


Ofsted and intervention changes

20 September 2024  Katie Michelon

The start of the academic year brought with it some significant developments regarding changes to inspection. This included:

- The publication of Dame Christine Gilbert's independent learning review commissioned by Ofsted and [Ofsted's response to the independent learning review](#)
- [Ofsted's findings from its "Big Listen" consultation](#)
- [Government policy announcements regarding Ofsted inspection, including single headline judgements being scrapped with immediate effect](#)
- Associated changes to key documents and guidance include updates to [Ofsted's code of conduct](#) and Ofsted's school inspection handbook and school monitoring handbook.

This briefing will not cover every individual change and recommendation but pulls out some key areas which we know have prompted questions from our trust and school clients.

The removal of single-phase Ofsted judgements

The position now:

Routine graded inspections recommence on 23 September 2024 and will no longer include a judgement for overall effectiveness. Ofsted's revised school inspection handbook has confirmed that any graded inspection taking place from September 2024 will "remove" the school's current existing overall effectiveness. An ungraded inspection will not.

Whilst a grade for overall effectiveness will not feature in inspection reports created this academic year, schools will continue to receive grades (outstanding, good, requires improvement or inadequate) for the key judgement areas of leadership and management, quality of education, behaviour and attitudes and personal development. Where schools have sixth form or early years provision, a judgement will also continue to be awarded for those areas.

The hope is that the absence of an overall grade will encourage stakeholders to engage more fully in understanding its school's performance – the strengths, the areas for improvement and the relationship between the different judgement areas. With that in mind, those schools subject to inspection over the next 12 months will want to give thought to the narrative and messaging that surrounds its inspection outcome.

The position from September 2025:

This interim position will be in place pending the introduction of the Government's "school report card" system, which is to be put in place from September 2025. "Extensive" consultation on the contents of the report card and the associated inspection framework is expected from early 2025. As part of the Big Listen response, Ofsted stated that:

- report cards will include "**area insights**" to reflect a child's local experience;
- it will consult on introducing **inclusion criterion** within the report card to evaluate the quality of support a school is providing for disadvantaged and vulnerable children; and
- report cards will include a separate **safeguarding criterion**.

Impact on school intervention

An obvious question following the immediate removal of single-phrase overall judgements is the impact this has on intervention measures – those steps taken against “failing” or “coasting” schools.

Of course, one of the key criticisms directed at the inspection system in recent years, particularly with the focus on the human and well-being impact, has been its high-stakes nature. That a single inadequate judgement would result in forced academisation or re-brokerage, that another “below good” could mean the same.

Inadequate schools

Although a school will now no longer be judged to be “inadequate” overall, it remains the case that legislation (Education Act 2005) requires Ofsted to report on schools requiring special measures or in need of significant improvement.

That designation is then relied upon by separate legislation (Academies Act 2010 and Education and Inspection Act 2006) to empower the Secretary of State and local authorities to take intervention action, such as the issuing of an academy order or the putting in place of an interim executive board.

Ofsted’s revised school inspection handbook confirms that, for the 2024/2025 academic year, where any key judgement area is inadequate and/or safeguarding is deemed to be ineffective, the school will be placed in a formal category of concern.

For this academic year therefore, whilst a school will not be capable of being labelled with an overall grade of inadequate, a judgement of inadequate in any judgement area will result in the same intervention implications.

Coasting schools

The position for “coasting schools” (currently defined by legislation as a school whose quality of education has been found to be below good by Ofsted on at least two consecutive occasions) is altered, although perhaps less clear at this stage. The Government has stated that, going forward, there will be a shift away from a presumption of academisation or re-brokerage for such “struggling” schools. Instead, it is proposed that new regional improvement teams will work with schools which would have previously been designated as coasting and they will receive support from another high-performing school.

At the time of writing, the Department for Education had not published updated guidance on schools causing concern, which will be needed here to add further clarity.

Safeguarding

As mentioned above, for the current academic year, Ofsted will still make a judgement on safeguarding and ineffective safeguarding arrangements will trigger the school being identified as a school causing concern. Within its Big Listen response, Ofsted committed to improving how it inspects safeguarding.

Suspension of inspection to rectify safeguarding arrangements

As part of this commitment, it is now piloting a system for schools where safeguarding is considered to be an isolated and temporary area of weakness. Specifically, where but for safeguarding being ineffective, the school would have been judged as good or outstanding in all areas, inspectors will need to consider the school leadership’s capacity to resolve the safeguarding issues identified within a three-month window. If inspectors conclude that leaders are capable of addressing the safeguarding weaknesses within that period, the inspection will be “suspended”. Inspectors will then conclude the inspection within three months in accordance with Ofsted’s policy on gathering additional evidence.

Pending conclusion of the inspection, the inspection report will not be published and the school will not be placed in a category of concern, but a letter regarding the safeguarding weaknesses will need to be sent to parents so they are aware.

Whilst this piloted change won’t affect many schools, it is seen as an important development in the context of the findings of the coroner following Ruth Perry’s death.

A formal matter of concern for the coroner was that the system did not differentiate between a school which is inadequate in all areas from a school which is good in all areas, but with some safeguarding issues which can be repaired by the time the report is published.

Single central record

Ofsted also committed to making clearer what inspectors are looking for when they review a school's single central record. We know from our clients that there has historically been too much inconsistency in this area. The revised school inspection handbook now includes additional content regarding what inspectors will check.

Annual review

Finally, we understand that the Government remains committed to its pre-election promise to introduce annual safeguarding, attendance and off-rolling reviews. Ofsted and the Department for Education will need to work together in the coming months to flesh out this new aspect of inspection.

Complaints about inspection

We are regularly involved in supporting our school and trust clients with challenging Ofsted inspections and so any developments relating to how Ofsted handles complaints are always of great interest.

Despite overall effectiveness judgements no longer forming part of inspection, there may well of course still be grounds for schools to be dissatisfied with an inspection process, whether that relates to the grade awarded for a particular key judgement (as will still apply for the 2024/2025 academic year) or the way that the inspection was conducted.

Independent and external oversight

Dame Christine Gilbert's independent learning review recommended that: *"Ofsted should continue to improve its complaints procedure with a focus on embedding an element of independent external oversight with the power to re-open inspection judgements"*.

Ofsted implemented changes to its complaints procedure earlier this year and, following the Big Listen, has centralised its oversight of complaints to avoid regional discrepancies. It has also now made "complaints panels", including external representatives from the sector, a permanent part of its complaints policy. The panels retrospectively review the handling of a sample of complaints.

But there is arguably still much room for improvement in terms of "independent external oversight".

The case for independent external oversight

In responding to Dame Gilbert's recommendation, Ofsted refers to the fact that (as has been the case for many years), schools have the option of taking their complaint to the Independent Complaints Adjudication Service for Ofsted (ICASO) where they are not satisfied with Ofsted's response to its formal complaint.

However, ICASO is not empowered to consider the merits of a school's original complaint and make findings accordingly. Its remit is limited to looking at how Ofsted handled the school's complaint. The type of action available to ICASO to address a school's complaint is also restricted – it has no power to quash reports, direct a change in grade or require Ofsted to revisit the evidence base.

There is therefore a clear case for some form of independent appeals body that is empowered to review providers' live complaints and direct appropriate remedies comprehensively and objectively.

Transparency

Additionally, within the Big Listen response, Ofsted made some encouraging noises regarding transparency post-inspection. It has long been a source of frustration for providers that they are expected to be able to competently challenge Ofsted's decision-making without any access to the evidence base for the inspection.

Ofsted has set out in its Big Listen approach that, when consulting on reforms to the new inspection framework later this year, it will look into how it can "better share the evidence that underpins our reports directly with leaders". It will also do research around "recording and transcribing the final feedback meetings and sharing these with leaders".

These measures, if implemented, would form important pieces of the puzzle, both to create a meaningful and effective complaints procedure but also repair trust in the inspectorate more generally.

Inspection of trusts

Ofsted has confirmed its desire to inspect “groups” and that it will work with the Government on new legislation which will be required to establish a statutory framework for the inspection of multi-academy trusts, as well as wider groups such as independent school group proprietors. No timeline has been confirmed for this new arm of inspection.

Whilst many in the sector support inspection at trust level, there is open concern about the size of this undertaking, particularly when inspection at school level is still undergoing such upheaval and is still very much an “area for improvement”.

Designing a framework for trust inspection will, and should, trigger wider debate and discussion around the wider accountability system.

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