

Ofsted consultation: Better inspection for all – response from the British Humanist Association
5 December 2014



Are you responding on behalf of an organisation? Yes

Section 1

Which organisation are you responding on behalf of?

Organisation: British Humanist Association

Would you like us to consider anonymously publishing your views? Yes

Proposal 1: A common inspection framework

We propose, from 1 September 2015, to introduce a new common inspection framework that we believe will provide greater coherence across the inspection of different providers that cater for similar age ranges. It will ensure more comparability through inspection as children and learners move from one setting to another and support greater consistency across the inspection of different remits. See paragraphs 10–31 of the full consultation document for more detail.

Q1. Do you agree or disagree with the introduction of a new common inspection framework for maintained schools, academies, further education and skills providers, non-association independent schools and registered early years settings from September 2015?

Strongly agree

Comments:

We strongly agree with these proposals. It is highly confusing for parents, pupils and authorities that different types of school (state vs private) can get what is seemingly the same grade whilst being held to different standards. There is no logical reason for state and private schools to be held to different standards in the first place (what would make more sense is if the ramifications for a school being found to be inadequate or require improvement are different for each type) and so we can see no good reason for this confusion to continue.

As extreme example of the problem we are describing, we are aware of one child custody dispute which concluded just last month where one parent, a Charedi Jew, wished the children to go to private Charedi schools, while the other, an ex-Charedi Jew, wished the children to go to a state-funded schools. Four schools were considered in the case – one pair for each child.

For one child, both schools were rated 'good' by Ofsted. This means that the state school provides a much higher standard of education than the private school, due to the different criteria against which each school was graded, but the Cafcass officer in the case declared the two schools to be of a similar standard due to their identical rating. For the other child, the private school was rated 'good' while the state school was rated 'requires improvement'. The Cafcass officer and judge both

concluded that this means the private school is of a higher standard, even though there is a lack of comparability between the different Ofsted reports on this front.

We appreciate that these proposals will not entirely address this problem: they will not look at association independent schools, and non-association independent and state-funded schools appear to be set to still have separate inspection handbooks. As a consequence, we would like to see the degree of comparability clearly stated in an Ofsted publication that is referred to in all its inspection reports. But at any rate, this appears to be a step in the right direction.

Making judgements in full inspections

Inspectors will use all the available evidence to evaluate what it is like to be a child, learner or other user in the provision. They will make judgements about a provider's overall effectiveness during a full inspection and will consider whether the standard of education, training or care is good, outstanding, requires improvement or inadequate. They will make these graded judgements in four areas:

- *Effectiveness of leadership and management*
- *Quality of teaching, learning and assessment*
- *Personal development, behaviour and welfare*
- *Outcomes for children and learners. See paragraphs 15–24 of the full consultation document for more details.*

Q2. Do you agree or disagree with the proposed 'effectiveness of leadership and management' judgement (paragraphs 19–20)?

Neither agree nor disagree

Comments:

We broadly welcome changes being proposed as better than the current judgement, but think that 'Curriculum' should be a separate graded judgement (as per question 7), and believe that there are a number of further areas where changes are needed.

'Balance': We are concerned by lack of reference to 'balance' alongside 'breadth'. The law takes both equally and so does Ofsted's current inspection framework, so it is inexplicable that just one of the two is referred to in the new proposals. This matters when it comes to, for example, the treatment of pseudoscience. The Government has made it clear in the Church Academies model funding documents that in its view, a school that teaches creationism as scientifically valid is not teaching a balanced curriculum.¹

Pseudoscience: On that note, it is unclear if Ofsted routinely looks for the teaching of pseudoscience, and how or indeed whether Ofsted would mark a school down (state or otherwise) if it finds a school teaching pseudoscience as scientifically valid, or failing to teach evolution as the only evidence-based explanation we have of how life came to be.

¹ <https://humanism.org.uk/2014/06/18/victory-government-bans-existing-future-academies-free-schools-teaching-creationism-science/>

The Government has made it repeatedly clear that it looks to Ofsted to ensure that every school is teaching evolution and no state school is teaching creationism as scientifically valid, for example in a parliamentary question asked by Caroline Lucas MP this April:²

Creationism

Caroline Lucas: *To ask the Secretary of State for Education what mechanisms his Department has put in place to ensure that (a) schools, (b) nurseries and (c) learning establishments receiving any funds or endorsement from his Department teach evolution and do not teach that creationism is scientifically valid. [196449]*

Elizabeth Truss: *The Government's policy is that evolution should be taught in schools as an essential element of a rigorous scientific education; teaching creationism as science is incompatible with the delivery of a broad and balanced curriculum.*

The national curriculum requires all maintained schools to teach evolution as an established scientific theory. All academies and free schools are required to deliver a broad and balanced curriculum. The model funding agreements for all kinds of academies and free schools are being revised. The latest published version includes a specific requirement to teach evolution, and prohibits the teaching of creationism as an evidence-based theory.

As in all areas of education, we look to Ofsted as the best and most effective lever to ensure expected standards are being achieved. All state-funded schools are subject to Ofsted inspections which are required to report on the quality of education provided in the school including the quality of teaching.

Providers in receipt of early years funding must follow clear standards to make sure children are taught the key skills they need to get a good start in life. Where an Ofsted inspector identifies any concerns, they must notify Ofsted's compliance, investigation and enforcement team, which will consider notifying the appropriate agencies.

We expect the Government's position on creationism and evolution to be supported by any learning establishment in receipt of funding from the Department for Education to support science education.

And, similarly, in another in July:³

Creationism and Evolution: *Written question - 202970
Asked by Caroline Lucas (Brighton, Pavilion)*

To ask the Secretary of State for Education, whether an independent school (a) teaching creationism and (b) failing to teach evolution as an established scientific theory would lead to it receiving a lower rating under the independent schools inspection framework; and if he will make a statement.

²

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140428/text/140428w0005.htm#14042968000114>

³ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-06-30/202970/>

Answered by: **Mr David Laws**

Registered independent schools must meet the independent school standards. These state that the curriculum must give pupils experience in 'linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative education.' Science must therefore be included in the curriculum. Ofsted and the independent school inspectorates inspect independent schools against these standards.

And yet there is no explicit reference to addressing pseudoscience in the Ofsted inspection framework, and 'balance', a term that appears in the current inspection framework, does not appear in the new proposals. Furthermore, the BHA has frequently identified examples of state schools teaching pseudoscience, only to have Ofsted inspect the school shortly afterwards or have had Ofsted do so shortly beforehand and find no such issues. Not all of these have been publicised, but an ongoing, high-profile example of this is the 'good' rating recently awarded to Yesodey Hatorah Senior Girls School in Hackney, despite well-known issues around evolution, creationism and sex education in that school.⁴

It should not be the case that a school can receive a 'good' rating whilst teaching pseudoscience as scientifically valid, or failing to properly teach evolution. This should be the case with respect to all schools, state-funded or otherwise.

List of subjects: Following on from the above, it would be helpful if Ofsted lists subjects it will consider as part of its judging whether schools have a sufficiently broad and balanced curriculum. This list could be partly prescriptive (with respect to core subjects all schools must teach) and partly suggestive.

Fundamental British values: The reference to 'fundamental British values' is welcome, but again we think it would be helpful to list what those values are.

Equality: Similarly, the reference to equality and diversity is welcome, but it would be helpful, for clarity, to more explicitly tie this requirement to schools' duties under the Equality Act 2010, a la the independent school standards.

Community cohesion: We regret the fact that Ofsted no longer grades schools' contribution to community cohesion – although believe that the criteria against which that grade was judged were inadequate. However, when the community cohesion grade was removed by the Education Act 2011, the Government stated during the passage of the Act that Ofsted would still effectively inspect schools' contribution to community cohesion.⁵ That there is no reference to cohesion in either the current framework or the proposals is therefore out of step with these intentions.

Religious Education in Voluntary Aided schools: Finally, we wish to note our regret at the fact that denominational RE in schools with a religious character is not directly inspected by Ofsted. It is hard to see how Ofsted can ensure every young person is receiving a broad and balanced education if this subject is not being looked at. We welcome Tristram Hunt's recent calls for this to change,⁶ although appreciate this issue is outside the scope of this consultation.

⁴ <https://humanism.org.uk/2014/11/13/bha-questions-school-censored-evolution-exam-questions-receiving-good-rating-ofsted-inspection/>

⁵ <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110720-gc0002.htm#110720123000212>

⁶ <http://www.theguardian.com/education/2014/jun/14/taxpayers-should-not-fund-faith-schools>

Q3. Do you agree or disagree with the proposed 'quality of teaching, learning and assessment' judgement (paragraph 21)?

Neither agree nor disagree

Comments:

We believe that science is a hugely important subject and it is vital that every young person receives a comprehensive science education that enables them to understand how we know what is true, assess evidence for themselves, and appreciate how life came to be. We therefore believe that science should be put on same level in the inspection framework as English and maths and so the reference to 'English, mathematics...' in this section should be joined by a reference to 'science'.

Q4. Do you agree or disagree with the proposed 'personal development, behaviour and welfare' judgement (paragraphs 22–23)?

Agree

Comments:

We welcome the proposed new framework, in particular the reference to 'personal, social, moral, cultural and spiritual development, including through access to cultural experiences and work experience so that they are well prepared to respect others and contribute to wider society and life in Britain today', and to keeping learners safe from extremism.

Q5. Do you agree or disagree with the proposed 'outcomes for children and learners' judgement (paragraph 24)?

Don't know

Comments:

No comment.

Specific additional judgements according to type of provision

We have also proposed additional specific judgements for different remits:

- *an early years judgement for schools incorporating an early years setting*
- *a sixth form judgement for schools incorporating a school sixth form*
- *on areas of provision within an FE and skills provider, where that provider incorporates 14–16 provision, 16 to 19 study programmes, 19+ learning programmes, apprenticeships, traineeships, employability and/or community learning.*

See paragraphs 28–31 of the full consultation document for more detail.

Q6. Do you agree or disagree with the specific additional judgements proposed for the common inspection framework (paragraphs 28-31)?

Don't know

Comments:

This question is outside of our remit.

A graded judgement for the quality of the curriculum

In future, we propose to ensure a high level of scrutiny of the curriculum or range of courses offered by schools and other providers. This consultation proposes that, in doing so, we continue to report on the curriculum as part of the judgement on leadership and management. See paragraph 18 of the full consultation document for more detail.

Q7. Do you agree or disagree that Ofsted should continue to report on the curriculum as part of the judgement on leadership and management?

Strongly disagree

Comments:

We strongly believe that there should be a separate judgement on the curriculum. It is far too important an area to continue to be included in the current judgements and this fact may be a large part of the reason why Ofsted has, in the past, paid insufficient attention to the breadth and balance of school's curriculums, and their contributions to pupils' spiritual, moral, social and cultural development.

Ofsted's task is to ensure that every young person receives an education that is broad in nature and prepares them for life in wider British society. Part of this involves looking at the quality of teaching and learning, outcomes and pupils' personal development, behaviour and welfare. But surely an equally important part is assessing the breadth, balance and rigour of what is actually being taught?

Proposal 2: Short inspections

We are proposing to introduce short inspections for maintained schools, academies and FE and skills providers that were judged good at their previous inspection. These short inspections, conducted approximately every three years, will report on whether a provider has maintained their overall effectiveness or not but they will not provide a full set of graded judgements. See paragraphs 32–45 of the full consultation document for more detail.

Q8. Do you agree or disagree with the proposals for short inspections of good maintained schools and academies (paragraphs 32–34 and 37–40)?

Don't know

Comments:

It is outside of our remit to respond to this question, but we do wonder whether these proposals could mean that a school does not have a full inspection for a very long time due to passing repeated short inspections instead. If this is the case, things might repeatedly be missed by these inspections. It seems sensible to put some upper time limit on the frequency of full inspections, even if it is higher than the current upper limit, so as to ensure that this situation doesn't arise.

Q9. Do you agree or disagree with the proposals for short inspections of good further education and skills providers (paragraphs 35–36 and 41-45)?

Don't know

Comments:

This question is outside of our remit.

Proposal 3: Inspection of non-association independent schools

All non-association independent schools will receive an inspection under the proposed common inspection framework within three years. See paragraphs 46–48 of the full consultation document for more detail.

Q10. Do you agree or disagree with the proposals for the inspection of non-association independent schools?

Agree

Comments:

We agree with the proposals and welcome the common inspection framework, but as we have said elsewhere, higher standards are needed in the framework around, for example, the breadth and balance of the curriculum, and the teaching of pseudoscience.

Additional proposals

Development of inspection methodology

Ofsted is committed to improving the way that we inspect so that our inspection provides a reliable and robust view of the quality of provision. We are interested in your views on how we can improve our inspection methodology. See paragraphs 53–55 of the full consultation document for more detail.

Q11. Are there specific changes to the way that inspectors gather evidence that you think could make our judgements more reliable and robust?

We think that inspectors should check to ensure that no pseudoscience is being taught, with a particular focus on evolution and creationism. As we said in our response to question 2, we are aware of a number of examples where Ofsted has failed to pick up on this issue in state schools.

Any other comments

Q12. Do you have any other comments about this consultation?

About the British Humanist Association

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal

treatment in law and policy of everyone, regardless of religion or belief. Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates.

We provide materials and advice to parents, governors, students, teachers and academics, for example through <http://www.humanismforschools.org.uk/> and our school volunteers programme. We have made detailed responses to all recent reviews of the school curriculum, and submit memoranda of evidence to parliamentary select committees on a range of education issues.

In January this year we facilitated the initial whistleblowers at Park View School in Birmingham in bringing their concerns to the Department for Education and Ofsted – some two months before the so-called ‘Trojan Horse’ letter appeared in the media.⁷ We also work with other whistleblowers including former pupils, parents and staff of Accelerated Christian Education, Charedi Jewish, Exclusive Brethren, Steiner and private Muslim schools, and we have consulted with a number of these individuals in constructing our response. The All Party Parliamentary Humanist Group (APPHG), to which we provide the secretariat, recently heard evidence from a number of these individuals.⁸ Ofsted’s shortcomings were one of the main themes identified, and it was clear that the consensus was that Ofsted should be looking at schools’ curriculum in more detail, including having a separate graded judgement.

⁷ <https://humanism.org.uk/2014/04/24/revealed-former-staff-outline-concerns-park-view-school-birmingham/>

⁸ <https://humanism.org.uk/2014/10/23/parliamentary-humanist-group-hears-trojan-horse-whistleblowers/>