

Ofsted's Big Listen

Response from the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) is a trade union and professional association representing over 25,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business leaders 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 children and young people across primary, secondary, post-16 and specialist education.
2. ASCL welcomes the opportunity to contribute to this consultation. Our response is based on the views of our members, obtained through discussions at ASCL Council, with relevant advisory groups, and prompted and unprompted emails and messages.
3. This response is based on ASCL's [Future of Inspection](#) paper, which was first published as a discussion paper in January 2023, and became formal ASCL policy in October 2023.
4. This response considers the same questions on 'reporting', 'inspection activity', 'impact' and 'culture' for the schools, FE and skills and SEND and alternative provision together.
5. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged.

B. Key points

6. We welcome this consultation and are pleased that the new HMCI is willing to listen and engage with the sector and other stakeholders. Over the past few years, trust in the inspectorate has weakened. Although the 2019 Education Inspection Framework (EIF) was welcomed, its implementation has been flawed; particularly in a perceived subjectivity in inspection activity.
7. Most school and college leaders report a positive experience of Ofsted. However, negative and variable experiences are too frequent. The impact of these on headteachers' and leaders' wellbeing cannot be overestimated.
8. Much of this comes down to anxiety when schools and colleges are expecting an inspection, rather than the inspection itself. As such, the perception of Ofsted may differ from the reality of current inspection. Nonetheless, this creates real anxiety in the

system and is deeply concerning, particularly in the context of a teacher and leader recruitment and retention crisis.

9. Much of this anxiety is a result of graded judgements, and the regulatory impact of a poor judgement. We recognise that both these are government decisions, rather than in Ofsted's gift to change, but were disappointed that a direct question on graded judgements was not included in the scope of this consultation. HMCI would have been in better position to make a powerful argument to parliament and to government for the removal of graded judgements, had this question been explicitly asked.
10. ASCL advocates for a report card approach to accountability, which could constrain the role of inspection to ensuring compliance against an agreed set of national standards. Schools and colleges would then be able to articulate their own strengths and weaknesses to parents alongside the report card, however they see fit.
11. We recognise this has implications for regulation. However, we do not think the current process of regulatory intervention is fit for purpose; in particular the coasting definition relying on Ofsted graded judgements. For example, a school that is judged 'requires improvement' two times in a row is eligible for intervention in the form of an academy order or rebrokering. This is regardless of whether the school is on an upward trajectory, or has recently had new leadership. We therefore need a more intelligent approach to regulatory intervention.
12. Ofsted's focus on the curriculum has been welcome, and has certainly contributed to an important national conversation about the quality of education. However, some curriculum documents do not fully align with the national curriculum content, creating confusion about curriculum expectations in schools. ASCL strongly advocates for a slimmed down national curriculum, that all state schools should be required to follow, as the sole document that defines curriculum content. Ofsted should ensure schools are complying with that document, rather than placing additional expectations on the system.
13. We recognise that Ofsted fulfils many functions for different audiences: reporting to government, helping DfE fulfil their regulatory functions, giving information to parents and pupils, and supporting school and college improvement. We feel some of these functions have become less significant over time. The original idea that Ofsted's core function is to provide a state-of-the-nation review of education in England for the government of the day has been superseded by individual institution-level accountability. A resetting of that relationship as part of the Big Listen would be welcome.
14. ASCL welcomed the fact that previously exempt 'outstanding' schools have been inspected again since 2020. In a system based on grades, it is appropriate that all schools receive a graded or ungraded inspection roughly every four years – unless more frequent inspections are required.
15. We think safeguarding is too important to only be inspected every four years. We have therefore proposed that safeguarding should be ensured through a light-touch annual audit, that may or may not be conducted by Ofsted. Of course, if inspectors have concerns about safeguarding during an inspection, they would continue to raise these concerns and reflect them in the report.
16. There is no consensus within ASCL membership as to whether it is preferable for the inspection workforce to comprise only full-time HMI, or to increase the number of

serving school and college leaders. However, this should be a conscious decision for Ofsted to make, and the rationale clearly explained.

17. Either way, it is important that all HMI and OI training is published. This was announced in January, but has not yet materialised. We think that publishing all training materials, alongside recordings of the training itself, will be more transparent and end the cottage industry of 'preparing for Ofsted' courses.
18. We are pleased that SEND and disadvantaged learners are central to the Big Listen. The current EIF does not work equally well for all schools or for all pupils; future reforms and future frameworks must consider the impact on the most vulnerable pupils and allow schools and colleges that serve them the opportunity to demonstrate their strengths and achievements.
19. Our full recommendations from our *Future of Inspection* paper are included at the end of this response.

C. In response to your specific questions

Question 1: Please tell us what you think Ofsted's priorities should be when reporting on inspection and regulation, and why, and what we can improve.

20. ASCL thinks the first nine aims identified for schools are important. While we think that reporting on the wider group is important, it is less of a priority than getting school-level inspection and reporting right.
21. As above, we strongly urge Ofsted to make the case for the removal of graded judgements. It is the single biggest reform that would alleviate anxiety in the system and begin to rebuild trust. ASCL members describe the pressure of trying to maintain an 'outstanding' judgement, as well as the pressure that 'requires improvement' and 'inadequate' judgements place on a school or college.
22. In terms of reporting and regulation, ASCL favours exploration of a compliance-based approach, in which schools and colleges would be assessed against a set of standards, which they would be assessed as having either met or not met.
23. Depending on the standard, if a school or college fails to meet it during inspection, early and intelligent intervention could be put in place to help the school meet the standard, before the report is published. Especially where there are fast improvements that can be made, this stops a school being judged against a report for half a decade before it is reinspected.
24. Of course, where some standards are not met and the leadership does not have capacity to improve on them, Ofsted should report on this. It is then for the regulator to decide on the most appropriate intervention to support that school or college.
25. While Ofsted's focus on reporting on the quality of education was welcome, its implementation has been flawed. As above, Ofsted should report on whether a school or college is meeting national expectations, rather than attempting to assess the quality of education through a sample of deep dive subjects.
26. ASCL thinks that reports should be more clearly 'time-stamped' throughout the report itself. For example, rather than 'this is an outstanding school' in the present tense,

reports could read 'at the time of the inspection, this school met the current criteria for outstanding'. Or, under our proposed model of a compliance-based report system: 'this schools meets statutory standards regarding the curriculum in all key stages'.

27. We note the focus on contextual information, as well as performance data. Greater contextual information in the reporting of schools and colleges can better help both the regulator and parents make sense of wider inspection and performance outcomes. A great deal of contextual information, for example specific recruitment and retention problems, or the ongoing impact of the pandemic, is not available to inspectors prior to inspection, and is only uncovered during meetings with senior leaders. Where appropriate and relevant, this sort of information should be included in reports.
28. Any future set of standards against which Ofsted inspect should have a strong focus on the provision of SEND and disadvantaged pupils. This might include standards around inclusive admissions, access to the curriculum, and access to and engagement with extracurricular provision.

Question 2: Do you have any comments on Ofsted's current inspection practices and whether they should change?

29. We think that the aims of having consistency from place to place, that inspections are long enough to make an accurate judgement, and that a school's local context is considered are all important.
30. However, we do not agree that a consistent approach is needed across different phases of education or types of school and college. Members tell us that the current EIF and handbook do not work equally well for all schools. In particular, some small primary, SEND and AP schools have expressed concern about the deep dive methodology. In these schools, the same middle leaders may be responsible for several subject areas, and may be unable to articulate their curriculum sequence in the same depth as the leader of a large secondary department, for example.
31. It is formal ASCL policy to advocate for all lead inspectors to have relevant leadership experience of the phase / type of school they are inspecting. We do not think it is appropriate for secondary leaders, for example, to inspect EYFS provision.
32. A move towards a report card system, based on compliance against standards, could help with this, as Ofsted would be ensuring that schools were meeting the expected standard, be that around *Keeping Children Safe in Education*, the length of the school week, or the content of the national curriculum. All of this should be set out by government in statutory legislation. Ofsted should not assess against anything that schools and colleges are not legally obliged to do.
33. We also do not support the principle around the length of notice period schools are given. In particular, schools that are 'in the window' for inspection describe their week as being in two parts: Monday – Wednesday when they feel they can't leave the site or get on with school improvement work, and Thursday – Friday when they are able to concentrate on leading their school.
34. The current notification period of half a day is probably appropriate, but applied in the wrong way. Any longer notification would risk increasing teachers' and leaders' workload and undermining the validity of the inspection.
35. Instead, we propose that schools are given greater clarity about when they might be inspected, as follows:

- a. They should be clear about the academic year in which they are likely to be inspected (we recognise that both the pandemic and the outstanding exemption has made this more challenging, and we also recognise the work Ofsted has done to provide more clarity).
 - b. It should be made clear by lunchtime on Monday if a school will be inspected that week. This would significantly reduce the anxiety for school leaders. However, we recognise that to ensure fairness and consistency across inspections, this would mean all schools being inspected over the same two days each week, and that this has staffing and funding implications for Ofsted.
36. The deep dive methodology, though well intentioned, is too variable. Again, this is where a compliance model of inspection would be helpful. Failing that, there needs to be greater consistency of approach to inspecting the curriculum, which can only be achieved through rigorous and more transparent training of inspectors.
37. ASCL is concerned that too often too great an emphasis is placed on the voices of a small group of pupils. While pupil voice is undeniably an important part of inspection activity, it must always be triangulated with other evidence, especially what inspectors see during their time at the school.
38. Under the current EIF, we think inspections are too short, and that not all four areas of the framework can be adequately inspected in the time allowed. We would welcome Ofsted making the case to HMT for longer inspections in their response to the Big Listen.
39. Inspection activity should take into account local context, without lowering expectations for disadvantaged pupils. Again, this is where a compliance-based approach against a set of agreed standards would result in greater transparency, reliability and validity in inspection.
40. All inspections should include a reflection on the provision for SEND and disadvantaged learners, including pupil and parent voice for these groups.

Question 3: How do you think Ofsted could best raise standards and improve lives for children and learners?

41. ASCL largely agrees that Ofsted does, and should, hold schools and colleges accountable for the quality of education and for the safety of pupils. However, as above, this is subject to changes to the framework and handbook. Put simply, if schools are meeting the requirements of the national curriculum and are keeping pupils safe in line with KCSIE, then that should be the extent of Ofsted's reporting.
42. We somewhat disagree that Ofsted inspections hold schools fully accountable for safeguarding. Given the government's decision to exempt 'outstanding' schools from routine inspection, many schools had not been inspected for over a decade.
43. We propose that safeguarding is ensured through a light-touch annual audit, that may or may not be conducted by Ofsted. Inspectors will always raise concerns about safeguarding when they see poor practice.
44. In terms of off-rolling, and whether exclusions increase or decrease as a result of Ofsted's processes, we think both consequences are true at the same time. Ofsted has rightly pointed out unethical practice in terms of exclusions and off-rolling, but at the same time sets a (rightly) high bar for behaviour and attitudes.

45. It is not enough for Ofsted to 'myth-bust' misconceptions about exclusions: it should be made clearer in the handbook what the expectation is. Again, if a compliance model was used as part of a report card approach, then measurable expectations around exclusion could be made more transparent.
46. We do not agree that Ofsted provides information about the quality of good and outstanding schools in England. As frameworks develop over time, the criteria for 'good' and 'outstanding' change. This leads to a false picture of the state of the nation. This has been used disingenuously by various politicians to mislead the public. This can only be achieved by agreeing a common set of standards, enshrined in legislation, which can only be changed through formal revision of that legislation, and the parliamentary scrutiny that would entail.
47. We are very clear that Ofsted has a significant impact on the behaviours and practices of leaders and teachers. Therefore any future reform must carefully consider, and do its best to mitigate, any unintended consequences for schools.
48. In particular, Ofsted is often cited as a cause of additional but unnecessary workload. Despite efforts by Ofsted to 'debunk' this, it remains the case that any new framework or requirement from Ofsted will result in additional workload. Therefore any change must be approached extremely cautiously, to ensure that the benefits of reform outweigh the costs.
49. The impact of Ofsted continues to affect teachers' and school leaders' wellbeing, adding to a growing recruitment and retention crisis. Any reforms undertaken by Ofsted should be accompanied by a full impact assessment, including the impact on staff wellbeing and mental health.
50. ASCL thinks that group (MAT) inspection is inevitable at some stage, but does not think it is a priority for now, nor something Ofsted has enough experience or expertise to implement. As part of the Big Listen, Ofsted should consider the feedback it receives on where decision-making happens, and how flexible future frameworks can be to reflect this. Even within a fully academised system, groups of schools delegate responsibilities differently. Inspection outcomes should reflect this.

Question 4: Do you have any comments on Ofsted's openness, and how easy it is to provide feedback to help us improve?

51. As above, although we welcome the Big Listen, we were very disappointed that the consultation did not include a transparent reflection on single-phrase judgements. Ofsted will know that this has been a core suggestion of ASCL's and many other organisations for some time, and was recently included in the Education Select Committee's recommendations for Ofsted's work with schools. We understand that it is not within Ofsted's control to enact that reform, but not to include it as part of the Big Listen was shortsighted and undermines public messages about the inspectorate's willingness to change.
52. Recent changes to both the deferral and pause policies have been welcome, and landed well with the sector.
53. Likewise, recent changes to the complaints procedure have been well received, particularly the named HMI, external to the inspection team, and the ability to raise a complaint without the need for the draft report or going through the staged process.

54. However, many members still feel that Ofsted's complaints process lacks transparency. In particular, leaders want to understand the evidence behind decisions (whether in the initial grading or in response to complaints). Too often, several concerns are grouped together in Ofsted's response, rather than being addressed individually.
55. There is also concern that, although schools can escalate a complaint directly to ICASO, ICASO do not have the authority to overturn a judgement. Therefore there is still a sense of Ofsted 'marking it's own homework'.
56. The quality of inspectors is too variable. The craft of inspection takes time to learn, and needs to be practised regularly. We therefore suggest that Ofsted sets stricter standards on the requirements of OIs. As above, there is no consensus on whether it's preferable to have more full-time HMIs or more part-time serving leaders. Either way, Ofsted must make a conscious decision on this when devising a workload strategy. ASCL is happy to follow up with members on this topic, when helpful.
57. When the conduct of inspection teams has been poor, it can significantly impact the outcome of an inspection. This is not always recognised during the complaints process, unless schools make the case themselves. We suggest that any complaint about the conduct of an inspection should automatically trigger a greater, and transparent, scrutiny of the report and the judgement.
58. Many of the concerns around the complaints process might be resolved by removing single-phrase judgements, which produce the most anxiety within the system.

Question 5: Do you have any comments on our new approach or our proposal to go further on safeguarding?

59. We broadly agree with the premise that safeguarding should be a separate judgement from leadership and management. That being said, it's hard to argue that a school or college that doesn't have effective safeguarding can be 'good' for leadership and management. As above, this could be resolved by removing graded judgements, and moving to a compliance-based report card approach to inspection.
60. We strongly advocate that safeguarding is 'inspected' more regularly than four years, through a light-touch annual audit. This may or may not be conducted by Ofsted. In most cases, we envisage this being a remote exercise.
61. This would mean that, come inspection, there should be few surprises for schools and colleges regarding safeguarding. Any administrative or clerical issues should have been sorted out following the annual audit.
62. However, we agree that, where an inspector does encounter additional risks which can be easily addressed, that they allow schools to make those changes in a timely fashion and then reinspect the school before publishing the report.
63. The work Ofsted has done to safeguard the wellbeing of school leaders is welcome, but does not go far enough. The pause policy was well received but is ultimately limited in its ability to assuage anxiety during inspection. The single biggest change that could be made to do this is to remove single-phrase judgements.

D. Recommendations from ASCL's *Future of Inspection* policy paper

64. Our recommendations are to:

- a) Immediately remove the overall effectiveness graded judgement.
- b) Tell schools and colleges in which academic year they will be inspected, and review the inspection cycle timeframe.
- c) Publish Ofsted inspector training and associated training materials.
- d) Undertake an internal review of how pupil voice is used during inspection.
- e) Update the inspection handbook and reporting to better reflect the role of trusts in school effectiveness.
- f) Continue to focus in future frameworks on the quality of education, with the national curriculum as the only document which sets out the government's curriculum requirements or expectations.
- g) Once the necessary mechanisms are in place to enable this to happen, remove all graded judgements.
- h) Publish new Ofsted 'standards' rather than graded criteria.
- i) Introduce a new report card which should form the core of the inspection process and be the sole dashboard for accountability.

E. Conclusion

65. We thank Ofsted for the opportunity to contribute to the Big Listen, and for Sir Martyn Oliver and his team's engagement with us over the past five months.

66. We hope that Ofsted will take on board this feedback from ASCL members. We are very happy to engage in further discussions about potential reforms and changes.

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