

By email: outstandingexemption.consultation@education.gov.uk

Thursday 20 February 2020

Ofsted inspection: removal of the outstanding exemption

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. We welcome the opportunity to respond to the Department for Education's (DfE) consultation on the inspection of publicly funded schools, colleges and training providers previously judged to be outstanding under the provisions of the *Education Act (2011)*.
2. Parents and carers rely heavily on Ofsted's judgements in the selection of a school for their child(ren) to attend. The inspectorate's single worded judgements are broadly understood; a positive outcome is perceived to offer assurances about the quality of education provided by a particular school or college, as well as its ethos, culture and the safety and welfare of its pupils. Over time it has become increasingly clear that the exemption policy is neither well known nor well understood by parents and carers. At the time of introduction it was envisaged by the government that this move would free up school leaders to focus on improvement whilst allowing the inspectorate to focus more on poorly performing schools, however, a significant knowledge gap has opened up; some schools have not been visited for a decade, or more. It is hard to imagine this situation being replicated in any of the other settings or providers Ofsted regulates e.g. children's homes, youth custody settings or children's social care.
3. Under new clauses inserted into earlier acts of Parliament via the *Education Act (2011)*, Ofsted can visit education settings exempt from routine inspection where specific concerns have been identified via a risk assessment. According to Ofsted's most recent [annual report](#), only 16% of the 390 exempted schools re-inspected in 2018/19 remained outstanding, further a higher proportion of exempt primary schools declined than secondary schools: 87% versus 76%.
4. Approximately 1000 of the 3500 or so exempt schools have not been inspected for a decade or more. Some will have inherited their outstanding judgement from a predecessor school or college. The context within which these individual schools operate may have changed significantly over 10 years, from the leadership team and governance arrangements to the cohorts and intake. The curriculum has changed significantly over the last decade and Ofsted's frameworks have evolved too. It is right this policy is revisited.
5. Under the draft proposals it is suggested that all exempt schools and colleges are re-inspected over the next five academic years, with those that have not been visited for the longest time prioritised early on. This seems sensible. The proposal to undertake a longer Section 5 inspection rather than the shorter Section 8 inspection in such cases again seems sensible, as does the plan to return within a condensed

timeframe if weaknesses are uncovered in a previously exempt school post-inspection.

6. If there any questions or comments about this feedback or if representatives from the DfE or Ofsted would find it helpful to talk through this matter in greater details with a representative group of the Association's membership, please contact katy.block@adcs.org.uk in the first instance.

The Association of Directors of Children's Services Ltd

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