

NAHT response to Ofsted's consultation on short inspections of good schools

NAHT is the UK's largest professional association for school leaders. We represent more than 29,000 school leaders in early years, primary, special and secondary schools; independent schools; sixth form and FE colleges; outdoor education centres; pupil referral units, social services establishments and other educational settings, across England, Wales and Northern Ireland.

In addition to the representation, advice and training that we provide for existing senior leaders, we also support, develop and represent the senior leaders of the future through NAHT Edge, the middle leadership section of our association. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere.

Our response to the consultation on short inspections of good schools is set out below. We approach the questions in the order that they were asked in the consultation document.

Experience of short inspections

1. Have you experienced a short inspection which has converted to a section 5 inspection?

School leaders have a broad and rich understanding of the process and reality of inspection; many serving leaders have experienced inspection under different frameworks, including the relatively recently adopted short inspections of good schools. They are well acquainted with the professional challenge of inspection; can make compelling evaluations of the conduct of inspectors (both positive and negative); and, critically, have practical experience of managing and supporting staff, pupils and parents through a stressful process. The feedback from our members means that NAHT is therefore well placed to comment on the proposals for short inspections.

Extending the window of conversion

2. To what extent do you agree or disagree with Ofsted's proposal to extend the window of conversion for a short inspection (section 8 inspection) to a section 5 inspection from the current 48 hours to within a maximum of 15 working days?

NAHT response: strongly disagree

Please tell us the reasons for your answer:

NAHT's view on short inspections

Short inspections were welcomed by school leaders as a step towards reducing the burden associated with inspection. The working hypothesis for short inspections, that a school remains good, has also had the welcome effect of facilitating a more

collaborative approach on the part of some inspectors, in some cases improving the quality of professional dialogue with the head teacher.

Overall, the introduction of short inspections has helped to 'dial down' the stress and burden of the inspection event itself, which has been of benefit to school leaders, teachers, pupils and parents. NAHT's concerns regarding a high-stakes inspection system is well documented, so the move towards short inspections was a helpful step forward.

Overview of NAHT's response to Ofsted's proposal

The proposal effectively introduces inconsistency in the notice period for inspection. Some good schools will be inspected and judged having received the standard half day's notice, as is the case for schools routinely inspected under section 5. Other good schools will have a period of up to 15 working days between the initial inspection activity and its completion during which it will be possible to prepare and plan for further inspection activity. The proposal therefore undermines the level playing field for inspection meaning that, if adopted, schools will receive unequal treatment. For this reason NAHT regards the proposal as unfair and iniquitous.

The proposal to increase the time taken to complete an inspection that 'converts' from a short inspection to a Section 5 inspection, from 48 hours to anything up to 15 working days, will undermine the positive impact of short inspections. If implemented, every short inspection will carry a risk of loading huge pressure onto a school leader and their staff, should the inspection be 'converted'. In other words leaders of good schools will carry with them the burden that an inspection may take weeks to complete. Leaders of good schools will no longer have certainty of the current timeframe for the announcement of an inspection, extending the worry of notification across the whole working week (in contrast to leaders of grade 3 and 4 schools). Worryingly, the proposals also give rise to a wide possible range of unintended consequences and are likely to lead to a series of perverse incentives that will increase the pressure on school leaders, their staff and governing boards.

This proposal is intended to address Ofsted's internal organisational and scheduling difficulties. The consultation makes much of how scheduling decisions affect OI, but there is little, if any, recognition of the impact that the proposals will have on schools and their leaders. The solution to those logistical issues may be complex, but Ofsted should not seek to resolve them by increasing the burden on schools, nor should they create greater inconsistency in the treatment of schools.

'Converting' inspections from s8 to s5 – the data

NAHT recognises that there are circumstances where the lead inspector will determine that is necessary to 'convert' a section 8 short inspection, in order that the full evaluation schedule can be covered and a graded judgement awarded for the overall effectiveness of a school.

Ofsted's most recent published data shows that since implementation, 31% of all short inspections were 'converted' to full inspections. The proportion is highest for secondary schools, where 45% of short inspections were 'converted'. Of the 1,128 inspections that were 'converted' between September 2015 and April 2017, 231 schools were judged to be outstanding overall; 303 good; 503 requires improvement; and 91 inadequate.

These data raise questions about the sufficiency of the tariff itself, particularly in secondary schools, larger primaries or more complex provision. Given that over a quarter of 'converted' inspections resulted in a good judgement, it is likely that a higher tariff (in terms of inspector days rather than the overall length of the inspection) may have allowed the inspection team to deliver a secure judgement within the short inspection window.

These data also raise important questions about Ofsted's proposal to select existing good schools for full rather than short inspection. We address these issues in question three and four below.

Impact of the proposals

It is beyond doubt that a 15 working day notice period for the completion of a 'converted' inspection would place head teachers, senior leaders and their staff under a significant additional burden. Those leaders in affected schools would be required to manage additional stress, workload and resultant ill-health.

There are myriad issues of equity and fairness which the consultation fails to address.

Under the proposal, a school where an inspection is 'converted' will receive an effective increase in the notice period for inspection, from half a day to up to 15 days.

The consultation states

'We recognise that the gap of up to 15 working days... could lead to some schools working intensively on issues unnecessarily. If this occurs, we recognise that teachers' workload could increase in this period as a result.'

It continues

'We also want to make clear that inspectors will have seen the school on the short inspection day and so will already have collected evidence on the general learning environment. As a result, extra time spent by the school on, for example, renewing displays of work will make no difference to the overall judgement for the school and would thus be a waste of teachers' valuable time.'

The consultation implicitly recognises that school leaders and teachers will be in a situation where there will be pressure to do all that is possible to secure the best inspection outcome for a school in the interval between the commencement and conclusion of inspection activity.

Inspection outcomes have huge impacts on individual careers throughout the school system, most notably at leadership level. It is unrealistic to assume that the extended inspection period will do anything other than place school leaders and their staff in an extraordinarily stressful limbo. It is quite conceivable that over three weeks, and weekends, that their health and well-being will be negatively impacted.

The consultation fails to recognise the pressure that schools will face from others in the system with an interest in the inspection outcomes. Given the high stakes nature of school inspection, it may well be in the interests of, for example, local authorities; multi-academy trusts; dioceses; federations, or individual governing boards to seek to provide support to the school during the interim period. Indeed, it would be odd were such authorities not to do so. How will their actions affect school leaders and

teachers? It is quite possible to envisage a frenzy of activity beginning at the point when the lead inspector informs a school that a 'conversion' is to take place, with the aforementioned bodies rushing to secure advisors and consultants in advance of the second wave of inspection activity beginning.

There is, then, the potential for a whole range of unforeseen consequences to result from this proposal. Some mention of pupils is also appropriate too – up to three weeks of their school lives will be affected by the pressure on staff.

The proposal also breaches the principle of short notice inspection. For many years there has been a drive to shorter notice of inspection. The 2005 framework introduced a maximum notice period of five working days, later reduced to two working days by the 2009 framework. From 2012 the notice period effectively became half a working day. Various arguments were advanced for the downward pressure on the notice period, in particular the need for inspectors to see a school as it operates, and to reduce the burden that preparation for inspection inevitably creates. Indeed, the previous Chief Inspector repeatedly promoted the concept of unannounced inspections. While this was rightly deemed to be unworkable, it reinforced the accepted view that shorter notice inspection was in the interests of both the profession and the inspectorate. NAHT is concerned that this proposal represents a fundamental break with that view, which threatens a return to the workload, burden and often feverish activity that was associated with longer notice periods.

Equity and fairness

The area that we are most concerned about is that the proposal effectively creates different notice periods, undermining the current level playing field for inspection. At present nearly all schools receive a half day's notice of inspection. In future schools undergoing a 'converted' inspection will have an effective notice period of up to 15 working days. This leads to unequal treatment; while in practice it will mean that some schools may be advantaged by the proposals, while others may be disadvantaged. Such a move may significantly undermine schools' confidence in the equity and fairness of inspection. Those schools with a longer notice period between commencement of the inspection and completion of it under section 5 will have a much longer period to prepare. This undermines the principle of equity of treatment and fairness

Selection, scheduling and reporting

NAHT questions the impact that the proposal will have upon Ofsted's inspection selection, scheduling and reporting. An unintended effect of the proposal is that prudence would dictate that schools selected for a short inspection should be scheduled for inspection in the first or second week of each term (assuming a six term year) to ensure that when an inspection is converted, the delay to the completion of that inspection does not extend over a school holiday period.

It would clearly be unfair for school leaders and their staff to have the completion of the inspection 'hanging over' them for the duration of a holiday period. Any realistic assessment would recognise that this situation would drive considerable additional workload and stress for all school staff over that holiday period. NAHT would regard this as being an unreasonable way for Ofsted's to exercise its functions.

The proposals will also affecting timely reporting. The addition of the extended inspection period to Ofsted's publication timeline would result in a significant lengthening of the period for publication, which is likely to be further elongated by holiday periods. From initial inspection activity to report publication could easily exceed a period of over half a term: for a school inspected in early June, it is perfectly feasible that its inspection report may not be published until September.

Timely reporting has been a key feature of inspection since 2005 which has been welcomed by parents. School leaders must already manage the period between the conclusion of the inspection activity and the publication of the inspection report with sensitivity for the concerns of both staff and the community that the school serves. An extended period before the completion of the inspection, followed by a wait for publication of the inspection report will create further uncertainty that must be managed.

Section 5 inspections

3. To what extent do you agree or disagree that schools whose short inspections (section 8 inspections) are likely to convert to a section 5 inspection should instead receive a full section 5 inspection from the outset?

NAHT response: disagree

Please tell us the reasons for your answer:

NAHT disagrees with this proposal, the effect of which would be to introduce a two-tier approach to the inspection of good schools.

Our principal objection is that this would introduce a fundamentally inconsistent approach to the inspection of good schools. Under this proposal Ofsted would pre-determine, before conducting any inspection activity, those good schools that should be selected for a short inspection, and those that should be selected for inspection under section 5.

Making such a selection is **not** a neutral act. It implies that the Chief Inspector has good reason to select a school for a section 5 inspection, based on reliable empirical evidence.

The purpose of a short inspection (as defined by regulations) is to determine whether 'the school continues to be a good school' allowing the maximum permitted interval for inspection to be reset. By contrast when conducting a section 5 inspection, the Chief Inspector is required to report on the matters set out at section 5A of the Education Act 2005, and consider those matters defined at section 5B.

This two-tier approach will result in an unprecedented level of pre-determination that will fetter the judgement of inspection teams. The act of selecting a good school for a section 5 inspection could introduce a level of institutional bias that could in turn colour inspectors' approach to the inspection event, however unconscious and unintentional this may be.

Our concerns about pre-determination are increased by the continuing over-reliance by inspectors on narrow data indicators, which can lead to unshakeable hypotheses.

Too much significance is already attached to numerical pupil outcomes in published performance data when judging school effectiveness. The same is true of the significance attached to statutory tests and national examinations which are unreliable indicators upon which to judge a school's success or failure. It is critical that these issues are not compounded by using such data to inform decisions on whether to conduct a section 5 or section 8 inspection for a good school.

Given the impact of changes to statutory assessment in both the primary and secondary phases, the concern about the misuse or misunderstanding of data indicators would be further magnified under these proposals. NAHT is clear that data can only ever be the starting point for a conversation about the quality of education provided by a school – the problem is that data is now an even *less* reliable indicator than it was, given the changes to primary statutory assessment and to GCSE specifications, making direct year on year comparisons impossible.

A further area of concern is the potential use of local or regional 'intelligence'. In order to ensure fairness, transparency and accountability, we would welcome Ofsted defining precisely the forms of intelligence that it intends to rely upon for the exercise of its statutory functions. NAHT's view is that there should be a clear demarcation between information provided by RSCs and their agents, and the inspectorate itself.

NAHT is also concerned that this proposal would further discriminate against outstanding Special and other non-exempt schools. Our view is that these outstanding Special schools should be inspected at, or about, the maximum permitted interval for inspection under a section 8 short inspection, to allow the 'reset' of the maximum permitted interval to apply.

Notwithstanding this, NAHT believe that scheduling a full section 5 inspection of a non-exempt outstanding Special school should only be conducted where Ofsted has serious concerns about educational standards or the safety and well-being of students or staff.

Overall, this proposal raises a number of important questions about the purpose, nature and operation of inspection. We cannot support the introduction a two-tier inspection system for schools with the same judgement for overall effectiveness and would ask Ofsted to reconsider the implications of its proposals.

4. What factors do you think Ofsted should take into account when considering whether to conduct a section 5 inspection of a good school from the outset, rather than a short inspection that may then convert?

NAHT sets out its opposition to the proposal to the development of a two-tier inspection regime for good schools, in question 3 above. Notwithstanding NAHT's view that narrow data sources provide only the starting point for a conversation about the quality of education provided by a school, we offer some thoughts on this question (below).

As noted above, Ofsted's most recent data shows that, overall, a third of all short inspections were 'converted' to section 5 inspections, and that over a quarter of those 'converted' inspections resulted in a school retaining its good judgement (303 of 1,128 inspections).

We recognise that a number of factors may have driven the requirement for 'conversion'. Nevertheless these data raise two important questions for Ofsted to consider.

First, is the tariff sufficient for the lead inspector to prepare for a short inspection; and is there sufficient flexibility to tailor the size of the inspection team to reflect the size or individual circumstances of the school being inspected?

Second, are Ofsted's risk assessment measures sufficiently accurate to identify a good school for a section 5 inspection, in order to reduce 'conversions'?

NAHT assumes that Ofsted has a view on the model of risk assessment that will be employed for these inspections. It would be helpful to understand what Ofsted regards to be reliable factors or indicators of the need for full inspection. Without a sight of the proposed process and factors, it is difficult to comment on the efficacy of the proposals.