

School Inspection Update

December 2014 | Issue: 1

Message to inspectors from the National Director, Schools

Welcome to the first issue of *School Inspection Update*, which has replaced *Schools and Inspection* as the vehicle to keep you informed about key messages, relevant publications and updates to inspection documentation. Where appropriate, information contained in this update will be used to revise the *School inspection handbook* from January 2015. However, we will keep handbook changes to the absolute minimum necessary.

As you know, the handbook was revised and rationalised for September 2014. As part of an on-going evaluation process, half-termly reviews have been set up, which draw from inspection reports and evidence bases, to assess the impact of policy on school inspection practice.

Following the first review, can I please remind you all to place greater emphasis, in line with the handbook changes from September, on the following areas in section 5 inspection reports:

- How the school prepares pupils for the next stage of their education, employment or training, including through careers guidance (as referred to in the handbook in paragraphs 154 and 211).
- The way the school promotes pupils' spiritual, moral, social and cultural development, including the promotion of fundamental British values (as referred to in the handbook in paragraphs 131 to 134, 150 and 152). Please think about the breadth of evidence needed to report in a rounded way on these important areas, while being sensitive to the school's context.
- The effectiveness of the work of the school's governors, including the impact of the use of the pupil premium (as referred to in the handbook in paragraphs 71 to 73, 146, 147, 148, 158 and 165).
- The provision and outcomes for different groups of children, notably the most-able pupils and the disadvantaged (as referred to in the handbook in paragraphs 40, 129, 137, 147, 155, 180, 186, 194, 195, 196, 207, 208, 210 and 212).



- The effectiveness of provision in the early years and when it is judged to be better/worse than the rest of the school, being clear why this is the case (as referred to in the handbook in paragraphs 207 and 208).

I will be working closely with Sir Robin Boshier, National Director, Quality and Training to ensure that quality assurance and inspector training in these key areas maximise the strengths, both of Her Majesty's Inspectors and Additional Inspectors.

I hope you find the updates in the rest of this issue helpful in supporting the important work you do in schools.

Best wishes



Sean Harford HMI
National Director, Schools

Disqualification by association

The Department for Education (DfE) has issued new advice for schools, *Keeping children safe in education: childcare disqualification requirements – supplementary advice*¹ in relation to the 'disqualification by association' of teachers and other school staff working in early or later years provision, or those who are directly concerned with the management of such provision. The advice explains that a person is automatically disqualified² if they live in the same household as another person who is disqualified or in a household where a disqualified person is employed.

The categories of staff in nursery, primary or secondary school settings covered by regulations³ include staff: who work in the early years provision (including teachers staff and support staff working in school nursery and reception classes)

- working in later years provision for children who have not reached the age of eight, including before-school settings such as breakfast clubs and after-school provision
- who are directly concerned with the management of such early or later years provision.

A disqualified person may apply to the Chief Inspector for a waiver of disqualification for most grounds of disqualification. Ofsted has published a factsheet setting out

¹ www.gov.uk/government/publications/keeping-children-safe-in-education.

² The technical description for this is 'disqualification from registration', although the early years or later years settings provided by the school are exempt from registration.

³ The arrangements are the same as those in place for childcare provision outside schools.

how to make a waiver application, which is available from the Ofsted website.⁴ Applications for waivers are handled initially by Ofsted's Applications, Regulatory and Contact (ARC) team.

Implications for inspectors

It is important that inspectors are aware of these developments. Inspectors are not expected to make enquiries as to whether anybody on a school's staff is disqualified. However, inspectors should ask what steps the school is taking to ensure that it knows that no existing or new staff working in the early or later years, or concerned with the management of such provision, are disqualified. Inspectors should ascertain what action the school has taken in light of any relevant disqualification known to the school.

To knowingly employ a disqualified person constitutes an offence. Should an inspector become aware that a member of the school staff is or may be disqualified, the matter must be considered when making the judgement on leadership and management.

Warning notices

Maintained schools

Section 60 of the Education and Inspections Act 2006⁵ sets out the circumstances in which a local authority (LA) may issue a warning notice to a maintained school. The Act also requires LAs to send a copy of the warning notice to the Chief Inspector. Where the warning notice is confirmed the school becomes 'eligible for intervention' by virtue of section 59(2) of the Act⁶.

Warning notice information is now incorporated into the Provider Information Portal (PIP) and inspectors should take account of the reasons for a warning notice, where one has been issued, at the inspection planning stage so that, where necessary, they may plan appropriate inspection trails.

Academies

Ofsted does not receive warning notices issued to academies, nor would it be involved in considering the validity of an academy warning notice or any appeal because Ofsted does not have a quasi-judicial function in respect of academies. However, it is important for inspectors planning inspections of academies to be aware if a warning notice has been issued to the academy under inspection and plan the inspection accordingly, where relevant. Therefore, inspectors should note that DfE publish a list of academies which have been issued a pre-warning notice or a

⁴ www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers.

⁵ www.legislation.gov.uk/ukpga/2006/40/section/60.

⁶ www.legislation.gov.uk/ukpga/2006/40/section/59.

warning notice here: www.gov.uk/government/publications/list-of-letters-to-academy-trusts-about-poor-performance.

Inspectors should also note that they can locate individual warning notices by conducting a search on the Gov.uk website by typing the name of the academy followed by the words 'warning notice' into the search facility. For example: www.gov.uk/search?q=Furness+Academy+warning+notice.

SMSC guidance for maintained and independent schools

The DfE has published guidance on promoting British values in schools to ensure that young people leave school prepared for life in modern Britain.⁷

The guidance aims to help both independent⁸ (including academies and free schools) and state maintained schools⁹ understand their responsibilities in this area. This is non-statutory advice and relates specifically to the requirements to actively promote fundamental British values in schools and explains how this can be met through the general requirement in the Education Act 2002. It is supplementary to the [departmental advice published on 30 November 2013](#), and should be read alongside this for independent schools (including academies and free schools).

Implications for inspectors

Inspectors should ensure that they are aware of this new guidance and take it into account when inspecting this important area of schools' work.

Pupil premium review guide

The DfE [Pupil Premium Reviews](#) webpage contains links to *Effective pupil premium reviews*, a guide developed by the Teaching Schools Council and Sir John Dunford, Pupil Premium Champion. Published on 27 November, it offers schools guidance on planning, commissioning and responding to an independent review of their use of the pupil premium. It also acts as a handbook for reviewers and schools, providing a six-step framework to make the most of a review and raise attainment. Inspectors should ensure that they are aware of this guidance, take account of it when considering the timeliness and impact of a review of the use of the pupil premium, and direct schools towards it when recommending a review.

⁷ www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published.

⁸ www.gov.uk/government/publications/improving-the-smsc-development-of-pupils-in-independent-schools.

⁹ www.gov.uk/government/publications/improving-the-smsc-development-of-pupils-in-independent-schools.

Information for inspectors on the 2014 Key Stage 4 results

Recommendations adopted from Professor Alison Wolf's *Review of vocational education*, the introduction of an early entry policy and changes in GCSE examination structure have had an impact on the 2014 Key Stage 4 results. The changes should be taken into account when considering results alongside those of previous years, as neither direct comparisons nor production of three-year trends are possible.

Inspectors should continue to take account of a range of data including information provided by the school, as stipulated in the handbook, paragraphs 57 and 195. Inspectors should continue to report on a school's 2013 performance in comparison with the 2013 floor standards until the 2014 floor standards are published in January 2015 (handbook paragraph 197).

The changes affect results nationally and have varying impact on schools, depending on their entry pattern. [DfE analyses](#) show that the proportion of pupils in state-funded schools attaining at least five grades A* to C including English and mathematics (5ACEM) in 2014 (55.9%) at national level is almost five percentage points (5pp) lower than in 2013 (60.6%). For background information, on average at national level, about 2pp of this change are due to early entry rules, 2pp to Wolf rules and 1pp to changes in examination structure and entry behaviour. However, the impact at school level will vary greatly depending on previous curriculum offer, examination entry pattern and the extent to which the school has changed these in response to performance table rule changes. Since 2013, the proportion making expected progress has risen by 0.5pp (to 70.9%) in English and fallen by 5.5pp (to 65.3%) in mathematics (with about 2pp due to early entry rules and 3pp to other factors including examination structure).

In 2014, the performance measures:

- include only qualifications meeting the new quality criteria (around 3000 qualifications have been removed since 2013)
- count each qualification as no more than one GCSE in size (those previously counting as, for example, four GCSEs now have their contribution reduced)
- include a maximum of two approved level 1, 2 and 1/2 qualifications per pupil (5ACEM could previously include more non-GCSEs)
- do not include any level 1 or 2 qualifications smaller than the size of one GCSE (for example, short-course GCSEs are no longer counted)
- credit only one of a pupil's overlapping qualifications (discounting is now applied across qualification type to enable a GCSE to discount a non-GCSE and vice versa, previously it was only within qualification type)
- use only a pupil's first entry to English Baccalaureate subjects (previously the pupil's best result in a subject was counted).

The 2014 results also reflect these changes in examination structure:

- the move to linear GCSEs, examined at the end of the course (previously some GCSEs used a modular approach)
- speaking and listening controlled assessments no longer contribute to GCSE English and English language results, but are reported separately.

Assessment systems

The following sentence in paragraph 191 of the handbook will remain unchanged throughout the current school year: 'Inspectors will not expect to see a particular assessment system in place and will recognise that schools are still working towards full implementation of their preferred approach.'

Amendments to inspection documentation

The following changes will be made to the text of the relevant document for January 2015, but inspectors should use the text here with immediate effect, sharing with schools as appropriate.

School inspection handbook

- The reference to 'cultures and lifestyles' in paragraphs 152, 165 and in the 'inadequate' grade descriptor for leadership and management (page 51) should instead read:
'race, gender, age, disability and sexual orientation (and other groups with protected characteristics).'¹⁰
- The handbook will be amended to provide greater clarity on how inspectors inspect and report on religious education in schools with a religious character. Paragraph 15 will state:
'In schools with a religious character, section 5 inspectors may not comment on the content of religious worship or on denominational religious education. However, inspectors may comment on the contribution of assemblies and teaching (in any subject with the exception of RE) to pupils' personal and spiritual, moral, social and cultural development, and their behaviour and safety.'

Inspecting safeguarding in maintained schools and academies

This document will be revised to include reference to the DfE advice on disqualification by association, as detailed in section 1 above.

¹⁰ As defined by the Equality Act 2010.