



## **Education inspection framework 2019: inspecting the substance of education**

### **Response of the Confederation of School Trusts (CST)**

#### **Introduction**

- 1 The Confederation of School Trusts (CST) is the national organisation and sector body representing 90 percent of the national multi-academy trusts and over 1,000 academy schools, multi-academy trusts and foundation schools. This places CST in a strong position to consider this issue from the viewpoint of the system's leaders in self-governing organisations.
- 2 We are completely apolitical. We work with political parties and politicians across the spectrum to advance education in the public benefit.
- 3 CST welcomes the opportunity to respond to this consultation. We welcome Ofsted's decision to publish the draft handbook and underlying research supporting the proposed changes. We think it is right that Ofsted intends to take a phased approach to the proposed changes, to give schools and trusts time to properly consider their curriculum.
- 4 We also welcome the clarity in the draft handbook that where a school is part of a multi-academy trust, the board of trustees is the governance body and that the CEO (or equivalent) should be involved in the inspection process and invited to the final meeting or send a delegate.
- 5 We remain concerned however about potential of increased subjectivity and variability in judgements and the readiness of the Ofsted workforce to inspect under this framework.
- 6 Our response focuses on those consultation questions directly relevant to our membership. We do not comment on the proposals for early years (registered provision), further education providers or non-association in dependent schools.

#### **With reference to your specific questions:**

##### **Question 1: To what extent do you agree or disagree with the proposal to introduce a 'quality of education' judgement?**

- 7 We broadly support the introduction of the proposed new 'quality of education' judgement. We agree with taking a holistic approach to considering the quality of education rather than artificially separating the leadership of the curriculum from teaching, and separating teaching and the use of assessment from the impact this has on the outcomes that learners achieve.

- 8 However, as we have said in our introduction (paragraph 5 above), we remain concerned about the potential of increased subjectivity and variability in judgements and the readiness of the Ofsted workforce to inspect under this framework.
- 9 We are concerned that the handbook at paragraph 161 assumes a default position of 'curriculum narrowing' If a school or trust takes a strategic decision to shorten key stage 3 and places the burden of proof on the school to ensure that pupils still have the opportunity to study a broad range of subjects in Years 7 to 9. We propose that inspectors should take a more neutral approach and assess whether the curriculum design across the entire phase of statutory secondary education ensures that pupils have the opportunity to study a broad range of subjects.
- 10 We understand and accept that it is the government's ambition (rather than Ofsted's) for pupils to study EBacc GCSE courses. However we think the statement at paragraph 162 of the handbook could read as if the ambition for 75% of Year 10 pupils to study EBacc by 2022, rising to 90% by 2025, is an ambition *at school-level*, as opposed to a national aspiration for the aggregate number of pupils in the country. We propose that this is clarified in the published handbook.
- 11 Ofsted introduces the concept of 'cultural capital' at paragraph 163 of the handbook. This is likely to be a new concept to many leaders and indeed inspectors. We note that a definition of knowledge and cultural capital is provided in the last sentence of paragraph 163: "It is the essential knowledge that pupils need to be educated citizens, introducing them to the best that has been thought and said and helping to engender an appreciation of human creativity and achievement." We are concerned that the concept of cultural capital will be difficult to inspect. We think it may be helpful to be more specific about what this means in the preamble above each grade descriptor, particularly in relation to the outstanding judgement and/or across the sources of evidence identified for intent, implementation and impact.
- 12 We are concerned that at least one of the statements in the 'sources of evidence' are not in reality related to intent, implementation and impact but risk turning inspectors into the monitors of workload, for example on page 45 under sources of evidence for implementation, the handbook states: "discussions with classroom teachers about how often they are expected to record, upload and review data." We propose this statement (and any similar statements elsewhere) have no place in evidence-gathering and should be deleted from the handbook.
- 13 We welcome Ofsted's decision to implement a phased approach to the proposed changes. Specifically, we welcome the sections of criteria in square brackets in the handbook in recognition that not all schools and trusts will have had the opportunity to complete the process of adopting or constructing their curriculum fully by September 2019.
- 14 We do not understand why inspectors will adopt a 'best fit' approach in relation to judging whether a school is good, requires improvement or is inadequate, but not in relation to a judgement of outstanding. We propose that that the handbook is amended to make it clear that inspectors will take a best-fit approach across all categories of judgement.
- 15 We propose that Ofsted amends the 'requires improvement' criteria on page 51 of the handbook to stat that "The quality of education provided by the school is not yet good."

**Question 2: To what extent do you agree or disagree with the proposed separation of inspection judgements about learners’ personal development and learners’ behaviour and attitudes?**

- 16 We agree with the proposed separation of judgements about learners’ personal development and learners’ behaviour and attitudes. We agree that the behaviour and the attitudes learners of all ages bring to learning is best evaluated and judged separately from the provision made to promote learners’ wider personal development, character and resilience.
- 17 However, we are concerned at the lack of quantifiable metrics relating to personal development.

**Question 4: To what extent do you agree or disagree with the proposed focus of section 8 inspections of good schools and non-exempt outstanding schools and the proposal to increase the length of these inspections from the current one day to two days?**

- 18 We welcome that the purpose of a section 8 inspection, to confirm that a school remains good, will not change. We accept that the new education inspection framework represents an evolution in what it means to be a ‘good’ school. We broadly welcome the proposed increase in time from for which the lead inspector is on site to two days.
- 19 However we would question the substantive differences between a section 8 and a section 5 if this change is made.
- 20 We believe that the use of colloquial and emotive terms in the handbook (‘gaming’ and ‘off-rolling’) is unnecessary and unhelpful. We propose that paragraph 276 of the handbook is amended to delete these terms: “When conducting these inspection activities, inspectors will be particularly alert to any evidence that suggests that the school may be:
- entering pupils for courses or qualifications that are not in their educational best interest in order to achieve apparently better performance for the school (as per paragraph 233)
  - removing a pupil or pupils from the school roll without a formal, permanent exclusion when the removal is primarily in the interests of the school rather than in the best interests of the pupil (as per paragraph 234-238).”
- 21 As per our paragraph 10, we do not believe inspectors have a role in considering the extent to which leaders engage with staff and are aware and take account of the main pressures on them. This is the job of governance, not a role for the inspectorate.

**Question 5: To what extent do you agree or disagree with the proposed introduction of on-site preparation for all section 5 inspections, and for section 8 inspections of good schools, on the afternoon prior to the inspection?**

- 22 We do not disagree with the principle of on-site preparation but we do strongly disagree with the notification period. In reality this constitutes ‘no-notice’ inspections. Leaders have externally-facing responsibilities, including school-to-school support, and it is unrealistic to expect leaders to be available to be on-site within a couple of hours of the telephone call notifying a school of an inspection.
- 23 We propose that Ofsted notifies the school the day before inspectors are due to conduct on-site preparation.

**Question 6: To what extent do you agree or disagree with our proposal not to look at non-statutory internal progress and attainment data and our reasons why?**

- 24 We accept that there are currently some limitations of internal assessment data, but we do not accept that internal assessment data is *necessarily* an inaccurate representation of the education of pupils at the school. We propose the handbook is amended to reflect this.
- 25 We very much welcome that Ofsted has listened to CST members in relation to new schools and/or those that are in turn-around, including when they have been brokered into a multi-academy trust or re-brokered from one to another. In these situations, we would expect Ofsted to consider internal assessment data so that inspectors can take this into account when viewing nationally generated performance data.
- 26 We propose that the handbook is amended to reflect this. At the very least, we propose that the heading on page 46 of the handbook is amended to say: ‘Inspectors will not *normally* use schools’ internal assessment data as evidence.’
- 27 Preferably however, we would want to identify approaches to internal assessment that meet thresholds for validity and reliability. While we accept that there have been in some cases the creation of over-elaborate data systems that have generated workload and which do not meet tests of validity and reliability, we think there is merit in stepping back and identifying simple, valid and reliable approaches to internal assessment. We would want Ofsted to commit to accepting these as part of evidence-gathering.

**Question 11: To what extent do you agree or disagree that the timescale within which providers that are judged to require improvement receive their next full inspection should be extended from ‘12 to 24 months’ to ‘12 to 30’ months’?**

- 28 We agree with the proposal to extend the timescale within which Ofsted should inspect providers judged to require improvement from ‘normally 12 to 24 months’ after the last inspection to ‘normally 12 to 30 months’ after the last inspection. We agree that this provides greater flexibility.

## **Conclusion**

- 29 For ease of reference, we summarise all eleven of our proposals here:
- At paragraph 161 of the handbook, we propose that inspectors should take a more neutral approach and assess whether the curriculum design across the entire phase of statutory secondary education ensures that pupils have the opportunity to study a broad range of subjects.
  - Paragraph 162 of the handbooks should clarify that the ambition for 75% of Year 10 pupils to study EBacc by 2022, rising to 90% by 2025, is not an ambition at individual school-level, but rather a national ambition for the aggregate number of pupils in the country.
  - The handbook should be more specific about what ‘cultural capital’ (paragraph 163) means in the preamble to the grade descriptors, particularly in relation to the outstanding judgement and/or across the sources of evidence identified for intent, implementation and impact.

- The statement on page 45 of the handbook under sources of evidence for implementation in relation to recording, uploading and reviewing data has no place in evidence-gathering and should be deleted from the handbook.
- Inspectors will adopt a ‘best fit’ approach in relation to judging whether a school is outstanding as well as whether a school is good, requires improvement or is inadequate. The handbook should be amended across all four key judgements to reflect this.
- We propose that Ofsted amends the ‘requires improvement’ criteria on page 51 of the handbook to stat that “The quality of education provided by the school is not *yet* good.”
- We believe that the use of colloquial and emotive terms in the handbook (‘gaming’ and ‘off-rolling’) is unnecessary and unhelpful. We propose that paragraph 276 of the handbook is amended to delete these terms: “When conducting these inspection activities, inspectors will be particularly alert to any evidence that suggests that the school may be:
  - entering pupils for courses or qualifications that are not in their educational best interest in order to achieve apparently better performance for the school (as per paragraph 233)
  - removing a pupil or pupils from the school roll without a formal, permanent exclusion when the removal is primarily in the interests of the school rather than in the best interests of the pupil (as per paragraph 234-238).”
- As per our paragraph 10, we do not believe inspectors have a role in considering the extent to which leaders engage with staff and are aware and take account of the main pressures on them. This is the job of governance, not a role for the inspectorate.
- We propose that Ofsted notifies the school *the day before* inspectors are due to conduct on-site preparation.
- We accept that there are some limitations of internal assessment data, but we do not accept that internal assessment data is *necessarily* an inaccurate representation of the education of pupils at the school. We propose that as a minimum, the handbook is amended to reflect this. Preferably, we propose that approaches to internal assessment that are simple, valid and reliable are identified by the sector and that Ofsted commits to accepting these as part of evidence-gathering.
- We propose that, at the very least, the heading on page 46 of the handbook is amended to say: ‘Inspectors will not *normally* use schools’ internal assessment data as evidence.’ Preferably however, we would want to identify approaches to internal assessment that meet thresholds for validity and reliability.

30 I hope that this is of value to your consultation, CST is willing to be further consulted and to assist in any way that we can.

Leora Cruddas  
Chief Executive  
5 April 2019