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Joint Welsh Government and Estyn
Consultation Document

**Proposed changes to Estyn
inspection cycle and timings for
post-inspection action plans**

Date of issue: **6 February 2013**
Action required: Responses by **1 May 2013**



Proposed changes to Estyn inspection cycle and timings for post-inspection action plans

- Overview** This consultation document seeks your views on a set of options in relation to the length of time between inspections of schools and providers. It also sets out options to change the notice periods that schools and providers receive before inspections take place. The final element of the consultation relates to the period of time that schools and providers have following inspection to prepare their post-inspection action plan.
- How to respond** Responses to this consultation should be e-mailed/posted to the address below to arrive by **1 May 2013** at the latest.
- Further information and related documents** Large print, Braille and alternate language versions of this document are available on request.
The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations
- Contact details** For further information:
School Performance Branch
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
e-mail: SMED1@wales.gsi.gov.uk
Tel: 029 2082 6050

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Foreword

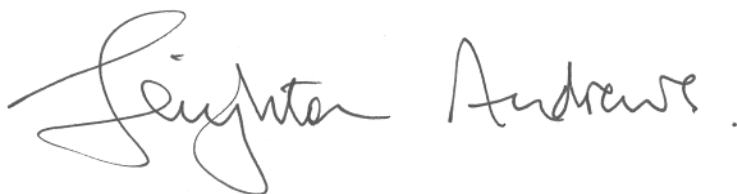
The Welsh Government and Estyn have agreed to undertake a joint public consultation on:

1. the requirement for Estyn to inspect within a set interval from the date of the last inspection;
2. the length of those inspection intervals;
3. the period notice of inspection given to schools and providers by Estyn;
4. the requirement for schools to hold pre-inspection meetings;
5. the requirement for parent/carer and learner questionnaires, and
6. the time for the preparation of a post inspection action plan.

These matters in paragraphs 1, 2, 4 and 6 are governed by legislation and changing them would require changes to that legislation. Those matters in paragraphs 3 and 5 are not governed by legislation and so changing them will not require changes to legislation.

In this consultation document, we set out the issues surrounding any change to the notice period or to the period between inspections. We also set out a series of questions that ask for your opinion on the benefits or otherwise of changing the current arrangements for the timing of Estyn's inspections.

If there is positive support for change, this is likely to lead to new legislation. Any changes to inspection arrangements will be made as soon as practicable, but not before January 2014.

A handwritten signature in black ink that reads "Sigrift Andrew". The signature is written in a cursive style with a period at the end.A handwritten signature in black ink that reads "Ann Keane". The signature is written in a cursive style.

Introduction

The consultation document seeks your views on a set of options in relation to the length of time between inspections of schools and providers. It also sets out options to change the notice periods that schools and providers receive before inspections take place. The final element of the consultation relates to the period of time that schools and providers have following inspection to prepare their post inspection action plan.

The sectors that this consultation relates are:

- maintained nursery schools, settings providing nursery education and settings that are maintained by, or receive funding from, local authorities (“relevant nursery education”);
- community schools;
- voluntary schools;
- foundation schools;
- community special schools;
- foundation special schools;
- pupil referral units;
- further education (FE);
- adult community learning (ACL);
- youth support services; and
- work-based learning (WBL).

Local authorities, offender learning, teacher education and training, careers provision and independent schools are not included in the scope of this consultation.

Background

Estyn introduced new inspection arrangements in September 2010 at the start of a six-year cycle of inspections (2010-2016) for most sectors that it inspects. A mid-cycle review of these inspection arrangements was undertaken by Estyn in early 2012 through informal consultation, questionnaires and focus meetings with stakeholders and inspectors. The outcome of this mid-cycle review was generally positive about the current arrangements. The great majority of stakeholders wanted to keep arrangements largely unchanged and there were only a few relatively minor suggestions for improvement.

However, the mid-cycle review did raise two significant issues. The first related to the way schools and providers were able to predict with some degree of certainty when their inspection was going to happen during the six-year inspection cycle. The second related to the notice period before inspections, where a significant number of stakeholders felt it was desirable to shorten the notice period given to schools/providers or to have no notice period at all. These two issues are distinct. The first relates to the necessity for Estyn to inspect every school/provider within six years of their last inspection. The second relates to the length of the period of notice that schools/providers receive before their inspection (currently 20 working days). A further issue relates to the period schools and other providers have for the preparation of their post inspection action plan following inspection.

Structure of the consultation

The core issues relevant to this consultation cut across the range of inspection settings, however some questions relate specifically to the impact changes would have on one sector as opposed to all sectors. This is due to the different regulations and circumstances in for example schools as opposed to FE colleges, WBL or ACL providers.

While respondents are encouraged to consider the whole consultation and to respond to all areas, where issues impact on specific sectors we have highlighted this for ease of reference.

The questionnaire

Predicting inspections

(Question 1: Should legislation be changed so that providers cannot predict when their next inspection is due?)

The intervals between inspections are set by the following regulations:

- Education (inspection of Nursery Education) (Wales) Regulations 1999. These regulations provide that relevant nursery education must be inspected by Estyn within 6 years of the date of the last inspection. This does not apply to maintained nursery schools which are inspected under the Education (School Inspection) (Wales) Regulations 2006.
- Inspection of Education and Training (Wales) Regulations 2001. These regulations provide that Estyn must inspect the following within 6 years of the date of the last inspection:
 - education or training for persons aged 16 or over where that is funded by the Welsh Ministers or the local authority. This includes FE , ACL and WBL;
 - education or training for persons of compulsory school age provided at a school;
 - further education provided by a school;
 - education or training provided in the higher education sector for the purpose of enabling persons to become youth or community workers, or further training for such workers.
- Education (School Inspection) (Wales) Regulations 2006. These regulations provide that community, community special, voluntary, foundation, foundation special schools or maintained nursery schools must be inspected by Estyn within 6 years of the date of the last inspection.

One effect of these regulations is that schools and providers are effectively inspected on a six-year rota, and their position in the current inspection cycle is fixed to a large extent by when they were inspected in the previous inspection cycle. This means that providers can predict, with a high degree of certainty, when they are due for inspection. In most cases, they can predict their inspection date to within an academic term, even though they may not receive formal notification of their inspection until four weeks beforehand.

Whilst these regulations allow Estyn to inspect providers at any point within a 6 year cycle from the last inspection (and Estyn does this occasionally for specific purposes) in practice this is difficult to achieve. Due to the number of providers that Estyn is required to inspect it is not possible to be as flexible as it would wish as to the date of inspection within the 6 year interval. For Estyn to inspect providers earlier in the cycle the inspection of other providers would have to be moved to later in the cycle. However, this cannot be done without creating a large imbalance in the number of inspections conducted each year. Moving a significant number of

inspections to an earlier point in the cycle would mean that far more providers would be inspected earlier in the cycle and far fewer later in the cycle. The resulting imbalance in the number of inspections conducted each year would have serious implications for the annual distribution of work in Estyn. It would also skew the year-on-year evidence base that informs Estyn's Annual Report.

Furthermore, schools and providers would still be able to predict when their inspection was due in the following cycle (unless even more inspections were moved earlier in the cycle, which would further impair the balance of inspections year-on-year within the inspection cycle).

As a consequence of that, in most cases, Estyn inspects at regular fixed intervals within the 6 year period.

The only certain way to ensure that schools/providers cannot predict the timing of their inspection is to remove the requirement for Estyn to inspect within a set period of time of date of the last inspection.

Many providers see inspection as supportive of their own improvement process and as an opportunity to check on the accuracy of their own self-evaluation and the effectiveness of their development plans. Inspection should not be considered a 'one-off' event that occurs once every six years and that requires a degree of unusual preparation.

The main benefits of changing legislation so that providers cannot predict when their next inspection is due are that:

- they would not over-prepare for inspection;
- they would be more likely to self-evaluate on a regular and continual basis;
- they would need to be 'inspection-ready' at any time;
- the public would be likely to have more confidence that providers were not over-preparing for inspections; and
- there would be a reduction in a build-up of the perceived stress that teachers feel when the date of inspection is known well ahead of time.

The length of inspection cycles or periods

(Question 2: What in your opinion is the best length of time within which all providers should be inspected at least once?)

All providers currently receive a core inspection every six years. As a result of their inspection, some institutions are also identified as requiring some sort of follow-up activity, which usually involves monitoring visits by HM Inspectors. Underperforming providers therefore already receive more than one inspection visit in a six-year period. If Estyn moved to a more flexible, less predictable inspection system then low-performing institutions could also have shorter-than-average intervals between their core inspections as well.

There is an argument to say that the providers that perform well should be inspected less frequently. A more flexible, less predictable system might mean that better performing providers might have longer-than-average intervals between their core inspections.

The current six-year system means that a report on each provider in Wales is produced roughly every six years. Within the system of maintained schools, this means that parents/carers and other interested parties have access to useful and influential information on specific schools. It also means that a report on each school is produced at least once during the time that most children are at their primary and secondary school, even though, in some cases, the report may appear when the child is just about to leave or has just left the school.

In removing predictability from the current system the relationship between the timing of inspection and a set period between inspections will need to be removed. In doing this a school or provider who may have been expecting an inspection in the next 12 months (as they had last been inspected 5 years ago) might not in effect be inspected until later in the new inspection period.

While this will make inspection more meaningful if changes are made to the current arrangements then parents/carers in some schools might not have a report available on a specific school for a longer period of time (longer than the current six years in some cases).

Notification of inspection and the factors that affect it

Over time, Estyn has significantly reduced the period of notice given to providers before their inspections from one year to one term and, currently, to 20 working days. Whilst Estyn have adopted the practice of giving notice of forthcoming inspections this is not a legal requirement.

One effect of further reducing the notice period would be a reduction in the perceived stress on teachers. Bodies representing teachers have said that a shorter notice period is more desirable than a long lead-in to inspection. A shorter notice period would also reduce the temptation for schools to over-prepare, where they use the four weeks before the inspection to try to improve too many things at the same time.

The disadvantage of reducing the notice period for school inspections is that there would be less time for school governing bodies to notify parents/carers of the forthcoming inspection. Under paragraph 6 of Schedule 4 to the Education Act 2005 the governing body is under a duty to take such steps as are reasonably practicable to notify the parents/carers of registered pupils at the school of the inspection. If Estyn are to reduce significantly the period of notice, or cease to provide any notice, then this provision will need to be amended and possibly repealed.

School governing bodies are also under a duty to organise parents'/carers' meetings. The Education (School Inspection) (Wales) Regulations 2006 (Regulation 8) requires governing bodies to take such steps as are reasonably practicable to give parents/carers written notification of the parents'/carers' meeting at least three weeks before the inspection starts.

Similarly, in the school sectors, there would be less time to distribute, collect and analyse the parent/carer and/or learner questionnaires which give parents/carers and learners a useful opportunity to make their views known confidentially to inspectors before the inspection starts. (In post 16 settings “Learner Voice” questionnaires will remove the need for separate Estyn questionnaires).

If the notice period were reduced further to a significant extent, or if there were no notice period at all, then it would not be possible to hold pre-inspection parents’/carers’ meetings or to receive responses to parent/carer and learner questionnaires. It would also be impossible for inspectors to ask for and analyse the school/provider’s self-evaluation report and other documents beforehand.

A very short notice period, or no notice period, may also make it difficult to arrange meetings with representatives of governing bodies who may have work or other commitments and find it difficult to attend a meeting at very short notice. It may also place some extra pressure on other representative’s ability to attend the feedback meeting at the end of the inspection at very short notice.

Factors affecting the notice period for schools

(Question 3: Should Estyn retain the pre-inspection parents’/carers’ meeting as part of school inspections?)

The parents’/carers’ meeting

Currently, within the schools’ sector, there is a requirement in the Education (School Inspection) (Wales) Regulations 2006 for school governing bodies to:

- arrange for a parents’/carers’ meeting to take place before the inspection;
- select a time and place for that meeting having regard to the convenience of parents/carers;
- take such steps as are reasonably practicable to give written notification of the meeting at least three weeks before the inspection starts to:
 - parents/carers of registered pupils;
 - the local authority where the child is a looked after child;
 - the Welsh Ministers and the local authority, if they are paying the fees in respect of the provision of education at a special school, and the a parent/carer of that child so requests.

Other than inspectors forming part of the inspection team, and any person they require to attend for the purpose of providing administrative support, nobody other than those receiving notice as above is permitted to attend the meeting.

The advantage of the parents’/carers’ meeting is that it gives parents/carers the opportunity to comment on the school’s provision and their children’s progress. This informs some of the hypotheses and lines of enquiry that inspectors test out during the inspection week. The disadvantages of the parents’/carers’ meeting are that

some are poorly attended; some have little value because parents/carers say very little; and, in some cases, parents/carers feel constrained by the presence of teachers or governors who are also parents/carers of children at the school and are thus entitled to attend the meeting. From an organisational point of view, a disadvantage of the parents'/carers' meeting is the limitation it places on the notice period for inspection since it must be announced three weeks before the inspection according to the current regulation.

There is a view that the function of the parents'/carers' meeting (gathering parents'/carers' views) can be gained in ways other than through a meeting, for example through a survey or questionnaire. Currently, Estyn makes a questionnaire available to all parents/carers at the schools it is due to inspect. The questionnaires for parents/carers can be returned electronically or by post directly to Estyn and they are confidential. Some parents/carers feel that a questionnaire gives them an opportunity to express opinions they would be reluctant to share in a public meeting. On balance, the questionnaires provide as much information about parents'/carers' views as the parents'/carers' meeting. They also inform a national database and Estyn's inspection teams can compare the outcomes from parents/carers with the national pattern derived from all inspections in Wales.

Parent/carer and learner questionnaires

(Question 4: Should Estyn retain its own parent/carer and learner questionnaires?)

Parent/carer and learner questionnaires are not a legal requirement and so are not mandatory. Parent/carer questionnaires have featured in Estyn inspections of schools since the first cycle of inspections in the early 1990s. Learner questionnaires were introduced as part of the new inspection arrangements in September 2010 and are a feature of inspections in nearly all sectors Estyn inspects.

Parents/carers and learners are offered the opportunity to complete questionnaires electronically or in paper copy. Parent/carer and learner questionnaires are returned to Estyn in confidence. The questionnaire responses are analysed by Estyn, which means that national benchmarks for responses can be produced to give inspectors a national benchmark for judging responses from individual schools. For those schools that conduct parent/carer or pupil satisfaction surveys for self-evaluation purposes, these national benchmarks also help them to benchmark their own questionnaire returns.

The parent/carer and learner questionnaires take time to distribute, collate and analyse. An alternative is for Estyn to require schools to conduct their own surveys and to use the results of those surveys to inform inspections, especially the lines of inquiry that inspectors follow. The disadvantage of this approach is a possible reduction in confidentiality; less direct engagement between parents/carers/learners and inspectors; and the lack of national benchmarks to compare questionnaire returns.

Overall across all sectors: the notice period

(Question 5: Should the notice period for inspection be reduced from the current 20 working days? If so, how much notice should be given?)

Taking into account all the factors above, reducing the notification period may have a significant impact on the way Estyn runs certain aspects of the current inspection arrangements, notably (where relevant) the parents'/carers' meeting, the learner and parent/carer questionnaires, and the use of the self-evaluation report as a pre-inspection tool. Some or all of these issues can potentially be overcome with changes to inspection arrangements and changes to legislation so that the best aspects can be retained. A move to a no-notice period would create more issues and it would be likely that some features of the current inspection arrangements would require more wholesale and substantial change.

Post-inspection action planning

(Question 6: Should the time frame for the preparation of a post-inspection action plan be reduced from the current arrangements for the schools sector?)

(Question 7: Should a consistent period of time be applied to all education sectors in respect of preparing a post-inspection action plan?)

(Question 8: What is the most appropriate period of time for all providers to have to prepare their post-inspection action plans?)

Currently where a school is inspected by Estyn the regulations prescribe that the governing body must prepare an action plan addressing the recommendations of the inspectors within a period of forty five working days from the date on which the inspector reports to them. However, if the report states that the school requires special measures or significant improvement the Welsh Ministers may specify a shorter period if they consider the urgency of the case requires it.

The period for the preparation of the inspection report is also set out in regulations as 35 working days.

Therefore, the maximum period a school has for the production of a post inspection action plan is 80 working days from the conclusion of the inspection. This is perceived to be too long a period and does not lend itself to the pace and urgency with which action planning should take place

In particular in the case of inspections where providers receive unsatisfactory judgements and are placed into category; or where a provider receives only adequate judgements the planning time frame may act as an inhibitor to schools swiftly taking action to address the shortcomings identified.

In the post 16 sectors, post inspection action plans are not subject to regulation but rather to contractual requirements and established working practices which ensure that a post-inspection action plan is prepared within around 3 months of the

conclusion of the inspection. This enables action planning to commence at the conclusion of the inspection process, and for the provider to prepare its action plan. This provides for a period of approximately two weeks once the inspection report is published for the provider to ensure that all of the issues in the final moderated report have been addressed.