



House of Commons
Education and Skills Committee

Government's and Ofsted's Response to the Committee's Sixth Report: The Work of Ofsted

**Fifth Special Report of Session
2002–03**

The Education and Skills Committee

The Education and Skills Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and Skills and its associated public bodies.

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Committee staff

The current staff of the Committee are David Lloyd (Clerk), Susan Griffiths (Second Clerk), Sara Eustace (Committee Specialist), Lisa Wrobel (Committee Assistant), Susan Monaghan (Committee Assistant) and Catherine Jackson (Secretary).

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Fifth Special Report

On 23 July 2003 the Education and Skills Committee published its Sixth Report¹ of Session 2002–03, *The Work of Ofsted*. On 17 September 2003 we received the Government's response to the Report. Ofsted's response was received on 16 September 2003. The responses are reproduced as Appendices I and II to this Special Report. A list of the Conclusions and Recommendations from the Committee's Sixth Report is reproduced at Appendix III.

Appendix I

Government's response to the Sixth Report from the Education and Skills Committee, Session 2002–03.

Inspection and reporting

The definitions of 'satisfactory' and the other grades used by school inspectors when making judgments of the quality of teaching have not changed and those judgments are therefore consistent over time. Inspectors grade lessons using a seven-point scale, on which 'satisfactory' is the fourth point.

In 1996–97, inspectors judged the quality of teaching in one in twelve of the lessons they observed to be less than satisfactory. Reducing that figure was, rightly, the priority for improving the quality of teaching and, by 2001–02, it had fallen to one lesson in twenty-five. That is a fine achievement, for which teachers are to be congratulated. As a result, the focus for further improving the quality of teaching has shifted to the proportion of teaching which is judged to be in the three grades above satisfactory.

The interests of all pupils, especially those in schools which are facing challenging circumstances, are best served by having high expectations about the quality of teaching and seeking to achieve excellence. We are already encouraging excellent teachers to work in schools facing challenging circumstances.

Advanced Skills Teachers (ASTs) have been specifically targeted to work in schools facing challenging circumstances. We have allocated dedicated funding for AST posts based in those schools and have also funded pilots which have shown that ASTs from other schools working together on outreach in schools facing challenging circumstances can accelerate whole-school improvement. Many local education authorities (LEAs) are now directing AST outreach work towards these schools. The Leadership Incentive Grant offers another opportunity to create AST posts in such schools.

Teachers on the Fast Track development programme, which is designed to improve the quality of leadership in schools, are expected to seek posts in a range of schools and are encouraged in particular to work in schools facing challenging circumstances. Fast Track

1 Sixth Report from the Education and Skills Committee, Session 2002–03, *The Work of Ofsted* HC 531.

teachers manage their own careers with support from local advisors; the programme offers them early access to a range of experience with good and challenging schools.

Federations involve groups of schools working together to share good practice, expertise and resources. Many of our federation pilots involve stronger schools working alongside weaker schools, which can provide good development opportunities for staff from strong schools.

Early years inspection

Ofsted have devised a system whereby they can disclose to a parent who enquires details of the outcome of a complaint investigation involving a childcare provider with the prior consent of the provider. We and Ofsted are currently considering what more may be done to allow disclosures in instances where this consent is withheld. We will bring forward any legislation at the earliest opportunity and after full consultation.

Post-compulsory education

Value-added performance measures

We are committed to the publication of value-added performance data. The 2000 School and College Performance Tables contained the results of a post-16 value-added pilot, and the Department's Autumn Package (and associated Statistical Bulletin) provides analyses on the progress students make between GCSE/GNVQ and GCE/VCE A/AS Levels. We propose another post-16 pilot for the 2004 Performance Tables and intend to introduce national results in 2005.

The Department, working with the Learning and Skills Council (LSC) and the Inspectorates, is undertaking a feasibility study outlining research into developing new systems for calculating value-added across the main types of learning in the sector. It will include proposals for initial testing of ideas/case study approaches in selected institutions and will put forward recommendations for future development work by the end of October 2003. Any new value added measures will be incorporated, as appropriate, into the revised Common Inspection Framework.

We will continue to work closely with Ofsted, LSC, the Qualifications and Curriculum Authority (QCA) and colleagues in the post-compulsory sector on the development and public availability of value-added measures, taking into account our intention to publish school and college information in performance tables.

Skills education

The Skills Strategy sets out the agenda for the Government to meet the skill needs of young people and adults, working closely with employers. The Strategy will also help to improve productivity and social inclusion. Learning providers will need to meet the skills demands from employers and the LSC will play a key role in ensuring that this happens. The Skills Alliance and the LSC-led Delivery Partnerships are also key to ensuring that the system works better to meet the needs of individuals and employers.

Scrutiny of the LSC

While Ofsted does not inspect the LSC, the functions and effectiveness of local LSCs, alongside other local strategic partners, is considered as part of an area inspection. Ofsted consider and report on local planning and implementation arrangements and these reports provide on-going evidence for the LSC to monitor progress, and share good practice.

HMCI's annual report reinforced the findings of a joint Ofsted/ALI review of the lessons learnt from area inspections undertaken between September 2001 and June 2002, which was published in April 2003. It concluded that inspections in the early days of the LSC had shown a clear need for more strategic planning of 16–19 provision at a local level. It acknowledged that local LSCs were beginning to establish structures intended to bring about better and more collaborative planning and more recent inspections have shown that the LSC is continuing to improve its local strategic links. Area inspections are proving to be an important catalyst because the LSC and LEA have to produce an action plan that addresses the issues raised by inspectors and clearly shows the improvements to be made individually and collectively by the LSC and its local partners.

Local LSCs have also begun to conduct Strategic Area Reviews (StARs) of the pattern of post-16 provision in each area, to ensure that across the country there is the breadth of opportunity and quality of provision to meet the needs of all learners, and thereby improve participation, raise attainment and improve learner choice. In particular, 16–19 provision should be high-quality, should meet the pastoral, management and learning needs of the age group, should be based on collaboration between providers to provide a broad curriculum, and should provide students with a choice of provider within reasonable travelling distance. All 16–19 students, including lower attainers, should have access to high quality educational and training opportunities suited to their needs.

All local LSCs are making good progress with StARs, and stakeholder groups are in place in all 47 areas to inform the strategic planning process. In many areas, local LSCs have already introduced changes to the pattern of provision following work with partners to assess the effectiveness and breadth of education and training, but the StAR programme commits all local LSCs to producing strategic plans for action by 31 March 2005. The findings of area wide inspections will feed into StARs as they move towards completion, and in the longer term, these inspections will give an independent assessment of the effectiveness of StARs in supporting 14–19 education and training.

Independent specialist colleges

The LSC contracts with independent specialist colleges, as with other providers, to deliver high quality provision to meet the needs of all learners. The responsibility for improving the quality of provision rests with providers, supported by LSC. All providers must build and sustain continuous improvement and carry out an annual self-assessment against the Common Inspection Framework. The self-assessment report is a key document used by inspectors during the planning phase of an inspection.

Twice a year, in April and October, the LSC carries out Provider Performance Reviews. Where providers are identified as causing concern the LSC provides appropriate targeted support to help them improve.

To address variations in providers' performance, new floor and improvement targets are being introduced from September 2003 for FE colleges, external institutions and work-based learning providers. Floor targets will set clear expectations about minimum acceptable levels of performance and identify underperforming providers, enabling decisive action to be taken. The LSC is currently considering how floor targets will be applied to specialist colleges.

Two areas of regulation impact directly on independent specialist colleges: the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001); and the Care Standards Act 2000. Together, these two Acts require independent specialist colleges to ensure that their learning provision, premises and residential arrangements are fully accessible to students with learning difficulties and/or disabilities (SLDDs) and that they meet the minimum standards of care required by this vulnerable group of learners.

In addition, the Learning and Skills Act 2000 impacts indirectly on the colleges by requiring the LSC to put in place clear and robust arrangements that ensure SLDDs have access to suitable provision which meets their needs and, where appropriate, to the additional support they require to undertake it. This requirement should ensure that all LSC-funded placements at independent specialist colleges for SLDDs have adequate funding and monitoring arrangements, and are designed to provide appropriate learning of an acceptable standard.

We note that the Committee has similar concerns about young offenders institutions. The National Specification for Learning and Skills, commissioned by the Youth Justice Board (YJB), was published in 2002. It lays down quality criteria for learning and skills provision including support for those with learning difficulties. The YJB has provided funding towards its implementation.

In the past year, Special Educational Needs Co-ordinators (SENCOs) have been appointed to all juvenile establishments along with Learning Support Assistants on a ratio of one to every ten learners. A new post has also been created in each of these establishments to co-ordinate learning and skills provision and drive up standards. This is beginning to impact on the initial assessment of individual needs, individual learning programmes and support. Learning Support Assistants are about to undertake specialist training as part of the YJB's Human Resources Strategy.

In April 2003, the Offenders Learning and Skills Unit launched *Reaching All*, an inclusive learning handbook for all staff working in prisons and young offender institutions. It advises teachers on how to work successfully with learners with LDD, as well as enabling all staff to understand their behaviour and respond to their needs. The impact of this handbook and other initiatives to support learning in the juvenile estate will be monitored carefully by the Unit's two Learning and Skills Performance Advisers.

Work-based learning

The Department takes careful note of Ofsted's findings about work-based learning. In order to address this and related issues, we have already commissioned extensive and rigorous independent evaluation of current initiatives in the 14–19 phase of education.

These findings, together with input from Ofsted, will be carefully considered and will inform the development, implementation and operation of policy in this area.

Local education authority inspections

The Ofsted report *Local education authorities and school improvement 1996–2001* covers LEAs which were found to be unsatisfactory or worse by Ofsted over this period and, within that category, those which were subject to formal, or publicly announced, intervention.

In most LEAs found unsatisfactory but not—because of their willingness and demonstrable capacity to tackle the weaknesses using their own financial and other resources—subject to formal intervention, the Department took action of various kinds to help the authorities concerned. A comparison of outcomes would need to take account of this.

It was partly for this reason, and partly because it was thought that the main interest arising from intervention was in new ways of working rather than the policy itself, that we commissioned an independent study of the success or otherwise of new organisational models in LEAs over the past few years, specifying that the models concerned should include not only those arising from intervention, but also those part funded through the Department's New Models scheme, and those instituted independently by LEAs. The first results of this study were published in May 2003. The document *Evaluation of New Ways of Working in Local Education Authorities* is available from <http://www.standards.dfes.gov.uk/lea/newways/evaluation/>. A further study is planned for 2005, taking account of the later and more comprehensive evidence which should by then be available.

Pupil behaviour and attendance

We agree that missing out on education severely affects children's life chances. There is a clear link between attendance and learning and we are focusing on school attendance with a package of universal and targeted measures in the context of the Public Service Agreement target to reduce unauthorised absence levels by 10% by 2004 and continue to improve overall attendance levels. Through the national Behaviour & Attendance Strategy, we are investing £470 million over three years to support schools in all LEAs in tackling truancy and in improving pupils' behaviour.

Some of the funding will be targeted at areas facing acute challenges and we are also providing intensive expert support for 56 LEAs with high levels of truancy, as well as raising the profile of the importance of school attendance in all LEAs as a key element of school improvement. From September, all secondary schools will benefit from the Strategy through the provision of specialist consultants to enhance the skills of senior school staff in attendance and behaviour management and to train them in the use of newly developed audit materials.

More Learning Mentors and Learning Support Units are also being introduced to help pupils with behaviour and attendance problems and multi-agency Behaviour and Education Support Teams to help those pupils with the most serious problems. Nationally

co-ordinated truancy sweeps, the first of their kind, are now taking place regularly, and the Fast Track to prosecution initiative under which cases are time-focused for improvement in attendance is being rolled out to all LEAs, with promising early results. The Anti-Social Behaviour Bill will provide LEAs and schools with additional tools, such as penalty notices and parenting contracts, with which to tackle truancy.

The Department is aiming to publish an SEN Action Plan in the autumn which will look at, amongst others, provision for children with behavioural, emotional and social difficulties (BESD). We are aware of instances where children with BESD have been inappropriately placed in pupil referral units (PRUs). The Action Programme will set out what the Department intends to do to ensure that every child with BESD is placed in provision appropriate to their needs and that PRUs are used more effectively as transitional placements. It will also set out a range of strategies aimed at raising standards in PRUs and EBD special schools, and ensuring that children with BESD in all types of provision receive the full range of support that is necessary to support their needs including support from the Child and Adolescent Mental Health Services (CAMHS).

Ofsted's duties under the Race Relations Amendment Act 2002

We support the Committee's recommendation encouraging Ofsted to continue its work to incorporate the positive duty to promote race equality into the full range of activities and to ensure that this intention extends to the practice of each and every inspector. We are committed to promoting race equality within the education system and recognise Ofsted's central role, along with other inspectorates, in ensuring that all schools, LEAs and other bodies are fully compliant with the duty to promote race equality. To do this effectively, Ofsted must set a clear example in its own activities. We welcome the Committee's aim of monitoring the impact of the new inspection framework.

Ofsted's advisory role

We welcome HM Chief Inspector's inputs, informed by inspection findings and other performance data, to public debate on issues of quality and standards in education.

The work ahead

The Government acknowledges the important work of the Committee in holding HM Chief Inspector to account. We work closely with HM Chief Inspector to keep the school inspection system under review to ensure that it continues to provide quality, consistency and value for money.

Finally, we have been working with our key external partners to establish agreements which codify our relationships. Attached at Annex A is the Memorandum of Understanding which has recently been agreed with HM Chief Inspector.

David Miliband

17 September 2003

Annex A

Memorandum of understanding between DfES and Ofsted

Introduction

1. This Memorandum sets out a framework for co-operation between the Department for Education and Skills (DfES) and the Office for Standards in Education (Ofsted). It is intended to clarify and make more transparent the respective roles of DfES and Ofsted. It is not a statutory or contractual document and is not intended to constrain Ofsted's freedom to operate within those areas for which it is responsible, nor does it limit the Secretary of State's powers. Nonetheless, DfES and Ofsted agree to abide by its terms.

2. The intention is that DfES and Ofsted should work as partners, sharing an open and transparent relationship which recognises and respects each other's discrete roles and responsibilities. This necessarily implies frequent dialogue at both Ministerial and official level. Ofsted maintains its own relationships with other government departments and public bodies (subject to paragraph 6 below in relation to the Treasury). On matters of mutual interest, both DfES and Ofsted officials will ensure that they keep each other informed of planned correspondence and similar communications with external partners, as the situation demands, to ensure mutual understanding and, where relevant, effective joint working.

Status and accountability

3. Ofsted's status and accountability reflect the need for inspectors' professional judgments about quality and standards to be made and published independently of the Government.

4. Ofsted is a non-Ministerial Government department headed by Her Majesty's Chief Inspector of Schools in England (HMCI), who is a Crown servant appointed by Her Majesty by Order in Council on the recommendation of the Government. Ofsted's powers and responsibilities are set out in the School Inspections Act 1996 as amended and in other legislation including the Learning and Skills Act 2000 and Care Standards Act 2000. All activities of Ofsted are the responsibility of HMCI. As Head of Ofsted and its Accounting Officer, he is responsible directly to Parliament for the management of Ofsted and the public funds it administers. Ofsted is accountable to the Government through published targets and its Departmental Report. HMCI is accountable to the Prime Minister—in practice this relationship is handled through the Secretary of State—and his personal objectives are agreed annually with DfES's Permanent Secretary, who reviews his performance against those objectives.

Finance

5. Ofsted is subject to the normal financial disciplines which apply to all Government departments, including the need to ensure financial propriety and value for money, running costs controls and cash limits as determined by the Treasury. Ofsted publishes annual Resource Accounts and is subject to audit by the National Audit Office.

6. Ofsted is funded by Parliamentary Vote from a single Departmental Expenditure Limit (DEL) for Education and Skills but, as a separate Department, it makes a separate request for resources (RfR). In addition to the normal funding, DfES may provide funding for specific items in Ofsted's work programme by transfer within the DEL to Ofsted's RfR. As two separately accountable departments within the single DEL, DfES and Ofsted need to co-operate over financial matters such as Spending Reviews and Estimates. For example:

- Ofsted will not approach Treasury on financial issues affecting the DEL without prior consultation with DfES;
- when DfES acts on Ofsted's behalf (eg when presenting Spending Review submissions to Treasury for the whole DEL), HMCI's agreement will be sought on those parts relevant to Ofsted;
- for Spending Reviews, DfES will aim to enable the Secretary of State to determine Ofsted's settlement and inform them of the outcome no later than 30 September prior to the start of the first year of the Review; and
- DfES and Ofsted officials will agree DfES's work requirements for Ofsted and seek decisions from the Secretary of State so that decisions on the associated funding can be communicated to Ofsted no later than 31 October prior to the financial year in question.

Work programme and strategic and business plans

7. Ofsted will develop its annual work programme—embodied in its Business Plan—taking account of its Service Delivery Agreement (or any successor objectives agreed with DfES) and seeking advice and inputs as appropriate from DfES. When determining its inspection programmes, Ofsted will take account of any guidance or requests from Ministers or the Department. Ofsted will consult DfES by August annually on its Strategic Plan for the following three financial years.

Sharing views and attendance at meetings of committees, etc

8. DfES and Ofsted senior teams will meet collectively at least twice a year, to share views and identify common priorities. Discussions will include all relevant Directorates-General and Directorates from both organisations. Bilateral contact between Directors and Divisional Managers is encouraged in order to progress specific issues, supported by the circulation of relevant internal papers where possible.

9. Where appropriate, DfES and Ofsted will involve the other's officials in internal and external committees, working groups, project management boards, etc. HMCI will normally represent Ofsted in Ministerial and other top-level groups. Requests from DfES for Ofsted membership or assessors for other groups will be made to the relevant Ofsted Director.

10. The normal role of an Ofsted representative on a DfES group, designed to contribute inputs into evolving policy and proposals, will be that of an 'Ofsted assessor'. This designation should not fetter the capacity of the Ofsted representative to contribute freely

on behalf of Ofsted but should enable Ofsted to remain sufficiently independent of the group for its subsequent evaluative role to be in no way compromised. In participating in discussions at a formative stage, Ofsted will respect fully all confidences, will seek to comment only in ways geared to improving policy and practice and will base its advice on the best evidence available to it through its inspection programmes. Ofsted's participation in working groups does not take the place of formal consultation with Ofsted on draft proposals.

Inspection frameworks

11. Ofsted will consult DfES about revisions to inspection frameworks (including the Common Inspection Framework) and accompanying guidance. Ofsted will also consult other key stakeholders about such revisions.

Publication of reports and advice

12. HMCI has a statutory duty to make an annual report to the Secretary of State, who lays it before Parliament. Ofsted will provide DfES with a draft of the report and will note comments from DfES. After the report has been laid before Parliament, Ofsted will send copies to DfES and to all maintained schools and publicly-funded colleges in England, all LEAs, the House of Commons and House of Lords Education and Skills Select Committees, the key education associations, religious bodies, the assessment and examining bodies, independent school organisations and key early years organisations and will make it available on its website.

13. Ofsted has the responsibility to publish inspection reports and other reports, including making them available on its website. Ofsted will send a near-final draft of any report/document with significant policy interest to the appropriate person at the DfES. This will normally be at least four weeks before finalisation of the text (ie typically at least six weeks before the intended publication date, whether electronic or paper-based). The draft will principally be for information and for briefing of Ministers, but also permits the identification of factual error. Drafts will be supplied in electronic format wherever possible. Ofsted will request any comments within two weeks, or will assume that there are no issues. All information shared is on a confidential basis and should not be made available to the press or public prior to publication/announcement by Ofsted. In some circumstances, Ofsted may simultaneously seek comments from other public bodies. Ofsted retains the independent right to publish on the basis of its inspection evidence and findings. Copies of the final version of reports discussed in this paragraph will be sent electronically to relevant Ministers on the day before publication, with hard copy on the day of publication.

14. DfES will provide Ofsted with copies of reports/publications concerning Ofsted for comment at least four weeks ahead of scheduled publication, and a copy of the final version before publication.

15. DfES will consider formal advice submitted to Ministers by Ofsted as speedily as possible. Ofsted is free to publish its formal advice at or after the time it reaches Ministers and will notify DfES in advance where it intends to do so. In this context, 'formal advice'

refers to considered submissions to Ministers. It does not refer to the exchanges between Ofsted and DfES officials which are conducted in the normal course of business.

Reporting to ministers

16. Ofsted's functions have the potential to impact on most aspects of the Department's work, so Ofsted needs to relate from time to time to all DfES Ministers. However, one named Minister (currently David Miliband) has overall responsibility for the relationship with Ofsted. Baroness Ashton currently has particular responsibility for links with Ofsted in relation to early years issues.

17. To ensure that Ofsted is fully aware of the policy context in which it operates and that Ministers understand the Ofsted perspective in carrying out their responsibilities, the Secretary of State and other Ministers hold regular meetings with HMCI. These meetings provide an opportunity to address any issues arising in the DfES/Ofsted relationship. Ministers and HMCI are free to seek meetings whenever an issue arises.

Parliamentary, press and public business

18. DfES and Ofsted officials will cooperate to ensure that they provide appropriate and timely support for Ministers and others conducting Parliamentary business, including legislation, and respond in a coherent and accurate way to enquiries from Parliament and the public. DfES and Ofsted will keep each other informed of their plans for media announcements. Ofsted and DfES will share diary details of news events in advance and exchange media planning diaries on a weekly basis.

19. Where a Parliamentary Question is about a matter which is HMCI's responsibility, the DfES Team Leader will send the PQ and standard draft answer (to the effect that HMCI will write to the Honourable Member) to HMCI's office by e-mail and will notify HMCI's office when the PQ has been answered. HMCI will write to the MP or peer and send copies of his letter to the libraries of both Houses of Parliament. Where there is any uncertainty as to whether a PQ is for answer by HMCI, the DfES Team Leader will consult HMCI's office.

20. Where a letter (or e-mail) requiring a Ministerial reply is about a matter which is HMCI's responsibility, the DfES Team Leader will ensure that copies of the letter and the Minister's reply are sent to HMCI's office for reply. Where there is any uncertainty as to whether a letter is for answer by HMCI, the DfES Team Leader will consult HMCI's office.

21. Where a letter (or e-mail) not requiring a Ministerial reply is about a matter which is HMCI's responsibility, the DfES Team Leader will ensure that copies of the letter and the DfES's reply are sent to Ofsted for reply. Where there is any uncertainty as to whether a letter is for answer by HMCI, the DfES Team Leader will consult their Ofsted contact point.

Complaints

22. Complaints about the work of Ofsted, its staff, and contractors, are a matter for Ofsted in which DfES and Ministers have no powers to intervene at any stage. Any such complaints received by Ministers or DfES will be forwarded to Ofsted for action. The final

stage of Ofsted's complaints procedures is review by an external adjudicator who is appointed by the Secretary of State. If a complainant remains dissatisfied following that review, they may seek to pursue the matter through the courts or the Parliamentary Commissioner for Administration. Any complaints about DfES or its staff received by Ofsted staff in the course of their duties will be referred to DfES, making it clear to the complainant that these are a matter for DfES.

Reducing bureaucracy

23. DfES and Ofsted will continue, with other partners, to seek to minimise bureaucratic burdens placed on schools, colleges and others. Ofsted will seek to reduce the burdens associated with inspection where it is possible to do so without jeopardising the quality of the inspection process. Ofsted will cooperate with the independent Implementation Review Unit to enable it to fulfil its remit to scrutinise and assess progress made in reducing bureaucracy affecting schools in England.

Exchange of data

24. Ofsted and DfES will work together, and with other partners, in the 'Star Chamber' and other fora, to agree common data requirements and to share relevant data so as to ensure that DfES receives regular and timely advice about inspection findings and that Ofsted has timely access to performance and other data to support its responsibilities, to minimise data collection burdens on those being inspected, and to eliminate duplication of requests for data.

Other documents

25. Within the framework of this Memorandum, DfES and Ofsted will agree separately arrangements for such matters as may be agreed, including protocols relating to inspections of the Connexions Service, LEA inspections and information access and exchange. Such agreements may include third parties.

Review

26. DfES and Ofsted may agree at any time to make amendments to this Memorandum. In addition, DfES and Ofsted will review the Memorandum annually and update it in the light of experience of its operation in practice. If necessary, the Minister responsible for Ofsted shall resolve any doubts about the interpretation of this document with HMCI.

September 2003

Appendix II

Ofsted's response to the Sixth Report from the Education and Skills Committee, Session 2002–03.

Inspection and reporting

Recommendation 1

1. The meaning of the term 'satisfactory' has not shifted. In judging teaching in lessons, it is used where teaching is adequate, although there is room for improvement. Since Ofsted last gave evidence the new inspection framework and handbooks have been published. The guidance in the new handbooks for inspecting primary and nursery schools, secondary schools, and special schools and pupil referral units provides greater clarification concerning where to pitch the judgement.

2. We need to make a clear distinction between teaching in individual lessons and the quality of teaching for the school as a whole. The judgement about the quality of teaching in the school as a whole takes into account more than just lesson grades. It draws on evidence from the analysis of pupils' work, including the progress that they have been making, and from discussions with teachers and pupils.

3. The whole-school judgement is also influenced by the shape of the distribution of teaching grades. Nationally, the distribution of teaching grades peaks at 'good' and has smaller proportions of 'very good' and 'excellent', and of 'satisfactory' and 'unsatisfactory' teaching.

4. A school with a predominance of satisfactory teaching is in the minority. If, additionally, there is virtually no good or better teaching, then this is well below what is expected for a school. It is reasonable in such rare cases to say that the school's teaching is not as good as it should be, and is unsatisfactory overall. It is very unlikely that the evidence from pupils' work will point to satisfactory teaching in such cases.

5. In my annual report for 2001–02, I posed the question as to whether satisfactory is good enough, in schools facing very challenging circumstances, for the pupils to achieve high standards. This question remains pertinent; in the most demanding circumstances pupils need good teaching if they are to do well. The quality of teaching is now better than ever before. We need to maintain the pressure to ensure that as many pupils as possible experience good teaching.

Recommendation 2

6. The new inspection framework, which takes effect from September 2003, places great emphasis on feedback to teachers, as did previous frameworks. Paragraph 105 of the most recent framework states that "Inspectors must offer oral feedback to teachers and other staff about the work they see in lessons. Inspectors must be clear in explaining their judgements about the quality of teaching and any identified strengths and weaknesses, so that teachers know how to improve their work."

7. The guidance in the new handbooks also makes it clear that inspectors should offer feedback to teachers and other staff leading lessons on the teaching and learning observed. In addition, inspectors are asked to: be sensitive and selective; concentrate on the overall effectiveness of teaching seen and the most significant strengths and weaknesses; and offer clear, substantiated points for development. This feedback takes place through professional dialogue between the teacher and inspector. Inspectors hold the key, therefore, to improvement. Not only must they diagnose accurately what needs to be improved, they must communicate this to the teacher personally.

8. Establishing good professional dialogue is the single most important thing inspectors must do if their feedback is to be accepted fully and acted upon by the teacher. There will be, regrettably, the unusual occasion where a teacher disputes what the inspector has said, but such incidents are rare. In the vast majority of cases, teachers accept the feedback given to them and value the focused evaluation that enables them to bring about improvement, even if their teaching is already good.

Early years inspection

Recommendation 3

9. Since the Select Committee published its report Ofsted has put in place procedures whereby registered childcare providers can be asked to give their consent to information about previous complaints being shared with parents. To date, 14 such requests have been made. The Department for Education and Skills and Ofsted are considering together what can be done in cases where the provider does not give consent. For example, DfES is considering introducing new regulations that will give Her Majesty's Chief Inspector of Schools new powers to share information with other authorities that have statutory functions in relation to children, such as the police, child protection agencies and other relevant organisations such as fostering and adoption agencies. In addition, Ofsted is looking to other regulatory authorities, such as those who regulate childcare in other UK nations, to see whether they use approaches that could be adopted in England to give parents better information about complaints against providers.

Post compulsory education

Recommendation 4

10. We are continuing to work with DfES and the Learning and Skills Council (LSC) to develop a basket of performance measures, including value-added measures, which reflect better than current indicators the range and diversity of work undertaken by further education (FE). We agree with the committee about the crucial importance of this development, which is central to our revision of the inspection framework and methodology.

Recommendation 5

11. We agree with the committee that FE should be more effective in meeting the needs of employers. We have strengthened our reporting requirements in this area, and are undertaking a survey of colleges' responsiveness to employers.

Recommendation 6

12. We have no remit to inspect the LSC either at national or local level. However, our 14–19 area inspections will examine how effectively Local LSCs discharge some, but not all, of their functions. Our inspections continue to show that the most able students are the best served post-16. We are not persuaded that all the drivers needed to effect radical change are yet in place.

Recommendation 7

13. We share the committee's concern about the education of students in some independent specialist colleges. This year's annual report will show little or no improvement in this provision. We are not, however, convinced that the regulatory framework needs to be strengthened. What is required is action by those responsible for taking it. However, further clarification of which regulation the select committee is referring to is still required. I believe you may be referring to the issue inspectors identified during the academic year 2002–3, where schools were being recognised by the LSC as appropriate provision for placement and funding of students with learning difficulties and or disabilities. Ofsted has identified a small number of students who are attending provision registered as a school after the age of 19 and in some cases up to the age of 22.

14. We have raised this issue with the DfES and the LSC, who are clearly concerned about this finding, and accept that school registration ought to cease at the age of 19, other than in the case of statemented pupils who may have the individual consent of the Secretary of State to stay on beyond the age of 19 to complete a course they have already commenced. The intention is that this time period will be approximately one or two terms. We have also found some students in schools commencing courses post 19 and staying on for up to three further years. This is only the case where the provision is solely registered as a school. If it is a school with a separate FE unit and separate governance, but on the school site, then there is no problem with the placement.

Recommendation 8

15. On this matter, we modestly defer to the Adult Learning Inspectorate, which leads on work-based learning. However, we continue to be concerned about the low standards prevalent in this area.

Local education authority inspections

Recommendation 9

16. In paragraph 40 the committee asks for a study that compares the different methods of intervention, and that provides an assessment of the educational effectiveness of intervention in general. The latter takes the exercise beyond the wish to examine the benefits of different ways of outsourcing LEA services since the term 'in general' draws the parameters of any exercise more widely. Before embarking on such an exercise, we need to clarify what is covered under 'intervention' and agree the extent of the study. This will be done in discussion with the DfES.

17. With regard to outsourced interventions, it may be of interest to note that the DfES has requested Ofsted to inspect the LEA about a year before the contract is terminated, whatever the outcome of the previous inspection of the LEA. The findings from this inspection with other evidence will inform the DfES decision regarding the termination or otherwise of the contract. The decision dates for the current contracts run from 2003 through to 2011. The evidence from these inspections will make an important contribution to our understanding of the effectiveness of different methods of intervention.

18. My reading of the committee's report suggests that in talking about comparing the different ways of intervention, they had in mind a comparison of outsourcing with other forms of intervention. Ofsted will define a thematic survey to be conducted in 2004–05 that seeks to highlight the key features of the effectiveness of intervention and, if possible, compare the different approaches. We are aware, however, of the difficulty of comparing like with like where interventions start at different points and, therefore, are at different stages in their impact. Nevertheless, a short-term (ie one year) study drawing on the findings of inspections, other data and visits to some LEAs may provide a useful basis for debate and further study.

Pupil behaviour and attendance

Recommendation 10

19. We are evaluating the Behaviour and Attendance Programme which the DfES is mounting. Our evaluation will inform the DfES about the way in which the programme is being implemented by schools and LEAs.

Recommendation 11

20. Our report 'Key Stage 4: towards a flexible curriculum', published in June 2003, made recommendations about the general improvements needed in the provision made in pupil referral units and similar centres. The summary of findings of that report were as follows:

- a) In the best provision visited, pupils benefited significantly from the personal attention and support they received. Their attitudes, attendance and behaviour improved and they re-engaged with learning. Encouraged to work towards learning objectives, they gradually acquired a sense of direction and grew in self-confidence and in their capacity to interact sensibly with others.
- b) The curriculum offered in the units and centres was generally limited and often pupils were not working towards recognised qualifications. When they were, attitudes to learning were markedly better and achievement was higher.
- c) Two out of ten lessons seen in pupil referral units were unsatisfactory; the quality of teaching was worse in the centres. Key problems were a lack of qualified teachers and discontinuity in staffing.
- d) For pupils in units and centres, careers education and guidance was too often late, narrowly defined or fragmented.

e) The quality of leadership and management varied greatly across the units and centres and was unsatisfactory or poor in a quarter of them.

f) Poor data collection and analysis meant that staff often could not demonstrate the extent to which pupils' attainment, attitudes and behaviour had improved.

21. A subsequent report on pupils out of school for the DfES, due shortly, is intended to advise the DfES on what further guidance it might give to LEAs on courses, qualifications, assessment methods and careers guidance in alternative education settings.

22. We would expect that, in further guidance it gives, the DfES would want to stress that pupils' needs should be fully assessed before a placement is made and that the provider must be in a position to meet them. We would also expect that the DfES would want to reiterate that it does not see pupil referral units (PRUs) as usually appropriate for pupils with statements of special educational needs (SEN).

Ofsted's duties under the race relation act

Recommendation 12

23. Since Ofsted last gave evidence to the Committee, on 12 March 2003, the new school inspection Framework has been published. The Commission for Racial Equality has informed Ofsted that it welcomes the Framework's explicit focus on the race equality duty as timely and valuable, and believes that it will contribute directly to taking forward progress in this area.

24. Training on the new Framework has now been provided for all HMI, and for all registered and team inspectors. This training has included case studies which put educational inclusion and race equality at the forefront of inspection practice. Inspectors must tailor inspections to suit the circumstances of each school but they will in all cases check on the school's race equality policy and its implementation. The governing body is responsible for matters of statutory compliance. Inspectors will be expected to include in their summary report any evidence of differential underachievement by particular groups, and must report on barriers to achievement and equally on any successful measures the school has taken to promote success.

Ofsted's advisory role

Recommendation 13

25. Ofsted welcomes the encouragement to use the evidence from inspection more widely, to inform emergent thinking, as well as commenting in more depth on established policies and initiatives. Ofsted is committed to making the best use of the evidence from inspection; for example, in the year 2001–02 we published inspection reports on over 4,000 schools, a wide range of reports based on inspection surveys, and my annual report, which included, for the first time, a CD containing statistical summaries of our inspection evidence, additional analysis of this data, and reports on all national curriculum subjects taught in primary and secondary schools.

26. This widescale dissemination process has continued this year. For the first time, Ofsted is publishing quarterly statistics on child care, and a wide range of publications based on HMI inspection have been produced, on topics of current interest, such as schools where boys write well; the management and impact of Excellence In Cities and Education Action Zones; bullying: effective action in secondary schools; good assessment in secondary schools; supporting 14–19 education; and the education of 6-year-olds in England, Denmark and Finland.

The work ahead

Recommendation 14

27. Ofsted has reviewed its approach to strategic planning with the intention of giving a clearer picture of Ofsted's central purpose and values, and a more cohesive programme for the work ahead. This has been aided by bringing all HMI Divisions together in one Inspection Directorate. In addition to our statutory remit to regulate and inspect childcare and to inspect schools, colleges and other sectors, we shall inspect a number of issues that have been identified as priorities by the DfES. The Green Paper 'Every Child Matters' gives Ofsted the remit for leading the inspection of children's services. We shall work closely with other inspectorates in developing our plans.

28. Ofsted is committed to ensuring that inspections are of the highest quality at the lowest cost. The pro-rata cost of school inspections has decreased in the last two years and, from September 2003, the resource required for full inspections of schools will also be reduced. Our surveys show that the headteachers and chairs of governors of the most successful schools recognise and value the benefits of inspection. We have increased the relevance and effectiveness of inspection by taking greater account of school self-evaluation and by training inspectors to tailor the inspection to the individual school.

29. We expect to record and disseminate examples of excellent practice from the better schools. Less effective schools will be inspected more often than the most effective schools. At the same time, we are beginning a programme of work to investigate the feasibility of changes which would further increase the contribution of the inspection system to the improvement of education, not only in schools, but also in colleges as the first cycle of inspections is completed.

David Bell, HMCI

16 September 2003

Appendix III

List of conclusions and recommendations from the Sixth Report from the Education and Skills Committee, Session 2002–03, HC 531.

Inspection and reporting

1. We remain concerned that the apparent interpretation of the term satisfactory has shifted and caused confusion and concern among teachers and parents. It must be understood that satisfactory performance represents work that is adequate in all respects in the context in which it takes place.
2. In continuing the debate on satisfactory teaching care needs to be taken in the presentation of the arguments on the quality of provision so as to ensure that the discussion takes place in a constructive, rather than accusatory, manner. All teachers should be supported to improve further while those who demonstrate the best practice should be encouraged to take their skills into the schools in challenging circumstances, where they may make the most significant contribution to raising pupil achievement.

Early years inspection

3. While we acknowledge the legal constraints placed upon HMCI regarding disclosure of information relating to the investigation of complaints against child-care providers, we remain concerned that parents who are denied access to this important information about their child-care provider, may, for understandable reasons, lose faith in both their providers and the system of inspection. The handling of requests for information about complaints, where providers do not consent to disclosure, will be important in this regard and we look forward to HMCI's proposals on this issue. If a change in the law is required it should be brought forward as soon as possible.

Post-compulsory education

4. We encourage Ofsted to continue to work with colleagues in the post-compulsory sector to develop appropriate value-added measures, and we recommend that such measures should be incorporated into the revised framework.
5. We shall be returning to the issue of skills education in a forthcoming inquiry and will therefore take great interest in the operation of the Learning and Skills Council at national and local levels.
6. The Learning and Skills Council will have a crucial role in promoting and coordinating services to meet the needs of all students in post compulsory education and in bringing to an end the historical focus on the needs of the most able students. Ofsted's scrutiny of the LSC's work in this area will be of great importance in evaluating their progress.

7. The quality of education for students in some independent specialist colleges is a matter of grave concern given the extreme vulnerability of many of the students involved. We urge the Government to act to strengthen provision in these areas. The Government should also consider the extent to which the regulatory framework governing the provision of education in independent specialist colleges is sufficient to meet the needs of their students.
8. The Government should take careful note of Ofsted's findings on the operation of work-based learning in the post compulsory sector when developing its proposals for work-based learning in compulsory education.

Local education authority inspections

9. We believe that a comparison of the different methods of intervention in LEAs, and an assessment of the educational effectiveness of intervention in general, would be valuable. We recommend that Ofsted include these exercises in its programme as soon as possible.

Pupil behaviour and attendance

10. If pupils are not in school, their learning is unlikely to progress. That the strategies put into place to address this issue have had relatively little impact on the level of unauthorised absence is a matter of great concern and we therefore ask the Government to set out its action plan for improving attendance in future years.
11. We recommend that the Government clarifies its intentions with regard to the use of pupil referral units (PRUs). Clear guidance is needed on the placement of pupils with special needs in PRUs and the appropriate resources for them.

Ofsted's duties under the Race Relations Amendment Act 2002

12. We encourage Ofsted to continue its work to incorporate the positive duty to promote race equality into the full range of its activities and to ensure that this intention extends to the practice of each and every inspector. We will revisit this issue in future sessions with HMCI.

Ofsted's advisory role

13. While the benefits of the data collected during inspections are no doubt at the disposal of the DfES, we encourage HMCI to use the evidence from inspection and contained in the Ofsted database more widely in the public domain, to inform emergent thinking, as well as commenting in more depth on established policies and initiatives.

The work ahead

14. We welcome Ofsted's future programme of work and look forward to scrutinising it through our regular meetings with HMCI and other colleagues from the inspectorate, particularly in light of the expansion of the work of Ofsted. We will also want to consider the cost effectiveness of the inspection regime given that the number of schools performing well is increasing year on year.