

By Nerys Roberts, Alpesh Maisuria 15 July 2024

# Ofsted: School inspections in England



#### Summary

- 1 Background to school inspection
- 2 Inspection process
- 3 Inspection outcomes
- 4 Current issues

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Ofsted: School inspections in England

## Summary

## Scope of briefing

This briefing covers:

- Recent developments, including changes to complaints procedures, and speedier re-visits for schools judged inadequate on safeguarding grounds only
- Possible future reform to how Ofsted inspects schools, including around the use of one-word summary judgements
- Practicalities of inspections their frequency, focus, and their consequences for schools

It applies to England. Separate school inspection arrangements apply in Wales, Scotland, and Northern Ireland.

## Ofsted's remit

Ofsted inspects all state-funded schools in England, and around half of independent schools, in line with the relevant inspection framework. It also inspects a wide range of other services, including childcare, social care, further education, secure education and prison education.

## Consequences of inspections for schools

Currently, there are four judgements Ofsted can reach about a school's overall effectiveness: outstanding; good; requires improvement; and inadequate. Inadequate is further subdivided into two categories, serious weaknesses or requiring special measures.

For a maintained school, an overall grading of inadequate triggers the mandatory issue of an academy order, that is, it starts the process of converting the school to an academy outside of local authority control. The Secretary of State for Education can decide to withdraw an academy order in exceptional circumstances. Inadequate academies will also be subject to intervention and may be moved to a new academy trust.

# Developments prior to the 2024 general election

Teaching and leadership unions, and some other organisations, have <u>recently</u> <u>intensified their calls for reform of the inspection regime</u>. These calls have been amplified following the January 2023 death of head teacher, Ruth Perry. Ms Perry's school in Berkshire was inspected and the resulting report graded the school as inadequate, on safeguarding grounds only.

In June 2023, Ofsted announced changes to school inspections, including:

- Where schools are in judged inadequate on safeguarding grounds only, and would otherwise have been graded good or outstanding, they are revisited within three months and can be regraded at that point.
- More guidance on when they are likely to be inspected. Approximate timescales are set out in <u>an Ofsted blog article</u>.
- A commitment to rolling out training on identifying and responding to distress during inspections

In June 2023, Ofsted also <u>launched a consultation on changes to its post-</u> inspection and complaints handling procedures. Subsequently, the inspectorate confirmed:

- There would be increased professional dialogue with teachers and leaders during inspections
- A new process for schools to contact Ofsted the day after an inspection visit, to discuss any issues
- Complainants are now able to refer their complaints to the <u>Independent</u> <u>Complaints Adjudication Service for Ofsted (ICASO)</u> straight away, without going through an Ofsted internal review
- There would be periodic reviews of closed complaints by external investigators.

## Ofsted's 'big listen'

In March 2024, <u>Ofsted launched its 'big listen' initiative</u>. This spans Ofsted's whole inspection remit including education, children's social care, teacher training, and early years. It ran until 31 May 2024, and asked for feedback on

four areas: Reporting; inspection practice; culture and purpose; and impact on wider society, children and learners, and school staff.

## Labour Party's position on school inspection

### Replacing one-word judgements with a scorecard

After the 2024 general election, newly appointed Education Secretary Bridget Phillipson said the Labour Party would be "mission-led", and that would mean a <u>reformed Ofsted alongside regional improvement teams</u> in the DfE.

In January 2024 Labour stated their ambition to "<u>create a better system for</u> inspecting and improving our schools", which included <u>ending single word</u> Ofsted judgements and bring in report cards with annual checks on safeguarding and attendance. This ambition was reiterated in March 2024: "the days of the one word judgement will be coming to a close". In their 2024 Manifesto, Labour committed to "replacing a single headline grade with a new report card system telling parents clearly how schools are performing".

In June 2023, <u>Ms Phillipson told the Times Education Summit</u> that Labour would:

[C]hange Ofsted for the better. An end to the one or two-word summary judgment, a richer scorecard showing where things are right, as well as where things need to be better, and an annual inspection of safeguarding issues.

### Other reforms to school inspection

Speaking to the ASCL annual conference in March 2023, as <u>Shadow Education</u> <u>Secretary, Ms Phillipson said an independent inspectorate was a "sign of a</u> <u>mature and confident education system</u>" but that it was time for "Ofsted to turn a corner". At that time, Labour priorities included:

- Supporting and improving struggling schools
- Inspection of multi-academy trusts, which was currently "missing"
- Addressing "the way inspections operate [which] makes teachers, leaders and lecturers too often feel punished rather than supported"

She also said change was needed to address "cat and mouse game[s] between inspectors and schools, with no incentive to have an honest professional dialogue, to accept weakness and work to address it" and described these as "the unhelpful features of [...] an adversarial system". It was <u>subsequently reported that Labour was considering scrapping the</u> <u>current Ofsted grading system</u> and "replacing it with a new 'report card' for schools", should it win the next election. <u>Speaking to Times Radio on 24 March 2023</u>, the then Shadow Secretary of State for Health and Social Care, Wes Streeting, said he thought school inspections were important, but that Ofsted did need "to reflect on the culture of inspection". He said Labour had been clear that it would "stick with inspections, but we are going to reform the way that they operate".

### How Labour would pay for Ofsted reform

Labour's general election <u>Fiscal Plan</u> earmarked £45million for Ofsted reform funded through £1.5 billion <u>revenue raised from applying VAT and business</u> <u>rates to private schools</u>. The <u>Institute for Fiscal Studies agree that these</u> <u>changes may raise in the region of £1.3 – £1.5 billion</u>, but said "the arguments for keeping or removing these exemptions [were] ... finely balanced".

More information on the private schools and tax arrangements can be found in the House of Commons briefing paper on <u>Charitable status and</u> <u>independent schools.</u>

## 1 Background to school inspection

### 1.1 School inspection in England: Ofsted

Ofsted is a non-ministerial department that reports directly to Parliament. It inspects all state-funded schools, some independent schools, and a wide range of other providers in England.

The position of His Majesty's Chief Inspector (HMCI) has been held by Sir Martyn Oliver since January 2024.

The Chair of Ofsted's board is Dame Christine Ryan, DBE.

## 1.2 School inspection in Wales, Scotland and Northern Ireland

#### Wales

Estyn is the inspectorate for state-funded schools, independent schools and many other types of providers in Wales.

Further information about school inspection in Wales can be found on the <u>Estyn website</u>.

#### Scotland

Schools in Scotland are inspected by Education Scotland. Further information about inspection for primary schools, secondary schools and other providers can be found on the <u>Education Scotland website</u>.

#### **Northern Ireland**

The <u>Education and Training Inspectorate</u> (ETI) is responsible for inspecting schools and other education and training providers in Northern Ireland. Information about the evidence considered, and what happens during and after an inspection, can be found in <u>an ETI website article</u>.

## Who inspects different types of schools in England?

This briefing concerns inspections of state-funded schools, although Ofsted also inspects around half of independent schools in England.

Ofsted inspects:

1.3

1.4

- Maintained and academy mainstream schools, pupil referral units and alternative provision academies
- Maintained and non-maintained special schools and special academies
- Independent schools that are not affiliated to the Independent Schools Council (ISC), a large share of which are independent special schools
- Boarding and residential provision in some independent schools, all maintained schools and residential special schools

Independent schools affiliated to the ISC, and their boarding provision, are inspected by the Independent Schools Inspectorate (ISI).

## Key developments in inspection

In recent years, there have been important changes to school inspections in England, and the way Ofsted works. These include:

- The introduction of a new complaints policy for those concerned about the conduct of a school inspection
- Training for Ofsted inspectors around recognising and responding to any distress shown by school staff, during inspections
- Ofsted's major 'big listen' consultation, which closed on 31 May 2024
- June 2023 announcement that Ofsted will re-visit schools within three months, if they are judged inadequate solely on safeguarding grounds and were otherwise good or outstanding.<sup>1</sup>
- In November 2020, the removal of the exemption from routine inspection for mainstream schools judged outstanding
- The suspension of most routine school inspections during the coronavirus pandemic and their resumption from the autumn 2021 term

<sup>&</sup>lt;sup>1</sup> Ofsted press release, <u>'Changes made to school inspections'</u>, June 2023

- The commissioning of batched or focused inspections of schools in the same multi-academy trust (MAT), reflecting the changing landscape of school organisation in England
- From 2018, the introduction of MAT summary evaluations with the <u>first</u> evaluation report published in February 2019
- The introduction of a new Education Inspection Framework from September 2019

## 2 Inspection process

2.1

# What do routine inspections of state schools look at?

#### **Graded inspections**

Since September 2019, Ofsted has inspected schools in line with the new Education Inspection Framework (EIF).

Ofsted is required to undertake routine inspections of qualifying schools at prescribed intervals. Inspections can be graded, or ungraded. As the name suggests, graded inspections may result in a change to the school's overall effectiveness grade, which is a single word descriptor of either outstanding, good, requires improvement or inadequate. Ungraded inspections look instead at whether a school has maintained its previous overall effectiveness grading.

Graded inspections report separate sub-judgements on:

- The quality of education
- Behaviour and attitudes
- Personal development
- Leadership and management

Inspectors will always make a written judgement on the effectiveness of the arrangements for safeguarding pupils, and will reach an overall judgement on effectiveness.

In determining the overall effectiveness grade, inspectors will also take account of the effectiveness and impact of the provision for pupils' spiritual, moral, social and cultural development and how well the school meets pupil needs, including the needs of pupils with special educational needs or disabilities (SEND). 2.2

## How are schools performing in Ofsted inspections?

Ofsted publishes regular statistics on state-funded schools' inspection outcomes.

Details about the inspection history of individual schools can be found via <u>Ofsted's 'find an inspection report' web page</u>.

The statistics in this section cover state-funded schools only.

#### Most schools are either good or outstanding

At 31 December 2023, 91% of primary schools and 83% of secondary schools were rated good or outstanding at their most recent graded inspection. 90% of state-funded special schools were rated good or outstanding.

93% of primary pupils are in good our outstanding schools, as are 85% of secondary pupils and 93% of special school pupils.<sup>2</sup>

In some cases, a school's most recent graded inspection will have taken place several years ago, and may relate to a predecessor school – for example, in cases where a maintained schools has converted to an academy and hasn't been inspected since.

## There are some regional inequalities in school Ofsted outcomes

#### State-funded primary schools

At primary level, the share of schools rated good or outstanding (combined) varies only slightly between regions.

In terms of individual grades, London has the highest proportion of primary schools in the highest Ofsted category of outstanding (23%), compared to 8% of primaries in the East Midlands.

The proportion of primary schools in the lowest Ofsted category, inadequate, is very small in all regions, ranging from less than one per cent of schools in London and the North East, to just above two per cent in the South West and West Midlands.<sup>3</sup>

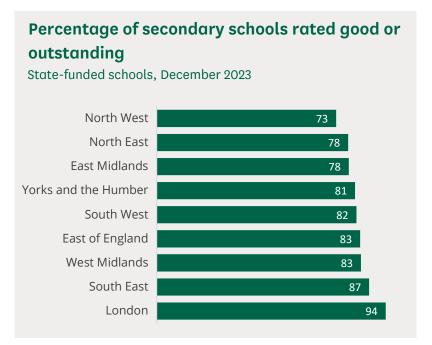
 <sup>&</sup>lt;sup>2</sup> Ofsted, <u>State-funded school inspections and outcomes: December 2023</u>, published 14 March 2024, "state-funded school statistics as at 31 December 2023" csv file, accessed 12 July 2024

<sup>&</sup>lt;sup>3</sup> As above

#### State-funded secondary schools

At secondary level, there is more variation between regions in the proportion of schools graded good or outstanding (combined). The North West has the smallest share of good or outstanding secondary schools, at 73%, compared to 94% in London. <sup>4</sup>

Again, a relatively small proportion of secondaries are rated inadequate in all regions – ranging from 6% in the North West and Yorkshire and the Humber, to less than 1% in London.



Source: <u>Ofsted. State-funded school statistics as at 31 December 2023</u>, published March 2024, "state-funded school statistics as at 31 December 2023" csv file

### 2.3

## How often do inspections take place?

Ofsted has published <u>a chart showing how often each type of inspection takes</u> place (PDF).

It has also published <u>a blog article</u>, which aims to give schools more clarity around the likely general timing of their next inspection, based on their inspection history to date.

Further detail about evaluation criteria and the evidence Ofsted considers prior to and during both graded and ungraded inspections can be found in:

<sup>&</sup>lt;sup>4</sup> Ofsted, <u>State-funded school inspections and outcomes: December 2023</u>, published 14 March 2024, "state-funded school statistics as at 31 December 2023" csv file, accessed 12 July 2024

Ofsted, <u>School inspection handbook</u>, 5 April 2024

### 2.4 Formerly exempt schools judged outstanding

Between May 2012 and November 2020, mainstream primary and secondary schools that were judged outstanding at their last graded inspection were exempt from further routine inspection. The exemption has now been removed.<sup>5</sup>

Outstanding mainstream schools that were formerly exempt initially receive either a full graded inspection, or an ungraded one, depending on how long it is since the school's last graded inspection.

Following a government announcement of £24 million in additional funding, Ofsted confirmed that all schools and further education providers would be inspected by summer 2025. For schools, these inspections are either full graded ones, or ungraded ones, depending on circumstances.<sup>6</sup> The new government has yet to comment on this.

## 2.5 Inspection of new schools and schools that have changed status

Wholly new free schools and maintained schools that have been replaced by a sponsored academy usually receive a full graded inspection within three years of opening.

Converter academies with a predecessor school judged good or outstanding would normally be subject to an initial ungraded inspection, but some may receive a full graded inspection depending on the inspection history of their predecessor school.

Further details about the arrangements for inspecting new schools can be found in:

Ofsted, <u>Selecting new schools for inspection</u>, updated 1 September 2022

<sup>&</sup>lt;sup>5</sup> Ofsted press release, <u>Hundreds of formerly outstanding schools inspected</u>, 22 November 2022

<sup>&</sup>lt;sup>6</sup> Ofsted press release, <u>Ofsted accelerates inspections for schools and further education providers</u>, 16 November 2021

# 2.6 How much notice do schools get before an inspection?

Schools are usually notified the working day prior to the start of a school inspection. However, Ofsted has powers to undertake no-notice inspections in certain circumstances – for example, where there are serious concerns.<sup>7</sup>

### **Deferring an Ofsted inspection**

In exceptional circumstances, schools may be able to request that their inspection is deferred. More information on deferral policy can be found in Ofsted's publication, <u>Deferring Ofsted inspections</u>, 5 April 2024.

<sup>&</sup>lt;sup>7</sup> Ofsted, <u>School inspection handbook</u>, para 85 onward

## 3 Inspection outcomes

## 3.1 What are the main outcomes of inspections?

There are four 'overall effectiveness' judgements Ofsted can reach following a graded inspection:

- Outstanding (grade 1)
- Good (grade 2)
- Requires Improvement (grade 3)
- Inadequate (grade 4)

## Schools graded inadequate – serious weakness and special measures

The inadequate grading is subdivided into two further categories. Schools with serious weaknesses are those that need significant improvement. In line with section 44 of the Education Act 2005, as amended, a school is deemed to require special measures if:

- It is failing to give its pupils an acceptable standard of education and
- The persons responsible for leading, managing or governing are not demonstrating the capacity to secure the necessary improvement in the school.<sup>8</sup>

The criteria for deciding which of the two categories of concern to apply are explained in <u>paragraphs 186 onwards of Ofsted's current school inspection</u> <u>handbook</u>.

<sup>&</sup>lt;sup>8</sup> Education Act 2005, section 44(1)

# What happens if a school is judged inadequate?

## Schools rated inadequate on safeguarding grounds only

Where a school is rated inadequate solely on grounds of safeguarding, then the school is re-inspected within three months of the publication date of the original inspection report. The policy of quickly re-inspecting such schools was introduced following the death of Reading head teacher, Ruth Perry, in January 2023. Ms Perry's school had been judged inadequate solely on safeguarding grounds.

Where the re-inspection finds the safeguarding concerns have been adequately addressed, the school may be regraded.

## An academy order is mandatory when a maintained school is rated inadequate

The Education and Adoption Act 2016 places a duty on the Secretary of State for Education to make an academy order if a maintained school is judged inadequate by Ofsted. This is the starting point for turning the school into an academy. Further information about likely interventions when a maintained school is graded inadequate can be found in the Department for Education's (DfE's) <u>Schools causing concern</u> guidance.<sup>9</sup>

For schools graded inadequate on safeguarding grounds only, and which are upgraded following a re-inspection, the school's governing body can apply for the academy order to be revoked.

## What happens when academies or free schools are rated inadequate?

Local authorities have no general power to intervene in academy or free schools rated inadequate. However, the Education and Skills Funding Agency (ESFA), the Regional Director (RD) or the Secretary of State for Education may intervene in these schools.

RDs are DfE appointees and were previously known as Regional Schools Commissioners. There are nine RD regions. The <u>DfE's Schools causing concern</u> <u>guidance explains</u> what happens when an academy is rated inadequate. Options include:

<sup>&</sup>lt;sup>9</sup> Department for Education, <u>Schools causing concern</u>, January 2024

- Identifying a new academy trust for the school, and entering into a new funding agreement with the new trust. In the meantime, the school continues to operate
- If formerly a standalone academy, transferring the school into a strong multi-academy trust
- In exceptional cases and where the school is not viable in the long term, terminating the funding agreement and closing the school outright.<sup>10</sup>

### Inspection frequency following inadequate judgement

Where a maintained school graded inadequate subsequently converts to academy status, or an academy is graded inadequate and transfers to a new sponsor, the school will usually receive a graded reinspection within three years. In some cases, though, an ungraded inspection will be carried out before this.<sup>11</sup>

## 3.3 Complaining about an Ofsted inspection

Ofsted's complaints procedure was revised in April 2024.

### Ofsted signals changes to complaints procedures: January 2023

In January 2023, an Ofsted official was quoted in <u>a Schools Week article</u> as saying that the organisation's current complaints procedure was "not working".<sup>12</sup> The Association of School and College Leaders (ASCL) published <u>a</u> <u>position statement in February 2023 criticising the current complaints</u> <u>procedure</u> and saying it was "not fit for purpose. The system must be fair, transparent, and have the authority to require judgements to be revised where inspections are proven to have been flawed."<sup>13</sup>

Subsequently, in March 2023, <u>an article in TES said Amanda Spielman had</u> <u>acknowledged the complaints procedure was "not a satisfying process"</u> for schools, and that the inspectorate was:

> [d]oing another round of work to try and find a different way of approaching [complaints] to address what's nearly always the root of the problem, which is

<sup>&</sup>lt;sup>10</sup> Department for Education, <u>Schools causing concern</u>, January 2024, p39

<sup>&</sup>lt;sup>11</sup> Ofsted, <u>School inspection handbook</u>, 11 July 2022, para 164

<sup>&</sup>lt;sup>12</sup> "Ofsted admits its complaints policy 'isn't working", Schools Week, 13 January 2023

Association of School and College Leaders position statement, <u>The Ofsted complaints process</u>, February 2023

the grade isn't accepted, and to try and find ways to address that more directly earlier on.  $^{\rm 14}\,$ 

#### Consultation on complaints procedure: June 2023

In June 2023, Ofsted <u>launched a consultation on changes to its post-</u> inspection and complaints handling procedures. Subsequently, Ofsted confirmed:

- There would be increased professional dialogue with teachers and leaders during inspections
- Allowing schools to contact Ofsted the day after an inspection visit, to discuss any issues
- It would withdraw the internal review stage of its complaints procedure. Instead, once Ofsted has considered the original complaint, complainants are now able to refer their complaints to the <u>Independent</u> <u>Complaints Adjudication Service for Ofsted (ICASO)</u> straight away.
- There would be periodic reviews of closed complaints by external investigators, and more dialogue between schools, senior inspectors and the principal (complaints) investigator

<sup>&</sup>lt;sup>14</sup> "Ofsted chief: Complaints process not 'satisfying' schools", TES, 10 March 2023

## 4 Current issues

4.1

## Labour Party's position on school inspection

#### Replacing single word judgement with a scorecard

After the 2024 general election, <u>newly appointed Education Secretary Bridget</u> <u>Phillipson said</u> the Labour Party would be "mission-led", and that would mean a reformed Ofsted alongside regional improvement teams in the DfE.<sup>15</sup>

In January 2024 Labour stated their ambition to "<u>create a better system for</u> inspecting and improving our schools", which included ending single word Ofsted judgements and bring in report cards with annual checks on safeguarding and attendance.<sup>16</sup> This ambition was reiterated in March 2024: "<u>the days of the one word judgement will be coming to a close</u>".<sup>17</sup> In their 2024 Manifesto, Labour committed to "<u>replacing a single headline grade with a</u> <u>new report card system telling parents clearly how schools are performing</u>".<sup>18</sup>

#### Other reforms to school inspection

Speaking to the ASCL annual conference in March 2022, as <u>Shadow Education</u> <u>Secretary, Ms Phillipson said an independent inspectorate was a "sign of a</u> <u>mature and confident education system</u>" but that it was time for "Ofsted to turn a corner". At that time, Labour priorities included:

- Supporting and improving struggling schools
- Inspection of multi-academy trusts, which was currently "missing"
- Addressing "the way inspections operate [which] makes teachers, leaders and lecturers too often feel punished rather than supported"

She also said change was needed to address "cat and mouse game[s] between inspectors and schools, with no incentive to have an honest professional dialogue, to accept weakness and work to address it" and described these as "the unhelpful features of [...] an adversarial system.<sup>19</sup> It was <u>subsequently reported that Labour was considering scrapping the</u>

<sup>&</sup>lt;sup>15</sup> '<u>Phillipson to DfE: 'The proudest day of my life''</u>, Schools Week, 5 July 2024

<sup>&</sup>lt;sup>16</sup> Labour's plan for schools, the Labour Party, 9 January 2024

<sup>&</sup>lt;sup>17</sup> Bridget Phillipson speech to the Association of School and College Leaders, 9 March 2024

<sup>&</sup>lt;sup>18</sup> Labour Party manifesto 2024, June 2024

<sup>&</sup>lt;sup>19</sup> Bridget Phillipson MP, Labour's Shadow Education Secretary, Speech to the Association of School & College Leaders, 12 March 2022

current Ofsted grading system and "replacing it with a new 'report card' for schools", should it win the next election.<sup>20</sup>

Speaking to Times Radio on 24 March 2023, the then Shadow Secretary of State for Health and Social Care, Wes Streeting, said he thought school inspections were important, but that Ofsted did need "to reflect on the culture of inspection". He said Labour had been clear that it would "stick with inspections, but we are going to reform the way that they operate".<sup>21</sup>

#### How Labour would pay for Ofsted reform

Labour's general election <u>Fiscal Plan</u> earmarked £45million for Ofsted reform funded through £1.5 billion received from <u>revenue from applying VAT and</u> <u>business rates to private schools</u>. The Institute for Fiscal Studies agreed that these changes may raise in the region of £1.3 – £1.5 billion, but said "the arguments for keeping or removing these exemptions [were] ... finely balanced".<sup>22</sup>

More information on the private schools and tax arrangements can be found in the House of Commons briefing paper on <u>Charitable status and</u> <u>independent schools</u>.

## Death of head teacher Ruth Perry and subsequent Ofsted reforms

In January 2023, Ruth Perry, head teacher at a primary school in Berkshire, died. In November 2022, Ofsted had inspected her school and rated it inadequate on safeguarding grounds only. The inquest into her death recorded a narrative conclusion of suicide, contributed to by the Ofsted inspection.

Shortly after Ruth Perry died, BBC News <u>published extracts from a statement</u> made by her sister, Julia Waters, on behalf of the family:

The family statement said: "We are in no doubt that Ruth's death was a direct result of the pressure put on her by the process and outcome of an Ofsted inspection at her school.

"We do not for an instant recognise Ofsted's 'inadequate' judgement as a true reflection of Ruth's exemplary leadership or of the wonderful school she led."

[...]

4.9

<sup>&</sup>lt;sup>20</sup> "Labour proposes 'report card' to replace Ofsted grades", Schools Week, 11 March 2023

<sup>&</sup>lt;sup>21</sup> Wes Streeting interview, Chloe Tilley and Calum Macdonald with Times Radio Breakfast, 24 March 2023, 3h 13 minutes into programme onwards

<sup>&</sup>lt;sup>22</sup> Institute for Fiscal Studies, <u>Labour party manifesto: an initial response</u>, 13 June 2024

"School inspections should be a welcome and positive contribution to improve standards in education," they said.

"They need to be genuinely supportive and so to safeguard the health and wellbeing of hard-working, talented, altruistic headteachers and staff". <sup>23</sup>

School teaching and leadership unions had also reacted to Ms Perry's death by calling for a pause to Ofsted inspections and reiterating long-standing calls for reform of the inspection system. The National Education Union (NEU) called for Ofsted "to be replaced" with a new system that was "supportive, effective and fair",<sup>24</sup> and on 23 March 2023 it handed a petition signed by 52,000 people to the government on this issue.

The Association of School and College Leaders (ASCL) called for Ofsted to give "urgent consideration to reform of the inspection system to make it fairer and less punitive".<sup>25</sup>

The National Association of Head Teachers (NAHT) said it had:

long campaigned for fundamental reform of the current inspection system. We know that at our upcoming annual conference, our members will be determined that this campaign is intensified.

It is clear that school leaders up and down the country are placed under intolerable pressure by the current approach. It cannot be right that we treat dedicated professionals in this way. Something has to change. Whilst it should never take a tragedy like this to prompt action, this has to be a watershed moment.<sup>26</sup>

#### **Reaction of Inspectorate**

On Friday 24 March 2023, His Majesty's Chief Inspector of Education, Children's Services and Skills, <u>Amanda Spielman, published a response</u> to Ruth Perry's death.<sup>27</sup> This said that her death was a tragedy, and that Ofsted was deeply sorry for her loss. However, as the inquest was ongoing, it would "not be right to say too much", said Ms Spielman.

Ms Spielman said stopping inspection activity or preventing inspections would "not be in children's best interests" but that the broader debate about reforming Ofsted to remove grades was "a legitimate one".<sup>28</sup>

Responding to Ms Spielman's statement, the NAHT said that deciding not to pause inspections, even for a short period, "was a terrible mistake" and that

<sup>28</sup> As above

<sup>&</sup>lt;sup>23</sup> <u>"Ofsted: Head teacher's family blames death on school inspection pressure"</u>, BBC News [online], 22 March 2023, accessed 24 March 2023

<sup>&</sup>lt;sup>24</sup> National Education Union press release, <u>Ofsted and school leader wellbeing</u>, 20 March 2023,

<sup>&</sup>lt;sup>25</sup> Association of School and College Leaders press release, <u>ASCL calls for pause to Ofsted inspections</u> <u>following death of Ruth Perry</u>, 20 March 2023

<sup>&</sup>lt;sup>26</sup> National Association of Head Teachers press release, <u>School leaders call for pause on Ofsted</u> inspections after Ruth Perry tragedy, 20 March 2023

<sup>&</sup>lt;sup>27</sup> Ofsted news story, <u>Statement from His Majesty's Chief Inspector</u>, 24 March 2023

the inspectorate had "completely underestimated the strength of feeling amongst educational professionals".<sup>29</sup>

#### **Coroner's Prevention of Future Deaths report**

The coroner for the inquest into the death of Ruth Perry, Heidi Connor, used her statutory powers to publish a <u>Prevention of Future Deaths report</u>.<sup>30</sup> This raised a number of matters of concern, including (but not limited to):

- The impact on school leader welfare where a school is judged inadequate solely on grounds of safeguarding and would otherwise be graded good or better.
- An "almost complete absence" of Ofsted training or policy on: signs of distress in school leaders; dealing with such distress; pausing an inspection owing to distress; and who is able to attend meetings with inspectors during inspections.<sup>31</sup>
- Absence of a clear path to raise concerns during an inspection
- The requirement for confidentiality following an inspection, meaning head teachers may feel isolated and unable to seek support
- The length of time it took to publish inspection reports.

<u>Ofsted published its response to the Prevention of Future Deaths report in</u> January 2024.<sup>32</sup> This confirmed:

- A new policy enabling the pausing of inspections in certain cases
- A 'big listen' exercise for professionals, parents, children and young people to give views on Ofsted's operation, purpose and role
- Training for all inspectors in responding to mental distress
- New procedures for raising concerns during inspections
- Appointment of an expert reference group on leader and staff wellbeing
- Appointment of an independent expert to lead a learning review of Ofsted's response to Ruth Perry's death.

### Ofsted's 'big listen'

In March 2024, <u>Ofsted launched its 'big listen' initiative</u>. This spans Ofsted's whole inspection remit including education, children's social care, teacher

<sup>&</sup>lt;sup>29</sup> National Association of Head Teachers news story, <u>School leaders respond to statement from</u> <u>Ofsted Chief Inspector on Ruth Perry tragedy</u>, 24 March 2023

<sup>&</sup>lt;sup>30</sup> Courts and Tribunals Judiciary, <u>Ruth Perry: Prevention of future deaths report</u>, 19 December 2023

<sup>&</sup>lt;sup>31</sup> As above, p3

<sup>&</sup>lt;sup>32</sup> Ofsted, <u>Prevention of Future Deaths Report (Regulation 28): Ofsted's response</u>, 19 January 2024

training, and early years. It ran until 31 May 2024, and asked for feedback on four areas: Reporting; inspection practice; culture and purpose; and impact on wider society, children and learners, and school staff.

## January 2024 Education Committee report on Ofsted

The Education Committee published its inquiry report on Ofsted on 29 January 2024.<sup>33</sup> This said that while there was "widespread agreement on the importance of ... an independent inspectorate", relationships between Ofsted and the sector had become "extremely strained" and that "trust in the inspectorate was worryingly low".<sup>34</sup> The Committee made a number of recommendations, including that Ofsted:

- Should develop "an alternative to ... single-word judgements that better captures the complex nature of a school's performance". In in the meantime, it should display all component judgements of the overall grade, for each school, on its website, as should the DfE website.
- Should review the support mechanisms available to school leaders during and after an inspection, and should train inspectors on recognising distress.
- Should have a clear policy on when inspections may be paused
- Should consult on changes to the way routine safeguarding is inspected in schools.

It will now be up to the new Labour government to formally respond to the Committee's report.

#### 4.4

## Inspection of multi-academy trusts

Multi-academy trusts (MATs) are usually groups of academies overseen by one central organisational structure and board of trustees. Ofsted does not currently have powers to inspect whole MATs, although since 2018 inspectors have carried out summary evaluations. Summary evaluations explore "the

<sup>&</sup>lt;sup>33</sup> Education Committee, <u>Ofsted's work with schools</u>, <u>First Report of Session 2023–24</u>, HC117, 29 January 2024

<sup>&</sup>lt;sup>34</sup> Education Committee press release, <u>'Ofsted and Government must rebuild trust and make major</u> <u>changes to school inspections, Education Committee says</u>', 29 January 2024

extent to which the MAT is delivering a high quality of education and improving pupils' achievement".<sup>35</sup>

During her tenure as HMCI, Amanda Spielman repeatedly called for formal powers to inspect whole MATs, including their central functions. In Ofsted's annual report for 2021/22, the inspectorate said:

For the most part, we continue to inspect and regulate individual institutions. We inspect schools individually – but nearly 4 in 10 of them are in multiacademy trusts (MATs), and trusts are becoming larger. These trusts have a huge influence on how children are being educated, so we would like to be able to assess how this influence is being used.

[...]

We strongly believe, as we have for some time, that routine inspection of trusts must have a significant role to play in trust regulation. We continue to work with the Department for Education as it considers the future model of regulation, by building on our research and understanding of the sector.<sup>36</sup>

New HMCI, Sir Martyn Oliver has also addressed the issue of MAT, or group, inspections, since taking office. In <u>an article for Schools Week in January</u> 2024, he said that at that point his priority was:

Making sure our brilliant workforce is out there doing the great job and that people trust that great job to deliver not just a fair, but seen to be fair, inspections with compassion, empathy and respect.

When we've got that level of trust in the system, then I think the right time might be to discuss 'well now can we move to a group inspection?'

I focus on group, not trust – that sense of a common framework is important. You will have schools in trusts, diocesan groups, groups that are in the local authority. I think it's about who is the responsible body for that group? I think there is something that could be done, and it'd be interesting to find out what people want.<sup>37</sup>

#### 'Ten-Minute Rule' Bill – September 2021

On 8 September 2021, Jonathan Gullis MP presented the <u>Multi-Academy Trusts</u> (Ofsted Inspection) Bill to the House of Commons, a 'Ten Minute Rule' Bill, which would give Ofsted the power to "inspect the governing bodies of multi-academy trusts". He said he worried that "[a] loophole risks creating a new group of education authorities that are unaccountable to teachers, parents and pupils." Bringing MATs within Ofsted's inspection regime would, he said, "ensure that they are playing their full role and, crucially, allow those truly doing excellent work to be recognised."<sup>38</sup>

<sup>&</sup>lt;sup>35</sup> Ofsted, <u>Multi-academy trusts: summary evaluations</u>, 14 September 2021, p3

<sup>&</sup>lt;sup>36</sup> Ofsted, <u>Annual Report 2021/22</u>, December 2022

<sup>&</sup>lt;sup>37</sup> 'Interview: How Sir Martyn Oliver plans to turnaround Ofsted', in Schools Week, 2 January 2024

<sup>&</sup>lt;sup>38</sup> <u>HC Deb 8 September 2021</u>, Vol. 700, Col. 319 onwards

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