



Report on meeting of West Midlands OBC Open Meeting held on

10th March 2017

At Wolverhampton Wanderers, Molineux Stadium

Attendees:

There were around 102 attendees from 115 booked places and four representatives from Ofsted. We were also joined by representatives from the [Birmingham Hospital Saturday Fund](#), [MBK Training Ltd](#) and [NEYTCO](#) who had stands at the event.

Birmingham had the highest number of providers present with at least 38 from that region. We had people as far afield as Northamptonshire, Kent and Cornwall. The only LA from the West Midlands not represented was Herefordshire. All other West Midlands regions were represented with at least 2 attendees from each area and up to 8 from some areas. A small number of attendees were representing several areas or attending from national organisations. The 14 Ofsted West Midlands Regions are: Birmingham, Coventry, Dudley, Herefordshire, Sandwell, Shropshire, Solihull, Staffordshire, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwickshire, Wolverhampton, Worcestershire.

Tim Landreth, Chair of OBC welcomed everybody to the conference and provided the background to the West Midlands OBC and the structure of today's meeting and of the Steering Group and the engagement of the LA's during getting the OBC off the ground. He mentioned that we are in need of provider Steering Group representatives from Staffordshire and Herefordshire and we would also like to say that some areas have just one representative covering two areas being Walsall and Wolverhampton and so providers are invited to apply from all these areas.

Deborah Udakis, HMI West Midlands

Deborah presented to the group on [Cohort tracking](#). She noted that Ofsted are not here to prescribe how things should be carried out in any setting but gave us an overview of the things that could be looked at during inspections. Cohort tracking forms part of the Leadership & Management judgement.

Deborah's Presentation is also available to view on the [OBC Website](#) in the Regional Articles. She talked about the different types of Cohorts we might wish to track and the importance of having the evidence that we are closing gaps and also that those most able are tracked for improvements as well. Reference was made to recent research about the long term importance of early years investment and how early life experiences will impact on their future life chances which has highlighted the importance to Ofsted.

There is no one way to track children and it can be done termly, half-termly or as you think is right for you. Ofsted are aware of electronic journals such as Tapestry and that Local Authorities such as Kent have developed their own Cohort Trackers. The DfE also produces national data with each LA's performance information, it is called LAIT (LA Interactive Tool) which is available to everyone online, just search for DfE LAIT.

It is up to providers to choose their groups but one group that often gets overlooked is White British Boys, even if you only have one child in a group it is necessary to track this so it can compare to other groups.

It is important to track this way to ensure children can achieve the best possible outcomes. If they are not progressing this comes up as a weakness in the Leadership & Management of Teaching & Learning in the setting. So knowing and understanding how each group is doing and analysing the information to inform practice and using tools to improve e.g. supervisions, team meetings. Good data analysis allows you to target certain areas and can then ensure that gaps are closing between the most able and the least able and children are best prepared for the next stage in their education.

Deborah commented about moderation in the early years and if it was common practice. Schools and settings need to have partnerships that are valued by both. We need to ensure there is a close focus on learning and development and that next steps are fluid, short, sharp and punchy and all developmental delay is monitored. A 2yr check should be early on and not as late as 35 months in order to support the child and ensure they are on track.

There are no hidden messages about Cohort Tracking the information is in the Inspection Handbook and Deborah quoted from that. The Key Person role is critical and leaders need to take equal responsibility. Parents commenting on learning journal assessments is a good thing.

The use of next steps to inform planning and identify areas of learning that are weaknesses e.g. communication and language or PSED and need more work on.

Identifying group strengths or weaknesses and linking this to room layouts and evaluating your own practice. Effective cohort tracking informs leadership and management of the setting and they need to be clear on how to use this purposefully. The least able need to be more able and the more able need to exceed the goals. Ofsted also monitor schools starting points and find these are not always accurate.

Deborah also answered questions on the transition from paper to electronic tracking and moderation.

Sue Crawford HMI West Midlands & Deborah Udakis HMI West Midlands

Sue & Deborah responded to questions that had been submitted previously by attendees at the event.

1. Two settings managed by the same manager have been inspected under the new framework and during one the inspector suggested that there should be “two suitable people in the changing area at all times”. Clearly this is concerning as this is not stated in the EYFS, causes major concerns for staffing ratios and could be perceived to undermine safeguarding procedures already in place. What would Ofsted themselves have to say about this?
Response: This was a suggestion and the inspector is not saying it must happen. There is a fine line between allegations/safeguarding and business needs. Any situation would need to be risk assessed and of course ask ‘why did the inspector suggest it?’
2. A new employee has been appointed. The previous early years provider won't issue a reference and we have seen correspondence to suggest it is because she did not work her notice period and so did not fulfil her contract. We have tried to call the setting but they put the phone down on us. We have 2 other references and a clear DBS. Would this satisfy an Ofsted Inspector in having carried out due diligence in employing someone?
Response: Section 3.9. Ensure suitability through processes and systems which are accurate and effective so interview processes count as well. Also ask why has this situation arisen, could it be a break in service, an underlying issue if she left without notice. Safer Recruitment Policy should be in place. Refer to the CIF, Inspecting Safeguarding in education, skills and early years as well as EYFS. LA may also give guidance about safer recruitment. Also ask why the setting would not provide a reference – they have a responsibility and might be a consideration to report to the complaints, investigation and enforcement team. There may be a Position of Trust issue that needs referring. But use your gut instinct also when interviewing, it's a whole package of information not just references, if you have a concern of any sort – act on it.
3. What do Inspectors look for in their evidence of EYPP spend?

Response: What difference is spending the money making on the child. Diminishing differences and all children making progress with the best use of the money for the children. This comes under the Leadership & Management and Outcomes for children and could form a key line of enquiry during an inspection.

4. We have 2 unqualified staff members who for various reasons are not in a position to undertake training. Does Ofsted have an opinion on whether staff members choose to become qualified or not?

Response: EYFS says not all staff have to be qualified.

5. Guidance on keeping records varies by LA. Does Ofsted have a recommended time length for us to keep records of the children's learning and development?

Response: 3.68-3.71 says a reasonable amount of time. Risk assessments may need to be done so if a child of high risk e.g. on a CP plan might keep records longer than for other children. See also footnote 56 in the new EYFS.

6. We know of providers who take paperwork (children's paper learning journals) home to complete. Is this allowed under the EYFS Framework and if so what is the protocol for getting permission to do this with Ofsted's approval – or do we just risk assess it?

Response: Risk assess this yes. It must be secure at all times and you need to question how can that be done in someone's house. Data Protection – secure and only accessible to those that need it. What if it is taken out of the setting and someone falls ill, then the paperwork is not available for inspection - which is a legal requirement. Other considerations include why is work being taken home, is it too onerous? Why is there not enough time in the day?

7. On a similar note what is Ofsted's opinion of accessing internet-based electronic learning journals outside of the setting e.g. on a practitioners computer at home

Response: the same criteria applies, how safely can you access your computer at home without someone looking at it or you leaving it open and accessible. Risk assess.

8. Where you have supernumerary staff in a building but one room has one child over the ratio of staff members in that room, assuming all is under control in the said room, would this be seen as a failure in maintaining EYFS ratios themselves.

Response: Minimum staff:child ratios stated in the EYFS are for well-being. Higher ratios might improve outcomes for children. Children's needs must be met and they must be kept safe so what is in the best interests of the children. Likely to get downgraded if EYFS ratios not maintained in a room. However, staff deployment also comes into it so children's needs must be considered at all times. Staff need breaks and Ofsted will always look at things in context. Are they safe – at lunch, at story times, when toileting, are they engaged and in meaningful occupation, what about emergency measures. If things look chaotic then this raises alarm bells. If you have 12 snoozing children then 4 staff members are not required but always in sight or hearing of an adult at ALL times.

Gill Jones, Deputy Director Early Education

[Gill's presentation is available to view](#)

Gill talked to us about keeping children safe, protecting them and helping them to develop and reminded us that attachments affect their future lives. Referring to research and their future learning she informed us that some new research is to be released soon. The ability to communicate is a key function/skill and our communicating back to children is equally important.

It's okay for adults to step back and watch children learn. Our job is to teach children right from wrong and respect to one another. Our key documents are the EY Registration Handbook, EY Inspection Handbook (which will have no significant changes until 2018), EY Compliance Handbook (for when things go wrong) and the EYFS Framework. Ofsted regulate against the DfE documentation.

Ofsted are on countdown to 1st April 2017 when direct employed inspectors (by Prospects and Tribal) will become direct employees and be in-house once again. Those contracted inspectors will be contracted to Ofsted directly. Practitioners are encouraged to apply to become inspectors.

The aim is to improve quality through direct communication with inspectors which is at the heart of quality and experiences of the child. Amanda Spielman our HMCI is reflective about children's education, especially disadvantaged children.

Allowing children to take risks does not have to be written down we do it in our heads, what is safe and what's an acceptable risk. 'Accidents will happen' however much we try to prevent this, and Gill gave us a personal example, so don't be afraid of children taking risks.

Bringing inspections in-house it is hoped will improve inspections, Ofsted know they are not perfect but with a more joined up Ofsted, the improvements and improved engagement can happen. The inspection experience should not change, the framework is still the same. Gill says – if things get better then that is good, if they get worse then tell them – but keep talking to them.

Gill presented the new Ofsted structure explaining this will be in one unit to begin with before the regions are set up later on. The presentation shows the layout of this. There will be 3 phases to this being rolled out. She quoted Matthew Coffey saying "we will be stronger together".

Ofsted have also started a trial Facebook page to help with childminders and the registration process. The online system is due to be reviewed and improved and there is to be a Mythbusters Campaign going live in April 2017.

Ian Smith, Senior HMI for Further Education

Ian had been invited to talk to the sector from a query that had been raised with the OBC Steering Group about inspecting colleges and training providers as it seems many students arrive to the workplace not 'work ready'.

[Ian's presentation](#) introduced us to inspection in Further Education and talked through the Common Inspection Framework and the sector subject areas. He gave us an overview of the judgements and aspects – which are all the same as in Early Years. He talked through how this linked to early years provision.

Ofsted in FE look at how providers Self Evaluate 'How well they meet the needs of learners, the quality of learning and the progress learners make on the journey'. They do not inspect individual qualifications or whether that qualification is fit for purpose.

Ofsted are looking at the starting points and final destinations for learners and also how well prepared they are for work and the wider skills. This comes under the Personal Development Behaviour and Welfare and considers: do they arrive on time/punctuality, ready to work in the classroom with pen and paper, take their coats off and have they got employability skills.

The rates of progress are the focus for most inspections, not the sector specific subject areas. There are concerns about the 16-19 Study Programme in all of its forms and some vocational elements of other L2 and L3 programmes have been significantly reduced since 2014. So many learners do not have GCSE Maths and English and so much of the time is spent on achieving that rather than other things in the programmes.

There are major financial funding issues placing huge challenges on the sector to deliver these programmes and some institutions have very large funding debts. Over half are RI and 10% Inadequate. Ian's presentation takes us through some of these numbers.

Ofsted recognise that the teaching and learning is not high enough and standards are not good enough, there are not enough gaining qualifications and GCSE's are not good enough. In addition, safeguarding is not being reacted to quickly enough.

Gill mentioned here that a greater focus needs to be made on L2 and L3 qualifications in respect to mathematical steps – what children need to do and the EY workforce needs to know to make it relevant. Ofsted have fought the corner quite hard on making it the right balance e.g. for maths.

Employers are able to feedback on training providers and colleges, online as we understand.

Q & A

A further question was addressed to **Gill Jones** on the point of publishing reports even where a complaint has been lodged about the inspection.

Q: When will Ofsted recognize that its complaints process is fundamentally flawed.

At present, Ofsted publish an Inspection Report even if the report is challenged on the grounds of being seriously flawed.

The net effect of this situation is that the reputation of a setting can be unjustly and unfairly damaged by the publication of a report that is unsafe.

Currently, there is only one mechanism by means of which publication can be delayed / stopped and that is by the very costly process of seeking an Injunction to stop publication.

Publication without fear of favour is right, PROVIDING the report being published is founded on fact, is fair in its judgements, is accurately reflective of the setting on the day of the inspection, and is prepared in strict compliance with Ofsted's guidance on carrying out inspections.

If such conditions are not fully met, then the publication of such a flawed report is disastrous for the setting and is misleading to the public. This is fundamentally wrong, and yet it does happen as we have experienced on several occasions.

Response: Going through the complaints process can be long and arduous and Ofsted do get it wrong, but we take it seriously and have looked at our complaints processes and introduced new panels. It is something for Amanda Spielman to look at again. Gill emphasised that safeguarding the children comes first for them and better to inform parents first of a possible issue rather than halt publication of a report. Gill also apologised if they had made a wrong decision and put her hands up to saying sorry, we are all human beings trying to get it right. A conversation with the person raising the question took place. Gill said she would take concerns from the room back to discuss with the Directors. She also noted it was the same policy across all remits. Tim Landreth closed the questions session and pointed out that unlike schools or colleges many of us are small businesses and the impact of such things is very different than to a school or college and that perhaps they should not be treated the same.