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19 May 2017

our ref: CAO-379090

Please quote this reference
on future correspondence

Mr Peter Staddon
Headteacher
Curry Rivel Church of England VC Primary School
By email to: PStaddon@educ.somerset.gov.uk

Dear Mr Staddon

Complaint in respect of Curry Rivel Church of England VC Primary School

Thank you for your online complaint form and appendices submitted on 5 April 2017 regarding the inspection of Curry Rivel Church of England VC Primary School on 7–8 March 2017.

This investigation has been carried out on my behalf by an investigating officer who spoke with you on 27 April 2017 to discuss your concerns. The investigating officer has considered the inspection evidence recorded at the time of the inspection, responses from all inspectors and from the administrator, quality assurance of the inspection evidence by Her Majesty's Inspectors (HMI) and the factual accuracy check, together with documents you sent in support of your complaint.

In summary, this investigation has upheld one aspect of complaint relating to conduct and not upheld two aspects about conduct. No decision could be reached concerning one aspect of complaint relating to conduct. The investigation has not upheld two aspects of complaint about inspection processes.

During the telephone call, you agreed that you were no longer challenging the following aspect of concern: your telephone conversation with the inspection administrator about the date for publication of the inspection report. As a result, this issue is not included in this response.

Each aspect of your complaint, as clarified by you in your telephone discussion with the investigating officer on 27 April 2017, will be dealt with in turn. In line with Ofsted's published complaints policy, where appropriate, your concerns have been linked together for conciseness and clarity. However, please be assured that although the response may not refer to all the details of the concerns you raise, these have all been carefully considered as part of this investigation.

Your concerns have been grouped for ease of reference under the main headings below.

1: Your concerns – complaints about conduct

1.1 Complaint about use of the room set aside for inspectors

You raise concerns about the conduct of the lead inspector: at the end of the inspection, he left the inspectors' room in a very untidy state, with pupils' books, 'spread across all surfaces, including the floor'. After he left the school, you found that the lead inspector had left behind a folder of his personal papers.

Investigator's view

During the conversation with the investigating officer, you discussed the folder and sent examples of pages from the papers it contained. You preferred not to return the folder of papers to Ofsted at that time because you felt it important to have concrete evidence about your concerns.

In response to your complaint, the lead inspector comments that a lot of books were left in the inspection team room because they belonged in school. He did not notice anything unusual about the condition of the room used by inspectors but accepts the point that it may not have been left in a tidy state.

Conclusion

It is regrettable that the school was caused any upset or inconvenience by inspectors leaving the room they were given, in an untidy state. The code of conduct requires inspectors to 'respect confidentiality'. It is unwise to take personal papers into a school inspection; none should be left in school, so this aspect of your complaint is upheld. On behalf of Ofsted, I would like to apologise for the room being left untidy and that personal papers were left in the room.

The folder of papers should not have been left behind at your school but it is the property of Ofsted. In consultation with legal services at Ofsted, you should return the folder immediately on receipt of this response and by first class post to the address below:

Mark Lindfield
Senior Her Majesty's Inspector
Ofsted – South West Region
Temple Quay
2 Rivergate
Bristol BS1 6EH.

1.2 Complaint about dialogue with the lead inspector

You are concerned about the 'professional working relationship' with the lead inspector, and feel that ongoing dialogue was not in line with code of conduct for inspectors. For instance, you state that you were not properly informed about the possibility of a finding of requires improvement, by the end of 7 March 2017.

Investigator's view

Contemporaneous evidence shows that one-to-one meetings took place between you and the lead inspector. Meeting records show appropriate dialogue. For example, the lead inspector responded to questions and explained procedures for short inspection and conversion. Because the short inspection converted, the possibility of a judgement of requires improvement or inadequate would not be clear until into the second day of the inspection.

Team and lead inspectors' responses are consistent with recorded evidence. Team members recall that the lead inspector met you to keep in touch about how the inspection was developing, as well as via more formal meetings. The lead inspector and team inspectors refer to governors and senior staff thanking the lead inspector for a fair process which met expectations about conduct, and recorded evidence bears this out.

The lead inspector states that because the school had not been inspected for some years and the inspection framework had changed: 'I went out of my way to explain everything to the leadership team, invite them to meetings and offer joint activities'. He adds that the only time any dissatisfaction with his approach was expressed was when he was asked to feedback to the whole staff and said this was no longer inspection practice.

Conclusion

Records and account of inspectors show that sound ongoing dialogue took place, so this aspect of your complaint is not upheld.

1.3 Complaint that the lead inspector was impolite to school staff

You explain that a teacher was upset by the lead inspector's feedback which was 'personal'. Other teachers found the lead inspector's manner, 'patronising ... like a secondary teacher telling his pupils to be quiet'. They were offended by the inspector's gesture of raising his hand, 'to silence them when they were talking'.

Investigator's view

The code of conduct asks inspectors to act with 'courtesy, respect and sensitivity'. Team inspectors state firmly that, 'the lead inspector behaved completely professionally, treating everyone with courtesy and respect'. They saw no attempts to

'silence' people and heard no personal comments to staff. Meeting records show that senior staff and governors were asked several times if they had any concerns about conduct and they did not raise any. On the contrary, the lead inspector was thanked for 'fairness'.

Conclusion

It is regrettable that teachers felt patronised by anything the inspector did, as that was not the intention. Responses of team inspectors and the records of evidence give a clear, general picture which matches the code of conduct, so this aspect of your complaint is not upheld.

1.4 Complaint regarding deferral

You state that you, school senior leaders and governors are very upset about what you see as 'dishonesty' about deferral of inspection. Your concern is not that a deferral would have been approved – you are clear that circumstances do not match criteria in the inspection deferral policy published on Ofsted's website – but that you and senior school staff are not believed that a delay was requested several times. You focus on the lead inspector's responses about whether requests for deferral were made, so see this aspect of your concern as one of 'probity and competence'.

It is helpful to understand the situation on 6 March 2017 when the school was notified about the short inspection to take place the next day. You and some of the other senior school staff were on a residential trip with pupils in Years 4, 5 and 6. You explain that these pupils remained out of school for the two days of inspection. Pupils in key stage 1 were also out of school on the morning of 8 March 2017.

An Ofsted administrator made the initial notification call which was passed by the school office to the teacher in charge, who you describe as not long in post. She gave your mobile number and asked that you, as headteacher, deal with matters relating to inspection. You began to travel back from the residential and had problems getting a mobile signal. By about 4pm on the 6 March 2017, the lead inspector could reach you, to talk on the telephone about the inspection. Near the end of the school day on 7 March 2017, the lead inspector spent time with you to talk about conversion to a section 5 inspection.

After the inspection, when the draft report and factual accuracy check were available, you were prompted to complain because the lead inspector denied any request for deferral. In the meantime, information had unfortunately found its way into the local press. Your school and Ofsted issued press releases in response; Ofsted stating that deferral was not requested.

You describe being approached by parents who felt that natural justice was not being done. To them, pupils were not in school; you asked for the inspection to be put off, yet it went ahead. You state that you referred parents to the Ofsted policy about deferment but they were unconvinced by 'technicalities'. You add that it is

most upsetting for the honesty of school staff to be questioned, and damaging to the school's standing in the community.

You state that you and senior colleagues are adamant that three requests for deferral were made: in the initial notification call; when you first spoke with the lead inspector and at the meeting about conversion on 7 March 2017. The member of staff taking the initial call expressed surprise that an inspection could take place with so many children not present and said words to the effect of, 'surely it can be put off'. You described similar wording in your conversations on 6 and 7 March 2017 with the lead inspector. Your view is that these doubts should have been passed to the duty desk for HMI to decide whether inspection would go ahead.

Investigator's view

The situation appears to be one of misunderstanding which then escalated, not least with involvement of the media, with the best of intentions of people involved at your school and in Ofsted.

Records and accounts in Ofsted records are consistent; there is no formal request for deferral on record, before or during inspection. The administrator states that he responded to the wishes of the person in school taking the initial call. She was not confident to talk about inspection so no decisions or actions should follow from the call.

In response to your concerns, the lead inspector states that you and he discussed and agreed practical arrangements for inspection to go ahead, then the school made those arrangements. He explained that it was not unusual for inspections to take place with few pupils in school. Evidence recorded during the inspection bears out his account.

However, it is also clear that from you and your colleagues' point of view, your meaning was to ask for a delay because so many pupils were away from school, though without necessarily using the technical language of the deferral policy. Your written and verbal accounts are consistent and detailed, with many examples and illustrations.

A point on which everyone agrees is that Ofsted's policy would not have allowed deferment in your case, so the inspection would still have gone ahead. As put in simpler terms in the School inspection handbook: 'Normally, if pupils are receiving an education in the school, an inspection will go ahead' (paragraph 42).

Conclusion

In circumstances such as this where there are differing accounts of what was said or happened, it is often difficult for an investigation to reach a firm conclusion. This is not to believe or disbelieve the account of any party. However, on this aspect of your complaint, no decision can be reached.

The investigation at no point found any 'dishonesty' by the lead inspector. On the issues surrounding deferral, it is unhelpful to focus on the lead inspector because others were involved in various conversations and emails. No formal request for deferral came to the lead inspector. Issues described in your complaint escalated over time from before he was involved, to after his completion of the inspection.

2: Your concerns – complaints about the inspection process

2.1 Complaint that aspects of inspection guidance were not followed

You are concerned that the lead inspector did not follow certain details found in the inspection handbook: 'it was possible that the lead inspector was not aware that a newly qualified teacher was working at our school'. You state that he did not ask you about any competency issues, to inform which lessons to visit or not to visit. The lead inspector had no discussion with the local authority and there was no representative at the feedback meeting, despite the finding of requires improvement.

Your view is that the inspector did not comply with 'myth-busting' assurances given in the Ofsted School inspection handbook; inspectors should not have 'preferred formats'. The lead inspector was critical of aspects of the school's self-evaluation, which suggested to you that he had a format in mind. In a meeting, he said that teachers should give more written feedback to pupils, which contravenes the assurance by Ofsted that no type or volume of marking should be recommended by inspectors.

Investigator's view

Evidence recorded at the time of inspection refers to discussion about staff, including that there was a newly qualified teacher in school and any issues in teaching. Looking across the evidence base, this discussion guided classroom visits. Team inspectors recall being informed about these matters by the lead inspector.

Handbooks for section 8 (short) inspections and section 5 inspections refer to the headteacher contacting the local authority to, 'inform the local authority that the lead inspector may wish to speak with them during the inspection', and let them know about the feedback meeting, in the same way as headteachers are responsible for informing governors ('Handbook for inspection' – section 8, paragraph 72). Records of the inspection note that there was a request to you to make this contact. Another records a school comment that involvement of the local authority had been limited.

Records and responses of inspectors are coherent in showing that the lead inspector evaluated the quality of self-evaluation, but did not suggest a fixed style. On marking, all inspectors evaluated some marking practice as inconsistent with the school's policy. In a meeting, the lead inspector pointed this out and illustrated his

comments by referring to some effective school practice in mathematics. The comments recorded and in inspectors' responses, are legitimate in Ofsted terms.

Conclusion

There is recorded evidence that all inspectors were aware of matters about teaching in the school and of the lead inspector asking the school to contact the local authority. The inspector's comments on marking and self-evaluation did not run counter to guidance. Consequently, this aspect of your complaint is not upheld.

2.2 Complaint that there were weaknesses in gathering evidence

In your written complaint and on the telephone to the investigating officer, you stressed that you are not 'challenging the judgement' but are concerned about processes of gathering evidence and inspection management.

You state that inspectors over-relied on 'historic data' of admittedly 'weak' key stage 2 results in 2015 and 2016. Progress of current pupils was underplayed because most classes in key stage 2 were on a residential trip. Only Year 3 pupils were present. Inspectors looked at written work but this was limited to the work of 10 pupils. Children in early years and key stage 1 were in school for most of time. You think inspectors should have spent more time with them, to give 'balance' to the evidence-gathering and see the strong progress children and pupils make there.

Inspectors did not hear pupils reading in the way described in the handbook. You explain that parents expected individual children to meet inspectors with their reading books, out of classrooms, and were disappointed this not happen. You write that: 'the lead inspector observed no lessons, spoke to no children, and read with no children in the whole two days'.

Investigator's view

Evidence recorded during inspection shows that scrutiny of pupils' work covered all classes in the school and a range of subjects, as well as a more focused sample of the work of 10 pupils. All inspectors took part in evaluation of progress over time, including for pupils in key stage 2, using written work, school assessment information, classroom visits and discussions with staff. This formed a picture of coherent judgements shared by the inspection team and informing the report.

There was enough evidence to accept the school's evaluation that progress of pupils in early years and key stage 1 continues to good, as at the last inspection and shown in national data. Time on inspections must be prioritised. There is no requirement to gather the same amount of evidence about different age-groups. Short inspections follow specific 'key lines of enquiry', or evidence trails.

You are right in saying that pupils were not taken out of class to read to inspectors but there is evidence that inspectors observed pupils read in class. The handbook

makes it clear that there is no need to withdraw pupils from classrooms to hear them read but, 'wherever possible, inspectors should listen to children reading within a classroom or in an open area with which pupils are familiar' (paragraph 126). As part of the quality assurance process, the inspection evidence base was scrutinised by HMI in the region and found to meet requirements.

Rightly, gathering evidence on the second day was a team effort. Lead inspectors are not required to do a great deal of classroom observation in person; they may do if an inspection calls for it. It is not unusual for team members to focus on classroom visits while the lead inspector concentrates on leadership. Formal observation is one of several approaches in the inspection handbook, including, 'short visits to a number of lessons, spending a few minutes in each' (paragraph 66). This is often called a 'learning walk'. On this inspection, there are records of the lead inspector on a learning walk and of observations by the team, as well as extensive book scrutiny.

Conclusion

On a short inspection, evidence trails are followed, and this happened on the inspection of your school. The lead inspector explained that, early in the inspection, there was enough evidence to accept your self-evaluation of strong work with children and younger pupils. These explanations are on record. The inspection conversion did not alter this. Inspections of all types are based on sufficient evidence to make judgements, rather than on all possible evidence. The report recognises strengths in key stage 1 and finds early years to be good. Consequently, this aspect of your complaint is not upheld.

Summary

When aspects of a complaint are upheld, as in this case, we follow this up by discussing the issues with the relevant inspectors and their managers and we feed back the lessons learned from complaints such as yours to our inspection and policy staff in order that our processes can be reviewed and improved where necessary.

We apologise on behalf of Ofsted that aspects of the inspection gave you cause for complaint and hope that this response has explained matters. We would like to reassure you that we have investigated your concerns thoroughly and that they have been noted and appropriate action has been taken.

Thank you for taking the time and trouble to write to us on this matter.

If you are concerned with any aspect of the way in which your complaint has been handled, please refer to Ofsted's complaints procedure which is available on the Ofsted website at www.gov.uk/government/publications/complaints-about-ofsted

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will be used to improve our complaints handling process and improve the quality of our investigations and responses provided. The link to the form is here:
www.surveymonkey.com/r/Complaint-2

Yours sincerely

Mark Lindfield
Senior Her Majesty's Inspector
South West