



Arolygiaeth Ei Mawrhydi Dros Addysg  
A Hyfforddiant yng Nghymru  
Her Majesty's Inspectorate  
For Education and Training in Wales

... Rhagoriaeth i bawb ... Excellence for all ...

## **Supplementary guidance on listening to learners**

### **What is this about?**

This provides further guidance for inspectors to use alongside the Common Inspection Framework and all Inspection Handbooks.

### **Who is it for?**

All members of all inspection teams.

### **When should the guidance be introduced?**

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Estyn, Anchor Court, Keen Road, Cardiff CF24 5JW

Tel: 029 20 446446  
Fax: 029 20 446448

## Introduction

The new inspection arrangements emphasise the importance of the needs and interests of learners in promoting excellence for all. Learners have a right to express a view on how well their needs are being met as well as a clear entitlement to influence the services that affect them. This principle received overwhelming support in Estyn's consultation on the Common Inspection Framework.

Inspectors have always spent time listening to learners in order to gain information about the quality of education and training and the standards that learners are achieving. Discussion with learners is a key source of evidence of their achievement and attitudes.

This guidance offers further assistance to inspectors in listening to learners of all ages. It places specific emphasis on listening to learners who may represent particularly vulnerable groups. It describes some of the ways in which inspectors may include these learners and ensure that their views contribute effectively to the process of inspection. However, inspectors should take a balanced account of the views of all learners, as well as of the evidence gained from direct observations when forming judgements.

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## **1 Purpose of guidance**

The purpose of the guidance is to help inspectors to communicate effectively with learners in order to gain their views as part of the inspection process.

In addition, the guidance may help providers to gather the views of learners as part of the process of self-evaluation.

By listening to learners, inspectors will identify issues that can be validated in lesson observations and meetings with staff.

Inspectors will also be able to gain the learners' views on issues that they identify from direct inspection evidence and in meetings with parents and carers and staff.

## **2 Scope of guidance**

The guidance applies to all learners and to the inspection of all providers.

It is designed to ensure that all learners and vulnerable groups of learners, in particular, have the opportunity to express their views on:

- their achievements;
- their experiences of teaching, training and assessment;
- how well learning experiences meet their needs and interests;
- how well they are guided and supported;
- how well leaders and managers involve them in the evaluation and improvement of quality and standards; and
- how well learning resources are used.

The guidance is consistent with the common inspection framework, guidance and current legislation.

## **3 Legislative framework**

The main Acts governing inspections are:

- Further and Higher Education Act 1992;
- School Inspections Act 1996;
- Education Act 1997;

- Teaching and Higher Education Act 1998;
- School Standards and Framework Act 1998;
- Learning and Skills Act 2000; and
- Education Act 2002.

This guidance also takes account of:

- Children Act 1989;
- United Nations Convention on the Rights of the Child;
- Education Act 1996;
- Special Educational Needs Code of Practice for Wales 2002;
- Youth Work Curriculum Statement for Wales;
- Children and Young People: Rights to Action (Welsh Assembly Government);
- Care Standards Act 2000;
- Lost in Care (The Waterhouse Inquiry Report) 2000;
- Guidance on inspecting diversity and equal opportunities in schools and early years settings (Estyn); and
- Newsbrief 14/01: Pupil support and social inclusion (Estyn).

#### **4 Definition of terms used in the guidance**

**Learner:** child, pupil, student, young person, client, trainee or adult learner.

**Provider:** school, college, training provider, youth work provider, careers company, adult learning provider or higher education institution.

#### **5 Principles**

Estyn is committed to listening and responding to the views of all learners as part of the process of inspection.

The importance of listening to learners is emphasised in the new Common Inspection Framework, which received overwhelming support during consultation.

The Common Inspection Framework describes how inspectors should behave in order to secure the co-operation and confidence of those being inspected. The framework states that inspectors will:

- carry out their work with integrity, courtesy and due sensitivity;
- evaluate the work of the provider objectively;
- report honestly, fairly and impartially;
- communicate clearly and openly;
- act in the best interests of the safety and well-being of learners; and
- respect the confidentiality of all information received during the course of the inspection.

Inspectors should take a balanced account of the views of learners, staff and parents or carers, as well as of the evidence gained from direct observations when forming judgements.

All learners should be given an opportunity to express their views. However, it must be made clear to them that participation is voluntary.

Inspectors must apply the principle of equality for both Welsh and English to all inspection work, providing bilingual services whenever they are appropriate. It is therefore essential to enable learners to communicate their views in the language of their choice.

Inspectors must also enable those learners for whom Welsh or English is not a first language or who use alternative forms of communication to express their views.

## **6 Effective communication**

These principles underpin effective communication:

- a good relationship with the learner must be established and maintained;
- the emphasis should be on enabling the learner to talk and then listening carefully to the learner's point of view; and
- the style of communication must be suitable for the age, ability and language of the learner.

## 6.1 Relationships

Establishing and maintaining relationships, particularly in short interviews, requires the interviewer to show respect, genuineness and empathy towards the interviewee(s). It also involves recognising and overcoming barriers to communication.

**Respect** is demonstrated by behaviour that makes others feel that they are important, worthwhile and special in some way.

**Genuineness** is shown by behaviour that conveys the message that you are human, trustworthy and have nothing to hide.

**Empathy** is implicit in behaviour that shows that you try to understand the other person's world as they are experiencing it. In other words, you make an effort to 'see it their way'.

Such behaviour includes:

- introducing yourself and remembering the other person's name;
- ensuring that the environment is suitable and that the other person is comfortable;
- explaining the purpose of the meeting;
- asking questions tactfully and clearly;
- demonstrating that you are listening and asking questions to clarify and check understanding;
- not interrupting or talking over the other person;
- being aware of your own and of other people's body language and the emotions that it conveys;
- responding naturally and as honestly as you can; and
- avoiding being defensive.

## 6.2 Overcoming barriers to communication

There are several potential **barriers** to obtaining the views of learners.

- They may not be used to being listened to and may not expect to be taken seriously;

- They may think that adults with professional status and authority, and who may be from a social background very different from their own are unlikely to understand their needs;
- They may lack confidence;
- They may have a limited ability to express their views, especially in group discussions with others who are more articulate; and
- They may fear the consequences of expressing negative views.

In order to minimise these barriers, inspectors should:

- explain the importance and purpose of listening to the learners' views as part of the overall inspection;
- say what they would like to discuss and why;
- stress that participation is voluntary and that the learner(s) may leave at any time if they do not wish to continue in the meeting;
- tell learners that they should not mention individual members of staff by name in the discussion;
- explain that their views will be kept confidential (unless they tell the inspector anything that might mean that they are not safe);
- stress that what they tell inspectors will not have any effect on their results in exams or assessments;
- reassure them that they will not be named or identified as individuals when the inspectors report their findings; and
- explain how the inspectors will report on their comments and how they can obtain the final report.

It is particularly important when working with a group of learners to establish the ground rules at the outset so that all members of the group are able to express their views and to feel comfortable about doing so. The ground rules might include:

- asking all members of the group to listen to each other and to avoid interrupting speakers;
- making it clear that all contributions are voluntary; and
- reminding the group that confidentiality must be respected by everyone.

### **6.3 Asking questions**

In order to obtain the learner's point of view, it is important to aim for a meeting in which the learners talk, and the inspector listens, for at least 80% of the meeting. This can be difficult to achieve in practice, but the following pointers may be helpful.

Choose statements and questions carefully, bearing in mind that different types of questions will have different outcomes. So, for example:

<b>Question type</b>	<b>Example</b>	<b>Useful for</b>	<b>Not useful for</b>
Open	<p>'Tell me what happens when...'</p> <p>'Tell me about the work that you do here.'</p> <p>'How well are you doing here?'</p>	Most openings. Exploring and gathering information on a broad basis.	Very talkative interviewee.
Closed	<p>'How many times a week do you have maths homework?'</p> <p>'Who would you talk to if you had problems here?'</p>	Getting specific, factual answers.	Getting broadly based information.
Probing	<p>'What happens if people don't attend regularly?'</p> <p>'Does anyone get treated unfairly?'</p> <p>'How have you been helped with things that you found difficult?'</p>	Establishing and checking details of events already known or arising from open question answers.	Exploring emotionally charged topics.
Hypothetical	<p>'What would you do if...?'</p> <p>'If you could change one thing about school what would it be?'</p> <p>'If you were the head teacher/principal is there anything you would do to make life better for students?'</p>	Getting the interviewee to think in broader terms, or about a new area.	If the situation is outside the interviewee's experience.
Multiple	A string of questions or statements.	Never useful.	Never useful.
Comparison	'Do you prefer A or B?'	Exploration of needs and values.	Where pairs of alternatives are unrealistic.

Inspectors should ask a range of questions that take account of the different aspects of the inspection framework and the type of provision made for the learners.

## **6.4 Effective listening**

Inspectors should demonstrate by their manner and use of language that they are listening to learners carefully and attentively.

The following statements and questions might be helpful in checking and clarifying the learner's meaning:

- It sounds as though you are saying that ..... happens here. Am I right about that?
- You seem to be feeling ..... about that situation. Have I got the right impression?
- I'm not sure I fully understand you. Are you saying .....? Is that what you mean?

Also, some simple prompts can help a reluctant speaker to continue:

- That sounds interesting. Tell me more;
- Tell me about another time when ... happens; and
- Go on – this is really interesting.

These are often better phrased as imperatives rather than as questions, to avoid the answer 'No I can't' to the 'Can you ...?' type of question.

It is important to take care not to paraphrase the learners' statements in a way that 'leads the witness'.

## **6.5 Matching the style of communication to the learner's needs**

The following table indicates how the context and style of communication can be adapted to match the learners' age and stage of development. It is important to take account of the fact that the developmental age of some learners may not match their chronological age and phase of education. This is most likely to occur in learners with additional or special needs.

Phase	Settings	Methods	Age-related characteristics
EY	<ul style="list-style-type: none"> <li>• Familiar settings including nursery room, lunchtime and outdoor play area.</li> </ul>	<ul style="list-style-type: none"> <li>• Talk, taking care to draw in the quieter children and to match vocabulary to understanding.</li> <li>• Observation of how children behave.</li> <li>• Draw pictures.</li> <li>• Share books.</li> <li>• Join in with children’s play.</li> <li>• Join at lunchtime.</li> </ul>	<p>Usually happy with visiting adults in familiar setting. Limited vocabulary so interpret behaviour as well. Will only just be learning how to express their feelings. May respond to questions with what they think you want to hear. May talk about current or most recent experiences when asked ‘What do you like doing best?’</p>
KS1	<ul style="list-style-type: none"> <li>• Classroom.</li> <li>• Playground.</li> <li>• Lunch time.</li> </ul>	<ul style="list-style-type: none"> <li>• Talk, taking care to draw in the quieter children and to match vocabulary to understanding.</li> <li>• Share books and hear readers.</li> <li>• Talk to individuals whilst looking at work in class.</li> <li>• Join circle time.</li> <li>• Observe in class and at playtime.</li> <li>• Join at lunchtime.</li> </ul>	<p>Usually happy to talk to visitors in school. May understand that inspection is important to the school and to their teacher.</p>
KS2	<ul style="list-style-type: none"> <li>• Classroom.</li> <li>• Playground.</li> <li>• Lunch time.</li> <li>• Small groups could meet in the school library or other quiet area.</li> </ul>	<ul style="list-style-type: none"> <li>• Scenarios, such as: ‘Design an ideal school. Is this one like it?’</li> <li>• Structured discussion on a range of topics drawn from the inspection framework.</li> <li>• Talk to individuals whilst looking at work in class and hearing readers.</li> <li>• Observe in class and at playtime.</li> <li>• Join at lunchtime.</li> </ul>	<p>Likely to understand importance of inspection. Might be worried about expressing negative views. Likely to be comfortable and more forthcoming in small group out of classroom.</p>

Phase	Settings	Methods	Age-related characteristics
<b>KS3 and 4</b>	<ul style="list-style-type: none"> <li>• Classrooms.</li> <li>• Lunch time.</li> <li>• Small groups could meet in the school library or other quiet area.</li> <li>• School Council meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Structured discussion on a range of topics drawn from the inspection framework.</li> <li>• Talk to individuals whilst looking at work in class.</li> <li>• Read minutes of School Council</li> <li>• Talk to School Council representatives and ask how they consult with peers and what issues emerge</li> </ul>	<p>Will understand importance of inspection. Many will lack confidence and be reluctant to talk in a large group. Likely to be comfortable and more forthcoming in small group out of classroom.</p>
<b>16-19 and adults</b>	<ul style="list-style-type: none"> <li>• Usual teaching rooms.</li> <li>• Normal workplace.</li> <li>• Students' common rooms.</li> <li>• Youth Clubs.</li> <li>• Small groups could meet in the library or other quiet area.</li> <li>• School Council/Students' Union meeting.</li> <li>• Community learning venue.</li> </ul>	<ul style="list-style-type: none"> <li>• Structured discussion on a range of topics drawn from the inspection framework.</li> <li>• Talk to individuals whilst looking at work in class or in a work-based training setting.</li> <li>• Read minutes of School/Student Council or adult learners' council.</li> <li>• Talk to student or adult learner representatives and ask how they consult with peers and what issues emerge.</li> <li>• Analyse student perception questionnaires in FE colleges, Training and Careers companies and adult community learning provision.</li> <li>• Analyse provider's self- evaluation report for reference to consultation with learners.</li> </ul>	<p>Vulnerable groups will need more support, but otherwise adult level communication will often be effective.</p> <p>Some New Deal and Skillbuild learners are reluctant to participate in their programmes, and their responses are likely to be influenced by this. New Deal adult learners may not be used to expressing their opinions.</p>

## **7 Discussing sensitive issues**

Some learners, particularly those who are vulnerable, may perceive certain topics as particularly sensitive. They might experience distress or become angry when such issues are discussed.

At all times inspectors must act in the best interests of the safety and well-being of learners.

In doing so, they should:

- do nothing that might cause a learner to experience distress or anxiety;
- do nothing that calls into question their relationship with a learner;
- report any concerns about the safety or well-being of a learner to the appropriate authority; and
- refrain from intervening personally if they observe bad behaviour, unless someone's safety or welfare is in danger.

When discussing sensitive topics, inspectors should do all they can to prevent any difficulties from arising. However, if any learners do become upset or angry the inspector should first try to calm and reassure them and should remind them that they may leave the meeting at any time they wish. If any learner does wish to leave, but is still in a distressed or agitated state, then the inspector should ensure that the learner returns to a safe place of their choice. The inspector should judge whether it is necessary to ask for the help of another person at this point. All such incidents must be reported by the inspector to a senior member of staff at the first opportunity and be recorded in writing by the inspector.

Occasionally, a learner may wish to talk about a personal experience, or may display behavioural signs that alert an inspector to have concerns about potential abuse. If the learner is aged less than 18 years, the inspector should immediately follow Estyn's child protection procedures. In the case of vulnerable adult learners, the procedures for responding to alleged abuse and inappropriate care of vulnerable adults should be followed.

## **8 Communicating with vulnerable learners**

It is essential to ensure that the views of vulnerable learners, namely those whose needs and views may be different from those of the majority of their peers, are included.

In order to find out how these groups of learners experience their education or training it is often useful to talk to them in private in small groups with about

four learners in each in order to minimise any additional barriers to communication that might otherwise arise.

Vulnerable learners include:

- **Very young children** because they are not considered to have views of their own, and lack the means of expressing their views.
- They will probably find it more comfortable to talk to an inspector as part of a small group in their usual setting and are likely to need a familiar adult with them. This will be helpful where children have limited expressive language or are shy of strangers.
- **Children, young people and adults with SEN and/or disabilities** whose views have traditionally been given a lower priority than those of their parents or carers and the needs of the providers. They are more likely to have difficulty in using verbal language to communicate their views and to have to rely on others to mediate their responses. For some, their actual age will not match their developmental age. Those who have social, emotional or mental health needs are likely to lack the trust and confidence in other people that is essential for effective communication.

For learners with additional or different communication needs, inspectors will need to enlist specialist help from those who can use the appropriate mode of communication. This may be, for example, one of the sign languages or picture systems, ICT equipment or Braille.

- **Learners with physical or mental health difficulties** who are dependent on others for their care and well being, who may have to put medical care before learning as a priority and who are likely to experience interruptions to their education or training programmes.
- **Teenage parents**, who experience tensions between meeting the needs of their babies, meeting their own personal needs and continuing education or training. Teenage fathers are often overlooked altogether.
- **Children excluded from school** who have no voice in the exclusion process and may experience considerable interruption to their education, both before and after the exclusion. They are likely to drop out of education and training, but may reappear in the mental health or criminal justice systems.
- **Looked after children** for whom the educational, social, health and career outcomes are known to be much poorer than those of their peers. They are more likely to have additional learning, social or emotional needs and to discontinue education or training early. They are also likely to drop out of education and training and to reappear in the mental health or criminal justice systems. Leaving care is a particularly difficult transition to make.

- **Children and young people in residential educational provision** who are likely to have additional learning needs or to be disabled. It is likely that some of these children and young people are also looked after children. They may be some distance from home and require particular attention to their care, welfare and protection from harm.
- **Members of minority ethnic and faith groups** who may find cultural, religious and linguistic barriers to communicating their views as learners and who may experience racism. They may lack trust and confidence that their views matter.

Learners for whom Welsh or English is an additional language may need bilingual support in order to communicate with inspectors.

- **Travellers** whose educational experiences will be very different from the majority of their peers and who are likely to experience social exclusion. They may lack trust and confidence that their views matter.
- **Refugees and asylum seekers** who may find cultural, religious and linguistic barriers to communicating their views as learners and who may experience racism. They will have had very different educational experiences from those of their peers and may have experienced trauma.

Many of these learners will need bilingual support in order to communicate with inspectors.

- **Children, young people and adults who have been abused** are likely to lack the trust and confidence to communicate freely with unfamiliar adults. They may have a history of being encouraged to keep secrets and of being disbelieved by others.
- **Vulnerable adults** are defined as people who are 18 years of age or over, and who are or may be in need of community care services by reason of mental or other disability, age or illness and who are or may be unable to take care of themselves, or unable to protect themselves against significant harm or serious exploitation. This group includes people with learning disabilities, mental health problems, older people and disabled people.

For vulnerable adults with additional or different communication needs, inspectors will need to enlist the help of others who can use the appropriate mode of communication. This may be, for example, one of the sign languages or picture systems, ICT equipment or Braille.

## **9 Risk issues for inspectors**

Inspectors should be aware of the risks that may arise from interviews with learners. These include:

- accusations of inappropriate behaviour or conversation;
- distress in the learner being attributed to the inspector's manner or questioning, particularly when discussing sensitive topics; and
- accident or injury occurring during the meeting.

In order to minimise the likelihood of occurrence of these risks, inspectors should:

- adhere to the code of conduct for inspectors;
- meet groups of learners rather than individuals whenever possible;
- hold meetings in rooms which are readily accessible and visible within the school, college or place of work;
- ensure that interviewees can leave the room easily if they so wish;
- arrange to work with another adult nearby; and
- report to the registered inspector and record in writing the details of any incident that gives cause for concern.