

# Education inspection framework 2019: inspecting the substance of education

Consultation document

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This consultation seeks your views on our proposals for changes to the education inspection framework from September 2019. Your feedback will help us refine and improve our proposed approach. We will consider all responses carefully before finalising and publishing the framework in summer 2019. The closing date for this consultation is 5 April 2019.

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## Foreword

Dear reader

I am pleased to introduce our consultation on the next iteration of education inspection: the education inspection framework 2019. It is the culmination of well over a year of preparatory work and discussions with many of the people who rely on or take part in inspection, and the bodies that represent them.

Our inspections directly involve leaders and staff in a wide range of education providers, as well as children and students themselves, their parents, governors, and representatives of responsible authorities such as local authorities and multi-academy trusts. Our reports are used in different ways by all these users and also by arms of government, including regional schools commissioners, the Further Education Commissioner and the Education and Skills Funding Agency. Ofsted has to balance the needs of all these users, but above all we have to make sure that inspection acts as a force for improvement, and that the interests of children and students come first.

There are two linked themes that run all the way through the draft framework: the substance of education, and integrity. We are proposing an evolutionary shift that rebalances inspection to look rather more closely at the substance of education: what is taught and how it is taught, with test and exam outcomes looked at in that context, not in isolation.

Outcomes clearly matter and will of course continue to be considered, in the context of what is being taught. But we all know that too much weight placed on performance measures alone can lead to a degree of distortion, both in what is taught and not taught, and in other aspects of how a provider is managed. We also know that those who come to education with a disadvantage of any kind are more likely to be directly affected when these distortions happen.

Our proposals reflect what we have heard from you about the things that work well in inspection at the moment, and what works less well; what we have heard about staff workload; what we know about the pressure points in each phase of education today; our own past findings and recent research findings, including on the quality and effectiveness of our own inspection processes; and the wider literature on educational effectiveness through all stages of education.

The proposed 'quality of education' judgement therefore brings together the essential ingredients of education: the curriculum; the teaching, and the assessment that provides the feedback loop; and the resulting outcomes. This judgement is intended to restore curriculum – largely 'missing in action' from inspection for more than a decade – to its proper place, as an important component of the quality of education.

In restoring the curriculum to its proper place, we have done much work to make sure we pitch our criteria at the right level. Too weak, and a poor curriculum that leads to little learning, and to the most disadvantaged making the least progress, would go unscrutinised. Too strong, and the diversity and innovation that are an important aspect of our education system would be hindered. The criteria draw on the academic evidence that exists around curriculum quality, and do not extend beyond what we have found that evidence justifies.

We have already tested the curriculum criteria to make sure that we get this 'just right' and that we can use them to inspect effectively with our current workforce. My third curriculum commentary and the accompanying report published on 11 December explain more about this. We have also run several instalments of inspector training aimed at the new elements of this framework, and have more lined up ahead of September 2019.

And here I want to reassure people. There is no need for anyone to think they must develop a new curriculum, or design everything themselves from scratch, or put themselves through intellectual gymnastics. The early years foundation stage framework, the national curriculum and the specifications for GCSEs, A levels and other qualifications can carry much of the load. So, for example, a primary school that fulfils the spirit as well as the letter of the national curriculum, across the full range of subjects, is already in the right place with its curriculum.

Similarly, there isn't and won't be an Ofsted curriculum, whether for nurseries, schools or post-16 providers. The curriculum research we have already published illustrates some of the very different models that we know are working effectively now in different places. We are as always being entirely open about our framework and handbooks, and have begun to share our inspector training materials too. There is no hidden agenda behind these.

I also have been asked a number of times how this approach will square with the Department for Education's (DfE) use of reported outcomes in deciding when to intervene in schools and post-16 providers. The Secretary of State made a strong commitment last May to make changes in this area, starting with the commitment to intervene only in schools that Ofsted judges inadequate. That change has already taken effect. Data is a useful indicator of school performance but intervention action will only be taken when we at Ofsted have taken the rounded view of a school under the education inspection framework.

The Department for Education will be consulting shortly on a new approach to identifying schools that need support. The plan is to put that in place this September, alongside the new inspection framework.

We have already put the draft framework criteria through their paces in the field, and are continuing through the spring term with a pilot programme of more than 200 inspections. What we learn from this will inform the final version of the framework, alongside your responses to this consultation.

At the end of the day, we aim to do what I said at the start of this letter: to put the interests of children and young people first, by making sure that inspection values and rewards those who educate effectively and act with integrity. We hope that you will agree that this framework can be a real and positive step in that direction.

Yours sincerely

*Amanda Spielman*

Amanda Spielman  
Her Majesty's Chief Inspector

## About Ofsted

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people and in education and skills for learners<sup>1</sup> of all ages.

## Purpose and background to the consultation

This consultation seeks your views on our proposals for changes to the education inspection framework from September 2019.<sup>2</sup> Your feedback will help us refine and improve our proposed approach. We will consider all responses carefully before finalising and publishing the framework in summer 2019.

This consultation comes in two parts. First, it sets out our proposed changes to the education inspection framework, which will apply to all education inspections. Second, there are proposals specific to early years, maintained schools and academies, non-association independent schools, and further education and skills providers. There are remit-specific considerations that we would like your views on. Ofsted places equal importance on all education remits and is committed to ensuring that the new education inspection framework works well for all provision that comes within its scope. For these reasons we are seeking your views not only on the overall changes to the framework but, crucially, also on how these changes will work in practice for each individual education remit.<sup>3</sup>

In September 2017, we published our corporate strategy for the following five years. At the heart of this strategy is our intention for Ofsted to be a force for improvement, by being intelligent, responsible and focused in everything we do.<sup>4</sup> We have applied these principles in developing our proposals. In particular, we have worked hard to ensure that this framework is informed both by the experience that Ofsted has gained over the last 26 years and by the evidence that has emerged from research into educational effectiveness. A research commentary published alongside this consultation shows where the proposed inspection arrangements draw on research carried out by Ofsted and where they draw from the existing research literature.<sup>5</sup>

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<sup>1</sup> The term 'learners' is used for expediency throughout this consultation document to encompass in a single word those attending education, skills and registered early years settings. It should be read as including: 'children' in early years provision, 'pupils' in all schools, 'students' in sixth forms and colleges, and 'apprentices', 'trainees' and 'adult learners' in the range of further education and skills (FES) providers. Greater distinction is made in this document when referring to those who attend specific types of provision

<sup>2</sup> When we refer to education, we are including training, in particular apprenticeship training.

<sup>3</sup> Please note: early years provision in schools is covered in the relevant inspection handbook for section 5 inspections of maintained schools and inspections of non-maintained independent schools.

<sup>4</sup> 'Ofsted strategy 2017–22', Ofsted, 2017; <https://www.gov.uk/government/publications/ofsted-strategy-2017-to-2022>.

<sup>5</sup> 'Education inspection framework: overview of research', Ofsted, January 2019,

[www.gov.uk/government/publications/education-inspection-framework-overview-of-research](http://www.gov.uk/government/publications/education-inspection-framework-overview-of-research).

Most importantly, we have sought to ensure that the framework focuses on the things that matter most. We want to remove any aspects that do not genuinely assess the quality of education, so that providers' and inspectors' time is focused on the things that have the greatest impact on learners' education.

Considerable work has already been undertaken to inform and shape our new approach to the education inspection framework from September 2019. This has enabled us to test much of our thinking before arriving at our current proposals. Since June 2017, we have held over 200 engagement events, ranging from small group discussions, to our national programme of curriculum workshops, to speaking engagements by senior Ofsted leaders. These events have been attended by over 16,000 people from the sectors we inspect. We have used the feedback and responses from these events to shape the framework and handbooks, and more stakeholder events are planned during the course of this consultation. During the engagement we have undertaken to date, our intention to place the curriculum back at the heart of inspection and to view performance measures more in the context of the quality of education provided has generally been received very positively.

We have also undertaken a range of pilot inspections to test various aspects of our proposals, such as the inspection criteria, the methodology for gathering evidence against the key judgements and the extent to which those judgements capture the factors that matter most and which are most directly linked to educational effectiveness. During the summer and autumn terms 2018, we conducted nearly 200 such pilots across all education remits. Piloting will continue throughout the spring term 2019 as we continue to refine the new inspection arrangements.

To ensure transparency and provide sufficient detail to enable respondents to reach informed opinions, alongside this consultation we have published the following materials:

- the draft education inspection framework 2019
- the draft early years inspection handbook
- the draft school inspection handbook
- the draft non-association independent school inspection handbook
- the draft further education and skills inspection handbook
- a commentary setting out the research that has informed the development of the criteria in the framework
- the draft equalities, diversity and inclusion statement.

It is important to note that the education inspection framework and the remit-specific handbooks from September 2019 are all published in draft form; they are very much not the finished articles. At this stage, they are intended to give helpful context to practitioners, learners, parents and other interested parties responding to this consultation. We intend to use the results of this consultation and further piloting to shape up the final versions, which we will publish during the summer term 2019. However, we hope that seeing the handbooks in draft form provides a

helpful steer for providers as they look towards the commencement of the new framework in nine months' time.

It is right that any accountability system moves with the times, but the changes we are proposing represent an evolution rather than a revolution. We will continue to make an overall effectiveness judgement about a provider on the current four-point grading scale and retain key judgements that are common across all the areas that form part of the education inspection framework. Users understand and value the clarity that the grading system provides. Similarly, we will continue to allow flexibility in how we apply these criteria in the different remits, and the differences are explained in the relevant handbooks.

Most of the individual inspection criteria that make up the inspection judgements build directly on the existing inspection framework. Nevertheless, there is room for a change in emphasis. The curriculum occupies a far more central place in all remits, and data a lesser place. There is a greater focus on the workload of teachers, lecturers, practitioners and leaders, and there is a sharper focus on ensuring that all learners have access to education and training, and addressing directly the practices that shut them out.

## **Focusing on the curriculum**

The curriculum is the substance of what is taught. It is the specific plan of what learners need to know and should be able to do. The curriculum shapes and determines what learners of all ages will get out of their educational experience. For this reason, the curriculum is at the heart of the proposed quality of education judgement.

For our extensive curriculum research over the last couple of academic years to support discussions with providers, we have been using a working definition of the curriculum which recognises that it passes through different states: it is conceived, taught and experienced. The working definition was that the curriculum is:

- the framework for setting out the aims of a programme of education, including the knowledge and skills to be gained at each stage (intent)
- the translation of that framework over time into a structure and narrative, within an institutional context (implementation)
- the evaluation of what knowledge and skills learners have gained against expectations (impact/achievement).

That definition informed the development of the quality of education model now set out in the draft framework and inspection handbooks. The curriculum covers the intent and much of the implementation of the quality of education provided, but it is distinct from the impact, which is a measure of how well the curriculum has been learned. The curriculum is, therefore, integral to but not the whole of a judgement on the quality of education.



The curriculum is also distinct from pedagogy, which is **how** the curriculum is taught. Furthermore, it is distinct from assessment, which is a means of evaluating whether learners are learning/have learned the intended curriculum, although of course the curriculum and assessment need to work hand in hand. In so doing, the curriculum becomes the progression model.

Learning has been defined in cognitive psychology as an alteration in long-term memory: 'If nothing has altered in long-term memory nothing has been learned.'<sup>6</sup> Progress, therefore, means knowing more (including knowing how to do more) and remembering more. When new knowledge and existing knowledge connect in learners' minds, this gives rise to understanding. As learners develop unconscious competence and fluency, this will allow them to develop skills. Progress should not be defined by hitting the next data point. Rather, if learners attain within a well-sequenced, well-constructed curriculum, they **are** making progress.

A divisive debate has emerged in some quarters that creates an unnecessary opposition between knowledge and skills, suggesting they are separate alternatives. In reality, knowledge and skills are closely interconnected. Ofsted considers a skill to be the capacity to perform complex operations, whether cognitively or physically, drawing on what is known. The education inspection framework and inspection handbooks ask inspectors to consider what providers are doing to develop both learners' knowledge and their skills.

Ofsted recognises that providers take different approaches to the curriculum. Different approaches to the curriculum will be judged fairly. We recognise and support the importance of providers' freedom to choose their own curriculum approaches within the appropriate legal parameters.<sup>7</sup>

## Helping to reduce workload

Alongside refocusing on the curriculum, the proposed new framework focuses on reducing the pressures on teachers, lecturers, practitioners and leaders, particularly where those pressures are associated with inspection.

England's early years settings, schools, and further education and skills providers have made real improvements over the past two decades. This is a testament to the hard work of teachers, lecturers, practitioners, leaders and many others. The accountability system has also played a part in this improvement. However, an accountability system that is over-dependent on performance data is a barrier to further improvement. There is ample evidence of the extent to which an accountability system that does not look at what learners are learning, and why they are learning it, diverts providers from the real substance of education. Far too much time, work and energy are spent defending and managing outcomes, and this

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<sup>6</sup> J Sweller, P Ayres and S Kalyuga, 'Cognitive load theory', Springer Science & Business Media, 2011.

<sup>7</sup> For example, for maintained schools this is the national curriculum; for non-association independent schools this is the independent school standards; for early years provision this is the early years foundation stage.

culture has extended into defending against and managing Ofsted inspections and expectations.

Over the years, there has been much debate about the use of performance data in inspection. Inspection has never been solely or primarily about data: inspectors' professional judgement has always been the determining factor. However, Ofsted accepts that developments in inspection have contributed to this imbalance in the accountability system. The main thrust of many typical inspection conversations has come to be about recent outcomes, assessment of current 'learners' progress' and expectations of future progress. Our aim is to bring the inspection conversation back to the substance of education and training to treat providers as experts in their field and not as data managers, so that inspection complements rather than intensifies a focus on achievement and progress measures.

To this end, it is proposed that the new framework will no longer include the standalone 'outcomes' judgement. When reaching the quality of education judgement, inspectors will continue to consider the outcomes that learners achieve, using valid, nationally collected, data. However, inspectors will focus on what is taught and how, and will draw the outcomes that learners achieve into that education-focused, rather than data-focused, conversation.

Too often, internal assessment can be carried out in ways that create unnecessary burdens on staff and learners. When used effectively, assessment helps learners to embed and use knowledge fluently, and assists staff to identify clear next steps for learners; the information can also help shape development of the curriculum. However, it is important that leaders and staff understand the limitations of assessment, and avoid misuse and over-use, because the production, collection and analysis of data can create additional workload for staff and leaders.

Inspectors will also consider the extent to which leaders engage with staff realistically and constructively, and take account of the main pressures on them. They will consider the extent to which leaders protect staff from bullying and harassment.

## **Ensuring that all learners have access to education**

We want inspection to contribute to an inclusive education system that can accommodate, and cater for, the needs of all learners of all ages. The specific issues vary by education remit, for example it means ensuring that:

- early years provision is inclusive of young children with specific needs
- schools do not remove, or lose, pupils from their roll for reasons other those in the best educational interests of those pupils
- further education providers are supporting learners to complete programmes of study that are appropriate and help them reach meaningful destinations.

More detail about how we propose to tackle these issues in the different education remits is set out in the individual draft inspection handbooks published alongside this consultation.

## **Separating judgements about learners' personal development from judgements about learners' behaviour and attitudes**

The provision for learners' wider development extends beyond the academic, vocational or technical curriculum. Our childcare settings, schools, colleges and independent learning providers play a crucial role in ensuring that learners of all ages are equipped with the knowledge and skills that improve their life chances. We consider that learners' wider development is important to ensure that our young people and adult learners can prosper, lead successful lives and make meaningful contributions to society.

We propose to separate judgements about learners' behaviour and attitudes from those about learners' wider personal development. The combined judgement of 'personal development, behaviour and welfare' was introduced in September 2015, and the wide range of issues covered within it has sometimes made it challenging for inspectors to report and grade the provision, and especially the impact, meaningfully. In turn, this has made it difficult for users to understand the reporting under this judgement.

In making a judgement about personal development under the proposed new framework, inspectors will seek to evaluate the intent and quality of what a provider offers, but will not attempt to measure the impact of the provider's work on the lives of individual learners. This will bring greater attention and focus to what education providers do to educate learners in the broadest sense, including the development of character and preparing them for life in modern Britain. Setting high expectations for learners and creating a positive climate characterised by respectful interactions are very important elements of educational effectiveness, as evidenced by research.<sup>8</sup>

This approach will ensure that behaviour and learners' attitudes, while at the provision being inspected, are given the importance that they are due. Creating a sufficiently disciplined environment is a prerequisite to any learning taking place. If behaviour is not managed effectively and learners are not instilled with positive attitudes to learning, nothing much will be learned. In early years, for example, the behaviour of children is underpinned by the curriculum for their personal, social and emotional development. For those in further education or skills training of any age, the right attitudes to working and learning are also essential. In contrast to learners' wider personal development, behaviour and attitudes can be assessed in terms of the impact the provider's work has on learners at the point of inspection. We believe, therefore, that in order for inspectors to make valid judgements that are helpful to providers and the communities they serve, behaviour and attitudes on the

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<sup>8</sup> 'Education inspection framework: overview of research', Ofsted, January 2019, [www.gov.uk/government/publications/education-inspection-framework-overview-of-research](http://www.gov.uk/government/publications/education-inspection-framework-overview-of-research).

one hand, and personal development on the other, deserve to be evaluated in their own right.

## Proposals

### Framework proposals

These proposals represent an important evolution of current inspection arrangements. The new framework aims to focus inspection judgements and the criteria that underpin them on the quality of education that providers offer. The sections that follow illustrate how we propose to do this.

#### Proposal 1

We propose the introduction of a new 'quality of education' judgement built around our working definition of the curriculum. It will focus on a provider's educational intent, implementation and impact. Inspectors look at teaching, assessment, attainment and progress under the current inspection framework, and they will continue to do so, but these considerations will contribute, viewed in the context of the provider's curriculum, to a single quality of education judgement. In short, we propose to take 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. This will de-intensify the inspection focus on performance data and place more emphasis on the substance of education and what matters most to learners and practitioners.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Comments:

The Association of Colleges (AoC) is very supportive of the direction of travel Ofsted has taken with the new Education Inspection Framework. It is of utmost importance to place more emphasis on the substance of education and what matters most to learners and teachers alike.

Unfortunately, the wider accountability system is complex and is made up of a large number of measures that vary in purpose, reliability and coverage. For example, academic measures have remained reliable over time, whereas the applied general measure has become unusable due to its lack of coverage.

These measures also cover a very low proportion of Level 1, 2 and 3 programmes, vocational or technical programmes and inappropriately use academic baseline to track progress in practical subjects. Inspectors and colleges alike will not always be

able to rely on this data and will need to make use of internal and in year progress data when inspecting under the FES remit. These measures are in urgent need of reform, in part to ensure that the framework is not stultified in any way.

The introduction of a 'Quality of Education' judgement (replacing teaching, learning and assessment and subsuming outcomes) certainly has the potential to reduce the focus on data, however, this approach is not without its problems:

1. The Quality of Education is rightfully a substantial measure and will act as a limiting grade.
2. Consistency of and application of professional judgement may be hard to achieve with a more subjective framework. Trust and collegiality will be required by all.
3. It is not clear how judgements around intent, implementation and impact are to be weighted.
4. It may be very difficult to achieve an outstanding grade, especially in the larger institutions that we have post area-based review.
5. It may be more difficult to come to secure judgements in a short format inspection with a deeper focus on curriculum and careers.
6. It may be difficult to determine an overall effectiveness grade with the range of evidence that needs to be collected and balanced.

In general, the framework is likely to introduce much more subjectivity as it will heavily rely on the professional judgement of inspectors. This is particularly true where the Quality of Education judgement is concerned. This in turn may lead to more complaints. AoC suggests a full review of the complaint's procedure with the new EIF in mind and suggests that in future complaints, halt publication until the process has completed.

AoC broadly supports the focus on the sub-judgements of curriculum intent, implementation and impact. However, further clarity is required on each sub-judgement as follows:

- Intent

Judgements around curriculum design and appropriateness will be largely subjective. Curriculum coverage is less subjective and can be quantified through jobs data and to some extent LMI (labour market information). Inspectors will need to understand LMI data and that it is reliable for traditional sectors such as construction, but less so where new or fast-moving sectors such as IT and creative industries are concerned.

Judgements around sequencing can only reliably be made by subject specialists, taking us towards a case study approach.

Inspectors will need to have the skills to understand the complexity and varying levels of market contestability for each college to ameliorate bias around each institution's curriculum offer.

- Implementation

Ofsted reviewed research to help develop the framework but acknowledged that there was less research available on further education and skills provision and that, as a result, some of the research it used may not apply to the sector. It is disappointing that Ofsted did not make use of the DFE commissioned report "It's all about work" but it is a fact that there is less published research about what works in terms of the pedagogy and andragogy for a skills-based curriculum. Knowledge and skills are two sides of the same coin so in practice this should not matter too much if we receive inspectors who understand technical and vocational learning and assessment. It would be fantastic to see Ofsted publish more research on teaching and learning for a skills-based curriculum

Whilst formative assessment is entirely within a colleges control, summative assessment is decreasingly less so with the introduction of end-point assessments and the RQF as two of many examples.

- Impact

As already highlighted, there is a clear tension with the direction of travel with the new framework and DfE policy on accountability. There are already 90 measures on the compare school and college performance website and they are set to increase in number.

There is a generally a good mutual understanding of progress data (even when coverage is limited), destinations and attainment data (qualifications & assessments) between inspectors and college representatives. However, a recognised approach is needed to take in to account mix and balance of provision in institutions context.

The locality and related levels of market contestability impact on the proportion of lower versus higher level provision which will drastically affect the colleges overall success rates. It is important to recognise that a college can be doing well for the courses they run, but still look average.

Historically, overall effectiveness and teaching and learning judgements have taken a dip when new frameworks are introduced. It takes a while for institutions and inspectors to adjust to the demands of each new framework. A formal moderation phase could help dampen this effect.

The further education sector is once again going through an immense amount of curriculum policy change just as this framework is being introduced. It will be

important for inspectors to be able to separate out poor implementation from poor policy. Further consultation will be needed as T Levels are introduced and qualifications are reviewed more widely.

HMCI has repeatedly highlighted concerns around the 16-19 funding base rate and the impact that it has on learners and institutions alike. Every new framework has hidden implementation costs for institutions, regardless of its features. It will be more important than ever to assess the true cost of this framework in such austere times.

## Proposal 2

We propose to judge 'personal development' separately from 'behaviour and attitudes' to enhance the inspection focus on each and enable clearer reporting on both. This approach recognises the very different elements in focus. We believe 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.

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

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Comments:

AoC broadly agrees with the separation of inspection judgements about learners' personal development and learners' behaviour and attitudes.

The personal development judgment is very important as it focuses primarily on next steps and provides an opportunity for colleges to be recognised for the great work they do (and pride themselves on) in helping young people and adults transition in to work or higher levels of learning. This judgement neatly highlights the number of duties that have been introduced during the last inspection cycle without funding and resources such as prevent, mental health and careers.

There is clearly a strong, two-way link between the quality of education judgement and the personal development judgement - but one should not formally limit the other.

During consultation events we have been re-assured that judgements around behaviour will be more about its management than the absence of bad behaviour.



We have also been reassured that professional behaviours will be a major factor in a vocational context.

A recognised standard or methodology for attendance and punctuality is needed to ensure judgements are consistent, as this element of inspection has historically been an issue. This methodology ideally needs to take in to account how learner attendance has improved over time, from school to post-16 learning and separately take in to account attendance in an adult learning context.

It could be argued that too much of the framework is based and weighted towards study programmes and judgements that relate to young people.

AoC (Sport) is supportive of the emphasis on students physical and mental health and the importance of engagement in activities amongst students from disadvantaged backgrounds. However, at a national level, engagement in physical activity amongst these groups is low despite high levels of funding and expertise. This needs to be considered when looking at levels of participation of disadvantaged students, the greater focus should be placed on how providers are working with this group to develop an appropriate offer.

## Early years (registered provision)

We know that, to make a real difference to a child's life, high-quality education and care between birth and the age of five are crucial. These early years should provide the foundation of a happy, successful future. The 'Statutory framework for the early years foundation stage' (EYFS) sets out the education and care standards that all early years providers must meet to ensure that children, from birth to five, learn and develop well and are kept healthy and safe. Once a provider is registered on the Early Years Register, Ofsted carries out regular inspections to evaluate the overall quality and standards of the early years provision in line with the principles and requirements of the EYFS. This will not change, but we propose to put a greater emphasis on the curriculum. It should be noted that early years in schools and maintained nursery schools are inspected under the schools handbook.

### The quality of education (educational programmes)

1. The educational programmes (EYFS) provide the curriculum framework that leaders build on to decide what they **intend** children to learn and develop.
2. Leaders and practitioners decide how to **implement** the curriculum so children make progress in the seven areas of learning.
3. Leaders and practitioners evaluate the **impact** of the curriculum by checking what children know and can do.

We have seen an industry develop around assessment and tracking of young children. What children learn is too often coming second to the delivery of assessment information. The education inspection framework will put more

emphasis on the quality of education and care. It will ensure that we consider children’s experiences and how they are being developed, alongside assessments.

We want to make sure that the curriculum for children with particular needs, such as those with high levels of special educational needs and/or disabilities (SEND), is ambitious and meets their needs from birth to the age of five. We want to find out how leaders make sure that these children have full access to their entitlement for early education.

### Proposal 3

We want to ensure that the education inspection framework 2019 judgements (see section above and para 131 in the EY handbook]) are appropriate for the range of early years settings.

#### To what extent do you agree or disagree that the judgements will work well for:

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
Childminders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Childcare on non-domestic premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Childcare on domestic premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Childcare settings that offer care exclusively before and after school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Not applicable.

**Please use this box to record any additional comments in relation to the detail set out in the early years draft inspection handbook.**

Not applicable.

## Maintained schools and academies

### Proposal 4

Since their introduction in 2015, section 8 inspections of good and non-exempt outstanding schools have been valued by the sector. The changes made to the operation of these inspections from January 2018 have been welcomed by most schools inspected since then. The purpose of a section 8 inspection of a good school is to confirm that a school remains good. This will not change. However, as we have stated previously, the new education inspection framework represents an evolution in what it means to be a 'good' school.

We have set out within the schools handbook (paragraphs 270-282) the fact that a section 8 inspection of a good school will focus on particular aspects of the school's provision, as a subset of the full education inspection framework criteria. These are drawn principally from the quality of education judgement, but also include specific elements of pupils' behaviour, personal development and safeguarding.

Currently, section 8 inspections of good schools (or 'short inspections') last for one day. We want to ensure that there is opportunity to gather sufficient evidence while on inspection to confirm that a school remains good under the new criteria. Therefore, we are proposing to increase the time for which the lead inspector is on site to two days.

### **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?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Not applicable.

### Proposal 5

In addition to the wider education inspection framework proposals we are introducing, we also propose a new approach to how our inspectors prepare for and begin inspections. This is in response to feedback that initial contact can be data-driven and not allow schools to communicate fully with inspectors.

We propose the introduction of on-site inspector preparation for all inspections carried out under section 5 and section 8 of the Education Act 2005. Currently,

inspectors carry out pre-inspection preparation remotely on the day prior to on-site inspection. We propose that, from September 2019, this preparation takes place at the school on the afternoon before the inspection, enabling inspectors and leaders to carry out preparation collaboratively wherever possible.

On-site preparation will allow for better communication between the lead inspector and the school, allowing the school a clear role in preparation work. It will help to reduce the burden on schools of making logistical arrangements on the morning of the inspection and providing documentation. It will provide more time to establish good, professional relationships between school leaders and the lead inspector.

We propose that Ofsted will provide formal notification of the inspection no later than 10am on the day before the inspection. We then propose that the lead inspector will arrive on site no earlier than 12.30pm on that day. The lead inspector will use this time to talk with senior leaders in order to gain an overview of the school's recent performance and any changes since the last inspection.

Conversations will focus particularly on how the school has built on its strengths, what weaknesses leaders have identified and what action they have planned or have in train to address those weaknesses. It will also be an opportunity to make practical arrangements, including about the documentation or other evidence that inspectors will need to see in the course of the inspection. Inspectors will complete their on-site inspection preparation and leave the school premises by **no later than 5pm** on the day before the inspection starts. Paragraphs 51 - 56 of the school inspection handbook set out in more detail what we expect on-site preparation to cover.

**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?**

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:  
Not applicable.

## Proposal 6

The recent Teacher Workload Advisory Group report<sup>9</sup> noted that ‘time associated with data collection and analysis... is most frequently cited as the most wasteful due to a lack of clarity amongst teachers as to its purpose’.

Ofsted is committed to ensuring that our inspection work does not create unnecessary work for teachers, and as such we propose that inspectors will not use schools’ internal performance data for current pupils as evidence during an inspection. This is because:

- internal data for current pupils has its limitations, and inspectors will not be able to assess whether the data is an accurate and valid representation of pupils’ learning of the curriculum
- inspectors will gather direct evidence of the quality of education in schools
- inspectors will have meaningful discussions with leaders about how they know that the curriculum is having an impact.

Inspectors will, however, ask schools to explain why they have decided to collect whatever assessment information they collect, what they are drawing from this information and how that informs their curriculum and teaching. We believe that this will help to reduce unnecessary workload for teachers; we do not believe that it will have a negative effect on our ability to judge effectively the quality of education in a school.

### 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?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: *If you disagree, please be specific about the types of data that you think inspectors should consider.*

Not applicable.

<sup>9</sup> ‘Making data work: report of the Teacher Workload Advisory Group’, Teacher Workload Advisory Group, 2018; [www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response](http://www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response).

**Please use this box to record any additional comments in relation to the detail set out in the draft school inspection handbook**

Not applicable.

## **Non-association independent schools**

All independent schools are inspected at the direction of the DfE, which is the registration authority for independent schools. In standard inspections of non-association independent schools, Ofsted assesses compliance with the independent school standards (ISS) and makes graded judgements under the inspection framework. This model will continue when the new education inspection framework is introduced in September 2019.

### **Proposal 7**

Some non-association independent schools offer a specialist curriculum and Ofsted recognises their autonomy to do so. For example, some schools offer a specialist faith-based curriculum, while others offer a specialist education in the performing arts. Inspectors will assess a school's entire provision, including any specialist provision offered, when assessing compliance with the ISS and when reaching judgements under the education inspection framework in the following judgement areas: overall effectiveness; behaviour and attitudes; personal development; and leadership and management.

When reaching a judgement under the new quality of education judgement area, the non-specialist curriculum will normally be inspectors' primary source of evidence. It is important that, where schools offer a specialist education, pupils also study a broad, rich curriculum alongside it. This is supported by Ofsted's research, and is a requirement of the ISS.

However, where a school chooses to deliver a substantial number of the required subject areas<sup>10</sup> through the specialist curriculum (for example through faith-based content or other forms of immersive study), or where there is insufficient evidence from the non-specialist curriculum that the quality of education criteria are met, inspectors will consider evidence from the specialist curriculum in arriving at their judgement.

**To what extent do you agree or disagree with the proposal that inspectors should normally use the non-specialist curriculum as their primary source**

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<sup>10</sup> The Education (Independent School Standards) Regulations 2014, paragraph 2(2)(a)  
<http://www.legislation.gov.uk/ukxi/2014/3283/schedule/made>

**of evidence in assessing the extent to which the school meets the quality of education criteria?**

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
--------------------------------------------	-----------------------------------	--------------------------------------------------------	--------------------------------------	-----------------------------------------------	----------------------------------------

Comments:

Not applicable.

**Proposal 8**

Currently, where the DfE commissions Ofsted to conduct additional inspections of independent schools, such as progress monitoring or emergency inspections, Ofsted checks whether the ISS are being met but does not make new graded judgements about the school. As a result, a school retains the judgements from its most recent full standard inspection, even where it has improved and is now meeting the standards, or has declined and is no longer meeting them. A new graded judgement is not provided until the school's next standard inspection.

We are aware that some schools may wish new inspection judgements to be made more quickly than they currently are, to reflect their improvement. We are also aware that when a good or outstanding school is no longer meeting the standards but retains its most recent standard inspection judgements, this can be misleading for parents and others.

To provide parents, school leaders and the DfE with better information, we are proposing to recognise and acknowledge sooner where schools have improved or declined, for example by bringing forward a standard inspection.

**To what extent do you agree or disagree that where non-association independent schools have been found to improve or decline at an additional inspection, Ofsted should provide up-to-date judgements about the school's current performance?**

Strongly agree <input type="checkbox"/>	Agree X	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

We support the plan for Ofsted to spend two days on section 8 inspections of good or outstanding schools, particularly if this allows time for an assessment about whether the school's post-16 provision meets all the standards set by the framework.

**Please use this box to record any additional comments in relation to the detail set out in the non-association independent schools draft inspection handbook.**

Not applicable.

## Further education and skills

The further education and skills sector is broad and diverse, with providers that deliver a wide range of education and training provision in different settings. We have drafted the proposed education inspection framework and handbook to be adaptable for all the types of provider that we inspect.

Under the common inspection framework, we currently inspect all publicly funded provision. We grade, and report specifically on, six different types of education and training provision:

- 16–19 study programmes
- adult learning programmes
- apprenticeships
- traineeships
- provision for learners with high needs
- full-time provision for 14–16 year olds.



## Proposal 9

We believe that it would make our inspections and reports more coherent and inclusive if we were to reduce the types of provision that we grade and specifically report on as follows:

Proposed education inspection framework types of provision	Current types of provision
Education programmes for young people	16–19 study programmes, including: <ul style="list-style-type: none"> <li>■ academic, technical and vocational study programmes</li> <li>■ study programmes for those with education, health and care plans, aged 16 to 24 (and those with high needs)</li> <li>■ 16–19 traineeships</li> <li>■ full-time provision for 14–16 year olds.</li> </ul>
Apprenticeships	Apprenticeships at levels 2 to 5, whether frameworks and standards, levy or non-levy funded.
Adult learning programmes	Adult learning programmes 19–24 traineeships.

We will cover education and training for people with SEND and/or high needs thoroughly and appropriately within the relevant type of provision rather than separately. We consider that this will ensure that they are fully and properly represented and not marginalised or isolated within the inspection and report.

T-levels, a major reform of technical education at level 3, will be introduced from September 2020. That will take place after the beginning of this new framework. We intend to review how we should best integrate the coverage of T-levels into this framework closer to the time of their introduction and will consult further on this in due course.

**To what extent do you agree or disagree that the proposal to reduce the types of provision we grade and specifically report on will make our inspection reports more coherent and inclusive?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments: *If you disagree, are there any specific areas you are concerned about?*

AoC is very supportive of the move to reduce the number of aspects that are graded but is against the removal of the SEND/high needs aspect.

Since the introduction of the 2015 CIF, there has been a considerable increase in numbers of students with EHC plans and considerably high needs attending college but not always sufficient funding to support their needs adequately. College staff have had to spend more and more time negotiating over thinly spread funding for these students with cash strapped Local Authorities.

Many AoC members have stated clearly that a range of stakeholders need a separate judgement to make sure that:

- this important group are clearly recognised and represented within Ofsted reports.
- attention is paid to the fact that SEND reforms have not been implemented consistently well across local authorities.
- these students are not marginalised – especially when learner volumes exceed other provision types that remain in the framework.

Where 14-16 provision is inspected, it is important that this is undertaken by inspectors from the FE sector rather than the schools' sector.

## Proposal 10

Under the current common inspection framework, Ofsted carries out short inspections of most good further education and skills providers. This happens within five years of the previous inspection. Some good providers instead receive a full inspection for reasons of risk. We intend to continue with short inspections for most good providers on the same basis. However, given greater focus on the quality of education in the education inspection framework 2019, we believe we need to change the way we carry out the short inspection of good providers in some respects.

Under our current methodology, we undertake to confirm that a provider remains good by exploring a number of lines of enquiry that differ for each provider. As we are introducing a new inspection framework with a focus on the quality of education and the curriculum, we propose introducing an approach that focuses on the quality of education and training, safeguarding and effective management, and that this should be the same for all providers. We are continuing to pilot our proposed approach. The proposed areas we are piloting are:

- Is the quality of education/training good?
- Has the provider addressed the areas for improvement/next steps identified in the last inspection report well?

- Are the provider’s safeguarding arrangements effective?
- Are careers education and guidance of a good quality?
- Has the provider managed and implemented changes to provision effectively since the last inspection?

We will refine the above areas based on our pilot activity and from feedback following this consultation. In order to ensure that short inspections are planned effectively with providers, and to ensure coverage, we are proposing to increase the time the lead inspector, or in the case of larger providers, the lead inspector and another member of the inspection team, spend on site. We propose that the lead inspector, or in larger providers, two inspectors, arrive at the provider on the day following notification and complete the planning for the inspection on site with the provider (see paragraphs 126-133 of the draft further education and skills inspection handbook). They would then start inspection activity prior to the full inspection team arriving the following day.

**To what extent do you agree or disagree with the proposed model for short inspections?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The five elements of a short inspection appear slightly challenging to cover in just two days, making the pre-inspection planning meeting a necessity.

Post-ABR it seems particularly ambitious to assess and co-ordinate how well curriculum changes have been implemented without taking multiple deep dives across multiple sites.

**Proposal 11**

We are proposing to extend the timescale within which we 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. This will provide greater flexibility to give providers more of an opportunity to improve to good while still allowing some providers to be re-inspected earlier if they are ready for it. A provider that has been judged as requires improvement would continue to receive a monitoring visit between inspections.

**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'?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

AoC agrees that maximum timeframe for re-inspection should be extended by six months.

The minimum timeframe should also be extended to reduce uncertainty, allow for two data publication cycles and the embedding quality improvements.

**Inspection of colleges at campus level**

Ofsted has, for some time, intended to introduce grading and reporting on individual colleges within college groups as part of the overall inspection of the college group, subject to receiving the funding to be able to do this.

Since the disaggregated data that will make it possible to determine what provision is delivered by which college will not be fully available until 2021, it will not be possible to introduce that for the beginning of this framework. We will therefore consult further on this in due course. We will, in the meantime, look at ways in which we can better differentiate the relative performance of individual colleges within inspection reports of college groups.

**Please use this box to record any additional comments in relation to the detail set out in the further education and skills draft inspection handbook.**

Campus level inspection and judgements need careful consideration, consultation and piloting once data becomes available on.gov.uk in 2021. If implemented, campus level inspection needs to be carefully configured to avoid the prospect of limiting grades. How would a lead inspector grade a multi-site college if four sites each had a different grade?

AoC would welcome the publication of the risk model and inspection methodology at the end of the piloting stage.

Changes to the structure of Ofsted reports are necessary to ensure that they meet the needs of a wider group of stakeholders, including parents and students. This said, it remains important that they clearly identify what a college or provider needs to do to improve. Ofsted has always had a dual mission to assure and improve and reports should reflect this.

The staff workload and wellbeing judgements are particularly problematic. The sector has been subject to many funding cuts over the last decade and it is hard to see how staff wellbeing and workload has not been adversely affected. It is important to note that Ofsted has been even handed with this evidence thus far.

Examining the handbook, it is welcome to see that judgments will be made only once in the relevant judgement. This helps to avoid the prospect of limiting grades where poorly thought out policy is concerned.

## The consultation process

1. We welcome your responses to this consultation paper. The consultation opens on 16 January 2019 and closes on 5 April 2019.
2. The information you provide us with will inform our consideration of changes to the education inspection framework from September 2019.
3. We will publish a response to the consultation in May 2019.

### Sending back your response

4. There are three ways of completing and submitting your response:

- **Online questionnaire**

Complete and submit the response form online:  
<https://www.smartsurvey.co.uk/s/EIFConsultation/>

- **Complete and email**

Complete the questions in this Word document and email it to [inspection.consultation@ofsted.gov.uk](mailto:inspection.consultation@ofsted.gov.uk) with the consultation name in the subject line.

■ **Print and post**

Print this Word document and fill it in by hand. Please post it to:

EIF Programme Team

Ofsted

Clive House

70 Petty France

London

SW1H 9EX