Message to inspectors from the National Director, Education

Welcome to this special edition of our school inspection update (SIU). I hope you all had an enjoyable and relaxing summer.

In this edition, we focus on the reformed 9 to 1 GCSEs, including headline messages from the 2018 GCSE results, the reformed science GCSE, using data on inspection, limiting the impact of extremely negative pupils’ progress scores, off-rolling in schools, and early entry in GCSE English.

We also provide an update on floor standards and coasting schools, guidance on off-rolling in schools, clarification on inspecting schools that are part of multi-academy trusts, guidance on in-school cadet units, and information on Ofsted’s new inspection reports website.

It was great to see Her Majesty’s Inspectors (HMI) and Ofsted Inspectors (OI) at our inspector training conferences across the country in the first week of September. As a reminder, the focus was on four main themes:

- **Memory and the power of recall** – the important principles around memory when considering how pupils learn, and how these principles relate to the intent, implementation and impact of curriculum planning in schools.

- **Myths and misconceptions** – inspecting the curriculum for progress in skills, to bust some of the common myths about progress and learning, and to share the emerging findings from phase two of the curriculum review.

- **Equalities** – to reinforce inspectors’ understanding of equalities policy and guidance when on inspection, and applying a consistent approach when putting policy into practice during inspection.

- **Assessment** – going beyond the data, how inspectors evaluate the purpose of assessment, the inferences that inspectors can draw from assessment data provided by schools, and reaching valid and well-evidenced judgements on pupils’ progress.
We hope this special edition of SIU is a useful resource to complement other guidance and materials that inspectors have for the coming year.

Best wishes

Sean Harford HMI
National Director, Education
Headline messages from 2018 GCSE results

This year, around 90% of GCSE results issued were for reformed 9 to 1 GCSEs. This means that many students will have all 9 to 1 grades, but some will have a mixture of 9 to 1 and A* to G grades.

Overall, GCSE results have remained stable in recent years and this trend continued this year.

Some variation in year-on-year results for individual schools and colleges is normal and, overall, the level of variation is generally similar to last year.

Reformed science GCSE

This summer, reformed 9 to 1 GCSEs in science subjects were awarded for the first time. There is a new combined science qualification available that replaces the legacy GCSE science and GCSE additional science qualifications.

Combined science is worth two GCSEs and, so, is graded from 9–9, 9–8, 8–8 through to 1–1. There are also reformed qualifications available in the three separate sciences: GCSE biology, GCSE chemistry and GCSE physics.

Overall, outcomes in combined science are similar to the outcomes in the legacy GCSE science and GCSE additional science at grade 4–4/C, and at grades 7–7/A.

In some cases, a school may have entered pupils for the higher tier in science when the foundation may have been more appropriate. Therefore, this year, 3–3 was allowed as an additional ‘safety net’ grade for the higher tier, and was awarded to 4,700 students who otherwise would have received an unclassified grade.

Further information

Inspectors can use the links below from Ofqual for more detail on the headline messages:

- an infographic about this year’s GCSE results – www.gov.uk/government/publications/infographic-gcse-results-2018

Using data on inspection

A reminder that inspectors should:

- use the areas to investigate in the inspection data summary report (IDSR) to identify lines of enquiry, because these will highlight important or statistically significant patterns in the data
call the analyst support helpdesk if they see substantial variability in a school’s GCSE results so that our analysts can help them interpret this variability, and also call if their interpretation of the data is different to that of the school

avoid over-focusing on detailed data, including data for groups or sub-groups of pupils and move beyond the data as quickly as possible to ascertain how well the curriculum is being taught.

Limiting the impact of extremely negative pupils’ progress scores

This year, the Department for Education (DfE) will be introducing a limit on how negative a pupil’s progress score can be before it is discounted from the school’s overall score. The limit will apply to the school average for Progress 8 and for key stage 2 progress measures. When a pupil’s score is more negative than a set minimum value, an adjusted score will replace the pupil’s original progress score. This is done solely for the purpose of calculating a school’s overall progress average and will not affect pupils’ attainment scores. There will be no upper limit on pupils’ scores.

The DfE will identify pupils using a statistical process and the adjustment will be applied automatically to a school’s data. The change will affect around 1% of pupils nationally, and it will not be possible for schools to predict in advance which pupils’ scores will be affected. The adjustment will apply to around one or two pupils per school; many schools will have no pupils’ scores adjusted, while others may have several adjusted scores.

Implications for inspectors

Schools will first be able to see their adjusted and unadjusted scores as part of the schools checking exercise this month. The 2018 key stage 4 briefings that will be provided to inspectors by the analyst support team from mid-October will comment on any meaningful differences between the adjusted and unadjusted scores.

When 2018 data is published, the DfE’s school performance tables will display the Progress 8 and primary progress figures calculated using the methodology outlined above. The IDSR will indicate where there is a large difference between the adjusted and unadjusted scores.
Off-rolling in schools

In June, we published a blog\(^1\) regarding our concerns about ‘off-rolling’. We found that, between 2016 and 2017:

- over 19,000 pupils did not progress from Year 10 to Year 11 in the same state-funded secondary school
- many of these 19,000 plus pupils moved to another state-funded school, but around half did not reappear at a different state-funded school
- it was likely to affect some children more than others, such as those who have special educational needs and/or disabilities, children eligible for free school meals, children looked after, and some minority ethnic groups who are all more likely to leave their school.

The IDSR will indicate where there are exceptional levels of pupil movement between Years 10 and 11. While there are entirely legitimate reasons a pupil may move off a school roll lawfully, if inspectors have concerns about potential ‘off-rolling’, they must discuss them with the school leaders during the inspection. This should inform the evaluation of evidence for the effectiveness of leadership and management and outcomes for pupils. Further guidance for inspectors on off-rolling is set out below.

**Early entry for English GCSEs**

The Joint Council for Qualifications has published data on GCSE outcomes by age.\(^2\) This shows that, in 2018, around 27,000 pupils were entered for GCSE English literature at age 15 or under, and 10,000 were entered early for GCSE English language. The proportion of these pupils attaining grade 4 or above in English literature was 10 percentage points below those entered at age 16, and similarly five percentage points below for English language. This early entry could have been to ensure that the English qualification counted as double for the Attainment 8 and Progress 8 scores, because the highest points from either English literature or language will be included in the calculation.

The IDSR will indicate if English entry was high and performance differed across the two qualifications. The school performance data team will be further investigating to identify where large cohorts of pupils were entered early for an English qualification. If inspectors have any concerns about a school’s qualification entries, they must

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\(^1\) Off-rolling: using data to see a fuller picture, Ofsted blog, 2018; https://educationinspection.blog.gov.uk/2018/06/26/off-rolling-using-data-to-see-a-fuller-picture/

discuss them with the school leaders during the inspection; inspectors should also call the data analysts helpdesk if they want to discuss this further.

**Floor standards and coasting schools**

The DfE has informed us that from September 2019, there will be a new way for DfE to identify schools that might benefit from an offer of support. These changes will be consulted on in the autumn.

The floor standards and coasting definition will remain in use until then (i.e. 2018/19 academic year). Where either applies, they will be used only as a trigger for the DfE to identify schools that might benefit from an offer of support.

**Leadership and management judgement**

As stated above, both the floor standards and coasting definition remain as a trigger in 2018/19 for regional schools commissioners (RSCs) to contact the school’s trust or local authority to offer support, in line with the schools causing concern guidance. As our section 5 handbook sets out, whether schools have the capacity to secure further improvement, and whether improvement plans are sustainable and moving with adequate pace are both relevant under the leadership and management judgement.

Therefore, when a school is below floor standard or meets the coasting definition, inspectors should find out what steps the school has taken, or is planning, to improve. If no additional support work is planned, inspectors will want to assure themselves that this either means the school already has adequate improvement work planned or that the school has taken steps to get further support from elsewhere.

**Coasting definition and middle schools: inspecting middle schools and junior schools using key stage 2 progress data**

The statutory guidance, ‘Schools causing concern’ published by the DfE makes clear that, when inspecting a middle school, only the RSC can determine whether a middle school is coasting by looking at the school’s own data. The guidance states:

‘The majority of middle schools are deemed to be secondary schools but, due to the age range, pupils are subject to coasting definition relating to key stage 2, rather than the coasting definition relating to key stage 4. A pupil may, however, only have attended a middle school for a short time before they took the key stage 2 tests and may still have a number of years left at the school. For this reason, RSCs will give consideration to the wider context when a middle school meets the coasting definition. This will include giving consideration to the progress made by pupils from the point of entry to the middle school to when they leave, which may be demonstrated by robust, and where possible, externally benchmarked school data.’
The coasting definition does not apply to nursery schools, infant or first schools because they do not hold the relevant data, nor does it apply to special schools or alternative provision schools, including PRUs.

In general, pupils at middle schools and junior schools, on average, have lower key stage 2 progress scores than pupils at other primary schools, even though attainment of junior schools tends to be higher than that of other primary schools.

If progress looks low, inspectors should use the IDSR to identify whether the prior attainment of the cohort seemed unusually high compared to national figures. This may indicate that the progress score reflects high teacher assessments at the end of key stage 1 from the first school feeding into a middle school, or the infant school feeding into a junior school. On inspection, inspectors need to consider how the middle/junior school’s own assessment information triangulates with this to form an overall picture.

**Implications for inspectors**

Inspectors must no longer report whether a school meets the floor standards or coasting definition. All references to these definitions have been removed from the IDSRs for 2016/17 to support this change. Similarly, the imminent IDSRs for 2017/18 will not refer to floor standards or coasting. Inspectors will, of course, continue to take account of the progress of recent cohorts when evaluating the progress of pupils currently in the school, in line with the school inspection handbook.

**Off-rolling in schools – guidance for inspectors**

Many colleagues will have seen the press reports on ‘off-rolling’ over the summer break. There has been much press interest in some schools ‘gaming’ the system by removing or encouraging removal of pupils from the school roll to improve examination results. In late July 2018, the Education Select Committee published its report: ‘Forgotten children: alternative provision and the scandal of ever increasing exclusions’, which also discussed ‘off-rolling’. ³

On inspection, inspectors need to be clear about what is meant by ‘off-rolling’ and be able to distinguish between lawful and unlawful off-rolling.

There is no legal definition of ‘off-rolling’. There is also some confusion about the term.

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**Ofsted’s definition of ‘off-rolling’**

The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. Off-rolling in these circumstances is a form of ‘gaming’.

There are many reasons why a school might remove a pupil from the school roll, such as when a pupil moves house or a parent decides (without coercion from the school) to home educate their child. This is not off-rolling.

If a school removes a pupil from the roll due to a formal permanent exclusion and follows the proper processes, this is not off-rolling.

When a school removes a pupil from its roll in line with regulations and/or statutory guidance, this is lawful. **Unlawful off-rolling** happens when a school removes a pupil’s name from the school roll for reasons, or in a way, not permitted by regulations and/or statutory guidance.

Inspectors have always been alert to unlawful exclusions, when inspecting, and other practices that are not in line with Regulation 8 of the Education (Pupil Information) Regulations 2006 and/or the statutory guidance, ‘Exclusion from maintained schools, academies and pupil referral units in England’, September 2017.4,5

**Unlawful exclusion** is the exclusion of a pupil from school (permanent or fixed-term) for a reason or reasons other than their behaviour, as defined in the statutory guidance. If a school uses an exclusion process that is not in line with the statutory guidance, that may also make an exclusion unlawful. Unlawful permanent exclusion is one form of off-rolling.

Most discussion about off-rolling involves schools finding ways to remove pupils from the roll or encouraging parents to do so, if this serves the school’s best interests. As stated above, in many cases, this is not unlawful, though if we find evidence of off-rolling in our inspections, we would reflect this negatively in our reports and potentially in our judgement of the school. For example, arranging a managed move that was in the best interests of the school but not the pupil would not constitute an unlawful permanent exclusion. Similarly, if a school moved a group of Year 11 pupils into an alternative provision just before the January census date (to avoid these pupils being counted in the school’s examinations data), this would not constitute an unlawful exclusion, but it is likely to be off-rolling because it would seem to be just in

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the interests of the school. However, inspectors would need to ascertain the individual circumstances of the pupils in coming to a considered judgement.

Inspectors should be careful of the language they use when exploring ‘off-rolling’ in schools. It will usually be unhelpful to talk about ‘unlawful off-rolling’ unless inspectors have evidence that this is what is actually happening. Inspectors also need to remember that off-rolling is often lawful, even if is not in the pupil’s best interests. Inspectors should also be aware that removal from a school’s roll can be in an individual pupil’s best interests. For example, when the curriculum of an alternative or specialist provision clearly better meets the pupil’s needs, this would not be off-rolling as Ofsted is defining it.

In summary:

- There is no legal definition of ‘off-rolling’. Inspectors should use our internal definition.
- ‘Off-rolling’ is not always unlawful.
- Our judgements and reports will highlight practices where pupils are removed from the roll in the interests of the school, not the pupils, and report these as ‘off-rolling’.
- Inspectors should be careful on inspection not to use inaccurate language about the unlawfulness of ‘off-rolling’.

Also, inspectors should note that the DfE has published revised guidance on school attendance for maintained schools, academies, independent school and local authorities: www.gov.uk/government/publications/school-attendance. The main changes relate to schools making arrangements to safeguard and promote the welfare of children.

**Inspecting schools that are part of multi-academy trusts (MATS)**

As the education landscape continues to evolve in England, inspectors are increasingly likely to encounter a variety of different models of governance, particularly in MATs. There is no single model of MAT organisation and, as a result, governance models vary considerably. Of course, Ofsted has no ‘preferred approach’ to MAT organisation or structure. Inspectors will need to make sure that they understand how the governance arrangements and accountability mechanisms function in each of the schools they inspect. As Her Majesty’s Chief Inspector (HMCI) stated in her recent speech at the Education Policy Institute, ‘we want to ensure that in individual inspections of MAT schools, the role of the MAT is properly considered’.6 Any variations in inspectors’ knowledge in this area can create confusion, including for MAT leaders who may encounter an inconsistent approach across individual

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inspections of schools within the same MAT. In short, as HMCI has made clear, we want to ensure that all inspectors are confident in understanding the extent to which ‘the inspection conversation necessarily reaches into the MAT’. That said, inspectors’ interactions with MAT representatives should focus on the impact in the individual school, not on the general performance of the MAT.

**Understanding governance structures in MATs**

There is wide variation in the way in which MATs are organised and function. This section describes the elements that are common to most MATs, based on the requirements set out in funding agreements, DfE guidance and charity and company law. The DfE publishes guidance on the roles and duties of governing boards, and advice on the skills, knowledge and behaviours that they need to be effective.  

In a MAT, a single trust is responsible for a number of academies. The trust consists of the members and the trustees. In sum, executive leaders are held to account by the trustees, who, in turn, are held to account by the members.

**MAT governance**

The diagram below sets out the most common model of delegation in MATs. At the top are the members, who appoint trustees and agree the articles of association. Below that is the trust board, which is the accountable body and may delegate monitoring and oversight functions to the board committees, such as for finance and standards. There may be further links to the MAT executive officers and the academy committees, also commonly known as local governing boards or bodies.

In many cases, depending on the size of the MAT, the CEO line manages the individual headteachers or principals, though the academy committee has input. Note that there is a direct line from the board to the academy committee because it is a committee of the board and therefore should have access to trustees.

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Fig 1. A representation of a common model of delegation in MATs

**Members**

The members are akin to the shareholders of a company. They have ultimate control over the academy trust, the ability to appoint some of the trustees and the power to amend the trust’s articles of association.

**Trustees**

The trustees are responsible for the same three core governance functions performed by the governing body in a maintained school: setting the strategic direction, holding senior leaders to account, and ensuring financial probity. As charity trustees, they must also ensure that they are complying with charity law requirements. Academy trusts are charitable companies, where the trustees are company directors and must, therefore, comply with company law requirements. This may sound daunting, but in reality the duties are largely the same as those of a governor of a maintained school, such as regularly attending meetings, managing conflicts of interest, seeking advice from the academy’s leadership team and ensuring that the academy has appropriate procedures in place for reporting financial information.

**Local governors**

Individuals who sit on local governing bodies (LGBs) are usually referred to as ‘local governors’. LGBs are sometimes known by other names, such as ‘academy councils’ or ‘academy committees’.
This is because trustees can delegate governance functions to the local level. LGBs only have such responsibilities as are delegated to them by trustees and this will vary by MAT. Trustees have complete discretion over what is delegated to each LGB.

Often, a MAT will retain all governance functions centrally. It may establish an advisory body at the school level, which has no formal governance function but advises the board of trustees on its decisions. This is usually set out in a published scheme of delegation. As we shall see, MAT leadership and management comes from the MAT executive team; governance comes from trustees and (only as a last resort) from members.

**MAT leadership and management**

**Executive leaders**

Members, trustees and local governors together make up the governance structure of a MAT. Those responsible for the leadership and management of the MAT are the executive leaders. They are held to account for the performance of the MAT by the board of trustees. A key responsibility of executive leaders is to advise the trustees and the members. For example, executive leaders may design a trust-wide policy on the curriculum, but this would usually need to be agreed to by the board. Depending on the structure of the MAT, executive leaders may include:

- chief executive officer (CEO) – typically for MATs
- executive headteacher, headteacher or principal – for example in a single academy trust
- other senior employees/staff – such as directors of education, finance, human resources and curriculum leaders.  

Executive leaders have a wide range of responsibilities to do with the day-to-day running of the MAT and the performance of its academies. For example, CEOs can be responsible for the performance management of regional directors, executive principals and/or academy principals, depending on the size and organisation of the MAT. Executive leaders are usually responsible for the design and monitoring of trust-wide policies, for example on the recruitment, training and deployment of staff, safeguarding, compliance.

**Relevant reading**

- Governance in multi-academy trusts (includes case studies of different MAT configurations and ways of operating)

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9 Not to be confused with ‘trust directors’ which is a term often used to refer to the trustees; in this context a ‘board of directors’ will usually mean the board of trustees.
Model articles of association for academy trusts

Academy and free school funding agreement: multi-academy trusts.

Implications for inspectors

When inspecting any school, it is important that inspectors fully understand the arrangements for governance and accountability. As we have seen, this is particularly the case for schools that are part of MATs. Inspectors should therefore:

- remember that Ofsted has no ‘preferred approach’ to models of MAT structure or organisation, including governance. Inspectors should understand the arrangements to ensure that they can evaluate how effective governance and accountability are, and their impact on the quality of leadership, provision and pupils’ outcomes at the school. Inspectors should not act or talk in a way that could be interpreted as favouring a particular MAT structure or approach

- check whether the MAT the school is a part of has been reviewed under existing arrangements for MATs. The published outcome letter following any review is likely to contain helpful information about the MAT’s organisation and approach

- ensure that they clarify with school leaders the governance arrangements for the school. This should be done during the notification call, as set out in the school inspection handbook, and clarified where necessary at the start of the inspection

- clarify the level of responsibility delegated to local governance at the beginning of an inspection. When inspecting academies, it is critical that inspectors understand the precise role of the LGB, and whether it has full or some delegated powers or is purely advisory. While the onus is on school leaders to explain this, it is the lead inspector’s responsibility to ensure that he or she understands clearly the scheme of delegation, including what governance functions have been delegated, and what functions are retained by trustees. This will help inspectors to reflect accurately in inspection reports the leadership, management and governance arrangements in the academy.

In some cases, particularly when inspecting schools that are part of large MATs, inspectors may encounter a number of different MAT representatives, including executive officers, members and/or trustees, who may wish to contribute in different ways to the inspection.

It is important that inspectors manage these demands sensitively and carefully. Inspectors should ensure that they are clear about who they need to speak to in order to gather evidence about the effectiveness of the school’s governance and accountability arrangements. It is for lead inspectors, working with school leaders,
to manage the inspection and tailor inspection activity to the particular circumstances and context of the school. The lead inspector should therefore make sure that:

- school leaders understand how representatives from the MAT should be invited to participate in team meetings and attend the final feedback following the inspection
- where representatives from the MAT request, or take part in, meetings or telephone conversations with inspectors, the purpose and expectations of these activities is clear to and understood by all participants. As is the case with other stakeholders, the onus is on lead inspectors to determine who takes part in meetings and other inspection activities.

Nevertheless, it is important to remember that the MAT is legally responsible for what happens in its schools, including the effectiveness of safeguarding arrangements and the quality of education. It is therefore perfectly legitimate for staff from the MAT to be involved in the inspection. However, the lead inspector should ensure that staffs’ involvement is proportionate, integral to evidence gathering about the school’s effectiveness and focused on the MAT’s impact on the quality of education at the school.

**In-school cadets**

The government’s cadet expansion programme (CEP) establishes cadet units in schools to give students the chance to learn new skills such as leadership and self-reliance, based on the traditions and values of the armed forces.

Schools can have two types of units:

- combined cadet force
- sea cadets.

Further information can be found here: [www.gov.uk/guidance/cadet-forces-units-information-for-state-funded-schools](http://www.gov.uk/guidance/cadet-forces-units-information-for-state-funded-schools)

In addition, the police force has a police cadet scheme that offers 10- to 13-year-olds the opportunity to join the Junior Volunteer Police Cadets (JVPC), and 13- to 18-year-olds the opportunity to join the Volunteer Police Cadets (VPC). Most cadet units have a local school or college as their base and cadets learn about the police, keeping safe and how to get involved in supporting the community.

Further information can be found here: [https://vpc.police.uk](https://vpc.police.uk).

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12 ibid, paragraphs 40, 62, 93 and 96.
Implications for inspectors

Inspectors consider the culture and ethos of a school when making judgements about leadership and management. This includes how well the school supports and enriches the formal curriculum with extra-curricular opportunities for pupils to extend their knowledge and understanding. When judging personal development, behaviour and welfare, inspectors will also consider the extent to which pupils’ education equips them with the behaviours and attitudes necessary for success, their conduct and self-discipline.

Inspectors are not expected to reference an in-school cadet movement as a matter of routine. However, when schools present evidence about pupils’ involvement in this initiative and its contribution to pupils’ education in its broadest sense, it would be appropriate for inspectors to comment on this in their report. They might make comment, for example, on the impact of the in-school cadet movement on relevant aspects of the school, pupils’ spiritual, moral, social and cultural development and outcomes for participating pupils.

Subscribing to email alerts from the new Ofsted inspection reports website

As you will be aware, the new Ofsted reports site has been ‘live’ for a number of months, alongside the existing reports site.

The new inspection reports site uses up-to-date technology, meeting the needs of our users. It is simpler to access on non-desktop devices and is built around the requirements of Ofsted’s external users.

It is easier for users to find information. The content is more streamlined and uses less jargon.

We are planning on turning the old inspection reports site off on Tuesday 2 October.

As part of this, the email alerts from the old site about inspection reports have stopped. To continue to receive email alerts when new inspection reports are published, users will need to re-subscribe on the new site.

To begin to receive email alerts about Ofsted’s inspection reports from the new website, you have to:

- go to https://reports.ofsted.gov.uk
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Read about our new website in this blog: [New website for our inspection reports](https://www.ofsted.gov.uk/newwebsite).
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