

By Nerys Roberts
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Ofsted: School inspections in England



Summary

- 1 Background to school inspection
- 2 Inspection process
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- 4 Current issues

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Summary

Scope of briefing

This briefing provides background on Ofsted inspections of state-funded schools in England. It covers:

- Recent developments, including planned changes to complaints procedures, and speedier re-visits for schools judged inadequate on safeguarding grounds only
- The resumption of routine inspections of ‘outstanding’ schools
- Practicalities of inspections – their frequency, focus, and consequences for schools

Separate school inspection arrangements apply in Wales, Scotland, and Northern Ireland.

Ofsted’s remit

Ofsted inspects all state-funded schools in England, and around half of independent schools, in line with the relevant inspection framework. It also inspects other services, including childcare, social care and further education.

Consequences of inspections for schools

Currently, there are four overall judgements that Ofsted can reach about schools: outstanding; good; requires improvement; and inadequate. Inadequate is further subdivided into two categories, serious weaknesses or requiring special measures.

For a maintained school, an overall grading of inadequate triggers the mandatory issue of an academy order, ie, it begins the process of converting the school to an academy outside of local authority control. The Secretary of State for Education can decide to withdraw an academy order in exceptional circumstances.

Inadequate academies will also be subject to intervention and may be moved to a new academy trust.

Changes announced in June 2023

Teaching and leadership unions, and some other organisations, have [recently intensified their calls for reform of the inspection regime](#). These calls have been amplified following the January 2023 death of head teacher, Ruth Perry. Ms Perry's school in Berkshire had recently been inspected and the resulting report graded the school as 'inadequate' overall, on safeguarding grounds.

[In June 2023, Ofsted announced changes to school inspections](#). It said that where a school is judged inadequate on safeguarding grounds only, and where it would otherwise have been graded good or outstanding, it will be re-visited within three months. If improved, the Education Secretary could withdraw the academy order (for a maintained school) or any warning notice (to an academy) and it could see its overall grade improve.

It also said that schools would receive more guidance on when they were likely to be inspected. Although they would still only receive one day's notice of inspection, Ofsted published [a blog article outlining approximately when schools should anticipate an inspection](#), depending on their circumstances.

Planned changes to Ofsted's complaints procedure

In June 2023, Ofsted confirmed it was planning changes to its complaints procedures and processes for schools to challenge inspection reports. [It launched a consultation on these changes](#), which is due to close on 15 September 2023.

Proposals include:

- Withdrawing the current internal review stage, carried out by Ofsted. Instead, once Ofsted has considered the original complaint, complainants will then be able to refer their complaints to the [Independent Complaints Adjudication Service for Ofsted \(ICASO\)](#) straight away
- Periodic reviews of closed complaints by external investigators
- More dialogue between schools, senior inspectors and the principal (complaints) investigator

Removal of outstanding schools' exemption from routine inspection

Until November 2020, mainstream schools judged outstanding at their last full inspection were exempt from further routine inspections. They are now subject to routine inspection again. For many formerly exempt schools, their next full inspection will be under a different inspection framework than used at the time of their last full inspection.

According to [analysis published by Ofsted in November 2022](#), of the 371 formerly exempt schools that had undergone a full inspection by 31 August 2022:

- 17% remained outstanding
- 62% were good
- 17% required improvement
- 4% were inadequate

Ofsted has been prioritising reinspection of schools that have gone the longest time since their previous graded inspection, so reinspection data may not be representative of all formerly exempt outstanding schools.

1 Background to school inspection

1.1 School inspection in England: Ofsted

Ofsted is a non-ministerial department that reports directly to Parliament. It inspects all state-funded schools, some independent schools, and a wide range of other providers in England.

The position of Her Majesty's Chief Inspector (HMCI) has been held by Amanda Spielman since January 2017. She will leave the role at the end of 2023.¹

The current Chair of Ofsted's board is Dame Christine Ryan.

1.2 School inspection in Wales, Scotland and Northern Ireland

Wales

Estyn is the inspectorate for state-funded schools, independent schools and many other types of providers in Wales.

Further information about school inspection in Wales can be found on the [Estyn website](#).

Scotland

Schools in Scotland are inspected by Education Scotland. Further information about inspection for primary schools, secondary schools and other providers can be found on the [Education Scotland website](#).

Northern Ireland

The [Education and Training Inspectorate](#) (ETI) is responsible for inspecting schools and other education and training providers in Northern Ireland.

¹ Amanda Spielman, @amanda_spielman, "The ad for my successor is out. I'll be leaving this amazing job at the end of 2023, and if you think you have the experience, the energy and the commitment it needs, and want to work with our fantastic staff, apply here: [...]", Twitter, 14 March 2023, available from: https://twitter.com/amanda_spielman/status/1635653426347491332

Information about the evidence considered, and what happens during and after an inspection, can be found in an ETI website article:

- ETI website article, '[information about inspection](#)', undated.

1.3 Who inspects different types of schools in England?

This briefing concerns inspections of state-funded schools, although Ofsted also inspects around half of independent schools in England.

Ofsted inspects:

- Maintained and academy mainstream schools, pupil referral units and alternative provision academies
- Maintained and non-maintained special schools and special academies
- Independent schools that are not affiliated to the Independent Schools Council (ISC)
- Boarding and residential provision in some independent schools, all maintained schools and residential special schools.²

Independent schools affiliated to the ISC, and their boarding provision, are inspected by the Independent Schools Inspectorate (ISI).

1.4 Key developments in inspection

In recent years, there have been important changes to school inspections in England, and the way Ofsted works. These include:

- June 2023 announcement that Ofsted will re-visit schools within three months, if they were judged inadequate solely on safeguarding grounds and were otherwise good or outstanding³
- A [June 2023 consultation on changes to the procedure for raising concerns about the conduct or outcome of a school inspection](#)⁴ – more detail on these two points is in sections three and four, below

² For more information on Ofsted's scope, see '[about us](#)' article on the inspectorate's website

³ Ofsted press release, '[Changes made to school inspections](#)', June 2023

⁴ Ofsted, '[Changes to Ofsted's post-inspection arrangements and complaints handling: proposals 2023](#)', 12 June 2023

- In November 2020, the removal of the exemption from routine inspection for mainstream schools judged outstanding⁵
- The suspension of most routine school inspections during the coronavirus pandemic and their resumption from the autumn 2021 term⁶
- The commissioning of batched or focused inspections of schools in the same multi-academy trust (MAT), reflecting the changing landscape of school organisation in England
- From 2018, the introduction of MAT summary evaluations with the [first evaluation report published in February 2019](#)
- An increased focus on identifying and tackling unregistered independent schools
- The introduction of a new Education Inspection Framework from September 2019

⁵ For background, see Ofsted, [A return to inspection: the story \(so far\) of previously exempt outstanding schools](#), 22 November 2022

⁶ Ofsted news story, [‘Routine Ofsted inspections suspended in response to coronavirus’](#), 17 March 2020

2 Inspection process

2.1 What do routine inspections of state schools look at?

Full graded inspections

Since September 2019, Ofsted has inspected schools in line with the new [Education Inspection Framework](#) (EIF).

Ofsted is required to undertake routine inspections of qualifying schools at prescribed intervals. Full graded inspections are sometimes known as section 5 inspections.

From September 2019, section 5 inspections report separate judgements on:

- The quality of education
- Behaviour and attitudes
- Personal development
- Leadership and management

Inspectors will always make a written judgement on the effectiveness of the arrangements for safeguarding pupils, and will reach an overall judgement on effectiveness.

In making the overall judgement, inspectors will also take account of the effectiveness and impact of the provision for pupils' spiritual, moral, social and cultural development and how well the school meets pupil needs, including the needs of pupils with special educational needs or disabilities (SEND).

Section 8 inspections

Section 8 inspections, (named after 8 of the Education Act 2005, as amended) can be carried out in a range of different circumstances, including:

- For monitoring schools judged to require improvement or to be inadequate overall, at their last inspection
- For inspections of schools judged good or outstanding at their last full section 5 routine inspection

- For investigating concerns about behaviour and other matters (urgent inspections)

Unlike section 5 inspections, Ofsted doesn't report graded judgements for section 8 inspections.

Ofsted has published [a chart showing how often each type of inspection takes place](#) (PDF).

It has also published [a blog article, which aims to give schools more clarity around the likely general timing of their next inspection](#), based on their inspection history to date.

Further detail about evaluation criteria and the evidence Ofsted considers prior to and during both graded and ungraded inspections can be found in:

- Ofsted, [School inspection handbook](#), 11 July 2022

2.2 Resumption of routine inspection: autumn 2021

During the coronavirus pandemic, routine inspections of most schools were suspended. On-site monitoring inspections of some schools graded inadequate or requires improvement started again in May 2021, as did inspections of schools graded good but whose last inspection was more than five years ago. Ofsted restarted its other routine inspection activity in the autumn 2021 term.⁷

2.3 Formerly exempt schools judged outstanding

Between May 2012 and November 2020, mainstream primary and secondary schools that were judged outstanding at their last graded section 5 inspection were exempt from further routine inspection. The exemption has now been removed.⁸

Outstanding mainstream schools that were formerly exempt initially receive either a full graded inspection, or an ungraded one, depending on the time elapsed since the last full inspection.

In a speech on 18 November 2021, HMCI Amanda Spielman said she expected the reintroduction of inspection for formerly exempt schools to result in some schools losing their outstanding grade:

The exemption was brought in for good reasons. But 10 years on, it's left a rather skewed picture. We've effectively had a one-way accumulator,

⁷ Ofsted, [Ofsted's plans: 2021](#), 31 August 2021

⁸ Ofsted press release, ['Hundreds of formerly outstanding schools inspected'](#), 22 November 2022

gathering more and more outstanding schools. Before the exemption was introduced, about 1 in 10 was rated outstanding, and now it's about 1 in 5. It just isn't realistic to expect that every outstanding school has maintained standards over so many years, so I do expect there to be some rebalancing of grades. Outstanding has to mean outstanding. A top grade signals a lot about a school, and it's right that it should be a high bar.

This rebalancing is already under way. Given how much children have missed already, this is absolutely the right time to bring outstanding schools back into the fold. Looking at the early outcomes, actually quite a lot of schools are keeping their outstanding judgement. Some schools have gone up to outstanding too – which is really good to see. But some previously outstanding schools are coming out lower – which was entirely to be expected. Most of these have only dropped one grade.

But around a fifth of outstanding schools have gone down further, mostly to requires improvement.⁹

Following a Government announcement of £24 million in additional funding, Ofsted confirmed that all schools and further education providers would be inspected by summer 2025. For colleges, all inspections from September 2022 to September 2025 will be full inspections; for schools, inspections will be either full graded ones, or ungraded ones, depending on circumstances.¹⁰

What's happened to 'outstanding' schools that have been inspected recently?

November 2022 Ofsted analysis

In November 2022, [Ofsted published initial analysis of what had happened to formerly exempt outstanding schools](#) that had been reinspected since the November 2020 rule change.¹¹

By 31 August 2022, of the 371 schools undergoing a full section 5, graded, inspection:

- 17 per cent remained outstanding
- 62 per cent were good
- 17 per cent required improvement
- 4 per cent were inadequate

⁹ [Amanda Spielman's speech at the 2021 Schools & Academies Show](#), 18 November 2021

¹⁰ Ofsted press release, [Ofsted accelerates inspections for schools and further education providers](#), 16 November 2021.

¹¹ Ofsted, [A return to inspection: the story \(so far\) of previously exempt outstanding schools](#), 22 November 2022

Ofsted notes that the schools which received graded inspections in the period to 31 August 2022 were not necessarily typical of all schools:

Prioritising schools that have gone the longest without a graded inspection may mean that schools inspected in 2021/22 are not typical of all exempt schools, and the pattern of inspection outcomes may change later. The schools that had a graded inspection last year do represent the schools that had not been inspected for the longest, and about which we therefore had the most concerns and decided to visit in 2021/22.¹²

In terms of differences between types of schools receiving graded inspections:

- Selective schools were more likely to retain their ‘outstanding’ grade than non-selective schools
- Faith schools were slightly more likely to retain their outstanding grade, than non-faith schools
- Secondary schools were more likely to retain their outstanding grade than were primaries
- The most deprived primary schools were more likely to keep their outstanding grade than were other primary schools

Ungraded inspections of outstanding schools

Ofsted also carried out a number of ungraded inspections of formerly exempt outstanding schools. In the year ending 31 August 2022, of these schools:

- 41% remained outstanding
- 59% remained outstanding, but there were some concerns about their performance. This means that they will receive a full graded inspection in around 12 months’ time.

2.4 Inspection of new schools and schools that have changed status

Wholly new free schools and maintained schools that have been replaced by a sponsored academy usually receive a full graded inspection within three years of opening.

Converter academies with a predecessor school judged ‘good’ or ‘outstanding’ would normally be subject to an initial ungraded inspection, but

¹² Ofsted, [A return to inspection: the story \(so far\) of previously exempt outstanding schools](#), 22 November 2022

some may receive a full section 5 inspection depending on the inspection history of their predecessor school.

Further details about the arrangements for inspecting new schools can be found in:

- Ofsted, [Selecting new schools for inspection](#), updated 1 September 2022

2.5 How much notice do schools get before an inspection?

Schools are usually notified the working day prior to the start of a school inspection. However, Ofsted has powers to undertake no-notice inspections in certain circumstances – for example, where there are serious concerns.¹³

Deferring an Ofsted inspection

In exceptional circumstances, schools may be able to request that their inspection is deferred. More information on deferral policy can be found in Ofsted's publication, [Deferring Ofsted inspections](#), 19 April 2021.

2.6 Inspectors' right of access to schools

Section 10 of the Education Act 2005, as amended, gives His Majesty's Chief Inspector (HMCI) and those assisting her, a right of entry to schools to carry out an inspection under section 5 or section 8 of the Act. It also makes it an offence to intentionally obstruct the Chief Inspector in the conduct of an inspection under those sections.¹⁴

¹³ Ofsted, [School inspection handbook](#), para. 73 onward

¹⁴ Education Act 2005, section 10; [see explanatory notes for an interpretation of the provisions on entry](#).

3 Inspection outcomes

3.1 What are the main outcomes of inspections?

There are four main categories of overall judgement on a school's effectiveness:

- Outstanding (Grade 1)
- Good (Grade 2)
- Requires Improvement (Grade 3)
- Inadequate (Grade 4)

Schools graded inadequate – serious weakness and special measures

The inadequate grading is subdivided into two further categories. Schools with serious weaknesses are those that are in need of significant improvement. In line with section 44 of the Education Act 2005, as amended, a school is deemed to require special measures if:

- It is failing to give its pupils an acceptable standard of education and
- The persons responsible for leading, managing or governing are not demonstrating the capacity to secure the necessary improvement in the school.¹⁵

The criteria for deciding which of the two categories of concern to apply are explained in [paragraphs 162 to 166 of Ofsted's current school inspection handbook](#).

¹⁵ [Education Act 2005, section 44](#)

3.2

What happens if a school is judged inadequate?

An academy order is mandatory when a maintained school is rated inadequate

The Education and Adoption Act 2016 places a duty on the Secretary of State for Education to make an academy order if a maintained school is judged inadequate by Ofsted. This is the starting point for turning the school into an academy. The Department for Education's (DfE's) [Schools causing concern](#) guidance says:

The Secretary of State has a duty to make an academy order in respect of any maintained school judged as inadequate by Ofsted, to enable it to become an academy and receive additional support from a sponsor.

The RD, acting on behalf of the Secretary of State, will take responsibility for ensuring that the maintained school becomes a sponsored academy as swiftly as possible, including identifying the most suitable academy trust and brokering the new relationship between that trust and the maintained school. Further details about academy orders are set out in Chapter 3 of this guidance.¹⁶

What happens when academies or free schools are rated inadequate?

Local authorities have no general power to intervene in academy or free schools rated inadequate. However, the Education and Skills Funding Agency (ESFA), the Regional Director (RD) or the Secretary of State for Education may intervene in these schools.

RDs are DfE appointees and were previously known as Regional Schools Commissioners. There are nine RD regions. The [DfE's Schools causing concern guidance explains](#) what happens when an academy is rated inadequate. Options include:

- Identifying a new academy trust for the school, and entering into a new funding agreement with the new trust. In the meantime, the school continues to operate
- If formerly a standalone academy, transferring the school into a strong multi-academy trust

¹⁶ Department for Education, [Schools causing concern](#), October 2022, p23-24

- In exceptional cases and where the school is not viable in the long term, terminating the funding agreement and closing the school outright.¹⁷

Inspection frequency following inadequate judgement

Where a maintained school graded inadequate subsequently converts to academy status, or an academy is graded inadequate and transfers to a new sponsor, the school will usually receive a full graded re-inspection within three years. In some cases, though, a section 8 inspection will be carried out before this.¹⁸

The arrangements are slightly different for academies judged inadequate but which are not transferred to new academy trusts. The Handbook says:

170. Academies judged to have serious weaknesses, and which are not brokered or rebrokered, will be subject to monitoring by Ofsted. They will normally be reinspected within 30 months of the publication of the inspection report in which they were judged to have serious weaknesses (for the first inspection after the pandemic, this period will be extended by up to 6 terms).

171. Academies judged to require special measures, and which are not rebrokered, will be subject to monitoring by Ofsted. The timing of the next graded inspection will be determined by the academy's rate of improvement. However, it will normally take place within 30 months of the publication of the inspection report that judged it to require special measures (for the first inspection after the pandemic, this period will be extended by up to 6 terms).¹⁹

Schools graded inadequate on safeguarding grounds only

In June 2023, [Ofsted announced schools that are graded inadequate on safeguarding grounds only](#), and that would otherwise have been judged good or outstanding, would be revisited more quickly – within three months of the inadequate report being published. Where a school has adequately addressed concerns, it would be “likely to see its overall grade improve”.²⁰

¹⁷ Department for Education, [Schools causing concern](#), October 2022, p42-43

¹⁸ Ofsted, [School inspection handbook](#), 11 July 2022, para 164

¹⁹ Ofsted, [School inspection handbook](#), 11 July 2022, paras 165-166

²⁰ Ofsted press release, [Changes made to school inspections](#), 12 June 2023

3.3

Complaining about an Ofsted inspection

Current complaints procedure

Internal complaints

Providers who are unhappy about the way an inspection is being carried out are encouraged to discuss any concerns with the inspection team. There should also be an opportunity for the school to fact-check a draft of the resulting report for accuracy.

Providers that are still unhappy with the outcome of an Ofsted inspection can follow the remaining stages of Ofsted’s published internal complaints procedure, as laid out in the following document:

- Ofsted Guidance, [Complaints about Ofsted](#)

There are time-limits for submitting complaints. For example, schools must complain within five working days of Ofsted sending a final report.

Complaining to the Independent Complaints Adjudication Service for Ofsted (ICASO)

After following internal complaints procedures, schools and other providers may also be able to complain to the [Independent Complaints Adjudication Service for Ofsted](#) (ICASO).

ICASO can consider complaints about a range of issues including alleged discourtesy during inspections, failure to apologise or accept mistakes, and failure to follow procedures, but it cannot overturn inspectors’ judgements.

Individuals or private organisations unsatisfied with the outcome of an ICASO review may be able to ask the [Parliamentary and Health Service Ombudsman](#) to look at the issue.

Ofsted signals changes to complaints procedures: January 2023

In January 2023, an Ofsted official was quoted in [a Schools Week article](#) as saying that the organisation’s current complaints procedure was “not working”.²¹ The Association of School and College Leaders (ASCL) published [a position statement in February 2023 criticising the current complaints procedure](#) and saying it was “not fit for purpose. The system must be fair,

²¹ [“Ofsted admits its complaints policy ‘isn’t working’”](#), Schools Week, 13 January 2023

transparent, and have the authority to require judgements to be revised where inspections are proven to have been flawed.”²²

Subsequently, in March 2023, [an article in TES said Amanda Spielman had acknowledged the complaints procedure was “not a satisfying process”](#) for schools, and that the inspectorate was:

[d]oing another round of work to try and find a different way of approaching [complaints] to address what’s nearly always the root of the problem, which is the grade isn’t accepted, and to try and find ways to address that more directly earlier on.²³

Consultation on complaints procedure: June 2023

In June 2023, Ofsted confirmed it was planning changes to its complaints procedures and processes for schools to challenge inspection reports. [It launched a consultation on these changes](#), which is due to close on 15 September 2023.²⁴

Proposals include:

- Withdrawing the current internal review stage, carried out by Ofsted. Instead, once Ofsted has considered the original complaint, complainants will then be able to refer their complaints to the [Independent Complaints Adjudication Service for Ofsted \(ICASO\)](#) straight away.
- Periodic reviews of closed complaints by external investigators.
- More dialogue between schools, senior inspectors, and the principal (complaints) investigator.

²² Association of School and College Leaders position statement, [The Ofsted complaints process](#), February 2023

²³ “[Ofsted chief: Complaints process not ‘satisfying’ schools](#)”, TES, 10 March 2023

²⁴ Ofsted, [Changes to Ofsted’s post-inspection arrangements and complaints handling: proposals 2023](#), 12 June 2023

4 Current issues

4.1 Death of head teacher Ruth Perry and reaction of inspectorate

In January 2023, Ruth Perry, head teacher at a primary school in Berkshire, reportedly died by suicide. Ofsted had recently inspected her school and rated it 'inadequate'. An inquest into Ruth Perry's death has been opened by the coroner.

BBC News [published extracts from a statement made by Ruth Perry's sister](#), Julia Waters, on behalf of the family:

The family statement said: "We are in no doubt that Ruth's death was a direct result of the pressure put on her by the process and outcome of an Ofsted inspection at her school.

"We do not for an instant recognise Ofsted's 'inadequate' judgement as a true reflection of Ruth's exemplary leadership or of the wonderful school she led."

[...]

"School inspections should be a welcome and positive contribution to improve standards in education," they said.

"They need to be genuinely supportive and so to safeguard the health and wellbeing of hard-working, talented, altruistic headteachers and staff".²⁵

School teaching and leadership unions reacted to Ms Perry's death by calling for a pause to Ofsted inspections and reiterating long-standing calls for reform of the inspection system. The National Education Union (NEU) called for Ofsted "to be replaced" with a new system that was "supportive, effective and fair",²⁶ and on 23 March 2023 it handed a petition signed by 52,000 people to the Government on this issue.

The Association of School and College Leaders (ASCL) called for Ofsted to give "urgent consideration to reform of the inspection system to make it fairer and less punitive".²⁷

²⁵ ["Ofsted: Head teacher's family blames death on school inspection pressure"](#), BBC News [online], 22 March 2023, accessed 24 March 2023

²⁶ National Education Union press release, [Ofsted and school leader wellbeing](#), 20 March 2023,

²⁷ Association of School and College Leaders press release, [ASCL calls for pause to Ofsted inspections following death of Ruth Perry](#), 20 March 2023

The National Association of Head Teachers (NAHT) said it had:

long campaigned for fundamental reform of the current inspection system. We know that at our upcoming annual conference, our members will be determined that this campaign is intensified.

It is clear that school leaders up and down the country are placed under intolerable pressure by the current approach. It cannot be right that we treat dedicated professionals in this way. Something has to change. Whilst it should never take a tragedy like this to prompt action, this has to be a watershed moment.²⁸

A [Change.org petition launched on 17 March 2023](#) calls for an inquiry into the Ofsted inspection of Ruth Perry's primary school. By July 2023, it had nearly 250,000 signatures.

Other organisations have also commented on potential reforms to Ofsted. The [Confederation of School Trusts published a discussion paper](#) on the issue in January 2023. Among other things, this called for a review of the current grading framework, and improvements to the complaints system.²⁹

Reaction of Inspectorate

On Friday 24 March 2023, His Majesty's Chief Inspector of Education, Children's Services and Skills, [Amanda Spielman, published a response](#) to Ruth Perry's death.³⁰ This said that her death was a tragedy, and that Ofsted was deeply sorry for her loss. However, as the inquest was ongoing, it would "not be right to say too much", said Ms Spielman.

Ms Spielman said stopping inspection activity or preventing inspections would "not be in children's best interests" but that the broader debate about reforming Ofsted to remove grades was "a legitimate one".³¹

Responding to Ms Spielman's statement, the NAHT said that deciding not to pause inspections, even for a short period, "was a terrible mistake" and that the inspectorate had "completely underestimated the strength of feeling amongst educational professionals".³²

²⁸ National Association of Head Teachers press release, [School leaders call for pause on Ofsted inspections after Ruth Perry tragedy](#), 20 March 2023

²⁹ Confederation of School Trusts, [Navigating uncertainty: A future direction for Ofsted?](#), January 2023

³⁰ Ofsted news story, [Statement from His Majesty's Chief Inspector](#), 24 March 2023

³¹ Ofsted news story, [Statement from His Majesty's Chief Inspector](#), 24 March 2023

³² National Association of Head Teachers news story, [School leaders respond to statement from Ofsted Chief Inspector on Ruth Perry tragedy](#), 24 March 2023

4.2 Ofsted's June 2023 proposals for change, and reaction

As noted above in section three above, [in June 2023 Ofsted came forward with a number of planned changes to the inspection process for schools](#). These included:

- Re-visiting schools judged inadequate on safeguarding grounds only, and which would otherwise have been graded good or outstanding, within three months
- Improvements to communications during, and shortly after, inspections
- Changes to the complaints procedure for cases where schools did not agree with the conduct of, or outcome of, inspections.

Responses to June 2023 announcements on changes to school inspection

The [National Association for Head Teachers \(NAHT\) said that the changes announced by Ofsted did not go far enough](#). Despite the individual measures being “sensible and somewhat helpful”, it advocated “more fundamental” reform of the system and a move away from “simplistic single word judgements”.³³

The [National Education Union also argued that Ofsted failed to appreciate the “scale of change needed”](#), and that while the plans to revisit some ‘inadequate’ schools earlier, and changes to complaints, were welcome, the “surveillance model of school inspection in England” necessitated further change. [Similarly, the Association for School and College Leaders \(ASCL\) said the proposals represented a “modest improvement”](#), but criticised the continuing commitment to single-word summative judgements.

[NASUWT, The Teachers’ Union, said it would examine the proposals](#), but that the system needed to “geared towards supporting system improvement” rather than “punishing ... dedicated and committed professionals”.³⁴

4.3 Labour Party commentary on Ofsted's role

Speaking to the ASCL annual conference in March 2023, [Shadow Education Secretary Bridget Phillipson said an independent inspectorate was a “sign of](#)

³³ National Association of Head Teachers press notice, [Changes to inspections do not go far enough, says NAHT](#), 12 June 2023

³⁴ NASUWT, The Teachers’ Union press notice, [NASUWT comments on Ofsted inspection changes](#), 12 Jun 2023

[a mature and confident education system](#)” but that it was time for “Ofsted to turn a corner”. Labour priorities would include:

- Supporting and improving struggling schools
- Inspection of multi-academy trusts, which was currently “missing”
- Addressing “the way inspections operate [which] makes teachers, leaders and lecturers too often feel punished rather than supported”

She also said that change was needed to address “cat and mouse game[s] between inspectors and schools, with no incentive to have an honest professional dialogue, to accept weakness and work to address it” and described these as “the unhelpful features of [...] an adversarial system.”³⁵ It was [subsequently reported that Labour was considering scrapping the current Ofsted grading system](#) and “replacing it with a new ‘report card’ for schools”, should it win the next election.³⁶

[Speaking to Times Radio on 24 March 2023](#), Shadow Secretary of State for Health and Social Care, Wes Streeting, said he thought school inspections were important, but that Ofsted did need “to reflect on the culture of inspection”. He said Labour had been clear that it would “stick with inspections, but we are going to reform the way that they operate”. The Shadow Education Secretary would consult on the culture of inspections, and other linked issues.³⁷

In June 2023, Ms Phillipson reportedly told the Times Education Summit Labour would:

[C]hange Ofsted for the better. An end to the one or two-word summary judgment, a richer scorecard showing where things are right, as well as where things need to be better, and an annual inspection of safeguarding issues.³⁸

4.4 Unregistered schools

Independent schools providing a full-time education to five or more children of compulsory school age, or one child with an Education, Health and Care (EHC) plan or who is looked-after, must be registered with the DfE. Operating an unregistered independent school is a criminal offence under section 159 of the Education Act 2002, as amended. Ofsted has powers to inspect suspected unregistered independent schools.

³⁵ [Bridget Phillipson MP, Labour’s Shadow Education Secretary, Speech to the Association of School & College Leaders](#), 12 March 2022

³⁶ [“Labour proposes ‘report card’ to replace Ofsted grades”](#), Schools Week, 11 March 2023

³⁷ [Wes Streeting interview, Chloe Tilley and Calum Macdonald with Times Radio Breakfast](#), 24 March 2023, 3h 13 minutes into programme onwards

³⁸ [“Labour pledges to revamp Ofsted grading system”](#), The Independent, 8 June 2023

Growing concern about unregistered settings

On 10 November 2015, then-HMCI, [Sir Michael Wilshaw wrote to then-Education Secretary, Nicky Morgan MP](#), expressing “serious concern” about the safety of children being education in unregistered schools. In his view, the arrangements for closing down unregistered schools were “inadequate”. He recommended that the Secretary of State:

- Urgently review the arrangements between the DfE and local authorities for safeguarding children in premises confirmed by Ofsted as unregistered schools.
- Review the arrangements for home education to ensure that they cannot be exploited in order to avoid registration.
- Continue to work with Ofsted to ensure that we have the necessary resources to identify and support the prosecution of illegally operating schools.³⁹

Since then, there have been several key developments in Ofsted’s handling of unregistered schools:

- In January 2016, the DfE published a [policy statement](#) on prosecuting unregistered independent schools.
- Also in January 2016, Ofsted established an [unregistered school taskforce](#), intended to investigate and inspect suspected illegal schools.
- [Guidance published by the DfE in March 2018](#) describes the tackling of unregistered schools as “a priority”.⁴⁰
- March 2018’s [Integrated Communities Green Paper](#) said the Government was reviewing Ofsted’s current powers in relation to unregistered schools, and looking at “strengthening their abilities to collect evidence and interview those suspected of running illegal schools, to meet the stringent requirements for criminal prosecutions and ensure the schools close.”⁴¹ A consultation on the Green Paper closed on 5 June 2018.
- In October 2018, the proprietors of a tuition centre in Ealing were prosecuted for operating an unregistered independent school – the first such prosecution of this type.
- Several other prosecutions have followed, including of the proprietors of a tuition centre in Streatham.

³⁹ [Letter from HMCI, Sir Michael Wilshaw, to Secretary of State for Education, Nicky Morgan MP](#), on unregistered independent schools, 10 November 2018

⁴⁰ Department for Education, [Unregistered independent schools and out of school settings](#), March 2018, p4

⁴¹ Ministry of Housing, Communities and Local Government, [Integrated Communities Strategy green paper](#), 14 March 2018, p34

Consultations on out-of-school education settings and a register of children not in school

The DfE held a consultation on a voluntary code of practice for out-of-school education settings between December 2018 and February 2019. It held a second consultation, between April and June 2019, on proposals to introduce a register of children not in school in England.

Ofsted said the proposed register as a “welcome first step” but that it would “continue to call for the legislation to be strengthened, and for additional powers that would allow inspectors to collect evidence they find in unregistered schools.”⁴²

The Government published its consultation response in February 2022. This confirmed plans to legislate for mandatory local authority registers. The Schools Bill, introduced to the Lords in May 2022, contained provisions on a compulsory register of children not in school.

However, the Bill proved controversial, and the Government subsequently confirmed that it would not progress in its current form. Legislating on this issue remains a Government priority and it has confirmed its intention to act “at the next suitable legislative opportunity”.⁴³

Statistics on unregistered schools

Ofsted figures on unregistered schools in England covering the period January 2016 to March 2023 note 1,036 investigations of suspected unregistered settings. The inspectorate carried out 726 inspections and issued 170 warning notices. Some settings may have received multiple notices.⁴⁴

As in previous years, Ofsted’s 2021/22 Annual Report again drew attention to a desire for further powers to intervene in unregistered settings, saying that because of limited powers, it had only brought six prosecutions in six years. It welcomed Government commitments to strengthening the inspectorate’s ability to act on this issue, and also to introduce a compulsory register of children not in school.⁴⁵

Parts three and four of the Schools Bill, introduced to Parliament in May 2022, contained provisions in both of these areas. However, the Bill proved highly controversial. The Government subsequently said it would not progress in its original form but that some of its provisions may be included in smaller bills in subsequent parliamentary sessions.⁴⁶

⁴² Ofsted press notice, [New data shows illegal schools are a huge nationwide problem](#), 12 April 2019

⁴³ [PQ HL6006 \[on Home Education\], 14 March 2023](#)

⁴⁴ Ofsted, [Unregistered schools management information](#), 4 May 2023

⁴⁵ Ofsted, [Annual Report 2021/22](#), December 2022

⁴⁶ Education Committee, [Accountability hearings, HC 58](#), 7 December 2022, Q237

4.5

Multi-academy trusts

Multi-academy trusts (MATs) are usually groups of academies overseen by one central organisational structure and board of trustees. Ofsted doesn't currently have powers to inspect whole MATs, although since 2018 inspectors have carried out summary evaluations. Summary evaluations explore "the extent to which the MAT is delivering a high quality of education and improving pupils' achievement".⁴⁷

During her tenure as HMCI, Amanda Spielman has repeatedly called for formal powers to inspect whole MATs, including their central functions. In Ofsted's annual report for 2021/22, the inspectorate said:

For the most part, we continue to inspect and regulate individual institutions. We inspect schools individually – but nearly 4 in 10 of them are in multi-academy trusts (MATs), and trusts are becoming larger. These trusts have a huge influence on how children are being educated, so we would like to be able to assess how this influence is being used.

[...]

We strongly believe, as we have for some time, that routine inspection of trusts must have a significant role to play in trust regulation. We continue to work with the Department for Education as it considers the future model of regulation, by building on our research and understanding of the sector.⁴⁸

'Ten-Minute Rule' Bill – September 2021

On 8 September 2021, Jonathan Gullis MP presented the [Multi-Academy Trusts \(Ofsted Inspection\) Bill](#) to the House of Commons, a 'Ten Minute Rule' Bill, which would give Ofsted the power to "inspect the governing bodies of multi-academy trusts". He said he worried that "[a] loophole risks creating a new group of education authorities that are unaccountable to teachers, parents and pupils." Bringing MATs within Ofsted's inspection regime would, he said, "ensure that they are playing their full role and, crucially, allow those truly doing excellent work to be recognised."⁴⁹

Ofsted report on MATs (July 2019)

In July 2019, Ofsted published a report, [Multi-academy trusts: benefits, challenges and functions](#). This restated earlier calls for Ofsted to be allowed to inspect MATs, and not just their constituent schools:

The fact that accountability has multiple audiences and purposes needs to be reflected in the inspection framework for MATs and schools. This suggests the need for a model in which both MATS and individual schools are inspected by Ofsted. Much progress can be made under current arrangements, but

⁴⁷ Ofsted, [Multi-academy trusts: summary evaluations](#), 14 September 2021, p3

⁴⁸ Ofsted, [Annual Report 2021/22](#), December 2022

⁴⁹ [HC Deb 8 September 2021](#), Vol. 700, Col. 319 onwards

ultimately the legislation that underlies school inspection will need to be amended to make this fully possible.

While accountability at the school level is strong, accountability at MAT level needs to be strengthened, not least in the light of weak implementation of internal accountability at trust level in many MATs. Inspection arrangements should reflect this.⁵⁰

⁵⁰ Ofsted, [Multi-academy trusts: benefits, challenges and functions](#), July 2019, p26

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