

# Ofsted inspection

## Advice for members on the main or upper pay range

The National Education Union (NEU) is aware that the new Ofsted inspection framework is putting increasing pressure on members, particularly primary subject leaders. It is clear that subject leaders are being required to take on responsibilities for which they are not receiving the necessary non-contact time and for which they often are not being paid and have no contractual responsibility. In many cases, this is due to problems with school funding and staff recruitment, which the new framework does not take into account.

This is a problem which is particularly affecting primary school members, and most acutely those in small primary schools where one teacher may be responsible for several subjects.

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### What are members reporting?

The new inspection framework is focused on the quality of the school's curriculum. In order to assess curriculum quality against the framework's quality of education judgement requirements, inspectors are doing 'deep dives' into subjects, agreed in the pre-inspection phone call with the head teacher.

As part of the 'deep dive', inspectors meet with subject leaders. They are being asked, among other things, about:

- the match between the school curriculum and the national curriculum
- how teachers, throughout the school, plan for memory retention and retrieval
- evidence of consistency of teaching approach and quality throughout the school
- the rationale for the way the subject is sequenced
- how the curriculum is monitored and evaluated.

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## The problem with Ofsted's approach

The NEU believes that Ofsted's new inspection framework has been designed with secondary school management structures in mind. It assumes a management structure of heads of department with responsibility for a subject area, with appropriate extra non-contact time that allows them to monitor the teaching of the subject and student progress, and appropriately rewarded with a Teaching and Learning Responsibility (TLR) payment.

The majority of primary schools do not have this structure. In most primary schools, teachers who are subject leads for a curriculum area do not have a timetable with additional non-contact time which would enable them to observe, assess and monitor the teaching of the curriculum in their subject area. In many cases, they do not have any TLR payment either. In some secondary schools, teachers have responsibility for a phase or key stage within their subject, again with no corresponding non-contact time or TLR. Yet these teachers are being required to be responsible for other teachers' delivery and monitoring of that subject throughout the school. This is unfair and unworkable.

**This problem is even worse for teachers in small primary schools, who may be subject lead for more than one subject and required to complete monitoring documents for a range of subjects.**

It is equally impractical for Ofsted to expect head teachers and deputy head teachers to have the in-depth involvement necessary to be able to discuss all subjects in the manner expected by the new framework.

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## What's my position if I am not being paid extra for a curriculum responsibility?

According to The School Teachers' Pay and Conditions Document (STPCD) TLR payments are intended to reward classroom teachers "for undertaking a sustained additional responsibility, for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which the teacher is made accountable" (2019 STPCD para 20).

The School Teachers' Pay and Conditions Document (STPCD), the statutory guidance which all maintained schools and academies should follow, sets out the limits on what teachers can be expected to do if they do not receive a TLR payment:

**"Teachers are expected to contribute ... to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility of, and accountability for, a subject area or to manage other teachers without appropriate additional payment. Responsibilities of this nature should be part of a post that is in the leadership group or linked to a post which attracts a TLR [payment]" (2019 STPCD Section 3 para 48).**

The NEU advice to teachers who are not in the leadership group and who do not receive a TLR payment for responsibility for any subject or curriculum area is, simply, that they should not be expected to be accountable for that subject or area.

Being on the upper pay range (UPR) does not change matters. The STPCD does not impose any extra professional responsibilities or duties upon teachers on the UPR compared to those on the main pay range (MPR).

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## What are my obligations with regard to discussions with Ofsted inspectors?

It is a normal and reasonable expectation that you should be provided with the necessary support to discharge your responsibilities if you are to be held accountable for them by anyone. In terms of time, the STPCD states that you have a right to non-contact time, additional to your PPA time, for management responsibilities (2019 STPCD Section 3 para 52.6).

If you are not being provided with the time and other support needed to undertake your responsibilities as a subject lead, then you should not be expected to be accountable for what is happening.

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## In terms of Ofsted inspections, the NEU advice to members is set out below:

- If you have not been given the necessary non-contact time and other support to undertake the responsibilities of subject leader, **you should not attend meetings with inspectors without the presence of a senior member of staff who will contribute to the discussion of the curriculum, its delivery and monitoring, throughout the school.**
- If you do attend a meeting with inspectors, with or without a senior member of staff present, **you should make it clear to inspectors that the NEU, your union, has advised you that you cannot be held responsible for the quality of the curriculum in the subject deep dive, because your school has been unable to give you additional time or to pay you for that responsibility.**
- If you are in a small school where there is no-one else who could take on the responsibility of, and accountability for, a subject area or to manage other teachers, **the school leader should write to the lead inspector in the region to state that the school cannot implement a part, or parts of the quality of education judgement requirements, because it does not have the resources necessary to provide staff with the time and payment to undertake those responsibilities fully.**

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## **The NEU advice to teachers without TLRs, therefore, during Ofsted inspections and at all other times, set out below:**

- **You should not** be responsible for standards in that subject, standards of teaching in that subject, feedback in that subject, sequencing of knowledge in that subject, consistency of teaching in that subject, or monitoring and evaluation of teaching and learning in that subject, across the school.
- **You should not** be required to complete any paperwork that records any of the above.

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## **Act now, and act together!**

Don't wait for Ofsted to arrive before you tackle these issues. Use this advice to make a difference.

Talk to your NEU school rep about organising a meeting of NEU members at the school. If you don't have a rep, organise the meeting yourself, and elect a rep at the meeting as well.

Discuss your concerns collectively, then ask your head teacher for a meeting to discuss them with SLT members and secure their support for the approach outlined above.

If you need further advice or support, contact your local NEU officers – you can find their contact details at [neu.org.uk/contact-us](https://neu.org.uk/contact-us)