

We believe the **process** of the conducting and reporting the inspection was flawed in that:

- i) It was interrupted by a fortnight following the unwillingness of one of the original team to remain in the Academy having discovered a ski trip had recently returned from Northern Italy. As a result, there was a discontinuity in the composition of the team and the final days of the inspection took place in the days running up to the closure of all schools. In retrospect, we should have asked for, and OFSTED should have offered, a suspension of the inspection in the light of the developing coronavirus crisis.
- ii) The inspection team failed to take into account the fact that the school performance tables do not include the “legacy” grades (ie those grades that student had achieved in Year 9 or Year 10 in qualifications which were not recognised in the tables published in the year in which they left). This had a substantial impact in 2018 and a smaller, but still significant impact in 2019. The Headteacher explained the impact of this effect to the lead inspector and at no point was it suggested that this would be disregarded.
- iii) The inspection team’s discussions with students, particularly in relation to History, Modern Languages, Science and Music led to inferences which neither Senior Leaders nor governors recognise from our extensive discussions with them as part of our student voice programme. It is hard to avoid the conclusion that the purpose of these discussions was more to seek confirmation for the preconceptions that inspectors had already formed than to undertake an unbiased enquiry. In particular:
 - Our history students have always been very happy with the provision they have received and have never expressed the view that they have been disadvantaged by having had one or two years when they have not studied history.
 - At no point has any student who wished to take MFL to GCSE been denied the opportunity to do so. The fact that our uptake of MFL is significantly above the national average bears out this point.
 - Students interviewed as part of the Science “deep dive” expressed the concern that the inspector “obviously thought she was a very good science teacher and wanted everybody to teach science like her”. This concern about preferred learning styles was passed on to the lead inspector when the inspection was re-started in March.
 - One student, who had been questioned on the corridor about his music GCSE, expressed surprise that the inspector appeared shocked that he was having private instrumental lessons. He felt that almost all the music students he knew at other schools also had instrumental lessons; this was a function of learning music not of the Academy’s curriculum.
- iv) The oral feedback provided to Senior Leaders and Governors was unhelpful in its lack of clarity. An example of this was the lead inspector’s response to questioning from the Chair of Governors about whether the concerns about the curriculum expressed by the, lead inspector referred to our existing provision or our plans for September 2020 and beyond. Her replies to very direct questions were unclear and lacked coherence.

- v) The oral feedback further failed to provide any clarity about the actions that the school needed to take in order to improve. Similarly, the section of the written report headed “what does the school need to do to improve” makes frequent reference to the alleged “flaws” and “weaknesses” in the structure of the current curriculum without providing any clarity of what inspectors’ believe the curriculum should look like. As a result, this section does not provide leaders and governors with any basis for action (apart from the need to ensure that all students have the opportunity to take MFL to GCSE – which is already the case). This is in stark contrast to our previous experience of such processes and led us to question the utility of the entire process.

- vi) The written report contains a series of non-sequiturs in which the blame for everything which the inspectors regarded as in need of improvement was ascribed to the Academy’s curriculum structure. At no point, either in discussions during the inspection or in the oral feedback at the end of it were the causal links which the report implies made clear to leaders and governors.

- vii) The timing of the publication of the report was, to say the least, inconsiderate. To publish the report after the end of the summer term and then to allow only ten days in which a complaint (which we had already indicated would be forthcoming) could be made was, in effect, to require Senior Leaders, who had already been working since February without a break to manage the unprecedented challenges of the coronavirus crisis, to delay the start of their holiday. This could easily have been avoided by publishing the report in September.

We believe the **judgements** in the report were flawed because:

- i) Inspectors clearly arrived at the Academy with a preconceived notion of what the curriculum ought to look like. The law on this point is clear and is set out in the Academies Act (2010) and the Education Act (2002). As an Academy we do not have to follow the National Curriculum but to provide one which satisfies the requirements of S78 of the 2002 Act ie a balanced and broadly based curriculum which—
 - (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
 - (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.
 However, inspectors clearly took the view that to be “ambitious” our curriculum needed to mirror the National Curriculum in all respects (including, for example, the choice of literature texts at Key Stage 3). In this respect the inspection team (and possibly OFSTED more widely) were acting beyond their powers and, as a result, their judgements on the Academy’s curriculum (which, in turn, predetermined many of the other judgements in the report) are flawed.

- ii) A specific consequence of point 1 is that inspectors had a preconceived notion of how a Year 9 curriculum should be constructed. They clearly believed that the coverage of the Y9 curriculum is an end in itself, and not a means to an end. It is impossible to avoid the conclusion that if all of our students took MFL and History in Y9 but that the uptake and progress at GCSE were only in line with the national levels (instead of significantly better

in both subjects), they would have come to a more positive conclusion about the curriculum. We cannot believe that this was the intention of Parliament in framing the 2002 and 2010 Acts. More importantly, we cannot believe this would be in the best interests of our students. The facts that, as a result of our innovative curriculum structure, 50% of our 2020 leavers have taken GCSE history (compared to 40% nationally in 2019) and 65% have taken at least one Modern Foreign language (compared to 44% nationally in 2019) were rejected as evidence of curriculum ambition both in discussions during the inspection and in the course of the oral feedback. We regard this as perverse and unreasonable.

- iii) Notwithstanding points i) and ii) above, we have detailed and well documented plans for the reform of our Year 9 curriculum in 2020 and 2021. These were uploaded to the portal and discussed with the inspection team. Implementation of these plans would have meant that all subjects of the National Curriculum were covered in Y9 by September 2021. (In fact, as part of our post- Covid recovery curriculum, we have accelerated this process so that all subjects will now be covered in September 2020). These plans are referred to in passing in the report but there is recognition neither of their scope nor of the fact the detailed timeline for implementation means that, even before the coronavirus crisis, the Y9 curriculum would cover all NC subjects by the end of the “grace period” included in the inspection framework. Unhelpfully neither the oral feedback nor the written report offer any view on the extent to which these plans address the criticisms which the inspectors have made about the current curriculum.
- iv) Both in the report and in the response to our comments in the factual accuracy check, data are used highly selectively and in a way which misrepresents the Academy’s current performance. In particular:
- There is no recognition of the very significant improvement in attainment in Maths.
 - When the legacy grades are taken into account, our P8 (as calculated by SISRA for 2019 is positive); there is no recognition of this at any point.
 - Similarly, factoring in the legacy grades shows that the performance of our disadvantaged students, while below zero, has improved significantly and is better than that for similar students nationally.
 - Progress measures in several EBacc subjects (including French, Geography, History and Spanish: the very subjects where our curriculum is a matter of criticism) are significantly positive. This is true in the published data for 2017 and 2019 and, when legacy grades are taken into account, it is also true for 2018. This does not support the opinion expressed in the report that our curriculum structure is a cause of fluctuations in student performance.

The failure to consider these important pieces of data must cast doubt on the inspectors’ judgement of the quality of education provided by the Academy.

- v) In October 2017 the Academy received an OFSTED judgement of Requires Improvement. Since then governors and senior leaders have worked successfully to address every one of the areas for improvement that were identified in that report. In particular, we have secured significant improvements in relation to:
- The rigour with which plans are monitored

- The performance of students in Mathematics
- The progress of disadvantaged students
- The consistency of challenge in teaching and learning
- The attendance of all students (including a substantial reduction in persistent absenteeism of disadvantaged students)
- The effectiveness of our Y7 catch up provision
- The teaching of writing, particularly grammar, across the curriculum.

In fact, the 2017 report, like those of 2013 and 2014, commended the Academy on the breadth of its curriculum. In effect, the inspectors in 2020 are criticising leaders and governors for following (very effectively) the agenda for improvement set out in the 2017 report and not making hasty changes to a curriculum which, in every inspection since the Academy opened, had been judged to be a strength. The fact that the report (apart from one reference to attendance) does not recognise the very strong track record of improvement over the last two and a half years means that its judgement on Leadership must be unreliable. To criticise Academy leaders for prioritising the issues in its previous report must be at least as much a criticism of OFSTED itself. To say that the curriculum has been flawed “for too long” is to use deliberately pejorative language to contradict directly the judgements of the three previous inspections and, indeed, that of the DfE who approved our education brief (including the essential characteristics of our curriculum structure) at our readiness for opening meeting in July 2011. To apply different criteria in this inspection without giving the Academy a reasonable grace period in which to adjust its curriculum is arbitrary and irrational.