of parental complaints and inspections that revealed some troubling issues.<sup>110</sup>
207. In November 2018, following concerns we had raised about safeguarding in Steiner schools, the then Secretary of State wrote to Ofsted to confirm that he agreed with our advice that there should be additional scrutiny of these schools. He commissioned us to inspect a selection of independent Steiner schools that are usually inspected by the School Inspection Service (SIS). Following these inspections, the SIS closed and Ofsted became the inspectorate for all Steiner schools.
208. At the beginning of this academic year, there were 23 independent Steiner-Waldorf schools. There were also four state-funded Steiner schools. The latter were already inspected by Ofsted before the transfer of inspection responsibility of independent Steiner schools from the SIS.
209. All but one of the 23 independent Steiner schools have received a standard inspection since June 2018. We judged five of these schools good, seven as requires improvement and 10 inadequate. The remaining school had a progress monitoring inspection this year. Common reasons for the schools being judged less than good included:
- failure to meet the ISS
  - ineffective safeguarding
  - poor leadership and management.

## Inadequate independent schools

210. One in 10 independent schools were judged inadequate at their most recent standard inspection by 31 August 2019. This is a small drop from 13% in August 2018 but is still too high. Almost half of these schools have had a subsequent progress monitoring inspection and 15 are now meeting all the ISS that were checked.<sup>111</sup>
211. At the end of August 2019, 24 of the 110 inadequate independent schools had received an inadequate judgement at two or more of their last three standard inspections. Twenty of these schools were judged inadequate at two standard inspections and four were judged inadequate at their last three standard inspections. About a third of these 24 schools improved sufficiently to meet all the ISS checked during follow-up progress monitoring inspections. However, they were unable to maintain those improvements, receiving another inadequate judgement by August 2019.

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110. Steiner-Waldorf schools take inspiration from a 19th-century academic called Rudolf Steiner. According to the Steiner-Waldorf Schools Fellowship, the ethos of these schools is: 'to provide an unhurried and creative learning environment where children can find the joy in learning and experience the richness of childhood.'

111. During progress monitoring inspections, Ofsted does not check all the ISS, only the ones that were not met on the last standard inspection.

## Compliance with the ISS

212. Non-association independent schools are expected to comply with the government's ISS, which we check at inspection. Almost a fifth of schools (18%) did not meet all the ISS at their most recent standard inspection (Table 10). This is a slight improvement on the previous year (23%).

213. If a school fails to meet any of the ISS, it cannot meet standards relating to the quality of leadership and management. As a result, the leadership and management standard has the highest level of non-compliance (18%). Standards relating to the quality of education and the welfare, health and safety of pupils had the next highest levels of non-compliance by 31 August 2019 (12% and 11%, respectively).

**Table 10: Compliance with the ISS: 31 August 2019**

	Met the standards (%)	Did not meet the standards (%)
<b>All standards</b>	<b>82</b>	<b>18</b>
Part 1: Quality of education	88	12
Part 2: Spiritual, moral, social and cultural development of pupils	95	5
Part 3: Welfare, health and safety of pupils	89	11
Part 4: Suitability of staff, supply staff and proprietors	97	3
Part 5: Premises of and accommodation at schools	93	7
Part 6: Provision of information	97	3
Part 7: Manner in which complaints are to be handled	98	2
Part 8: Quality of leadership in and management of schools	82	18

1. Includes inspections carried out by 31 August 2019 with a report published by 30 September 2019.

Source: Ofsted

214. If a school does not meet all standards at its full inspection, we follow up with progress monitoring inspections. In almost 140 progress monitoring inspections this year, less than half (61 schools) had improved enough to meet the ISS checked. This is a similar proportion to last year.

## Unregistered schools

215. An unregistered school is a setting that is operating as a school without registration. Settings that are not maintained by the LA and are not a non-maintained special school must register as an independent school if they provide full-time education for:

- five or more pupils of compulsory school age
- any pupils of compulsory school age:
  - with an education, health and care (EHC) plan
  - with SEND
  - who are looked after by an LA.

216. In England, it is illegal to run an unregistered school. There is no oversight of safeguarding, health and safety or the quality of education at these settings, so children attending them are at risk.

217. We set up a taskforce in January 2016 to investigate possible unregistered schools. We have received around 640 referrals from a variety of sources.<sup>112</sup>
218. We investigate all referrals. If early investigations suggest that an unregistered school may be operating, we inspect it.<sup>113</sup> So far, we have inspected over 290 of these settings across England. Inspectors determine the type of setting through their investigations and through inspection (when carried out).

**Table 11: Types of setting investigated: 1 January 2016 to 31 August 2019**

Type of setting	Number of settings
General education	170
Alternative provision	170
Religious instruction	110
Tuition centre	66
Care farm	27
Children's home	22
Other	28

1. Numbers over 100 are rounded.
2. We have not been able to confirm the type of setting for 23 settings.
3. A general education setting offers an academic education, normally in a range of subjects, like that typically provided by a school.
4. A care farm is a setting that offers therapeutic farming activities.
5. 'Other' settings include language settings and sports clubs.

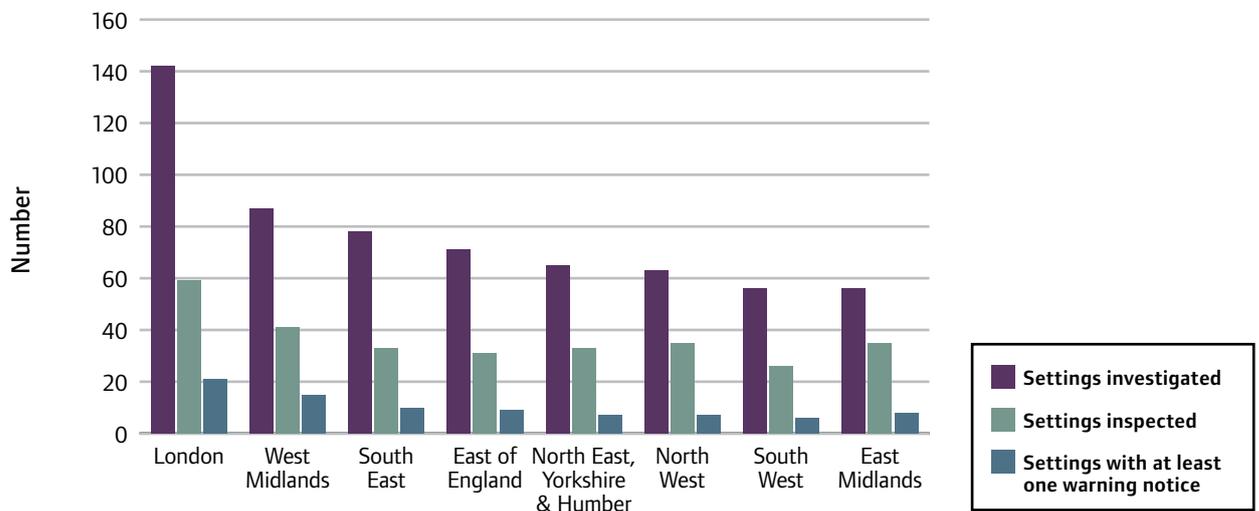
Source: Ofsted

219. Around three quarters of the settings inspected do not have a religious character or ethos.
220. We have investigated and inspected more suspected unregistered schools in London than any other Ofsted region.

112. Based on data as at 30 November 2019. Information is captured from a live database, which is subject to change. A small number of referrals were received before the taskforce was set up and some settings may have more than one referral.

113. Under section 97 of the Education and Skills Act (2008), if HMCI has reasonable cause to believe that an offence under section 96 is being committed, they have the power to enter and inspect the premises.

**Figure 24: Investigations, inspections and warning notices, by Ofsted region: 1 January 2016 to 31 August 2019**

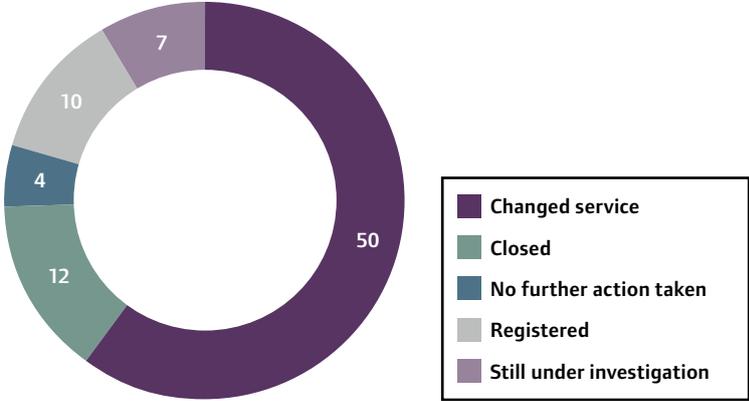


1. An investigation is opened when Ofsted receives a referral about a setting.
2. We may inspect a setting more than once. In total, there have been around 360 inspections between 1 January 2016 and 31 August 2019.
3. It is also possible for a setting to have been issued with more than one warning notice.

Source: Ofsted

221. If we find evidence during the inspection that a setting is operating as an unregistered school, we issue a warning notice to the person or people in charge. We have issued warning notices to 83 settings since January 2016.
222. After receiving a warning notice, most settings take steps to comply with the law. Over 50% of the 83 settings that have been warned have modified their service to comply with the law. Additionally, 14% have closed and another 12% have registered as a school. The remaining settings are either still under investigation or no further action can be taken (Figure 25). When no further action is taken, this may be due to a number of reasons, including limitations in the current legislation and in Ofsted's powers to investigate.
223. Our inspections have found specific safeguarding or health and safety issues in over a third of settings. Of these, we found around three quarters to have safeguarding concerns. Many also have health and safety concerns.

**Figure 25: Unregistered settings issued with a warning notice, by outcome: 1 January 2016 to 31 August 2019**



Source: Ofsted

224. We use the term ‘borderline settings’ to describe settings that do not quite meet the requirements to register as a school. Settings often evade the requirements deliberately, for example by only offering between 16 and 18 hours of education per week or by offering more than 18 hours of education, but with a very limited curriculum. Borderline settings are monitored closely by our inspectors. We have identified 26 borderline settings to date. In most cases, they were identified because of their hours of operation or a restricted curriculum.

225. Providers that operate outside the law may be prosecuted. The first prosecution of an unregistered school was in October 2018, when two individuals were found guilty of running Al-Istiqamah Learning Centre in Ealing, London. In September 2019, two further unregistered schools were successfully prosecuted. In these cases:

- two individuals and a company were found guilty of running Ambassadors High School in Streatham, London
- three individuals pleaded guilty to running an unregistered school at Freiston Hall in Boston, Lincolnshire.

**Elective home education**

226. In some cases, parents who claim to be home-educating their children are in fact sending them to unregistered schools. In over a quarter of suspected unregistered schools we have inspected, our inspectors were told that some or all of the children present were home-educated.



# Children and young people with special educational needs and/or disabilities

227. This section focuses on children and young people with SEND. It provides an overview of their needs and information about the increase in demand for statutory assessment. It also describes some of the problems these pupils face in accessing the right education and support.
228. We then focus on area SEND inspections, which continue to highlight concerns about the implementation of the SEND reforms. We report on the main strengths and areas for development that inspectors found during the 33 area inspections completed during 2018/19.
229. Finally, we look at revisits and outline the next steps for areas that are not making sufficient progress. We have revisited 11 areas, five of which inspectors deemed not to be making sufficient progress in addressing all the significant weaknesses identified at their previous inspection.
230. The DfE launched a review into support for children and young people with SEND in September 2019. We will be sharing what we have learned from our area SEND inspections with the DfE through this review.

## Provision for children and young people with SEND

231. In January 2019, there were over 1.3 million school-age pupils with SEND. This represents 15% of all pupils on roll in schools. Of these, just over one million pupils were receiving SEN support and 270,000 pupils had an EHC plan.<sup>114</sup> Both groups have increased in number year on year since 2016. Most pupils (91%) with SEN support are educated in state-funded primary and secondary schools. Around 45% of pupils with an EHC plan attend state-funded and non-maintained special schools.<sup>115</sup>
232. There are around 1,040 state-funded and non-maintained special schools, and 520 independent special schools. We inspect all state-funded and non-maintained special schools and 500 of the independent special schools that are not part of an association.<sup>116</sup> Although non-maintained special schools and independent schools are fee-paying schools, some of the places in them are funded by LAs for children from their area.

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114. In total, there were 354,000 children and young people (aged 0–25 years) with an EHC plan by January 2019. This figure is higher than the number of pupils with an EHC plan on roll in schools because it includes those who are under and over school age. Source: ‘Statements of SEN and EHC plans: England 2019’, Department for Education, May 2019, Table 1; [www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019](http://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019).

115. ‘Special educational needs in England: January 2019’, Department for Education, July 2019, Main text and Table 1; [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019).

116. Any registered independent schools that are not part of an association are inspected by the ISI.

233. In addition, some mainstream schools have specialist units, although the number of schools offering this support has decreased in recent years. In January 2019, there were 1,261 SEN units in schools compared with 1,423 in 2015 and 1,685 schools with specialist resource provision compared with 2,021 in 2015.<sup>117,118</sup>
234. The inspection outcomes for special schools are summarised within the state-funded schools and initial teacher education and independent and unregistered schools chapters of this report.

## Problems accessing the right education and support

235. Demand for EHC plans continues to grow year on year. There were 72,400 initial requests for an assessment during 2018. This is an increase from 64,600 (12%) in 2017.<sup>119</sup> LAs assessed 51,600 children and young people for an EHC plan in 2018, some 6,400 more than in 2017, but the proportion of assessments compared with initial requests was very similar (around seven in 10). LAs can also refuse to carry out an EHC needs assessment after considering a wide range of evidence.<sup>120</sup> In 2018, 17,900 (25%) initial requests for assessment were refused compared with 14,600 (23%) in 2017.
236. The number of children and young people with an EHC plan increased by 47% in the last four years, rising from 240,000 in January 2015 to 354,000 in January 2019.<sup>121</sup> Ninety-nine per cent of children and young people with EHC plans are placed in the type of education setting named in their plan. While this clearly reflects an enormous effort on the part of LAs and schools, it still left almost 3,500 children and young people with EHC plans waiting for the provision due to them at January 2019. This means that following statutory assessment, the child or young person was not in the school or education setting named in their EHC plan, despite being agreed through statutory consultation. Rather concerning, over 2,700 of these 3,500 children and young people were recorded as not being in school or in an education setting at the time of the annual data return.<sup>122</sup>

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117. SEN units are special provisions within a mainstream school that have been formally recognised by the LA. Resourced provisions are places at a mainstream school for pupils with a specific type of SEN that have been formally recognised by the LA.

118. 'Special educational needs in England: January 2019', Department for Education, July 2019, Table 11; [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019).

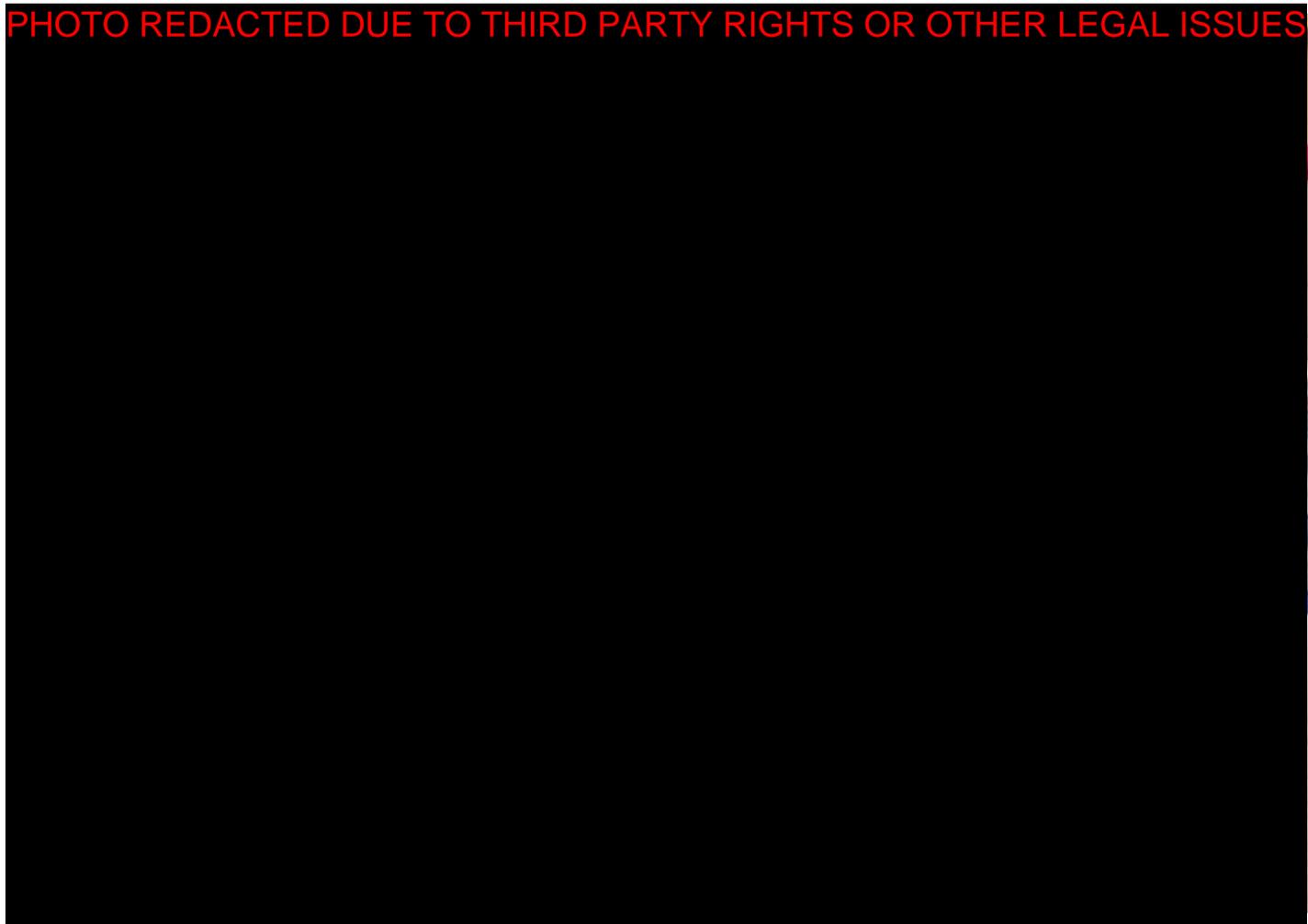
119. Population changes in recent years have had negligible impact on demand, as the estimated population of 0- to 25-year-olds has increased less than 1% between 2015 and 2018. Figures calculated from 'Analysis of population estimates tool mid-2018', Office for National Statistics, June 2019; [www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/analysisofpopulationestimatestool](http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/analysisofpopulationestimatestool).

120. For further information, see 'SEND code of practice: 0 to 25 years', Department for Education and Department of Health and Social Care, June 2014, Chapter 9; [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25).

121. Note that figures prior to 2019 also include pupils with a statement of SEN. The vast majority of remaining statements were transferred to EHC plans by 2018. Management information from LAs shows that as of 15 December 2018, the transition is complete for all but fewer than 100 cases with exceptional circumstances; [www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-12-19/203903](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-12-19/203903).

122. 'Statements of SEN and EHC plans: England 2019', Department for Education, May 2019, Table 1 and 2; [www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019](http://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019).

237. Pupils with SEND in mainstream schools can also struggle to access good-quality education. Compared with pupils without SEND, they are over five times more likely to have a fixed-term exclusion and five times more likely to be permanently excluded from state-funded primary and secondary schools. Figures for state-funded primary, state-funded secondary and special schools show that pupils with SEND account for over 178,000 (43%) of fixed-term and nearly 3,600 (45%) of permanent exclusions in 2017/18. The primary need for just over half of pupils with SEND at the time of exclusion was recorded as social, emotional and mental health, despite this being only the third most prevalent primary need.<sup>123,124</sup>
238. Just over 5,500 pupils with SEND left their school between Years 10 and 11. Some of them may have been off-rolled. Pupils with SEND account for 15% of all pupils but 27% of those who leave their school. This proportion varies considerably across the country, with between 10% and 58% of the pupils who moved in each LA having SEND.



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123. 'Permanent and fixed period exclusions in England 2017 to 2018', Department for Education, July 2019, Table 5 and 6; [www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2017-to-2018](http://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2017-to-2018).

124. 'Special educational needs in England: January 2019', Department for Education, July 2019, Table 1 and 8; [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019).

## Area SEND inspections

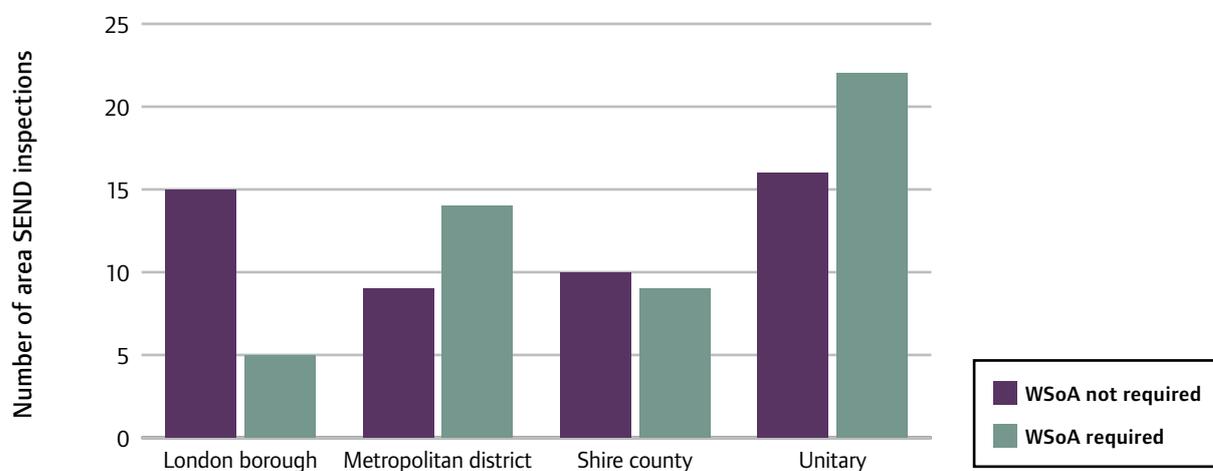
239. The Children and Families Act 2014 places responsibility on area leaders, which includes leaders from the LA, health commissioners and other providers, to identify and meet the needs of children and young people with SEND aged 0 to 25. Ofsted and the Care Quality Commission (CQC) inspect how well areas fulfil these duties. These inspections are part of a five-year inspection cycle that began in May 2016.<sup>125,126</sup>

240. By the end of August 2019, two thirds (100 out of 151) of the inspections had been completed and reports published. However, half (50) of the areas inspected have been required to produce and submit a written statement of action (WSoA) to HMCI, an indication of significant weaknesses in the areas' SEND arrangements.<sup>127,128,129</sup>

241. Inspection reports show varied results for different types of authorities:<sup>130</sup>

- Only one in four London boroughs required a WSoA.
- Almost one in two shire county inspections has resulted in a WSoA.
- Unitary authorities and metropolitan districts have the worst outcomes, with 58% and 61%, respectively, requiring a WSoA.

**Figure 26: Number of area SEND inspections by outcome and local authority type: 31 August 2019**



1. Includes inspections carried out between 1 May 2016 and 31 August 2019 that had a report published by 31 October 2019.

2. Figures for Dorset are not included because the inspection was completed before structural and boundary changes in April 2019.

Source: Ofsted

125. The local area includes the LA, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years settings, schools and further education providers.

126. For further information, see: [www.gov.uk/government/publications/local-area-send-inspections-information-for-families/joint-inspections-of-local-area-send-provision](http://www.gov.uk/government/publications/local-area-send-inspections-information-for-families/joint-inspections-of-local-area-send-provision).

127. Dorset was inspected prior to boundary changes in April 2019 and is not included in the figures. It required a WSoA.

128. A WSoA is likely to be required when significant concerns are identified in relation to illegal practice or a failure to meet the duties under the Children Act 2004. It does not necessarily mean the whole service in the area is failing.

129. Joint inspection outcome letters are available at: <https://reports.ofsted.gov.uk>.

130. You can find detailed information on the administrative structure within England on the Office for National Statistics website at: [www.ons.gov.uk/methodology/geography/ukgeographies/administrativegeography/england](http://www.ons.gov.uk/methodology/geography/ukgeographies/administrativegeography/england).

242. During the 2018/19 academic year, Ofsted and CQC jointly completed 33 inspections. Twenty-one of these areas inspected required a WSoA.

243. The main strengths and areas for development that inspectors found during these inspections are summarised below.

### Strong features

- Area leaders have a strong understanding of the effectiveness of SEND arrangements. They know where the weaknesses are and take effective action to rectify them.
- Co-production is operating well. Area leaders jointly plan, commission and provide services that are responsive to the needs of children and young people with SEND and their families.<sup>131</sup>
- Frontline education, health and care professionals work together in a joined-up way with children, young people and families. Children and young people's needs are identified, assessed and met in a timely and effective way.

### Weak features

- Area leaders have a weak understanding of the needs and lived experience of children, young people with SEND and their families. Joint commissioning is weak and arrangements for jointly planning and providing services are ineffective.
- Arrangements for EHC assessment and planning are not working well enough. Too many EHC plans are not finalised within the 20-week timescale and the quality of plans is too variable.
- The role of the designated clinical or medical officer is insufficiently resourced. This limits their ability to provide effective oversight of EHC assessment and planning. There are too many instances when the health component of EHC plans is weak, despite good-quality medical and therapeutic advice being provided. Inspection reports frequently highlight concerns about transitions into adult health services, clinical diagnostic assessment for autistic spectrum disorder and access to services for children and young people with mental ill health.
- The local offer is inaccessible or difficult to navigate. Communication between education, health and care professionals, and between professionals and families, is poor. Families do not know where to get the help and support that their children need.
- Parents and carers have a mixed experience of co-production. Too many say that their views and experiences are neither heard nor valued.

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131. Co-production is when children and young people, families and those that provide services work together to make a decision or create a service that works for them all.

## Written statements of action and revisits

244. If a WSoA is required, the DfE works with the Department of Health and Social Care and NHS England to provide appropriate challenge and support to area leaders to bring about the necessary improvements.<sup>132,133</sup>
245. Ofsted and CQC revisit areas issued with a WSoA, usually around 18 months after it has been deemed fit for purpose. The revisit is to determine whether the area has made sufficient progress in addressing the significant weaknesses.
246. Our first revisit took place in December 2018. By August 2019, Ofsted and CQC had carried out 11 revisits. Five of these 11 areas were found not to be making sufficient progress in addressing all the significant weaknesses.<sup>134,135</sup> We are not able to generalise strong and weak features relating to revisits in the same way as from initial inspections because the revisits focus on the WSoAs, which are specific to each area. Currently, an additional 39 areas require a revisit.
247. If an area has made sufficient progress in addressing all the significant weaknesses, the formal quarterly support and challenge visits from the DfE and NHS England cease.<sup>136</sup> If an area is making insufficient progress, the DfE and NHS England determine the next steps. This may include the Secretary of State using their powers of intervention.<sup>137</sup> Ofsted and CQC will not carry out any further revisits unless directed to do so by the Secretary of State.

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132. 'Local area SEND inspection: framework', Ofsted and Care Quality Commission, November 2018; [www.gov.uk/government/publications/local-area-send-inspection-framework](http://www.gov.uk/government/publications/local-area-send-inspection-framework).

133. For further information, see 'Local area SEND inspection: guidance for inspectors', Ofsted and Care Quality Commission, April 2019; [www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors](http://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors).

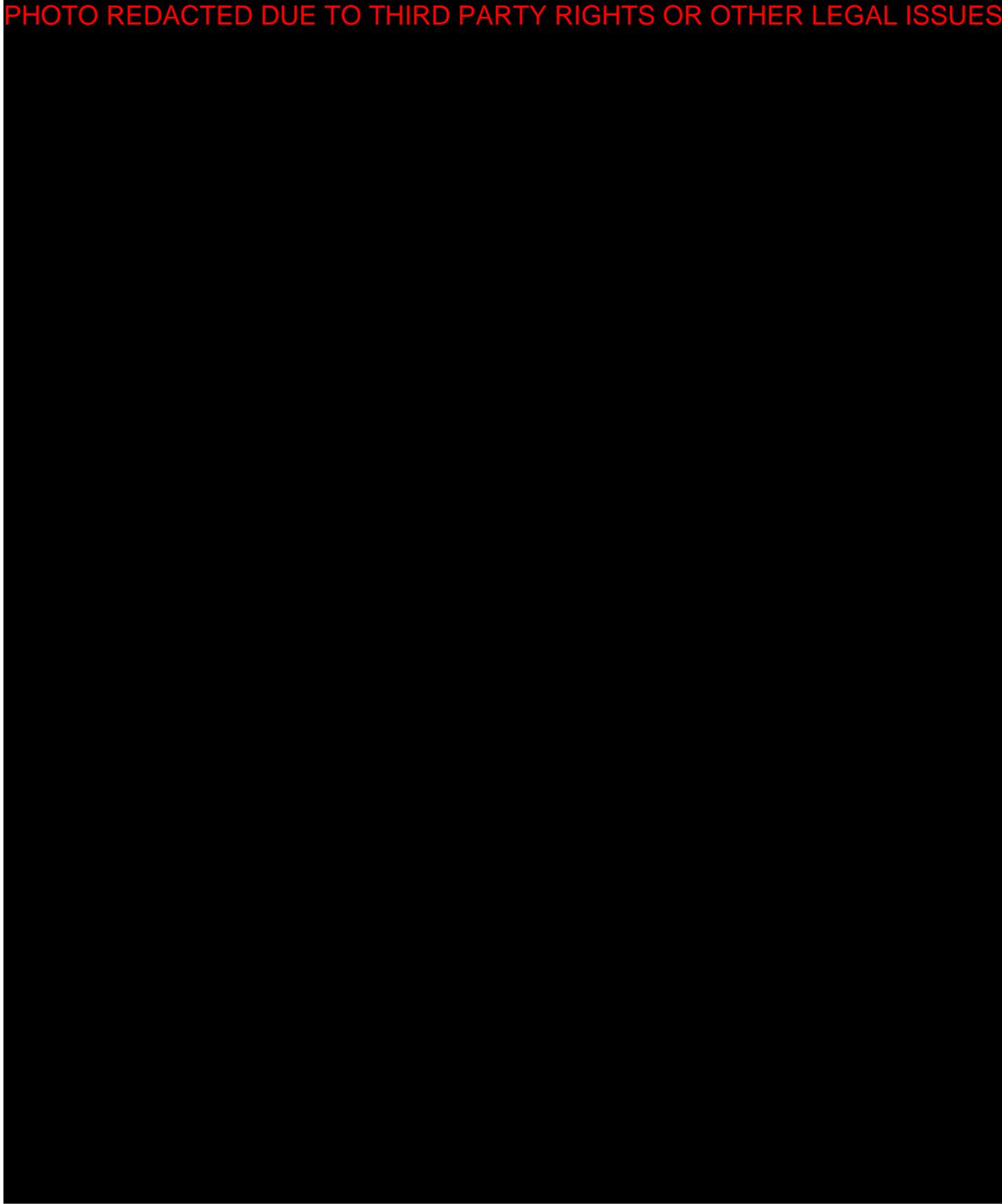
134. Rochdale, Suffolk, Hartlepool, Sandwell, Surrey, Waltham Forest, Sefton, Brent, Bury, Wakefield and Middlesbrough have been revisited. Inspectors determined that area leaders in Suffolk, Hartlepool, Surrey, Sefton and Bury had not made sufficient progress to improve all of the serious weaknesses identified at the initial inspection.

135. Dorset received a revisit prior to boundary changes in April 2019 and is not included in these figures. They had not made sufficient progress against all of the weaknesses identified in the WSoA.

136. The DfE and NHS England work together to support and challenge progress against the actions in the WSoA, and provide encouragement, advice and challenge. The area will receive at least quarterly visits from the DfE and NHS England SEN advisers.

137. For example, in July 2019, the DfE issued an Improvement Notice to Sefton council to improve services for children and young people with SEND; [www.gov.uk/government/publications/improvement-notice-issued-to-sefton-council](http://www.gov.uk/government/publications/improvement-notice-issued-to-sefton-council).

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# Further education and skills

248. This section looks at the complex set of providers that make up further education and skills (FES). Specifically, we look at the relationship between provider type (the legal entities) and the type of education they provide. We then summarise inspection outcomes for the different types of providers and provision.
249. We also describe our work with Her Majesty's Inspectorate of Prisons (HMIP) to inspect the quality of education in prisons and young offender institutions (YOIs).

## FES providers

250. The FES sector is mainly made up of colleges, independent learning providers (ILPs) and community learning and skills providers. In total, the sector provides education, training and apprenticeships to around 2.9 million learners aged 16 and over every year.<sup>138</sup>
251. The sector offers a broad range of courses, whether in relation to employment, social integration, improved health and well-being or qualifications that give access to further study. FES providers educate and train nursing associates, engineers, hairdressers, funeral celebrants, care workers, teaching assistants, HGV drivers, business managers and many more. They also provide community support, for example to refugees and isolated elderly people.
252. On 31 August 2019, there were just over 1,900 open and funded FES providers. This is an increase of 13% compared with the same point in 2018 and 63% compared with 2017. This increase is largely due to the introduction of apprenticeship funding reforms in April 2017. The reforms have led to the number of independent learning providers (ILPs), which include employer providers, increasing by 143% since 2017, from almost 500 to nearly 1,200. Although ILPs represent the largest number of FES providers, they educate just over 650,000 learners. This is considerably fewer than the college sector.
253. In September 2018, the DfE asked Ofsted to carry out monitoring visits to all newly and directly funded apprenticeship providers. In 2019, we introduced new provider monitoring visits for all other newly and directly funded providers, such as those delivering adult learning. Monitoring visits made up more than two thirds of all FES inspection activity in 2018/19.

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138. 'Further education and skills data: FE and skills learner participation by provider, local authority, funding stream, learner and learning characteristics: 2018 to 2019', Department for Education and Education and Skills Funding Agency, November 2019; [www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills](http://www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills).

254. During 2018/19, we inspected almost 240 providers, made monitoring visits to almost 400 new providers and made other monitoring visits to over 100 providers.<sup>139</sup> We also contributed to 45 prison and YOI inspections.<sup>140,141</sup>

**Figure 27: Further education and skills providers, inspections and monitoring visits in 2018/19**



1. The number of providers open and funded on 31 August 2019.
2. The number of inspections and monitoring visits for 2018/19 includes those providers that had ceased to be funded or were closed by 31 August 2019.
3. Other monitoring visits include: visits to providers previously judged requires improvement or inadequate, monitoring visits to newly merged colleges and return safeguarding visits to new providers initially judged to be making insufficient progress towards safeguarding their learners at their new provider monitoring visit.
4. Independent learning providers include employer providers.
5. We judge higher education institutions on their further education provision only. We do not judge the provider as a whole.
6. We did not inspect any National Careers Service contractors in 2018/19.

Source: Ofsted

255. The type of FES provision that providers offer varies. General FE colleges usually provide all types, whereas some other providers only offer particular types. Apprentices account for over two thirds of learners in ILPs. Community learning and skills providers have nine out of 10 learners taking adult education courses. High-needs provision can potentially take place in all FES provider types.

139. Throughout this chapter, unless stated otherwise, when we refer to new provider monitoring visits, we exclude the 18 return safeguarding visits to new providers following an insufficient judgement for safeguarding at their initial new provider monitoring visit.

140. The inspections were carried out between April 2018 and August 2019, with reports published by HMIP between 1 September 2018 and 31 August 2019.

141. Further contextual information on providers is available in our further education and skills inspections and outcomes official statistics: 'Further education and skills inspections and outcomes as at 31 August 2019', Ofsted, November 2019; [www.gov.uk/government/collections/further-education-and-skills-inspection-outcomes](http://www.gov.uk/government/collections/further-education-and-skills-inspection-outcomes).

**Table 12: Make-up of provision by provider type: 31 August 2019**

Provider type	Provision type		
	16 to 19 study programmes – % of learners	Adult education – % of learners	Apprenticeships – % of learners
General further education colleges	32	54	14
Sixth-form colleges	89	9	2
Specialist further education colleges	51	33	15
Independent specialist colleges	23	75	1
Independent learning providers	5	27	68
Community learning and skills providers	3	90	7
16 to 19 academies	91	9	0
Higher education institutions	14	8	77
National Careers Service contractors	0	64	36

1. The data are based on funding streams open providers had at 31 August 2019.

2. Independent learning providers include employer providers.

3. There were two dance and drama colleges that received FE funding. These providers are not included in the table.

Source: Ofsted, Department for Education, Education and Skills Funding Agency

## Inspection outcomes

256. In the 236 full and short inspections in 2018/19, 4% of providers were judged outstanding, 51% good, 33% requires improvement and 13% inadequate.
257. We carried out 387 new provider monitoring visits in 2018/19, 334 apprenticeship provider visits and 53 adult education provider visits. Seventy-eight per cent of apprenticeship providers and 89% of adult education providers were making at least reasonable progress across all areas assessed.
258. The large number of new provider monitoring visits has meant that, despite the increasing number of providers, the proportion of providers that had received an inspection or monitoring visit increased, from 65% to 79%.
259. Nearly 1,100 providers have had at least one full inspection at year end, of which eight out of 10 were judged good or outstanding at their most recent inspection.<sup>142</sup> This is similar to the position at 31 August 2018.

142. We are using the term 'full inspection' to show that a provider has had an Ofsted inspection with an overall effectiveness judgement.

**Figure 28: Overall effectiveness of further education and skills providers: 31 August 2019**

Number of providers in brackets

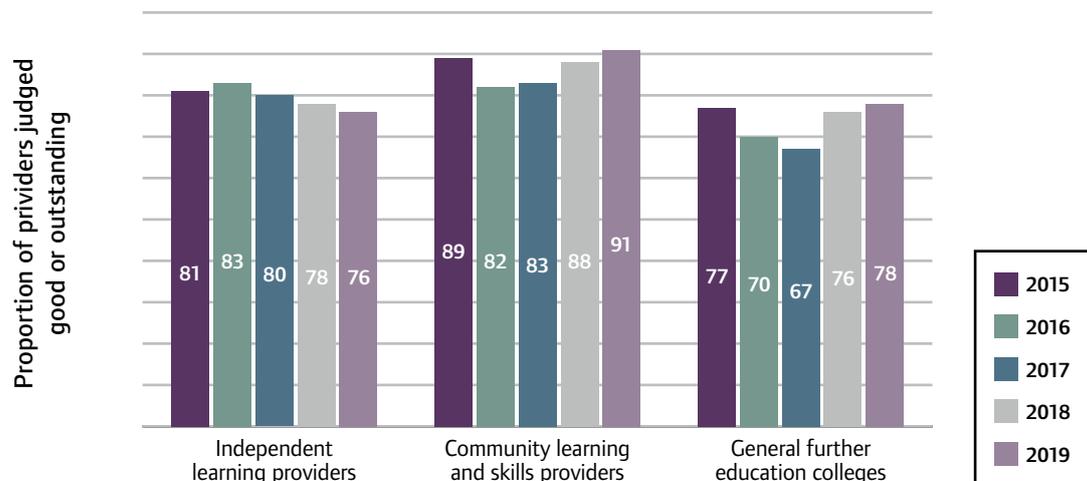


1. Independent learning providers include employer providers.
2. Higher education institutions are judged on their further education provision only. We do not judge the provider as a whole.
3. Based on inspections carried out by 31 August 2019 and with the report published by 30 September 2019.
4. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.
5. The same chart broken down by provider type can be found in the FE and skills official statistics; [www.gov.uk/government/statistics/further-education-and-skills-inspections-and-outcomes-as-at-31-august-2019](http://www.gov.uk/government/statistics/further-education-and-skills-inspections-and-outcomes-as-at-31-august-2019).

Source: Ofsted

260. Across the three largest provider types, there is a contrasting picture in terms of the latest overall effectiveness inspection judgements. Community learning and skills providers and general FE colleges saw another increase in the proportion judged good or outstanding. However, the proportion of ILPs (including employer providers) judged good or outstanding has continued to decline, although the enlarged population does not mean a reduction in the absolute numbers of providers.

**Figure 29: Proportion of providers judged good or outstanding for overall effectiveness at their most recent inspection, by provider type and over time**



1. Independent learning providers include employer providers.

Source: Ofsted

## 16 to 19 study programmes

261. Sixteen to 19 study programmes take a holistic approach to education to prepare the students for their next steps, whether that is on to further education, higher education or employment.
262. The data for 2018/19 on providers open and funded at the end of the year shows that almost 650 were funded to deliver education and training to almost 700,000 learners aged 16 to 19. The vast majority of learners were in colleges.

**Table 13: Distribution of 16 to 19 FES funded learners by provider type 2018/19<sup>143</sup>**

Provider type	Number of providers	Number of 16 to 19 funded learners	Proportion of all 16 to 19 funded learners %
General further education colleges	170	461,000	66
Sixth-form colleges	54	110,000	16
16 to 19 academies	29	43,600	6
Independent learning providers	184	34,500	5
Specialist further education colleges	16	20,600	3
Community learning and skills providers	121	19,600	3
Higher education institutions	16	4,370	1
Independent specialist colleges	50	1,410	<1
<b>Total</b>	<b>640</b>	<b>695,000</b>	

1. Table includes providers that were open and funded on 31 August 2019 and had learners in 2018/19.

2. Independent learning providers include employer providers.

3. There was one dance and drama college that received FE funding for 16 to 19 education. This provider is not included in the table.

4. Numbers of learners over 100 are rounded to two significant figures. Numbers over 1,000 are rounded to three significant figures.

5. Percentages are rounded and may not add to 100. Where the number of providers or learners is small, percentages should be treated with caution.

Source: Department for Education

## Inspection outcomes

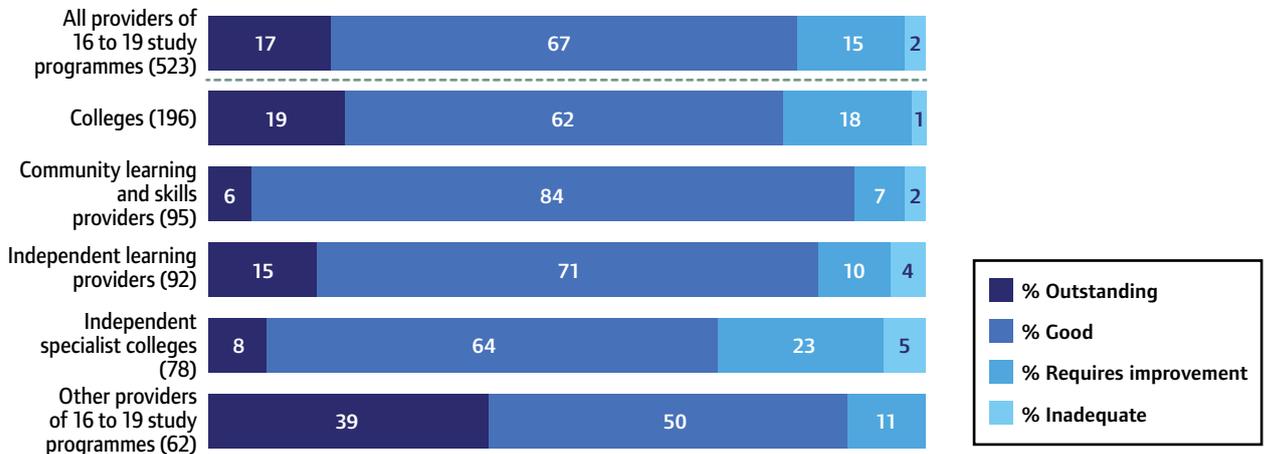
263. As at 31 August 2019, we had judged the overall effectiveness of over 500 of the nearly 600 providers that were funded to deliver 16 to 19 study programmes. Seventeen per cent were judged outstanding, 67% good, 15% requires improvement and 2% inadequate.
264. Of these inspected providers, 295 (56%) have a judgement for 16 to 19 study programmes.<sup>144</sup> Of these judgements, 14% were outstanding, 64% good, 20% requires improvement and 2% inadequate.

143. 'Further education and skills data: FE and skills learner participation by provider, local authority, funding stream, learner and learning characteristics: 2018 to 2019', Department for Education, November 2019; [www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills](http://www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills).

144. Sixteen to 19 study programme provision judgements made from 1 September 2015. Judgements from previous frameworks are not comparable.

**Figure 30: Overall effectiveness for providers funded to deliver 16 to 19 education and training: 31 August 2019**

Number of providers in brackets



1. Independent learning providers include employer providers.
  2. Based on inspections carried out by 31 August 2019 and with the report published by 30 September 2019.
  3. Of the 523 providers, 394's latest inspection is a full inspection and 129's is a short inspection.
  4. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.
- Source: Ofsted and Education and Skills Funding Agency

265. In 2018/19, we inspected 119 providers with 16 to 19 funding. Of these, 3% were judged outstanding for overall effectiveness, 55% good, 31% requires improvement and 10% inadequate.
266. Eighty-three of the 119 providers also received a 16 to 19 study programmes judgement. Of these, 6% were outstanding, 53% good, 35% requires improvement and 6% inadequate.
267. Our 2018 level 2 study programmes survey found that in the best providers, work-related learning helped young people develop the skills that are valued by employers, such as time-keeping and meeting deadlines.<sup>145</sup> Equally, good-quality initial and ongoing advice and guidance were also features in the best providers, but remained an issue for others. We also found that too many level 2 learners (almost one in 10) left their programme early.
268. We can see from recent inspection evidence that most providers are now responding well to the challenge of providing worthwhile non-qualification activity. The less effective providers still have challenges in teaching English and mathematics. In some cases, weak teaching or a lack of effective action taken by management mean that learners are not improving their skills in English and mathematics. This impacts on their ability to achieve their qualification.
269. Providers judged good for their study programmes have prioritised good-quality and useful professional development for teachers. They give helpful pastoral and academic support to their learners. They offer high-quality work experience and work-related learning. Their teachers have high expectations for their students.

145. 'Level 2 study programmes', Ofsted, November 2018; [www.gov.uk/government/publications/level-2-study-programmes](http://www.gov.uk/government/publications/level-2-study-programmes).

270. Careers advice and guidance given to learners are generally good. Some providers have dedicated careers staff to support learners carrying out job searches and writing CVs. Learners are also able to use the expertise of teachers with specialist industry knowledge and experience to determine their career goals and how to achieve them. In most providers, students benefited from a range of encounters with employers, including guest speakers, visits and working on live projects with the employers.
271. In some of the least effective providers, teachers do not have the knowledge or skills they need to implement the curriculum effectively. A lack of expertise is most commonly found in English and mathematics. In some cases, mathematics and English teachers do not have qualifications at a level above that of their learners. Their lack of knowledge restricts their ability to challenge learners. We raised similar concerns in our 2015/16 Annual Report and in our 2018 level 2 curriculum report about providers' ability to attract good-quality teachers of these subjects.<sup>146,147</sup>

## High-needs provision

272. High-needs learners can have a learning disability and/or a learning difficulty. Learners with a learning disability generally have reduced intellectual ability and difficulty with everyday activities. Learners with a learning difficulty, such as those with autism spectrum conditions, may have high levels of intellect but their condition presents as a barrier to learning.
273. At the start of 2018/19, there were 425 FES providers with allocated high-needs funded places. The number of places actually filled is likely to vary across the year.<sup>148</sup>

**Table 14: High-needs learner places by provider type 2018/19**

Provider type	Number of providers	Number of high-needs places	Proportion of all high-needs places %
Colleges	230	23,900	77
Independent specialist colleges	97	4,770	15
Community learning and skills providers	41	920	3
16 to 19 academies	27	900	3
Independent learning providers	25	570	2
Higher education institutions	5	77	<1
<b>Total</b>	<b>425</b>	<b>31,100</b>	

- The data relate to funded places available in each provider.
- Independent learning providers include employer providers.
- Numbers of learners over 100 are rounded to two significant figures. Numbers over 1,000 are rounded to three significant figures.
- Percentages are rounded and may not add to 100. Where the number of providers or learners is small, percentages should be treated with caution.

Source: Education and Skills Funding Agency

146. 'Level 2 study programmes: Ofsted research into the curriculum on level 2 study programmes', paragraphs 69 to 80, Ofsted, November 2018; [www.gov.uk/government/publications/level-2-study-programmes](http://www.gov.uk/government/publications/level-2-study-programmes).

147. 'Ofsted Annual Report 2015/16: education, early years and skills', Ofsted, December 2016; [www.gov.uk/government/publications/ofsted-annual-report-201516-education-early-years-and-skills](http://www.gov.uk/government/publications/ofsted-annual-report-201516-education-early-years-and-skills).

148. 'High needs: allocated place numbers', Education and Skills Funding Agency, November 2019; [www.gov.uk/government/publications/high-needs-allocated-place-numbers](http://www.gov.uk/government/publications/high-needs-allocated-place-numbers).

## Inspection outcomes

274. By 31 August 2019, we had judged the overall effectiveness of most (nearly 90%) of the providers funded for high-needs learners. Fifteen per cent were judged outstanding, 64% good, 18% requires improvement and 3% inadequate.

275. Of these inspected providers, 159 (44%) have a judgement for provision for learners with high needs.<sup>149</sup> Of these, 10% were outstanding, 65% good, 21% requires improvement and 3% inadequate.

**Figure 31: Overall effectiveness outcome for providers funded to deliver high-needs education and training: 31 August 2019**

Number of providers in brackets



1. Based on inspections carried out by 31 August 2019 and with the report published by 30 September 2019.

2. Of the 359 providers, 272's latest inspection is a full inspection and 87's is a short inspection.

3. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.

Source: Ofsted and Education and Skills Funding Agency

276. In 2018/19, we inspected 90 providers with high-needs funding. Of these, 1% were judged outstanding for overall effectiveness, 52% good, 37% requires improvement and 10% inadequate.

277. Sixty-one of the 90 providers also received a judgement for their provision for learners with high needs. Of these, 5% were outstanding, 61% good, 26% requires improvement and 8% inadequate.

278. During 2018/19, we judged five providers to be delivering inadequate high-needs provision, mainly because of safeguarding concerns. Within these providers, we also found:

- a lack of preparation for adulthood
- a lack of age-appropriate materials and resources, and poor teaching
- new providers that did not have the appropriate staff or expertise to provide 19 to 25 provision, especially within special schools that were extending their provision to cover the older age group.

149. High-needs provision judgements made from 1 September 2015. Judgements from previous frameworks are not comparable.

279. In providers judged good or outstanding this year for their high-needs provision, we found common themes:

- Specialist teaching and support staff use comprehensive assessments of learners' needs, including their EHC plans, to ensure that learners are on the right programme for them.
- Providers work effectively with parents, carers, the LA, and health and educational professionals.
- Specialist teaching and support staff deliver highly effective in-class and individual support for learners/apprentices, who are able to use an excellent range of information and assistive technology to improve their outcomes and communication skills.
- Staff have high expectations of their learners/apprentices to improve their English and mathematical skills.

Consequently, learners make good progress and achieve what they are capable of achieving.

280. Learners in good or outstanding providers benefit from a rich and creative curriculum that provides opportunities for self-expression and enterprise. They gain in confidence and increase their self-esteem through a wide range of learning, enrichment and enterprise activities within the provider, community, work placements and other extra-curricular activities. This prepares them effectively for employment, further learning or independent living. The vast majority of students gain new skills, knowledge and understanding and achieve their qualifications and non-accredited learning programmes fully.

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## Apprenticeships

281. Apprenticeships combine practical training in a job with education related to the apprentice's occupation.
282. Over the past three years, there appears to have been a shift away from apprenticeships at levels 2 and 3 (GCSE and A level equivalents) towards levels 4 to 7 (degree and higher degree equivalents). Level 2 starts in 2018/19 were down by 45% from 2016/17. Level 3 starts in 2018/19, despite a small increase this year from last, were still down 12% compared to 2016/17. Over the same period, the number of apprenticeships at levels 4 to 7 increased by 105%, although the number of learners taking these levels is small compared with levels 2 and 3.<sup>150,151</sup>
283. The number of 16- to 18-year-olds starting an apprenticeship has followed similar patterns. Level 2 and 3 starts declined between 2016/17 and 2018/19 (31% for level 2) and level 4 to 7 starts increased. Again, the published figures for 2018/19 suggest that these trends will continue.
284. There are two forms of apprenticeship: frameworks and standards. Frameworks are currently being phased out and from 1 August 2020, all new apprenticeships started will be standards. Although the number of framework starts has decreased, in 2017/18 there were still over 210,000 apprentices enrolled on them and in 2018/19 over another 145,000 more.<sup>152</sup> When an occupationally specific standard exists, it is surprising that providers are still enrolling learners on apprenticeship frameworks.
285. The number of apprenticeship providers has risen dramatically since the introduction of apprenticeship funding reforms in April 2017. This constantly evolving provider landscape looks set to see further change because of the new application process to the register of apprenticeship training providers introduced by the Education and Skills Funding Agency.
286. The data for 2018/19 on providers open and funded at the end of the year shows that most apprentices are trained in ILPs, although colleges also provide a substantial amount of apprenticeship training.

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150. 'Apprenticeships and traineeships: July 2019', Department for Education, July 2019; [www.gov.uk/government/statistics/apprenticeships-and-traineeships-july-2019](http://www.gov.uk/government/statistics/apprenticeships-and-traineeships-july-2019).

151. 'Apprenticeships and traineeships data: Apprenticeship demographic and sector subject area PivotTable tool: starts and achievements 2017 to 2018, to 2018 to 2019', Department for Education, November 2019; [www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships](http://www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships).

152. 'Apprenticeships and traineeships data: Apprenticeship starts by sector pathway, framework and standard: 2014/15 to 2018/19', Department for Education, November 2019; [www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships](http://www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships).

**Table 15: Distribution of apprentices by provider type 2018/19<sup>153</sup>**

Provider type	Number of providers	Number of apprentices	Proportion of all apprentices %
Independent learning providers	969	457,000	62
General further education colleges	168	203,000	28
Community learning and skills providers	113	42,400	6
Higher education institutions	61	23,500	3
Specialist further education colleges	14	6,130	1
Sixth-form colleges	12	2,160	<1
<b>Total</b>	<b>1,337</b>	<b>735,000</b>	

1. Table includes providers that were open and funded on 31 August 2019 and had learners in 2018/19.

2. Independent learning providers include employer providers.

3. The National Careers Service contractors, three independent specialist colleges and one 16 to 19 academy that received FE funding for apprenticeships are not included in the table.

4. Numbers of learners over 100 are rounded to two significant figures. Numbers over 1,000 are rounded to three significant figures.

5. Percentages are rounded and may not add to 100. Where the number of providers or learners is small, percentages should be treated with caution.

Source: Department for Education

## Inspection outcomes

287. Ofsted inspects apprenticeship provision at levels 2 to 5 and funded either through the apprenticeship levy or through other non-levy funding streams. We carry out full and short inspections to established providers and monitoring visits to new providers.

288. As at 31 August 2019, we had judged the overall effectiveness of around half of the 1,400 providers with apprenticeship provision. Twelve per cent were outstanding, 71% good, 16% requires improvement and 1% inadequate.

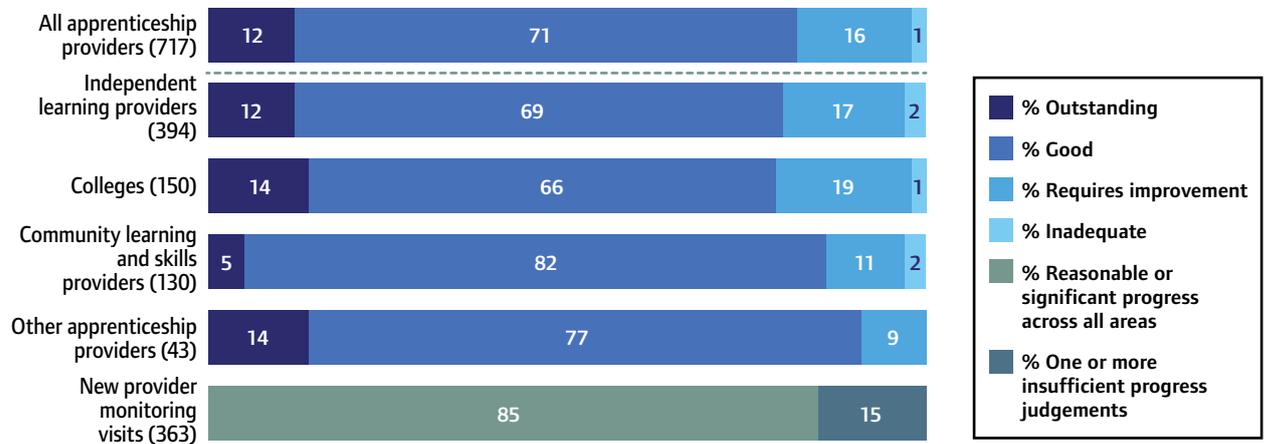
289. Of these inspected providers, 476 (66%) have a judgement for apprenticeships.<sup>154</sup> Of those, 9% were outstanding, 72% good, 18% requires improvement and 1% inadequate.

153. 'Further education and skills data: FE and skills learner participation by provider, local authority, funding stream, learner and learning characteristics: 2018 to 2019', Department for Education and Education and Skills Funding Agency, November 2019; [www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills](http://www.gov.uk/government/statistical-data-sets/fe-data-library-further-education-and-skills).

154. The apprenticeships provision judgement only includes those judgements made during the common inspection framework or comparable previous framework inspections.

**Figure 32: Overall effectiveness inspection or monitoring visit outcome for apprenticeship providers: 31 August 2019**

Number of providers in brackets



1. Independent learning providers include employer providers.
  2. Based on inspections carried out by 31 August 2019 and with the report published by 30 September 2019.
  3. Of the 717 providers, 503's latest inspection is a full inspection and 214's is a short inspection.
  4. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.
- Source: Ofsted and Education and Skills Funding Agency

### New provider monitoring visits

290. During 2018/19, we carried out 334 new provider monitoring visits to newly and directly funded providers of apprenticeship training provision.<sup>155</sup> We found that over one fifth of providers were making insufficient progress in at least one area.

**Table 16: New apprenticeship provider monitoring visit outcomes in 2018/19**

Outcomes from first monitoring visit	Number of providers		
	Insufficient progress	Reasonable progress	Significant progress
How much progress have leaders made in ensuring that the provider is meeting all the requirements of successful apprenticeship provision?	68	235	31
What progress have leaders and managers made in ensuring that apprentices benefit from high-quality training that leads to positive outcomes for apprentices?	63	233	38
How much progress have leaders and managers made in ensuring that effective safeguarding arrangements are in place?	24	282	28

Source: Ofsted

155. For providers that began to be funded from April 2017 by the Education and Skills Funding Agency and/or through the apprenticeship levy.

291. In the 73 providers that had at least one insufficient progress judgement, inspectors found that:
- staff did not use the results of assessments completed at the start of the programme to plan apprentices' learning
  - apprentices did not receive their entitlement to off-the-job training, which resulted in many making slow progress on their apprenticeship and not developing the substantial new knowledge and skills that they and their employers needed
  - leaders and managers did not have an accurate oversight of the progress that apprentices were making on their apprenticeship, which prevented them from intervening quickly when improvements were required
  - governance was either ineffective or did not exist.
292. When a provider is making insufficient progress towards safeguarding its apprentices, we will carry out an additional monitoring visit to inspect this aspect of its provision within four months of the publication of the report of the previous visit. We revisited 18 providers in 2018/19 for this reason. All of them had improved. Seventeen were making reasonable progress and one was making significant progress.

## Inspections

293. During 2018/19, we inspected 152 providers of apprenticeships. Of these, 3% were judged outstanding for overall effectiveness, 51% good, 37% requires improvement and 10% inadequate.
294. One-hundred-and-thirty of the 152 providers also received a judgement for their apprenticeship provision. Of these judgements, 2% were outstanding, 53% good, 38% requires improvement and 8% inadequate.
295. Twelve of the 136 inspections were the first full inspection of providers that had previously had a new provider monitoring visit. Five providers were judged good for overall effectiveness, six requires improvement and one inadequate. In each case, their apprenticeship grade matched their overall effectiveness grade.
296. Across a sample of 45 providers that had good or outstanding apprenticeship provision, inspectors found that:
- employers played a pivotal role in co-designing the curriculum with the provider to meet the specific requirements of their business and the needs of the apprentice
  - on- and off-the-job curriculums were well aligned to ensure that classroom learning could quickly be used in the workplace to make a positive contribution to their employers' business
  - apprentices received well-planned off-the-job training, developing substantial new knowledge, skills and behaviours, and made good progress throughout their programme
  - training staff set challenging briefs that motivated and inspired apprentices to produce work of a high quality. Briefs that were created in conjunction with the employers were highly effective, ensuring that apprentices could understand the relevance of their learning compared with their employment.

297. Across a sample of 45 providers that had less than good apprenticeship provision this year, inspectors found that:
- when the results from the initial assessments were not being used, apprentices were not learning substantial new knowledge or skills
  - the standard of training was poor in providers that had not used apprentices' existing knowledge to develop the curriculum
  - leadership and governance arrangements were poor. Too often, leaders and managers did not know how their staff were performing, nor that their apprentices were making slow progress. This led to an inability to act quickly to deal with the issues present.
298. Our apprenticeship survey in 2015 found that too many apprentices were already employed in jobs that converted to apprenticeships, rather than providers seeking out and convincing employers in a skills-shortage area that their business would benefit from an apprentice.<sup>156</sup> This issue was still present in some of the less effective apprenticeship providers we inspected this year. Inspectors found apprentices training for jobs that they had already been doing for a number of years. Some of the apprentices were already qualified at a high level in their field or in a related area and did not consider themselves to be an apprentice.

## Adult education provision

299. Adult education primarily focuses on improving the life chances and quality of life of the most disadvantaged sections of the community, for example by providing English classes for refugees, employability courses for out-of-work adults or community learning sessions for isolated elderly people. Adult education also includes adults reskilling during their working lifetime as technology or labour markets change.
300. The number of adult learners taking part in education and training continued to decline in 2018/19. There were 1.96 million in 2014/15 but this had fallen to 1.57 million in 2018/19, a reduction of 20%.<sup>157</sup> The majority of learners undertake entry, level 1 and level 2 qualifications.
301. The budget allocated to adult education also continued to decline this year, reducing by £105 million to £1.145 billion. For the last two years, providers have not used around 10% of the allocated budget. We are expecting this underspend to have increased this year due to falling unemployment rates reducing the pool of eligible learners and the shift towards Universal Credit, which means that unemployed adults are no longer mandated to attend training courses.

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302. On 1 August 2019, part of the commissioning of the adult education budget has moved to mayoral combined authorities.<sup>158</sup> A significant challenge for the newly devolved authorities will be to make sure that the adult education budget is fully spent on a curriculum that is focused on meeting the needs of adult learners in their local areas.

303. The data for 2018/19 on providers open and funded at the end of the year shows that there were almost 900 providers with adult education funding, catering for over 1.5 million funded learners. Some providers, such as some community learning and skills providers, specialise in offering education and training to adults. For other providers, such as general FE colleges, adult education is part of a much wider offer.

**Table 17: Distribution of adult education funded learners by provider type 2018/19<sup>159</sup>**

Provider type	Number of providers	Number of adult education funded learners	Proportion of all adult education funded learners %
General further education colleges	170	772,000	50
Community learning and skills providers	181	567,000	37
Independent learning providers	361	178,000	11
Specialist further education colleges	16	13,500	1
Sixth-form colleges	41	11,300	1
Independent specialist colleges	90	4,560	<1
16 to 19 academies	20	4,480	<1
Higher education institutions	17	2,450	<1
<b>Total</b>	<b>896</b>	<b>1,550,000</b>	

1. Table includes providers that were open and funded on 31 August 2019 and had learners in 2018/19.

2. Independent learning providers include employer providers.

3. The National Careers Service contractors and the two dance and drama colleges that received FE funding for adult education are not included in the table.

4. Numbers of learners over 100 are rounded to two significant figures. Numbers over 1,000 are rounded to three significant figures.

5. Percentages are rounded and may not add to 100. Where the number of providers or learners is small, percentages should be treated with caution.

Source: Department for Education

## Inspection outcomes

304. Ofsted inspects adult education provision through monitoring visits to new providers and through short or full inspections of existing providers.

305. As at 31 August 2019, we had judged the overall effectiveness of eight out of 10 of the almost 800 providers with adult education provision. Ten per cent were judged outstanding, 71% good, 15% requires improvement and 3% inadequate.

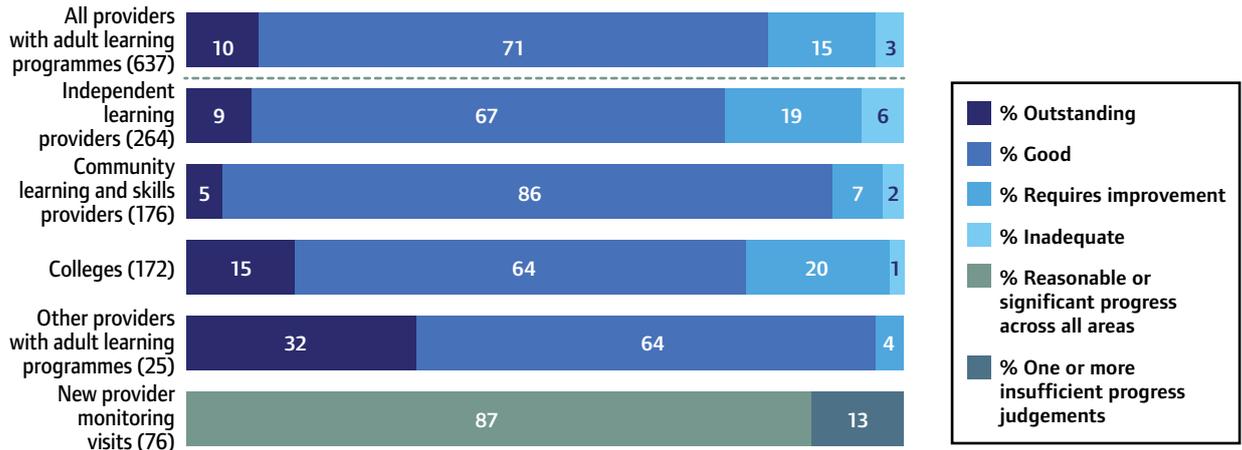
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306. Of these inspected providers, 286 (45%) have a judgement for adult learning programmes.<sup>160</sup> Of these judgements, 6% were outstanding, 70% good, 20% requires improvement and 5% inadequate.

**Figure 33: Overall effectiveness outcome for providers funded to deliver adult education and training: 31 August 2019**

Number of providers in brackets



1. Independent learning providers include employer providers.

2. Based on inspections carried out by 31 August 2019 and with the report published by 30 September 2019.

3. Of the 637 providers, 434's latest inspection is a full inspection and 203's is a short inspection.

4. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.

Source: Ofsted and Education and Skills Funding Agency

### New provider monitoring visits

307. Monitoring visits for providers newly and directly funded to deliver adult education were introduced on 1 March 2019. Between then and 31 August 2019, we carried out 80 monitoring visits to these providers. These consisted of 53 standalone adult education visits and 27 visits at which we looked at both adult education and apprenticeships. We judged 71 to be making at least reasonable progress across all areas assessed.

308. The providers that have made the most progress since they received their directly funded contracts have built successfully on their previous experience as subcontractors. They ensure that their programmes are closely aligned with the needs of specific employment sectors or employers, such as health and social care or the growing personal fitness industry. They work effectively with employers to offer work placements and guaranteed interviews for those who successfully complete employability training courses. As a result, a high proportion of these learners find sustainable employment.

309. The nine providers that had made insufficient progress did not have a clear rationale for the curriculum they offered and had not forged effective partnerships with employers or employment sectors. As a result, learners at these providers may achieve their qualifications, but cannot translate them into tangible further progress into work or higher levels of training.

160. Adult education provision judgements made from 1 September 2015. Judgements from previous frameworks are not comparable.

## Inspections

310. In 2018/19, we inspected 143 providers funded for adult education. Of these, 3% were judged outstanding for overall effectiveness, 50% good, 34% requires improvement and 13% inadequate.
311. One-hundred-and-fifteen of the 143 providers also received a judgement for adult learning programmes. Of these, 3% were judged outstanding, 63% good, 24% requires improvement and 10% inadequate.
312. In the community learning and skills providers and general FE colleges that improved their adult learning programmes judgement to good this year, inspectors found:
- significant improvements to governance arrangements, for example establishing completely new governing bodies to oversee the quality of their provision and to hold managers to account for improving the provision
  - more rigorous performance management of teachers, ensuring that they developed their skills and knowledge through professional development
  - progress tracking being done more regularly for adult learners, combined with swifter intervention when they fell behind
  - quality improvement actions more swiftly implemented based on an accurate evaluation of areas of weakness.
313. This year, we inspected 60 independent learning providers that had not received a full inspection before. Of the 40 that provided adult education, just under half were judged good or outstanding and just over half as requires improvement or inadequate.
314. In the providers that were judged good, inspectors found a clear line of sight between effective governance arrangements that held managers to account for their performance. This resulted in managers having an accurate understanding of the weaknesses and strengths of their provision. They used this information to improve the quality of teaching, learning and assessment. In most of the providers that required improvement, inspectors found that there was no external challenge from directors.

## Education, skills and work in prisons and young offender institutions

315. We work with HMIP to inspect the quality of education delivered in prisons and YOIs. On 31 August 2019, there were 114 prisons and YOIs. We have inspected all of these for their provision of education, skills and work.
316. When offenders enter the prison system, staff assess their educational starting points to create an individual learning plan. However, since the National Careers Service contract ended in April 2018, we have found 16 prisons to have inadequate arrangements for this. This has meant that, in many cases, prisoners are allocated to education, skills and work activities that do not best meet their employability and development needs.
317. Forty-one per cent of the prison population went on to participate in courses at level 2 in 2017/18. This is the second lowest proportion in the last eight years. The number participating in level 3 courses did increase in 2017/18 to 200 learners, but this is still 92% less than in 2012/13.<sup>161</sup>

### Inspection outcomes

318. Overall, in the year to 31 August 2019, the proportion of prisons and YOIs judged good or outstanding at their most recent inspection increased by two percentage points to 50%. However, the number of outstanding providers decreased by one percentage point to 3%. In addition, the proportion judged inadequate increased by two percentage points, because an additional three prisons and YOIs declined to inadequate this year.

### Inspections

319. We contributed to 45 prison and YOI inspections for which the reports were published between 1 September 2018 and 31 August 2019.<sup>162</sup> In these inspections, 2% were judged outstanding, 38% good, 44% requires improvement and 16% inadequate for the overall effectiveness of education, skills and work.
320. Leadership and management were the worst performing aspects in the prisons and YOIs inspected in 2018/19. Often, leaders and managers had failed to prioritise improving the education, skills and work provision since the previous inspection and progress towards rectifying their weaknesses had been slow. They were ineffective in ensuring that offenders attended education, skills and work-related activities and attendance at these activities was too low overall.

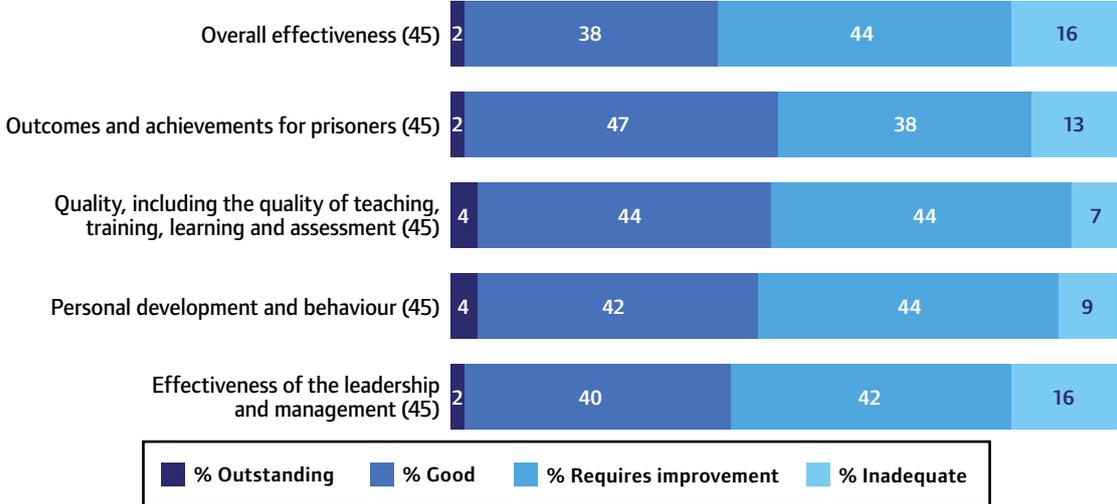
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162. The inspections took place between April 2018 and August 2019.

**Figure 34: Overall effectiveness of education, skills and work in prisons and young offender institutions published between 1 September 2018 and 31 August 2019**

Number of prisons and young offender institutions in brackets



1. Based on inspections carried out between April 2018 and August 2019 and with the report published by 30 September 2019.  
 2. Percentages are rounded and may not add to 100. Where the number of providers is small, percentages should be treated with caution.  
 Source: Her Majesty's Inspectorate of Prisons and Ofsted

321. In the six prisons and YOIs that declined to inadequate this year, inspectors found:
- the curriculum did not meet the needs of offenders
  - the lack of activity spaces meant that not all offenders could access curriculum activities
  - a lack of effective careers guidance.
322. In a significant number of our inspections, we identified that offenders received insufficient support towards gaining employment on release. In these cases, offenders did not access a curriculum that enabled them to achieve a vocational accredited qualification or to even have their newly acquired knowledge and skills recognised. In addition, they had generally poor access to the designated e-learning platform (virtual campus) to search for job vacancies or to undertake learning.
323. During 2018/19, we judged one women’s prison to be outstanding. We found that leaders and managers in this prison were offering an education, skills and work curriculum that met the employment needs of the prisoners very well. Prisoners accessed education and training outside the prison that complemented the curriculum well and enhanced their employability prospects. The excellent links established with employers benefited prisoners, many of whom gained employment on release.

### Monitoring visits

324. This year, we joined HMIP's independent reviews of progress (IRPs) in prisons that had been identified as performing poorly. We carried out our prison monitoring visits alongside the IRPs. These contributed to HMIP's overall IRP report. IRPs are done approximately a year after the previous inspection. We carried out five prison monitoring visits alongside HMIP's IRPs and identified only one prison as having made reasonable progress in all themes covered. Almost half of the judgements we made at IRPs were that the prisons had made insufficient progress. They had failed to improve the provision of education, skills and work rapidly enough after their last inspection.
325. We will continue to work jointly with HMIP on its prison and YOI inspections. From 2020, we may also carry out inspections on our own in prisons and YOIs that we have identified have the greatest need to improve their education, skills and work provision.

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