

Early Education

Commentary on Ofsted's Draft Education Inspection Framework

Summary

Ofsted's attempt to focus on the curriculum rather than simply outcomes is welcome, not least for its attempt to counteract the unnecessary workload generated by collection of excessive progress data. However, there are a number of key concerns regarding the direction of travel of the new framework in relation to the Early Years Foundation Stage:

- 1. The significant differences between the Early Years Inspection Handbook and the Early Years section of Schools Inspection Handbook**
The EYFS Statutory Framework applies in the same way to schools and other early years providers. Given the increasing number of Reception-age children staying in other provision, and the growing number of 2-year-olds in schools, as well as 3- and 4-year-olds, it would be a matter of concern if different criteria or standards were applied based on the type of setting rather than the needs of the child.
- 2. The school inspection handbook talks about ensuring there is no narrowing of the curriculum from KS2. This gives the impression that Ofsted endorses a narrowing of the curriculum in the EYFS or KS1.** Narrowing the curriculum in the EYFS, whether to focus on literacy and numeracy or any other aspect of the curriculum, would be in contravention of the EYFS Statutory Framework, and any impression given by Ofsted that this is allowable or encouraged would therefore place contradictory demands on schools and settings.
- 3. Ofsted has acknowledged that it is not its role to tell schools or settings WHAT to teach. How does it square this with prescriptive statements within the handbooks which say inspectors will focus on particular aspects of the EYFS (mainly literacy and maths) rather than on the whole EYFS curriculum?** The Statutory Framework for the EYFS states that "All areas of learning and development are important and inter-connected."
- 4. Similarly, Ofsted has acknowledged that it is not its role to tell schools or settings HOW to teach. Yet the Schools Framework says, for example, (p261) that inspectors will consider how well "staff teach children to read systematically by using synthetic phonics and books that match the children's phonic knowledge" and "staff develop children's love of reading, through reading aloud and telling stories and rhymes". Use of systematic synthetic phonics is not even mentioned in the EYFS, and while it may be government policy to encourage its use in primary schools it is a concern that Ofsted appears to be introducing requirements about how to teach which are not part of statutory requirements.** By going beyond its remit in this way,

Ofsted is telling schools and settings how to teach, despite claims to the contrary.

- 5. How does Ofsted reconcile its commitment to reducing workload with including levels of detail about what and how to teach in its handbooks which go beyond the EYFS statutory requirements?** Expecting settings to familiarise themselves with a 40 page inspection handbook, and schools to get to grips with a 95 page handbook seems to go against the principle of reducing workload.

Detailed commentary

1. Divergence between the Schools inspection handbook and the Early years inspection handbook

We recognise that schools and other early years providers are governed by different statutory requirements for inspection, and that in the case of early years providers Ofsted has an additional role as a regulator as well as an inspector. However, early years providers and schools are subject to the same statutory requirements in respect of the EYFS, and it is important that these are inspected on the basis of equivalent criteria so that parents and carers can compare inspection reports between providers.

The current draft of the early years inspection handbook and the early years section of the schools inspection handbook bear little relation to one another. This is in part due to the former being split into four separate areas, as well as an overall judgement, while the latter is a single judgement. That might explain the same criteria being ordered differently but does not justify the case for entirely different criteria which are found in the two handbooks. A child's experience of the EYFS must be the same regardless of the type of setting in which they are receiving their early education entitlement. The nature of their experience must reflect children's ages and stages of development – including the entitlement of children who have not yet achieved a good level of development to continue to be taught through the EYFS in Year 1 when appropriate.

We understand that the section in the school handbook regarding 2- and 3-year-olds reflects the risk that school inspectors may not be early years specialists, and yet may find themselves inspecting provision for this age group in schools. However, it is not detailed enough to compensate for inspector's lack of knowledge and in some cases runs the risk of causing confusion for inspectors and providers and could lead to poor decisions by inspectors. It fails to give a clear understanding of the range of behaviours and abilities that 2- and 3-year-olds may display and what features constitute the quality of provision that they require in order to make good progress in their development and learning.

Specific concerns about this section are as follows:

1. This section mentions only the intent of the curriculum and not the importance of following children's interests or key person system in supporting children's development and learning. It systematically ignores the DfE's own research into quality in early years (SEED, 2017)
2. The list gives only a very vague idea of the language development of 2- to 4-year-olds, and fails to be specific about the features of quality interactions that inspectors should be looking for. It is impossible to identify outstanding provision without a clear criterion for this.
3. One statement refers to the emotional needs of young children ("*when children need comforting, and respond in an appropriate way that provides that comfort*") but this statement is insufficient as it does not clarify what is appropriate and does not mention the importance of practitioners co-regulating with young children to teach and support the development of emotional regulation or self-regulation. Inspectors without EY training (most of them) will not have the knowledge to judge what is appropriate or not.
4. A few lines later, the handbook includes the following ambiguous phrase: "*(staff are) not reactive when children display a tantrum.*" It is not clear whether inspectors are being asked to view this as a positive or negative response, although as all the statements in the list are positive, it suggests the former. It would in fact be a negative strategy that is likely to result in poor behaviour in young children. Research shows that to support children's developing ability to regulate their emotions it is essential that practitioners and teachers acknowledge emotions for children, show empathy for their emotions and support them to recognise what it is and why they are feeling so strongly in that way. When children are calming down, they need sensitive and skilled practitioners to support them and help provide the language and support for the development of self-regulation (Conkbayir). This statement is highly simplistic and does not enable an inspector without early years training to know what aspects of co-regulation and emotional support are appropriate at this age in order for children to learn to regulate themselves.
5. On language, the EIF suggest inspectors look for staff who are: "*gently talkative with children and are not put off when there is no response*". This statement is highly simplistic and ignores the key features of quality interactions that inspectors should be looking for (Fisher, ECAT, Nairn & Milne). It gives a very misleading view of what good interactions for language development look like. With children very low in communication and language and non-verbal communication, fewer words are actually vitally important, ie not talking at children. The use of Visuals and Makaton are not mentioned once as good practice to look for – yet are key elements of good practice for this age range.
6. The statement "*continue to develop the language to communicate verbally. They may often use single words, they may string single words together or use language that is hard for adults to discern*" is very simplistic and says nothing about the non-verbal strategies and speech sounds play that would be good practice. It does not cover the range of communication skills that inspectors might see or the range of highly skilled interactions, such as tuning into eye gaze, non-

verbal communication, augmented communication and the importance of following children's interests, that are vital for closing the disadvantage gap.

A similar issue arises in the next section in relation to the Outstanding descriptor:

Children are highly motivated and are eager to join in. They share and cooperate well, demonstrating high levels of self-control and respect for others. Children consistently keep on trying hard, particularly if they encounter difficulties.

This gives an incorrect vision of what children who are still developing in these areas may be demonstrating and how they may behave. It suggests that the finished article is what should be judged outstanding, not the processes and support for children to be supported to develop them. For example, it would be common for inspectors to see children not cooperating well, but provision should be judged to be Outstanding where the support they have is strongly supporting them to co-regulate, manage their feelings and communicate effectively to acquire this skill over time.

See also our concerns about curriculum in the next section, which also reflect differences between the schools and early years handbooks.

It is vital that Ofsted review these sections carefully to remove confusing and misleading statements, and above all to ensure that the only criteria against which providers will be inspected are based on the statutory framework for the EYFS and are consistent between the schools and early years handbooks.

2. Curriculum and pedagogy

One notable difference between the Early Years and Schools Framework manifests in relation to curriculum content. The latter says, for example, (p261) that inspectors will consider how well "staff teach children to read systematically by using synthetic phonics and books that match the children's phonic knowledge" and "staff develop children's love of reading, through reading aloud and telling stories and rhymes". Use of systematic synthetic phonics is not even mentioned in the EYFS, and while it may be government policy to encourage it is use in primary schools **it is a concern that Ofsted appear to be introducing requirements about how to teach which are beyond its remit, which must be to assess only against the statutory requirements.** By selectively mentioning some aspects of the curriculum and pedagogic practices and not others, Ofsted risk promoting certain practices and discouraging others which are at least equally important. Going beyond the statutory minimum risks causing confusion for providers and inspectors.

The statements in the schools' handbook referring to phonics are too narrow. They leave out all the aspects of early language and phonological development and story telling that are essential for children to achieve this outcome and do not support those settings with outstanding practice in these areas. Early phonics skills look very different to using phonics to sound out and read; only children in the latter stages of EYFS might be doing this. Children who are 2 to 4 require access to a language- and sound-rich environment where they have opportunity to hear and distinguish sounds, patterns in the environment, instruments and voice sounds, not just written

words. Without this learning to be playful with sounds and voices and words, children will have limited linguistic skills, learning will be shallow and access to using phonics for reading will be limited. These statements are appropriate only for the middle and end of the reception year and are not appropriate for 2- to 4-year-olds. This is not made clear in the schools' handbook.

The reference to "reading books that match their phonic knowledge" is also contentious, as there is also a role for using books that extend children's knowledge of language and appreciation of well-written texts.

The handbook also completely fails to mention what good practice inspectors should look for in relation to the statutory Characteristics of Effective Learning, the prime areas of learning and the phonological awareness that underpin English and Mathematics outcomes for 2- to 5-year-olds in schools. There is no accounting for the importance of physical development and moving, visual perception and mark making in language and literacy development. Untrained EY inspectors (most schools' inspectors lack any EY qualifications) are likely not to understand this, and without specific key points around this, there is a high likelihood that they will fail to recognise outstanding practice that supports the development of early reading, writing and maths and focus on inappropriate learning for younger children.

We are extremely concerned about seemingly contradictory statements about the importance of a broad and balanced curriculum, specifically where there is a reference to this being for KS2 and beyond, with the apparent implication that it does not apply to KS1 and EYFS. Narrowing the curriculum in the EYFS, whether to focus on literacy and numeracy or any other aspect of the curriculum, would be in contravention of the EYFS Statutory Framework, and any suggestion from Ofsted that this is allowable or encouraged would therefore place contradictory demands on schools and settings. Ofsted must be explicit that it does not endorse a narrowing of the curriculum in the EYFS, and will assess providers against the requirements of the statutory framework: "The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes teaching and learning to ensure children's 'school readiness' and gives children the **broad range of knowledge and skills that provide the right foundation for good future progress through school and life.**" (our emphasis)

The EIF must also make clear that Ofsted respects the four guiding principles of the EYFS:

- every child is a **unique child**, who is constantly learning and can be resilient, capable, confident and self-assured
- children learn to be strong and independent through **positive relationships**
- children learn and develop well in **enabling environments**, in which their experiences respond to their individual needs and there is a strong partnership between practitioners and parents and/or carers
- children **develop and learn in different ways** (see "the characteristics of effective teaching and learning" at paragraph 1.9) **and at different rates.** The

framework covers the education and care of all children in early years provision, including children with special educational needs and disabilities.

There can be a tension in the schools' handbook between general sections and what is applicable to children in the EYFS. For example, the criterion for good under the heading of "Intent" for quality of education specifies: "without unnecessarily elaborate or individualised approaches" (Schools Handbook p49) which risks contradicting unique child requirement of EYFS, which requires "a secure foundation through learning and development opportunities which are planned around the needs and interests of each individual child and are assessed and reviewed regularly". Indeed, the DfE's own SEED report 2017 concluded:

"Good practice in relation to curriculum planning included approaches that were: • Tailored to individual needs; • Capitalised on children's interests in order to achieve learning outcomes; • Flexible and responsive so that plans could be changed or adapted to follow the interests of the children and / or respond to external events; • Informed by on-going assessment; • Grounded in the Early Years Foundation Stage (EYFS) framework; and • Differentiated for age and stage of development." (SEED, 2017)

We are delighted that Ofsted is continuing to use its excellent definition of teaching in the early years – which surely deserves higher status than a footnote. It would be helpful to review whether the rest of the handbooks are consistent with this definition. For example, the statement "Educational programmes must involve activities and experiences for children" reflects common theme in the handbooks which focus on children as passive recipients of teaching.

A linked issue is that Ofsted adopts definitions which envisage curriculum as transmission of knowledge or skills. "Learning can be defined as an alteration in long-term memory". The framing of learning in EYFS as "knowing and remembering more" is highly problematic, when in fact much of what is being learned and embedded is what is known in cognitive terms as procedural knowledge, that is embedding the processes needed for successful learning. Much of learning in EYFS years is iterative, it needs to be repeated, and in many different contexts. Therefore, good EY practice will include children repeating things that they know many times, and not necessarily demonstrate more. The language of the statutory framework by contrast refers to "how children learn and reflect the broad range of skills, knowledge and attitudes children need as foundations for good future progress. Early years providers must guide the development of children's capabilities..."

How will inspectors, most of whom are not EY qualified or experienced, determine if children "know and remember more"? - particularly those children who are non-verbal, and also in light of the statement about a narrowing of the curriculum being desirable? There is also no mention of the statutory Characteristics of Effective learning here which is concerning.

The view of learning as "knowing and remembering more" is particularly misleading and limiting in settings where children will be developing in the prime areas, and require many opportunities to use, and develop and repeat and extend, and

strengthen their emotional, language and physical and skills. Ofsted's keenness for the terminology of progress as "knowing and remembering more" and adoption of ideas from cognitive load theory and working memory, are not shared or commonplace amongst early years providers, where their applicability remains contested. Use of this terminology is easily misunderstood, could lead to a superficial approach to assessment and is likely to lead to a narrowing and formalisation of the offer, which will adversely impact the disadvantaged children more, as they are most likely to need structured support through interactions and emotional support first in order to be able to access formal learning.

Similarly, the referencing to sequencing of the curriculum "The curriculum is coherently planned and sequenced towards cumulatively sufficient knowledge for the necessary foundations for the rest of their schooling." (p77) may be problematic. It fails to take into account the broad range of evidence and research about the ways in which young children learn and make links in their learning and that young children do not learn in linear cumulative ways. It gives a false view of learning in EYFS and ignores the importance of physicality and sensory experiences for learning. It does not take account of the research that shows that when children's own interests are followed that learning is deeper and stronger.

The references to "sequencing" do not sit well with the EYFS statement that "All areas of learning and development are important and inter-connected. Three areas are particularly crucial for igniting children's curiosity and enthusiasm for learning, and for building their capacity to learn, form relationships and thrive.... Providers must also support children in four specific areas, through which the three prime areas are strengthened and applied." The importance of this holistic approach in the early years was evidenced by Evangelou et al (2009).

Ofsted need to be clearly recognising that in the EYFS, curriculum and pedagogy come from the statutory requirements: "The learning and development requirements cover: • the areas of learning and development which must shape activities and experiences (educational programmes) for children in all early years settings • the early learning goals that providers must help children work towards (the knowledge, skills and understanding children should have at the end of the academic year in which they turn five) • assessment arrangements for measuring progress (and requirements for reporting to parents and/or carers)".

On a more positive side, we welcome the proposed focus on quality of education and curriculum as a whole, in place of a narrow focus on data. A focus on how schools and settings show they know their children and tailor their programmes accordingly is an improvement – but this does raise questions about how consistent judgements about "impact" will be if based solely on a snapshot observation by inspectors. We believe that for early years providers and maintained nursery schools where no national data exists, there should remain discretion for providers and schools to use internal progress data, where they collect it, as evidence for inspectors to see what they are achieving, while retaining flexibility for providers and schools to use the form of evidence they find most appropriate, including the professional judgement of staff. In this context, we welcome attempts to dispel myths about data being wanted by

Ofsted. Ofsted must endorse the message within the Statutory Framework which already says: “Assessment should not entail prolonged breaks from interaction with children, nor require excessive paperwork. Paperwork should be limited to that which is absolutely necessary to promote children’s successful learning and development.”

In relation to the structure of the new framework, the continued use of the terms “personal development” and “behaviour and attitudes” is not consistent with the language of EYFS where these concepts sit within the areas of learning (personal, social and emotional development) and the Characteristics of Effective Learning, which is not ideal, although we recognise the difficulties of trying to have a one-size-fits-all framework in creating appropriate terminology.

3. Workload

How does Ofsted reconcile its commitment to reducing workload with including levels of detail about what and how to teach in its handbooks which go beyond the EYFS statutory requirements? Expecting settings to familiarise themselves with a 40-page inspection handbook, and schools to get to grips with a 95-page handbook seems to go against the principle of reducing workload.

The language of the framework is very school based, and not accessible to EY providers, which creates additional workload for them, especially when it diverges from the EYFS.

The proposal for inspectors to arrive on site for preparation on the same day as notification of the inspection is also likely to increase staff workload and stress.

The proposal to increase Section 8 inspections to two days would have negative workload impact on small schools including maintained nursery schools for whom an entire Section 5 inspection can be done in two days. Flexibility to fit the length of inspections to the circumstances of individual schools is needed here.

We recognise that there are challenges in achieving a thorough assessment of quality within the timescales allowed. Given the time constraints, how will Ofsted ensure judgements about quality of education are consistent and unbiased? We would welcome a discussion about whether the four-point grading system remains appropriate, and how best to encourage continuous improvement by all providers.

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