

[Home](#) ▾ [Education, training and skills](#) ▾ [Inspections and performance of education providers](#)  
 ▾ [Improving the way Ofsted inspects education](#)



Open consultation

# Improving the way Ofsted inspects education: equality impact assessment

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## Applies to England

Contents

[Introduction](#)

[Proposals](#)

[How the proposals may affect people in terms of protected characteristics and how they meet the 3 PSED aims](#)

[Monitoring and evaluation](#)

## Introduction

This page explains how the proposals made in our [consultation on a new approach to our inspection work](#) will fulfil the requirements of the Equality Act 2010, including the public sector equality duty (PSED) set out in [section 149 of the Equality Act 2010](#). We are consulting on how we inspect schools (including non-association independent schools), early years, further education (FE) and skills and initial teacher education (ITE). This is our initial assessment of the equality impacts of the

proposed changes before consultation.

The PSED requires Ofsted, when exercising its functions, to have due regard to the need to:

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

We will consider any consultation responses that raise matters related to the equality impacts of our proposals. This may result in changes to the proposals, or to this assessment.

In this assessment, we use the term 'learners' to mean anyone attending school or early years, FE and skills or ITE provision. It covers children, pupils, learners and trainees. We also use the term 'providers' (of education) rather than writing out all of those we inspect, as listed above, for ease of reading.

## Proposals

Our proposals relate to 5 areas:

1. report cards
2. education inspection toolkits
3. changes to our inspection methodology
4. changes to full inspections and monitoring inspections of state-funded schools
5. how we identify state-funded schools causing concern

Alongside the consultation itself, we are publishing draft 'inspection toolkits'. These relate to all inspections in scope for the consultation. We have [included a video demonstration](#) of how we may present our inspection findings in 'report cards'.

## How the proposals may affect people in

# terms of protected characteristics and how they meet the 3 PSED aims

We have considered how the proposals in our consultation could impact on individuals or groups of people in terms of protected characteristics. We have also considered whether the proposals meet the 3 PSED aims.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnerships

The education inspection framework (EIF) aimed to promote equality, diversity and inclusion through a sharp focus on the substance of the curriculum and access to high-quality education for all learners. Through the EIF, we wanted to promote inclusive practice and remove perverse incentives around admissions and exclusions.

We identified several protected characteristics that were especially relevant to the EIF: disability, race, religion and belief, sexual orientation, gender reassignment and sex.

Our proposed reforms take the best of the EIF's current approach, such as the curriculum focus, and build on them. We want the reforms to help raise standards for all, and they will take account of all protected characteristics.

We focus on learners with special educational needs and disabilities (SEND) in the reforms, which includes those who may have the protected characteristic of disability.

The tailored, more flexible inspection approach that we are proposing better considers a provider's size, context and cohorts of learners. This means inspectors will be better able to consider various protected characteristics, including race,

religion and belief.

## **Eliminating discrimination**

Our proposed toolkits strengthen our focus on inclusion. This will help us look at how education providers tackle inequality and create inclusive environments. The toolkits aim to encourage providers to address barriers to accessing education, such as for learners who share protected characteristics. They also encourage providers to mitigate the risk of discrimination by helping all learners to succeed and thrive.

We will hold providers to account if they have policies (for example, in relation to behaviour or admissions) or practices that unlawfully discriminate, directly or indirectly, against individual learners or groups of learners who share protected characteristics.

During state-funded and independent school inspections, inspectors will evaluate whether learners are taught to understand acceptable behaviour towards each other and in wider society. Schools, FE and skills and ITE inspectors will also evaluate whether providers respond to reports of bullying and harassment in a timely and effective way.

## **Advancing equality of opportunity**

This section focuses on both the key areas that inspectors will concentrate on during inspections and the proposed changes to the inspection process itself.

We propose to focus more on inclusion and exclusive practices, such as off-rolling, in our inspections. Inspectors will evaluate and report on whether providers create an inclusive culture and whether they are welcoming of all learners. This may include disabled learners and those who share other protected characteristics.

The report cards will help providers to focus on achievement. They will include whether all learners, particularly the most disadvantaged, including those with SEND, receive the teaching, support, care and opportunities to succeed, thrive and progress to the next steps. This includes opportunities beyond the curriculum, such as access to arts, music and sport, as well as volunteering and other extra-curricular opportunities.

Building on the Department for Education's updated [attendance guidance](#), we will also focus more on attendance. We want to highlight in our reporting how well a provider supports all learners to access an inclusive education. We recognise that absence rates may be higher for pupils with SEND, for example, which may impact on providers' inclusive practices. But we will prioritise understanding whether providers' decisions are made in the best interests of learners.

The standards in the toolkits, as well as our proposed changes to our inspection methodology, will help inspectors to tailor inspection activity to each provider. We want providers to be confident that inspectors will be considerate of their context, including any specialist or alternative provision with a high proportion of learners with SEND. In doing this, we want to ensure a high-quality inspection of every provider.

We are proposing to include more data in our reporting, including on learners' characteristics – such as the proportion of learners with SEND on roll and related performance data. This will help anyone reading our report cards to better understand the experiences and outcomes of all learners at that provider. It may also reduce the risk of creating perverse incentives around admissions and exclusions.

As well as provider-level data, we are proposing to include local area data in our reporting. This would cover information about the availability and quality of other educational and care provision in the area. We want this to help parents and carers to make more informed choices, as they will be able to see the full scope of learners' experiences in the area they live. It may also help local services, government and policymakers to identify and address gaps in provision to further promote equal access to opportunities.

Our report cards will have more evaluation areas than our current inspection reports do. This will help inspectors to give a more nuanced evaluation of the quality of provision, which in turn will help all learners, parents and carers to make informed decisions about which provision may best suit their needs.

We will test report cards with relevant groups to ensure accessibility for those who share a range of protected characteristics.

So far, we have discussed the potential impact of our proposals on equality, inclusion and diversity for learners. We are also considering their impact on leaders and staff of settings we inspect, and on our inspector workforce. This is particularly important considering the greater nuance in our reporting. We want our more collaborative and supportive inspection methodology to have a positive impact on the workload and well-being of those we inspect. To check this, we will use piloting and further consultation and review.

## Fostering good relations

We aim to help foster good relations between all learners by strengthening our focus on well-being, inclusion and belonging. Inspectors will evaluate whether the provider identifies learners with SEND or with other shared protected characteristics and tackles barriers to their participation in education.

Inspectors will consider whether all learners are included in all aspects of life within the provider and are supported to access the full range of opportunities. Inspectors will hold leaders of state-funded and independent schools accountable for ensuring that bullying, harassment and discrimination are not tolerated, and that learners can recognise unacceptable behaviours and ‘call them out’. This will help to tackle prejudice and encourage better understanding between groups.

## Monitoring and evaluation

We believe that we have given full and appropriate consideration to all elements of the PSED. Our consultation process gives all stakeholders the opportunity to raise any concerns they may have in relation to the equality impacts of our proposals.

We will keep this assessment under review and may revise it in the light of the responses we receive. If we revise it, we will republish the amended version with our report on the outcome of the consultation.

[↑ Back to top](#)

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