

NSPCC written submission to the Education Select Committee

The role and performance of Ofsted

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NSPCC Evidence to the Education Select Committee

Inquiry into the role and performance of Ofsted

1. What should be the purposes of inspection (relating not only to schools but to all organisations, settings and services under Ofsted's remit)?

1.1 The primary purposes of inspection are to provide assurance on the standard of services/activities, and to contribute to service improvement by identifying and disseminating good practice. The assurance role includes the extent to which services/activities meet the requirements of legislation and national guidance and the needs of service users and also the extent to which they accord with accepted best practice. Inspection will have a number of stakeholders, for example: operational and senior managers; elected representatives and the public, in particular children and young people. Inspection findings are a key mechanism for holding public services to account for their activities.

1.2 In order to discharge the assurance role, sufficient resources are needed to review and interrogate key material such as records, and to interview staff, service users and other stakeholders. This triangulation provides a robust platform on which inspectors can make judgements about the quality of services.

1.3 The principal advantage of a national inspectorate is to ensure consistent standards and approaches to an issue. However, for this to work well the application of standards has to be consistent. This relies on the quality of the inspectors and rigorous oversight of the inspection process. One of the disadvantages of a national inspectorate is that it is unlikely to have the resources to look in detail at local practice.

1.4 It is important to recognise that for any inspectorate looking at services for children there should be a safeguarding thread running through the assessment *regardless of the setting being inspected*. Although school inspections are designed to ensure the delivery of high quality teaching, learning and leadership, importantly they also contain a focus on schools' implementation of safeguarding policies and procedures and the attainment of pupil well-being. Schools have a statutory duty to promote the well-being of pupils under Section 38 of the Education and Inspection Act 2006 and to make arrangements to safeguard and promote the welfare of children under Section 175 of the Education Act 2002. Holding schools to account for their fulfilment of these duties is therefore a key purpose of school inspection.

2. The impact of the inspection process on school improvement

2.1 In relation to Ofsted inspection of schools, the NSPCC's primary interest is the use of inspection to ensure improvements in pupil safeguarding and child protection and the associated impact on pupil attainment levels. We will

therefore limit our response to question two to an emphasis on how inspections deliver improvements in relation to the safeguarding and well-being of pupils.

2.2 The new Ofsted inspection framework, introduced in September 2009, contained a strengthened emphasis on the evaluation of pupil well-being.¹ The NSPCC welcomes the focus on well-being and the fact that schools must prioritise this as a requirement of inspection. We consider that aiming to improve pupil well-being is of intrinsic value to pupils. However, it is also extremely important in relation to school improvement due to the direct link between children's well-being and their attainment levels. NSPCC practitioners who work with young people in schools have found that many children and young people who are experiencing difficulties in their lives often struggle to fully engage with learning until they have been supported in dealing with their social and emotional problems. The NSPCC's research, *Problems at home, problems at school* demonstrated that maltreated children are at much higher risk of poor academic performance, behavioural problems, bullying and increased levels of truancy.² For this reason, high quality pastoral care and teaching about personal well-being through the Personal, Social, Health and Economic Education (PSHE) curriculum can have a positive impact upon a range of outcomes including on attainment levels.³

2.3 The NSPCC has concerns about the contents of a letter from the Secretary of State for Education to Christine Gilbert on the 28th September in which he outlined the intention to slim down the inspection framework, including a reduced focus on 'peripheral issues' such as pupil well-being.⁴ We consider that the emphasis on well-being in the inspection framework is essential to improving educational outcomes across the board as well as improving the life chances of the most vulnerable children and young people and thus should not be regarded as 'peripheral.'

'Limiting' judgements

2.4 The new Ofsted inspection framework introduced a 'limiting judgement' on 'safeguarding.' This means that if schools fail to take measures to ensure pupils are kept safe then this will directly affect the judgement of their overall effectiveness.⁵ An inspection of safeguarding includes an examination of whether child protection and safeguarding policies, strategies and procedures are in place, whether the school has a designated member of staff with

¹ Ofsted (2009) The evaluation schedule for schools London: Ofsted

² Mills, C (2004) *Problems at home, Problems at school: The effects of maltreatment in the home on children's functioning at school* London: NSPCC

³ See Blake, S and Plant, S (2005) *Addressing inequalities and inclusion through PSHE and Citizenship*. London: National Children's Bureau; Office of the Children's Commissioner (2005) *Journeys: children and young people talk about bullying*. London: Office of the Children's Commissioner and Harries, J (2006) *Promoting Personal Safety in PSHE*. London: Paul Chapman Publishing

⁴ Letter from Education Secretary, Michael Gove, to Christine Gilbert on the 28th September 2010.

⁵ Ofsted (2009) *The framework for school inspection* London: Ofsted

responsibility for child protection, whether staff receive training in child protection, whether the school responds appropriately to child protection concerns and whether pre-employment checking of staff is carried out consistently.

2.5 The NSPCC strongly supported the introduction of the limiting judgement on safeguarding. We would be extremely concerned about any plans to remove this element of the Ofsted inspection as we consider that this is a key mechanism to hold schools to account in this area, ensuring that school leaders maintain a clear focus on child protection. In 2009, Ofsted's Annual Report stated, "The inspection of safeguarding remains a high priority for Ofsted, in judging both the extent to which pupils feel safe and whether procedures for safeguarding them meet requirements."⁶ As *Working Together* states, education staff have a crucial role in identifying and responding to possible abuse or neglect.⁷ Retaining this requirement through inspection helps to ensure that all schools take at least take the minimum steps required in relation to safeguarding children.

2.6 We are aware that policy discussions on the use of limiting judgements have so far focused on the rare occasions where inspectors have been over-zealous in their application of the new criteria.⁸ Our Education Advisors are also aware that there are many misleading 'myths' about how the new limiting judgement on safeguarding operates, such as the supposed case where a school failed an inspection because inspectors were offered coffee before their identities were checked.⁹ However, we consider that this highlights that some inspectors might require additional training as they adapt to the new inspection model, rather than justifying a wholesale deletion of this valuable tool from the inspection framework. Furthermore, it is important to note that in the vast majority of cases where safeguarding arrangements are found to be inadequate, schools have also been found to have significant weaknesses in other areas.¹⁰ This suggests that weaknesses in safeguarding can also be indicative of other weaknesses in schools. We therefore consider that Ofsted should continue to apply the limiting judgement in relation to safeguarding.¹¹

3. The performance of Ofsted in carrying out its work

3.1 This is not an area of expertise for the NSPCC.

⁶ Ofsted Annual Report 2008/09

⁷ See Paragraph 2.157 of *Working Together to Safeguard Children* London: DCSF (2010)

⁸ Fazackerley, A; Wolf, R and Massey, A (2010) *Blocking the best: Obstacles to new, independent state schools* London: Policy Exchange

⁹ Ofsted have no record that this incident actually happened. See:

<http://www.ofsted.gov.uk/Ofsted-home/About-us/FAQs/Safeguarding/>

¹⁰ Ofsted (2009) 'Inspection arrangements update for maintained schools' in *Ofsted News*, Issue 15, December

¹¹ Maintained schools are inspected under section 5 of the Education Act 2005.

4. The consistency and quality of inspection teams in the Ofsted inspection process

4.1 This is not an area of expertise for the NSPCC.

5. The weight given to different factors within the inspection process

5.1 In recent years a sense has developed that a disproportionate amount of time and resource is given to inspection, that the process has been too driven by the attainment of targets and that this has been at some cost to investment in improved frontline services, and very much to the detriment of the confidence and morale of frontline staff. The call has been for an increased emphasis on peer review and self-assessment to lessen what has become known as "... the burden ..." of inspection.¹² These matters are addressed in more detail below.

5.2 In this respect, there are a number of points we wish to draw to the attention of the Committee. First, we consider there is a need to reflect on the conduct and culture of inspections of social care, which are "now ... motivated by a fear of failure and not the conditions for success."¹³ Certainly, for those being inspected the process seems to have become an exercise in damage limitation rather than a desire to continuously improve.

5.3 Secondly, performance management measurements tend towards over-bureaucratisation for both inspectors and those being inspected, yet Local Authorities are punished for poor statistical outcomes, and this, unsurprisingly, inculcates an unhealthy obsession with looking statistically sound. The Association of Directors of Children's Services (ADCS) has commented: "The perceived punitive effects and the impact of judgements on services in terms of the local media and political response are in danger of creating a climate whereby the inspected manage for inspection rather than managing for quality and outcomes for children and young people."¹⁴

Triangulation methods of inspection

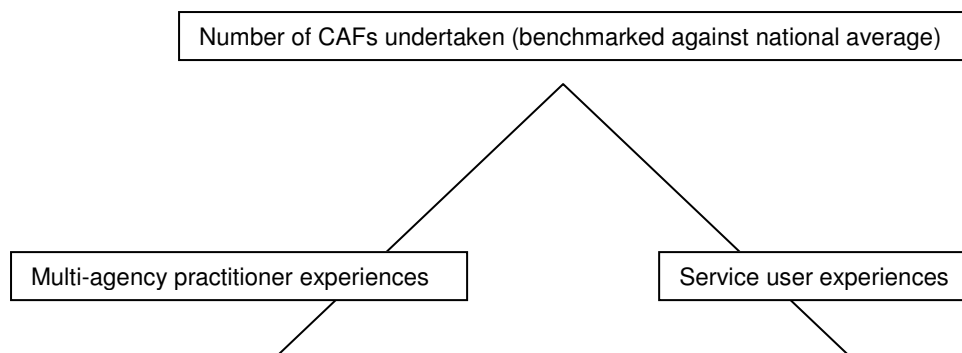
5.4 Statistics, however, do not necessarily tell a reliable story. A good statistical out-turn is not necessarily supported by a similar 'story' in conversations with practitioners and service users; similarly a poor statistical out-turn may be at odds with their experiences, which may be good. In this respect we welcome the adoption of methods of triangulation in inspections of safeguarding and looked after children, where combining the information derived from files, meetings with service users and staff will increase the

¹² Local Government Association (LGA). (2010). Freedom to Lead: Trust to Deliver – Consultation proposals <http://www.lga.gov.uk/lga/aio/7789425>. Retrieved 7th October 2010

¹³ Shoemith, S (2010) Evidence to the Education Select Committee, 15th September 2010 <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/uc465-i/uc46501.htm>. Retrieved 7th October 2010.

¹⁴ ADCS (2009). Position paper on inspection <http://www.adcs.org.uk/download/position-statements/november-09/ADCS-position-on-inspection.pdf>. Retrieved 7th October 2010.

credibility and validity of the results.¹⁵ Such methods should, we consider, form a significant element of all inspections, such that, for example, safeguarding and early intervention might be triangulated by examination of implementation of the multi-agency assessment tool, the Common Assessment Framework (CAF), across a range of agencies and institutions.



5.5 The additional merit of wider adoption of triangulation methods in inspection processes is the light they throw on any discrepancies in accounts of services, providing inspectors with a lens through which to identify those areas requiring further scrutiny. Such methods should form a key element of both the process of inspection and the subsequent grading.

5.6 Furthermore, consideration should be given to the development of a more sensitive set of indicators. For example, one indicator currently in use concerns the percentage of referrals to children's social care which proceed to initial assessment. This is open to local interpretation and variation in thresholds. However, this does not mean that the information, if better defined and refined, would not be helpful in understanding how concerns are dealt with by local agencies. There are two ways in which we recommend that the data could be made more useful. These are:

- i. Describing a wider range of early responses, for example: completing a CAF; talking to another agency/worker; contacting a family member; talking to parents; talking to/seeing the child, or
- ii. A tighter definition of 'initial assessment'.

For children already within the child protection system, the percentage of agreed recommendations in child protection plans that have been actioned within six months might also be an instructive indicator.

5.7 Thirdly, while self assessment is important for internal use and improvement, and as part of a learning process which actively involves

¹⁵ Ofsted (2009). Inspections of safeguarding and looked after children services: Framework for inspection and guidance for local authorities and partners
www.ofsted.gov.uk/.../Inspections%20of%20safeguarding%20and%20looked%20after%20
Retrieved 7th October 2010.

participants and provides them with the opportunity to reflect on organisational and individual practice issues, we do not consider it provides a sufficient level of transparency and independent assurance for service users or the wider public in the absence of appropriate scrutiny and challenge from inspectors.

5.8 The reductionist approach of much self-assessment, too often weighted towards quantitative analysis, based on closed questions and with no significant supporting evidence, provides no assurance as to the quality of processes, structures or services for children and young people.

Peer review

5.9 In addition, the merits of peer review should be examined. A model adopted from academic and clinical communities (particularly in respect of the alleged objective veracity of scientific claims), peer review is intended to examine practice in a challenging but supportive way. Rooted in the assertion that “a greater emphasis on self evaluation and peer challenge with an attendant reduction in the burden of performance monitoring and inspection by central government and inspectorates”¹⁶ will deliver “sector-led improvement” (ibid), peer review is expected to identify strengths and weaknesses and provide recommendations for improvement. The assumption is that peer review provides some assurance as to quality. Yet experience in other contexts suggests that peer review can be “... biased, unjust, unaccountable, incomplete, easily fixed, often insulting, usually ignorant, occasionally foolish, and frequently wrong.”¹⁷ In view of this, we consider that before peer review is embraced too widely or enthusiastically it should, at the very least, be subjected to rigorous independent evaluation.

5.10 Finally, we understand how major, infrequent inspections provoke stress at all levels. We also understand that they are costly exercises and as a set-piece tri-annual exercise, for which two weeks notice is provided, are unlikely to provide a ‘warts and all’ insight into the quality of local governance and services. Unannounced inspections, on the other hand, require no preparation, take significantly less time and resource and provide a picture of day to day practice at the most vulnerable point for children’s services, namely: the front door. It is true that such inspections will provide a ‘snapshot’. It may be a bad day. However, unfair though it may seem, and much though those being inspected might protest, the truth is that services need to stand up to scrutiny every day not just on the good ones.

5.11 We hope that the programme of annual unannounced inspections of safeguarding, looked-after-children, contact, referral and assessment will be maintained and that consideration is given to expanding this model to include

¹⁶ ADCS (2009). Position paper on inspection <http://www.adcs.org.uk/download/position-statements/november-09/ADCS-position-on-inspection.pdf>. Retrieved 7th October 2010.

¹⁷ Horton, Richard (2000). "Genetically modified food: consternation, confusion, and crack-up". MJA 172 (4): 148–9. PMID 10772580.
http://www.mja.com.au/public/issues/172_04_210200/horton/horton.html

a wider range of children's and other services. We consider the triangulation method discussed above should be utilised in the model, and that key performance measurements should be revised to encourage collaboration, partnership work and, most importantly, service-user and wider public satisfaction with services. As has been observed, "Just looking at the information doesn't tell you anything about the experience of the children and their families. You have to start with their experience of services."¹⁸

6. Whether inspection of all organisations, settings, and services to support children's learning and welfare is conducted by a single inspectorate

6.1 Clearly the key outcome for any public service must be the quality of the service, as experienced by the people who use it and as perceived by the wider public who are asked to pay for it. We consider, therefore, that the key focus of inspection should be the experiences of children, young people and families and the extent to which services are meeting their welfare and protection needs.

6.2 Inspection should also include scrutiny of arrangements between adult and children's services where transition, for example, remains a problematic area for many young people, particularly those who are disabled, and/or in need of continuing health (including mental health) care services. In addition, the risks posed to children living in families experiencing domestic violence, substance misuse or mental health problems are well rehearsed "... and it is the combination of these factors which is particularly toxic"¹⁹. Inspectors might also be tasked, then, with scrutinising the quality of information that passes between adult and children's services in respect of the social care needs of adults that may place children at risk.

6.3 Expertise is clearly of fundamental importance to the quality of inspection. In recent years Ofsted has been inhibited by not having senior experience. Indeed, it did not appoint anyone in a senior position with a social care background until very recently.²⁰ This want of appropriate expertise must be addressed within any revised inspection model.

6.4 Consideration should also be given to the role of inspectors in the learning and improvement process. The former Commission for Social Care Improvement (CSCI) had a strong focus on supporting improvement in

¹⁸ Dame Denise Platt, Evidence to the Children, Schools & Families, 20th January 2010 <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/276i-ii/10012002.htm> Retrieved 7th October 2010.

¹⁹ Brandon et al (2010). Building on the Learning from Serious Case Reviews: a two year analysis of child protection database notifications 2007-2009. DFE Research Report RR040, available at: <http://www.education.gov.uk/research/data/uploadfiles/DFE-RR040-WEB.pdf> Retrieved 7th October 2010.

²⁰ Dame Denise Platt, Evidence to the Children, Schools & Families, 20th January 2010, available at: <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/276i-ii/10012002.htm> Retrieved 7th October 2010.

practice, maintaining an ongoing relationship with services proportionate to their need to improve. Thus the learning process was nurtured, good practice could be shared and performance properly monitored. This is not a role Ofsted has sustained, and we consider that reinstating it would be beneficial, particularly in a period of significant financial constraint which is likely to have an impact on the numbers of children and young people requiring additional support, at a time when the threshold for services may be under considerable pressure.

6.5 Finally, our experience of involving children and young people in the inspection process has been a wholly positive one, on both sides of the inspection process. The NSPCC not only benchmarks services by talking to children and young people who use them, but has also found that appointing children and young people to inspection teams as lay inspectors provides additional rigour to the inspection process itself bringing the benefits of a fresh perspective (including challenging inspection approaches and methodology by asking 'obvious' questions such as 'why do we do it this way'); enables a young person's view to be gained on specific aspects of practice (for example, how well are children and young people informed about and involved in work with them and their families; is information provided in a child friendly/accessible way); provides an opportunity for young service users to choose to speak with another young person; and demonstrates to staff, partner agencies and service users that we take the views and involvement of young people seriously.

7. The role of Ofsted in providing an accountability mechanism for schools operating with greater autonomy

7.1 The NSPCC considers that new academies and 'free schools' should continue to be subject to regular Ofsted inspections to ensure that they are fulfilling their legal duties to safeguard and promote the welfare of children and to promote pupil well-being.²¹

7.2 We are therefore very concerned that 'outstanding' schools' will not be inspected unless a parent raises significant concerns about a school, or the school's results become a cause for concern.²² Further, we consider that a single outstanding judgement by Ofsted is not a reliable predictor of future performance and should not justify a lack of participation in Ofsted inspections. For example, the Shireland Collegiate Academy in Birmingham was rated outstanding by Ofsted but was subsequently failed by inspectors following its conversion to academy status.²³

²¹ Section 175 of the Education Act 2002 and Section 38 of the Education and Inspection Act 2006, respectively.

²² Michael Gove has announced that academy schools previously judged outstanding will no longer be subject to routine school inspection, see: <http://www.education.gov.uk/schools/leadership/typesofschools/academies/academiesfaq/a0063432/ofsted-inspections-faqs/>

²³ The Gove Plan: Why so quiet Labour? The Independent, 30 May 2010

7.3 Where Ofsted have identified weaknesses in a school's performance following inspection, Local Authorities currently play a key role in helping schools to improve. The Local Authority can help to make a range of changes including appointing new governors, creating interim executive boards, linking poorly performing with well performing schools, or close, merge or otherwise re-organise the school or request an Ofsted inspection.²⁴ It is not clear who will discharge these functions once there is a greater degree of autonomy for schools, and this should be a key consideration as new inspection models are developed.

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²⁴ Powers granted under the Education and Inspections Act 2006.