



House of Commons
Education and Skills Committee

The Work of Ofsted

Sixth Report of Session 2002–03



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Report, together with formal minutes, oral and written evidence

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The Education and Skills Committee

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Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated in the form 'Ev' followed by the page number.

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Summary

David Bell, Her Majesty's Chief Inspector of Schools (HMCI) heads the Office for Standards in Education (Ofsted) and is formally accountable to Parliament, principally through scrutiny by this Committee. Our regular meetings with Mr Bell and his senior colleagues offer valuable opportunities to scrutinise the work of Ofsted, the operation of Government policies and the work of other organisations which Ofsted inspect.

Our discussions are influenced by matters of public concern as well as the contents of HMCI's annual report¹ and other publications from the inspectorate. For example, much has been made of HMCI's comments on *satisfactory* provision. The debate on standards of provision should be continued, but needs to be taken forward in a constructive 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 the most challenging circumstances.

At the end of Ofsted's first year of responsibility for the regulation of childcare in England, parents' access to important information about childcare providers' complaints history has emerged as an important factor in assuring confidence in the registration and regulation process. HMCI's proposals for further refinements to the system are encouraging but the handling of requests for information about complaints, where providers do not consent to disclosure, will be critical.

The progress of the post-compulsory inspections across the sector has provided a fuller picture of the quality of provision than was the case in the preceding annual report when only a small proportion of colleges had been inspected. It is apparent that some refinement of the process is needed to accurately reflect the strengths and weaknesses of the sector, particularly in the area of value-added measures.

The effective coordination of provision in the post compulsory sector remains a challenge. 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 bringing to an end the historical focus on the needs of the most able students.

The issue of pupil behaviour remains an important issue in education. More work is needed to establish the extent of, and to reduce, unauthorised absence. Failure to achieve this will inevitably limit the impact of other strategies to raise the attainment of young people in schools.

Pupil referral units have developed an important role in the management of pupil behaviour. HMCI's report on the number of children with special educational needs in such units runs contrary to advice from the Department for Education and Skills. Clear guidance is needed on the placement of pupils with special needs in PRUs and the appropriate resources for them.

1 Standards and Quality in Education, 2001–02, CM 286.

Under the terms of the Race Relations Amendment Act 2002 Ofsted has a positive duty to promote race equality. Ofsted has made significant progress in the incorporation of the duty into its role, but it is clear that this work must continue in order to ensure that the positive duty is reflected in the practice of each and every inspector.

1 Introduction

1. The Office for Standards in Education (Ofsted) was established in 1992 as a non-ministerial Government department. HMCI reports to the Secretary of State for Education and is formally accountable to Parliament, principally through scrutiny by this Committee.

2. Since the 1999 Report on the work of OFSTED of our predecessor Committee, meetings with Her Majesty's Chief Inspector of Schools (HMCI) on the matter of his Annual Report have become an annual occasion. We also meet with HMCI each year to take evidence on the full range of the inspectorate's work. The first of these meetings took place on 30 October 2002 when Mr David Bell (HMCI), his colleagues Miss Elizabeth Passmore and Mr David Taylor (both Directors of Inspection), Mr Robin Green, Director of Strategy and Resources and Mr Maurice Smith, Acting Director of Early Years, gave evidence on the work of Ofsted. On Wednesday 12 March 2003 we met Mr Bell once again with Miss Passmore, Mr Taylor and Mr Smith, to take evidence on his Annual Report for 2001–02, which had been published on 5 February 2003. The 2001–02 Annual Report is the first to be published since Mr Bell took up his appointment as HMCI.

3. This report incorporates the oral evidence from both of these sessions, our conclusions and recommendations and the written evidence submitted by interested parties.

4. Inevitably, only a relatively small proportion of the work of Ofsted and the issues dealt with in HMCI's Annual Report could be covered in the oral evidence given by Mr Bell and his colleagues. The issues addressed in this report reflect the themes raised in previous reports on the work of the inspectorate, those brought up in written evidence, and matters of public concern and/or discussion.

5. In addition to the evidence sessions which are the subject of this report, we regularly take evidence from Ofsted on matters relating to our formal inquiries across the range of the Department for Education and Skills' responsibilities. We are grateful to HMCI and his colleagues for their willing cooperation across the broad range of our work.

6. During the Committee's long relationship with Ofsted it has been our pleasure to receive evidence on many occasions from Miss Elizabeth Passmore, Director of Inspection for Ofsted and a member of its senior management team. Miss Passmore retired from Ofsted on 31 March 2003 and we take this opportunity to record the Committee's appreciation of the valuable contribution that she has made to the work of Ofsted and this Committee.

7. Other staffing changes are also worthy of note at this time. In April 2003 Ofsted announced the appointment of Mr Maurice Smith as Director of Early Years. Mr Smith had been acting in this role since September 2002 and we welcome the confirmation of his appointment. At the same time HMCI announced the creation of four new divisional manager posts within the inspectorate and that, as a consequence of Elizabeth Passmore's retirement, David Taylor was to become Ofsted's sole Director of Inspection.² We will seek HMCI's reflections on these developments at our next meeting.

² Ofsted press notice NR 2003–50, 8 April 2003.

2 The work of Ofsted

Inspection and reporting

Satisfactory?

8. An important theme emerging from HMCI's annual report for 2001–02 was the language used to describe judgements during inspections. In his commentary on the report David Bell raised the question:

“Is satisfactory good enough given the demands of pupils and the rising expectations of wider society? In schools facing the most challenging of circumstances, satisfactory teaching may not be sufficient to achieve high standards, a point often acknowledged by the teachers themselves in such schools.”³

9. HMCI's provocative question raised others, not least of which was the reliability of inspection evidence if satisfactory provision, as currently defined, was, in some settings, not fit for purpose. This issue is critical, given the role that Ofsted has as guarantor of public accountability. Mr Bell told us that his concern centred on the challenge of raising standards in schools although he recognised the very significant improvements that had been made in teaching quality in schools. He told us:

“We have come from a position where there was 25–30% of teaching that was unsatisfactory or poor to a situation now where we have just under 70% that is good or better. So, we have moved an awful long way. I think it is an entirely reasonable question to ask, what do we need to do next to take forward educational improvements? ...there are some very real pressures that face the education system. Some of the difficulties we have identified to do with some students in some schools that find it difficult to raise attainment... I think we have made very significant improvements over the past ten years and it seems to me that it is entirely reasonable to ask the question, what do we have to do next if we are going to meet the next set of challenges? That is the reason for posing the question, is satisfactory good enough? When I have spoken to teachers and head teachers up and down the country, I think they have taken it in that spirit. They have taken it as a real question about what has to be done next.”⁴

10. The definitions of Ofsted inspection judgements have not altered and Mr Bell gave assurances to that effect:

“I am not saying that satisfactory becomes unsatisfactory. What we have said is that we have seen very significant improvements in the education system and that those which are satisfactory will I am sure want to become better. That is the challenge.

3 *Standards and Quality in Education, 2001–02, CM 286, HMCI's commentary, unnumbered first page.*

4 Q 15

How can we make the satisfactory teacher in our schools which, as we have said, has met the acceptable threshold, good or better? That seems to be a very sensible question to ask.”⁵

11. Elizabeth Passmore focused the debate by reflecting on teaching standards in the context of different schools:

“We have a range of things that we ask inspectors to look at to take account of the context in which teachers are working and we do look at not just whether the class is being controlled, of course, but the challenge of the work that is being provided, whether it is appropriate for the pupils within that class, the extent to which there are high aspirations for those pupils and so on. So, it is not a single criterion about ‘is this okay or not?’, we do ask inspectors to look more closely than that and we do accept that there are some circumstances where it is much harder to take the youngsters forward than it is in others.”⁶

12. In this context, the debate initiated by HMCI’s commentary is to be welcomed. It is certainly the case that the challenge for teachers working in schools and colleges populated by disadvantaged and sometime disaffected young people is far greater than that posed in other, more comfortable circumstances. That the greatest challenges to the English education system are to be found in these contexts is beyond doubt. It is therefore right that we consider the extent to which equivalent standards of delivery meet the needs of pupils and student in different settings and how performance levels across all settings may be raised.

13. 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.

14. In continuing this debate, 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 schools in challenging circumstances, where they may make the most significant contribution to raising pupil achievement.

Early years inspection

15. The Care Standards Act 2000 placed a duty on Ofsted to regulate childminding and day-care in England. This includes registering childminders and providers of day-care and inspecting the quality of services they provide. In September 2001 the responsibility for regulating day-care transferred from 150 local authorities to Ofsted. At the conclusion of the first year of registration by Ofsted the inspectorate announced that there were 99,300

5 Q 19

6 Q 12

registered childcare providers offering more than 1,315,000 care places, all of which have received their initial inspection. Of these, there are 68,200 childminders and 31,100 day care providers.⁷

16. Following inspection, Ofsted can register providers or can require actions to be taken by the provider (to deal with relatively minor issues) or impose conditions (for more serious issues) prior to registration being approved. This initial round of inspections has been the first occasion on which many providers have been assessed against the national care standards and has given rise to a greater number of conditions than might be anticipated in future rounds. In correspondence with the Committee HMCI reported that just over 29% of providers were registered without actions or conditions and a further 10% of inspections generated only actions to be followed up at the next inspection. A further 61% of inspections generated conditions on the registration of providers (and in some cases additional actions). All providers are subject to a condition relating to the maximum number of children permitted to be in their care and these figures do not include this condition. During the transition period (1 September 2001 to 31 March 2003) only 0.6% of providers have been refused registration.⁸ This evidence from inspection provides valuable base-line information on the quality of childcare in England. We will continue to monitor this picture as the process of early years inspection matures.

17. Ofsted has received 10,500 complaints against childcare providers, approximately 25% of which were in relation to the suitability of the person providing the day care. The organisation of the setting, particularly the ratios of staff to children, and matters relating to safety were also significant causes of complaints. As a result of Ofsted's investigations, the inspectorate has issued 345 enforcement actions of which about one third were against childminders acting illegally.⁹

18. The conduct of the complaints process has caused concern among parents and in the press regarding Ofsted's refusal to make public the outcomes of its investigations. In correspondence to the Committee¹⁰ HMCI set out the legal position regarding the disclosure of information relating to complaints:

“The Children Act gives me express powers to make information I hold about registered child-care providers available more widely to the public. These powers cover two areas. First, I am permitted in law to publish reports of the regular prescribed inspection, which currently takes place every two years. Secondly, I have express powers to make available to the public a register of those providers who are registered to provide day care and childminding. Subject to these provisions, a duty of confidentiality is owed to registered persons who provide information to Ofsted—even where such information is provided as part of an investigation of a complaint. Given that the law expressly provides for me to make information available in two ways, Ofsted's legal advice is that making information publicly available in any other circumstances (without the consent of the registered person) is likely to be outside its legislative powers. This would be the case unless there is either an overriding public

7 Ofsted news release 24 June 2003 (NR 2003–72). Figures correct as at 31 March 2003.

8 Correspondence from Ofsted, 16 July 2003 [not printed]

9 *ibid*

10 Ev 43

interest justifying such disclosure (such as a real risk of harm to any person if such disclosure is not made), or such disclosure can necessarily and reasonably be implied from a statutory provision.”¹¹

19. In response to concerns raised on this issue, HMCI has put in place measures that will allow information about previous complaints against providers to be disclosed to parents with the child-care provider’s written consent. HMCI is also working with DfES ministers on how applications for information when the provider does not consent to disclosure will be handled.¹²

20. 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. We will return to this subject when we next take evidence on the work of Ofsted.

Post-compulsory education

Post-compulsory inspections

21. The progress of the post-compulsory inspections across the sector provided a fuller picture of the quality of provision than was the case in the preceding annual report when only a small proportion of colleges had been inspected. In oral evidence Mr Bell told us that the evidence from post-compulsory inspections gave a “mixed picture”. The majority of general further education colleges were found to be at least satisfactory, although one-fifth were inadequate and in almost 25% leadership and management were unsatisfactory. These findings contrast with those relating to teaching, where over 90% of inspected classes were found to be satisfactory or better. In written evidence to the Association of Colleges challenged these findings, questioning whether “Ofsted is measuring the right things, or measuring—or representing—they accurately”.¹³

22. David Taylor, Director of Inspection, rejected this criticism, suggesting instead that Ofsted/Adult Learning Inspectorate (ALI) joint inspection emphasised areas of activity, such as the quality of curriculum management and the match of students to programmes of study, that had perhaps not been so closely examined under the previous inspection regime, and that this was an important factor in the presentation of the evidence from inspection. Mr Taylor said that at the end of the first cycle of inspections across this sector Ofsted and ALI will revisit the framework in order to refine their approach in the light of experience. We expect to return to this issue once that review has taken place.

11 Ev 43–44

12 Ev 44

13 Ev 24, para 2.

23. In written evidence the Association of Colleges repeated its call for the development of more sensitive, value-added measures to measure the performance of colleges in the post-compulsory sector. In oral evidence David Taylor acknowledged this challenge. He told us:

“There are no such measures nationally, we [and the Association of Colleges] have had many productive discussions about the need to get better, by developing a value-added regime, which will reflect progress in vocational courses and in lower level courses. That is one of the challenges to the system. We can only use those indices that are there now. We do so, but we are working with the sector and with the LSC to try and develop much more sensitive ways of measuring progress to reflect the real achievements of some students who start with very low levels of achievement.”¹⁴

24. 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.

Strategic Planning in the post compulsory sector

25. HMCI’s annual report identified a general weakness in strategic direction and planning of 16–19 education at local level.¹⁵ In oral evidence David Taylor observed that this had grown out of a past failure of national planning for further education. The responsibility for strategic planning for 16–19 provision has been passed to the Learning and Skills Council, which, through its 47 regions, will coordinate local planning and delivery. Mr Bell highlighted the importance of the LSCs’ coordinating role and the urgency involved in putting effective strategic plans into action. He told us “local LSCs have been given new responsibilities for coming forward with strategic plans...this really has to happen pretty rapidly in the next two to five years”.¹⁶

26. Given the importance of further education in enabling access to higher education and to the prosperity of the economy, we are particularly concerned that the sector should be effective in meeting the needs of students and employers. **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.**

27. The evidence from inspection illuminates disparities in the performance of the post compulsory sector in the quality of its delivery for the most and the least able students. In his annual report HMCI observed that:

“There is a clear need for more strategic direction and planning of the provision of 16–19 education at local level. While Local Learning and Skills Councils are beginning to establish structures intended to bring about better and more collaborative planning, at the moment the patterns of provision seen in area-wide inspections reflect no principle of design and lead to inequity. Whereas the higher-

14 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Ev 44, Q 22.

15 *Standards and Quality in Education*, 2001–02, CM 286, para 176.

16 Q 63

attaining pupils almost always have at least a satisfactory choice of courses, lower attainers at age 16 often have inadequate access to education and training opportunities suited to their needs.”¹⁷

28. 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.

Independent specialist colleges

29. The quality of education available to students in some independent specialist colleges, which provide education and training for young people and adults with learning difficulties and/or disabilities, and in young offenders institutions, was found to be inadequate. Evidence from inspection in independent specialist colleges reported that:

“The educational provision made for these students left a great deal to be desired. Initial and specialist assessment of students was mostly inadequate, or insufficiently used as a basis for drawing up individual learning plans. As a result, students were not always aware of the progress they were making, and the process of setting targets for them was imprecise.”¹⁸

30. 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.

Work based learning

31. Findings from inspections of post-16 provision reveal that “standards were lower in curriculum areas where there was a high proportion of work-based learning”¹⁹ and that “Work-based learning in colleges is significantly weaker than other college provision. Only 58% of provision was at least satisfactory, compared with 89% of college provision.”²⁰ This finding gives rise to particular concern in view of the profile given to work-based learning in secondary education in the 14–19 White Paper.

32. 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.

17 *Standards and Quality in Education, 2001–02, CM 286, p 31.*

18 *ibid*, para 194.

19 *ibid*, para 185.

20 *ibid*, para 189.

Local education authority inspections

33. During the academic year 2001/02, Ofsted, with the Audit Commission, completed the cycle of inspection of all 150 local education authorities (LEAs). A second cycle of inspection, designed to make fewer demands and to focus on the most significant issues, began in January 2002. Ofsted's report²¹ on the full inspection cycle, published in September 2002, drew attention to the large proportion of LEAs considered unsatisfactory (41 out of 150) at their first inspection, but also reflected the considerable improvement seen during the course of the cycle and the judgement of inspectors that most LEAs have the capacity to improve further.²²

34. Inspectors found that LEA support for the day-to-day management of schools is usually at least satisfactory and, in the case of finance and human resources, often good. The main exception is property services, where performance is still too variable.²³ HMCI raised the issue of the quality of school property and resources repeatedly in his Annual Report²⁴ and observed that where it falls below acceptable standards, there was a direct impact on the ability to deliver the full curriculum in an appropriate manner. The recent difficulties experienced by many schools in relation to funding are likely to bring even greater pressure to bear in the difficult task of balancing schools' expenditure, with the possible consequence that necessary and urgent investment in the school estate will be delayed or cancelled. In the fervour surrounding the school funding issue the link between investment and pupil performance should not be overlooked.

35. In written evidence HMCI reported on the progress of and findings from the second cycle of LEA inspections. David Bell wrote:

“LEAs were improving in the delivery of their services, albeit from a low base initially. However, the most effective LEAs often exemplify best practice over a range of functions, and it is heartening to note that other LEAs have taken the opportunity to learn from the activities of the better performing LEAs, to improve, in turn, their own performance.”²⁵

36. Responding to our questions on the link between LEA performance and school improvement HMCI noted that the relationship was complex:

“In some functions where the LEA has a close relationship with the work of its schools, there is some correlation between the quality of the support provided by the LEA, and the performance of its schools in those functions. Examples include: support for pupils with special educational needs, attendance, literacy and numeracy. However, when looking overall at standards in schools across an LEA, our evidence indicates that the support of an LEA to help its schools to raise their standards does not, itself, have a major impact. The work of an LEA has to be viewed in the wider context of the socio-economic circumstances in an LEA's area. Our evidence

21 *Local education authorities and school improvement 1996–2001*, Ofsted HM 529.

22 *Standards and Quality in Education, 2001–02*, CM 286, para 451.

23 *ibid*, para 462.

24 *ibid*, see paras 67, 97, 293, 308 for examples.

25 HMCI Briefing paper, 28 March 2003, para 8.

indicates that there is close correlation between the performance of schools and the level of socio-economic deprivation in the LEA's area, and it is that relationship that is rather more significant than the one between LEAs and their schools."

37. The efforts made by many LEAs to share good practice and learn from successful strategies in other authorities is encouraging, although more work is needed to ensure that these efforts have a positive impact on learners. We shall be interested to observe whether HMCI's interim conclusions about the disjunction between LEAs efforts and raising attainment are modified as evidence from the second round of LEA inspections and thematic reports becomes available. The links between deprivation and attainment are well reported and should remain a key focus in the Government's policy on raising attainment.

38. In cases where local authority inspection has revealed serious weaknesses a variety of strategies for intervention have been devised to assist their improvement. Ofsted's report on local authority inspection observed that that the process of intervention was sometimes too lengthy and that the speedy implementation of intervention strategies is necessary to minimise the risk of further deterioration in services.²⁶

39. Mr Bell was equivocal about the impact of intervention. He told us that:

"We have inspected individual authorities and in quite a number of cases now we have inspected for a second time the authorities after intervention... I think I can say that in almost all of the authorities where there has been intervention we have seen some improvement, but in some cases it has been more modest than others. I would also have to say that we have seen improvements in authorities that were graded at a lower level, we have seen improvements second time round even where there has not been intervention. I do not think we can say intervention leads to improvement".²⁷

40. We asked if there was any intention to examine the different ways of outsourcing of LEA services which have so far been undertaken and the benefits of each. David Bell indicated that such an examination was not currently in the Ofsted programme.²⁸ **We believe that a comparison of the different methods of intervention, 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.**

Ofsted reporting

41. As David Bell acknowledged, Ofsted has developed an important role in the education sector²⁹ and helped to widen the discourse on attainment and the quality of educational provision. This being the case, it is essential that Ofsted's reporting should have a consistent approach so that practitioners, participants and observers may be kept properly informed about the quality of provision, levels of attainment and the effectiveness of policy. We were disappointed to note that the annual report for 2000–01 omitted mention of two

26 *Local education authorities and school improvement 1996–2001*, Ofsted HM 529, para 170.

27 Q 87

28 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Q89

29 Q 1

important policies (the Graduate Teacher Programme and Specialist Schools) that had received significant commentary in the previous annual report. While we recognise that Ofsted publishes separate reports on a wide range of subjects, we consider it appropriate that the annual report should also maintain coverage of high profile government initiatives. By so doing the inspectorate will assist not only this Committee in undertaking its annual review of Ofsted's work, but also help other readers who do not have the benefit of a twice yearly audience with HMCI and his colleagues.

Pupil behaviour and attendance

42. The issue of pupil behaviour remains an important issue in education. HMCI reported that while there had been a small improvement in the level of attendance in secondary schools, the level of unauthorised absence remained constant.³⁰ **Put simply, 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.**

43. The 2001–02 Annual Report details the continuing improvement in the work of pupil referral units (PRUs). PRUs provide education for pupils excluded from school for behavioural reasons. Thirty-seven of the forty-two units inspected in 2001/02 had been inspected previously, and improvement since the first inspection of these units was good or better in twenty and satisfactory in nine. The four units inspected for the first time were found to be providing good education. Eight units made insufficient improvement or deteriorated between inspections; one has serious weaknesses and a further six required special measures.³¹

44. In his report, HMCI expresses concern that

“Despite DfES guidance that PRUs are not usually suitable placements for pupils with statements of special educational need, three quarters of the units contained pupils with statements. This was often because the units had become a placement of last resort; even so, few units had staffing, accommodation or resources which enabled them to meet fully the needs specified in the pupils’ statements.”³²

45. Given the pressures on secondary schools and the drive towards inclusion in mainstream schools for pupils with special needs, it comes as no surprise that PRUs are used in this way. However, it is wholly unacceptable that Units in this position are not resourced to enable them to meet the needs of the pupils assigned to them. In oral evidence, David Taylor took a pragmatic approach to the problem:

“Our point is that if [pupils with special educational needs] are there, despite the DfES guidance, then they jolly well need proper provision, and we have said that so few units have staffing, accommodation or resources which enable them to meet fully the needs specified in the pupils’ statements. So the recipe is there: if you have

30 *Standards and Quality in Education, 2001–02*, CM 286, para 107.

31 *ibid*, para 296.

32 *ibid*, para 297.

got these pupils the responsibility is on you to staff it properly, to follow up the particular aspects of their statements and to provide accommodation where they can learn. It is not the ideal setting for them, we recognise, but if they are there that is what has got to be done.”³³

46. We recommend that the Government clarifies its intentions with regard to the use of PRUs. Clear guidance is needed on the placement of pupils with special needs in PRUs and the appropriate resources for them.

Teacher retention and workload

47. The burden of inspection, particularly as it affects classroom teachers, has been a recurrent theme in our scrutiny of the work of Ofsted. Our current inquiry into secondary education has revealed the complexity of the workload equation and how it, in turn, relates to retention in the profession. The Chief Inspector and his colleagues have made repeated assurances as to their commitment to minimise the burden on teachers in terms of additional work in anticipation of inspection, and in the stress associated with the inspection process, and classroom observation in particular.

48. We note and welcome these efforts, although the criticisms of Ofsted’s methodology and its impact on workload remain.³⁴ The National Association of Schoolmasters and Union of Women Teachers (NASUWT) told us that:

“One of the greatest sources of additional workload is the OFSTED inspection process. There is no doubt that the stress and diversion of effort into the preparation for inspection, the ‘performance’ expected during the inspection period itself, and the conduct of the post-inspection review has had a major impact upon both the professional and personal lives of teachers.”³⁵

49. NASUWT also commented that the complexity of the Ofsted inspection regime adds to this burden: “As well as the cycle of school inspections, OFSTED carries out inspections into other areas which can, and frequently does, result in additional visits from inspectors. The problem of inspection overload must be addressed as a matter of urgency.”³⁶ In oral evidence, Elizabeth Passmore commented that the new inspection framework, effective from September 2003, has been developed with these concerns in mind. She told us that:

“Schools are now only being inspected normally between every four to six years. We feel that as we have tried to smooth out the timescale, that of itself has been an important step. We said that we would move to having forms being able to be completed electronically... and forms are now available if schools wish to complete them electronically in a much more simple form than was ever possible before... We have reduced the amount of information that we require from schools. We have written and pleaded with them not to undertake extra preparation and do things

33 Q 73

34 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Ev 44, Ev 31 for example.

35 *ibid*, Ev 29.

36 *ibid*, Ev 29.

differently for the period that inspectors are present. We have specifically said to inspectors that they must not ask schools to fill in forms in a particular way that the inspectors would wish. The inspectors must take and use material from schools in a form in which it should be available. We have given further guidance to inspectors in general on what is required and, again, asked them not to ask schools for things that they should not be asking for. We are continuing to review our procedures to try and ensure that schools do not receive visits other than Section 10, visits from the HMI survey for example, within a specified period of having had a Section 10 inspection. We are looking to make sure that the different bits of Ofsted therefore are not placing undue demands on school.”³⁷

50. These refinements to the inspection framework are to be welcomed. Ofsted must continue to work with schools and inspection teams to ensure that the intent expressed by Miss Passmore and incorporated in the new framework is carried through in inspectors’ practice. We will monitor the impact of the new inspection framework in future meetings with HMCI.

Ofsted’s duties under the Race Relations Amendment Act 2002

51. Under the terms of the Race Relations Amendment Act 2002 Ofsted has a positive duty to promote race equality. This duty extends to the operation of Ofsted’s own activities and to its inspection of other bodies which are also subject to the positive duty.

52. Evidence from the Commission for Racial Equality highlights the importance of Ofsted’s role in inspecting bodies subject to the positive duty:

“It is essential that Ofsted monitor how effectively inspectors inspect and report on race equality, including implementation of the positive duty. Ofsted has made a commitment to examine and report on school race equality policies, and schools’ arrangements for meeting their other duties. We are, however, concerned that this message, and what it means in practice, is not getting through to all inspectors. For example, a head teacher of a predominantly white school contacted us to express concerns about the Ofsted inspectors who recently inspected her school. The Head stated that the inspectors dismissed the work that she and her school had put into preparing a race equality policy and meeting the positive duty as not particularly relevant because the school had a very small ethnic minority population. She was keen to stress to us that she saw race equality as an important issue, because the school had a very small ethnic minority population. We support her view and emphasise that the positive duty applies to all maintained schools, irrespective of their ethnic make-up.”³⁸

53. In oral evidence, Elizabeth Passmore reported that the new frameworks for inspection had been revised with the positive duty in mind and that they would continue to be

37 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Q 101

38 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Ev 21.

developed and improved in order to meet the Inspectorate's obligations under the Act.³⁹ Miss Passmore acknowledged that ensuring that inspectors' practice reflected the positive duty was an important challenge and that Ofsted would continue to produce guidance to improve practice.⁴⁰ **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

54. Ofsted's two key aims are in relation to inspection and regulation of education and childcare provision and secondly, to provide high-quality advice to the Secretary of State for Education and Skills.⁴¹ In addition, Ofsted, through its relationship with this Committee, makes a valuable contribution to our inquiries. The evidence from inspection provides an important information base from which to offer this advice and we welcome the input Ofsted has been able to make to our own inquiries as well as to the wider debate about standards and quality in education. It is because we value this role that we are concerned that the inspectorate should take a more structured approach to collecting evidence on which to base its advice and guidance on emerging policy issues.

55. We have questioned HMCI and his colleagues on the issue of the organisation of the school year and found HMCI initially reluctant to bring Ofsted's evidence to bear on the issue, remarking that: "it is not an issue we look at because... we accept the world as it is in reporting."⁴² David Taylor went on to say that:

"On the general issue about whether the current shape of the year sometimes produces problems such as pressures on pupils and teachers as a result of very long terms, particularly in the summer, our evidence supports the general picture. Our evidence is evidence which relates to what real teachers and pupils tell us. That does not necessarily lead us to saying we would put our hands up and say that we support the five or six term model as an alternative. We would say where there are pressures on teachers observable through inspection we do hope to report those."⁴³

56. All aspects of the organisation and management of schools have implications which may be relevant to the standard and quality of pupils' education. Through inspection, Ofsted has the opportunity to capture these findings and to bring them together to inform debate and policy development. **While the benefits of these data 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.**

39 *ibid*, Q 74.

40 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Q 76.

41 *Ofsted Departmental Report 2002–03*, CM 5903, p3.

42 Minutes of Evidence taken before the Education and Skills Committee, Session 2001–02, *The Work of Ofsted*, HC 1286, Q 82.

43 *ibid*, Q 83.

The work ahead

57. HMCI's annual report identifies a number of issues on which Ofsted plans to focus during the next couple of years. These include:

- a) Aspects of underachievement
 - i) how schools provide for and respond to pupils who behave poorly, and the support they receive in managing them;
 - ii) the work of schools with serious weaknesses, and the monitoring and support procedures necessary to prevent them slipping into special measures;
 - iii) boys' underachievement.
- b) Teaching
 - i) the impact of the Key Stage 3 strategy on the teaching of foundation subjects;
 - ii) the quality and use of assessment;
 - iii) how teachers are provided with support and advice to maintain and develop their subject expertise;
 - iv) the impact of teacher supply, recruitment and retention issues in key subject areas;
 - v) the effectiveness of the use of ICT in teaching across the primary and secondary curriculum.
- c) The curriculum
 - i) the breadth and range of the curriculum in Key Stage 4, and the ways in which schools make greater use of their freedom and flexibility to innovate, including work-related learning;
 - ii) creativity in the curriculum;
 - iii) the range and quality of experience in the core subjects of English, mathematics and science;
 - iv) compliance and standards in religious education, in Key Stages 1–4 and post-16;
 - v) the balance of knowledge and skills in humanities teaching;
 - vi) modern foreign languages in primary education and in the 14–19 curriculum;
 - vii) vocational courses (pre-16 and post-16).

58. 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.

Conclusions and recommendations

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. (Paragraph 13)
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. (Paragraph 14)

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. (Paragraph 20)

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. (Paragraph 24)
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. (Paragraph 26)
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. (Paragraph 28)
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. (Paragraph 30)

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. (Paragraph 32)

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. (Paragraph 40)

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. (Paragraph 42)
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. (Paragraph 46)

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. (Paragraph 53)

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. (Paragraph 56)

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. (Paragraph 58)

Formal minutes

Wednesday 16 July 2003

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor
Valerie Davey

Paul Holmes
Mr Kerry Pollard

The Committee deliberated.

Draft Report (The Work of Ofsted), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 58 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Wednesday 10 September 2003 at Nine o'clock.]

Witnesses

Wednesday 30 October 2002

Page

Mr David Bell, Her Majesty's Chief Inspector of Schools, **Miss Elizabeth Passmore**, Director of Inspection, **Mr David Taylor**, Director of Inspection, **Mr Robin Green**, Director of Strategy and Resources and **Mr Maurice Smith**, Acting Director of Early Years, Ofsted.

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HC 1286,
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2001–02

Wednesday 12 March 2003

Mr David Bell, Her Majesty's Chief Inspector of Schools, **Miss Elizabeth Passmore**, Director of Inspection, **Mr David Taylor**, Director of Inspection and **Mr Maurice Smith**, Acting Director of Early Years, Ofsted.

Ev 1

List of written evidence

1	YoungMinds	Ev 22
2	Association of Colleges	Ev 24
3	National Union of Teachers	Ev 25
4	Summerhill School	Ev 30
5	Teacher Education Advisory Group	Ev 31
6	Learning and Skills Council	Ev 32
7	Ofsted	Ev 33
8	Ofsted	Ev 43

Reports from the Education and Skills Committee since 2001

Session 2002–03

First Report	The Work of the Committee in 2002	HC 359
Second Report	Secondary Education: Visits to Birmingham and Auckland	HC 486
Third Report	A level Standards	HC 153 (<i>HC 1026</i>)
Fourth Report	Secondary Education: Diversity of Provision	HC 94
Fifth Report	The Future of Higher Education	HC 425

Session 2001–02

First Report	The Work of Ofsted	HC 437 (<i>HC 688</i>)
Second Report	Standards and Quality in Education: The Annual Report of Her Majesty's Chief Inspector of Schools 2000–01	HC 699 (<i>HC 1003</i>)
Third Report	Individual Learning Accounts	HC 561 (<i>HC 987</i>)
Fourth Report	Appointment of New HMCI	HC 830 (<i>HC 1190</i>)
Fifth Report	Library Resources for Further Education	HC 804 (<i>HC 362, Session 2002–03</i>)
Sixth Report	Post-16 Student Support	HC 445 (<i>HC 440 Session 2002–03</i>)

The response to the report is printed in brackets after the HC printing number