



AELP Submission: #124

**AELP's response to the "Improving the way
Ofsted Inspects Education" consultation**

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Introduction:

The Association of Employment and Learning Providers (AELP) welcomes the opportunity to contribute to the “**Improving the way Ofsted inspects education**” consultation. This is an area of specific interest to our members, and our consultation response has been informed by feedback gained during roundtables held with over 150 members who shared their views, aspirations and areas of concern.

While AELP accepts the move from one-word judgements, consultation with our members has revealed concerns about the timescales of the proposed changes, the potential complexity of the report card and challenges with the proposed new grading scale. We would also like to once again highlight the inequality faced by smaller providers in terms of notice periods, and the impact this has on their staff, their learners and their employers.

With November 2025 rapidly approaching, the timeline for implementation of the new inspection system, including report cards, leaves providers with little time to plan, adjust and train staff and governors alongside updating internal documentation, for example quality improvement plans. Providers also need clarity on how external organisations will use the new report card system, such as approaches and impact on contractual performance management by wider commissioners, employers and external commissioners (e.g. Crown Commercial Services (CCS) who currently use Ofsted's “Outstanding or Good” grades as automatic entry criteria. More time is needed to educate and allow these organisations to understand and adjust their procurement processes around the new inspection outputs.

Recommendations:

1. Delay implementing the revised framework to January 2026 to allow Ofsted and providers to receive training on how the new inspection cycle will work.
2. Rework the five-point scale to make “Exemplary” meaningful and realistically achievable. Provide clear, understandable definitions for terms like “secure” and “strong,” and ensure terminology reflects the post-16 sector, not just schools.
3. Implement a one-week notice period, for all providers to ensure parity, reduce stress, and improve employer and learner involvement within inspection.
4. Include a “Capacity to Improve” indicator to help contextualise performance and inform funding decisions.
5. Create a “best practice” database, modelled on previous Learning and Skills Improvement Service initiatives, to support sector improvement, ensuring it is updated regularly and promptly.

6. Provide extensive retraining for inspectors to ensure fair and consistent inspections, particularly for part-time inspectors and those unfamiliar with the FES sector.
7. Ensure the toolkit is usable across all provider types, and supplement it with a detailed Operating Guide contextualised to different settings.
8. Coordinate with the Department for Education (DfE) to ensure alignment with future provision changes to the Growth and Skills Levy and avoid unintended inspection overlaps.
9. Broaden the scope of the Achievement evaluation criteria to reflect diverse success measures, not just data (e.g., career readiness, employment outcomes).

Below is a response to each of the questions outlined in the consultation document:

Proposal 1 – Report Cards

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

Feedback from our members on the proposed report cards is that they are overly complex, particularly for providers who offer programmes within multiple funding streams, where they could potentially have up to 20 areas of judgment. Whilst visually the report cards may look acceptable, particularly with the new colour-coding, AELP is concerned that the important narrative element of an Ofsted Report will be lost due to it being hidden within the report card “tiles”. Providers welcome and value the narrative and are concerned that this will be reduced with the proposed changes.

With an increased number of evaluation areas and grades, the report card approach could see providers move into a category of causing concern or needing attention in any of the evaluation areas. It is also unclear as to what impact this will have on decisions being made by other regulatory bodies post-inspection and could further raise the stakes of inspection, such as the number of “needs attention” judgements that would be considered acceptable in procurement, or by DfE, for contract retention.

In addition, AELP would encourage Ofsted to enable a printable/PDF version of a report card’s narrative to be available for providers, alongside the digital version. This would help providers review the details of their report card more easily and share them with relevant staff. The current proposal requires a stable and reliable internet connection to allow the information to be viewed, which makes accessibility and decision-making by learners and parents more difficult, particularly in areas with high levels of digital poverty.

2. What do you think about our evaluation areas? [option to select education remit]

Within the Further Education and Skills report card, there are up to 20 evaluation areas upon which a provider can be assessed and graded, depending on the type of provision they offer. AELP is concerned about the increased volume of evaluation areas, and particularly how Ofsted will ensure standardisation and consistency amongst individual inspectors and inspection teams during an inspection. This is an area that our members have repeatedly highlighted as an area of concern

within the existing Education Inspection Framework (EIF), and they are concerned that consistency will remain an issue within the proposed inspection framework. AELP continues to advocate that Ofsted should ensure HMIs and Ofsted Inspectors have both current occupational and sector experience appropriate for the provider and provision they are inspecting.

Members have also highlighted that within the specific evaluation areas, in particular the “Achievement”, “Participation and Development” and “Inclusion”, are areas that need further consideration, which is further explained below.

Achievement

The achievement evaluation area seems to be very narrow and could become heavily data-driven, which we are concerned is a backwards step following the move away from an over-reliance on data when the EIF was introduced. Achievement can look very different across different sectors and demographics, for example, the measures of success for learners undertaking a Skills Bootcamp are linked to career readiness and employment rather than qualification achievement.

During our roundtable discussions, providers stated that they appreciated the ability to show the narrative and the story behind the data during the EIF’s tenure. However, with the removal of dedicated deep dives introduced during the EIF, there is a distinct concern that this element will be lost within the new format of inspection, particularly within the achievement evaluation area.

Whilst Ofsted staff have indicated that the areas that they will consider within this evaluation area will not only be data-driven, we believe this commitment should also be clarified within the toolkit and subsequent operating guide so that both inspectors and providers have similar expectations. AELP would encourage the broadening of the title to “Achievement and Outcomes” to reflect that achievement can come in many forms across a range of different provision thus ensuring a broader focus on outcomes.

It is also unclear whether the evolution of the Apprenticeship Levy to a wider Growth and Skills Levy will mean a significant number of training providers who currently only deliver apprenticeship provision (and have a straightforward report card outcome) will tip into the “Adult Learning Programmes” and will be assessed more broadly by Ofsted, with an additional set of judgments alongside. We would urge the DfE and Ofsted to work closely to ensure the evolution of this policy area is joined up and easy to understand for service users, learners and employers who will utilise Ofsted outcomes as part of their own due diligence exercise.

Participation and Development

The Participation and Development evaluation area places significant focus on attendance and participation. AELP members have raised concerns about the participation aspect in particular, as participation can be different between individuals. Examples of different levels of participation were given, for example, in some settings, a learner remaining in the classroom and listening to the scheduled teaching session would be a significant milestone, but for others, participation would be expected to include answering questions. Providers were concerned that the nuances could be lost during inspection and providers penalised, especially when compared against work-based programmes and how aspects of self-study might be utilised.

The EIF currently looks at Personal Development, an aspect which doesn't seem to be as prevalent in the proposed toolkit, as the evaluation area covers a much broader range of criteria. Whilst the careers aspects of the EIF have at times been challenging for providers to navigate for employed learners, they are important to maintain, especially in light of the updated [Gatsby Benchmarks](#), which include ITPs. It is also unclear why Personal Development is included within a similar evaluation area for schools and not for FES. AELP suggests that this should be considered when reviewing the toolkits in light of consultation responses.

Inclusion

Whilst AELP support the intention of Ofsted to ensure that all learners are receiving the necessary support from their provider to enable them to progress, our members have indicated that the inclusion and specific provision evaluation areas require more attention.

For example, where learners have significant Additional Learning Needs (ALN), will providers be judged twice within the inclusion and specific provision evaluation area? Equally how will inclusion be considered where providers don't have many learners with ALN, to allow them to demonstrate their support in this area?

Ofsted should also consider how providers offering apprenticeship standards, which are regulated on a statutory basis, are considered via the Inclusion evaluation criteria. For example, the Civil Aviation Authority sets the level of learning adjustments and other inclusion elements which can be offered for learners undertaking Aircraft Engineering.

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

AELP is pleased that Ofsted has adopted its recommendation from the Big Listen that a five-grade scale would be more appropriate to recognise the wide range of provision. We do, however, have concerns about the distribution of the grades as AELP continues to advocate for a "capacity to improve" criteria and believes that the proposed approach to "Exemplary" is a missed opportunity and is largely unachievable in its current design and so does not actually lead to a 5-point grade scale.

Members have also raised concerns about the use of the word "secure" within the scale. Secure means different things to different people, for example, that the building or environment is safe if it is secure, which can't always be guaranteed, rather than an effective curriculum. We encourage Ofsted to consider adding more detailed explanations for the grading categories proposed within the toolkits as per the current EIF, as this was seen to be very useful to aid understanding of the terminology. A number of our members have expressed concern about how "Secure" could be interpreted by external stakeholders, for example parents, as the term may be misinterpreted, and we have heard the same from some employers.

Additionally, members have raised concerns about potential confusion between the order of "secure" and "strong" judgements, particularly due to the similar nature of their criteria within the evaluation criteria. AELP would also recommend the "Strong" description to be reviewed, as currently it is very school-focused with reference to "year groups and key stages". We suggest this is altered to reflect the breadth of provision covered within Ofsted's remit. Potential wording could be "practice is consistently secure across different types of learners, levels and subjects/aspects of learning"

4. What do you think about our approach to ‘exemplary’ practice?

Our members have questioned how achievable the exemplary grade will be, and how it will be used in practice. As indicated in Question 3, AELP would like an additional binary judgement of “capacity to improve” which would sit alongside the grading scale and would indicate to provider funders and other service users a confidence in the provider’s ability to improve.

If the current proposals were to be adopted, additional information as to who will decide exemplary grades and how the use of a national quality and consistency panel impacts the timelines of the report publication process. Our members are concerned that the panel aspect will delay the inspection’s conclusion. Whilst AELP does not believe that exemplary grade is pitched correctly to be meaningful within the evaluation areas in its current format, we do welcome the idea of a “best practice” database to capture exemplary activity, which could be a similar iteration to the previously valuable Learning and Skills Improvement Service ([LSIS](#)) initiative. This could be accessed by providers to support the development of provision; however, for providers to make effective use of the examples, they would need to be added to the database in a timely manner rather than in batches six to nine months later.

5. 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

AELP believes that the current proposal is a 4+ scale rather than a 5-point scale due to the evaluation criteria required for an exemplary grade to be awarded. We have considered the other evaluation scales and do not believe that the other options would provide sufficient distinction between the quality of the provider’s provision.

6. Do you have any other ideas we could consider?

N/A

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

AELP suggests that rather than including additional data alongside the report card, Ofsted should signpost to existing data sets which provide information about achievement etc. This is because a single data source considered outside of its normal context could give an inaccurate picture to stakeholders who have limited sector expertise. For example, Qualification Achievement Rates do

not measure all outcomes from Apprenticeships, i.e. non-completer who gets a better job is not reflected separately from non-completion due to not meeting gateway criteria.

Proposal 2 – Education Inspection Toolkits

8. What do you think about the inspection toolkits? [Option to select evaluation area to comment on]

AELP is broadly supportive of the inspection toolkit format as it articulates to providers what criteria are expected for each area, although we are keen to see how the toolkit works alongside the proposed Operating Guide, which has yet to be published. At present, there are gaps where additional guidance would be required, particularly due to the number of different settings that the Further Education and Skills toolkit covers.

The contextualisation of the toolkits, via the operating guide, is incredibly important due to the wide range of providers which operate within the FE and Skills Sector. AELP believes that the operating guides are vital to the toolkits being implemented in a consistent manner and would recommend that Ofsted engages with the sector's representative bodies to test them prior to dissemination.

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

Following the launch of the refreshed Gatsby Benchmarks in Autumn 2024 and the inclusion of benchmarks for Independent Training Providers, we believe these should be considered. Where possible, the benchmarking terminology could be incorporated within the participation and development evaluation area to reduce duplication and possible conflict for providers.

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

AELP wishes to highlight that the working definition of inclusion and the proposed approach to inspecting inclusion are currently difficult to implement across the diverse contexts of the Further Education and Skills (FES) sector.

While we appreciate that inclusion is a significant area of focus, we caution against applying a one-size-fits-all definition, particularly when it comes to recognising and supporting the complex and varied needs of post-16 learners. Our members are clear that it is not always appropriate—or desirable—to label learners in order to demonstrate inclusive practice, especially where barriers to learning may be subtle, non-disclosed, or fluctuate over time.

The definition references “community” without explaining what this term encompasses. Our members have raised concern that this appears to imply a place-based, geographic definition, which does not reflect the delivery models of many FES providers, particularly Independent Training Providers (ITPs). Who often work nationally or remotely, and across multiple employer settings. We recommend that “community” be interpreted more broadly to include:

- Learning communities (e.g. virtual classrooms or cohorts);
- Employer-based or sectoral communities;
- Cohorts formed by shared purpose rather than location (e.g. national Skills Bootcamps).

Members have also indicated they would like clarity as to how they will be assessed in the Inclusion evaluation area when:

- Their provision involves few or no learners with formally diagnosed additional learning needs;
- Regulatory frameworks (e.g. Civil Aviation Authority for aircraft engineering apprenticeships) limit the scope for providers to make reasonable adjustments;
- Their learner groups are intentionally homogeneous (e.g. employer-specific training cohorts). Ofsted should clearly set out how inspectors will interpret inclusion in these circumstances so that providers are not unfairly penalised.

11. Do you think the toolkit will be suitable for different types of providers?

As outlined above, AELP broadly agrees that the toolkits will be suitable for different types of providers. However, we do believe that the successful implementation of the toolkits relies on the success of the operating guides, as they will provide the necessary context for the wide range of providers who operate within the further education and skills sector.

Proposal 3 – Inspection Methodology

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

Consistency

AELP is concerned about the volume of evaluation areas, and particularly how Ofsted will ensure standardisation and consistency amongst individual inspectors and inspection teams during an inspection. This is an area that our members have repeatedly highlighted within the existing EIF and are concerned that consistency will remain an issue within the proposed new inspection framework. AELP continues to advocate that Ofsted should ensure HMIs and Ofsted Inspectors have both current occupational and sector experience appropriate for the provider and provision they are inspecting. We still see too many examples of inspectors or inspection teams without even appropriate work-based experience.

We are also concerned about the volume of evaluation areas and how Ofsted will ensure standardisation/ consistency amongst individual inspectors/ inspection teams during an inspection. Particularly when considering provision within different settings. Again, this is an area which our members have repeatedly raised concerns about within the existing EIF and are concerned will remain an issue within the proposed inspection framework.

Ofsted should reassure providers that they are aware that the re-education of inspectors is vital to the success of the new framework. There is a need for substantial training for inspectors to ensure a consistent and standardised approach, particularly amongst part-time inspectors. AELP continues to advocate that Ofsted should ensure HMIs and Ofsted Inspectors have both current occupational and sector experience appropriate for the provider and provision they are inspecting.

Removal of Deep Dive methodology

The “official” removal of deep dive methodology raised concerns that inspection could be “watered down” and that inspections would return to a data-driven approach. Whilst reassurance has been given by Ofsted that a revised approach should provide more flexibility for providers to highlight

areas of strength, AELP and its members remain concerned that the removal of deep dives will reduce the opportunity to show the “narrative” side of provision, which runs alongside the data.

Additional Questions

13. What do you consider the likely workload and well-being implications of these proposals?

Generally, members feel that inspection in any format has the potential for an increased workload along with well-being implications and increased costs for providers, particularly where they offer more than one provision type, with potential increases to the size of the quality team to administer the report card approach, and the increased monitoring and workload which is envisaged.

The current lack of clarity about post-inspection implications for providers who receive evaluation grades, ‘needs attention’ and ‘causing concern’, and how these will be aggregated together by other organisations also has the potential to cause further well-being implications. Whilst not directly within Ofsted’s remit, it is important that as an organisation Ofsted recognises the impact that their inspections can have, especially whilst also recognising the impact that judgements can have on market stability and the subsequent impact on learners.

During AELP’s roundtables, concern was raised about how the outcomes of the new inspection framework will be interpreted by other commissioners, such as the DfE, Combined Mayoral Authorities and Employers. This is particularly important due to the part Ofsted grades play within the quality indicators of the Apprenticeship Accountability Framework and within procurement exercises. AELP strongly recommends that Ofsted consider the wider ramifications of changes to its inspections and reporting and liaises with the DfE in particular, as they determine how they will use the report cards to make decisions on providers' future contracts.

14. What could we do to help reduce or manage any unintended consequences?

AELP members would like to see improved briefings for inspectors prior to an inspection to ensure they have an upfront awareness of a provider’s setting and provision. Whilst this may improve with the new approach, which has been tested with longer conversations with senior leaders, we feel that with this increased prior knowledge, providers would be more confident that the inspection team understands the context in which that provider operates.

Re-education of inspectors is vital to the success of the new framework. The need for substantial training for inspectors is vital to ensure a consistent and standardised approach, particularly amongst part-time inspectors. AELP continues to advocate that Ofsted should ensure HMIs and Ofsted Inspectors have both current occupational and sector experience appropriate for the provider and provision they are inspecting.

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

Notification Periods for Providers

AELP continues to advocate for the extension of the notice period to *all* FES providers to align with notice given to large and complex ITPs and FE Colleges, ensuring parity across all providers. Providers need time to plan and coordinate teams within their organisation; therefore, a longer and more

suitable notice period would likely also help to reduce stress and ensure well-being throughout the process. It would also allow providers to notify employers and learners of an impending inspection and ensure they are able to participate in the inspection more effectively. This is supported by feedback from our employer and employer-provider members who have told us that two days is not sufficient time to release apprentices and their managers to support their providers' inspections.

The current two-day notice period is also not sufficient to ensure that a briefing meeting has occurred, and the provider has sufficient information about the focus of deep dives. Smaller providers have highlighted to us that there is currently a perceived disadvantage and inequality for them as they do not receive the same treatment as those who are deemed large and complex. There should be parity across all providers with one week's notice to ensure they have sufficient time to organise the logistics regardless of the size of the provision, aligning a fair and consistent process across the board.

Additionally, the uncertainty of when an inspection will fall provides a significant uncertainty for staff, particularly nominees and other senior leaders, as it can lead to frequent anxiety as to whether personal plans will be disrupted due to notification, particularly when periods of leave are booked. A weeks' notice would also aid staff members with caring responsibilities like young children or elderly relatives to organise alternative arrangements, which can be difficult to do if notified on a Thursday or Friday.

Implementation timescales

Whilst there is never a perfect time to introduce a new inspection process, there is considerable concern about the timescale for the implementation of these proposed changes, particularly as the confirmation of the final toolkit and operating guide will not be released until the summer. Whilst AELP acknowledges that there is an intention for a mid-year introduction of inspection activity (November 2025) to allow for inspector training, this only allows providers a limited period of preparation and to educate and train their own workforce, including Governors.

However, AELP recommends that the implementation of the revised inspection framework be pushed back to start from January 2026. We are concerned about the lack of time for providers, employers and other stakeholders (including the DfE) to be ready for a start date of November and the time between Ofsted announcing the outcome of the consultation and any subsequent changes to the proposals. There is also a considerable amount of work required to ensure inspectors are appropriately ready, whilst ensuring inspections are consistent and fair under the revised framework.

In addition to aid the implementation of the new toolkits, Ofsted should consider providing examples of activity which would be considered by the inspector as meeting the evaluation areas standard for each of the different grades. This could potentially be based on activity and observations seen during pilot visits.

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

AELP is concerned that Ofsted's proposals and a continued two-tier approach to inspection notification and notice periods will lead to a continued inequality across the post-16 skills sector. Due to the disproportionate burden this approach places on smaller independent training providers,



many of whom operate across a range of funding streams and serve some of the most disadvantaged learners in the country, we are concerned that providers may decide to limit the types of provision they offer to reduce the number of evaluation areas they are inspected under. This means that learners, staff and employers will all be impacted if an approach is taken in which a lack of parity is maintained. Ensuring all providers have the same level of notice would provide additional time for these providers to coordinate with employers and learners so that Ofsted sees a true reflection of what it is like to be a learner within that provider. We know that employers would also support this change.

A fair and transparent inspection regime is essential to ensuring that quality, not capacity, is the determining factor in inspection outcomes. AELP is willing to work with Ofsted to develop an approach that maintains rigour while ensuring equity across the sector.

About AELP

The Association of Employment and Learning Providers (AELP) is a national membership body, proudly representing its many member organisations operating in the skills sector. AELP members deliver a range of training and vocational learning, including the majority of apprenticeships as well as Skills Bootcamps, 16-19 Study Programme, Adult Education Budget and more. AELP members support thousands of businesses and millions of learners in England by delivering a wide range of training, vocational learning, and employability programmes. Our members include independent training providers, colleges, higher education institutions, employer providers, awarding bodies and end point assessment organisations. They support learners of all ages, in every community, and at every level of post-16 study.

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