

The Watchmen revisited: Curriculum and faith in Ofsted's new inspection framework

Introduction and background

In 2014, Policy Exchange published a report called *Watching the Watchmen: The future of school inspections in England* which explored Ofsted's activities. Many of the report's recommendations, including the ending of lesson observations, a reduction in the proportion of inspectors contracted to private outsourcing companies and the system of 'shorter' and 'longer' inspections were quickly implemented. Other recommendations, such as the scrapping of exemption for Outstanding schools, have been adopted more recently. Policy Exchange recognises the role of a robust inspectorate, particularly at a time when academisation is granting schools new freedoms. Although it would seem that Ofsted is a stronger and more robust organisation than it was when the first report was written in 2014, Policy Exchange maintains that no public body is perfect or exempt from scrutiny.

The decision to undertake this report was prompted by the recent introduction of a new Inspection Framework which includes a greater focus on the curriculum. Since its introduction, the Framework and its implementation has come under significant public criticism from a wide range of groups and individuals, including leading multi-academy trust (MAT) CEOs, teaching unions and faith groups.

Policy Exchange has engaged with a large number of education professionals in writing this report, making use of round tables, interviews and dialogue with Ofsted. It has also analysed inspections conducted under the new Framework and undertaken a desk-based review of information about the new Framework, such as formal published reports, speeches, news articles and blogs.

Key points

The role of the National Curriculum

- Ofsted has acknowledged that they are using the National Curriculum as a benchmark under the new Framework when assessing academies, stating that academies must be following a curriculum of 'comparable breadth and ambition' to the National Curriculum. However, the 2011 Education Act only stipulated that academies must offer a curriculum that is 'broad and balanced'.
- It is important for inspectors to recognise that the National Curriculum is neither a minimum standard nor a preferred approach; Ofsted should equip its inspectors, when inspecting academies, to consider each curriculum on its own merits, without prejudice to how similar or dissimilar it is to the National Curriculum.
- Although Ofsted have said that they do not mind about the length of Key Stage 3, the wording of the Inspection Framework, and consequent inspection practice, has created a de facto preference. For example Ofsted have said that schools should be 'teaching a full range of subjects for as long as possible, 'specialising only when necessary' and that 'If a school has shortened Key Stage 3, inspectors will look to see that the school has made provision to ensure pupils will have the opportunity to study a broad range of subjects'. While in some cases a 3-year Key Stage 4 could result in a narrowing of the curriculum, in many cases it will not: there have been many occurrences of 3-year Key Stage 4 models being implemented in tandem with a broad curriculum including creative subjects, high levels of EBacc entry and excellent Progress 8 results.
- Data from the Harris Federation, which has a 3-year Key Stage 4 has demonstrated how this can lead to not only improved EBacc results but also to high levels of pupils achieving in creative subjects such as music (in which 8.4 per cent achieved at Key Stage 4, compared to 4.8 per cent nationally).
- It is appropriate that the new Framework, in assessing behaviour, considers both what pupils do and what is done to them. This approach is introduced early in the Framework: inspectors are required to evaluate, 'What it is like to be a learner in the provision'.
- In principle, the authors support the concept of deep dives and believe they are an important part of maintaining a stretching and knowledge-rich curriculum. However, a number of elements require further review (see recommendations).
- For the first time, the new Framework includes an explicit focus on staff workload. This will be especially reassuring to the teaching profession, both the need to 'Focus on improving staff knowledge' and to 'Be aware of pressures on staff including workload'.

Church and faith schools

- UK law stipulates that 'the State shall respect the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions.'
- Ofsted has stated its intention to be an organisation which acts impartially towards those of all faiths and of none.

- There have been concerns about secularist bias. A notable example is the Jewish Haredi schools; all 7 inspected since November 2017 failed their inspections, despite most of them having been passed under the previous Framework. The main reason was their failure to explicitly teach about sexual orientation or transgender matters.
- It is also important for Ofsted to recognise that, however unintentionally, the language they have used has created a perception amongst some faith communities that Ofsted has a secularist agenda. The term 'muscular liberalism' was perceived to be promoting secularism and was repeatedly cited as a concern by individuals of many different faiths, as was the perceived suggestion by Ofsted that freedom of religion should be limited to the private sphere.
- In certain areas Ofsted has gone beyond the requirements of both statute and Departmental guidance to impose additional requirements upon schools in both the state and independent sector. Ofsted could act with greater flexibility when it comes to faith schools and do more to distinguish between peaceful, law-abiding differences in cultural values, and genuine extremism. In areas where Department for Education policy has been clearly set out, such as at what age it is mandatory for schools to teach about LGBT+ matters, Ofsted should not show less flexibility than is established by Departmental policies.
- Ofsted's alienation of religious communities makes it more difficult for them to tackle genuine extremism for 3 reasons. Firstly, the fact that neither the Trojan Horse scandal nor the case of Umar Haque – two of the clearest cases of extremism in schools – were detected by Ofsted, points to an undue diversion of time and resources to the wrong area.
- Secondly, if parents feel that their children cannot receive an education which respects their beliefs in regulated schools, they are much more likely to turn to unregulated provision.
- Thirdly, if Ofsted alienate law-abiding and peaceful people of faith, they will find it harder to work with these communities to tackle radicalisation.

Recommendations

- Ofsted should stop trying to set educational policy. As an inspectorate, its role should be focused upon delivering its statutory duty of inspecting schools to a high standard according to the prescripts set out in law and in the Department of Education guidance.
- Three specific modifications should be made to the School Inspection Framework. The 5th bullet point of paragraph 239 should ask inspectors to consider whether leaders actively seek to take the views of parents into account. The final sentence in paragraph 174 should be altered to, 'Academies are expected to offer all pupils a broad and balanced curriculum.' This would bring the guidance in line with the Education Act (2011). The following sentence should be deleted from paragraph 176: 'If a school has shortened key stage 3, inspectors will look to see that the school has made provision to ensure that pupils still have the opportunity to study a broad range of subjects, commensurate with the national curriculum, in Years 7 to 9.' This would bring the guidance in line with Ofsted's assertion that they do not have a preferred length of Key Stage 3 or 4.
- Results should always be an important part of every inspection. Inspectors should actively consider school's results and they should be referred to prominently in every report.
- Both curriculum and results should be considered when determining a school's rating: when results are well below national average, a school should not normally be rated Good; similarly, when a school's results are well above national average, unless 'gaming' is occurring, inspectors should be careful to ensure that they are not substituting theoretical judgement on curriculum over the fact that it has demonstrably achieved results.
- Ofsted must take steps to ensure that, when inspecting academies, inspectors are impartially assessing whether the curriculum is broad and balanced. Ofsted must be clear that that National Curriculum is not a minimum standard and that each curriculum should be judged on its own merits, without reference as to how closely or not it resembles the National Curriculum. The Department for Education should issue guidance to support this which would include example alternative curricula.
- Ofsted should review their processes and policies on deep dives, giving particular consideration to consistency, inspector training, the impact on workload and fair assessment of small primary schools, as well as whether, and under what circumstances, it is appropriate for an inspector who is not specialist in that subject to carry out a deep dive.
- Ofsted should seek to restore trust with the faith community. This would include addressing concerns around the term 'muscular liberalism', as well as a greater explicit recognition of the right of parents to ensure education is in conformity with their own religious and philosophical convictions. It should take a risk-based approach to safeguarding students from extremism and radicalisation by demonstrating that it is focusing its efforts on addressing genuine extremism, particularly in unregistered schools, while being sensitive to peaceful cultural differences.
- Where the Department for Education policy is explicit about a matter, such as the fact that teaching explicitly about LGBT+ matters is mandatory for secondary schools but not for primary schools, Ofsted should ensure its own guidance and the practice of its inspectors reflects this.
- Inspectors should be open to a greater variety of means of promoting tolerance and understanding, including those which derive from a faith-based rather than a secular world view. If a school does not wish Ofsted to question children of primary-school age about subjects that are sensitive within that faith, Ofsted must respect these wishes, and this should have no impact on the inspection's conclusions and rating awarded to the school.
- Ofsted should take meaningful action to address concerns about meetings between inspectors and children (where there are no other adults present). This could involve the presence of an impartial adult or allowing these conversations to be recorded where the school requests it.

The full document can be downloaded from:

<https://policyexchange.org.uk/publication/the-watchmen-revisited/>