

Responses to Ofsted's consultation 'A good education for all' on maintained schools and academies, including free schools

This is an evaluation report on the outcomes of 'A good education for all' – Ofsted's consultation about amended inspection arrangements for maintained schools and academies, including free schools, to be introduced in September 2012.

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Introduction

1. This evaluation report summarises the responses to Ofsted's consultation on its proposals for maintained school and academy inspections from September 2012.
2. Ofsted consulted widely on these proposals through a variety of channels. These included a 12-week online consultation; an online survey of parents with children under 19; a survey of the Ofsted Parent Panel; an Omnibus youth survey of learners; parents' focus groups; headteachers' consultative groups representing schools across England; and meetings with key groups including professional associations, teachers' unions and the Association of Directors of Children's Services.
3. Quantitative data were gathered through a range of approaches and resulted in the following level of responses:
 - 4,641 online consultation responses
 - 836 responses gathered through the omnibus youth survey (YouthSight or Learner Panel)
 - 596 responses gathered through the TNS online survey of parents and the Ofsted standing parents' panel.
4. Qualitative data were gathered through focus groups, consultative groups chaired by HMCI, Ofsted directors and senior Ofsted staff, and existing standing groups established by Ofsted with parents, headteachers, teachers, and other stakeholders.

Executive summary

5. The following inspection proposals will be implemented from September 2012. Ofsted will:
 - **require 'outstanding' schools to have 'outstanding' teaching**
From September 2012, schools must have outstanding teaching to be judged outstanding. This will not be applied retrospectively. It does not mean that every lesson seen during an inspection needs to be outstanding. It does, however, mean that over time teaching is enabling almost all pupils to make rapid and sustained progress.
 - **define an acceptable standard of education as being 'good'**
All schools can, and should, be 'good' or better, whatever their circumstances. Our grade descriptors will be clear that a school can be 'good' where pupils' attainment is below average but they are making good progress. We will pay particular attention to how schools are using the pupil premium to improve pupils' achievement.

- **replace the current ‘satisfactory’ judgement with ‘requires improvement’ where schools are not inadequate but are not yet providing a good standard of education**
 Inspection reports will be clear about why these schools are not yet good, what these schools need to do to improve, and their strengths.
- **replace the ‘notice to improve’ category with ‘serious weaknesses’**
 Schools which are inadequate overall and require *significant* improvement but where leadership and management are not inadequate are likely to have ‘serious weaknesses’.
- **introduce earlier full re-inspection of schools judged as ‘requires improvement’**
 We will monitor schools that are not yet good to help them to improve as fast as possible. We will re-inspect schools judged as ‘requires improvement’ within a maximum period of two years and earlier if required. The timing of the inspection will reflect the individual school’s circumstances and will be informed by what inspectors find at the monitoring visits.
- **usually limit the number of times schools can be deemed to ‘require improvement’ to two consecutive inspections before they are judged ‘inadequate’ and deemed to require ‘special measures’**
 Schools which have been judged to require improvement will be subject to regular monitoring. A school judged to require improvement will have a full section 5 re-inspection within a maximum period of two years. If at that inspection it is still judged to require improvement, there will be further monitoring, and another full section 5 inspection will take place within a further two years. If at this inspection it is still not ‘good’, it is highly likely that it will be judged inadequate and deemed to require special measures. This will be because the school is not providing an acceptable standard of education, and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement. However, there may be exceptions to this. For example, if there is now a clear, sustained, upward trend, but the school is not yet good in all areas, inspectors may not judge the school to require ‘special measures’.
- **shorten the notice we give of an inspection**
 We will reduce notice periods in order to see schools as they really are. We reserve the right to inspect without notice, but inspectors will normally contact the school by telephone during the afternoon of the working day prior to the start of the inspection. This will allow the school to make practical arrangements, including informing parents that an inspection is to take place, so they can feed back their views to Ofsted using the ‘Parent View’ facility on our website. We will continue to keep the notice period under review in the light of the strong support parents gave to completely unannounced inspections.

- **request that schools provide anonymised information of the outcomes of the most recent performance management of all teachers**

Good teaching, and the leadership and management of teaching, are central to schools' success. Inspectors will evaluate the robustness of performance management arrangements, and consider whether there is a correlation between the quality of teaching in a school and the salary progression of the school's teachers. We will take the necessary steps to ensure that no individual teacher is identified so that confidential information is not revealed.

6. We will continue to focus on four key aspects of a school's work: achievement; teaching; behaviour and safety; and leadership and management. We will grade on a four-point scale: outstanding (grade 1), good (grade 2), requires improvement (grade 3) and inadequate – serious weaknesses or special measures (grade 4).

Key findings

- The consultation overall revealed a variance between the views of parents/carers and pupils/students and those of headteachers and teachers. Parents and pupils were in favour of all the proposals, whereas headteachers and teachers who responded online did not agree with all of them.
- Those headteachers who met face to face with Ofsted through focus groups, consultative meetings and conferences were able to discuss the proposals in greater detail. An emerging theme from these discussions was that headteachers did not disagree with the principles underlying the proposals, but had doubts about the implementation of some aspects of the proposals, such as the introduction of unannounced inspections. The response from governors was positive for many of the proposals.
- Ofsted has a duty under section 117 of the Education and Inspections Act 2006¹ to have due regard to the views expressed by users about activities falling within the Chief Inspector's remit, who in this case are parents and pupils. Consequently, in shaping the arrangements for inspection from September 2012, Ofsted has given particular regard to the views of parents/carers and pupils/students. At the same time, Ofsted has a general duty to consider carefully all the representations put forward by a range of different respondents. We have listened and carefully considered what people have said.
- Our first proposal – that outstanding schools should have outstanding teaching – received strong support, with nearly two thirds of respondents agreeing.

¹ Education and Inspections Act 2006: <http://www.legislation.gov.uk/ukpga/2006/40/contents>.

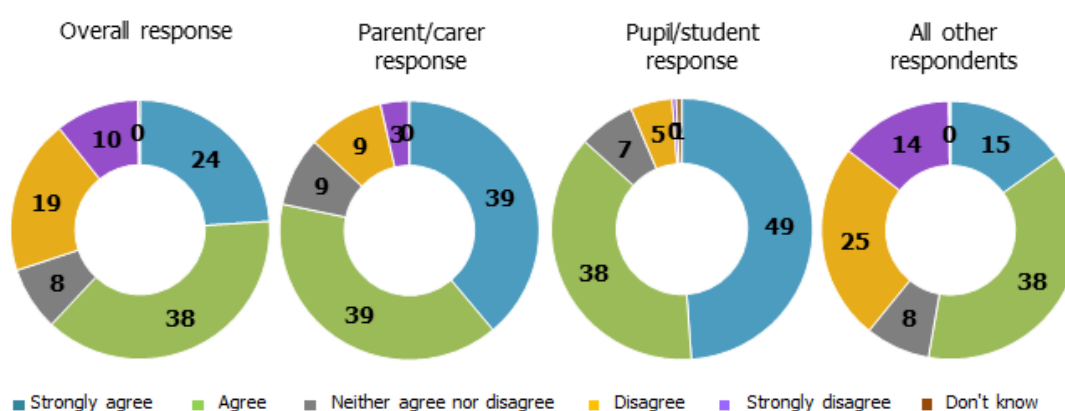
- Half of all respondents, a large majority of pupils and a majority of parents were in agreement with our second proposal – that the acceptable standard of education should be set at ‘good’.
- The large majority of pupils and the majority of parents agreed with our third proposal – that a single grade of ‘requires improvement’ should replace the ‘satisfactory’ grade and the ‘notice to improve’ category. Overall, headteachers and teachers who responded to the online consultation disagreed with the proposal, although those we spoke to in focus groups were generally much more positive.
- Pupils and parents supported overwhelmingly the fourth proposal – early re-inspection of schools placed in the ‘requires improvement’ category. Almost two thirds of school governors felt this to be the appropriate approach. However, around half of the headteachers and teachers who responded online disagreed. Their comments reflected a concern that some schools judged to ‘require improvement’ may have insufficient time to improve before being inspected again. There were also concerns that those schools judged satisfactory were being judged ‘retrospectively’ under a different set of inspection arrangements that were not in place when their inspection was undertaken.
- Our fifth proposal was that we would deem a ‘requires improvement’ school to need special measures if it is not judged ‘good’ by the time of its second consecutive inspection. This was met with strong approval by parents and pupils. It was also supported by the majority of school governors. The proposal was not favoured by the majority of headteachers and teachers who responded online.
- There was strong support from parents/carers and pupils/students for the sixth proposal – to introduce unannounced inspections. However, headteachers disagreed overall with the proposal and commented that they wanted to ensure that they could liaise effectively with the inspection team from the outset of the inspection. They expressed concern that unannounced inspections could take place when they were out of school.
- The final proposal – that schools should provide inspectors with an anonymised summary of the outcomes of the most recent performance management of all teachers – was received positively by many parents/carers and the majority of pupils/students. Two thirds of headteachers who responded to the online consultation were not in favour.

Detailed findings and Ofsted's responses

Proposal 1: To be 'outstanding' schools should have 'outstanding' teaching

7. Nearly two thirds of respondents overall supported this proposal. This included almost four fifths of parents who responded online and through the consultative panels. In addition, well over two thirds of governors and half of all headteachers who responded to the online consultation were in favour. Headteachers who spoke with us in meetings were generally positive about this proposal. The very large majority of pupils/students either strongly agreed or agreed with this approach.
8. Some concerns were expressed that it would be difficult for a teacher to demonstrate all the characteristics of outstanding teaching during a short lesson observation. Headteachers questioned whether teachers could realistically be expected to teach outstanding lessons on every occasion in order for teaching to be judged outstanding. They also queried whether a particular proportion of lessons observed during an inspection would lead to the judgement on teaching.

Response to proposal one



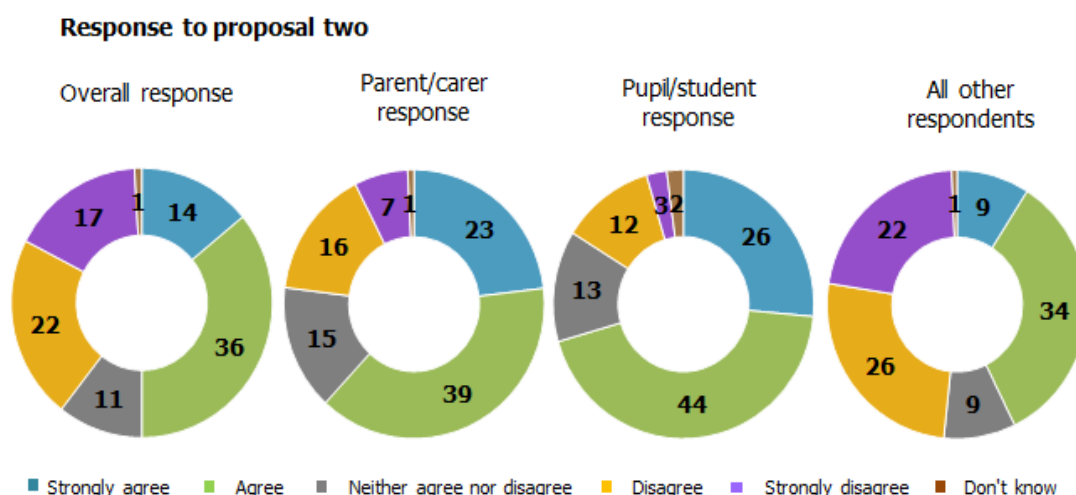
What we propose to do in the light of the consultation findings

9. We intend to implement this proposal in full as we believe that consistently high quality teaching drives up pupils' achievement. This does not mean that every lesson seen during an inspection needs to be outstanding. It does, however, mean that, over time, teaching is enabling almost all pupils to make rapid and sustained progress.
10. In order to address the concerns put forward by teaching staff, we will review our existing guidance for inspectors on judging the quality of teaching in order to make clear that:
 - teaching is judged by its impact on pupils' learning and progress over time

- inspectors will not look for a 'preferred' teaching methodology
- in any single observation an inspector will not expect to see every characteristic of outstanding teaching.

Proposal 2: Defining an acceptable standard of education as being 'good'

11. Half of all respondents were in agreement that the acceptable standard of education should be 'good'. There was overall agreement from well over two thirds of pupils/students and nearly two thirds of governors. However, the response from headteachers was less positive. Some respondents asked for further clarification and Ofsted was able to explain the proposal in more detail to groups of headteachers in face-to-face meetings.
12. Headteachers were concerned about how inspectors would define 'good', particularly in relation to achievement. Central to this concern was the notion that, if judgements are based on norm-referenced performance data, schools with below average performance data could never be judged 'good' or better.



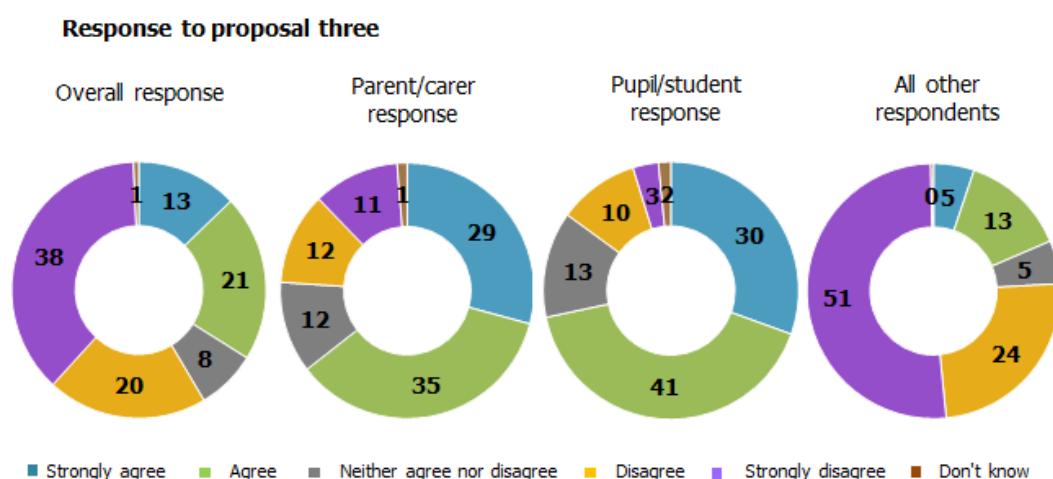
What we propose to do in the light of the consultation findings

13. We believe this proposal remains central to our drive to help ensure that all schools are good schools, and that it will empower leaders and teachers to make improvements. We will implement this proposal in full.
14. We have noted the concerns expressed and will publish amended guidance for inspectors and schools. We will ensure that, when inspectors make the crucial judgement about achievement, they continue to take account of the learning and progress of pupils currently in the school and the progress and attainment of pupils in the past three years. As now, no single indicator will determine the judgement.

15. In addition, our grade descriptors will be clear that a school can be 'good' where pupils' attainment is below average but they are making good progress.

Proposal 3: Introduce a single judgement of 'requires improvement' to replace the current 'satisfactory' judgement and 'notice to improve' category

16. Well over two thirds of pupils/students and almost two thirds of parents agreed with this proposal. Overall, headteachers who responded online were generally not in favour. Some headteachers asked for further clarification about how the proposal would work in practice, expressing concern that the new category would be too wide to sufficiently distinguish between those schools which are close to achieving grade 2 and those which are close to grade 4.



What we propose to do in the light of the consultation findings

17. Headteachers and teachers aspire to provide a good quality of education and all parents and carers want to send their children to good or outstanding schools. Ofsted has the same aim. Our intent is not to expand the number of schools judged to be a 'school causing concern', as defined in the Education Act 2005.² It is to support schools in driving improvement. We want schools to provide nothing less than a good standard of education for all children.
18. We have listened to the many respondents and acknowledge schools' concerns that the category of 'requires improvement', as proposed, was wide. In response to some respondents' comments that this would not distinguish clearly enough between schools that are moving forward, and those that are not, we will ensure that reports clearly show where a 'requires improvement' school has good leadership that is bringing about sustained improvement.
19. We have concluded that schools that are judged to 'require improvement' will not be designated as a 'school causing concern'. They will be monitored to

² Education Act 2005: <http://www.legislation.gov.uk/ukpga/2005/18/contents>.

ensure that they improve. We will support their improvement and will re-inspect to ensure this happens in a reasonable time frame.

20. A school that has been judged to require improvement will be subject to regular monitoring and have a full section 5 re-inspection within a maximum period of two years. If at that inspection it is still judged to require improvement, there will be further monitoring and another full section 5 inspection will take place within a further two years. If at this inspection it is still not 'good', it is highly likely that it will be judged inadequate and deemed to require special measures. This will be because the school is not providing an acceptable standard of education, and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement. However, there may be exceptions to this. For example, if there is now a clear, sustained, upward trend, but the school is not yet good in all areas, inspectors may not judge the school to require 'special measures'.
21. Where any key aspect of a school's performance³ is inadequate, the school is likely to be judged inadequate overall (grade 4) and therefore placed in a category of concern, having either 'serious weaknesses' or requiring 'special measures'.
22. Schools that are not yet good will be in one of three groups.

- **'Requires improvement'**

Where any key aspect is judged to require improvement (grade 3), a school is very likely to be judged to require improvement. In these schools, leaders, managers and governors will have demonstrated the capacity to secure further improvement. A school deemed to **'require improvement'** will not be designated as a 'school causing concern', but will be subject to monitoring and re-inspection within two years to ensure that it does improve.

- **'Serious weaknesses'**

Where one or more key aspects of a school's performance are judged inadequate (grade 4) but leaders, managers and governors are demonstrating the capacity to secure improvement, the school is very likely to be deemed to have **'serious weaknesses'** and to require significant improvement. 'Serious weaknesses' means that the school is a 'school causing concern', as defined in section 44 of the Education Act 2005, and replaces the current term 'notice to improve'. We think 'serious weaknesses' will make it clearer to parents that the school is inadequate but deemed capable of improvement.

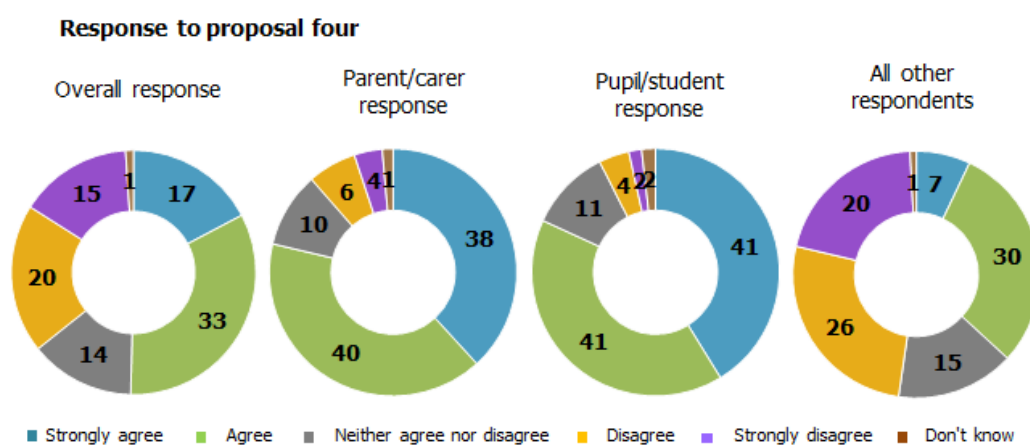
³ 'A key aspect' of the school's performance is defined as being one of the four main judgements: achievement; quality of teaching; behaviour and safety and leadership and management.

■ **‘Special measures’**

Schools that are not providing an acceptable standard of education and are not demonstrating capacity to improve are likely to be judged inadequate (grade 4) and to require **special measures**. Interventions for schools in special measures will remain because we know that intervention helps such schools to improve.

Proposal 4: Introduce earlier full re-inspection of schools judged as ‘requires improvement’

- 23. The majority of respondents supported earlier re-inspection of schools in the ‘requires improvement’ category. Support from pupils/students and parents/carers was very strong, with four out of five agreeing overall. The majority of school governors felt this to be the appropriate approach.
- 24. We received many suggestions about this proposal. These included conducting regular monitoring inspections, sharing best practice, giving schools more support for making improvements and time to do this. There were concerns about the proposal to deem schools previously judged to be satisfactory as ‘requires improvement’. Respondents thought it was not fair to judge such schools ‘retrospectively’ under a new set of inspection arrangements.



What we propose to do in the light of the consultation findings

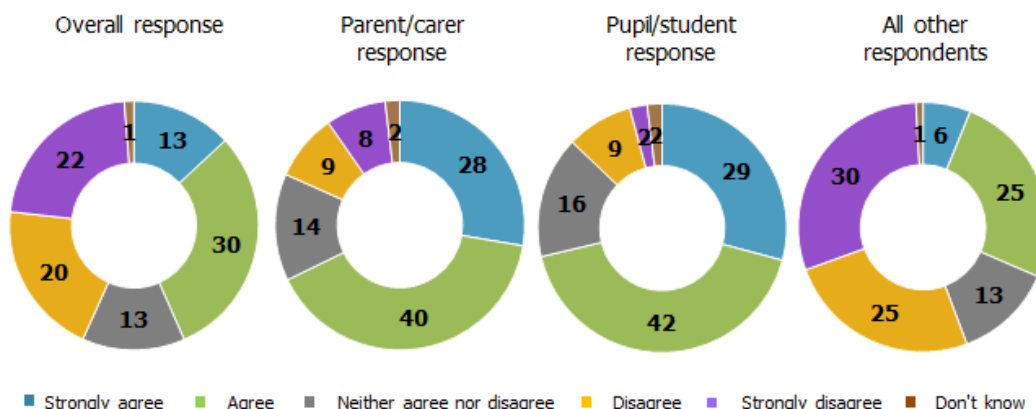
- 25. The need for rapid and sustained improvement is of paramount importance for schools that are not yet ‘good’. Ofsted’s evidence demonstrates that schools can improve quickly if there is a real determination to do so. In addition, independent studies have shown the positive effect that Ofsted judgements can have on the pace of a school’s improvement. We believe that earlier re-inspections will add impetus and drive to improvements. They will also support and empower headteachers and senior leaders to make the necessary changes. We intend to implement this proposal with the following amendments that we believe will mitigate concerns raised.

26. We recognise that the circumstances of individual schools vary and that some schools will become good schools more quickly than others. Consequently, we have extended the timescale for the re-inspection of schools judged to 'require improvement' to up to two years. The exact time between inspections will vary from school to school and depend on a school's circumstances. For example, some schools will be inspected within 18 months (or earlier if there are concerns) and others within two years. Between inspections, we will help schools by providing closer monitoring and support.
27. Schools that are judged to be inadequate because they have 'serious weaknesses' and require significant improvement will be re-inspected within 18 months. All inadequate schools placed in special measures will continue to receive regular monitoring visits.
28. Schools judged 'satisfactory' before the end of August 2012 will not be considered retrospectively as 'requires improvement'. These schools are likely to be inspected again by the end of the academic year 2013/14.
29. Schools with a 'notice to improve' at the end of August 2012 will already be inadequate and in a formal category of concern. These schools will be inspected within 18 months of their last section 5 inspection.

Proposal 5: Introduce a protocol that limits the number of times a school can be judged as 'requires improvement' to two consecutive inspections before it is judged 'inadequate' and deemed to require 'special measures'

30. As with other proposals, this received highly positive response ratings from pupils/students and parents/carers and was supported by the majority of governors. However, headteachers and teachers who responded online disagreed overall with the proposal.
31. Concern was expressed about whether there would be sufficient time for a school that was in a category of concern or judged to be 'satisfactory' to improve and become 'good' within the timescale proposed. In addition, headteachers who responded online were worried that a 'trigger' or protocol that would automatically lead to a school being placed in special measures would not take account of the individual circumstances that may apply to a school.

Response to proposal five



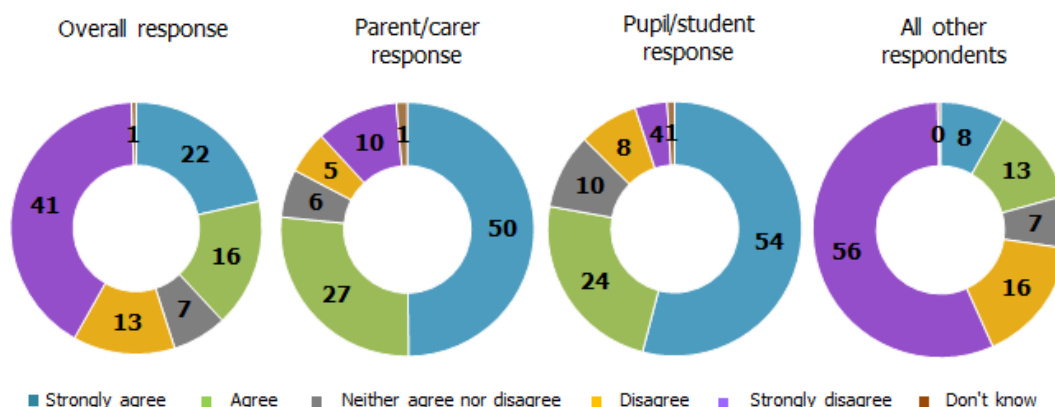
What we propose to do in the light of the consultation findings

32. As previously explained on page 5 and in paragraph 20, a school which has been judged to require improvement will be subject to regular monitoring and further re-inspection. If it is judged to require improvement at two consecutive inspections and at the third is still not good, it is likely that it will be deemed to require special measures. However, if inspectors judge that at the time of the third inspection there is a strong upward trajectory but the school is not yet good, further time may be given to the leaders and managers to secure improvement. Under such circumstances, the school would not be placed in 'special measures'.
33. If, during any inspection, inspectors consider that a school is failing to provide its pupils with an acceptable standard of education and those responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement, the school will be judged inadequate and requiring 'special measures'.

Proposal 6: Undertake inspections without notice

34. There was strong approval from over three quarters of parents/carers and pupils/students to this proposal, but it was not popular with headteachers and teachers. Much of the concern related to practicalities rather than a fundamental disagreement with the premise of the policy. Concerns were raised about logistical arrangements and the availability of key school personnel, particularly the headteacher, at the start of the inspection.
35. Headteachers generally believed that they should be present at their school's inspection because they play an important part in the inspection process. Those we spoke to asked for short notice of inspection, so that they could ensure inspectors have access to the full range of evidence as well as the pupils, staff, governors and parents that they need to talk with.

Response to proposal six



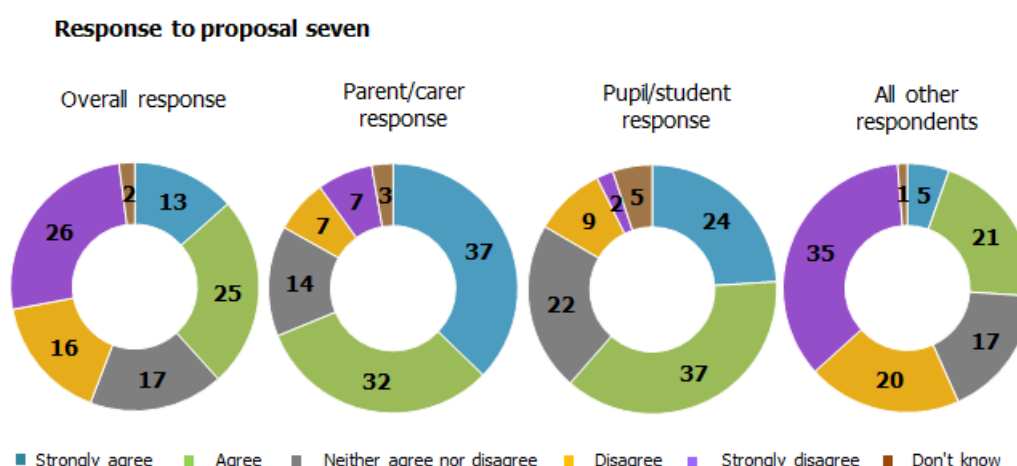
What we propose to do in the light of the consultation findings

36. We believe that unannounced inspections provide inspectors with the best opportunity to see classroom practice as it is, day in, day out, for pupils and students and that they reduce anxiety for staff in the period immediately before an inspection. However, we recognise the practical issues associated with 'no notice'. These include difficulties in rearranging commitments for headteachers who are supporting other schools, difficulties faced by governors in arranging to meet inspectors and the reduced opportunity for schools to encourage parents/carers to record their views on Parent View and fully engage with the inspection.
37. We have given a great deal of consideration to the views expressed in the consultation and have decided to go for very short notice. Lead inspectors will contact the school by telephone during the afternoon of the working day prior to the start of the inspection.
38. We believe that providing short notice will enable Ofsted to reduce the anxiety that can occur in the lead-up to inspection, while resolving many of the operational difficulties cited by headteachers and teachers that may arise with a no-notice approach. This will allow the headteacher and senior leaders to continue to play a full part in the inspection and provide a short period of time for them to make the necessary arrangements for meetings with key staff and governors. This is a reduction on the present notice period of up to 48 hours, and so goes some considerable way to meeting the wishes of parents/carers and pupils. We believe these revised arrangements will ensure that inspectors see schools as they normally are. This was a key concern for parents and one shared by Ofsted.
39. This approach also enables schools to notify parents and carers of pupils registered at the school that the inspection will be taking place before it begins. Schools will have time to ask parents and carers to feed back to inspectors their views about the school.

- 40. The amendments to the implementation of this proposal do not change Her Majesty's Chief Inspector's right to carry out completely unannounced inspections of any school at any time at his discretion. Some of the monitoring visits to schools in special measures will continue to be conducted without notice.
- 41. Ofsted will monitor the implementation of short notice visits from September 2012 and will review the notice periods for inspections in April 2013.

Proposal 7: Request the school provide anonymised information of the outcomes of the most recent performance management of all teachers

- 42. This proposal received a positive response from more than two thirds of parents/carers and the majority of pupils/students. Half of governors were also in favour overall. Just over half of teachers who responded online disagreed overall and raised concerns about the confidential nature of the performance management process. The headteachers we spoke with did not generally share such concerns.



What we propose to do in the light of the consultation findings

- 43. Information about performance management and how it is used to develop, support and challenge individual staff members' professional practice provides crucial evidence about how a school is using its arrangements to improve and reward teaching quality. We find that many schools are keen to explain the key role that senior staff and governors play in holding the school, and members of staff, to account. We intend to implement this proposal in full.
- 44. Inspectors will evaluate the robustness of performance management arrangements, and consider whether there is a correlation between the quality of teaching in a school and the salary progression of the school's teachers.

45. We recognise the concerns raised by teachers about anonymity and will ensure that inspectors continue to use any sensitive information in the strictest confidence. We will take the necessary steps to ensure that no individual teacher is identified so that confidential information is not revealed. Inspectors will not receive any performance management information in advance of the inspection nor remove any from the school site. In addition, they will ensure that confidential data are not recorded. The guidance for inspectors will have a specific section on performance management that will set out lines of enquiry.

Conclusion

46. We believe the changes that are explained will help to ensure that many more children and young people have the best education possible and can play a full and active part in the future of our country.

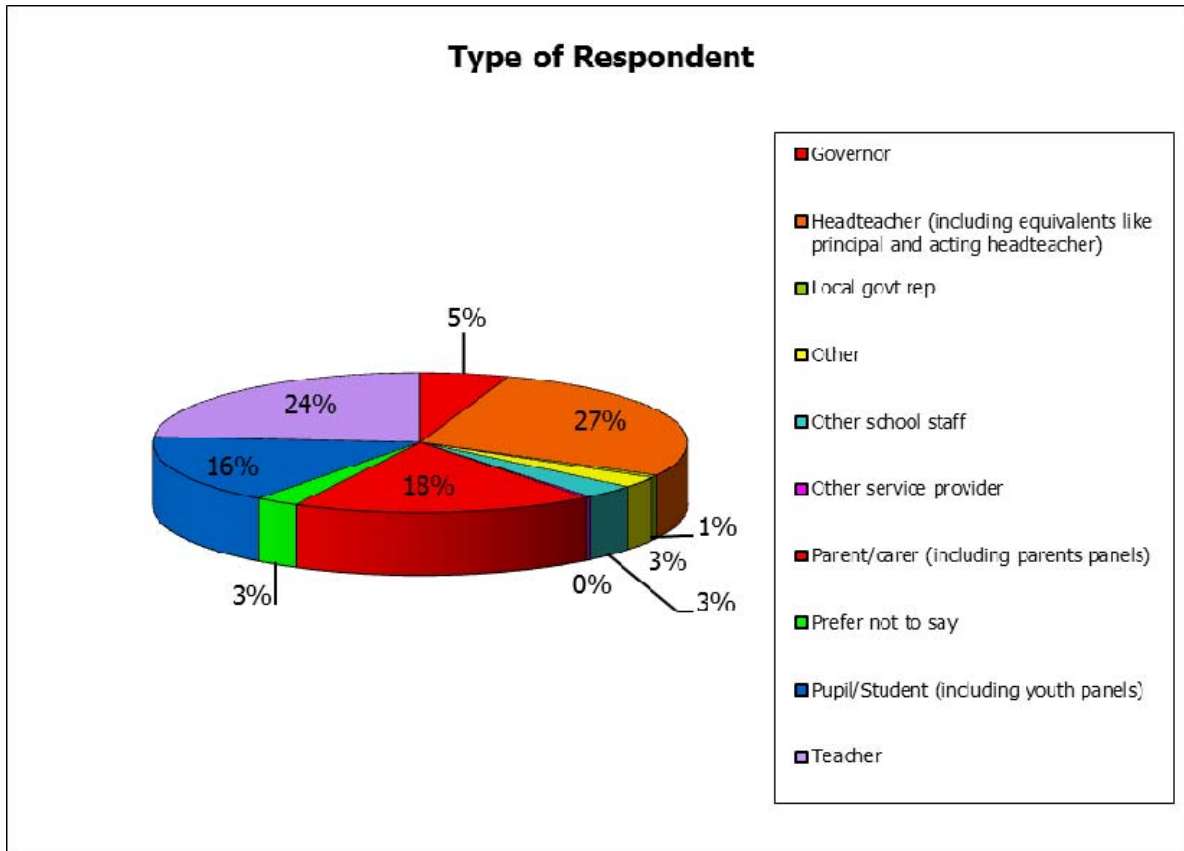
Annex A: Survey methodology

Table 1 reflects the respondent types and the numbers of respondents from within each type. In line with Ofsted's policy we have not included proportions in the analysis for those groups whose overall return was lower than 100. Not every respondent has responded to all the questions in the consultation. Where proportions of responses to specific questions are used in the analysis (for instance, the proportion of headteachers responding positively to a question), these relate to the totals responding to the specific question, not to the consultation overall.

Table 1. Type of respondent	
Governor	290
Headteacher (including equivalents like principal and acting headteacher)	1,486
Local gov rep	32
Other	136
Other school staff	175
Other service provider	16
Parent/carer (including parents' panels)	988
Prefer not to say	142
Pupil/student (including youth panels)	865
Teacher	1,286

Table 2 below shows that the majority of respondents to the consultation represent the 'schools sector' – headteachers, teachers, governors and other school staff. It is worth noting that parents/carers and pupils/students represented two in five of all respondents. A few respondents did not select a respondent type of any kind. These have been added to the 'prefer not to say' category. Respondents to the online consultation who did not select a category but did enter information in the adjacent column (seeking clarification on one's status or role) have been entered as 'other'.

Table 2



Level of response to open questions

2. Do you have any comments or suggestions on our proposal to judge schools to be outstanding only if teaching is also outstanding?

4. Do you have any comments or suggestions on our proposal to define an acceptable standard of education as being 'good'?

6. Do you have any comments or suggestions on our proposal that a single grade of 'requires improvement' should replace the 'satisfactory' grade and the 'notice to improve' category?

8. Do you have any comments or suggestions on our proposal to introduce earlier, full re-inspection of schools judged as 'requires improvement'?

10. Do you have any comments or suggestions on our proposal that, at a school's third consecutive inspection, if it has not made sufficient progress to be judged 'good', it will be deemed to require 'special measures'?

12. Do you have any comments or suggestions about the proposal that inspections should be unannounced?

14. Do you have any comments or suggestions about our proposal that schools should provide inspectors with an anonymised summary of the outcomes of the most recent performance management of all teachers?

Table 3

