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## **Submission to Ofsted consultation: Improving the way Ofsted inspects education**

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## About The Bell Foundation

This briefing has been developed by The Bell Foundation, a charitable, evidence-led foundation that aims to improve educational, employment and justice outcomes for people who speak English as an Additional Language (EAL). The Foundation collaborates with leading universities and think tanks to develop an evidence base and works with a network of schools to develop and deliver practical solutions to help improve the attainment of pupils who are at risk of underachieving. In 2022, the Foundation supported over 26,000 teachers and educational professionals to support children who use English as an Additional Language through the training of teachers and webinars.

A series of policy briefings about our three programmes, our work to overcome language barriers with EAL and multilingual learners in schools, post-16 and adult English education, and in the criminal justice system, is available on our website here: [Policy - The Bell Foundation \(bell-foundation.org.uk\)](https://bell-foundation.org.uk)

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### The Bell Foundation's response focuses on:

- those disadvantaged children in schools who use English as an additional language (EAL) and their parents and carers who themselves are New to English or at the early stages of English acquisition,
- those disadvantaged learners in Further Education and Skills (FES) provision who are speakers of other languages and are developing competence in English. We will refer to this group as “multilingual learners” rather than “ESOL learners” to reflect the fact that they attend a broad range of FES programmes and not just ESOL courses.

## What do you think about the layout of our new report cards?

Initiatives to ensure that report cards inform learners, parents and carers of the quality of local schools/FES provision in an easy-to-understand way are welcome and essential. The use of RAG colour-coding in the new report cards is a step in the right direction, as it is likely to make it easier for multilingual learners and parents/ carers of EAL learners who are themselves new to English or at early stages of English acquisition to understand the different scales. That said, the layout of the new report cards makes it harder to get an overview of strengths and areas for improvement than the old reports, as there is no overall summary that states these.

Also, Ofsted should ensure that the language used in the report cards is sufficiently accessible. According to the 2021 Census data for England and Wales, over 1 million respondents reported that they could not speak English well or at all. Many of these people will be multilingual learners or parents/carers for the 1,7 million plus EAL pupils in schools in England. For those who cannot understand written English, Ofsted should go further and consider incorporating a translation tool to its reporting mechanisms to ensure that the level of linguistic complexity of the new report cards does not pose unnecessary barriers. This is a cheap, quick and easy to install solution, for example, by adding translation buttons to the website.

Given that Ofsted reports on Schools and FES inspections address a range of distinctive audiences who read the reports for different purposes (learners, apprentices, employers, parents/carers, regional and national government), perhaps an alternative would be to report on inspections using two different formats: 1) the new report card for learners, apprentices, employers and parents/carers with the proposed layout and written in jargon-free, accessible language and 2) an extended technical report for the inspected schools and FES providers, regional and national government, all of whom will benefit from having access to more granular and detailed information, which inspectors gather anyway during the inspection process.

## What do you think about our evaluation areas?

Over one in five schoolchildren (1.77 million pupils) speak English as an Additional Language (EAL), more than three times as many as in 2000, and rising. This is a hugely diverse group of learners, and their competency in English will vary greatly from being completely new to being competent, fluent and able to fully access curriculum content. But while multilingual classrooms are now the norm in most state-funded English schools and FES settings (Lindorff, Strand and Au, 2025), accountability measures for teaching to the diverse classroom with a wide variation of linguistic needs and abilities are no longer in place at a time when they are most needed, given the rising numbers of learners at risk of disadvantage, and still too many EAL and multilingual learners experience educational and social exclusion. In this context, Ofsted's proposal to explicitly focus on inclusion and on the experiences and outcomes of disadvantaged learners in its new framework is crucial.

The Bell Foundation welcomes the addition of inclusion as a discrete evaluation area in both Schools and FES inspections, the move away from an overall one-word judgement, and breaking down the evaluation of different aspects into distinct areas, which makes judgements more focused and stops a small issue becoming a major one within the bigger picture. However, the *number* of evaluation areas might be excessive, especially in School inspections, as inspectors will have the same time as before to focus on more evaluation areas. This may result in rushed and superficial coverage of key areas, leading to incomplete or misleading judgements of complex issues. For example, research conducted by Strand et al (2015) highlighted that the average achievement of EAL pupils is misleading because it does not elucidate in sufficient detail the nuances of need within this diverse group, and the overall average of the EAL cohort masks significant variation. For instance, a school's EAL cohort may include the daughter of a wealthy French banker who is competent and fluent in English and a displaced child from a refugee family who has no literacy in his home language and is new to English. Therefore, a cursory focus on EAL/multilingual learners as part of a packed inspection schedule focusing on too many evaluation areas and with limited access to rich data may lead to inspectors only partially understanding the nuanced detail that typically lies beneath the disproportionate disadvantage that many EAL/multilingual learners experience and that is often masked by healthy averages.

## What do you think of our proposed 5-point scale for reporting our inspection findings?

The proposed increase in the number of grades from four to five might mean the differential between them will be reduced. Also, it may be potentially more confusing for multilingual learners and parents/carers of EAL learners who are new to English or at early stages of English acquisition to understand the different scales, especially the difference between 'Secure' and 'Strong'. 'Secure' is not a clear descriptor for those outside of education; 'Good' is much clearer.

## What do you think about our approach to 'exemplary' practice?

The notion of exemplary practice is a helpful one for schools and FES providers to aspire to. Publishing case studies of those schools/FES providers who achieve this grade would enable other schools and providers to understand what exemplary practice looks like and would give fair and public recognition to the schools and providers in the case studies. However, 'exemplary' as a category in its own right is vaguely and generally defined in the draft Schools and FES toolkits, and it needs to be explained more clearly and in more detail in each evaluation area to be meaningful.

The Bell Foundation recommends that regular and consistent progress tracking of EAL learners' proficiency in English using reliable and valid frameworks should be included as a marker of an exemplary school or FES provider. While this is not currently a statutory requirement, it is an essential measure to ensure that learners are making sufficient, and sufficiently rapid progress in their English language development, which is a pre-requisite for their educational attainment, and this is not often done, or done reliably or accurately in many cases.

## What do you think about the other evaluation scales we have considered?

- a binary met/not met scale
- a 3-point scale
- a 4-point scale
- a 4+ scale
- a 7-point scale

## Do you have any other ideas we could consider?

The Bell Foundation recommends keeping the four-point scale for the reason stated above.

## What do you think about including data alongside report cards, for example information about how well children and learners achieve?

### Schools

The inclusion of data to underpin and illustrate judgements alongside report cards is a welcome development overall, as it restores the balance from an overfocus on curriculum in the current framework to a greater emphasis on learning in inspection activity and reporting in the new one. The key question, however, is what data will be presented.

Reporting on the progress and attainment of disadvantaged EAL pupils and on the performance of schools requires the availability of appropriate data to enable inspectors to make accurate judgements. There is a risk that achievement data will be used primarily or exclusively to make judgements, as progress data will not be available in primary (because it is no longer mandatory to conduct KS1 SATs), and there will not be published progress data for secondary schools for 2025 and 2026 (because of the COVID years, when there were no KS2 SATs). Also, until 2019, inspectors had access to data on attainment and progress by pupil group collected by the DfE through Analyse School Performance (ASP) and produced specifically for Ofsted inspections and Inspection Data Summary Reports. As these have since been discontinued, no progress or attainment data on pupil groups is visible to

inspectors. There are still disparities in outcomes for some minority ethnic groups, especially Gypsy Roma Traveller pupils (DfE, 2023) and huge anomalies in exclusions (e.g., Black Caribbean, Mixed Black Caribbean and GRT pupils). It is likely that if inspectors were able to see FSM data by ethnicity on ASP, more disparities would be apparent. The use of ASP should be restored to inspectors, who should be able to see the data in its entirety and filter areas of intersectionality which compound disadvantage.

A strong focus on achievement data without reference to robust baseline data on EAL pupils' initial proficiency in English on arrival and subsequent progress data, and without sufficient information about a school's context is more likely to adversely impact the truly inclusive schools – e.g. those who welcome large numbers of late arrivals who are new to English during mid-year admissions- as even the strongest highly inclusive schools might struggle to achieve exceptional attainment if they take in pupils in challenging circumstances with little time left for them to settle and flourish in their education. This might tempt some schools to close their doors to some of the most vulnerable groups, such as learners from refugee or asylum-seeking backgrounds who arrive late in the school year by deterring these pupils from joining in the first place, perhaps even more so than they currently do, for fear that accepting them might affect their attainment figures. The issue of schools' reluctance or unwillingness to accept late arrivals has been reported [in a recent research](#) report (Ashlee, 2024) and the potential adverse impact of including achievement data needs to be seriously considered, especially as Ofsted has no way of finding out those schools that are repelling pupils by not enrolling them.

Contextual data plays a vital role in helping to highlight the specific challenges that many schools face and in allowing for valid comparisons. It is important that school reports include sufficient information about the school's context, for example, the number of EAL pupils who are new to English, those who are eligible for Pupil Premium, those who are entered into exams, and/or pupils who join partway through the year, such as six months into Year 11. Including this kind of information would help readers to interpret achievement data more fairly and accurately. This is especially important when exam results are strong in relation to where pupils started, even if those starting points are not widely recognised at a national level. It also reflects the school's high ambitions for its pupils and the efforts made to support their progress.

## **FES**

The inclusion of data to underpin and illustrate judgements alongside report cards for the multilingual learner cohort could be problematic, as currently there is no EAL marker in the further education and training Individualised Learner Record (ILR) dataset. Only data for the number of learners on 19+ ESOL Skills for Life provision is recorded, but it is not possible to report on the number of ESOL enrolments and achievements for 16–18-year-old learners, because DfE data tables do not provide information on the number of young multilingual learners on study programmes. The same problem arises with other FES programmes: adult non-ESOL courses, vocational training/apprenticeships, functional skills qualifications, and provision for learners with high needs. As a result, FES providers do not know how many multilingual learners they enrol, how they fare once on a programme, how many drop out and at what stage, and how well they achieve. This means that neither FES providers nor Ofsted have information on the vast majority of these learners, many of whom with very complex and diverse needs, such as learners with limited prior education in any language, or students with limited or disrupted prior education require who substantial literacy support in ESOL classes ([Hutchinson, Tereshchenko, Mallows and Cara, 2021](#)). As a result, inspectors are left to rely only on the limited information providers make available about these learners' numbers, progress, retention, and achievement.

The Bell Foundation is concerned that given the significant gaps in the data collected on disadvantaged multilingual learners in FES inspections, there is a serious risk that inspectors

may be prevented from forming accurate judgements and as a result, their reporting on how well these learners gain knowledge and skills, achieve, and are supported by the provider may not be sufficiently thorough or even accurate. In order to reach accurate judgements about the quality of learning, learners' progress, their achievement and their progression to positive destinations, inspectors must be given the information they need to identify trends in progress and outcomes, to plan inspection activity, and report meaningfully on the impact for these learners. The use of ASP should be restored to inspectors, who should be able to see the data in its entirety and filter areas of intersectionality which compound disadvantage.

## What do you think about the inspection toolkits?

### Schools

The Schools Toolkit provides a more focused approach with clearer guidance in each of the evaluation areas than the current framework. However, there is room for improvement regarding its specificity when it comes to conceptualisations of disadvantage.

For example, it makes 54 mentions of 'Disadvantaged,' 42 of 'SEND,' and only one of 'EAL' (in the Professional Development section, under "secure", Pp6 /7) which is not followed through in other relevant sections, e.g.: *"Highly effective leadership leads to consistently high standards, particularly for disadvantaged pupils and those with SEND."* (p 2, Strategic leadership and capacity to improve, Strong); *"Governors/trustees support and challenge leaders appropriately. They hold leaders to account effectively, including for the school's support and provision for disadvantaged pupils and pupils with SEND."* (p 3, Responsible bodies, including employers, trustees and governance (strategic oversight), Secure); *"Leaders have an accurate, informed understanding of the quality of teaching, including for pupils with SEND."* (p6, Leadership of teaching, Secure); *"Teachers have the expertise and knowledge to make well-judged adaptations to overcome barriers to learning for pupils, particularly those with SEND. Any adaptations do not lower expectations for pupils or limit their access to the curriculum unnecessarily."* (p8, Inclusive teaching, Secure). It mentions *"pupils, or particular groups of pupils, who may be vulnerable or need additional support"* (e.g. p19, 20 secure), but does not define what is meant by "vulnerable." The inclusion section only mentions 'SEND' and 'disadvantaged' with whole sections dedicated to both groups but no mention of EAL.

EAL should be consistently mentioned and threaded through, otherwise it is likely to be excluded, as schools will use this framework to understand better what they are being assessed on, and without an explicit mention EAL may not be seen as a priority area. Since English is the medium of instruction in schools, those entering the education system with limited proficiency in English are likely to struggle to access the curriculum, unless significant additional support is provided. Judgements on the quality of this support are not included in the toolkit and they should be, as schools should be held to account regarding how they track progress in their EAL pupils' proficiency in English and how they equip and enable their staff to best support those pupils so that they make the progress they are capable of.

Given that Ofsted inspection reports are used by the DfE to hold schools and academies to account, it is key that inspectors have the tools that they need (the toolkit, the guidance and the training) to make accurate judgements about the provision for disadvantaged EAL pupils and learners, including the quality of teaching, learning and assessment. Reintroducing an explicit focus on this group of learners will enable inspectors to report on strengths in this area, identify areas for improvement, and support schools and academies to ensure the rights, needs and outcomes of these learners are not overlooked.

Regarding the specific wording of the toolkit, some use of language to refer to language could be improved. For example:

- The headings on ps 4 and 10 “Communication and language, reading, writing” and “Pupils have relevant and appropriate knowledge and fluency in reading, writing [...], and language and communication” can be interpreted to mean that communication and language equal oracy (i.e. listening and speaking) and reading and writing are not part of language and communication, which they are. These inaccurate labels could be replaced by “Oracy and literacy” and “Pupils have relevant and appropriate knowledge and fluency in the four domains of language use: reading, writing, listening and speaking” respectively. Also, the statement “The school has an expertly designed curriculum, which develops pupils’ reading and writing through high-quality texts and increasingly broad vocabulary across all subjects” on p 4, Strong, omits oracy skills.
- The statement “*Every teacher understands the importance of the language and vocabulary, both spoken and written, specific to the subjects they teach...*” on P 8, High quality teaching, Secure, is inaccurate, as it separates out vocabulary from language as if they were two distinct systems, when vocabulary is one of the constituent language systems (alongside spelling, pronunciation, stress, intonation, etc.). This could be easily rectified to “*Every teacher understands the importance of the language, **including** vocabulary, both spoken and written, specific to the subjects they teach.*”
- The “Communication and language, reading, writing” section overlooks the fact that there is a distinctiveness about the language that needs to be taught explicitly to EAL pupils compared to their first-language English peers, especially those who are new to English and at the early stages of English acquisition. This should be included.

## FES

The Bell Foundation welcomes the inclusion of the following descriptors:

**Inclusion**, Identifying and meeting needs and removing barriers, ‘Secure’, p 6: ‘*Leaders quickly and accurately identify learners who have additional needs, are disadvantaged or face barriers to their learning... make sure that these learners receive effective support*’, as many individuals exposed to a language at home that is known or believed to be other than English (DfE, 2023) and who are learners in FES provision are disadvantaged and vulnerable learners. Unfortunately, many learners within this group experience disproportionate underachievement.

**Curriculum**, Inclusive curriculum culture and practices, ‘Secure’ p 11: ‘*Leaders make sure that all learners have and full access to the curriculum are enabled to achieve well... Leaders take all reasonable steps to make sure that learners, including those who are disadvantaged, those with SEND and/or those in receipt of high-needs funding, can study an equally ambitious curriculum*’ as multilingual learners who are new to English or at the early stages of English acquisition do not often have full access to the curriculum they are studying because of their current level of proficiency in English, and their teachers need to have a good understanding of their linguistic needs, and skills to support them. This descriptor would be more helpful if linguistic disadvantage could be mentioned explicitly, as it affects many young people and adult learners studying a wide range of vocational and academic courses (other than ESOL) from Levels 1-3.

Terms used in the Toolkit, such as ‘inclusion, disadvantage and vulnerable’, apply directly to learners who have English as their second or other language, as they face many barriers to learning and preparation for further education and employment, especially when they are new to English or at the early stages of English acquisition, and when providers do not adequately support their language development needs in vocational or academic courses, without which they do not succeed and progress. The language in the FES toolkit is rather

vague when it comes to disadvantaged multilingual learners, and including explicit references to these learners as a specific category of disadvantage as well as in inspectors' guidance would greatly help both inspectors and providers consider this cohort more carefully.

## **What do you think about the research, statutory guidance and professional standards that we have considered? Are there any others we should consider?**

Ofsted should consider:

Research into the educational outcomes of EAL pupils to inform its new tools, operating guides and inspector training. The Bell Foundation recommends the following reports:

- Anderson, C., Foley, Y., Sangster, P., Edwards, V and Rassool, N. (2016) Policy, Pedagogy and Pupil Perceptions: EAL in Scotland and England . The University of Edinburgh, CERES and The Bell Foundation.
- Arnot, M., Schneider, C., Evans, M., Liu, Y., and Welpy, O. and Davies-Tutt, D. (2014) School approaches to the education of EAL. The Bell Foundation.
- Ashlee, A. (2024). Education for late arrivals: Examining education provision for displaced young people arriving in the UK late in the education system. Refugee Education UK and The Bell Foundation.
- Hutchinson, J. (2018) Educational Outcomes of Children with English as an Additional Language. Education Policy Institute, Unbound Philanthropy, and The Bell Foundation.
- Lindorff, A, Strand, S and Au, I (2025). English as an Additional Language (EAL) and Educational Achievement in England: An Analysis of Publicly Available Data. University of Oxford, Unbound Philanthropy, and The Bell Foundation
- Manzoni, C. and Rolfe, H. (2019). How schools are integrating new migrant pupils and their families. National Institute of Economic and Social Research.
- Murphy, V and Unthiah, A. (2015). A systematic review of intervention research examining English language and literacy development in children with English as an Additional Language (EAL). Education Endowment Foundation, Unbound Philanthropy, and The Bell Foundation.
- Oxley, E and de Cat, C (2019) A systematic review of language and literacy interventions in children and adolescents with English as an additional language (EAL). *Language Learning Journal*.
- Strand, S. and Hessel, A. (2018) English as an Additional Language, proficiency in English and pupils' educational achievement: An analysis of Local Authority data . University of Oxford, Unbound Philanthropy, and The Bell Foundation.
- Strand, S. and Lindorff, A. (2021). English as an Additional Language, Proficiency in English and rate of progression: Pupil, school and LA variation. University of Oxford, Unbound Philanthropy, and The Bell Foundation.

The [Guidance for supporting vulnerable and disadvantaged learners](#) produced by the Welsh Government (2020), particularly its definition of vulnerable and disadvantaged learners, in order to improve and refine the working definition of inclusion and inform the toolkits,

guidance and training for inspectors. (Its definition of disadvantaged pupils includes, but is not limited to learners who use EAL and are also in one or more of the following groups: learners with SEN; learners from minority ethnic groups; care-experienced children, including looked after children; learners educated other than at school; children of refugees and asylum seekers; Gypsy, Roma and Traveller children; learners eligible for free school meals; young carers; children at risk of harm, abuse or neglect).

## What do you think about our working definition of inclusion, and how we will inspect inclusion?

The definition of inclusion is not specific enough, and only “those who need the most support to achieve well, including those with special educational needs and/or disabilities” are explicitly mentioned. While the learners who need the most support to achieve well will vary from school to school and from FES provider to FES provider, the definition of inclusion needs to include a list that specifies the groups that are more likely to be at risk of under attainment according to research. In the absence of such a list, there is a risk that for many schools, FES providers and even inspectors SEND is likely to dominate the inclusion judgment to the detriment of other factors. While SEND is a very important aspect, there should be more to inclusion in the inclusion definition than a non-descript group of learners ‘who need the most support’ with only SEND explicitly mentioned. Inclusion is now one of the evaluation areas to be inspected, but as yet there is no clear agreement on what it will cover. In order to come to reliable and valid judgements, inspectors need to know what specific groups and individuals are included in this definition; and what criteria on inclusion inspectors should use.

The Foundation is particularly concerned that the invisibility of EAL and multilingual learners in the definition of inclusion, the toolkit, and the new inspection framework will have a negative backwash effect on schools’ and providers’ priorities, which tend to focus on the areas highlighted in Ofsted reports. If disadvantaged EAL/multilingual learners are not explicitly mentioned, then they may not get covered during inspections. The following data and findings might be of assistance in making the definition of inclusion more inclusive and helpful for all relevant stakeholders.

### Schools

In 2023, almost 1.75 million EAL pupils were recorded, representing over 20% – more than 1 in 5 – of all pupils aged 5–16 in English schools – a dramatic rise from 7.6% in 1997 (Lindorff, Strand and AU, 2025). According to a Department for Education (DfE) analysis of 2018 National Pupil Database (NPD) data, 25% of pupils who use EAL are “disadvantaged”, which is a slightly higher proportion than pupils whose first language is English (at 24%). Moreover, 41% of children who use EAL living in the most deprived areas will be in the early stages of developing English language competence, which is the group at risk of under-performing compared to their English-speaking peers. By contrast, in a less deprived area, only 27% of pupils who use EAL will be at the early stage of developing language competence (DfE, 2020).

Research shows that EAL learners’ proficiency in English has the strongest [relationship with educational attainment](#), (Strand, 2021; Hessel and Strand, 2023) explaining four to six times as much variation as gender, free school meal status and ethnicity combined.

Unsurprisingly, their likelihood of success is strongly influenced by their ability to use English competently. Findings highlight attainment gaps for specific groups within this cohort: (1) learners who are new to English or at the early acquisition stage, as their likelihood to succeed will be strongly influenced by their mastery of the language of instruction, English. (Strand et al., 2015, Strand & Hessel, 2018); (2) learners aged 13-16 who are newly arrived

in England, seeking to access education late (from year 9), and have not been schooled in the English medium. Late-arrivals who speak EAL had GCSE English and maths grades the equivalent of 12 months behind non-EAL-speaking children in 2023 (Hutchinson, 2018; 2025); and (3) those who use certain languages (ibid). Also:

- Gypsy, Roma and Traveller, the lowest achieving group across all Key Stages, with the highest percentage of absences and exclusions ([Race and Disparity Audit, 2018](#)), is not mentioned and it should be. Neither are crucial dimensions of intersectionality with EAL that compound disadvantage for EAL learners such as race and related words (racist / racism) or ethnicity / minority ethnic, and they should be.
- Unaccompanied asylum-seeking children had GCSE attainment that was 34 months behind non-migrant children in 2017; this was lower than for all looked-after children.
- Resettled refugees and asylum-seekers had estimated GCSE attainment that was 17 months behind non-migrant children; this was worse than children with a child protection plan or a history of persistent socio-economic disadvantage. The result is that refugee and asylum-seeking children, who receive little support, have attainment worse than that of children in receipt of statutory services and/or the most vulnerable subset of socio-economically disadvantaged children. (Hutchinson, 2025, forthcoming)

The needs of these groups should be considered and addressed explicitly in the design of all proposed new Ofsted tools, from the definition of inclusion in the inspection framework, to report cards, to toolkits.

### **FES provision**

According to a 2020 evidence review [report on Disadvantaged students aged 16+](#), primary factors of disadvantage include socio-economic background (for example, eligibility for free school meals [until age 16]), and having a basic skills need (for example, students whose highest qualification is below Level 2). Disadvantaged groups include young adult carers, care leavers, Black, Asian, and minority ethnic (BAME) learners, learners with learning difficulties and disabilities, and learners with an English for Speakers of Other Languages (ESOL) need. One or more areas of intersectionality may be present in some learners. The Association of Colleges and Ofsted noted that having English as an Additional Language was one of many risk factors cited by teachers and providers affecting some young people's lack of participation in education and training (Ofsted, 2014). Ofsted should list these types of disadvantaged learners and multilingual learners should be on that list.

The vast majority of multilingual learners in FES provision currently leave ESOL programmes with language skills of a level too low to make a successful transition to further and higher education, and to function fully in society and employment. Anecdotal evidence indicates that many multilingual learners end up underemployed, working in jobs that are substantially below their educational levels, skills, and experience. This disproportionately disadvantages this group.

The needs of these groups should be considered and addressed explicitly in the design of all proposed new Ofsted tools, from the definition of inclusion in the inspection framework to report cards, to toolkits.

## **What do you think about our proposed changes to how we carry out an inspection?**

Mirroring leaders' own improvement priorities during inspection might be problematic because important areas which leaders may not focus on – for instance, support for

EAL/multilingual learners in mainstream subjects, vocational or academic courses - could be missed. Inspectors should continue to inspect with an open view.

## **What could we do to help reduce or manage any unintended consequences?**

Making the inspections more data-driven - especially if attainment data is used primarily or exclusively without reference to progress and contextual data - could lead unscrupulous leaders overconcerned with attainment figures to game this new system by rejecting disadvantaged EAL pupils at risk of underachievement altogether, or by making it difficult for them to join their school, or once in the school, by limiting their access to the full curriculum.

Allowing inspectors to use Analyse School Performance data in its entirety and to interrogate specific data sets could help address the serious issue of rewarding schools that are selective with their entries and punishing the truly inclusive schools. It would also enable inspectors to better evaluate the inclusion area by allowing them to filter and cross-check rich data - not just on achievement, but other key indicators all the way through - to ensure that inclusion is consistent and to ascertain disproportionate exclusion for certain groups, and not just rely on what the schools tell them.

## **Is there anything else about the changes to inspection that you would like to tell us?**

Evidence from schools that we work with suggests that the educational exclusion that disadvantaged EAL learners often experience takes many forms and is on the rise. An example in schools is extended withdrawal interventions (where pupils have reduced access to mainstream lessons) that can adversely impact their language development, attainment and social integration. A lack of appropriate support can affect their ability to follow lessons, participate fully and successfully show what they have learned. This approach is contrary to stated Government policy and was outlawed because it reinforces an awareness of “difference,” is not conducive to an inclusive classroom and it restricts access to important educational opportunities (Commission for Racial Equality, 1986). Such practices disproportionately discriminate against EAL learners, can result in unlawful discrimination, contrary to the Equality Act 2010. Sadly, feedback from The Bell Foundation’s partner schools reveals variability in inspector expertise regarding EAL, sometimes leading to inaccurate judgments of the quality of provision. While some showed sound knowledge about EAL learners, others showed a lack of understanding about how to foster language development alongside curriculum learning, which serves to reinforce poor practice.

Schools and FES providers need reassurance that the knowledge of inspectors regarding EAL/multilingual learners is up to date and evidence-informed. High-quality in-depth training is required to enable inspectors to hold schools to account for ensuring inclusive education for disadvantaged EAL pupils. Specific areas could include developing a nuanced understanding of the diversity of the EAL cohort and promoting evidence-informed inclusive multilingual pedagogies, the importance of early integration in curriculum learning in mainstream classes, and not extended periods of withdrawal, the distinction between EAL and SEND.

Also, in FES provision, the contribution of ESOL as a crucial foundation for meeting local skills needs in any sector/area is rarely mentioned in published inspection reports, so including examples for ESOL in published case studies of exemplary practice and in inspectors’ guidance would encourage more providers and inspectors to focus on this important area. This could include both working directly with employers and with civic

stakeholders and other educational partners to ensure a coherent ESOL offer across providers.

The Bell Foundation is happy to assist Ofsted beyond this response with evidence-informed recommendations to ensure that the new operating guides and inspector training materials include the content that all inspectors need to know deeply, understand fully and apply confidently in busy inspections so that they can make fair and well-informed judgements regarding the inclusion and quality of learning of disadvantaged EAL and multilingual learners and diverse classrooms in school and FES settings.

### **Please tell us how you think our proposals may or may not impact equality.**

In order to ensure that disadvantaged EAL/multilingual learners are given the visibility they need so that education providers can create suitable inclusive environments where these children, young people and adults can thrive in their education and in their social integration and progress to the next steps, the definition of inclusion, the toolkits, inspectors' guidance and training need to be strengthened to include an explicit focus on these learners' needs. Perpetuating these learners' invisibility by not making this group explicit and by providing vague, non-descript and ultimately unhelpful definitions of disadvantage and vulnerability will only exacerbate the discriminatory and exclusionary practices that they frequently experience in schools and FES settings.

