

Government consultation on Ofsted inspection: removal of the outstanding exemption

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents more than 19,000 members, including education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the Department for Education's consultation on removing the exemption for mainstream schools judged outstanding by Ofsted. It is important to recognise, as the consultation document makes clear, that non-mainstream schools judged outstanding have not been exempt from inspection.
3. The change made in 2012 to take outstanding schools out of routine inspection was done with the intention of allowing inspection to focus on where it is most needed, and to reward schools which were seen to be delivering excellence. This principle is laudable, but it is clear that continuing the exemption has become untenable.
4. The assurance provided by inspection is relevant for all pupils, parents and stakeholders, including those in outstanding schools. Where schools have not been inspected for a long period of time, legitimate questions may be posed about the level of assurance provided. This is especially important in relation to safeguarding. Routine inspection provides parents and others with assurance that safeguarding is effective or, where it is not, that weaknesses have been identified by inspectors so that they can be addressed.
5. However, it is essential that the approach used to end the exemption is appropriately principled. We note the principles outlined in paragraph thirteen of the consultation document and suggest three further important principles that we believe should be reflected in the proposals:
 - i) **Consistency** for outstanding schools being reintegrated back into the routine cycle of inspection.
 - ii) Clear **communication** to stakeholders that this reintegration is not indicative of, or necessitated by, a decline in the standards of education nationally.
 - iii) A **supportive** approach for outstanding schools which, through no fault of their own, will now be re-inspected under a framework that is more stringent at the level of outstanding, and emphasises different aspects of education. This places outstanding schools, around 1,000 of which have not been inspected for over a decade, in a position of vulnerability: a decline in judgement may be perceived as a reduction in the quality of the school when in fact it may be more to do with the

requirements of a more stringent framework. Ofsted and the Department for Education must ensure the potential volatility this may cause is managed in the interests of schools, children, parents and communities.

B. Responses to specific questions

Do you agree we should remove the exemption for outstanding schools, which currently means they are not routinely inspected?

Yes	No	Don't know	Not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Although supportive of removing the exemption, ASCL is concerned that the detail of the proposals does not deliver against the principles outlined above. We therefore strongly encourage the Department for Education to make the changes we outline below.</p>			

Do you agree we should remove the exemption for outstanding colleges and other organisations delivering publicly-funded education and training, which currently means they are not routinely inspected?

Yes	No	Don't know	Not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Although supportive of removing the exemption, ASCL is concerned that the detail of the proposals does not deliver against the principles outlined above. We therefore strongly encourage the Department for Education to make the changes we outline below.</p>			

Do you support our proposed approach for currently exempt outstanding schools set out in paragraphs 19-27?

Yes	No	Don't know	Not applicable
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposal to treat schools differently according to when they were last inspected is **inconsistent** and unfair. *All* outstanding schools should receive a section 8 inspection in the first instance following the removal of the exemption so as to ensure consistency and fairness.

Outstanding schools which receive a section 5 inspection run the risk of immediate downgrading to good, whereas those receiving a section 8 inspection may be given a further year before the section 5 inspection, providing important time to consolidate their outstanding practice in light of the new framework. As it stands, the proposal systematically disadvantages schools last inspected before September 2015 and should be changed. Moreover, the system should be wary about creating volatility as this risks eroding the confidence of the public in schools and in Ofsted. Ensuring all outstanding schools receive a section 8 in the first instance will allow all schools time to adjust to the new framework, hold onto their judgement (if merited) and reduce volatility in the system. This is particularly important because the transition arrangements in the new framework don't currently apply at the level of outstanding.

The original decision to implement the exemption for outstanding mainstream schools, and the subsequent decision to remove it, is not the fault of schools and they should not be made vulnerable to unfair reputational damage as a result. The inspection system must be **supportive** of schools if we are to reduce fear and its harmful consequences. The proposals outlined in paragraph 28 of the consultation document (regarding explanatory roadshows) may be helpful in providing communication to outstanding schools, but such work will be in vain if ending the exemption is done in a way that promotes anxiety. This anxiety will inevitably be greater if significant numbers of outstanding schools are presented with the 'cliff edge' of a section 5 inspection, where any judgement is possible. This proposal runs counter to the work done two years ago to reduce the cliff edge for good schools.

Communication must be extended to parents too. Accordingly, following these changes the next report for those schools that are currently judged outstanding should carry an explainer for parents that outlines the use of more stringent criteria for outstanding under this framework (including the fact that it is no longer 'best fit' for an outstanding judgement). This will help parents to understand that, while a school might be downgraded to good, this does not mean the school was necessarily less effective than it was when it was last inspected. The decision to remove 'best fit' at the level of outstanding in the Education Inspection Framework (EIF) will inevitably lead to fewer schools being judged outstanding. This is a policy decision taken at system level and schools should not be left trying to explain this to parents and communities.

Do you support our proposed approach for currently exempt outstanding colleges and other organisations delivering publicly-funded education and training set out in paragraphs 19-27?

Yes	No	Don't know	Not applicable
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposal to treat colleges differently according to when they were last inspected is unfair and **inconsistent**. All outstanding colleges should receive a short inspection in the first instance following the removal of the exemption so as to ensure consistency and fairness.

Outstanding colleges which receive a full inspection run the risk of immediate downgrading to good, whereas those receiving a short inspection, but where a full inspection is subsequently deemed necessary, have up to 15 days before the full inspection is carried out. It is hard to see what colleges gain from this inconsistency of approach and, as it stands, the proposal systematically disadvantages colleges last inspected before September 2015. All outstanding colleges should receive a short inspection in the first instance.

As with schools, **communication** must be extended to all college stakeholders too. Accordingly, following these changes, the next report for those colleges that are currently judged outstanding should carry an explainer that outlines the use of more stringent criteria for outstanding under the new inspection framework (including the fact that it is no longer 'best fit' for an outstanding judgement). This will help stakeholders to understand that, while a college might be downgraded to good, this does not mean the college was necessarily less effective than it was when it was last inspected. The decision to remove 'best fit' at the level of outstanding may lead to fewer colleges being judged outstanding. This is a policy decision taken at system level and colleges should not be left trying to explain this to communities.

Do you have any other comments on the proposals set out in this consultation?

6. ASCL is increasingly worried about the impact of graded judgements on schools and communities. While in this response we have focused on the specific issue being consulted on – the outstanding exemption – we are receiving feedback from members which gives cause to question more widely the merits of Ofsted's four-point scale of judgements. We are currently formulating proposals for essential improvements to accountability. We strongly urge the Department for Education and Ofsted to engage with us to improve our accountability system.

C. Conclusion

7. ASCL agrees with the Department for Education's proposal to remove the exemption for mainstream schools and colleges judged outstanding by Ofsted.
8. However, the detail of the proposals contains inconsistencies that build unfairness into the system. These need to be addressed. All outstanding schools and colleges should be treated the same by receiving section 8 inspections (schools) or short inspections (colleges).
9. Also, parents need to be provided with information to help them understand how inspection has changed. This is important to safeguard confidence in school standards and Ofsted itself.
10. I hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

Stephen Rollett
Curriculum and Inspection Specialist
Association of School and College Leaders
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