

ASCL/ETI JOINT COMMUNICATION ON ACTION SHORT OF STRIKE – 28 SEPTEMBER 2017

1. Safeguarding

In normal circumstances the ETI evaluates safeguarding through a discussion with the designated teacher (DT) informed by a completed ETI Safeguarding Proforma. During Action Short of Strike (ASoS) ETI will respect fully those teachers engaged in ASoS and is willing to seek assurances about safeguarding from the DT or alternatively from the principal or chair of governors or the designated governor, through a discussion based on the completed proforma. Typically, this discussion will take place over one or two meetings lasting up to one hour in total¹.

If the assurances are that the arrangements reflect broadly the guidance issued by the Department of Education, ETI will report accordingly with the caveat that (owing to ASoS) it is unable to evaluate fully the outworking of the arrangements for safeguarding.

If, in addition, inspectors meet with a group, or groups, of learners for a discussion the ETI will report further on the degree of confidence expressed by the learners about their safety and security; this is a desirable but not essential for the school to provide an assurance that the arrangements for safeguarding reflect broadly the guidance issued by the Department of Education. Typically discussions with a group of learners will last approximately 30 minutes.

2. What about lesson observation when the ASCL member is a teaching principal or vice-principal and is the only member of staff co-operating with the inspection?

ETI, in carrying out its statutory duty, will continue to focus on the centrality of learning and teaching in all of its inspection activity, including when there is action short of strike. Teachers will be given the opportunity to be observed in the classroom. If an ASCL member who is a teaching principal or vice-principal or other school leader is the only member of staff to be observed, they will be given the opportunity to do so; however, if they prefer not to be observed this will be respected without prejudice in order to avoid identifying individuals. If the ASCL member chooses to be observed, and it is the only lesson, it will not be reported on in the published report; however, the member will receive individual feedback on the lesson.

The principal/chair of governors is not required to disclose which members are in a union or taking action short of strike and ETI does not ask them for this information.

3. What happens when only a sample of learning and teaching can be observed on a full inspection?

Learning and teaching will be observed as and when possible; however, a single lesson or sample of lessons will not be used as a proxy for evaluating and reporting on the overall quality of learning and teaching in the school².

¹ In relation to all timings in this document, they are indicative (noting that the principal may wish to engage further and that ETI would accommodate such requests).

² Unless the sample is directly equivalent to, and representative of, the sample that would have been observed under non-ASoS conditions in a post-primary or large primary school.

Usually, teachers who co-operate with the inspection in relation to lesson observation, will not be observed again when the next inspection activity takes place. Depending on the school phase, lesson observations tend to last between 30 and 60 minutes, (on average approximately 45 minutes depending largely on the school's internal timetable arrangements and lesson duration).

4. What about discussions with the principal or senior leaders about learning, teaching, planning and teachers' evaluations of learning?

When teachers are taking action short of strike and not participating in classroom observation, discussions about learning and teaching will centre around the associated SDP evaluation(s); the ETI will not ask the ASCL member to discuss the work of individual teachers (including the quality of their learning and teaching, planning, evaluations of learning, etc) including those who are participating in industrial action. Typically, these discussions will take place over one or two meetings lasting up to one hour in total.

5. What about discussions with the principal or senior leaders about self-evaluation and action to promote and bring about improvement?

When middle leaders³ are taking action short of strike and not participating in the inspection, discussions about self-evaluation (including monitoring and evaluation) and action to promote improvement will centre around: the SDP and associated whole-school action plans and evaluation(s); how the senior leaders undertake self-evaluation and the impact of actions taken; and how governors are informed about school improvement. Whilst associated discussions are likely to include strengths, and areas for improvement and related actions taken to bring about improvement at a whole-school level or in areas of the work of the school, the ETI will not ask the ASCL member to discuss individual middle leaders (including the quality of, for example, action plans for which they are directly responsible). Typically, these discussions will take place over one or two meetings lasting up to one hour 30 minutes in total.

6. Documentation, general discussions during, and duration of, an ASoS inspection in which the ASCL member is participating

The documentation required for a full inspection is outlined in the respective phase guidance available on the ETI website www.etini.gov.uk.

For sustaining improvement inspections and monitoring inspections, the documentation required is primarily the SDP (and associated documentation) and the safeguarding proforma. Further information is available on the ETI website.

Documentation (including policies, performance data, books, and so on) belongs to the Employing Authority/Board of Governors. However, in all inspections when there is action short of strike, the ETI acknowledges that the ASCL member may only be able to provide whole-school documentation.

Whilst associated discussions are likely to include strengths, and areas for improvement and related actions taken to bring about improvement at a whole-school level or in areas of the work of the school, the ETI will not ask the ASCL member to discuss individual middle

³ co-ordinators, heads of department, heads of year, etc.

leaders (including the quality of, for example, action plans for which they are directly responsible) or individual teachers including those who are participating in industrial action.

In all inspections when there is action short of strike, discussions with ASCL members will last no longer than under non-ASoS. In practice, this will mean that the inspection activity may finish early. The number, likely duration and scope of meetings and discussions will be discussed and agreed with the ASCL member at the beginning of the inspection.

7. What if senior leader(s) and governors participate in an inspection in a school where there is action short of strike?

For those inspections where both senior leader(s) and governors are engaging with the inspection process, including for safeguarding, sufficiently⁴ to enable:

- on full inspections:
 - an evaluation of aspects of leadership and management;
 - an evaluation of aspects of governance;
 - safeguarding; and
 - if possible, an evaluation of aspects of outcomes for learners (subject to available evidence, i.e. assessment/performance data, books, etc).

- on SII/Min:
 - an evaluation of [aspects of] the lines of inquiry/foci; and
 - safeguarding.

- on follow-up inspections:
 - an evaluation of [aspects of] the AFIs.

the final sentence of the concluding paragraph of the published report will be amended to “this will be reflected in future inspection activity”, replacing the statement “the school is a high priority for future inspection with no further notice”.

This statement was amended retrospectively in published reports for those schools where both the senior leader(s) and governors engaged with the inspection process, including for safeguarding as articulated above.

8. Going forward: a head teachers’ forum?

Going forward, the ETI is open and welcomes the opportunity to work alongside ASCL, other unions and professional associations and DE to establish a head teachers’ forum as a consultative group to consider the inspection process and DE developments.

⁴ Simply making documentation available would not be sufficient.