

Education inspection framework 2019: inspecting the substance of education

Consultation document

This consultation seeks your views on our proposals for changes to the education inspection framework from September 2019. Your feedback will help us refine and improve our proposed approach. We will consider all responses carefully before finalising and publishing the framework in summer 2019. The closing date for this consultation is 5 April 2019.

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Foreword

Dear reader

I am pleased to introduce our consultation on the next iteration of education inspection: the education inspection framework 2019. It is the culmination of well over a year of preparatory work and discussions with many of the people who rely on or take part in inspection, and the bodies that represent them.

Our inspections directly involve leaders and staff in a wide range of education providers, as well as children and students themselves, their parents, governors, and representatives of responsible authorities such as local authorities and multi-academy trusts. Our reports are used in different ways by all these users and also by arms of government, including regional schools commissioners, the Further Education Commissioner and the Education and Skills Funding Agency. Ofsted has to balance the needs of all these users, but above all we have to make sure that inspection acts as a force for improvement, and that the interests of children and students come first.

There are two linked themes that run all the way through the draft framework: the substance of education, and integrity. We are proposing an evolutionary shift that rebalances inspection to look rather more closely at the substance of education: what is taught and how it is taught, with test and exam outcomes looked at in that context, not in isolation.

Outcomes clearly matter and will of course continue to be considered, in the context of what is being taught. But we all know that too much weight placed on performance measures alone can lead to a degree of distortion, both in what is taught and not taught, and in other aspects of how a provider is managed. We also know that those who come to education with a disadvantage of any kind are more likely to be directly affected when these distortions happen.

Our proposals reflect what we have heard from you about the things that work well in inspection at the moment, and what works less well; what we have heard about staff workload; what we know about the pressure points in each phase of education today; our own past findings and recent research findings, including on the quality and effectiveness of our own inspection processes; and the wider literature on educational effectiveness through all stages of education.

The proposed 'quality of education' judgement therefore brings together the essential ingredients of education: the curriculum; the teaching, and the assessment

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that provides the feedback loop; and the resulting outcomes. This judgement is intended to restore curriculum – largely ‘missing in action’ from inspection for more than a decade – to its proper place, as an important component of the quality of education.

In restoring the curriculum to its proper place, we have done much work to make sure we pitch our criteria at the right level. Too weak, and a poor curriculum that leads to little learning, and to the most disadvantaged making the least progress, would go unscrutinised. Too strong, and the diversity and innovation that are an important aspect of our education system would be hindered. The criteria draw on the academic evidence that exists around curriculum quality, and do not extend beyond what we have found that evidence justifies.

We have already tested the curriculum criteria to make sure that we get this ‘just right’ and that we can use them to inspect effectively with our current workforce. My third curriculum commentary and the accompanying report published on 11 December explain more about this. We have also run several instalments of inspector training aimed at the new elements of this framework, and have more lined up ahead of September 2019.

And here I want to reassure people. There is no need for anyone to think they must develop a new curriculum, or design everything themselves from scratch, or put themselves through intellectual gymnastics. The early years foundation stage framework, the national curriculum and the specifications for GCSEs, A levels and other qualifications can carry much of the load. So, for example, a primary school that fulfils the spirit as well as the letter of the national curriculum, across the full range of subjects, is already in the right place with its curriculum.

Similarly, there isn’t and won’t be an Ofsted curriculum, whether for nurseries, schools or post-16 providers. The curriculum research we have already published illustrates some of the very different models that we know are working effectively now in different places. We are as always being entirely open about our framework and handbooks, and have begun to share our inspector training materials too. There is no hidden agenda behind these.

I also have been asked a number of times how this approach will square with the Department for Education’s (DfE) use of reported outcomes in deciding when to intervene in schools and post-16 providers. The Secretary of State made a strong commitment last May to make changes in this area, starting with the commitment to intervene only in schools that Ofsted judges inadequate. That change has already taken effect. Data is a useful indicator of school performance but intervention action will only be taken when we at Ofsted have taken the rounded view of a school under the education inspection framework.

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The Department for Education will be consulting shortly on a new approach to identifying schools that need support. The plan is to put that in place this September, alongside the new inspection framework.

We have already put the draft framework criteria through their paces in the field, and are continuing through the spring term with a pilot programme of more than 200 inspections. What we learn from this will inform the final version of the framework, alongside your responses to this consultation.

At the end of the day, we aim to do what I said at the start of this letter: to put the interests of children and young people first, by making sure that inspection values and rewards those who educate effectively and act with integrity. We hope that you will agree that this framework can be a real and positive step in that direction.

Yours sincerely

Amanda Spielman

Amanda Spielman
Her Majesty's Chief Inspector

About Ofsted

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people and in education and skills for learners¹ of all ages.

Purpose and background to the consultation

This consultation seeks your views on our proposals for changes to the education inspection framework from September 2019.² Your feedback will help us refine and improve our proposed approach. We will consider all responses carefully before finalising and publishing the framework in summer 2019.

This consultation comes in two parts. First, it sets out our proposed changes to the education inspection framework, which will apply to all education inspections. Second, there are proposals specific to early years, maintained schools and academies, non-association independent schools, and further education and skills providers. There are remit-specific considerations that we would like your views on. Ofsted places equal importance on all education remits and is committed to ensuring that the new education inspection framework works well for all provision that comes within its scope. For these reasons we are seeking your views not only on the overall changes to the framework but, crucially, also on how these changes will work in practice for each individual education remit.³

In September 2017, we published our corporate strategy for the following five years. At the heart of this strategy is our intention for Ofsted to be a force for improvement, by being intelligent, responsible and focused in everything we do.⁴ We have applied these principles in developing our proposals. In particular, we have worked hard to ensure that this framework is informed both by the experience that Ofsted has gained over the last 26 years and by the evidence that has emerged from research into educational effectiveness. A research commentary published alongside this

¹ The term 'learners' is used for expediency throughout this consultation document to encompass in a single word those attending education, skills and registered early years settings. It should be read as including: 'children' in early years provision, 'pupils' in all schools, 'students' in sixth forms and colleges, and 'apprentices', 'trainees' and 'adult learners' in the range of further education and skills (FES) providers. Greater distinction is made in this document when referring to those who attend specific types of provision

² When we refer to education, we are including training, in particular apprenticeship training.

³ Please note: early years provision in schools is covered in the relevant inspection handbook for section 5 inspections of maintained schools and inspections of non-maintained independent schools.

⁴ 'Ofsted strategy 2017–22', Ofsted, 2017;

<https://www.gov.uk/government/publications/ofsted-strategy-2017-to-2022>.

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consultation shows where the proposed inspection arrangements draw on research carried out by Ofsted and where they draw from the existing research literature.⁵

Most importantly, we have sought to ensure that the framework focuses on the things that matter most. We want to remove any aspects that do not genuinely assess the quality of education, so that providers' and inspectors' time is focused on the things that have the greatest impact on learners' education.

Considerable work has already been undertaken to inform and shape our new approach to the education inspection framework from September 2019. This has enabled us to test much of our thinking before arriving at our current proposals. Since June 2017, we have held over 200 engagement events, ranging from small group discussions, to our national programme of curriculum workshops, to speaking engagements by senior Ofsted leaders. These events have been attended by over 16,000 people from the sectors we inspect. We have used the feedback and responses from these events to shape the framework and handbooks, and more stakeholder events are planned during the course of this consultation. During the engagement we have undertaken to date, our intention to place the curriculum back at the heart of inspection and to view performance measures more in the context of the quality of education provided has generally been received very positively.

We have also undertaken a range of pilot inspections to test various aspects of our proposals, such as the inspection criteria, the methodology for gathering evidence against the key judgements and the extent to which those judgements capture the factors that matter most and which are most directly linked to educational effectiveness. During the summer and autumn terms 2018, we conducted nearly 200 such pilots across all education remits. Piloting will continue throughout the spring term 2019 as we continue to refine the new inspection arrangements.

To ensure transparency and provide sufficient detail to enable respondents to reach informed opinions, alongside this consultation we have published the following materials:

- the draft education inspection framework 2019
- the draft early years inspection handbook
- the draft school inspection handbook
- the draft non-association independent school inspection handbook
- the draft further education and skills inspection handbook

⁵ 'Education inspection framework: overview of research', Ofsted, January 2019, www.gov.uk/government/publications/education-inspection-framework-overview-of-research.
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- a commentary setting out the research that has informed the development of the criteria in the framework
- the draft equalities, diversity and inclusion statement.

It is important to note that the education inspection framework and the remit-specific handbooks from September 2019 are all published in draft form; they are very much not the finished articles. At this stage, they are intended to give helpful context to practitioners, learners, parents and other interested parties responding to this consultation. We intend to use the results of this consultation and further piloting to shape up the final versions, which we will publish during the summer term 2019. However, we hope that seeing the handbooks in draft form provides a helpful steer for providers as they look towards the commencement of the new framework in nine months' time.

It is right that any accountability system moves with the times, but the changes we are proposing represent an evolution rather than a revolution. We will continue to make an overall effectiveness judgement about a provider on the current four-point grading scale and retain key judgements that are common across all the areas that form part of the education inspection framework. Users understand and value the clarity that the grading system provides. Similarly, we will continue to allow flexibility in how we apply these criteria in the different remits, and the differences are explained in the relevant handbooks.

Most of the individual inspection criteria that make up the inspection judgements build directly on the existing inspection framework. Nevertheless, there is room for a change in emphasis. The curriculum occupies a far more central place in all remits, and data a lesser place. There is a greater focus on the workload of teachers, lecturers, practitioners and leaders, and there is a sharper focus on ensuring that all learners have access to education and training, and addressing directly the practices that shut them out.

Focusing on the curriculum

The curriculum is the substance of what is taught. It is the specific plan of what learners need to know and should be able to do. The curriculum shapes and determines what learners of all ages will get out of their educational experience. For this reason, the curriculum is at the heart of the proposed quality of education judgement.

For our extensive curriculum research over the last couple of academic years to support discussions with providers, we have been using a working definition of the

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curriculum which recognises that it passes through different states: it is conceived, taught and experienced. The working definition was that the curriculum is:

- the framework for setting out the aims of a programme of education, including the knowledge and skills to be gained at each stage (intent)
- the translation of that framework over time into a structure and narrative, within an institutional context (implementation)
- the evaluation of what knowledge and skills learners have gained against expectations (impact/achievement).

That definition informed the development of the quality of education model now set out in the draft framework and inspection handbooks. The curriculum covers the intent and much of the implementation of the quality of education provided, but it is distinct from the impact, which is a measure of how well the curriculum has been learned. The curriculum is, therefore, integral to but not the whole of a judgement on the quality of education.

The curriculum is also distinct from pedagogy, which is **how** the curriculum is taught. Furthermore, it is distinct from assessment, which is a means of evaluating whether learners are learning/have learned the intended curriculum, although of course the curriculum and assessment need to work hand in hand. In so doing, the curriculum becomes the progression model.

Learning has been defined in cognitive psychology as an alteration in long-term memory: 'If nothing has altered in long-term memory nothing has been learned.'⁶ Progress, therefore, means knowing more (including knowing how to do more) and remembering more. When new knowledge and existing knowledge connect in learners' minds, this gives rise to understanding. As learners develop unconscious competence and fluency, this will allow them to develop skills. Progress should not be defined by hitting the next data point. Rather, if learners attain within a well-sequenced, well-constructed curriculum, they **are** making progress.

A divisive debate has emerged in some quarters that creates an unnecessary opposition between knowledge and skills, suggesting they are separate alternatives. In reality, knowledge and skills are closely interconnected. Ofsted considers a skill to be the capacity to perform complex operations, whether cognitively or physically, drawing on what is known. The education inspection framework and inspection handbooks ask inspectors to consider what providers are doing to develop both learners' knowledge and their skills.

Ofsted recognises that providers take different approaches to the curriculum. Different approaches to the curriculum will be judged fairly. We recognise and

⁶ J Sweller, P Ayres and S Kalyuga, 'Cognitive load theory', Springer Science & Business Media, 2011.
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support the importance of providers' freedom to choose their own curriculum approaches within the appropriate legal parameters.⁷

Helping to reduce workload

Alongside refocusing on the curriculum, the proposed new framework focuses on reducing the pressures on teachers, lecturers, practitioners and leaders, particularly where those pressures are associated with inspection.

England's early years settings, schools, and further education and skills providers have made real improvements over the past two decades. This is a testament to the hard work of teachers, lecturers, practitioners, leaders and many others. The accountability system has also played a part in this improvement. However, an accountability system that is over-dependent on performance data is a barrier to further improvement. There is ample evidence of the extent to which an accountability system that does not look at what learners are learning, and why they are learning it, diverts providers from the real substance of education. Far too much time, work and energy are spent defending and managing outcomes, and this culture has extended into defending against and managing Ofsted inspections and expectations.

Over the years, there has been much debate about the use of performance data in inspection. Inspection has never been solely or primarily about data: inspectors' professional judgement has always been the determining factor. However, Ofsted accepts that developments in inspection have contributed to this imbalance in the accountability system. The main thrust of many typical inspection conversations has come to be about recent outcomes, assessment of current 'learners' progress' and expectations of future progress. Our aim is to bring the inspection conversation back to the substance of education and training to treat providers as experts in their field and not as data managers, so that inspection complements rather than intensifies a focus on achievement and progress measures.

To this end, it is proposed that the new framework will no longer include the standalone 'outcomes' judgement. When reaching the quality of education judgement, inspectors will continue to consider the outcomes that learners achieve, using valid, nationally collected, data. However, inspectors will focus on what is taught and how, and will draw the outcomes that learners achieve into that education-focused, rather than data-focused, conversation.

⁷ For example, for maintained schools this is the national curriculum; for non-association independent schools this is the independent school standards; for early years provision this is the early years foundation stage.

Too often, internal assessment can be carried out in ways that create unnecessary burdens on staff and learners. When used effectively, assessment helps learners to embed and use knowledge fluently, and assists staff to identify clear next steps for learners; the information can also help shape development of the curriculum. However, it is important that leaders and staff understand the limitations of assessment, and avoid misuse and over-use, because the production, collection and analysis of data can create additional workload for staff and leaders.

Inspectors will also consider the extent to which leaders engage with staff realistically and constructively, and take account of the main pressures on them. They will consider the extent to which leaders protect staff from bullying and harassment.

Ensuring that all learners have access to education

We want inspection to contribute to an inclusive education system that can accommodate, and cater for, the needs of all learners of all ages. The specific issues vary by education remit, for example it means ensuring that:

- early years provision is inclusive of young children with specific needs
- schools do not remove, or lose, pupils from their roll for reasons other than those in the best educational interests of those pupils
- further education providers are supporting learners to complete programmes of study that are appropriate and help them reach meaningful destinations.

More detail about how we propose to tackle these issues in the different education remits is set out in the individual draft inspection handbooks published alongside this consultation.

Separating judgements about learners' personal development from judgements about learners' behaviour and attitudes

The provision for learners' wider development extends beyond the academic, vocational or technical curriculum. Our childcare settings, schools, colleges and independent learning providers play a crucial role in ensuring that learners of all ages are equipped with the knowledge and skills that improve their life chances. We consider that learners' wider development is important to ensure that our young people and adult learners can prosper, lead successful lives and make meaningful contributions to society.

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We propose to separate judgements about learners' behaviour and attitudes from those about learners' wider personal development. The combined judgement of 'personal development, behaviour and welfare' was introduced in September 2015, and the wide range of issues covered within it has sometimes made it challenging for inspectors to report and grade the provision, and especially the impact, meaningfully. In turn, this has made it difficult for users to understand the reporting under this judgement.

In making a judgement about personal development under the proposed new framework, inspectors will seek to evaluate the intent and quality of what a provider offers, but will not attempt to measure the impact of the provider's work on the lives of individual learners. This will bring greater attention and focus to what education providers do to educate learners in the broadest sense, including the development of character and preparing them for life in modern Britain. Setting high expectations for learners and creating a positive climate characterised by respectful interactions are very important elements of educational effectiveness, as evidenced by research.⁸

This approach will ensure that behaviour and learners' attitudes, while at the provision being inspected, are given the importance that they are due. Creating a sufficiently disciplined environment is a prerequisite to any learning taking place. If behaviour is not managed effectively and learners are not instilled with positive attitudes to learning, nothing much will be learned. In early years, for example, the behaviour of children is underpinned by the curriculum for their personal, social and emotional development. For those in further education or skills training of any age, the right attitudes to working and learning are also essential. In contrast to learners' wider personal development, behaviour and attitudes can be assessed in terms of the impact the provider's work has on learners at the point of inspection. We believe, therefore, that in order for inspectors to make valid judgements that are helpful to providers and the communities they serve, behaviour and attitudes on the one hand, and personal development on the other, deserve to be evaluated in their own right.

⁸ 'Education inspection framework: overview of research', Ofsted, January 2019,
www.gov.uk/government/publications/education-inspection-framework-overview-of-research.

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Proposals

Framework proposals

These proposals represent an important evolution of current inspection arrangements. The new framework aims to focus inspection judgements and the criteria that underpin them on the quality of education that providers offer. The sections that follow illustrate how we propose to do this.

Proposal 1

We propose the introduction of a new 'quality of education' judgement built around our working definition of the curriculum. It will focus on a provider's educational intent, implementation and impact. Inspectors look at teaching, assessment, attainment and progress under the current inspection framework, and they will continue to do so, but these considerations will contribute, viewed in the context of the provider's curriculum, to a single quality of education judgement. In short, we propose to take a holistic approach to considering the quality of education rather than artificially separating the leadership of the curriculum from teaching, and separating teaching and the use of assessment from the impact this has on the outcomes that learners achieve. This will de-intensify the inspection focus on performance data and place more emphasis on the substance of education and what matters most to learners and practitioners.

To what extent do you agree or disagree with the proposal to introduce a 'quality of education' judgement?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

About Humanists UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 85,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We have a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers and academics, for example through our Understanding Humanism website (<https://understandinghumanism.org.uk/>) and our school speakers programme. We have made detailed responses to all recent Government consultations on education and reviews of the school curriculum, and submit memoranda of evidence to MPs, civil servants, and parliamentary select committees on a range of education issues.

We are an active member of many organisations working in education in the UK, including the Religious Education Council for England and Wales (REC), of which we are a founding member, and our Chief Executive is the Treasurer, the Sex Education Forum (which for many recent years our Education Campaigns Manager was on the steering group of), the PSHE Association, and the Children's Rights Alliance for England (CRAE). We have been on all UK government steering groups that have reviewed RE in recent years.

Our primary interests in education relate to issues surrounding the curriculum (in particular RE, PSE/RSE, citizenship, and science), collective worship/school assemblies, and state-funded religious schools.

Executive Summary

Since the consultation document does not provide respondents with an explicit opportunity to give their views on the substance of the education inspection framework as a whole, we have summarised these ahead of our responses to the consultation questions. These positions are then explained in further detail in the context of our answers to each question.

In line with the educational interests listed above, our primary concerns about the new inspection framework relate to three key areas:

- 1) The treatment of (and terminology used to refer to) non-religious worldviews in the text of the draft handbooks;
- 2) Incomplete definitions of Spiritual, Moral, Social, and Cultural education (SMSC);
- 3) The legal obligation to teach non-religious worldviews (such as humanism), particularly at KS4.

1) The treatment of (and terminology used to refer to) non-religious worldviews in the text of the draft handbooks:

We are very concerned about the inconsistent way in which the handbooks refer to religion and belief. Although some of the criteria make it clear that schools must take account of both religious and non-religious worldviews (such as humanism) in the course of their policies and practice, others refer solely to 'religion' or 'faith'. For example, in paragraph 207 of the (mainstream and academy)

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school inspection handbook, the list of British values that schools are expected to cultivate includes 'mutual respect and tolerance of those with different faiths **and beliefs**.' (emphasis added). However, in an earlier paragraph relating to spiritual development, the very same handbook states that inspectors will evaluate pupils' 'interest in and respect for, different people's faiths, feelings and values.'

In order to take proper account of the Human Rights Act 1998, and indeed the Equality Act 2010, it is necessary to ensure that religious and non-religious beliefs are given equal treatment throughout the document, and that inspectors, school-leaders, and teachers are aware of their duties in this respect. To facilitate this, all references to 'religion' or 'faith' should be explicitly amended to make it clear that respect for religion and belief extends to those who hold non-religious views across the full range of education sectors that Ofsted inspects.

2) Incomplete definitions of Spiritual, Moral, Social, and Cultural development (SMSC):

We take the view that the spiritual, moral, social, and cultural development of pupils should play a central role in the judgements Ofsted makes about school quality and effectiveness. However, the definitions of these more intangible aspects of the education a school offers outlined in the guidance are insufficiently detailed and may lead providers to misunderstand their duties.

For example, on the subject of spiritual development, the current handbook lists just four bullet points relating to the skills and dispositions schools might seek to cultivate in pupils. These are:

- ability to be reflective about their own beliefs (religious or otherwise) and perspective on life interest in, and respect for, different people's faiths, feelings and values
- sense of enjoyment and fascination in learning about themselves, others and the world around them
- use of imagination and creativity in their learning
- willingness to reflect on their experiences (paragraph 204, school inspection handbook)

No attempt is made to define this aspect of a pupils' education. This is despite the fact that, in its own guidance on the topic (published in 2004), Ofsted provides just such a definition. Namely:

'Spiritual development is the development of the non-material element of a human being which animates and sustains us and, depending on our point of view, either ends or continues in some form when we die. It is about the development of a sense of identity, self-worth, personal insight, meaning and purpose. It is about the development of a pupil's 'spirit'. Some people may call it the development of a pupil's 'soul'; others as the development of 'personality' or 'character'.⁹

The handbook similarly lacks definitions for moral, social, and cultural education. In our view, this must be addressed if schools are both to adequately understand and be held to account for the personal development of pupils.

3) The legal obligation to teach non-religious worldviews:

Although the introduction of the new framework is clearly motivated by the desire to ensure that all pupils receive a broad and balanced education, and the curriculum is not unduly narrowed in order to focus solely on subjects in which pupils will be examined, we are nevertheless concerned that the new school inspection handbook does not make it sufficiently clear what constitutes a broad and balanced curriculum. In particular, we would like to stress that a) this requirement cannot be satisfied by merely providing the national curriculum – the basic curriculum which includes Religious Education (RE) must be covered – and b) at key stage 4, the legal requirement to provide Religious Education will not be satisfied by the provision of the Religious Studies GCSE unless (all) pupils are also being taught RE that includes non-religious worldviews such as humanism elsewhere in the curriculum.¹⁰

Quality of education judgement

We firmly support the proposal to introduce a new 'quality of education' judgement that explicitly seeks to integrate the structure, design, and delivery of the curriculum into the way Ofsted assesses the overall performance of schools.

As an organisation which campaigns for a fully inclusive, broad, and balanced education for all pupils, irrespective of the type of school they attend, we have been alarmed at the way an overemphasis on an increasingly narrow range of subjects – generally those which contribute to a school's standing in national assessments and league tables – has served to marginalise other important areas of the curriculum in many schools. These areas include (but are not limited to) Religious Education (RE); citizenship; Personal, Social, Health, and Economic Education (PSHE); and Relationships and Sex Education (RSE).

Despite the statutory status of Religious Education, research conducted by the National Association of Teachers of Religious Education (NATRE) and the Religious Education Council for England and Wales (REC) in 2017 found that 28% of secondary schools provided no dedicated curriculum time to the subject. At Key Stage 4, 83% of schools admitted that non-examined Year 11 pupils (i.e. those not studying Religious Studies at GCSE level) received no RE at all.¹¹

Current provision of PSHE and RSE is equally patchy. A 2015 report by the Education Select Committee notes that up to 15% of schools deliver the subject through what are known as 'drop-down days,' where a range of external providers visit a school for just one day to present information and sign-post services.¹² Indeed, Ofsted's own 2013 report on the subject, *Not yet good enough: personal, social, health and economic education in schools*, says that 'The quality of PSHE education is not yet good enough in a sizeable proportion of schools in England.' With the subject getting an inspection grade of 'requires improvement' or 'inadequate' in 40% of schools and RSE graded as similarly poor in over a third of schools.¹³ Here it is also worth noting that research

¹⁰ Indeed, this was the conclusion of a High Court judgement issued in 2015 (see *See (R) Fox v Secretary of State for Education* (2015): <https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>)

¹¹

<https://www.religiouseducationcouncil.org.uk/wp-content/uploads/2017/07/State-of-the-Nation-Report-2017.pdf>

¹² <https://publications.parliament.uk/pa/cm201415/cmselect/cmeduc/145/145.pdf> p.21

¹³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/413178/Not_yet_good_enough_personal_social_health_and_economic_education_in_schools.pdf p.4

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conducted by Humanists UK in 2017 found that fewer than 1% of Ofsted reports explicitly criticised coverage of PSHE and RSE in any way¹⁴. This suggests that Ofsted has itself routinely failed to pick up on the shortcomings of schools in this area.

We hope that the introduction of statutory Relationships Education in primary schools and statutory Relationships and Sex Education in secondary schools, as well as Health Education across all key stages in all state schools, from 2020,¹⁵ will begin to ensure that more schools are cognisant of the need to cover these vital subjects. We believe the introduction of the new inspection framework will help to enforce these requirements (as well as crystallise them in the minds of teachers and school leaders). However, as the cases of Religious Education, RSE and PSHE aptly demonstrate, statutory regulations are often not enough to ensure that schools adequately meet their duties. Compliance must be continuously monitored according to clear criteria which do not provide perverse incentives to 'game' the system. Unfortunately, by placing undue weight on outcomes, the current inspection guidelines do just that. We think that the broadened scope of the new framework, particularly the 'quality of education' judgement will go some way towards addressing this problem if and only if the requirements are strenuously enforced by Ofsted.

Intent

We think that the decision to consider not just the impact, but the intent and implementation of a school's curriculum as part of forming the quality of education judgement is to be applauded. It is extremely important that schools carefully consider what pupils will learn in each subject at each stage, and how the building blocks that constitute each discrete subject fit together with other aspects of the broader educational offering (e.g. Spiritual, Moral, Social, and Cultural Education). We also agree that the curriculum must '[remain] as broad as possible for as long as possible' (para 157, bullet point 5). With this in mind, we think that statutory subjects (like RE and RSE) should be emphasised at every opportunity in the handbook.

For this reason, we suggest that the text of para 157, bullet point 5 is expanded to make it clear that statutory subjects that fall outside of the EBacc are a necessary feature of an adequately balanced curriculum. This would simply involve adding the words 'as well as those subjects that are statutory at each key stage, including Religious Education, Relationships and Sex Education, and Health Education' to the end of that point.

In addition, we welcome the fact that (also in paragraph 157) the handbook explicitly states there should be a high degree of ambition for all pupils, and disadvantaged pupils or those with SEND must not be offered a reduced curriculum. We nevertheless think that this statement needs to emphasise that this should be the case *throughout* the academic year, especially in years where pupils will be taking important examinations. As noted above, Year 11 pupils who do not take Religious Studies as a GCSE are often denied lessons in the subject altogether. Similar practices are common in the run-up to SATs at the end of Year 6. Absent enforcement via the inspection framework, the imperative for schools to opt pupils out of subjects which are not examined in order to dedicate time to those which are is extremely strong. It is therefore important that the handbook makes clear that such practices are indicative that a school is not offering a sufficiently broad and balanced education to all pupils.

Curriculum breadth, Religious Education and the inclusion of humanism

¹⁴ <https://humanism.org.uk/wp-content/uploads/2017-01-25-FINAL-Healthy-Happy-Safe.pdf>

¹⁵ https://consult.education.gov.uk/pshe/relationships-education-rse-health-education/supporting_documents/Draft%20Regulations.pdf

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It is important to stress that, in addition to breadth of curricular subjects, a broad and balanced curriculum will be characterised by a sufficient degree of breadth *within* the subjects on offer. For example, a school which provides the EBacc alongside each of the statutory subjects but nevertheless provides Religious Education that focuses solely on Christianity and Judaism with no attention devoted either to other minority religious faiths or non-religious worldviews such as humanism would not be providing pupils with a sufficiently broad curriculum in RE or overall. Indeed, in accordance with the 2015 High Court ruling mentioned above, in the case of RE, this lack of breadth would actually be unlawful.¹⁶ No such case law exists for other curriculum subjects and means that Ofsted should take its duty to inspect schools with direct reference to this issue particularly seriously.

Here it is also worth pointing out that, because Religious Education constitutes one of the main ways in which pupils will begin to gain an understanding of religion and belief – including that a diversity of perspectives and worldviews (including non-religious worldviews) exist, that each individual has freedom of conscience, and that this right to freedom of religion or belief is enshrined in the European Convention on Human Rights (ECHR), the Human Rights Act 1998, and the UN Convention on the Rights of the Child (UNCRC) – the subject is of vital importance.

What's more, it is entirely plausible to assert that, because religion and belief constitute protected characteristics, schools which fail to provide adequately inclusive RE will be in similar dereliction of their duties under the Equality Act 2010 as schools which fail to mention same-sex relationships or gender reassignment and which, particularly in the independent sector, have routinely been judged inadequate for omitting such content¹⁷. It is notable that, as yet, Ofsted does not appear to have marked schools down for failing to teach about a wide range of beliefs that adequately includes non-religious worldviews like humanism. Indeed, many schools provide just such a non-inclusive curriculum without sanction. However, given the strong legal case in favour of lessons with this breadth of content, this ought to be rectified.

For these reasons, the handbook should make it plain that schools cannot expect to do well in an inspection unless they systematically provide an inclusive RE curriculum which informs and instructs pupils about religious and non-religious worldviews at all key stages.

Curriculum flexibility

Paragraph 159 currently reads:

'All pupils in maintained schools are expected to study the national curriculum subjects, religious education and age-appropriate sex education. Academies are expected to offer all pupils a curriculum **that is similar in breadth and ambition to the national curriculum**, including the requirements to teach English, mathematics, science, and religious education.' (emphasis added).

While we welcome the stipulation that the curriculum offered by Academies should be of equal breadth and ambition to that offered by maintained schools, the way this is currently phrased could lead those teaching in Academies to believe that their duties are exhausted by providing this breadth and ambition in national curriculum subjects only. Since that is not the case – they must also provide this via the 'basic curriculum' – the paragraph should be amended to make this clear. We suggest replacing 'national curriculum' with 'basic curriculum'.

Curriculum narrowing

¹⁶ See *(R) Fox v Secretary of State for Education* (2015):

<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

¹⁷ E.g. <https://files.api.ofsted.gov.uk/v1/file/50066108>

As already mentioned, we support the move to amend the framework so that schools that offer pupils a narrow curriculum are unable to meet the quality of education standard. Nevertheless, we worry that the wording of paragraph 161 makes it appear that such narrowing *is* appropriate at Key Stage 1. While we fully agree that younger children must 'be able to read, write and use mathematical knowledge, ideas and operations,' schools cannot be allowed to use this as a reason to exclude other subjects from the basic curriculum. This is not only because to do so would mean such schools were failing to comply with important legal duties, or even because younger children are particularly vulnerable to developing a negative attitude to school and education if their experiences of it are narrow and restricted at an early stage, but also because the subjects that feature in the basic curriculum play a vital role in their spiritual, moral, social, and cultural development (see responses to proposal 2).

For this reason, we suggest that the phrase: 'However, this focus should not lead to the exclusion of other subjects from the basic curriculum' is added to the end of the sentence on the Key Stage 1 requirements (paragraph 161, line 6).

Further, we think it bears repeating that a 'broad and rich' curriculum must include the basic curriculum which is inclusive of RE and RSE. Therefore this should be stated again (after the words 'broad and rich curriculum') on line 7 of this paragraph.

Similarly, paragraph 162 focuses on the importance of the EBacc but, since the subjects in the basic curriculum fall outside of this measure, we suggest adding a phrase which makes it clear that the EBacc does not exhaust a school's responsibility to provide a broad and balanced curriculum. For instance:

'At the heart of an effective key stage 4 curriculum is a strong academic core: the EBacc. The government's response to its EBacc consultation, published in July 2017, confirmed that the large majority of pupils should be expected to study the EBacc. It is therefore the government's ambition that 75% of Year 10 pupils in state-funded mainstream schools should be starting to study EBacc GCSE courses nationally by 2022 (taking their examinations in 2024), rising to 90% by 2025 (taking their examinations in 2027). **The government has also confirmed that the EBacc must be studied alongside subjects that remain statutory at key stage 4 i.e. RE, RSE, and Health Education.**' (amendments in bold)

Finally, in 2014 the Government established that creationism may not be taught as an 'evidence-based theory in science' and, when the subject is covered elsewhere in the curriculum (i.e. in RE) it must not 'undermine the teaching of established scientific theory'. This stipulation also forms part of the funding agreements of all free schools and academies. In part, this is because the teaching of creationism undermines the duty to deliver a broad and balanced curriculum.¹⁸ However, it is not currently mentioned in the school inspection handbook. This is a significant omission which should be rectified, at the very least with a footnote, to make it clear that the teaching of creation and pseudoscience is unacceptable and will lead to an inadequate inspection grade. We suggest adding this to either the section on curriculum flexibility or curriculum narrowing (perhaps as an addendum to footnote 59).

Cultural capital

It is good to see that the quality of education judgement will be partly based on an assessment of the 'extent to which schools are equipping pupils with the knowledge and cultural capital they need to succeed in life' and that Ofsted understands this as the 'essential knowledge pupils need to be

¹⁸ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06972#fullreport> p.10-11

educated citizens'. However, to highlight that being an 'educated citizen' requires the development of a certain kind of positive relationship with the rest of society, the phrase 'in a diverse, democratic society' or similar should be added after the words 'educated citizen' (paragraph 163, line 6).

Sources of evidence specific to curriculum intent

In order to be consistent with the previous point about the inclusion of basic curriculum subjects in academies (see response on paragraph 159 above), the first bullet point in paragraph 164 should read:

'whether leaders are following the national curriculum and basic curriculum or, in academies, a curriculum of similar breadth and ambition **that is fully inclusive of the basic curriculum.**'

The fourth bullet point in paragraph 164 states that evidence about school leaders' curriculum intent will, in part, be drawn from an exploration of 'how leaders have ensured that the subject curriculum contains content which has been identified as most useful...' We do have a few concerns about what will count as effective in this regard. With respect to maintained schools, it might appear that the duty to adopt the 'most useful' RE curriculum is satisfied by following the locally agreed syllabus to the letter. However, since, through our work in this area we are aware that many agreed syllabuses are not fully inclusive of non-religious worldviews like humanism, it is possible that schools will need to include additional content to provide their pupils with the broad and balanced curriculum the new inspection framework seems to require. Unfortunately, the legal structures pertaining to RE might threaten the ability of individual schools to meet the standards and, while we are aware that it is not within the purview of Ofsted to alter the practices of Standing Advisory Councils on Religious Education or Agreed Syllabus Conferences, this is worth bearing in mind.

With respect to RSE, it is possible that, perhaps in order to avoid conflict with parents, some schools will be tempted to draw on the requirement in the new Government guidance¹⁹ to take account of the religious backgrounds of pupils to omit certain content from the curriculum. We urge Ofsted to probe such claims extremely carefully and ensure that schools are not permitted to use this kind of stance as a way to shirk their duties under the Equality Act 2010 to teach about all of the protected characteristics, including sexual orientation and gender reassignment, or indeed to use the claim that all parents with a child at the school will withdraw them from sex education so there is no need to offer it at all.²⁰

Impact

We welcome the statement that 'there need be no conflict between teaching a broad, rich curriculum and achieving success in examinations and tests' and the fact that inspectors will focus on 'what the school has in place to ensure that the most disadvantaged pupils and pupils with SEND are given the knowledge and cultural capital they need to succeed in life'. Too often, these are the pupils who are shut out of a broad, balanced curriculum which includes statutory subjects like RE and RSE, despite the fact that they are often the pupils who would benefit the most from participating in these subjects. This is particularly the case for RSE which helps to equip pupils with the knowledge, skills, and understanding they need to grow up healthy, happy, and safe. Since disadvantaged pupils and those with SEND may be particularly vulnerable to abuse and sexual exploitation, it is vitally

¹⁹

https://consult.education.gov.uk/pshe/relationships-education-rse-health-education/supporting_documents/20170718_%20Draft%20guidance%20for%20consultation.pdf

²⁰

<https://humanism.org.uk/2014/03/28/yesodey-hatorah-says-censoring-exam-questions-successfully-place-within-charedi-schools-throughout-england-many-years/>

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important they are not simply opted out of these lessons in order to receive instruction in a narrow range of academic subjects.

Grade descriptors for the quality of education

It is right that schools with a narrow curriculum will be rated inadequate. However, it would be preferable if the statement that sets this out could be amended to emphasise the importance of the knowledge and skills such a curriculum will provide so,

'The range of subjects is narrow and does not prepare pupils for the opportunities, responsibilities and experiences of life in modern Britain.'

Should become:

'The range of subjects is narrow and does not **provide** pupils **with the knowledge, skills and attitudes necessary to prepare them for** the opportunities, responsibilities and experiences of life in modern Britain.'

Finally, in line with our comments on paragraphs 159 and 164, the criteria for a judgement of 'good' in the area of curriculum intent (p.49, bullet point 1) must include reference to the statutory subjects of the basic curriculum.

Proposal 2

We propose to judge 'personal development' separately from 'behaviour and attitudes' to enhance the inspection focus on each and enable clearer reporting on both. This approach recognises the very different elements in focus. We believe that the behaviour and the attitudes learners of all ages bring to learning is best evaluated and judged separately from the provision made to promote learners' wider personal development, character and resilience.

To what extent do you agree or disagree with the proposed separation of inspection judgements about learners' personal development and learners' behaviour and attitudes?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We strongly welcome the proposal to separate the inspection judgements relating to learners' personal development from those about their behaviour and attitudes. We agree that this will enhance the ability of inspectors to focus on each of these aspects as well as enable clearer, more accurate reporting on both.

There are, nevertheless, a number of improvements that could be made to the text of the handbook with respect to personal development. These are listed below:

First, we understand that, owing to the other influences upon pupils' lives, it would be unreasonable to hold schools singularly responsible for the personal development of the children and young people they educate. However, while we agree that, alongside the fact that the effects of education will often not be felt until well into an individual's adult life, this provides a good reason not to attempt to measure the impact of a school's provision on each individual's personal development, we are less persuaded by the statement 'schools cannot make students active, engaged citizens'.

Since the paragraph goes on to say that schools can 'help pupils understand how to engage with society and provide them with plentiful opportunities to do so', we presume this means the point being communicated is that schools are unable to guarantee that, having been exposed to such teaching, pupils will implement what they have learned in their own lives. However, the phrase 'cannot make...' suggests a kind of impotency with regards to creating good citizens²¹ that might encourage schools to think that, as long as they are 'providing opportunities' they needn't attempt to get harder to reach pupils to engage with those opportunities or assess their impact. For this reason 'cannot make' should be amended to 'cannot guarantee'.

²¹ Here it is worth mentioning that there is at least some evidence to suggest that good citizenship education leads to greater levels of political engagement. See e.g

<https://www.ukvotingage.co.uk/wp-content/uploads/2018/11/V16-ARTICLE-2.pdf> or
https://avrilkeating.files.wordpress.com/2013/08/parliam-aff-2015-keating-pa_gsv017.pdf

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Participation in public life

The first bullet point in paragraph 202 states that one of these most significant dimensions of personal development is:

'developing responsible, respectful, active citizens who are able to play their part and become actively involved in public life as adults'

While education is, in part, about preparing children and young people for their adult lives, we wonder why this statement is phrased in a way that appears to preclude such engagement from young people who are not yet adults. Why put this off to some unknown time in the future? As evidenced by their participation in the recent action against climate change, many children and young people are already sufficiently mature to 'play their part' and are actively involved in public life. To encourage schools to support young people in this endeavour, we suggest removing 'as adults' from the end of this bullet point.

British values

The second bullet point in paragraph 202 sets out the duty to develop and deepen pupils' understanding of British values. We welcome the continued emphasis on the importance of these values and their role in the personal development of pupils.

Mental health

We are a little concerned that the current wording relating to mental health implies that, with the right character traits and knowledge, pupils will necessarily be able to 'keep themselves mentally healthy'. Although, just as with physical health, there are steps that the individual can take to improve the chances of staying healthy, there are also situations where this is entirely out of the individual's control. To ensure that schools do not develop the potentially harmful view that confident, resilient people are somehow impervious to mental health problems, we suggest that the bullet points on both physical and mental health refer only to how pupils 'can **help** to keep themselves... healthy' to avoid blame and stigmatisation.

Spiritual, moral, social, and cultural development

At present, the definitions of each aspect of SMSC are undeveloped and incomplete. This is particularly disappointing when one considers the comprehensive nature of Ofsted's 2004 guidance²² on this matter (see our response to proposal 1 for an example relating to spiritual education). With this in mind, we recommend that, alongside the publication of the new framework, Ofsted seeks to reissue an updated version of this guidance to ensure that schools are fully cognisant of the expectations upon them in this regard. Full definitions of each of the separate aspects of SMSC as included in the 2004 guidance should also be included ahead of the bullet points giving examples of what each involves in the school inspection handbook. These are:

1) Spiritual development

'Spiritual development is the development of the non-material element of a human being which animates and sustains us and, depending on our point of view, either ends or continues in some form when we die. It is about the development of a sense of identity, self-worth, personal insight, meaning and purpose. It is about the development of a pupil's

²²

<https://webarchive.nationalarchives.gov.uk/20141107085813/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/p/Promoting%20and%20evaluating%20pupils'%20spiritual%2C%20moral%2C%20social%20and%20cultural%20development%20%28PDF%20format%29.pdf>

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'spirit'. Some people may call it the development of a pupil's 'soul'; others as the development of 'personality' or 'character'.'

2) Moral development

'Moral development is about the building, by pupils, of a framework of moral values which regulates their personal behaviour. It is also about the development of pupils' understanding of society's shared and agreed values. It is about understanding that there are issues where there is disagreement and it is also about understanding that society's values change. Moral development is about gaining an understanding of the range of views and the reasons for the range. It is also about developing an opinion about the different views.'

3) Social development

'Social development is about young people working effectively with each other and participating successfully in the community as a whole. It is about the development of the skills and personal qualities necessary for living and working together. It is about functioning effectively in a multi-racial, multicultural society. It involves growth in knowledge and understanding of society in all its aspects. This includes understanding people as well as understanding society's institutions, structures and characteristics, economic and political principles and organisations, roles and responsibilities and life as a citizen, parent or worker in a community. It also involves the development of the interpersonal skills necessary for successful relationships.'

4) Cultural development

'Cultural development is about pupils' understanding their own culture and other cultures in their town, region and in the country as a whole. It is about understanding cultures represented in Europe and elsewhere in the world. It is about understanding and feeling comfortable in a variety of cultures and being able to operate in the emerging world culture of shared experiences provided by television, travel and the internet. It is about understanding that cultures are always changing and coping with change. Promoting pupils' cultural development is intimately linked with schools' attempts to value cultural diversity and prevent racism.'

With respect to the criteria used to assess each of the specific areas of SMSC by inspectors, we suggest the following additional amendments:

Spiritual development

The second bullet point in paragraph 204 refers to developing pupils' 'interest in, respect for different people's faiths, feelings and values'. This should be changed to 'respect for different people's **religions, worldviews**, feelings or values' (amendments in bold). This will ensure that the requirement adequately takes account of the Human Rights Act 1998, as well as the UN Convention on the Rights of the Child, according to which freedom of religion or belief is a right which applies equally to non-religious worldviews. We note that the Welsh Government is currently amending education law in Wales to cover such worldviews that are 'analogous to religions (e.g. humanism)'.²³

Further, on the grounds that knowledge and understanding will often help to foster respect, we would also recommend that this is included in the text, which is currently somewhat more vague. The fully amended bullet point should read:

'interest in, **knowledge and understanding of** and respect for different people's **religions, worldviews**, feelings or values'.

Moral development

A key indicator of the effectiveness of a school's personal development offering will be provision for moral development that helps to develop the:

'ability to recognise the difference between right and wrong and to readily apply this understanding in their own lives, and recognise legal boundaries and, in so doing, respect the civil and criminal law of England.'

On this subject, the 2004 Ofsted guidance referred to 'moral codes' which might arise from a range of different cultural perspectives or worldviews. Whilst not wishing to open the door too widely to a form of cultural relativism which precludes shared values between different groups, it is important to acknowledge that a diversity of such codes exist and to expect that pupils are aware of them, what they share, and how they differ. This would, of course, include codes originating from both religions and humanism. This issue could be addressed via the insertion of an additional bullet point saying something like:

'knowledge and understanding of the foundations upon which many people develop a moral code e.g. their religious and non-religious worldviews.'

We appreciate the inclusion of the requirement (paragraph 205, bullet point 3) that moral development should involve the cultivation of an 'interest in investigating and offering reasoned views about moral and ethical issues...' However, this could be improved by making further reference to the importance of reflecting upon and possibly even adjusting these views as a result of dialogue and critical analysis. The 2004 guidance calls this, 'an understanding of the need to review and reassess... values, codes and principles in the light of experience.'²⁴ It would be good to see something similar included in the new framework.

Social development

In this section of the handbook, as in the sections on moral and spiritual development, the focus is on dispositions rather than knowledge and understanding. While we recognise that the cultivation of attitudes and dispositions is important, and that knowledge will not automatically lead to students developing desirable character traits, the fact that the former appears to have been omitted from this part of the handbook altogether is somewhat peculiar. We suggest the following changes to emphasise the need for knowledge and understanding as part of this aspect of personal development.

At the start of paragraph 206, before bullet point 1, insert an additional bullet point that reads: 'knowledge and understanding of diversity amongst their peers and in the wider community.'

Paragraph 206, bullet point 3: Insert the words 'knowledge' and 'understanding' before 'skills and attitudes' so that the point now reads, 'acceptance of and engagement with the fundamental British

²⁴

<https://webarchive.nationalarchives.gov.uk/20141107085813/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/p/Promoting%20and%20evaluating%20pupils'%20spiritual%2C%20moral%2C%20social%20and%20cultural%20development%20%28PDF%20format%29.pdf>

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values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. They will develop and demonstrate **knowledge, understanding, skills, and attitudes** that will allow them to participate fully in and contribute positively to life in modern Britain.’ (amendments in bold)

Cultural development

Again, this section needs to make better reference to the way knowledge and understanding will make a positive contribution to the personal development of pupils, at the very least by amending paragraph 207, bullet point 1 so that it includes the word ‘knowledge’, but also by emphasising the fact that, in addition to recognising and appreciating the values that many communities share, they are able to articulate and explain what is good about those shared values. With this in mind, we suggest the following revision to paragraph 207, bullet point 3:

‘ability to **understand**, recognise, **explain**, and value the **worthwhile** things shared in common across cultural, religious **and non-religious**, ethnic and socio-economic communities.’ (amendments in bold).

This rephrasing also adds an inclusive reference to non-religious people and also highlights the fact that not everything that is shared is valuable. For example, many societies (including our own) share poor attitudes towards women and/or ethnic minorities. The ubiquity of such attitudes does not mean they should be venerated.

Finally, bullet point 6 in this section should be similarly amended:

‘interest in exploring, improving understanding of and showing respect for different faiths **or beliefs** and cultural diversity, and the extent to which they understand, accept, respect and celebrate diversity and things we share in common. This is shown by their **knowledge of, respect for** and attitudes towards different religious **and non-religious worldviews, as well as cultural**, ethnic and socio-economic groups in the local, national and global communities.’

To summarise, we support the proposal to separate personal development from behaviour to enable inspectors to consider these distinct areas clearly and in sufficient depth. However, there are inconsistencies with respect to the way religious and non-religious worldviews are referred to which must be addressed. In addition, knowledge and understanding are not given a full enough role in the criteria for assessing pupils’ spiritual, moral, social, and cultural development. Finally, to support the ability of schools to ensure their personal development provision meets the requisite standard, Ofsted should consider issuing an updated version of the 2004 SMSC guidance alongside the (amended) handbook.

Early years (registered provision)

We know that, to make a real difference to a child’s life, high-quality education and care between birth and the age of five are crucial. These early years should provide the foundation of a happy, successful future. The ‘Statutory framework for the early years foundation stage’ (EYFS) sets out the education and care standards that all early years providers must meet to ensure that children, from birth to five, learn and develop well and are kept healthy and safe. Once a provider is registered on the Early Years Register, Ofsted carries out regular inspections to evaluate the overall

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quality and standards of the early years provision in line with the principles and requirements of the EYFS. This will not change, but we propose to put a greater emphasis on the curriculum. It should be noted that early years in schools and maintained nursery schools are inspected under the schools handbook.

The quality of education (educational programmes)

1. The educational programmes (EYFS) provide the curriculum framework that leaders build on to decide what they **intend** children to learn and develop.
2. Leaders and practitioners decide how to **implement** the curriculum so children make progress in the seven areas of learning.
3. Leaders and practitioners evaluate the **impact** of the curriculum by checking what children know and can do.

We have seen an industry develop around assessment and tracking of young children. What children learn is too often coming second to the delivery of assessment information. The education inspection framework will put more emphasis on the quality of education and care. It will ensure that we consider children's experiences and how they are being developed, alongside assessments.

We want to make sure that the curriculum for children with particular needs, such as those with high levels of special educational needs and/or disabilities (SEND), is ambitious and meets their needs from birth to the age of five. We want to find out how leaders make sure that these children have full access to their entitlement for early education.

Proposal 3

We want to ensure that the education inspection framework 2019 judgements (see section above and para 131 in the EY handbook]) are appropriate for the range of early years settings.

To what extent do you agree or disagree that the judgements will work well for:

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
Childminders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Childcare on non-domestic premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Childcare on domestic premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Childcare settings that offer care exclusively before and after school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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Comments:

Although this matter falls somewhat outside of our areas of expertise, we firmly support the proposal that all Early Years providers are inspected according to a common framework which considers the quality of education on offer, as well as the provisions made for personal and social development.

It is vitally important that, no matter what kind of setting they attend, all young children are provided with an early education which not only takes account of their physical and emotional needs in a safe environment, but offers them a broad range of experiences so they are well prepared for the next stage of their education.

For this reason, we are pleased to see that settings where 'children have a narrow experience that does not promote their understanding of people and communities beyond their own or help them to recognise and accept each other's differences' will be rated inadequate.

Although it may sometimes be difficult for very young children to fully comprehend equality and diversity, as the criteria for good providers makes clear, early years practitioners must model this ideal by 'celebrating what we have in common and promoting respect for different people'. We nevertheless think that it is never too early to begin laying the foundations for understanding one's moral and legal obligations to other members of society. For this reason, we think that more explicit reference should be made to the protected characteristics and practitioners should be expected not only to take proper account of these themselves, but think about how they can educate children about them in a developmentally appropriate way.

We support the suggestion (paragraph 147, bullet point 3) that outstanding EY providers will do this through challenging stereotypes, but the current wording 'challenging stereotypical behaviours' suggests that individual children who, by reason of their own socialisation, conform (e.g) to gender stereotypes will be the ones subject to challenge. We suggest amending the paragraph so that it says the following:

'Practitioners value and understand the practice and principles of equality and diversity, **including the protected characteristics**. They are effective at promoting these **principles** in an age-appropriate way, which includes routinely challenging **stereotypes** and respecting differences. This helps children to reflect on their differences and understand what makes them unique.'

On the 'quality of education of education' judgement, we are disappointed that there is no reference to breadth of curriculum. Instead (as in the Early Years section of the mainstream and academies inspection handbook) the handbook refers only to 'children's experiences over time' being 'consistently and coherently sequenced to build cumulatively sufficient knowledge and skills for their future learning' (paragraph 141, bullet point 3). There is also reference to ensuring that 'children experience the awe and wonder of the world in which they live, through the seven areas of learning' in the section on 'cultural capital'.

Although we appreciate that the EY curriculum will differ quite markedly from that of other key stages, especially in non-school settings, we are concerned that the need avoid providing a narrow curriculum is not sufficiently stressed in the EY handbook. We are aware of nurseries which do

indeed provide such a narrow curriculum, some of which continue to receive state funding via the Government's subsidised childcare scheme despite teaching pseudoscience and creationism as fact.²⁵

²⁶ With this in mind, we urge Ofsted to ensure that, insofar as possible against the background of EYFS exemptions, younger children receive the broad and balanced education to which they are entitled and this must include the right to be taught the basics of science and to not be taught pseudoscience.

Please use this box to record any additional comments in relation to the detail set out in the early years draft inspection handbook.

No response.

Maintained schools and academies

Proposal 4

Since their introduction in 2015, section 8 inspections of good and non-exempt outstanding schools have been valued by the sector. The changes made to the operation of these inspections from January 2018 have been welcomed by most schools inspected since then. The purpose of a section 8 inspection of a good school is to confirm that a school remains good. This will not change. However, as we have stated previously, the new education inspection framework represents an evolution in what it means to be a 'good' school.

²⁵

<https://humanism.org.uk/2015/05/02/bha-reveals-creationist-private-schools-continue-to-receive-state-funds-through-nurseries-despite-government-ban/>

²⁶

<https://humanism.org.uk/2018/02/18/schools-ordered-to-continue-teaching-creationism-by-religious-boddy-in-spite-of-government-ban/>

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We have set out within the schools handbook (paragraphs 270-282) the fact that a section 8 inspection of a good school will focus on particular aspects of the school's provision, as a subset of the full education inspection framework criteria. These are drawn principally from the quality of education judgement, but also include specific elements of pupils' behaviour, personal development and safeguarding.

Currently, section 8 inspections of good schools (or 'short inspections') last for one day. We want to ensure that there is opportunity to gather sufficient evidence while on inspection to confirm that a school remains good under the new criteria. Therefore, we are proposing to increase the time for which the lead inspector is on site to two days.

To what extent do you agree or disagree with the proposed focus of section 8 inspections of good schools and non-exempt outstanding schools and the proposal to increase the length of these inspections from the current one day to two days?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Although we strongly support the proposal to increase the length of short inspections we have some reservations about the reduced criteria that will be used to make the final inspection judgement in this context.

It is good to see that inspectors will always consider safeguarding and 'whether there is any evidence that the school's curriculum has been narrowed inappropriately'. However, in common with our responses to proposal 1, we think the bullet points relating to what a 'broad range of subjects' constitutes at primary and secondary schools should explicitly refer to the basic curriculum, including RE, RSE, and Health Education, in addition to the national curriculum and Ebacc (paragraph 272, bullet points 2 and 3). This section should similarly emphasise the importance of inclusiveness of non-religious worldviews such as humanism within the RE curriculum and the fact that, at key stage 4, the legal duty to provide such RE will not be met solely through the provision of RS at GCSE.

There also needs to be a stronger focus on personal development/SMSC in the criteria for these inspections since it cannot simply be assumed that this aspect of a school, even one that has previously been rated good, will remain the same over time. At present, the only reference to personal development for Section 8 inspections in handbook reads:

'Inspectors will consider the extent to which the curriculum extends beyond the academic, vocational or technical and whether the school goes the extra mile to give pupils a rich set of experiences. They will not make a judgement on all the criteria contained in the 'personal development' judgement.' (paragraph 279).

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We strongly believe that the vast majority of the criteria in the personal development judgement are essential to *all* inspections, but that at the very least some assessment of pupils' spiritual, moral, social, and cultural development must take place so as to ensure that pupils are adequately prepared with the knowledge, skills, and dispositions necessary to take their place as informed citizens of a diverse, democratic society in which all individuals are treated as equal. This should include specific reference to respect for all the protected characteristics, including sexual orientation and gender reassignment.

Proposal 5

In addition to the wider education inspection framework proposals we are introducing, we also propose a new approach to how our inspectors prepare for and begin inspections. This is in response to feedback that initial contact can be data-driven and not allow schools to communicate fully with inspectors.

We propose the introduction of on-site inspector preparation for all inspections carried out under section 5 and section 8 of the Education Act 2005. Currently, inspectors carry out pre-inspection preparation remotely on the day prior to on-site inspection. We propose that, from September 2019, this preparation takes place at the school on the afternoon before the inspection, enabling inspectors and leaders to carry out preparation collaboratively wherever possible.

On-site preparation will allow for better communication between the lead inspector and the school, allowing the school a clear role in preparation work. It will help to reduce the burden on schools of making logistical arrangements on the morning of the inspection and providing documentation. It will provide more time to establish good, professional relationships between school leaders and the lead inspector.

We propose that Ofsted will provide formal notification of the inspection no later than 10am on the day before the inspection. We then propose that the lead inspector will arrive on site no earlier than 12.30pm on that day. The lead inspector will use this time to talk with senior leaders in order to gain an overview of the school's recent performance and any changes since the last inspection.

Conversations will focus particularly on how the school has built on its strengths, what weaknesses leaders have identified and what action they have planned or have in train to address those weaknesses. It will also be an opportunity to make practical arrangements, including about the documentation or other evidence that inspectors will need to see in the course of the inspection. Inspectors will complete their on-site inspection preparation and leave the school premises by **no later than 5pm** on the day before the inspection starts. Paragraphs 51 - 56 of the school inspection handbook set out in more detail what we expect on-site preparation to cover.

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To what extent do you agree or disagree with the proposed introduction of on-site preparation for all section 5 inspections, and for section 8 inspections of good schools, on the afternoon prior to the inspection?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree with this proposal and think it will give inspectors a more rounded view of the schools that they inspect.

Proposal 6

The recent Teacher Workload Advisory Group report²⁷ noted that 'time associated with data collection and analysis... is most frequently cited as the most wasteful due to a lack of clarity amongst teachers as to its purpose'.

Ofsted is committed to ensuring that our inspection work does not create unnecessary work for teachers, and as such we propose that inspectors will not use schools' internal performance data for current pupils as evidence during an inspection. This is because:

- internal data for current pupils has its limitations, and inspectors will not be able to assess whether the data is an accurate and valid representation of pupils' learning of the curriculum
- inspectors will gather direct evidence of the quality of education in schools

²⁷ 'Making data work: report of the Teacher Workload Advisory Group', Teacher Workload Advisory Group, 2018;
www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response.

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- inspectors will have meaningful discussions with leaders about how they know that the curriculum is having an impact.

Inspectors will, however, ask schools to explain why they have decided to collect whatever assessment information they collect, what they are drawing from this information and how that informs their curriculum and teaching. We believe that this will help to reduce unnecessary workload for teachers; we do not believe that it will have a negative effect on our ability to judge effectively the quality of education in a school.

To what extent do you agree or disagree with our proposal not to look at non-statutory internal progress and attainment data and our reasons why?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Comments: *If you disagree, please be specific about the types of data that you think inspectors should consider.*

No response – falls outside of our area of expertise.

Please use this box to record any additional comments in relation to the detail set out in the draft school inspection handbook

RE, collective worship, and denominational inspection

Paragraphs 33-37 set out the procedures and regulations for inspecting religious education and collective worship. To make this clearer, the paragraphs on section 48 inspections (34-37) should be headed 'denominational inspection' and some explanation of what is required of schools without a religious character should also be added. For the latter, we suggest something like the text that appears in an annex of the current handbook (p.76) but, in line with our previous responses on the importance of inclusive Religious Education (see e.g. our response to proposal 1), updated to make clear that, to fully take account of the Human Rights Act 1998, the term 'religion' includes non-religious worldviews that are, as the Welsh Government puts it in their recent white paper consultation²⁸ on RE, 'analogous to religions (e.g. humanism)'.

On the topic of collective worship, we note that new handbook says 'In schools without a religious character, Ofsted inspects **RE and collective worship** as part of inspections under section 5...' (paragraph 33) whereas, the current handbook states only that 'in the case of other [i.e. non-faith] maintained schools and academies where RE is being provided in line with the legislation that underpins the locally agreed syllabus, **RE** is inspected under section 5...' (paragraph

If this means that Ofsted will once again explicitly inspect collective worship – a practice it stopped in 2004 following 'a firestorm of protests from schools'²⁹ – this is an extremely worrying development. Since schools without a religious character provide education for the children of families of all religions and beliefs, it is clear that a large proportion of those attending such schools will hold beliefs that are incompatible with Christian acts of 'reverence or veneration paid to a divine being or power' (to quote the Government's guidance, Circular 1/94³⁰). Thus, to compel such acts threatens to undermine the freedom of religion or belief of those pupils and of their families. The current legal requirement to provide an act of collective worship that is 'wholly or mainly of a broadly Christian character' is entirely out of step with national and international law on the freedom of religion and belief, including the European Convention on Human Rights, the Human Rights Act 1998, and the UN Convention on the Rights of the Child.

The requirement is also unenforceable at school-level. In 2004, when Ofsted ceased inspections of collective worship, the former Chief Inspector of Schools, David Bell noted that 76% of schools were failing to comply with the law on this matter.³¹ It seems likely that this number will have increased considerably in the intervening decade and, given the threat compulsory collective worship poses to the freedom of religion or belief of children and their families, there is no good reason to reverse this direction of travel.

If the inspectorate does choose to restart inspections of collective worship – indeed, even if it doesn't – it must also ensure that all schools comply with the law on the right to withdraw from these

²⁸

<https://gov.wales/sites/default/files/consultations/2019-01/consultation-document-transformational-curriculum.pdf> p.31

²⁹ <https://www.theguardian.com/education/2004/jun/11/schools.uk>

³⁰

<https://media.education.gov.uk/assets/files/pdf/r/non%20statutory%20guidance%20on%20collective%20worship.pdf>

³¹ <https://www.theguardian.com/education/2004/jun/11/schools.uk>

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sessions. With this in mind, the section on collective worship should include a brief explanation of the parental right to withdraw, as well as the right of sixth-form pupils to withdraw themselves from this activity. We also suggest that inspectors are alert to schools who fail to comply with their duties in this regard, as well as with respect to RE, by either not providing information on this right or by not adequately honouring requests to exercise it.

Non-association independent schools

All independent schools are inspected at the direction of the DfE, which is the registration authority for independent schools. In standard inspections of non-association independent schools, Ofsted assesses compliance with the independent school standards (ISS) and makes graded judgements under the inspection framework. This model will continue when the new education inspection framework is introduced in September 2019.

Proposal 7

Some non-association independent schools offer a specialist curriculum and Ofsted recognises their autonomy to do so. For example, some schools offer a specialist faith-based curriculum, while others offer a specialist education in the performing arts. Inspectors will assess a school's entire provision, including any specialist provision offered, when assessing compliance with the ISS and when reaching judgements under the education inspection framework in the following judgement areas: overall effectiveness; behaviour and attitudes; personal development; and leadership and management.

When reaching a judgement under the new quality of education judgement area, the non-specialist curriculum will normally be inspectors' primary source of evidence. It is important that, where schools offer a specialist education, pupils also study a broad, rich curriculum alongside it. This is supported by Ofsted's research, and is a requirement of the ISS.

However, where a school chooses to deliver a substantial number of the required subject areas³² through the specialist curriculum (for example through faith-based content or other forms of immersive study), or where there is insufficient evidence from the non-specialist curriculum that the quality of education criteria are met, inspectors will consider evidence from the specialist curriculum in arriving at their judgement.

To what extent do you agree or disagree with the proposal that inspectors should normally use the non-specialist curriculum as their primary source

³² The Education (Independent School Standards) Regulations 2014, paragraph 2(2)(a)
<http://www.legislation.gov.uk/ukxi/2014/3283/schedule/made>

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of evidence in assessing the extent to which the school meets the quality of education criteria?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We firmly agree that, no matter what kind of curriculum an independent school seeks to deliver, there should be no blind spots with respect to what inspectors may assess when making their judgements about the quality of education on offer. With that said, we do have a minor concern about what this might mean in practice. It seems possible that if inspectors simply begin by inspecting the quality of a non-specialist curriculum and, once satisfied with that aspect of the school's provision, draw the vast majority of their inspection evidence from it, that they may miss how the specialist curriculum detracts from or contradicts it. For example, a school with a religious ethos may appear to provide pupils with a sufficiently well structured and well implemented science curriculum but if elsewhere in the school they are taught that creationism is a scientifically valid position and what they learn in science is merely a pragmatic response to the requirements of the GCSE syllabus, the latter undermines the former. For this reason we think that, although inspectors must start by examining the non-specialist curriculum, they should ensure that the school's entire offering is analysed in the round.

Proposal 8

Currently, where the DfE commissions Ofsted to conduct additional inspections of independent schools, such as progress monitoring or emergency inspections, Ofsted checks whether the ISS are being met but does not make new graded judgements about the school. As a result, a school retains the judgements from its most recent full standard inspection, even where it has improved and is now meeting the standards, or has declined and is no longer meeting them. A new graded judgement is not provided until the school's next standard inspection.

We are aware that some schools may wish new inspection judgements to be made more quickly than they currently are, to reflect their improvement. We are also aware that when a good or outstanding school is no longer meeting the standards but retains its most recent standard inspection judgements, this can be misleading for parents and others.

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To provide parents, school leaders and the DfE with better information, we are proposing to recognise and acknowledge sooner where schools have improved or declined, for example by bringing forward a standard inspection.

To what extent do you agree or disagree that where non-association independent schools have been found to improve or decline at an additional inspection, Ofsted should provide up-to-date judgements about the school's current performance?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We strongly support this proposal. In circumstances where a school has been inspected and found to be inadequate, it is particularly imperative that parents, potential applicants and the public at large are kept informed about the changes in a timely and accurate manner.

It is also of fundamental importance that the areas in which the school was found to have failings are the primary focus of any monitoring visits, and that the way the school has or has not addressed them is an explicit feature of the written reports following each such visit. All too often, inspection reports for schools that have previously been rated inadequate are updated to good with little or no reference to their previous failings or what has been improved. This should never happen, and we think it must be added to the inspection framework that all points previously covered should be picked up on again.^{33 34}

³³ We note the recent example of Vishnitz Girls School, where the most recent inspection report – in which the school was given a 'good' rating – does not mention the issues relating to British values noted in previous reports where the school was judged to be inadequate (see <https://humanism.org.uk/2019/03/25/ofsted-rewrites-report-to-take-out-religious-schools-failings-over-sexual-orientation/>).

³⁴ Consistency between reports is also a vital way to ensure that inspectors are carrying out their work in a fair and independent manner, as evidenced by this report on inspections of orthodox Charedi Jewish schools conducted by inspectors from within the community and who were later found to be far from impartial: <https://humanism.org.uk/2015/06/20/bha-reveals-worrying-inconsistencies-in-ofsted-inspections-of-charedi-schools/>

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Please use this box to record any additional comments in relation to the detail set out in the non-association independent schools draft inspection handbook.

We welcome the fact that, insofar as this is possible under the Independent School Standards, many of the criteria for the quality of education and personal development judgements mirror those in the mainstream and academy school handbook. This will go some way towards ensuring greater parity between the two sectors. We are particularly pleased to see that the provision of a broad, well structured, robustly sequenced curriculum will be a focus and that, although schools will retain the right to adopt different curricular approaches, all must have an appropriate range of coverage and content and must implement this curriculum effectively (paragraph 148).

As with mainstream schools, before making a final judgement about the overall effectiveness of an independent school inspectors must consider SMSC and SEND provision. This is extremely important as it means that schools that don't deepen their pupils' understanding of British values, promote equality, or provide a fully inclusive education will be unable to receive anything more than a rating of 'requires improvement'. However, we note that the current criteria for SMSC are identical to those in the mainstream schools handbook and therefore require the same amendments so they allow pupils to fully develop their knowledge, skills, and dispositions in this area (see response to proposal 2 on this issue). There is currently DfE guidance on SMSC in independent schools³⁵ and this is also outlined in the draft independent schools guidance³⁶ currently under consideration by the Government. Nevertheless, in line with our earlier recommendation for state-funded schools, Ofsted should consider developing more detailed guidance to assist independent providers with respect to this provision.

On-site preparation

As per the handbook for inspection of mainstream schools and academies, inspectors should carry out pre-inspection preparation on the school site to 'allow for better communication between the lead inspector and the school' and 'establish good, professional relationships between school leaders and the lead inspector'. This will help to facilitate a more rounded inspection process.

Equality, diversity, and inclusion statement

From consideration of the equality, diversity, and inclusion statement, it is clear that Ofsted has thought carefully about the impact the new emphasis on curriculum and quality of education in the EIF will have on some of the protected characteristics (primarily religion and belief, sex, and race). It has also assessed how aspects of the personal development criteria will help to foster good relations between communities as well as promote respect for the full range of those characteristics (which are listed in full in paragraph 192 of the personal development section of the handbook).

We strongly agree that the move to assess a school's entire provision, including the specialist (faith-based) curriculum in independent schools with a religious character, will not disadvantage learners in those settings or illegitimately disadvantage the providers of independent religious schools. It will, however, ensure that pupils attending independent schools seeking to narrow their curriculum on spurious religious grounds are prevented from doing so, and thus from providing their pupils with an education which is not fit for purpose.

³⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268826/dept_advice_template_smscadvicenov13.pdf

³⁶

https://consult.education.gov.uk/school-frameworks/operating-the-independent-school-regulatory-system/supporting_documents/180214%20%20ISSAdvice%20v13.0draftforCS.pdf

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We also support the handbook criteria relating to illegitimate segregation on the basis of sex. As a Court of Appeal ruling on the matter demonstrated in 2017, this is a form of unlawful discrimination which disadvantages pupils on illegitimate grounds. We agree that schools should receive an inadequate grade for leadership and management if there are no 'genuine and immanent plans to reintegrate pupils' but note that this should also count against their ability to meet the criteria for personal development.

Further education and skills

The further education and skills sector is broad and diverse, with providers that deliver a wide range of education and training provision in different settings. We have drafted the proposed education inspection framework and handbook to be adaptable for all the types of provider that we inspect.

Under the common inspection framework, we currently inspect all publicly funded provision. We grade, and report specifically on, six different types of education and training provision:

- 16–19 study programmes
- adult learning programmes
- apprenticeships
- traineeships
- provision for learners with high needs
- full-time provision for 14–16 year olds.

Proposal 9

We believe that it would make our inspections and reports more coherent and inclusive if we were to reduce the types of provision that we grade and specifically report on as follows:

Proposed education inspection framework types of provision	Current types of provision
Education programmes for young people	16–19 study programmes, including: <ul style="list-style-type: none"> ■ academic, technical and vocational study programmes ■ study programmes for those with education, health and care plans, aged 16 to 24 (and those with high needs) ■ 16–19 traineeships ■ full-time provision for 14–16 year olds.
Apprenticeships	Apprenticeships at levels 2 to 5, whether frameworks and standards, levy or non-levy funded.
Adult learning programmes	Adult learning programmes 19–24 traineeships.

We will cover education and training for people with SEND and/or high needs thoroughly and appropriately within the relevant type of provision rather than separately. We consider that this will ensure that they are fully and properly represented and not marginalised or isolated within the inspection and report.

T-levels, a major reform of technical education at level 3, will be introduced from September 2020. That will take place after the beginning of this new framework. We intend to review how we should best integrate the coverage of T-levels into this framework closer to the time of their introduction and will consult further on this in due course.

To what extent do you agree or disagree that the proposal to reduce the types of provision we grade and specifically report on will make our inspection reports more coherent and inclusive?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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Comments: *If you disagree, are there any specific areas you are concerned about?*

No response – falls outside our area of expertise.

Proposal 10

Under the current common inspection framework, Ofsted carries out short inspections of most good further education and skills providers. This happens within five years of the previous inspection. Some good providers instead receive a full inspection for reasons of risk. We intend to continue with short inspections for most good providers on the same basis. However, given greater focus on the quality of education in the education inspection framework 2019, we believe we need to change the way we carry out the short inspection of good providers in some respects.

Under our current methodology, we undertake to confirm that a provider remains good by exploring a number of lines of enquiry that differ for each provider. As we are introducing a new inspection framework with a focus on the quality of education and the curriculum, we propose introducing an approach that focuses on the quality of education and training, safeguarding and effective management, and that this should be the same for all providers. We are continuing to pilot our proposed approach. The proposed areas we are piloting are:

- Is the quality of education/training good?
- Has the provider addressed the areas for improvement/next steps identified in the last inspection report well?
- Are the provider's safeguarding arrangements effective?
- Are careers education and guidance of a good quality?
- Has the provider managed and implemented changes to provision effectively since the last inspection?

We will refine the above areas based on our pilot activity and from feedback following this consultation. In order to ensure that short inspections are planned

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effectively with providers, and to ensure coverage, we are proposing to increase the time the lead inspector, or in the case of larger providers, the lead inspector and another member of the inspection team, spend on site. We propose that the lead inspector, or in larger providers, two inspectors, arrive at the provider on the day following notification and complete the planning for the inspection on site with the provider (see paragraphs 126-133 of the draft further education and skills inspection handbook). They would then start inspection activity prior to the full inspection team arriving the following day.

To what extent do you agree or disagree with the proposed model for short inspections?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Although this falls somewhat outside of our central area of expertise, we think the proposed model for short inspections should have a greater focus on personal development in addition to safeguarding, quality of education, and leadership and management. Specifically, we think inspectors should always take account of the dimensions listed in paragraph 216 of the FE handbook.

Although students attending FE settings are nearing adulthood, it is vitally important that this area of development is not neglected at a time when they are likely to be exploring their identity and may be particularly vulnerable to negative influences. The handbook already states that 'Good' providers will:

'[prepare] learners for life in modern Britain by: helping to equip them to be responsible, respectful, active citizens who contribute positively to society; developing their understanding of fundamental British values; developing their understanding and appreciation of diversity; celebrating what we have in common and promoting respect for the different protected characteristics as defined in law.'

We simply think that this must be explicitly monitored at every stage of education and even in settings which have previously achieved an exemplary rating. This will ensure that changes are picked up and rectified at the earliest possible moment and aren't obscured by the ability to do well in terms of academic attainment.

Proposal 11

We are proposing to extend the timescale within which we should inspect providers judged to require improvement from 'normally 12 to 24 months' after the last inspection to 'normally 12 to 30 months' after the last inspection. This will provide greater flexibility to give providers more of an opportunity to improve to good while still allowing some providers to be re-inspected earlier if they are ready for it. A

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provider that has been judged as requires improvement would continue to receive a monitoring visit between inspections.

To what extent do you agree or disagree that the timescale within which providers that are judged to require improvement receive their next full inspection should be extended from '12 to 24 months' to '12 to 30' months'?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

30 months is an extremely long time. Since the upper end of the existing time-frame already allows for most pupils to have passed through the entire length of an FE level course, we think the time between inspections should remain as it currently is.

Inspection of colleges at campus level

Ofsted has, for some time, intended to introduce grading and reporting on individual colleges within college groups as part of the overall inspection of the college group, subject to receiving the funding to be able to do this.

Since the disaggregated data that will make it possible to determine what provision is delivered by which college will not be fully available until 2021, it will not be possible to introduce that for the beginning of this framework. We will therefore consult further on this in due course. We will, in the meantime, look at ways in which we can better differentiate the relative performance of individual colleges within inspection reports of college groups.

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Please use this box to record any additional comments in relation to the detail set out in the further education and skills draft inspection handbook.

Curriculum narrowing

Whilst the curriculum that each FE student studies will sacrifice a degree of breadth in order to accommodate individual choices and allow for additional depth in the subjects on offer, we nevertheless think that inspectors should be alert to some of the insidious ways in which a curriculum might be illegitimately narrowed for students in these settings. This might take the form of suggesting certain subjects to some pupils rather than others (e.g. STEM subjects for boys, childcare qualifications for girls) and may be particularly acute where religious or cultural expectations are at play. Of course, this would contravene the provider's duties under the Equality Act 2010 but it should nevertheless be an explicit consideration when assessing the quality of education on offer.

In addition, and in common with other state-funded settings, it should be clear that FE settings should not teach pseudoscientific theories as true or as having equal evidential worth to scientific theories such as evolution. Not only is this educationally unsound, but it threatens the possibility of students receiving an education which is sufficiently broad and balanced.

Collective worship in Catholic sixth form colleges

Although inspectors are not permitted to comment on collective worship in Catholic colleges, paragraph 49 should make it clear that sixth-form pupils have a legal right to withdraw themselves from this provision. Inspectors should be alert to this fact and ensure that colleges that offer collective worship only do so on a voluntary basis and make pupils and parents aware of these rights.

The consultation process

1. We welcome your responses to this consultation paper. The consultation opens on 16 January 2019 and closes on 5 April 2019.
2. The information you provide us with will inform our consideration of changes to the education inspection framework from September 2019.
3. We will publish a response to the consultation in May 2019.

Sending back your response

4. There are three ways of completing and submitting your response:

- **Online questionnaire**

Complete and submit the response form online:

<https://www.smartsurvey.co.uk/s/EIFConsultation/>

- **Complete and email**

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Complete the questions in this Word document and email it to inspection.consultation@ofsted.gov.uk with the consultation name in the subject line.

■ **Print and post**

Print this Word document and fill it in by hand. Please post it to:

EIF Programme Team
Ofsted
Clive House
70 Petty France
London
SW1H 9EX



About you

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, influence policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us.

Are you responding on behalf of an organisation?

Yes ☒ please complete Section 1 and the following questions
No ☐ please complete Section 2 and the following questions

Section 1

If you would like us to consider publishing the views of your organisation, please indicate this below.

Yes

Organisation: Humanists UK

Section 2

Please tell us in which capacity you are completing this survey (please choose one option):

Teacher	<input type="checkbox"/>	Local government representative	<input type="checkbox"/>
Governor	<input type="checkbox"/>	Mayoral or combined authority representative	<input type="checkbox"/>
Headteacher/Principal	<input type="checkbox"/>	A registered early years group provider	<input type="checkbox"/>
Other school staff	<input type="checkbox"/>	A registered early years group provider (before and after school care only)	<input type="checkbox"/>
Pupil/student	<input type="checkbox"/>	A registered early years childminder	<input type="checkbox"/>

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Multi-Academy Trust representative	<input type="checkbox"/>	An early years provider run directly by a school	<input type="checkbox"/>
Parent/carers	<input type="checkbox"/>	Leader/manager of a further education and skills provider or college	<input type="checkbox"/>
Teacher/trainer of a further education and skills provider or college	<input type="checkbox"/>	Other employee of a further education and skills provider or college	<input type="checkbox"/>
An adult learner/student	<input type="checkbox"/>	An employer with an ESFA or apprenticeship levy training contract	<input type="checkbox"/>
A member of the public	<input type="checkbox"/>	An employer without an ESFA or apprenticeship levy training contract	<input type="checkbox"/>
Representative group or union representative	<input type="checkbox"/>	Proprietor of an independent school	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>	Other, please tell us:	

If you are responding in a professional capacity, please specify where you work:

A maintained primary school	<input type="checkbox"/>	A primary academy	<input type="checkbox"/>
A maintained secondary school	<input type="checkbox"/>	A secondary academy	<input type="checkbox"/>
A maintained nursery school	<input type="checkbox"/>	A non-association independent school	
A maintained special school	<input type="checkbox"/>	An early years provider	<input type="checkbox"/>
A general FE/tertiary college	<input type="checkbox"/>	A not-for-profit organisation	X
A sixth form college	<input type="checkbox"/>	An independent specialist college	<input type="checkbox"/>
A local authority	<input type="checkbox"/>	A higher education institution	<input type="checkbox"/>

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An independent learning provider	<input type="checkbox"/>	A free school	<input type="checkbox"/>
A non-maintained special school	<input type="checkbox"/>	Other, please tell us	
Prefer not to say	<input type="checkbox"/>		

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What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

How did you hear about this consultation?

- ☒ Ofsted website
- ☐ *Ofsted News*, Ofsted's monthly newsletter
- ☐ Ofsted conference
- ☐ Twitter (@ofstednews)
- ☐ Another organisation (please specify, if known)
- ☐ Other (please specify)

Please tell us what you thought of this consultation by answering the questions below.

	Agree	Neither agree nor disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website.	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had enough information about the consultation topic.	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Is there anything you would like us to improve or do differently for future consultations? If so, please tell us below.

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Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. We would like to assure you that completion of this section is optional; you do not have to answer any of the questions. All responses are confidential.

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>	Prefer to self-describe
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>
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3. Ethnic origin

(a) How would you describe your national group?

- ☐ British or mixed British
- ☐ English
- ☐ Irish
- ☐ Northern Irish
- ☐ Scottish
- ☐ Welsh
- ☐ Other (specify if you wish)
- ☐ Prefer not to say

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(b) How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>
Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Any other ethnic background	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
Chinese		Prefer not to say	<input type="checkbox"/>
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>
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5. Religion/belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	None	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>		

6. Disability

Do you consider yourself to have a disability?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>
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