

Thursday 28 March 2019

## ADCS response to Ofsted's Education inspection framework 2019: inspecting the substance of education

By email to: [inspection.consultation@ofsted.gov.uk](mailto:inspection.consultation@ofsted.gov.uk)

### Introduction

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to comment on the inspectorate's plans for inspecting schools from September 2019 onwards. This written submission further builds on the meeting held on Thursday 24 January between representatives of the Association and Ofsted about these draft plans.
2. The Education Inspection Framework (EIF) is described as an evolution, not a revolution, however, there are some fundamental changes to both approach and areas of focus which are explored here in more detail.

### Overview

3. Ofsted risk assesses schools in advance of inspections, taking into account multiple sources of data and factors such as attendance, exclusions, pupil mobility and complaints, as well as published data, such as exam results, in both preparatory and fieldwork activities. As such, performance data will not routinely be examined under the EIF. Whilst efforts to ease teacher workload and focus more on the substance of education are to be commended, ADCS is concerned that published data is lagged meaning inspectors may not have intelligence to hand, which could allow issues (or significant improvements) go unnoticed given the relatively short period of time inspectors have on site. Further, in years gone by when robust tracking systems were not in place inspectors relied more heavily on work sampling to gauge for progress. An unintended consequence of this could be that schools on the borderline of the Requires Improvement and Good, in particular, will seek to demonstrate progress by having significant work in books to get them over the line. This would potentially lead to more written activity by learners and therefore more marking with the potential for a negative impact on workforce supply. Ofsted should be alive to this possibility.
4. The framework's focus on meaningful learning and awareness of the narrowing of the curriculum is welcome, although there are some areas of contradiction in the draft plans. A greater focus on phonics at primary level is a given, and the draft handbook makes clear that the EBacc should be the cornerstone of the curriculum in secondary schools. ADCS members, and others, have raised concerns about eliding the EBacc with the notion of a broad and balanced curriculum. There is a perception that the EBacc has a tendency to suppress creative subjects and the acquisition of some softer skills valued by employers

e.g. communication and team work. In fact, it appears schools can't be judged good (or better) if the EBacc isn't at the heart of the curriculum. This feels like a blunt instrument.

5. Increasing the length of Section 8 inspections of good schools is sensible, this will allow inspectors to gain a better insight into the school's ethos and learning culture as well as its strengths and weaknesses. The draft EIF proposes inspectors will arrive on site in advance of the inspection to do joint preparatory work, this might curtail the small but worrying number of instances where 'problematic' pupils are bussed off site and teachers are brought in from other sites. However, ADCS members are concerned that having inspectors on site during this time will in effect create an extra day of inspection for schools. Ofsted must address this possibility before finalising the framework.
6. ADCS members support Ofsted's efforts to re-introduce the routine inspection of schools previously judged to be outstanding. The way in which schools are organised, overseen and governed has been transformed as has the curriculum at both primary and secondary levels along with support for learners with additional needs and disabilities. Funding has not kept pace with basic need and will change further still with the introduction of the Fair Funding Formula. Some outstanding schools have not been visited for a decade, this is a risky approach given this backdrop of immense change. This exception under the *Education Act (2011)* is confusing for parents and carers too, Ofsted's views are an important source of information when applying for a school place. The inspectorate's 2017/18 annual report notes hundreds of schools have not been visited for a decade, however, inspections of exempt schools can take place if their performance gives cause for concern - 149 of these schools were visited in 2017/18, 67% of which declined from their previously outstanding grade.
7. ADCS welcomes Ofsted's plans to introduce monitoring inspections for maintained schools that have been issued with an academy order, as well as academies awaiting re-brokerage. ADCS members are becoming increasingly concerned about schools being left in limbo for months or even years and the impact this uncertainty has on learner's outcomes. Conversely, schools can bring about significant improvements during this time and may not meet the criteria for mandatory conversion to academy status.

## Judgements – general and specific comments

8. The EIF judgements will change from the previous framework and the new focus on the quality of education seems helpful rather than data driven outcomes, as does the separation of pupil behaviour and attitudes from personal development. The equal weighting of all four judgements in the assignment of the overall judgement sends a clear signal about the importance of the whole educational experience at school, not simply the acquisition of qualifications.
9. Paragraph 153 notes that the final judgement on a school's overall effectiveness will take in the spiritual, moral, cultural and social development of pupils at the school and evaluate the extent to which provision meets the needs of different pupils, including those with special educational needs and disabilities (SEND). ADCS would welcome an explicit reference to the specific needs of children in care here.
10. One of the most significant changes to the EIF is the move to gauge the quality of education pupils receive via a holistic examination of intent in terms of the relevance of the curriculum, its implementation in the classroom and the impact via pupil progress. This change is also

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part of the inspectorate's attempt to de-intensify focus on performance data by focusing more on the substance of education. This is welcome. Engaging a wider group of staff in this assessment is also supported but this should include teaching assistants as well as teaching staff. Their role is not referenced in a meaningful way in the draft handbook, this seems like an obvious omission.

11. At present, the behaviour and attitudes judgement will consider how leaders and staff create a safe, calm, orderly and positive environment in the school and the impact this has on the behaviour and attitudes of pupils. There are other factors that contribute to behaviour and ADCS believes this judgement should take into consideration the support provided to pupils as well as the suitability of the curriculum, which should prepare young people to make a successful transition from adolescence to adulthood and, crucially, it should be relevant to their lives. Where this isn't the case, perhaps due to the narrowing of the subject offer, we know behaviour can quickly deteriorate.
12. The draft handbook states inspectors will gather evidence about pupils who are not in school during the inspection, including their attendance and typical behaviour. This addition is very welcome against a backdrop of year-on-year increases in exclusions and growing numbers of children and young people becoming electively home educated. If inspectors find evidence that school leaders have deliberately removed pupils, then behaviour and attitudes as well as leadership and management are likely to be judged as inadequate. Whilst we recognise that school leaders are under pressure, exclusion should not be used as a behaviour management tool because they are struggling to meet the needs of vulnerable learners whilst sustaining rapid improvement, or as a means of gaming exam outcomes. ADCS members support this position and believe it is important that inspectors routinely seek such information from local authorities.
13. The draft handbook states (paragraph 193) that inspectors will evaluate the experience of particular individuals and groups, including children in need of help and support, children in care, learners with SEND as well as pupils with mental health needs. To do this a small sample will be looked at, this is helpful but there is no reference to the local authority. Virtual school heads or SEND teams are likely to have some helpful insights to share about the progress and experience of children in care, for example. Inspectors might usefully ask to see any recent correspondence between the school, the Office of the Schools Adjudicator and the Education, Funding and Skills Agency too. Seeking to understand the impact and effectiveness of fixed-term and internal exclusion, including rates, patterns and reasons for usage is a welcome development, as are plans to offer recognition when schools are doing all they can to support pupils and avoid exclusion.
14. The leadership and management section of the handbook includes a small section on multi-academy trusts (MATs), making a clear distinction between school and trust leaders and the difference in governance at a school and MAT level. Inspection activity in recent years has lagged behind the reality of education reforms meaning there is a noticeable gap in our collective understanding about the contribution MATs make to improving children's outcomes as well as their use of public funds. A more consistent approach to assuring the work of the 1,000 or so MATs in operation is overdue as are moves to evaluate the impact of external support for improvement purposes.
15. ADCS believes there might be an opportunity under the leadership and management judgement to address concerns about standalone academies operating in isolation and the practices of some larger trusts weakening local working relationships between schools. Including references here to cooperation with or involvement in local arrangements and/or

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the strength of working relationships with the local authority and the virtual school could be helpful.

16. ADCS members note that there is no explicit reference to inclusive practice in the leadership section, this sits elsewhere, there also isn't an explicit reference to promoting equality and diversity here, although this was included in the previous framework. This seems like an obvious omission.
17. It is proposed inspectors will evaluate how well a school continues to take responsibility for pupils who attend off-site provision or other forms of alternative provision. As well as looking at the appropriateness of the setting and/or the progress pupils make, inspectors will also consider what steps leaders took to assure provision e.g. registration status, safeguarding. The final version of the handbook could helpfully reference the use of reduced or part-time timetables here too.
18. At present the draft handbook states: *"If inspectors uncover evidence that deliberate, substantial gaming is taking place, leadership and management are likely to be judged inadequate."* ADCS members would support the addition of specific references to particular groups, such as children in care or learners with SEND, given recent analysis by Ofsted showed they are more likely to be off-rolled. The handbook notes that: *"If the off-rolling is lawful, inspectors must consider the context of the off-rolling and be clear about the impact..."* This section requires further clarification to make a clearer distinction between a pupil leaving the roll in advance of moving school or becoming home educated and covert exclusionary practices.
19. Further, the draft handbook states that: *"... exclusion is a vital measure for head teachers to use."* ADCS believes exclusions and exclusionary practices should be rare and used only after all other alternatives have been fully explored. It would be helpful if this position was reflected in the final handbook. Suggested wording along the lines of: *"Exclusion is a necessary measure as the ultimate sanction available to head teachers, but this option should only be used proportionately,"* would be more appropriate.
20. Similarly, the handbook states that elective home education is not the same as off-rolling if there has been no coercion but it can be difficult to prove persuasive tactics have been employed, particularly during a short site visit. ADCS suggests inspectors should benchmark the numbers of pupils leaving a school's roll to home educate against regional averages to help them arrive at their decisions. It is also the case that parents' decisions to remove their children from school can be a response to perceived (whether justified or not) failings e.g. not addressing concerns about bullying. Inspectors therefore need to do whatever is necessary to understand what is going on and might also seek to triangulate what they are being told with the local authority given much of Ofsted's data is lagged and no national data about home education exists beyond an ADCS survey, which recently found almost 80,000 children and young people were educated at some point during 2017/18. The education system is going through a prolonged period of change and ADCS is concerned that some of our most vulnerable learners are being squeezed out as a result. We would welcome the opportunity to discuss this issue further with Ofsted.
21. Similarly, the draft handbook states that where safeguarding arrangements are deemed to be ineffective, an inadequate leadership and management judgement will likely follow. This may well be justified, safeguarding is everybody's business – but it should not be automatic as it is possible to envisage circumstances where it would not be right. Inspectors should therefore retain a degree of discretion to make the correct judgement call. Additionally, ADCS suggests the list (paragraph 244) should include an explicit

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reference to engagement with the local authority on safeguarding matters e.g. referring concerns, as well as the contribution of schools to the provision of early help and support for their pupils.

22. When launching this consultation HM Chief Inspector raised concerns about inspection adding to teacher workloads and that not enough emphasis was being placed on the content of the curriculum at all key stages, not just the outcomes of learners at key stage four. These draft plans seem to be a significant step to addressing these concerns and other issues of the day arising from a series of complex and overlapping reforms. It is clear the EIF is attempting to redress this balance.
23. Whilst the direction of travel in these reforms is appropriate, ADCS members are disappointed that they have not been taken a step further. A key short-coming of previous inspection regimes has been the inability to identify and prevent attempts by some schools to improve their position by 'gaming' outcome data. The new approach seeks to address some of this by reducing reliance on raw data, but this will not eradicate the problem, the high stakes nature of single worded judgements is at the root of this gaming.
24. The marginal decisions made between 'good' and 'requires improvement'; and, 'requires improvement' and 'special measures' are finely balanced judgements. However, the consequences of error - whether that results in complacency or being branded as failing – can damage learner's outcomes. Moving to a more nuanced and narrative approach would be fairer to all concerned and more useful as an improvement tool. It would also have the added advantage of reducing incentives for system gaming and therefore tackling those problems at source.
25. ADCS would be happy to welcome representatives from Ofsted back to a meeting of the Association's Standards, Performance and Inspection Policy Committee to discuss the points raised in this response in further detail. Please contact Katy Block, ADCS Policy Officer via [katy.block@adcs.org.uk](mailto:katy.block@adcs.org.uk) in the first instance.