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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Changing the current Estyn inspection regime

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Changing the current Estyn inspection regime

Audience	Schools, local authorities, consortia regions, diocesan authorities, Estyn, teaching unions and other interested parties.
Overview	This document provides a summary of the responses received to the consultation on changing the current Estyn inspection regime published on 1 March 2017.
Action required	None.
Further information	Enquiries about this document should be directed to: School Finance and Inspection Branch The Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: Education-BusinessPlanning&Governance@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at gov.wales/consultations
Related documents	<i>Changing the current Estyn inspection regime</i> (2017) Welsh Government consultation document

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Introduction

Estyn previously consulted on proposed changes to the way it inspects education and training from September 2017. As part of that review, areas were identified where some minor changes to regulation and statutory guidance would be supportive and better drive improvement through inspection work.

As a consequence the Welsh Government undertook a public consultation between 1 March and 12 April 2017 on proposed changes to regulations to amend the timing of a school's pre-inspection meeting with parents and to reduce the timescale for production of the local authority post inspection statement of action. It also sought views on revising and refreshing the Welsh Government Schools Causing Concern statutory guidance document 202/2016.

This document provides a summary of the responses received to the specific questions asked and outlines the proposed way forward.

Summary of responses

Nine respondents replied to the consultation. A list of the respondents are in Annex 1.

Question 1

Should the timing of schools' pre-inspection meetings with parents/carers be changed to enable the inspection team to tailor the inspection process to meet the needs of individual schools and maximise the efficient use of the inspection team's time at the school?

Yes	No	Not sure	No comment	Total
6	1	2	0	9
67%	11%	22%	0%	100%

Summary analysis

The majority of respondents supported this proposal and provided comments to substantiate their view. The majority welcomed that the proposal would allow flexibility within the inspection process and allow inspectors to use their time more efficiently.

One respondent has asked that WG monitors implementation of the change and its impact on both inspection and schools.

The respondent that didn't support the proposal felt that the rationale for change was not well argued and considered that if the meeting was held after the inspection had begun, it may provide an opportunity for parents to probe inspectors on any initial views they may have of the school, or that inspectors may share these views before they had been properly validated leading to a danger of parents picking up misleading views. The respondent also questions that if the meeting took place on the second day this is regarded as in the early stages of the process which contradicts the view that significant progress should be made by the second day of inspection.

The Welsh Government response

As a result of the majority support for this proposal, regulations will be amended to allow inspectors greater flexibility regarding the timing of the parent's meeting. It is probable that during many inspections, the meetings will take place at the beginning of the process as is currently the case, however, should the need arise for the meeting to take place at a later time, within the first 2 days of inspection, to meet the individual needs of the school and maximise the efficient use of inspectors time, the inspection team will have the flexibility to do so. Regarding monitoring the impact of the change, after one year of the proposal being implemented, Welsh Government will seek feedback from Estyn on the effect of the change.

Question 2

Should the timescale for the local authority statement of action be changed to better enable all parties to collaborate and to work with pace to plan and support improvement?

Yes	No	Not sure	No comment	Total
4	3	2	0	9
45%	33%	22%	0%	100%

Summary analysis

The responses to this proposal were mixed with 4 respondents supporting the proposal and a total of 5 either did not support or were not sure.

Those respondents that supported the proposal felt that it would improve collaboration and quicken the pace to plan and support improvement. They felt the sooner schools were in a position to implement and develop improvement activity following their inspection, the better it was for children and young people.

Those respondents that were unsure felt that the reasoning behind the change was unclear and that 10 days was reasonable.

Respondents who did not support the proposal felt that there was a risk of rushing the process and the local authority overlooking crucial areas of support needed, and as a consequence could result in plans not being considered properly or fit for purpose and having to be re-worked . It was suggested that the existing 10 day timescale was already a challenge for local authorities and any timescale imposed needed to consider the logistics of bringing key parties together to discuss improvement.

Another respondent felt that there was no evidence to suggest that the current arrangement was hindering progress and there is no assessment of the capacity of local authorities to meet the revised requirement.

A further comment was made referring to the provisions of section 40(3) (b) of the Education Act 2005 which empowers Welsh Ministers to set a shorter period for preparation of the written statement if they are of the opinion that the urgency of the case requires a shorter period and that there was no evidence provided to suggest this has been used or is needed in all cases.

One respondent felt that the 5 day timescale should be a goal for local authorities to work to, but not a statutory requirement. It was also suggested by another that if the change was implemented, there will be times that local authorities may not meet the requirements due to unanticipated circumstances and a degree of common sense should be applied.

The Welsh Government response

In light of the consultation responses, whilst we agree in principle to the proposal, the Welsh Government is minded not to pursue a regulatory change but to strengthen the statutory Schools Causing Concern Guidance emphasising the Welsh Ministers powers to direct a shorter period if needed and to recommend that whilst the statutory timescale for production

of the written statement is 10 days, it is good practice for local authorities to work towards production of the statement in 5 days.

Question 3

Should the wording in paragraphs 7.23 and 7.26 of the *Schools Causing Concern guidance* (Welsh Government, 2016) be used to reflect the change in the timescale for production of the local authority’s post inspection action plan?

Yes	No	Not sure	No comment	Total
5	1	3	0	9
56%	11%	33%	0%	100%

Summary analysis

The majority of respondents support the proposed wording in paragraphs 7.23 and 7.26 of the Schools Causing Concern guidance which reflect that Estyn will be introducing greater flexibility into the process for monitoring schools causing concern.

One respondent who was unsure requested further information to be provided to support why the change was needed.

The respondent that did not support the proposed wording suggests that it is more focused on making inspection more convenient for Estyn than improving the process, it is not clear how the change to the process would assist schools to be removed from statutory category, removes clarity about the monitoring system, and allows Estyn to much discretion of when it visits a school.

The Welsh Government response

As the majority of respondents support the proposed wording, changes to the guidance will be made accordingly. The wording does not impact on the timing of the local authorities’ written statement but reflects the changes Estyn will make to inspection arrangements to allow providers in follow up to receive more flexible support to help them make positive changes faster. Estyn will ensure that inspection resources are used most effectively to help support improvement in schools.

Question 4

The Welsh Government would welcome your thoughts on a general refresh of the *Schools Causing Concern guidance*. When providing your comments, please specify the section and paragraph numbers of the guidance you are referring to.

Summary analysis

Respondents provided a number of suggestions/changes to wording throughout the guidance.

The Welsh Government response

The majority of the suggestions have been accepted and changes will be made as follows:

- Emphasise that work on a schools action plan should commence as soon as a school is made aware that it is a cause for concern.

- Make clear that schools and local authorities should be working together promptly regarding their plans.
- Highlight the provision available and include the process involved to enable Welsh Ministers to direct a shorter period for preparation of the local authority written statement of action.
- Recommend that whilst the statutory timescale for production of a local authority written statement is 10 days, it is good practice for authorities to work towards production of the statement in 5 days to quicken the pace of improvement.
- Highlight that a newly qualified teacher (NQT) may not serve their induction period in a school in special measures.
- Strengthen the message around the use of Welsh Ministers powers of intervention and communication with local authorities where a school has been in special measures for 2 years or more and progress has been too slow.
- Reflect the flexibility of Estyn’s monitoring arrangements.
- To reflect that in the case of a voluntary aided school that is in a statutory category, the relevant diocesan bodies will also receive a copy of the report on progress following an Estyn monitoring visit.
- To reflect the recommendations of the Donaldson report ‘Successful Futures’ regarding accountability measures when they are implemented and ways of identifying schools causing concern
- Clarify the roles and responsibilities of the parties involved and emphasise that the statutory responsibility for intervening in schools rests with local authorities.
- Explain what is meant by intelligent use of data.
- Clarify the process involved in complaining to Welsh Ministers if a school feels that a warning notice has been issued inappropriately.
- Some general word changes and clarification in places.

Question 5

We would like to know your views on the effects that the proposed changes would have on the Welsh language, specifically on:

- I. Opportunities for people to use Welsh**
- II. Treating the Welsh language no less favourably than the English language**

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Summary analysis

Five of the respondents did not provide any comments in relation to this question. Two considered that the proposals would not have any impact on the Welsh language in anyway. The other two felt that expecting local authorities to turn around their action plans in a shorter time period may impact on the ability of those plans to be made available bilingually.

The Welsh Government response

With reference to the response to question 2, the Welsh Government will not be pursuing a regulatory change to reduce the time period for production of local authority statements of action but will emphasise in the statutory Schools Causing Concern Guidance that it is good practice for local authorities to work towards production of the statement in 5 days.

Question 6

Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- I. **Positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language**
- II. **No adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language**

Summary analysis

Seven respondents did not provide any comments in relation to this question. One respondent commented that the proposed policy would not impact either positively or negatively on opportunities for people to use the Welsh language. Another felt that the proposals did not need to be changed but suggested that wider consideration should be given to training the whole workforce to help ensure that they are empowered to deliver 1 million Welsh speakers by 2050.

The Welsh Government response

Welsh language issues were fully considered during the formulation of this policy. The responses to the consultation did not raise any issues that require the policy to be changed with respect to the Welsh language.

Question 7

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them.

Summary analysis

Six respondents did not provide any comments.

One respondent was concerned that the notice period for inspection of schools has been shortened which causes issues for diocesan authorities to run concurrent inspections for faith schools and/or to make arrangements for diocesan officers to be present at Estyn inspection feedback sessions. Under current legislation, a church school has not been fully inspected until both inspections are complete.

One respondent was concerned with Estyn's failure to recognise that the proposed changing of the meaning of the 'adequate' judgement to 'adequate, needs improvement' to signify a failure is insulting to the hard work and effort of the school workforce.

Another referred to the reforms taking place in Education and felt that a regular review and evaluation of Estyn is required on an ongoing basis. The respondent asks whether the inspection processes are working for those schools in a statutory category and does the system align with the other key school improvement policies. The respondent suggests that Estyn and the inspection process needs to also operate in a completely different way to prove that it is fit for purpose.

The Welsh Government response

Estyn and the role it plays is integral to the successful delivery of our education reform agenda. Estyn supports the direction of travel set out in Successful Futures and is very much involved with various aspects of the curriculum development. The Inspectorate wants to ensure that inspection remains fit for purpose and that they are proportionate, flexible, streamlined and cost effective. This is why Estyn is changing its inspection arrangements to help drive improvement and support innovation.

As Estyn is an independent body, any queries or concerns regarding inspection arrangements should be addressed directly to the Inspectorate for its consideration.

Annex: List of respondents

1. Estyn
2. NUT Cymru
3. Catholic Education Service
4. ATL Cymru
5. Education Workforce Council
6. UCAC
7. ASCL Cymru
8. NASUWT Cymru
9. NAHT Cymru

