

Provisional response of the Association of School and College Leaders (ASCL) to Ofsted's consultation on the 2019 education inspection framework

ASCL welcomes Ofsted's consultation on the 2019 education inspection framework. The decision to publish not only the draft framework but also the draft handbook and underlying research suggests that Ofsted is taking a genuinely consultative approach to the significant changes it proposes.

We have produced this provisional response to the consultation in the same spirit. We will submit a full response in due course. In the meantime, however, we hope that the points we raise below will prove useful both to school and college leaders seeking to engage with the consultation, and to Ofsted in gaining early sight of the views of ASCL members.

The views expressed here are a result of extensive consultation with ASCL Council, our policy-making body, which consists of around 60 ASCL members elected to represent their region or sector. We have also drawn on discussions with around 1000 members during our series of regional information conferences in the autumn term and a further 400 members at ASCL events since the consultation was formally launched.

The direction of travel

ASCL supports Ofsted's ambition to ensure that the inspection system is responsible, focused and intelligent, as laid out in the inspectorate's 2017 corporate strategy. The direction of travel towards an inspection system which goes beyond performance measures and focusses more on the curriculum, as part of a broader evaluation of school effectiveness, is welcome.

We also welcome the fact that Ofsted appears to be taking a phased approach to the proposed changes, to give schools time to properly consider their curriculum. This is something which ASCL strongly encouraged the inspectorate to do. It is imperative that schools feel supported in thinking deeply about any changes they wish to make to their curriculum, rather than rushing into change, or trying to second guess what inspectors will be looking for. This is a process which can take several years, and schools must be able to feel confident that inspectors will recognise and support this.

We also support the proposal that 'minor weaknesses in safeguarding arrangements that are easy to put right' could lead to a requires improvement grade for leadership and management, rather than inadequate, providing children are not at risk of harm.

Delivering on the intent

However, ASCL members have highlighted a number of areas of concern which would, we believe, undermine the ability of Ofsted to deliver on its commendable ambition. We would encourage the inspectorate to consider these concerns, and the proposals put forward below to mitigate them.

1. The risk of curriculum narrowing

We are concerned that there are unresolved contradictions running through the quality of education section of the revised framework, particularly in relation to school autonomy.

Paragraph 160 states: 'The inspectorate recognises the importance of schools' autonomy to choose their own curriculum approaches'. This seems at odds with statements about the length of Key Stage 3 and EBacc entry, which seem to suggest schools need to make particular curricular choices in order to receive a favourable judgement.

ASCL understands that the EBacc is a government ambition rather than an Ofsted policy. However, its inclusion in the criteria for the quality of education is problematic. Firstly, the wording in the handbook refers to 75% entry by 2022, but does not make it clear to inspectors that this is a national ambition, to which individual schools should not be tied. This is a significant error which is likely to lead to unintended consequences during inspection.

Moreover, we do not believe that there are sufficient, or sufficiently evenly distributed, teachers of MFL in the system to meet the government's EBacc target. Consequently, some schools and regions are disproportionately likely to suffer adverse judgements for reasons beyond their control. It cannot be acceptable that schools will be judged by criteria they have no means of achieving.

During the current recruitment and retention crisis, it is vital that leaders maintain curriculum and teaching quality as well as breadth. The increased focus on the EBacc risks incentivising schools to make curricular choices that cannot be delivered satisfactorily due to system issues beyond their control. This is not in the interests of pupils. The high stakes nature of inspection should not be used to leverage increased EBacc entries.

Overall, any reference to the EBacc as part of inspection is flawed, and runs counter to Ofsted's strategic aim of providing responsible and appropriately focused inspection.

<p>ASCL proposes: Discrete paragraphs and criteria in relation to the EBacc should be removed. If this is deemed impossible, inspectors could report to parents and government regarding EBacc entries and plans in text comments without incorporating flawed judgement criteria into the handbook.</p>

2. The use of internal data

ASCL supports the recommendation of the Department for Education workload advisory group that there should be no more than two to three data collection points per year. We also recognise the need for inspectors to consider carefully the reliability and validity of all evidence they use during an inspection.

However, we believe the proposal that inspectors refuse to look at schools' internal data at all takes this too far, and is unhelpful to both schools and inspectors. Firstly, it risks putting more emphasis on historic outcomes – the opposite of Ofsted's ambition. Secondly, alternative inspection activities, such as work scrutiny, do not appear to be any more valid or reliable, according to the available evidence. The draft handbook makes no mention of sample size or other safeguards which would prevent an inspector from drawing inaccurate inferences from pupils' books.

There is a significant risk that, were this proposal to be implemented, schools in a category of concern would find it more difficult to demonstrate swift improvement. This could make

such schools less attractive to sponsors, and have an adverse impact on school improvement.

Fundamentally, there is a tension between the ambition to make inspection more valid and reliable, while potentially ignoring information which could help to achieve this. It would be much better, in our opinion, for inspectors to triangulate internal data and make an informed assessment of its reliability, rather than completely ignore it and risk undermining the security of the judgement.

We believe the current proposal does not reflect Ofsted's ambition for inspection to be intelligent.

ASCL proposes: Ofsted should amend this proposal to reflect the established evidence-gathering protocol that states that, while inspectors can't ask for internal data, they will look at the evidence a school provides – including internal data.

3. The introduction of on-site preparation

ASCL has become increasingly concerned about the proposed introduction of same-day notice inspections. As with our concerns about the tone of some wording in the handbook (see point 4 below), the move to same-day notice might be interpreted as a sign of mistrust in the profession and risks undermining the professional two-way relationship between the school or college leader and the inspector. Although the activity is called 'preparation', the reality for leaders is that, once inspectors are on site, the inspection has started. This move towards, in all but name, no-notice inspections will have a significant impact on the wellbeing of school and college leaders.

We also have practical concerns about this proposal. For example, the proposal is likely to make schools 'in window' less open to collaborative work and CPD, due to concerns that such work would risk leaders being off-site during the vital opening phase of an inspection. This would not be in the interests of schools, teachers or pupils. And, in terms of the inspection workforce, the implication that inspection would take up three days for serving school leaders carrying out inspections might dissuade leaders from being inspectors.

Moreover, given that many leaders teach classes and supervise lunch/breaktimes, same-day notice will inevitably lead to disruption for pupils. A central tenet of current practice is that pupils should not be adversely affected by inspection activity. Putting this at risk is not consistent with Ofsted's intention to deliver responsible inspection.

ASCL does, however, support the longer-term ambition to provide better and more context-driven conversations at the start of inspections. Given that most schools will receive a Section 8 inspection, the move towards a two-day inspection should create the extra time to facilitate this without the need for same-day on-site preparation time.

ASCL proposes: The two-day Section 8 and Section 5 inspections provide sufficient time for richer conversations at the start of inspections. The same-day on-site preparation proposal should be dropped.

4. The tone of the handbook

Too much of the handbook as it stands is written in language which undermines the integrity and professionalism of leaders. For example, sections referring to 'off-rolling', 'gaming' and 'pupils who are not in school during the inspection' seem predicated on mistrust of school leaders. While ASCL would join Ofsted in unequivocally condemning the small minority of

cases where these practices take place, the tonal underpinning of the handbook risks creating an expectation that leaders are widely engaged in these behaviours.

In our view, the language in these sections fosters a climate of suspicion, rather than inspection, and undermines the opportunity to improve the professional working relationship and dialogue between leaders and inspectors.

<p>ASCL proposes: Ofsted should review the language of the handbook, and consider in particular whether the sections on 'off-rolling' and 'gaming' should be rewritten or removed.</p>

Conclusion

We hope the provisional feedback provided here will help leaders to consider their own response to the consultation, and that it will also give Ofsted more time to act on key areas of concern.

ASCL remains committed to engaging with Ofsted to improve the quality of inspection. We support the direction of travel expressed in the revised framework and hope that, if the concerns outlined above are addressed, this will be a significant step towards Ofsted achieving its ambition to provide responsible, focused and intelligent inspection – as part of a much-needed overhaul of the current accountability system in England.

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