

## Equalities in the Ofsted framework, 2012

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### **The legal background**

Ofsted is bound by the public sector equality duty (PSED) of the Equality Act 2010, as are all public bodies, and consequently is required to have due regard for equalities in the inspections which it conducts and the reports which it writes.

Ofsted's responsibility in this respect was formally confirmed in a ministerial statement in the House of Lords in July 2011: '[The duty] commits the inspectorate to playing its part in promoting equality and eliminating discrimination, including through its inspection activity' (Hansard column GC492, 20 July 2011).

This paper consists mainly of extracts from documents issued by Ofsted in late September 2011. It shows how Ofsted intends to inspect and report on equalities from January 2012 onwards.

The legal basis for the framework as a whole is laid down in Section 5 of the Education Act 2005, and in Clause 40 of the Education Act 2011.

At the end of the paper there is a quotation from a statement about community cohesion by Nick Gibb MP in the House of Commons on 31 March 2011, showing Ofsted's approach to inspecting how schools fulfil their duty under the Education and Inspections Act 2006 to promote community cohesion.

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### **Four aspects of equalities in education**

In documentation issued at the end of September 2011 Ofsted indicated it would inspect equalities in schools in four principal ways:

- by considering the extent and nature of gaps in attainment and participation between pupils belonging to protected groups and other pupils, and what schools are doing to reduce or remove such gaps
- by considering the extent to which there are good relations between different groups, as reflected in, for example, low levels of prejudice-related bullying and incidents
- by considering the extent to which pupils from certain backgrounds are disproportionately affected by fixed-term and permanent exclusions
- by considering pupils' spiritual, moral, social and cultural development, particularly in relation to the skills and attitudes which enable them to participate fully and positively in democratic, modern Britain, and to understand and appreciate the range of different cultures within school and further afield.

The rest of this paper consists of verbatim extracts from Framework for School Inspection (FSI) and Evaluation Schedule (ES). They illustrate the four points itemised above, and also some other relevant points.

### **The range of pupils at the school**

'Inspectors must ... consider the pupils' spiritual, moral, social and cultural development at the school; and the extent to which the education provided by the school meets the

needs of the range of pupils at the school, and in particular the needs of disabled pupils and pupils who have special educational needs.’ (FSI, page 5)

### **Promoting equality**

‘School inspection acts in the interests of children, young people, their parents and employers. It encourages high-quality provision that meets diverse needs and promotes equality.’ (FSI, page 10)

### **Self-evaluation**

‘Inspection takes account of and contributes to a school’s self-evaluation. Inspectors evaluate the school’s self-evaluation and, by doing so, contribute to its further improvement. The quality of self-evaluation is a good indicator of the calibre of the school’s leaders and managers and of the school’s capacity to improve.’ (FSI, page 11)

### **Gaps in attainment and participation**

‘Inspection is primarily about how individual pupils benefit from their school. It is important to test the school’s response to individual needs by observing how well it helps all pupils to make progress and fulfil their potential, especially those whose needs, dispositions, aptitudes or circumstances require particularly perceptive and expert teaching and/or additional support. In any particular school, such pupils may include:

- disabled pupils and those who have special educational needs
- boys
- girls
- groups of pupils whose prior attainment may be different from that of other groups
- those who are academically more able
- pupils for whom English is an additional language
- minority ethnic pupils
- Gypsy, Roma and Traveller children
- looked after children
- pupils known to be eligible for free school meals
- lesbian, gay and bisexual pupils
- transsexual pupils
- young carers
- pupils from low income backgrounds
- other vulnerable groups.’ (ES, page 5)

### **Narrowing and removing gaps**

‘Inspectors will evaluate how well gaps are narrowing between the performance of different groups of pupils in the school and compared to all pupils nationally; and how well disabled pupils and those who have special educational needs have achieved since joining the school.’ (ES, page 6)

### **Behaviour and safety of pupils**

‘Inspectors will evaluate:

- pupils’ behaviour towards, and respect for, other young people and adults, including freedom from bullying and harassment that may include cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability

- how well teachers manage the behaviour and expectations of pupils to ensure that all pupils have an equal and fair chance to thrive and learn in an atmosphere of respect and dignity.’ (ES, page 15)

‘Inspectors must take into account a range of evidence to judge behaviour and safety over an extended period and should consider:

- types, rates and patterns of bullying and the effectiveness of the school’s actions to prevent and tackle all forms of bullying and harassment, including cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability
- the views expressed by pupils, and different groups of pupils, on behaviour and safety, respect for, and courtesy towards others and their views on harassment, racism, homophobia and different types of bullying.’ (ES, page 15)

### **Pupils’ views and perceptions**

‘Inspectors must take into account the views expressed by pupils, and different groups of pupils, on behaviour and safety, respect for, and courtesy towards others and their views on harassment, racism, homophobia and different types of bullying.’ (ES, page 15)

### **Exclusions**

‘Inspectors must take into account rates and patterns of permanent and fixed-period exclusions, including those for different groups of pupils.’ (ES, page 16)

### **Leadership and management**

‘Inspectors should focus on how effectively leaders and managers at all levels enable pupils to overcome specific barriers to learning and promote improvements for all pupils and groups of pupils in the context of the individual school.’ (ES, page 19)

### **Spiritual, moral, social and cultural development**

‘Inspectors must consider how well the school promotes all pupils’ spiritual, moral, social and cultural development by providing positive experiences to develop the skills and attitudes to enable them to participate fully and positively in democratic, modern Britain, and understand and appreciate the range of different cultures within school and further afield as an essential element of their preparation for life.’ (ES, page 23)

## **Appendix: Statement about community cohesion by the Minister of State, Department for Education, House of Commons, 31 March 2011**

**The Minister of State, Department for Education (Mr Nick Gibb):** Clause 40 seeks to focus inspection on the core business of a school, in other words on pupils’ achievement, the quality of teaching, behaviour and safety and, of course, its leadership and management. I am not saying that those are the only things that matter, but they are the most important.

Amendment 165 would place an additional requirement on the chief inspector to report on a school’s contribution to community cohesion. I and other Government Members agree that community cohesion is important, but we do not accept that it should be one of the core areas for which schools are held to account through routine Ofsted inspections. As the chief inspector commented to the Committee earlier in March:

‘We welcome the narrower focus on the four areas, because it gives us a chance to build on what we have been doing and to narrow the focus and look deeply, particularly at teaching and learning. Having to cover community cohesion separately would diminish that aspect and detract from it.’

I draw the Committee's attention to another comment made by the chief inspector when giving evidence:

'I really do value that focus [on the four areas] even at the expense of an explicit judgment and grade on community cohesion. We will expect to see that the school community is a cohesive community, that children respect one another and behave with respect to one another and that their parents feel fully engaged in the school.'--[*Official Report, Education Public Bill Committee*, 1 March 2011; c. 76-78, Q141 and Q145.]

That statement by the chief inspector shows general support for narrowing the focus for inspection but, at the same time, demonstrates that important aspects of community cohesion will remain within scope.

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