



**The Rt Hon Gillian Keegan MP**  
Secretary of State for Education

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Heidi Connor  
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**19 January 2024**

Dear Mrs Connor

## **RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

This is the Department for Education's (the Department) response to your report made under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013, dated 12 December 2023, following the tragic death of Ruth Perry on 8 January 2023.

Thank you for your conduct of the inquest and for your identification of a number of matters of concern, which are set out in the Report. The Department accepts your findings in full.

Ruth's death shocked the Department – Ministers and officials alike. The loss of Ruth, and the circumstances surrounding that, have had a profound effect on us. Our hearts go out to her family and friends. She remains in our thoughts.

Ruth was a dedicated professional who was absolutely committed to her pupils, staff and the whole community around Caversham Primary School. No headteacher should lose their life in this way. We will strive in every way to prevent this from happening again. We owe that to Ruth, to her family and to the profession.

The accountability system, including the Office for Standards in Education, Children's Services and Skills (Ofsted) inspections, plays a vital role in making sure children and students experience the high-quality education they deserve, and are kept safe. Ofsted inspection provides an independent assessment to identify schools' strengths and areas that need to improve. Its reports highlight success but also, where necessary, trigger support and intervention where that is needed to bring about improvement for the benefit of children.

Ofsted inspectors perform an essential service and do a difficult job. It is critical that they have the right training and support. It is because inspection is so important that the system continues to evolve and develop.

While it is absolutely right that our focus should be on children, this should always be accompanied by a regard for the welfare of the professionals who have chosen to take on the responsibility of school leadership. School leaders want to do the right thing, and the Department, along with others, has a responsibility to support them in doing so.

Over the last year, we have had the privilege of working with Ruth's sister, Julia Waters; Lisa Telling, a local headteacher who knew Ruth well; and Edmund Barnett-Ward, a parent at Ruth's school, to look at the accountability and inspection arrangements, and to engage with Ofsted and the sector on making changes.

A series of changes to the inspection arrangements were announced in June 2023. These were an important start but, as evidenced by the Report, did not go far enough. Ofsted's response to the Report, which DfE officials and I have discussed in detail with Sir Martyn Oliver, Ofsted's new Chief Inspector, sets out fully the changes to inspection that were made prior to the inquest and, importantly, subsequent to the inquest. These include immediate steps taken pre-Christmas and the important inspector training that has taken place at the start of January 2024.

The Department's response does not repeat these changes, but it is important to say that we support all the actions taken to date and will continue to work with Sir Martyn on all the changes to come, including those that will be generated through Ofsted's Big Listen programme.

The Big Listen will provide an opportunity to enable Ofsted, and through it the Department, to hear directly from parents, teachers, leaders and professionals, about the strengths of the inspection approach and where improvements are needed.

The Department's response to the Report focuses on two matters of concern raised in the Report, specifically concern 1 and concern 7, as these closely relate to our direct responsibilities. As noted above however, we acknowledge all the areas of concern highlighted and have engaged with Sir Martyn on Ofsted's response to those.

### **Matter of concern 1**

*The first of these relates to my hypothetical schools A and B point, referred to above. I am concerned about the impact on school leader welfare that this system may continue to have. Transparency and ease of message to parents is not currently weighed against teacher welfare. The current system allows a school which is inadequate in all areas to receive the same overall label as a school which is good in all areas, but with some safeguarding issues which can be repaired by the time the report is published.*

The Department accepts your conclusion that a school that is performing well (good or better) in all regards, with the exception of safeguarding, should not be treated in

the same way as a school with wider problems, both in relation to the inspection process, and the approach taken by the Department following an inspection.

Keeping children safe is an essential part of providing a high-quality education. In a situation where failures of safeguarding process are identified, the overriding priority is to ensure that they are addressed and are shown to have been addressed quickly.

The Department has worked closely with Ofsted to make improvements to its inspection of safeguarding. These changes, which are set out in detail in Ofsted's response, include: schools now having the opportunity to attend to minor issues during the inspection itself, such as administrative errors in paperwork, avoiding an impact on their grade; inspector training to reinforce the need for consistent inspection practice; a new Ofsted national safeguarding duty desk to ensure that consistency; and blogs and webinars to make sure schools are aware of Ofsted's approach to inspecting safeguarding, understand how judgements are made and how the process has changed in the last year.

### State-funded schools<sup>1</sup> judged inadequate solely for safeguarding

One significant change, announced in June 2023, and now in place, means that a school that is good or better in its general provision but is judged inadequate solely on the basis of ineffective safeguarding, is now re-visited by inspectors within three months. This provides an opportunity for the school to make the improvements necessary, and for those improvements to be reflected in the removal of the inadequate grade. This means that a headteacher in Ruth's position would know that a judgement made purely on safeguarding could be changed rapidly if the issues identified were satisfactorily addressed within three months.

The Department has reviewed its regulatory approach to structural intervention in schools in this position. In such a situation, the critical issue is to ensure that the safeguarding concerns are rapidly addressed. In particular, the timetable for intervention allows for reinspection to take place with a view to minimising burdens on school leaders. If the safeguarding issues are addressed at the point of the three month re-inspection, the process of intervention will not progress further. We will continue to explore opportunities to refine our regulatory approach in order to provide further clarity and reassurance to headteachers.

### Going further

We will work with Ofsted through the Big Listen to examine options for further reform of the inspection arrangements around safeguarding. This will include considering whether safeguarding should be separated out from the leadership and management judgement, and other options to improve the inspection processes, including giving schools greater scope to improve safeguarding practice ahead of the inspection process concluding.

### Improving communication with schools eligible for intervention

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<sup>1</sup> Independent schools which are not academies are inspected against the independent school standards, and operate within a separate regulatory regime that is not reflected here.

The Department accepts the need to take account of schools' particular circumstances, and to prioritise headteacher welfare where schools are subject to adverse inspection judgements. We have reviewed the way we engage and communicate with schools in circumstances where intervention is being considered or implemented, with a view to making sure that all contact is undertaken sensitively and with full consideration of the possible impact on school leaders.

Training has been delivered to all officials in the Department's Regions Group, which is responsible for interacting with schools' Responsible Bodies, on how to manage difficult conversations, and thereafter any engagement officials have with school leaders. The training focuses on how to pick up on signs of distress and how to respond. It includes case studies to help officials understand the situations school leaders might face and the concerns they might have.

This training is also in the process of being rolled out to relevant officials in the Education and Skills Funding Agency (ESFA), given the involvement of that Agency in intervention cases relating to financial matters, and the pressure a trust or school experiencing financial difficulty might feel.

In addition, Regions Group has reviewed the way it writes to schools and trusts which are eligible for intervention, to make sure communications are sensitive to recipients and acknowledge the pressures that they may be under. Regions Group will redouble its efforts to minimise burdens on school leaders in terms of the information it asks them to provide.

Similarly, the ESFA has refocused the way it engages with schools and trusts, with support for the system being one of three strategic outcomes in its strategic plan. Initiatives such as the ESFA's financial oversight simplification programme will help ensure its frameworks and oversight meets the needs of schools and trusts, and removes unnecessary pressures or burdens, whilst continuing to ensure high standards of accountability and transparency. The Agency will continue to review all engagement to ensure it is delivering strong and supportive engagement with schools and trusts.

The impact of the training and communications approach will be actively monitored and kept under continuous review. Further work is planned, for example, by Regions Group, on tone and style of communications relating to legal matters, including 'termination warning notices'.

#### Review of the Department's safeguarding guidance

We have worked closely with Ofsted on the changes made to its handbooks so that inspection practice mirrors the duties and responsibilities placed on schools and colleges in the statutory safeguarding guidance, Keeping Children Safe In Education. We also supported Ofsted with the content for its webinars and blogs by identifying and agreeing the prevalent topics to be covered. We will be launching a call for evidence in the spring to build our knowledge base on where we need to consider further changes so that we can further support school leaders to be effective in relation to safeguarding. It is important that this runs alongside Ofsted's Big Listen so

that collectively we are drawing up and responding to a wide range of views and expertise from across the education sector.

We plan to make small technical or points of clarification changes in September 2024 with any fundamental changes made in 2025.

### **Matter of concern 7**

*In an Ofsted publication dated 12th of June 2023, the Secretary of State for Education was quoted as follows: “We must ensure our school leaders have the support they need, which is why today we are significantly expanding our wellbeing support. This expansion will help make sure headteachers have access to support whenever they need it”. The Ofsted witness was not able to clarify what form this additional support has taken.*

The Department recognises the pressures that school leaders face and is enormously grateful to them for their strong commitment, professionalism and service to their pupils. The Department will work with Responsible Bodies to ensure they are able to support school leaders and can access high-quality support.

Broader staff wellbeing is crucial to our commitment to recruit and retain more teachers and support teacher quality. We are committed to promoting a whole-school approach to mental health and wellbeing, and to ensuring that staff wellbeing policy is integrated within schools’ culture. The Department has worked in partnership with the education sector and mental health experts to create the [Education Staff Wellbeing Charter](#), which we are encouraging schools to sign up to as a shared commitment to promote staff wellbeing.

We have also published a range of resources to help schools address teacher workload issues, prioritise staff wellbeing and support schools to introduce flexible working practices.

#### Supporting school leaders’ wellbeing

The Department is funding the charity, Education Support, to provide professional supervision and counselling to school and college leaders. Over 1,400 leaders have benefitted from the support so far and in June 2023, we announced the expansion of the programme, by doubling places for this year, so that more school leaders can have access to this valuable support. School and college leaders working in state funded schools and colleges can access support by visiting [Education Support's website](#). This programme will end in March 2024 and will be replaced.

On 15 January 2024, the Department announced a new £1.5 million investment to procure a contractor to deliver a new three-year professional supervision and counselling support package for school and college leaders from April 2024. The new programme will have the capacity to support at least 2,500 leaders and will enable school and college leaders to continue to receive this valuable support. The new investment was announced as part of [measures by government to boost recruitment and retention of teachers and leaders](#).

The programme gives leaders a safe and confidential space to talk about and process what is going on for them at work. It enables leaders to work with qualified and experienced supervisors to focus on their mental wellbeing and develop new coping strategies to feel more fulfilled and in control in their role. Counselling is available for non-acute cases where a person is identified as potentially benefitting from additional support with a qualified counsellor.

For anyone requiring acute emergency intervention, the Department signposts to other sources of support, including Education Support's free, confidential 24 hour [helpline](#) for staff working in education, the [NHS urgent mental health helpline](#), [Samaritans](#) and [Shout](#). In addition, we know some trusts and local authorities provide access to an employee assistance programme or similar intervention for their staff.

### Awareness of programmes

To increase awareness and take up on the programme, the Department and Education Support have worked with stakeholders, including the Local Government Association, National Government Association, and education unions, which has led to a significant increase in registrations. The Department will continue to promote the programme through our networks and sector led communication channels.

As set out in Ofsted's response to the Report, the Department has engaged closely with Ofsted on the support offer, and the inspectorate recognises that it has an important role in making sure there is strong awareness of the wellbeing support that is available. Ofsted has committed to using its ongoing training as a mechanism for reminding inspectors about this. We also welcome Ofsted's commitment to make sure information about the support available is contained within documents Ofsted shares with schools and other providers as part of the inspection process, and to use its other channels of communication to share information about the support available.

Within the Department, Regions Group will ensure all officials are aware of the expanded wellbeing support and will proactively share information about this with Responsible Bodies as part of our business as usual engagement with local authorities and academy trusts.

### Duty of care

School leaders play a vitally important role, and it is the responsibility of all agencies – the Department, Ofsted, governing boards, local authorities and academy trusts to ensure that they receive the right support.

The primary duty of care to school leaders rests with the employer – and that will be either a local authority, an academy trust or a governing board, and to provide support in fulfilling this role effectively, the Department will write to all Responsible Bodies, attaching this response to your Report, and that of Ofsted. We will set out the responsibilities of each of the bodies in the school system, and commit to working closely with local authorities and academy trusts to ensure that school leaders are well supported in all circumstances, and particularly following an adverse

inspection result. We will also set out in full the Department's support offer to headteachers.

Where a school faces an adverse inspection judgement, DfE officials will ask the Responsible Body of the school to ensure that appropriate support is in place to support the headteacher and broader school's workforce.

Once again, we would like to take the opportunity to thank you for highlighting these matters of concern, and for giving us the opportunity to respond. We will continue to work with Ofsted to make sure we have an inspection system that supports schools and teachers, and ultimately secures Ruth's legacy.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gillian Keegan', with a large, stylized flourish extending to the right.

**Rt Hon Gillian Keegan MP**  
**Secretary of State DfE**