

Reforming inspection: 10 proposals

Purpose of this discussion paper

In January 2023 CST published a discussion paper, [‘Navigating uncertainty: a future direction for Ofsted’](#). We set out some key concepts that inspection must navigate, including autonomy and control, validity and reliability, and inference and consistency.

In this paper we build on this initial conceptual framing to offer some policy ideas which might be considered in relation to inspection. Again, these are offered as a stimulus for discussion at this stage rather than being firm CST positions.

Summary of proposals

1. Government should work with the range of stakeholders and the inspectorate to consider how the complexity of school quality and performance can be captured more effectively and with more sophistication. This could include a new online portal for school quality and performance to be explored, treating parents, schools and the state as partners in the process.
2. Ofsted should urgently commission research into the validity and reliability of its inspection framework.
3. There should be a comprehensive review of the current grading system, in conjunction with proposals 1 and 2 above.
4. Ofsted should provide reassurance to stakeholders who are concerned that pupil achievement is underplayed in some inspections by making clearer how the inspection methodology includes the use of achievement data.
5. Ofsted should periodically review and publish an analysis of the relationship between achievement data and inspection outcomes.
6. Ofsted should calibrate the pace and scope of its curriculum publications with the capacity issues schools are facing in a post-pandemic world.
7. Care should be taken to sufficiently insulate Ofsted’s observations about the quality of curriculum at scale from its inspection practice on the ground, so that very specific aspects of curriculum design in schools don’t inappropriately determine inspection outcomes.
8. Ofsted should publish its curriculum aide-memoirs.
9. Ofsted’s complaints process should be improved, including an independent oversight with the capacity to re-open inspection judgements in appropriate circumstances.
10. Ofsted should provide clearer and more consistent engagement with trust staff, positioning them as part of the school rather than something external. This should be more clearly described in the handbook.

See below for a supporting explanation for these proposals.

Re-frame reporting of inspection outcomes within a broader and more sophisticated narrative of school quality

The government's changes to performance tables in 2022 represented a welcome and symbolic shift towards a more sophisticated way of understanding school performance. By dropping the language of 'Find and Compare Schools' in favour of '[Find and Check](#)' performance, the government acknowledged that direct comparisons between schools can be unhelpful or misleading. It also represented a shift towards an understanding that parents should be spoken *with* about school quality – rather than spoke *at*. That is to say that parents should be provided with a range of information and supported to reach their views rather than the state risk patronising, and possibly misleading, parents by generating overly simplistic or invalid views of school quality.

The same principle should be applied to the positioning of inspection outcomes. Recent [research](#) from Public First is instructive here as it demonstrates that while some parents do use Ofsted judgements to form views of schools, they tend to lean more on other forms of information too. So, a conception of inspection outcomes that assumes this is the 'last word' on school quality is potentially flawed. It also risks driving distorting behaviours in schools. A more nuanced and mature understanding of school performance is required, and the changes made to performance tables in 2022 provide a direction of travel. Inspections are a 'snapshot' taken at a particular moment in time and care should be taken to position them as such, alongside other information.

Proposal 1: Government should work with the range of stakeholders and the inspectorate to consider how the complexity of school quality and performance can be captured more effectively and with more sophistication. This could include a new online portal for school quality and performance to be explored, treating parents, schools and the state as partners in the process.

Urgently commission research into reliability and validity of inspection

The recent [research](#) paper from Bokhove, Sims and Jerrim raises important questions about the reliability of inspection outcomes. The paper calls for more research to be undertaken in this area, in line with the commitments Ofsted made previously. This research should be carried out urgently.

With a new HMCI due to start in January 2024, and the potential of changes to inspection as a result, it is important this research is carried out in order that any changes are evidence-informed. While one option would be to wait for the new HMCI to take post, starting the research programme at this point unnecessarily delays the insight gleaned from the research and risks perpetuating any issues – or reassurance – that might be identified for longer than necessary.

This research can then be viewed alongside other work being carried out independently, such as that by Bokhove et al, and used to inform future inspection policy.

Proposal 2: Ofsted should urgently commission research into the validity and reliability of its inspection framework.

Review the effectiveness of the current grading system

88% of schools are currently judged good or better. This is a good news story for the education system and is testament to the hard work of teachers, leaders and support staff, as well as those responsible for governance. As acknowledged in the government's [White Paper](#), it is also in part due to the work of school trusts in reforming the quality of education in areas where there were long term weaknesses.

Given the stronger footing the school system is on, and the development of a clearer and more effective regulatory system, it is the right time for government to review whether the cost/benefit trade-off of its current approach to grading is right.

The [legal position](#), as set out in **Section 5 of the Education Act 2005** is that:

(1) It is the duty of the Chief Inspector—

(a) to inspect under this section every school in England to which this section applies, at such intervals as may be prescribed, and

(b) when the inspection has been completed, to make a report of the inspection in writing.

(5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on the quality of education provided in the school.

(5A) The Chief Inspector's report under subsection (5) must in particular cover—

(a) the achievement of pupils at the school;

(b) the quality of teaching in the school;

(c) the quality of the leadership in and management of the school;

(d) the behaviour and safety of pupils at the school.

(5B) In reporting under subsection (5), the Chief Inspector must consider—

(a) the spiritual, moral, social and cultural development of pupils at the school;

(b) the extent to which the education provided at the school meets the needs of the range of pupils at the school, and in particular the needs of—

(i) pupils who have a disability for the purposes of the Equality Act 2010, and

(ii) pupils who have special educational needs.

This wording requires only that Ofsted **reports** on the areas outlined above. It does not specify the nature of that report and does not require the particular approach to graded judgements currently in place. This means there is freedom within existing legislation for grading to be reformed if appropriate.

One duty on Ofsted which is prescribed in law is that inspections must report where a school is ‘causing concern’ and requires special measures or requires ‘significant improvement’. These are effectively the basis upon which Inadequate judgements are issued. The duty to report is described as follows:

(3a) Must without delay give a notice in writing, stating that the case falls within paragraph (a) or (b) of subsection (1)—

(i) to the Secretary of State,

*(ii) in the case of a maintained school, to the **[F1]**local authority], and*

(iii) in the case of any other school, to the proprietor of the school, and

(b) he must state his opinion in the report of the inspection.

This means, as it stands, inspection **must** identify such schools. In effect, even if grading (outstanding/good/requires improvement/inadequate) were completely removed, the identification of schools causing concern would continue to be a de facto grading of schools in any case. Therefore, arguably, the focus of grading reform may be less about removing all grades and more about focusing the use of grades where it is most necessary and most valid and reliable. One interpretation of this would be to reduce grading to a binary grade, where the lower of the two is reserved only for those schools causing concern, which are also those that require regulatory intervention. Given the high stakes of such a judgement, this would require an inspection methodology which has high validity and reliability. Arguably, for all other schools, which are not causing concern (in the legal definition), and for which regulatory intervention is not required, a different grading system could be used or grading could be removed.

While this might feel like a loss of information for stakeholders, this depends on whether such information is valid and reliable in any case – which further supports the call for research made above. Furthermore, it may be that other information could be used to support stakeholders form views about schools that are not causing concern.

It is worth noting that because Ofsted grades are part of wider system infrastructure, this sort of change would require policy work from Ofsted and the Department of Education to achieve, the first stage of which should be a review of the current grading system.

Proposal 3: There should be a comprehensive review of the current grading system, in conjunction with proposals 1 and 2 above.

Ensure suitability and stability in the conception of quality

The Education Inspection Framework was designed to complement and offer a different insight to that provided by performance data. In line with proposal 1, this is broadly the right principle and there should not be a dramatic ‘pendulum swing’ away from this focus. However, there are some points that require consideration:

Proposal 4: Ofsted should provide reassurance to stakeholders who are concerned that pupil achievement is underplayed in some inspections by making clearer how the inspection methodology includes the use of achievement data.

Proposal 5: Ofsted should periodically review and publish an analysis of the relationship between achievement data and inspection outcomes.

While we support Ofsted's work to deepen understanding of curriculum through literature reviews and 'state of the nation' subject reports, this activity can develop a momentum of its own. There is obviously a balance to be struck here between Ofsted needing to construct a conception of quality in order to do its work but avoiding do so in a way that is too narrow, too prescriptive, or which is perceived as being unrealistic on the ground. There is also a potential inequity in the system caused by inspectors who also work in schools having access to Ofsted's aide-memoirs but those schools without serving inspectors on the staff being unable to read these and thus feeling they don't have the same insight into Ofsted's conception of quality. There are risks in doing so, but on balance publishing these feels like the more transparent option.

Proposal 6: Ofsted should calibrate the pace and scope of its curriculum publications with the capacity issues schools are facing in a post-pandemic world.

Proposal 7: Care should be taken to sufficiently insulate Ofsted's observations about the quality of curriculum at scale from its inspection practice on the ground, so that very specific aspects of curriculum design in schools don't inappropriately determine inspection outcomes.

Proposal 8: Ofsted should publish its curriculum aide-memoirs.

The complaints process should be reformed to include independent oversight with the power to impact on insecure judgements

Ofsted's complaints process is perceived by many leaders to be ineffective. Some doubt whether complaints will be upheld at stage two and beyond that many feel the process is pointless because there is no opportunity to impact on the judgement itself. Steps need to be taken to allow for an appeal after stage two with the power to re-open the judgement in appropriate circumstances. This is particularly important given the points we set out in our paper '[Navigating uncertainty: a future direction for Ofsted](#)', which emphasises that high inference models of inspection can be hard to implement with a high degree of reliability. Ensuring there is a fairer complaints process is one way of mitigating this.

Proposal 9: Ofsted's complaints process should be improved, including an independent oversight with the capacity to re-open inspection judgements in appropriate circumstances.

Inspection practice should more explicitly and consistently situate schools within trusts when conducting school inspections

Ofsted has made significant strides in integrating school trusts into the inspections of schools. However, there are still reports of inconsistencies in how inspectors engage with trust boards and local governing committees. Moreover, the involvement of executive leaders, particularly those with responsibilities for school improvement or the curriculum when the trust requests it, appears to be patchy.

Proposal 10: Ofsted should provide clearer and more consistent engagement with trust staff, positioning them as part of the school rather than something external. This should be more clearly described in the handbook.



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Tel: 0115 917 0142

Email: admin@cstuk.org.uk

Address: Suite 1, Whiteley Mill Offices, 39 Nottingham Road, Stapleford, NG9 8AD



@CSTvoice

cstuk.org.uk

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