



Confederation
of School Trusts

Consultation response

Confederation of School Trusts response to Ofsted's 'Big Listen'

May 2024

Introduction

The Confederation of School Trusts (CST) is the national organisation and sector body for school trusts in England. This letter sets out CST's response to the Ofsted's 'Big Listen' consultation, opened on 8 March 2024 and closing on 31 May 2024.

CST represents 74% of all academy schools in England. This places us in a strong position to consider this issue from the viewpoint of the system's leaders in self-governing organisations (hereafter 'trusts'). CST is completely apolitical. We work with political parties and politicians across the spectrum to advance education for public benefit. It is important to emphasise that our work is 'for public benefit'. We advocate on behalf of trusts, and we strongly believe in a wider civic role for our trusts and a responsibility to act on the system itself to improve it.

We have taken the decision to respond to the consultation in writing rather than using the consultation portal because the format limits our ability to fully express our views.

Summary

1. CST welcomes The Big Listen. We acknowledge the circumstances that have led to this important consultation, including the tragic death of Ruth Perry, and a widespread sentiment across the sector that is supportive of reforming school inspection.
2. However, we also recognise there are different views within the trust sector about the shape and scale that reform should take. As the sector body for trusts, we have tried to craft a response that reflects consensus where it exists, differences of opinion, and –

The voice of school trusts

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importantly – the policy positions and thought leadership CST has already developed on matters of inspection reform.

3. Indeed, we have written extensively in recent years about inspection policy and accountability & regulation reform. Key papers include:
 - [CST Discussion Paper: Navigating uncertainty: a future direction for Ofsted?](#)
 - [CST Discussion Paper: Reforming inspection: 10 proposals](#)
 - [School improvement architecture: Building an intelligent, proportionate, and connected system of improvement](#)
 - [The schools accountability and regulatory system in England](#)
4. The Big Listen spans a range of phases and remits. As well as submitting our own response, we have encouraged members to make their own submissions.
5. Our response is structured in three sections. The first of these describes the key principles that we feel inspection reform must be mindful of in order to ensure reforms deliver for all stakeholders, especially children.
6. Section two addresses specific areas raised in The Big Listen.
7. Section three provides a short summary of the key points we wish to make.
8. Principally, as an inspectorate, Ofsted's main function is to report on education standards, as described in paragraph 118 of the Education and Inspections Act 2006 (*Functions of the Chief Inspector*). Although it is a regulator of some its remits, Ofsted is not a regulator of schools. The information it provides about schools is, however, used to inform regulatory decisions. It is also used by other stakeholders.
9. In our view, this core of function of inspection continues to be an important role in the system, though we believe it can be delivered with fewer unintended consequences. As such, we do not advocate trying to reposition Ofsted's role but rather its footprint in the system.

Principles

Managing multi-phase reform

10. We note the timing of The Big Listen. It coincides with a pre-election period. This raises the prospect of multi-phase reform, with initial reforms being made from September 2024 in response to this consultation, and further reform possible under the direction of government following the election.

11. This is a strategic challenge for Ofsted but also for schools and trusts. We know that reform can draw on system capacity, and we also know that school capacity is fragile at the current time. The point here is not to seek to limit the scope and scale of reform but rather to emphasise how important it is that Ofsted and government ensure that phases of reform are properly sequenced, coherent, well communicated and that schools are afforded the appropriate lead-in time the reform demands.

Accountability and regulation in the round

12. We also wish to emphasise how important it is to consider accountability and regulation in the round. While Ofsted is not the regulator for schools, its inspection outcomes are a tool used by regulators. This is challenging for Ofsted because the regulatory process is not within its locus of authority. However, it must nonetheless consider how its activities and outcomes support an accountability and regulation system which is proportionate, intelligent and compassionate, and effective for children.
13. The discourse around inspection reform tends to offer abundant suggestions about how inspection can be improved. However, often these are positioned as isolated reforms, bringing a risk of unintended consequence. The ability to 'see the system' and to understand and align roles and responsibilities must be the foundation upon which effective reforms are built.
14. Accordingly, we reaffirm here the call we have made previously for government to craft a clear regulatory strategy, within which the role(s) of inspection can be clarified and optimised.

Navigating uncertainty

15. We argued in our 2023 paper 'Navigating Uncertainty' that inferences made by inspectors must be carefully calibrated against the weight of the outcome of the inference. We have seen inspection practice oscillate between higher and lower inference inspection methodologies and yet the way the results of inspection have been communicated and the consequences of inspection have not always been calibrated appropriately. This has contributed to widespread concerns from the sector about the consistency of inspections. Consistency is, of course, something we should all expect from an inspection framework, however, it is arguable that particular inspection foci and methodologies of a higher inference nature may inherently lead to less consistency between inspections. It may be that such a position is tolerable if the insight gained from such a practice is, on balance, helpful to stakeholders. However, the certainty with which we present and describe inspection outcomes should closely match the certainty and consistency of the methods of inspection.

Specific areas raised in the Big Listen

Schools

Priority 1: Reporting

16. As Ofsted notes in the consultation documentation, reports are intended to work for multiple audiences. Primarily, we believe the report must serve two main functions, as reflected in Ofsted's remit and HMCI's responsibilities in law.

Reporting that supports regulation

17. Firstly, as prescribed in law, Ofsted must provide government, and therefore the public, with an appropriate level of assurance around the quality of education in the school system. School reports (which could encompass a range of phenomena and conceptions of quality which we do not seek to define here) are an important part of this. We do not believe this must be delivered through the current system of single-phrase judgements. This is not required in law, and as we note above it may be that some aspects of evaluation do not lend themselves to valid and reliable graded judgements. This is why we have previously called for a review of the current system of grading.
18. However, in line with the principle outlined above, it seems reasonable for government acting as the regulator to use the findings of inspection to inform regulatory decision making, including 'hard' and 'soft' forms of intervention. For this reason, we believe the question of reporting is, from a regulatory perspective, more complex than whether or not there should be 'clear judgements': the purpose(s) of such judgements would surely play a role in determining their shape.
19. So, it may be better to start from first principles and build from there. Among the questions that might be explored are 'what information do regulators need from inspection in order to make the best decisions'? We are not convinced this requires the current system of graded judgements, although it could require some indicator from inspectors when they encounter schools that need additional support or significant intervention. Some have suggested inspection should provide an indicator to this effect, possibly creating some sort of binary 'judgement'. We do not specifically propose that here but point to it as an illustration that the current system of graded judgements is not inevitable and sensible reform should be explored.

Reporting that supports parents

20. Another primary audience for reports is parents, for whom inspection reports are intended to be one source of information to support school choice.

21. We would, however, make a few observations on this matter. Firstly, as noted above, it is not clear that this requires a graded judgement. Indeed, some evidence suggests parental use of graded judgements is much less significant than previously thought.
22. Secondly, the system-level design of inspection must weigh how far the benefits of having 'clear judgements' might be dwarfed by the risk of invalid or unreliable judgements, thus reducing the quality of information parents are using in any case.
23. Thirdly, one risk of the current paradigm of inspection is that it implies Ofsted is the 'last word' on the range of areas upon which it makes graded judgements. The clarity of the judgement runs the risk of implying certainty in the absolute and continuing nature of that judgement, as and until the next inspection takes place – which could be four years later. The understanding that inspection is a snapshot in time and differing interpretations could be made risks being lost when we privilege 'clear judgement' over all else. It may be that a more sophisticated approach to inspection outcomes encourages and supports parents to be curious about schools in their area, to build relationships with those schools, and to use the important but transient findings of inspection in a cautiously informed way (while not ignoring the point made above about the needs of regulators).

Reporting that supports schools

24. A third rationale for inspection reporting that is frequently cited is school improvement. While we agree with many leaders who say the process of inspection can be a useful aid to interrogate, understand and improve the quality of a school's provision, we believe caution is needed in this area.
25. Firstly, we believe there is risk in expecting Ofsted inspectors to offer a full and accurate diagnosis of a school's improvement priorities in the limited time in which schools are engaged in inspection: two days every four years for most schools.
26. We must be careful not to erode the professionalism of leaders and teachers by undervaluing the importance of their ongoing interrogation of school quality outside of the inspection cycle. Many schools and trusts have sophisticated and carefully calibrated approaches to understanding school improvement needs, with the responsibility for this falling, rightly, on the responsible body. We should be cautious about undermining this work by imagining Ofsted as a school improver rather than an inspectorate.
27. Of course, it may be that insights from inspection are useful to school improvers, but this is secondary outcome and should not be the main driver of inspection practice.

Reporting on school groups

28. Finally, we wish to comment on the question of whether Ofsted should report on the 'performance of the wider group'.
29. We acknowledge the movement towards trust inspection is inevitable and many within the sector are warm to the notion. However, it is not straightforward and must be designed and delivered very carefully in order to avoid the sort of unintended consequences that are now being addressed in relation to school inspection.
30. It is important that a move towards group inspection is enacted across the range of school group types and not only school trusts. Trusts are already highly accountable through school level inspection, performance tables at school and trust level, ESFA regulation, annual accounting practices and more. So Ofsted and government should, in our view, be clear that inspection of trusts is not driven by a deficit in accountability but is more about additional insight. Accordingly, the same additional insight should be provided into other school groups so as to facilitate learning about the affordances of such group types.

Purpose

31. As we said in our 2023 paper, 'School improvement architecture', it is important to be clear about the purposes inspection is serving. While it might be the case that inspections of school groups are working towards the same purposes as school level inspection, this should not be assumed.
32. One of the reasons school inspection exists is to support parental choice, as explored above. However, it is not clear that parental choice takes account of school groups in the same way.
33. Ofsted is legally responsible for reporting on school quality to parliament. Currently, there is no similar responsibility for school groups. It is plausible that such a requirement could be placed on Ofsted by government in the future, but the nature of that responsibility – and the consequences that flow from it – could be different.
34. Although the trust and the school are a single entity, this does not mean that, from the perspective of inspection, the school is the same unit of analysis as the school group; the practices that inspection of a group would observe, and the methodology it uses, may be different to that of a single school. Therefore, to assume group inspection would follow the same practices and purposes as school inspection risks being a category error. Consequently, the two need to be considered alongside one another in a coherent way.
35. Given the theory of change underpinning the expansion of school trusts was that failing schools could be sponsored/re-brokered into organisations with the capacity to improve

the school, it seems reasonable to assume that one legitimate role of group inspection is to provide useful information to regulators, particularly in relation to their capacity to improve schools.

36. It is foreseeable that in certain instances this may lead to 'hard' or 'soft' intervention in the interests of children in those schools. While interventions are not determined by Ofsted, as argued above in relation to school inspection, it is important that inspection and regulation are properly calibrated so inspection provides the right information in a way that is proportionate and compassionate.
37. Another possible purpose for group inspection sometimes cited is to *support* improvement. But as explored above, this point requires careful consideration: Ofsted is not itself an improvement body. Nor should it be.
38. As we wrote last year, regarding school inspection, "mixing inspection and school improvement blurs the lines of accountability, undermines the independent stance necessary for impartial inspection and risks wresting agency for school improvement away from the very people best placed to enact it: school leaders."
39. The same point holds true for inspection of groups. Ofsted's insights can serve to support improvement, either through signalling to regulators (as explained above), and through providing school and group leaders with insights into the quality of the provision, from which improvement activity can grow. But the responsibility to set and implement that improvement agenda does not belong to inspectors. It is essential we maintain this boundary.
40. Ofsted should hold onto the notion of it being a 'force for improvement' but not a direct improver – and apply this same principle to group inspection.

Adding value, not burden

41. It should not be assumed that Ofsted inspection of groups necessarily requires some sort of 'overall' or 'average' view of quality in the group's schools. Such a position is potentially problematic.
42. We already know from research that within-school variation can be significant. Given there is likely to be variation within a group too, particularly one at scale, there is a risk that seeking an 'average' of quality at scale flattens out detail and disguises nuance. It can also shape behaviours in unintended ways by creating thresholds of performance which distort practices, for example by disincentivising trusts from taking on challenging schools.
43. Furthermore, aggregation potentially raises the prospect of conflict between group level and school level evaluations: a group judged to be of a particular standard (not necessarily through graded judgements), while a number of its constituent schools are judged less

favourably. Or vice versa. If the point of a school group is to be more than the sum of its parts we must be mindful of not reducing it to that through inspection.

44. Ofsted and government must also be wary of adding additional burden to schools and trusts. The accountability system is also seen by many as a significant driver of burden in the system. Accordingly, it will be important to consider where burden can be reduced in order to offset any new requirements of group inspection.
45. Some of this risk could be negated if government were to cease inspections of individual schools, but at the current time this does not feel like a political reality in England.
46. If, as we believe, the potential value of group inspection is to reveal additional insight beyond that which can be seen in school level inspection and data sets, it is important to inspect and understand facets of educational quality that sit beneath and potentially impact on the quality experienced by children across the group's schools.
47. As we said in 'School Improvement Architecture', *"one area where trust inspection might add meaningful additional insight is in relation to trusts' capacity for school improvement. This area is pertinent to trust improvement and school quality but also to commissioning decisions made by Department for Education regional directors. Therefore, it would make sense to make capacity for school improvement a primary focus of trust inspection."*

Working with the sector

48. In order to draw inferences about quality, there must be some underlying conception of quality.
49. Given the potential stakes attached to public accountability, and in order to provide a sense of natural justice, it is important this conception of quality is communicated explicitly, particularly to those undergoing evaluation.
50. Moreover, in order to carry the confidence of stakeholders, it is important for the *basis* of the conception of quality to be made clear so that the evidence, values and assumptions underlying it can be understood and exposed to scrutiny.
51. This is not, however, straightforward in relation to school groups. The evidence base about effective group practices is still maturing. It is vital that Ofsted does not go beyond what can be evidenced or it risks inadvertently encouraging poor practices.
52. The expertise that exists in relation to trust practices exists within the sector itself. As such, the conception of quality must be emergent from the sector itself rather than imposed by Ofsted.
53. We strongly encourage Ofsted to ensure it works with the sector, across its range of approaches, scales and geographies, as it carefully builds an approach to group inspection over time. Time should be taken to grow understanding and build evidence of effective group practices. Therefore, inspection of groups is not something that should be rushed.

Logistical considerations

54. We are not convinced that Ofsted currently has the workforce with the expertise and legitimacy to inspect groups, especially school trusts. Recruiting inspectors with experience of working in senior positions in school groups might be challenging.

Priority 2: Inspection practice

55. As discussed above, the question of consistency follows from the degree of inference involved in the foci of inspections. While consistency is inarguably a desirable feature, a risk in privileging it above all else is that it could lead to inspection frameworks that draw heavily on low inference evidence, such as test data.

56. Accordingly, we believe the issue of consistency must be looked at alongside another dimension: the consequences of inspection.

57. As [argued](#) by Bokhove, Jerrim & Sims, it may be that the issue of consistency is most important at the point where inspection outcomes indicate some sort of consequence for the school (such as special measures): *"Given the consequences of receiving an Inadequate judgement, almost any variation across inspectors in reaching this decision might well be considered a problem."*

58. With regards to the significant majority of schools which do not require intervention, it may be that a move away from the current grading system takes some of the heat out of the perennial question of inspection consistency.

59. There are differing views in the sector about whether there should be separate frameworks for the different school types and phases.

60. It is important that inspectors have sufficient time to deliver a high-quality inspection. However, this does not necessarily mean that inspections should be made longer. It may be as important to ensure that the scope of inspection is deliverable within the available time.

61. Either way, we have received feedback from members who feel the current inspection framework is too large in scope to deliver within the current two-day methodology, especially for section 8 inspections. The recent announcement to remove deep dives from section 8 inspections may be helpful in that regard and should be evaluated accordingly.

62. Inspection should be appropriately sensitive to context. As trust leaders will attest, this should not be about accepting lower standards of education in schools in disadvantaged communities. However, there is not always a straight line between inputs and outputs in a way that can be easily understood through a universal inspection system. As such, it is plausible that context mediates between inputs and outputs in a way that complicates the view of quality. This may be particularly problematic where the risk of adverse

judgements has a detrimental impact on matters like teacher recruitment or the willingness of trusts to take on challenging schools. Such risks may be mitigated by adopting a more tentative and exploratory stance in aspects of the framework where this complexity is most problematic (as argued above).

63. There are differing views about how much notice schools and trusts should receive about an inspection. It is likely there is an interaction here with the consistency and stakes of inspection. Reducing some of these pressures may mean that leaders welcome a particular notice period. In any case, it seems to us that in a system where schools are being run for children rather than inspectors, and where accountability is proportionate and compassionate, that a relatively short notice period is probably most appropriate. This may be a matter of days rather than weeks or months, but we think more work needs to be done to understand the sentiment of leaders. We are hopeful the Big Listen will help with this.

Priority 3: Impact

64. As outlined above, Ofsted plays an important role in public accountability for the quality of education in schools. In our view, this includes using inspection as an instrument to gather assurance about the safety of pupils in schools as well.
65. It seems to be the case that the pressures of the accountability system, which includes but is not limited to inspection, have played a role in the off-rolling of pupils in some instances. However, we make a couple of supplementary points.
66. It seems likely that a high stakes accountability system has played a part in off-rolling, but it must also be acknowledged that many leaders who have operated within the same system have not resorted to this practice. Accordingly, we must be mindful of addressing this issue effectively while not undermining the public confidence in schools, because, based on the inspectorate's own assessment of schools, it seems the great majority of schools have not engaged in off-rolling.
67. It is not clear how, if at all, the accountability system and Ofsted itself have contributed to exclusions. We believe that headteachers take the decision to exclude very seriously and generally with great reluctance. Such decisions are accompanied by appropriate oversight and appeals processes.
68. Similarly, it is not clear that inspection has played a role at system level in encouraging schools to avoid excluding children who otherwise would have been and thus placing other children at risk.

69. On both points regarding exclusion, we believe more evidence is required in order to confidently move beyond anecdote. It may be that the Big Listen and Ofsted's accompanying work contributes to this. We would also welcome other research on this topic from independent high-quality researchers.
70. It seems plausible that inspection findings over time can provide insight into the overall quality of education in the school system. However, this is not always straightforward. In part this is because inspection frameworks tend to be changed or replaced, meaning it can be challenging to make cause-effect comparisons. It's also because, as explored above, there are questions over the validity and reliability of inspection judgements.
71. Grading itself can be directly influenced by policy reform. For example, in 2019 Ofsted's decision to change how outstanding grades were achieved (moving from best fit to secure fit) meant that there would be fewer outstanding grades. We can make similar observations about the replacement of satisfactory with requires improvement.
72. It may be that other evidence, such as PISA scores or national reference tests, if used with appropriate caution, are a better indicator of system improvement over time, or can be used to sense-check observations drawn from aggregate inspection outcomes.
73. However, Ofsted's insights beyond grading alone can be useful to the system. For example, the synthesis of subject level practice across the system is potentially something that Ofsted alone can provide.
74. On the issue of group inspection, please refer to paragraphs 27-53 above.

Priority 4: Culture

75. As we argued in our paper 'CST Discussion Paper: Reforming inspection: 10 proposals', we believe culture should be a significant focus of inspection reform.
76. In particular, we remain concerned about the conduct of a minority of inspectors who engage with leaders in a way that can be dismissive or insensitive. We recognise the work Ofsted has done to improve this, but we think there is more to do.
77. A particular area that concerns us is the tendency for inspections to follow a pattern that is, according to leaders, quite common. This pattern sees inspectors taking a particularly sceptical or critical stance in relation to relatively insecure or contestable evidence on day one, only for these issues to disappear on day two. It seems to us that this is, in part, down to inspectors' desire to demonstrate they've followed a rigorous process.
78. We've heard from a number of leaders who tell us that at the end of day one inspectors have revealed that a particular issue *could* lead to an unfavourable judgement. They often

describe a 'sucking through the teeth' moment where inspectors appear unduly sceptical & critical, indicating the possibility of a difficult outcome.

79. More often than not the apparent issue is resolved on day two and a good or better outcome is achieved by the school. But leaders describe a peak of anxiety overnight that they feel, in retrospect, was avoidable in many cases.
80. In part the reason for this may be because the handbook requires, with the best of intent, that inspectors alert leaders to the risk of an unfavourable judgement as soon as possible. And we know that leaders value this as to do otherwise runs the risk that they don't have sufficient time and awareness to address lines of inquiry.
81. However, given most schools go on to achieve a good or better grade at the end of day two, there may be more Ofsted can do to work with inspectors to avoid a culture of inspection which leans into an undue sense of jeopardy as a proxy for rigour.
82. This point also interacts with the broader question of graded judgements, which in itself may play a role in shaping the culture of the inspectorate.
83. We also highlight the role that complaints handling is likely to have in reforming Ofsted's culture, and the way its culture makes contact with the sectors it inspects. There are two aspects to this: how Ofsted deals with complaints schools and trusts make about its inspections and how Ofsted handles complaints made about schools.
84. On the first point, we acknowledge Ofsted's recent work to consult on and improve how it handles complaints from schools. However, we remain concerned that the process does not seem to have external oversight with the ability to affect an unreasonable or insecure judgement.
85. On the second point, we acknowledge that how the system handles complaints about schools is an issue broader than Ofsted alone, but it is right that we register here in the Big Listen our significant concern about the increasing burden that complaints are placing on schools and trusts. By Ofsted's own data it is clear to see that complaints made about schools to the inspectorate were rising before the pandemic and have risen rapidly since. This problem is compounded by overlapping responsibilities between inspectors, regulators and local authorities, meaning that schools are sometimes fielding the same complaint through multiple channels. This is not only inefficient and a driver of workload but also of stress in the system. We would urge Ofsted, government, and other bodies with a role in relation to complaints about schools, to develop a system for complaints handling that is clear to navigate for parents and others, and minimises unnecessary bureaucracy and duplication for schools and trusts.

Wellbeing

86. We, like many others, have been concerned about the impact of inspection on the wellbeing of teachers and leaders. We have made the case that trusts as employers have an important role and responsibility in ensuring the trust is a protective structure that serves to support leaders before, during and after inspections. But we also recognise that addressing the wellbeing issues relating to inspection will require work from Ofsted and government too. The stress of inspection should not be a reason why leaders and teachers leave the profession. It is important we use this moment to come together and craft an approach to inspection that is proportionate, compassionate and intelligent.

Safeguarding

A separate judgement?

87. We believe it could be helpful to provide a separate judgement about safeguarding.
88. It is important to remember Ofsted already does this through a written statement that indicates whether safeguarding is effective or not, so in some ways this would not be a huge change. But the key advantage of having a separate safeguarding judgement may be that this allows for the leadership and management judgement to work independently, potentially allowing for more nuanced reflections of school quality.
89. Although, there is a question about how stakeholders would make sense of, for example, a school that was judged good for leadership and management and overall effectiveness but judged not to be effective at safeguarding. Can a school that is not effective for safeguarding be judged good overall? As the Big Listen documentation notes, "A safeguarding judgement would likely still inform the overall judgement, as protecting children from serious harm is so important."
90. Ofsted has done some important work in recent months to explore and take account of instances where minor safeguarding issues are identified but they can be addressed immediately, or cases where there are issues that aren't resolved by the end of the inspection but a follow up inspection takes place quite soon after, allowing improvements to be reflected. In moving towards a separate judgement for safeguarding, it will be important to ensure the intention behind these changes is not lost: balancing clear reporting to stakeholders with the reduction of high stakes 'cliff edges' where possible.
91. It is unlikely that a safeguarding judgement will be able to sustain valid and reliable differentiation between 'outstanding', 'good', 'requires improvement' and 'inadequate'. It seems most plausible that it would be a binary judgement that indicates to stakeholders

whether safeguarding is deemed effective or not. It will be interesting to see how stakeholders respond to a binary sub-judgement, and it is plausible there is an interaction here with the wider question of graded judgements. Again, we are not specifically calling here for binary judgements but indicating that the current system of single-phrase judgements is not inevitable and as such should not be 'off limits' if sensible reform could be beneficial.

Frequency of safeguarding inspections

92. CST agrees with the assertion that safeguarding is of vital importance.
93. We note that there appears to be some support in the system for more regular oversight of safeguarding in schools. However, we believe there are challenges and risks that must be thought through and mitigated if such an approach is to be improvement on the current system. It should also be remembered that the nature and quality of that oversight is likely to be more important than its frequency.
94. For example, some have argued the 'Everyone's invited' issue that took place a few years ago would have been spotted sooner had there been more frequent safeguarding inspections in schools. But that misses the fact that Ofsted was conducting inspections in schools throughout this time, in which every inspection explored safeguarding. Simply having inspectors in schools is not a guarantee that complex social phenomena will be identified at the soonest possible moment or that frequent inspection will in and of itself drive standards. This is reflected in William Edwards Deming's argument that we should "cease dependence on inspection to achieve quality." This is, of course, not an argument against inspection per se, but it is warning that there is not a straight line between inspection frequency and improved standards.
95. We have some concerns that the additional burden more regular visits by inspectors might place on schools. While a safeguarding inspection might be relatively slim compared to a standard inspection, this raises two issues. Firstly, does a light touch methodology provide the additional assurance this policy would surely be aiming for? Secondly, would there remain the potential for inspectors who enter the school to conduct a safeguarding inspection to convert (immediately or later) to a full inspection? If so, it is plausible this could add to leaders' burden and anxiety. This runs contrary to the belief many seem to hold that inspecting safeguarding separately will necessarily dial down the pressure on leaders because standard inspections will be less high stakes. In our view, the stakes of inspection are more to do with the outcomes and consequences of inspection and, as we have argued above, these should be considered in any case. Simply moving to inspect safeguarding more regularly but within the current paradigm of

inspection grades and consequences may exacerbate rather than reduce pressure on schools and leaders.

96. There is also a question about cost. Ofsted's current inspection outcomes do not currently indicate a 'burning platform' that children are systematically unsafe in England's schools. So, any move towards more regular safeguarding inspection should weigh carefully the additional value such an investment would have.
97. However, while CST is cautious about the merits of this approach, we also make the following additional points:
98. If safeguarding is to be inspected more regularly it is important to establish clear roles and responsibilities. While some people have suggested local authorities could undertake annual safeguarding inspections, we would suggest a reframing of this position is required: one that recognises the role of local authorities in supporting safeguarding but also recognises local authorities cannot themselves be an inspectorate.
99. Local authorities hold certain statutory responsibilities in relation to safeguarding and therefore play an important role in ensuring appropriate safeguarding takes place. It could be fruitful to think about how this role can be undertaken most effectively. However, it is not an inspection role and as such it would be inappropriate to frame local authorities as 'inspectors' of school safeguarding. Having local authorities run inspections, presumably with potential consequences for schools, while also being the responsible body for those schools would be a clear conflict of interest. Knowingly building such a conflict of interest into the system would present a risk to children and we strongly caution against it.
100. It should also be noted that Ofsted does hold expertise in relation to inspecting safeguarding in school settings.
101. Given Ofsted is the independent inspectorate, and it would be costly to establish an alternative body, it is clear to us that Ofsted is the only body which could perform an 'inspection' function in relation to safeguarding. Although it may be plausible for such a role to draw more on local insights than is currently the case, perhaps taking account of local authority or school trust audits. And it may be that Ofsted could work more closely with local authorities to understand and monitor how they enact their responsibilities, adding to greater assurance at system level without casting local authorities or some other body in the role of inspector.
102. While we have expressed reservations about a move towards more regular safeguarding inspection, this is less because we outright oppose this policy and more because we believe thinking on this policy question can be sharper. As we set out above, we believe that accountability and regulation need to be viewed in the round and must be

carefully calibrated in order to avoid unintended consequence. We worry that the question of safeguarding inspection has been considered in the professional discourse primarily as a methodological matter and not sufficiently through a regulatory lens.

103. We stand ready to work with Ofsted and government to explore how a more regular approach to safeguarding inspection can be designed that is proportionate for leaders, schools and trusts, and accordant with effective regulation.
104. This issue should be looked at alongside the question explored above in relation to the inspection of school groups. These instruments must work coherently together rather be layered on top of one another.

Reinspecting safeguarding

105. We are supportive in principle of the changes Ofsted has been recently to be able to rapidly reinspect some schools where safeguarding has been deemed ineffective. We hope there will be a thorough review of how this approach is working so that it may be improved as necessary.
106. There is also work for government to do to consider how this approach coheres with existing arrangements regarding the sponsorship and re-brokering of such schools.

Pause Policy

107. We are supportive in principle of the changes Ofsted has been recently to be able to pause inspections in certain circumstances. We have, however, received one or two pieces of feedback from trust leaders who have had negative experiences of the new policy. We believe there should be a thorough review of how this approach is working, and how it has been received by leaders, so that it may be improved as necessary.

SEND & AP

108. The points we made above about reporting also apply to SEND & AP settings.
109. In terms of inspection practice, some members in special and AP settings tell us they are concerned that inspectors in their settings do not sufficiently understand the context. In part this seems to be because many inspectors do not have experience of working in or leading these settings. We recognise this is a challenge for Ofsted to address but believe there should be a strategy to address how this issue can be addressed and/or mitigated.
110. Data for small cohorts is notoriously problematic to take account of in accountability frameworks. Furthermore, children in SEND & AP settings may have specific needs which mean comparisons with other groups of children are less relevant and meaningful. For

these reasons it is right that inspectors are very cautious about how they use achievement data.

111. In terms of impact, we agree that, as with mainstream schools, Ofsted plays an important role in providing assurance around the safety and quality of education in SEND & AP settings. However, in this remit in particular it is important that inspection understands and takes account of the local and systemic challenges that many settings face, which can include but is not limited to the availability of; funding; specialist staff; support from other agencies and local partnerships.
112. It may be that insights from inspection can play a bigger role in helping policy makers to understand such issues and enact local and national policy to ensure the best possible provision for our most vulnerable children.
113. The points we made above in relation to culture also apply to SEND & AP settings.

Conclusion

114. We are pleased to be able to offer these points in response to the Big Listen consultation.
115. We recognise that inspection policy and practice on the ground often exists in a space of tension, seeking to find the best balance of a range of competing aims and pressures. It is clear to us that currently this balance is not right and we welcome the apparent intention from Ofsted to deliver reform.
116. As noted above, it seems likely the Big Listen will form part of, but not the only, opportunity for change. The prospect of a general election running shortly after, or during, this period of reform is clearly a complicating factor but it is one we must all understand and take account of so that meaningful and beneficial reform can be delivered for all stakeholders.
117. There are clearly many leaders and teachers who are bruised by previous experiences and anxious about future ones. Listening to these lived experiences and factoring them into reform is vital. It is in nobody's interest for inspection to be held low esteem.
118. However, it is not in children's interest to undermine the important contribution a high-quality inspection system can make to the education system. There are, regrettably, situations when inspection is the canary in the mine where standards are simply unacceptably low – the standards we would not accept for our own children. We owe it children not to lose sight of this.

119. We close with the reflection that it is rarely the case that constructive and meaningful solutions are found by casting people in the roles of 'goodies' and 'baddies'. We are fortunate to have schools and trusts that are stocked with excellent professionals. So too is Ofsted. Indeed, in many cases these are the same people. Improvement in inspection practice and culture will only grow where we find mutual understanding and common ground: our collective mission to improve the lives of children and to support the professionals who do this. We hope the Big Listen and reforms that follow embody this.

Steve Rollett
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About the Confederation of School Trusts

The Confederation of School Trusts is the sector body and national organisation for school trusts, with more than three million children educated in our member schools and academy trusts. We help shape the education policy agenda by speaking on their behalf, bringing together frontline education experts from across the country. We work to drive real, strategic, change for education on the big issues that matter most.