

# Ofsted education inspection framework

*NSN consultation response*

April 2019

**New  
Schools  
Network**

## Introduction

New Schools Network welcomes Ofsted's consultation on proposed changes to its inspection framework. Moreover, NSN is encouraged by the level of detail provided by the accompanying inspection handbook and curriculum research and considers this to be representative of a genuine and sincere consultative approach with the sector.

The views expressed in the following response draw on discussions held with open and pre-open free schools of all phases and types, as well as a consultation survey of the 442 open free schools in England.

This response will report first on some general comments on the new framework, before reflecting upon the specific proposals most relevant to open free schools, including:

- the proposal not to look at non-statutory internal progress and attainment data;
- the proposed focus of section 8 inspections of good schools and non-exempt outstanding schools;
- the proposal to increase the length of these inspections from the current one day to two days;
- 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;
- the proposal to introduce a 'quality of education' judgement; and
- the proposed separation of inspection judgements about learners' personal development and learners' behaviour and attitudes.

This report does not comment on the broader role and remit of Ofsted. It should also be noted that NSN's new permanent Director, Luke Tryl<sup>1</sup>, has not been involved in the writing of this report nor the broader consultation process.

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<sup>1</sup> Director of Corporate Strategy at Ofsted, 2017-2019

## Consultation response

Since September 2018, NSN has spoken to a wide variety of open and pre-open free schools about the proposed changes. In addition to which, NSN held distinct consultation sessions at two cohort-wide events to enable free school leaders to discuss their views with NSN, external partners and colleagues from other free schools:

- *Driving success in special free schools* (in partnership with the National Association of Independent and Non-maintained Special Schools) – Thursday 14<sup>th</sup> February
- *Supporting school improvement in the first years of opening* (in partnership with the DfE Free Schools Directorate) – Friday 1<sup>st</sup> March

## Overall comments

**The overwhelming majority of open free schools broadly welcome the proposed changes to the inspection framework<sup>2</sup>**, giving the following opportunities and challenges of the new framework.

## Potential challenges and opportunities

### Internal data

Broadly, free school leaders welcome the refocusing of inspections away from internal progress and attainment measures, towards the quality of education. However, a number of free schools also expressed concern that this could make it difficult for new schools to evidence significant pupil progress. This concern was particularly pressing amongst special and alternative provision free schools who have developed sophisticated measures for tracking pupil progress over the short-, medium- and long-term.

Under the current inspection framework, free schools are subject to full inspections after two years of opening, i.e. from its seventh term. This means that open free schools will not have any statutory performance data during their first inspection, with the exception of the KS1 phonics screening test.

If Ofsted follow through on their commitment not to consider internal assessment data (even that which is externally validated and benchmarked), some free schools have expressed concern that a

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<sup>2</sup> 90% of survey respondents responded positively to the question, ‘Broadly speaking, do you welcome the proposed changes?’; 10% of respondents said that they remain ‘unsure’.

disproportionate amount of attention, consciously or otherwise, will therefore be placed on the more subjective judgements around the quality of education.

## Free school context

Some free schools also expressed concern around inspectors' awareness of the great many complexities involved in opening a brand-new school from scratch, especially instances where the school opens into temporary accommodation.

## Quality, neutrality and capacity

A small number of free schools expressed concerns around the quality, neutrality and capacity of inspection teams:

*"The biggest challenge is the quality and standard of inspection teams. Broadly we would welcome the changes proposed in principle but are **deeply concerned about the capacity of the local and regional inspectorate to accurately interpret and apply the new framework**" (Executive Principal, Mainstream secondary, 2014 opener)*

*"From our personal experience, **there is, for some inspectors, an inherent bias against free schools from an ideological/political perspective.** [...] An anecdotal case study is that our inspector had posted a number of posts on social media about her political position and then decided to pursue a line of attack against our school consistent with this position. The language she used in our inspection report echoed the language she used to rate another free school, again picking up on one specific issue, not taking into account the subject focus of the free schools in question, which would mean that the methods we/they employ would not easily fit into the model of teaching she espoused." (Chair of Governors, Mainstream primary, 2015 opener)*

## APs and off-rolling

A number of alternative provision free schools have raised concerns around the potential unintended consequences of the inspectorate's well-intentioned focus on 'gaming' and 'off-rolling':

*"[...] With increased focus on ethical leadership; will off site directions be seen as gaming or off rolling if they are long term? What are the implications for AP free (schools) if mainstreams [sic] are criticised for referring pupils and their reports are written negatively?" (Headteacher, Alternative Provision, 2014 opener)*

## Building the curriculum year by year

Some recently-opened free schools raised queries about *how much* of the curriculum Ofsted will expect to see. Both the framework and draft school inspection handbook make repeated reference

to the curriculum being “coherently planned and sequenced towards cumulatively sufficient knowledge and skills for future learning and employment” (EIF, paragraph 25, p. 10).

In the first few years of opening, small, growing schools will employ fewer staff. Moreover, those employed members of staff will typically have expertise in the areas most acutely demanded by the founding cohorts. For example, it makes sense for a mainstream primary growing from YR to Y6 year-on-year, to ensure that its founding staff members have considerable EYFS expertise. Consequently, curriculum leaders have queried the extent to which growing schools will be expected to have full curriculum plans for the latter years, i.e. KS2 for primary and KS4/5 for secondary at the time of their first inspection.

### Educational intent and *narrow* curricula

Free school applications are only approved if the proposer group is able to demonstrate how their educational offer – and by extension, the curriculum – will enhance the life chances of children within their community. To that end, free schools are experienced in developing curricula to respond to the specific needs of their communities. This is one area in which free schools have used their freedoms to innovate and deliver on their respective visions. The overwhelming majority of free schools are encouraged by Ofsted’s proposed reorientation.

To ensure that students leave their schools with excellent academic credentials, some free schools, particularly at secondary, have decided that the best way to do this is to target their support in the core curriculum, limiting the breadth of the curriculum to allow for deeper study. As evidenced by statutory progress and attainment data, students from some of these free schools are making outstanding progress, secure strong grades at KS4, and in so doing, are opening up the opportunities available to them for future study and employment.

This presents a tension within the framework: these schools are providing strong curriculum leadership by responding (in most cases, successfully) to the needs of their respective communities (i.e. educational intent) *by* narrowing their curriculum offer. Consequently, free school leaders have raised queries around how decisions like this will be viewed by individual inspectors. Moreover, leaders would like to know what is being done in this area to ensure consistency of approach across all inspectors.

### Educational intent and *expansive* curricula

Conversely, a number of free schools – responding to the needs of their communities – have adopted a very different educational approach by radically expanding their curricula. Broadly speaking, leaders from these free schools are very encouraged by Ofsted’s overtures pertaining to broad, enriched curricula.

Notwithstanding this, in some quarters, optimism has been tempered by the explicit reference to the EBacc: “At the heart of an effective key stage 4 curriculum is a strong academic core: the EBacc” (EIF, para. 162, p. 42). A number of free schools have raised concern about the extent to which schools will be penalised by the inspectorate if they choose not (or, are unable) to offer the EBacc, especially if they have no plans to do so in the future.

As is well documented in the DfE’s [teacher workforce statistics and analysis](#), the rate of teachers leaving the profession is particularly acute amongst modern foreign languages. It goes without saying that the ability of free schools to offer the EBacc is dependent upon the availability of MFL teachers in all parts of the country.

### Impact on education and staffing plans

NSN asked free school leaders about the expected impact of these changes on their school’s education and staffing plans. The overwhelming majority claimed that the proposed changes would have very little impact here.

## Survey responses

### Survey respondents

As illustrated by Figure 1 (below), three-quarters of respondents represented mainstream free schools. Unfortunately, we did not receive a single response from an open special free school but did collate verbal feedback during an NSN event in February.

Survey respondents, by school type

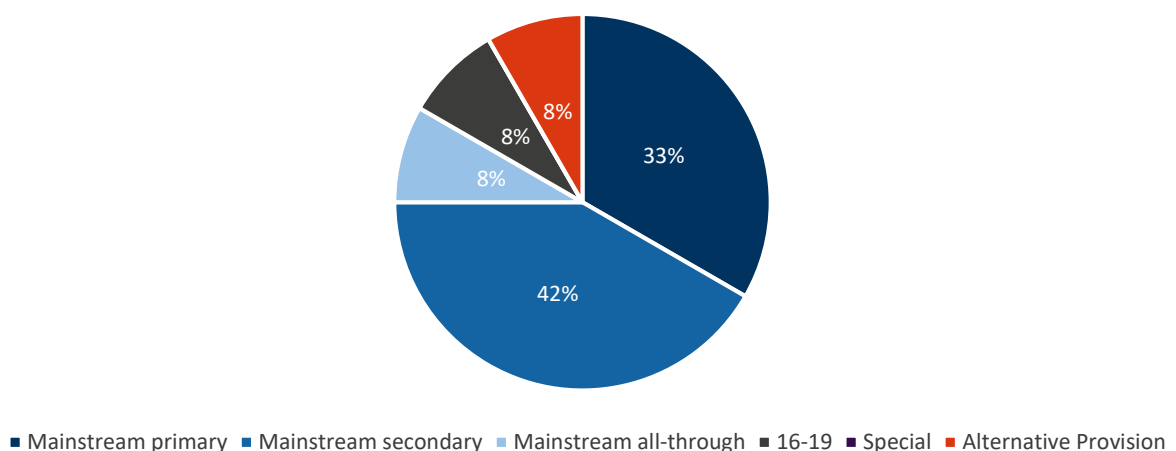


Figure 1. Survey respondents, by school type

Figure 2 (below) illustrates the distribution of respondents by year of opening. All but two have been inspected at least once under the current framework.

### Survey respondents, by year of opening

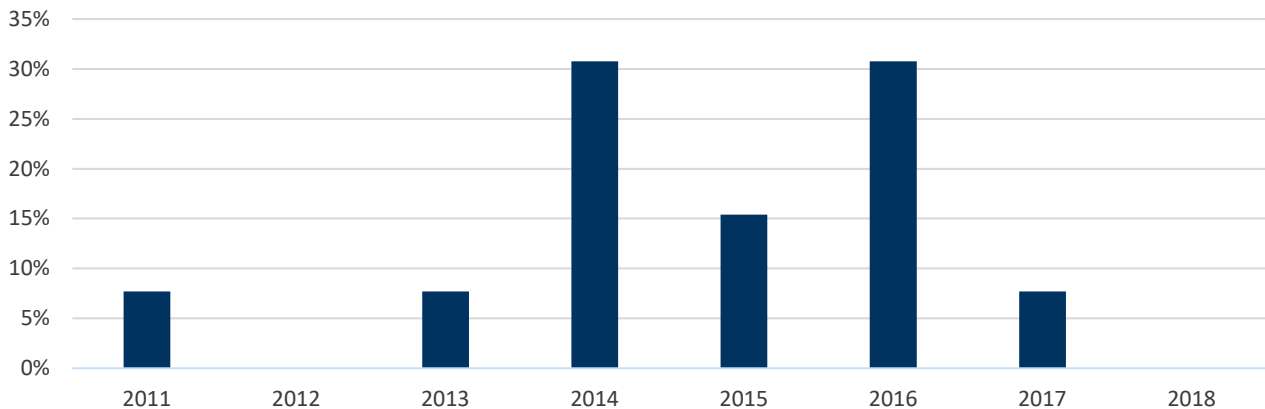


Figure 2. Survey respondents, by year of opening

Figure 3 (below) details respondents by previous Ofsted inspection grade. This distribution is representative of free schools' collective performance within the current framework.

### Survey respondents, by Ofsted judgement

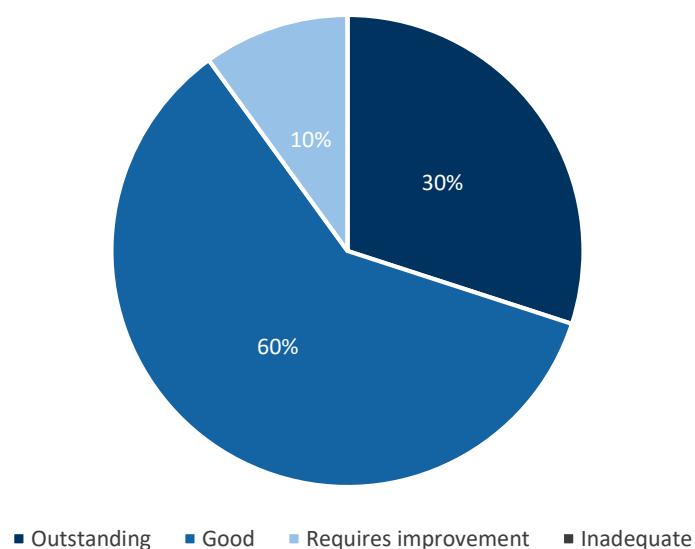
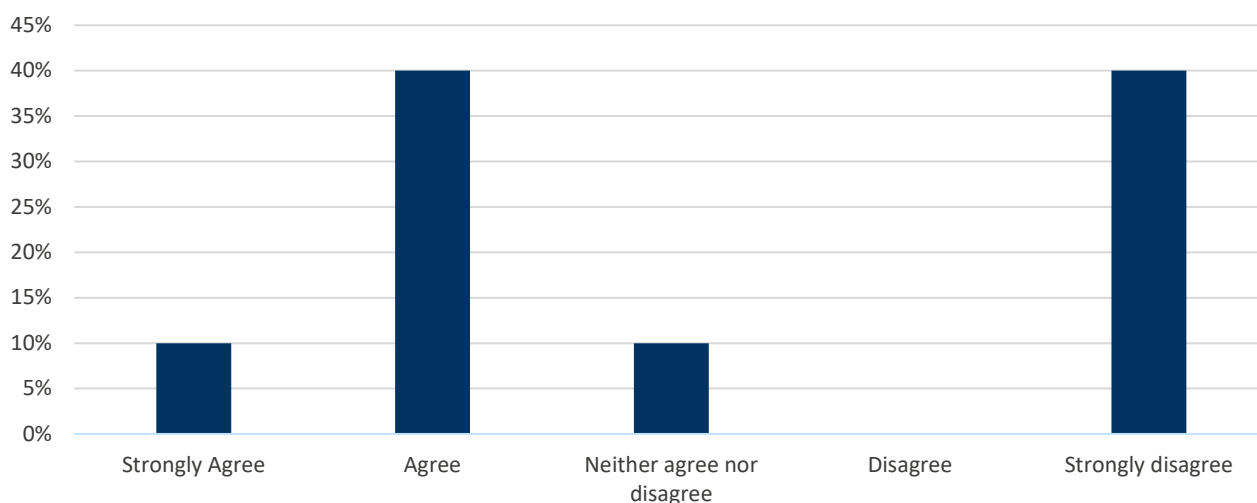


Figure 3. Survey respondents, by Ofsted judgement

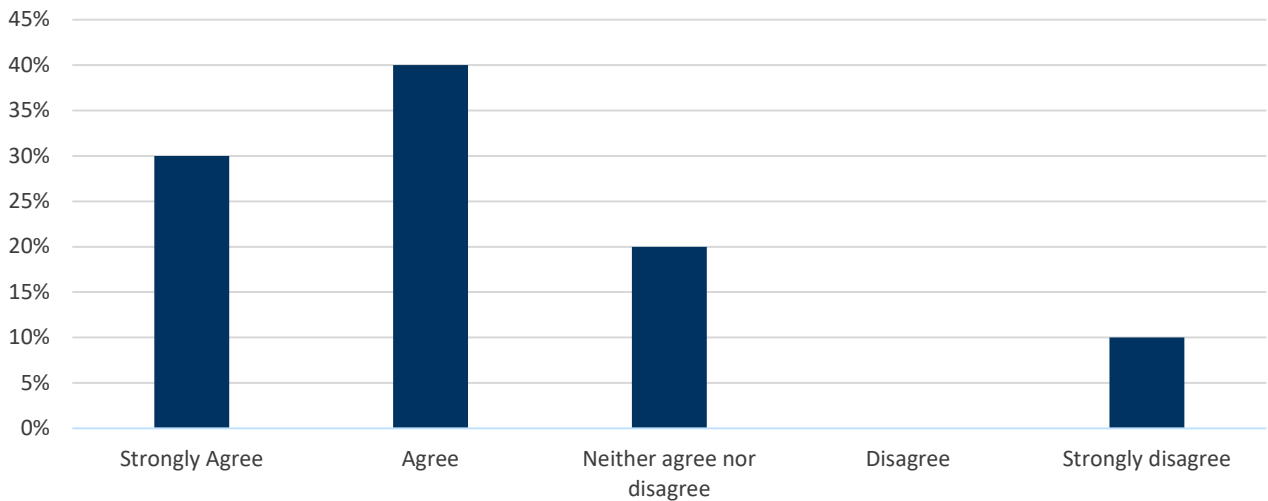


## Q1. To what extent do you agree or disagree with the proposal not to look at non-statutory internal progress and attainment data and our reasons why?



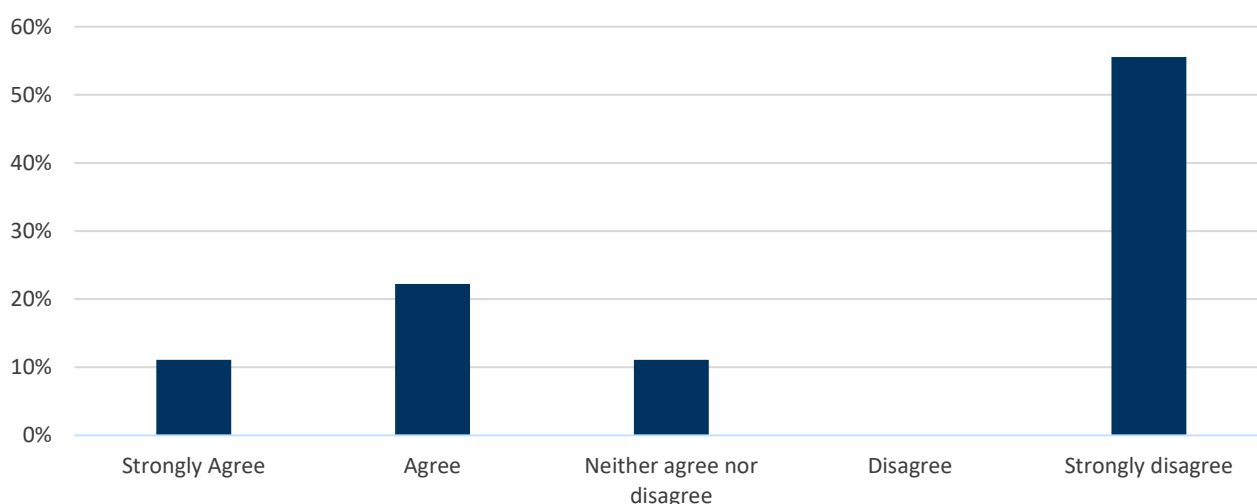
Selected comments <i>in favour</i>	<i>Neutral</i> comments	Selected comments <i>against</i>
<p><i>"I agree with it in principle, as the data is often subjective and not based on external, standardised assessment. Also, with so many different forms of KS3 assessment models, it can often take time to understand the data before being able to interpret it."</i></p>	<p><i>"I agree that this proposal could reduce teacher workload and unnecessary data however I do have concerns about the impact on new schools who will be inspected in a year 3 of opening when they will not have any externally validated data. How are Ofsted planning on assessing progress in these cases?"</i></p>	<p><i>"At the moment we only have one set of EYFS results so we will rely on internal data to tell our story. We also have pupil movement with Traveller and Forces families. It is helpful to use internal data to show how those who have been with us from the start have progressed and the impact of new children on outcomes."</i></p>
<p><i>"Data is a snap shot of achievement and does not show progress and understanding of deep learning."</i></p>		<p><i>"The data collected internally, albeit non-statutory, allows for close tracking of pupil progress in a coordinated fashion. Combining this with external moderation and validation of this data creates an objective understanding of progress through the year(s). This helps remove guesswork by inspectors asked to observe and assess an entire school based on a very small observation window."</i></p>
<p><b>NSN proposes:</b></p>		
<p>Ofsted should amend the proposal such that, where a school does not yet have statutory performance data, the school should be able to provide internal assessment data, provided it has been validated externally.</p>		

Q2. 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?



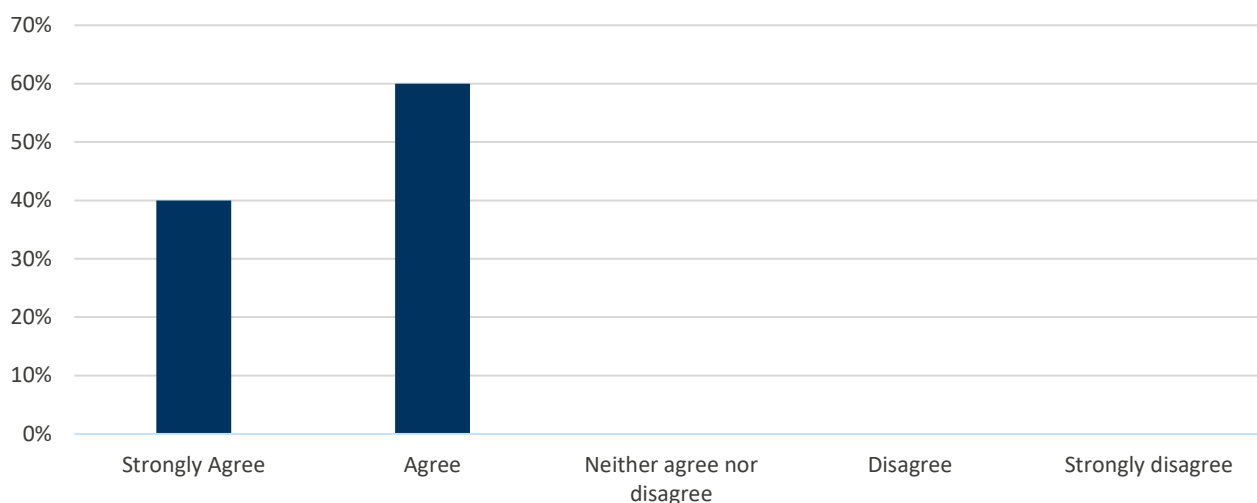
Selected comments <i>in favour</i>	<i>Neutral</i> comments	Selected comments <i>against</i>
<p><i>"I think this is positive for an AP free [school] which allows time for an inspection team to really understand the context."</i></p>		
<p><i>"I believe that a two day inspection is required to ensure that good or outstanding schools are not coasting"</i></p>		
<p><b>NSN proposes:</b></p>		
<p>Ofsted should adopt this proposal. Two-day inspections provide the necessary additional time to better understand the school and its context.</p>		

Q3. 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?



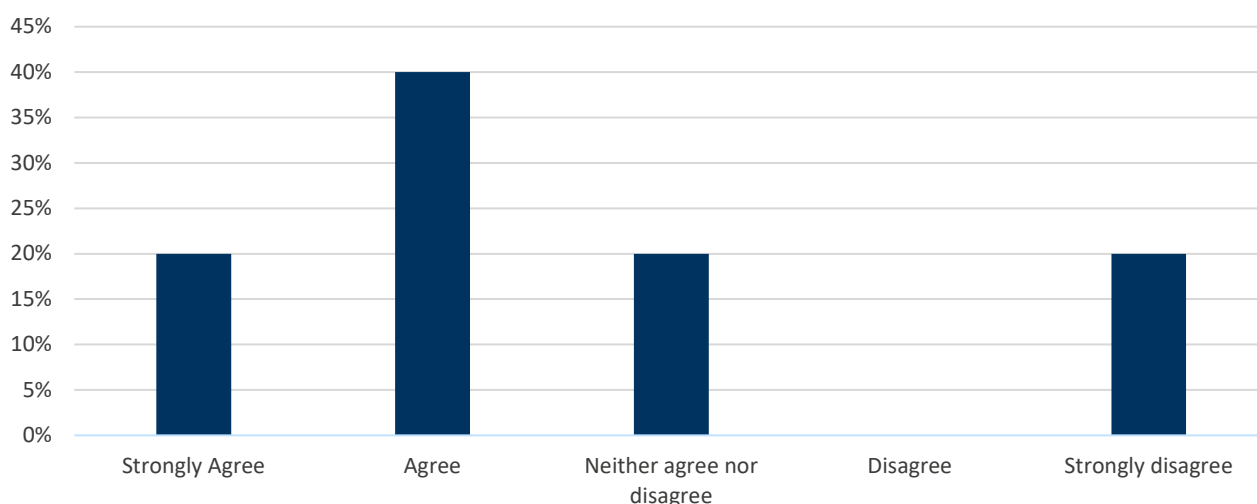
Selected comments <i>in favour</i>	Neutral comments	Selected comments <i>against</i>
<p><i>“Working with ofsted is much better than against. Planning would allow ofsted and the school to focus on the key areas for improvement and also look at highlights together. If a school knows themselves well this will be really useful.”</i></p>		<p><i>“Although Ofsted say this is pre inspection, it obviously isn’t. I don’t think it gives a senior leadership time to support staff, calm nerves etc. It has an element of wanting to catch people out about it. Sadly it also doesn’t respect the fact that schools are busy places and timetabled meetings etc. can’t just be dropped because an Ofsted inspector is coming. But of course this is what will be expected.”</i></p>
		<p><i>“This places undue pressure on schools and school leaders. It’s not clear why this preparation cannot take place off site as it does now”</i></p>
		<p><i>“I feel schools should be given sufficient breathing space of just under 24 hours to get things in order. It is not about hiding things, but the stakes on inspection are often so high, that the least that can be given is one evening to prepare.”</i></p>
<p><b>NSN proposes:</b></p>		
<p>NSN has practical concerns about this proposal. Ofsted should reject this proposal.</p>		

Q4. To what extent do you agree or disagree with the proposal to introduce a 'quality of education' judgement?



Selected comments <i>in favour</i>	Neutral comments	Selected comments <i>against</i>
<i>"I think looking at the breadth and valuing the wider curriculum is valuable. I am however concerned that despite training Ofsted inspectors will be subjective in their judgement."</i>		
<i>"Fundamentally, this is what schools are about and I welcome this introduction."</i>		
<i>"I think this is extremely important and I hope that it will make the Ofsted process more rounded to take into account a wider range of educational aspects of the school"</i>		
<i>"Too much emphasis previously on outcomes has skewed the focus of schools. AP is essentially all about the quality of the Education, because it is different from mainstream."</i>		
<b>NSN proposes:</b>		
Ofsted should adopt this proposal in full.		

Q5. To what extent do you agree or disagree with the proposed separation of inspection judgements about learners’ personal development and learners’ behaviour and attitudes?



Selected comments in favour	Neutral comments	Selected comments against
<p><i>“Again, AP schools are strong or should be strong in this area. There’s a chance to celebrate both separately.”</i></p>	<p><i>“I think these are interrelated. It will actually depend on how the inspectors implement the change. At the moment it’s hard to say until schools have experienced it.”</i></p>	<p><i>“These areas are not in reality distinct. The balance between the inspection areas and their weighting appears imbalanced. The draft framework lacks clarity on the depth of focus for these areas which suggests it does not actually make sense to separate.”</i></p>
<p><i>“These are two separate areas, which require separate judgements.”</i></p>		<p><i>“This puts too much of a burden on staff to change a child’s behaviours and attitudes, especially of those children who come for home environments which can be hostile to learning. The solution would be to address this with the parents/care givers, but it is unfair to judge teachers on this, especially with the exceptionally hard to reach parents of such children - this is yet another thing to burden teachers with - they should not be considered the panacea to all society’s issues.”</i></p>
<p><b>NSN proposes:</b></p>		
<p>Ofsted should review these judgements and provide further clarity about how schools will be evaluated in these areas.</p>		