

Inspection Matters

Issue No 12

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Information about inspection arrangements

Relevant to: Inspections of schools and pupil referral units

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1 General

1.1 Estyn 2010 conversion training for school inspectors

All independent inspectors currently on Estyn's database will be required to undertake conversion training during summer term 2010 if they wish to inspect in the new cycle from September 2010. Inspectors who do not attend and fully complete the conversion training will not be eligible to inspect from September 2010 onwards, and will be removed from Estyn's list of enrolled inspectors. We will write to inspectors with more details and invite them to apply for the training once the arrangements have been finalised.'

1.2 Appendix 5 of Section 28 Inspection Reports: Defining the role of the Nominee

Appendix 5 of Section 28 inspection reports give details of the roles and responsibilities of the inspection team. Reports currently show a very wide variation in the way the role of the nominee is defined, ranging from a detailed description to no reference.

From now on Appendix 5 should give the name of the nominee and under the **Responsibilities** column simply state 'nominee'.

1.3 Guidance on Estyn inspections during a flu pandemic

Introduction

The government advises that, wherever possible, business should operate as usual during a flu pandemic. Estyn will remain operational during a flu pandemic unless staff shortages or other local factors, such as a failure in the transport networks or critical infrastructure, make it impossible to continue operating. Estyn has business continuity plans in place that would be activated as and when a pandemic escalates in severity.

This guidance sits within the context that there will be no suspension of Estyn's wide ranging statutory inspection and reporting responsibilities and the requirement for providers to continue to operate in compliance with those statutory responsibilities.

Estyn's response to the current flu pandemic will need to be reviewed and where necessary changed as the pandemic evolves and further information becomes available or the impacts are better understood.

Principles

Estyn will be guided by the following principles in recognition of the likely pressures on providers and on itself in managing its own resources in a pandemic:

- minimising the harm that a pandemic could cause;
- working together;

- keeping things in proportion; and
- flexibility.

Inspection work and additional activities

In carrying out its work, Estyn will seek to maintain its current inspection patterns and methodology. Estyn will manage the work responsibly within changing circumstances. Should the current flu pandemic escalate, a judgement will be made in each case about the appropriateness of visiting a provider.

We will expect providers to continue to operate in compliance with statutory responsibilities and Estyn's inspection framework. We also expect that any supplementary advice about regulations from WAG or advice from the Chief Medical Officer or other public health bodies will also be taken into account.

If a decision is made not to visit a provider this will be formally communicated to the provider with a requirement that learners and parents (where applicable) are informed.

We will apply the same approach to our additional activities, including the investigation of complaints, monitoring and survey visits and registration visits for independent schools.

Questions and Answers on the flu pandemic

Schools/colleges/careers companies/ACL and WBL providers

Q1 *There are a number of pupils/learners/staff absent because of the flu pandemic. Will the inspection go ahead?*

A This would be considered on a case-by-case basis and the outcome would depend on the actual numbers of absentees. Where there are significant numbers of learners or members of staff absent, Estyn will consider one of the following.

Estyn may:

- defer the inspection and reschedule in consultation with the school/provider/contractor;
- go ahead but take into account the absences and set judgments in the context of the current situation; or
- reduce the number of days for inspection.

Q2 How will inspectors make a judgement on attendance where a provider has been affected by the flu pandemic?

A In inspecting attendance, where the flu pandemic is the major cause of absence, previous patterns of attendance will be taken into account. In addition, the report will clearly explain the context of the inspection.

Local Authorities

Q3 We have a number of schools due to be inspected and all are affected both in terms of staff and pupil absences. Will the inspections go ahead?

A Please see Q1 above.

School Inspection Contractors

Q4 What will happen if the school we are due to inspect is closed because of the flu pandemic?

A Estyn will advise contractors of the school closure and ask them to contact the school/LEA as soon as possible to arrange alternative dates for the inspection.

Q5 What if members of the team I wish to deploy on inspection are unwell and cannot be used?

A As a contractor, you have a contractual responsibility to carry out the inspection and we would expect you to find suitable replacements for the inspection team and inform Estyn of the revised inspection team. However, if this is not possible then we would expect you to inform Estyn immediately and contact the school/LEA to agree alternative dates for the inspection.

Inspectors

Q6 I have a contract as an Additional Inspector. What happens if the inspection I am due to take part in is cancelled?

A In accordance with section 23 of your contract, Estyn has the right to terminate the contract under certain circumstances.

Section 23.5 states ‘Should the services not be required at the time of the inspection due to circumstances beyond the control of Estyn, then the Contract will be terminated and Estyn will not be liable for any payment to the Contractor.’

Q7 I am a Foundation Phase Inspector. What happens if I’m ill on the day of inspection or the setting is closed due to the flu pandemic?

A You have a contractual responsibility to carry out the inspection. We would expect you to renegotiate with the setting and agree suitable revised dates for the inspection as soon as possible. You should inform Estyn of the revised inspection dates.

Q8 *I work in a provider that has a number of absent learners due to the flu pandemic. Will I be able to go ahead as the peer assessor on an inspection?*

A You should attend the inspection unless you are not well enough to do so.

You should make sure you are familiar with the symptoms of the flu pandemic and if you develop symptoms, stay at home and inform Estyn (02920 446446) and, if appropriate, inform the Contractor/Registered Inspector of your unavailability.

Further information

Further information including health advice can be found at the Welsh Assembly Government website at www.wales.gov.uk, the NHS Direct Wales website www.nhsdirect.wales.nhs.uk, the National Public Health Service for Wales website at www.nphs.wales.nhs.uk and the Health Protection Agency website at www.hpa.org.uk.

You can also call the Swine Flu Information line on 08001 513 513 for recorded information, or NHS Direct Wales on 0845 46 47 for health advice.

2 Foundation Phase

2.1 Non-maintained settings eligible for education funding

Inspectors are reminded that if there are five children or fewer in a setting then they should report only on the provision that the setting is making in order to enable the children to achieve high standards. The rule is that if there are five children or fewer in a setting, inspectors should report only on provision in each Area of Learning. The reason for this is to do with data protection. If there are six children or more, inspectors should then report on standards in each area of learning.

2.2 Religious education in the Foundation Phase (reception children)

We have re-worded the advice in Inspection Matters 11, April 2009:

'Inspectors should expect to see planning for religious education in reception classes. This may be delivered through thematic or topic work, providing that it is clearly identifiable as religious education.'

Additional guidance

Inspectors should make sure that religious education provision for reception children is in accordance with the locally Agreed Syllabus (for Voluntary Controlled Schools and Community Schools) and that the Foundation Phase curriculum is appropriately balanced across all Areas of Learning **and** religious education.

If under-fives is an inspection area, inspectors must make sure that there is specific reference to children's standards in religious education in the most appropriate Area of Learning. Inspectors should be mindful of the fact that that religious education is distinct from cultural diversity and personal and social development. Included below is an extract from a recent inspection report as an example:

Knowledge and understanding of the world

'In religious education both nursery and reception children begin to realise that people have different beliefs and practices that affect their values and behaviour. They learn about some of these through stories and role-play.'

2.3 Infant class sizes

Inspectors should be mindful of the fact that increased staffing in infant classes, particularly reception classes, does not mean that infant classes can exceed 30 children for one qualified teacher¹. However, certain types of children ('excepted pupils') can be discounted for the purposes of judging whether or not the limit of 30 is exceeded. These are:

- a children whose statements of special educational needs specify that they should be educated at the school concerned, and are admitted outside a normal admission round;

¹ The Education Act (Infant Class Sizes) (Wales) Regulations 1998

- b children initially refused admission but subsequently offered a place outside the normal admission round by the direction of an admission appeals panel, or because the person responsible for making the original decision recognises that an error was made in implementing the school's admission;
- c children who cannot gain a place at any other suitable school within a reasonable distance of their home because they move into the area outside a normal admission round;
- d children for whom education at a school which is Welsh speaking is desired where the school concerned is the only such school within a reasonable distance of their home;
- e children who are registered pupils at special schools, but who receive part of their education at a mainstream school; and
- f children with special educational needs who are normally educated in a special unit in a mainstream school, but who receive part of their lessons in a non-special class.

The Education (Infant Class Sizes) (Amendment) (Wales) Regulation 2009 adds three further categories of 'excepted pupils' as follows:

- g looked-after children admitted outside the normal admission round;
- h pupils admitted outside the normal admission round for whom education at a school of a particular religious denomination is desired and where the school concerned is the only school within a reasonable distance of the pupil's home; and
- i reception age pupils admitted outside the normal admission round where the admission number applying for that year group has not previously been reached.

The Education (Infant Class Sizes) (Amendment) (Wales) Regulation 2009 also modifies the existing exception category relating to those seeking a Welsh-medium (d) education apply to all infant year groups (and not just reception).

If inspectors judge that the school is exceeding the infant-class size, after considering any 'excepted pupils', then they should:

- make a statement in the report to that effect; and
- Make a recommendation in the report that the schools should meet this statutory requirement.

The grade for KQ5 will not necessarily be affected in such cases unless the additional numbers of pupils in an infant class impact negatively on standards and the quality of provision.

3 Inspection issues for primary schools

3.1 The role of curriculum co-ordinators and subject leaders in primary schools

The following represents an update to the advice we issued in 'Inspection Matters 11', issued in April 2009. The update now reflects, in full, the provisions of the 'School Teachers' Pay and Conditions Document 2009' (STPCD).

When inspection teams are coming to judgements about the roles of curriculum co-ordinators and subject leaders in primary schools, they must keep in mind whether the post-holder is in the leadership group or in a post that attracts a teaching and learning responsibility (TLR).

The statutory position in respect of awarding TLRs can be found in paragraph 21 of Section 2 of the STPCD with further statutory guidance in paragraphs 78 to 80 of Section 3 of the Document.

3.2 Guidance for Registered Inspectors on using the All Wales Core Data Sets in inspections of primary schools, 2009-2010

Registered Inspectors should have received the following information by post at the end of September. This information is reproduced here to ensure that all inspectors are aware of the new **All Wales Core Data Sets** and how Estyn expects inspectors to use them in inspections.

The Welsh Assembly Government reviewed the National Pupil Database (NPD) in 2008 and as a result decided not to develop the NPD in its current format further. The NPD has been unavailable since 31 August 2009 and a new database is being developed for 2010. In the meantime the 'All Wales Core Data Set' is being prepared to provide analyses of national curriculum levels and external examination results. These extensive reports will also support the School Effectiveness Framework.

In addition, schools are also provided with comprehensive guidance notes to help them to use the packs effectively. We have now been provided with copies of the data packs and are sending them to contractors for all schools being inspected this term. Packs for schools being inspected in the spring and summer terms will be sent out at the usual time.

In coming to a judgement on KQ1 inspectors should continue to consider the same analyses of performance that are outlined in Annex 7 of the current guidance handbook. However, there are aspects of the data packs that should be considered:

Families of schools

All schools are being placed into families of around 10 schools according to the challenges they face. A three stage process of grouping is being used according to:

- 1 linguistic delivery;
- 2 to size (primary schools only);
- 3 to contextual profile.

The contextual profile takes account of levels of Free Schools Meals, the Welsh Index of Multiple Deprivation, levels of pupils with Special Educational Needs and the proportion of the school population from ethnic minority backgrounds.

The intention is that schools will get to know their family members and be able to compare their performance, strengths, weaknesses and progress with other schools who face similar challenges.

Inspectors should continue to consider and report on a school's performance compared to similar schools on the free school meals benchmark quarters. However, they should also take into account the school's performance relative to its family of schools and report if there is a discrepancy between these different comparisons.

Performance on the expected level plus one

The data packs also contain analyses of the percentage of key stage 1 pupils gaining level 3 and the percentage of key stage 2 pupils gaining level 5 in each of the core subjects. This includes graphs comparing the school's performance on level 3 or level 5 with other schools in their family. Inspectors should compare this with similar graphs for the percentage gaining level 2 or level 4. If there is a difference in school's performance on the two levels in a key stage in any core subjects this should be commented on.

Small schools

Specific issues may arise in the inspection of small schools. A small year group can cause fluctuations year on year since each pupil counts for a significant proportion of the cohort. This is just as likely to improve performance as to depress it and is not a reason for under attainment. However, small primary schools could change fsm benchmark quarters more often than other schools and inspectors should allow for this in writing any commentary. But to be in the 4th quarter year on year is an important shortcoming in these schools just as it is for larger schools.

The size of a school is one of the criteria we will use to create families of schools. In small schools, therefore, it is particularly important to also compare the school's performance with others in its family.

4 Inspection issues for secondary schools

4.1 Guidance for Registered Inspectors on using the All Wales Core Data Sets in inspections of secondary schools, 2009-2010

Registered Inspectors should have received the following information by post at the end of September. This information is reproduced here to ensure that all inspectors are aware of the new **All Wales Core Data Sets** and how Estyn expects inspectors to use them in inspections.

The Welsh Assembly Government carried out a review of the National Pupil Database in 2008 and as a result decided not to develop the NPD further in its current format. The current NPD has been unavailable since 31 August 2009 and a new National Pupil Database is being developed for 2010. In the meantime the 'All Wales Core Data Set' is being prepared to provide analyses of national curriculum levels and external examination results. These reports will also support the School Effectiveness Framework.

These are extensive packs of information. In addition, schools are also provided with comprehensive guidance notes to help them to use the packs effectively. We have now been provided with copies of the data packs and are sending them to contractors for all schools being inspected this term. Packs for schools being inspected in the spring and summer terms will be sent out at the usual time.

A copy of the newsletter giving further information on these packs is attached in Appendix 1.

In coming to a judgement on KQ1 inspectors should continue to consider the same analyses of performance that are outlined in Annex 7 of the current guidance handbook. However, there are aspects of the data packs that should be considered.

Families of schools

All schools are being placed into families of around 10 schools according to the challenges they face. A three stage process is being used:

- 1 grouping according to linguistic delivery;
- 2 grouping according to size (primary schools only);
- 3 grouping according to contextual profile.

The contextual profile takes account of levels of Free Schools Meals, the Welsh Index of Multiple Deprivation, levels of pupils with Special Educational Needs and the proportion of the school population from ethnic minority backgrounds.

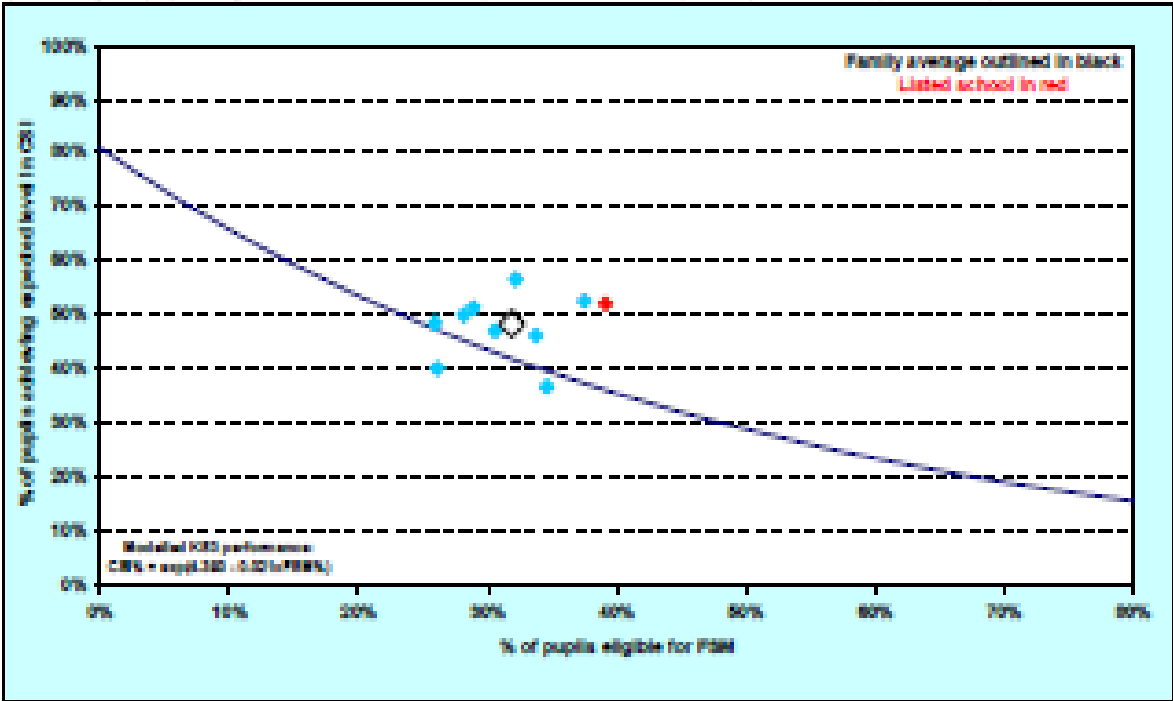
The intention is that schools will get to know their family members and be able to compare their performance, strengths, weaknesses and progress with other schools who face similar challenges.

Inspectors should continue to consider and report on a school's performance compared to similar schools on the free school meals benchmark quarters. However, they should also take into account the school's performance relative to its family of schools and report if there is a discrepancy between these different comparisons.

Additional key stage 3 analyses

Key stage 3 data packs contain a graph indicating the CSI performance in relation to FSM entitlement for the family of schools (see example below). The line represents the statistical model calculated from the performance of all schools in Wales in 2008 and may be used to estimate the 'expected' performance of a school given its FSM entitlement. A school whose actual performance matched its expected performance would sit on the line. The position of a school indicates whether pupil outcomes are higher than expected (above the line) or lower than expected (below the line). The further from the line the greater the difference from expected performance. The individual school is indicated in red.

Chart 12a: Family comparison - percentage of pupils achieving the expected level in the Core Subject Indicator (CSI) vs percentage of pupils eligible for FSM in 2008, compared to modelled expected performance (2008 model)



The line represents the 2008 model of CSI performance against FSM entitlement and can be used to approximate an expected level of performance or a 'benchmark comparison' for each FSM entitlement rate. Points below the line indicate lower than expected performance; points above the line indicate higher than expected performance. The relationship is relatively strong and consistent year-to-year, but should not be interpreted as a target for future years' performance.

The majority of free school meal benchmark groups have a range of 10 percentage points or more. This graph compares a school's performance at its specific FSM value and may give a different perspective, particularly for schools with high or low FSM within their benchmark group. If this is the case it should be commented on.

At key stage 4 similar graphs will be provided for the average wider points score and the percentage of pupils gaining the level 2 threshold including English or Welsh first language and mathematics at KS4.

Performance on the expected level plus one

The KS3 data packs also contain analyses of the percentage of pupils gaining level 6 or above in each of the core subjects. This includes graphs comparing the school's performance with other schools in their family. Inspectors should compare this with similar graphs for the percentage gaining level 5 or above. If there is a difference in school's performance on the two levels in any core subjects this should be commented on.

4.2 Secondary update training course: delegates' manual

Following the secondary update training courses held in the summer term, we would like to clarify that the bullet points in document 5, of the delegates' manual, titled 'Key Skills in the new Subject Orders' is not a prescriptive list. The possible contexts where the application of key skills could be observed across various subjects in the secondary phase were taken from a variety of sources, not solely from subject orders. This should not be used as a checklist or to distort the nature of the subject. We emphasised in the training course that developing key skills should complement rather than take precedence over subject skills.

4.3 Learning and Skills (Wales) Measure 2009

The Learning and Skills (Wales) Measure received Royal Assent on 13 May 2009 and is now law. Commencement dates for each section of the Measure will be announced in autumn 2009. The Measure aims to develop further the implementation of Learning Pathways in Wales, and to ensure that the widest possible choice is available to all learners in schools and colleges.

The Measure creates a right for learners aged 14-19 to follow a course of study from a local curriculum. It also places a duty upon local authorities, schools and further education institutions to co-operate to ensure that young people have access to a wider choice of options that is better suited to their individual needs. This wider choice is offered at key stage 4 and at post-16.

In addition, the Measure will ensure that, through their Learning Pathways, young people are able to access a range of learner support services through a learning coach, personal support services, and careers advice and guidance.

Inspectors need to be aware of the main aims of the legislation, and especially the:

- number and type of courses that need to be offered at key stage 4 and post-16;
- phasing in of the legislation by age and local authority area;
- requirement for co-operative working; and
- attention to the coverage of the learning coach function.

There will also be regulations and guidance that explain how the law will be implemented. These will set out the number of choices and the way that the

requirements will be implemented over time and in different parts of Wales. This will eventually replace the guidance in *Learning Pathways 14-19 Guidance II*, published in April 2006 (NAfW Circular 17/2006)

The proposed arrangements for the number of choices that have to be offered in key stage 4 are shown in Table 1.

Table 1: Key stage 4 – number of courses and local authority bands

Year	2009	2010	2011	2012
Band A	28	30	30	30
Band B	26	28	30	30
Band C	24	26	28	30

The number of courses above will be those at level 2, including a specific number of vocational courses at level 2, for example it will be three vocational courses where the overall number is 24, four vocational courses where the overall number is 26 and 28, and five vocational courses where the overall number is 30. This entitlement aims to broaden current practice, particularly in relation to vocational provision at level 2 for learners at key stage 4, and to encourage the view that vocational programmes are of equal value to general or academic courses.

Local authority areas are assigned to one of three bands. Each band will represent progression towards achievement of the full minimum entitlement by a 2012.

Table 2: Local Authority Banding

Band A	Band B	Band C
Blaenau Gwent	Carmarthenshire	Anglesey
Caerphilly	Neath Port Talbot	Bridgend
Cardiff	Pembrokeshire	Ceredigion
Denbighshire	Rhondda Cynon Taff	Conwy
Monmouthshire	Torfaen	Flintshire
Newport		Gwynedd
Swansea		Merthyr Tydfil
Vale of Glamorgan		Powys
Wrexham		

A staged implementation will proceed by year group as shown below:

- September 2009 Year 10 (non-statutory);
- September 2010 Years 10 & 11 (statutory);
- September 2011 Years 10, 11 & 12 (statutory); and
- September 2012 Years 10, 11, 12 and 13 (statutory).

At post-16 learners are entitled to at least 25 AS/A level courses and 5 vocational courses at level 3. Local curricula arrangements for post -16 allow for the inclusion of level 1 and level 2 courses.

The local curriculum or local curricula will contain a wide range of options.² Learners will have an entitlement to elect to study from a minimum number of courses which will include both academic and vocational routes. In making such elections learners will require advice, guidance and support so that they are confident in having made the right choice.

A local curriculum or curricula at Key Stage 4 would normally consist of courses offered to learners that are available:

- at their registered school; or
- through partnership and co-operation with other providers such as schools, FE colleges and private training providers.

You will find full details of the Measure at

http://www.assemblywales.org/e_learning_and_skills_wales_measure_as_passed_pc_version.pdf

Implications for inspection

From September 2009, schools will be offering courses that meet the requirements of the Measure. Although the provision is non-statutory in 2009, you will need to consider how well the school meets the requirements. You will need to ensure that when you look at the key stage 4 curriculum you consider whether:

- the right number of courses are available for the band the school is placed in;
- the right number of vocational courses are available at level 2;
- the vocational courses match local needs and circumstances;
- the courses offer progression to the next stage of learning, for example that there is clear progression from a level 2 course to a level 3 course, although this course need not be in the school's own sixth form;
- the courses are available and accessible to all learners, for example, access to some learners may be constrained by the structure of the option scheme; and
- the offers made to learners are genuine, in that courses that are offered actually take place, while those that are offered and do not take place do so for an acceptable reason.

² There may be more than one local curriculum in a local authority area, for example where the authority is organised into several different clusters of schools and colleges.

You need to bear in mind that from September 2010, the curriculum is statutory for both Year 10 and Year 11. This means that the non-statutory curriculum that Year 10 learners follow in September 2009 becomes statutory when they start Year 11 in September 2010.

You should also consider how well the school has worked with other providers in order to broaden the curriculum. The Measure places a duty on schools to take all reasonable steps in order to maximise the availability of the courses. In trying to maximise provision, schools must seek to co-operate if co-operation would offer pupils a greater range of courses.

You need to report on the issues concerned with the curriculum in Key Question 3: How well do learning experiences meet the needs and interests of learners and the wider community? You may comment on partnership working in this key question, but you will also need to comment on this issue in Key Question 5: How effective are leadership and strategic management? Here you will need to consider the role of the governors as well as the headteacher and other senior managers.

The Measure also enhances the role of the 'support for learners' elements of Learning Pathways 14 -19 and you will need to consider how well the school:

- provides, secures the provision of, and participates in the provision of learner support services;
- provides learners with a document that records their learning pathway (a 'learning pathway document'); and
- ensures that information and advice are presented in an impartial manner.

Information and advice must be for the purpose of promoting the best interests of learners and must not seek to promote the interests of any particular school, institution or person to the detriment of the learner receiving the advice.

You need to report on the issues concerned with support for learners in Key Question 4: How well are learners cared for, guided and supported?