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## 2 **An independent inspectorate? Addressing the paradoxes of educational** 3 **inspection in 2013.**

### 4 **Abstract**

5

6 *Recent changes to the English education system have resulted in the September 2012*  
7 *Inspection framework. To a far greater extent than its predecessors this Schedule looks to*  
8 *create a stronger relationship between the inspection agency Ofsted (Office for standards in*  
9 *Education), and to extend the agency's already substantial reach and influence into the*  
10 *areas of teacher professional development and pupil attainment. An explicitly far tougher*  
11 *framework, the 2012 schedule places far greater emphasis on teaching and learning and on*  
12 *lesson observation as a means of judging teacher effectiveness and pupil attainment whilst*  
13 *concomitantly aiming to enhance the credibility of both judgements and agency by creating*  
14 *an enhanced professional relationship between inspectors and school staff. Drawing on*  
15 *Clarke's theoretical framework of performance paradoxes in public service inspection, this*  
16 *paper argues that in attempting to address concerns over the agencies independence, the*  
17 *2012 Inspection Framework and concomitant re-modelling of the inspection workforce serve*  
18 *rather to compound them. The paper concludes that this combined with profound changes in*  
19 *the English educational landscape presents problems for the agency which may in the*  
20 *longer term prove intractable.*

21 *Keywords: inspection, governing education, teaching, secondary inspection, inspectors,*  
22 *professionalism, teacher observation, governance, regulation, public service accountability.*

## 23 **The Role and Purpose of Ofsted: The Parents' Friend.**

24

25 Inspection has been a feature of the education landscape in England since its  
26 inception in 1838 (Maclure, 2000:83). The creation of Ofsted (The Office for  
27 Standards in Education) in 1992 marked a shift in the culture of inspection in  
28 England, placing a far greater emphasis on regulation rather than upon its former  
29 focus on development and advice. The new regime drew on John Major's Citizens  
30 Charter in its stated aim of creating a more transparent inspection regime, through a

1 schedule that provided parents with clear and impartial information in order to aid  
2 parental choice of school, aligning with the neo-liberal education agenda which  
3 began in England in the early 1980s. As John Major stated at the time, '*Ofsted*  
4 *should be the parents friend*' (Major, 1991)

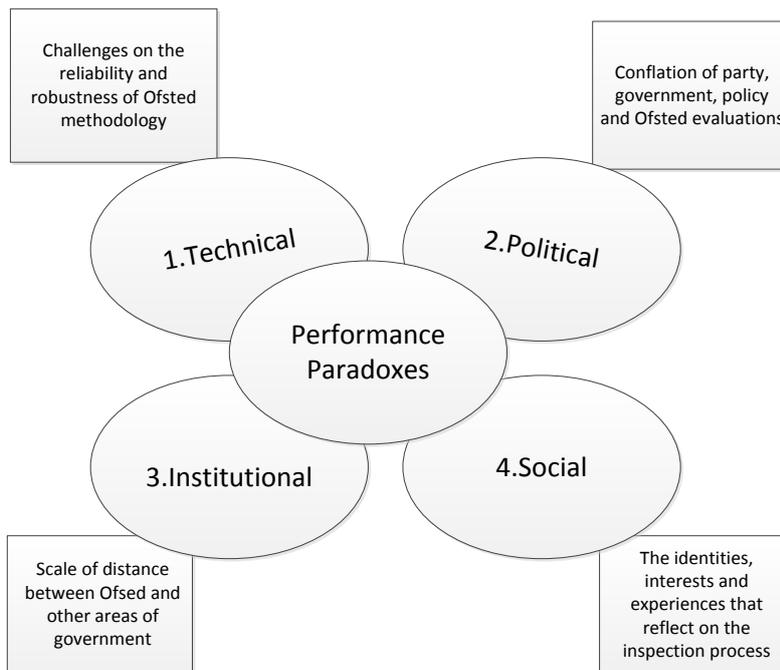
5 Today's Ofsted is a highly complex multi-layered organisation: in the current regime  
6 2700 inspectors are contracted and trained by three agencies; they in turn are quality  
7 controlled by the 400 full time Her Majesty's Inspectors (HMI) employed directly  
8 within Ofsted. According to the official website ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)), the function of  
9 the agency is, '*To promote improvement and value for money in the services we*  
10 *inspect and regulate, so that children and young people, parents and carers, adult*  
11 *learners and employers benefit*' (Ofsted, 2012f). But the agency also operates as a  
12 key element in the governing of education, acting not only as a regulatory body but as  
13 a key element within the, 'assemblages of apparatuses, processes and practices, '  
14 *that constitute new forms of governance*' (Newman & Clarke, 2009:33).

15 In this respect the agency acts not purely as a single institution but also as the  
16 producer and effector of discourses that influence the way in which standards in  
17 English Education are understood and conceptualised (see for further discussion  
18 Author, 2013d; Author & REMOVED FOR BLIND REVIEW, 2013). The move  
19 towards privatisation of public services and reliance on market mechanisms which  
20 began in the 1980s, (Ozga, 2009), has gained pace since the inception of The  
21 Coalition Government in 2010 and increasing numbers of schools opting for financial  
22 and curricular independence via academy status (Parliament, 2010). But in common  
23 with other public service organisations; increasing levels of independence have  
24 concomitantly been accompanied by increasing regulatory control (see Clarke, 2013)  
25 This paradoxical situation is well articulated by Clarke who identifies it as one of four  
26 'performance paradoxes', which emerge as regulatory bodies strive to represent the  
27 public interest in an increasingly complex system (Clarke, 2008:125). One such  
28 paradox, is what he terms, 'the paradox of independence:' the extent to which the  
29 regulatory body can be said to be impartial, as Ofsted describe it, 'to inspect without  
30 fear or favour.' (Ofsted, 2012g).

31 Ofsted, has, since its inception been closely associated with a series of 'rational,  
32 highly engineered frameworks, that reflect the neo-liberal project (Author &  
33 Segerholm, forthcoming). Internationally, inspectorates have become increasingly

1 central to government policy development, acting as both inspectors of practice and  
2 regulators of that practice (Ozga, Author, Clarke, Grek, & Lawn, 2013). The English  
3 inspectorate has since its inception been located between public and profession,  
4 parliament and practitioner. Its power to both inform and form policy through a  
5 diachronic discourse of changing notions of excellence and its converse, in  
6 education (See for further discussion Author & Ozga, 2013). As part of the wider  
7 audit society (Power, 1997), Ofsted as an inspectorate of education, is central to the  
8 three overlapping programmes that Power argues have driven the audit explosion:  
9 'New Public Management; 'responsive regulation; and quality assurance,' (Ibid:66). By  
10 functioning as an ostensibly depoliticised body: 'one of the range of tools,  
11 mechanisms, and institutions through which politicians can attempt to move to an  
12 indirect governing relationship;' inspectorates and the frameworks that they employ  
13 in their evaluative processes act as both policy shapers and policy implementers  
14 (Raffe, 2008 :238; Yanovitzky, 2002)

15 One of the critical dimensions of successful public service regulation is the need for  
16 regulatory agencies to independent or not open to influence by the agendas of  
17 stakeholders, government, service users or other agencies. But this notion of  
18 independence while seductive and ostensibly straightforward often occludes the  
19 more complex nature of the term. A term that initially gained currency during what  
20 Power terms, 'the audit explosion of the early 80's,' (Power, 1997:3), it became  
21 established as one of the core elements of evaluating with validity (House, 1980) but  
22 quickly became problematized, particularly when coupled with notions of 'inspector  
23 discretion:' the extent to which inspectors rely on their professional judgment and  
24 discretion when making their judgements (Bardach & Kagan, 2010). But inspector  
25 discretion and the extent to which this influences the notional independence and  
26 impartiality of the regulatory agency is not the only element of independence which is  
27 increasingly called into question when referring to public service inspectorates.  
28 Clarke breaks down this notion of independence, identifying four paradoxes inherent  
29 within the term: the institutional, political, the social and the technical. What these  
30 mean in terms of the agencies tasked with undertaking this regulation is illustrated in  
31 Figure One.



1

2 **Figure 1 The Paradox of Independence: adapted from Clarke (2008)**

3 This need for independence has according to Boyne and colleagues a dual function:  
 4 the first focusing on the dynamogenic affect inherent within the symbolic importance  
 5 of inspection and the extent to which it is able to , 'offer comfort or reassurance to a  
 6 range of stakeholders,' (1199); the second points to its fundamental role in a  
 7 successful typology of inspection methodology. It is identified by House as a core to  
 8 the principle of 'fairness' and the principle of evaluating with validity; again focusing  
 9 on the perceptual validity that has currency with government, public, profession and  
 10 service user (House, 1980). But as Clarke points out, the concept of independence  
 11 in terms of regulation is not straightforward and any regulatory body attempting to  
 12 create and perpetuate a discourse of independence, needs to consider the ways in  
 13 which the term is constructed by both public, profession and government.

14 Independence has always been a central tenet within Ofsted discourse, their mantra  
 15 since inception: 'we report without fear or favour,' emphasising that Ofsted  
 16 judgements are both impartial and objective (Ofsted, 2012f). This is not purely  
 17 reflected within its code of practice, but equally in the context of its reporting  
 18 structure. One lead inspector explained why because of its reporting structure, the  
 19 agency is independent of government and party politics:

20 *'One of the reasons we are independent is because we are not part of the*  
 21 *direct chain of command.'* (EP17)

1 This actual and perceptual independence is also articulated by the agency's  
2 conception of transparency:

3 *'We have no fear or favour because we publish everything, but we are*  
4 *consistently aware that what we do publish has to be rigorous and robust. We*  
5 *have the QA team making sure that everything is quality assured....it's the*  
6 *processes behind that that make us confident.'* (EP17).

7 The need for political distance between regulatory bodies and government appears  
8 in a number of influential texts on the fundamental to successful regulation across  
9 the public services but as the discussion which follows points out, the extent to  
10 which Ofsted is independent has been contested since its inception in 1992.  
11 Challenges to this independence have been made according to all four of the  
12 paradoxes identified by Clarke. In terms of paradox one: the technical dimension, the  
13 agency has experienced continual challenge to the methodologies by which it  
14 reaches its judgements. These range from criticisms on an over reliance on data  
15 (see Ozga, 2011; Ozga, Dahler-Larsen, Segerholm, & Simola, 2011), to criticisms  
16 around the role and function of teacher observation within the inspection process  
17 (Fidler, Earley, Ouston, & Davies, 1998). Turning to paradox two: the extent to which  
18 there is a conflation between party, government and Ofsted evaluation: the debates  
19 that have taken place since the agency's creation have intensified over the last ten  
20 years; particularly since The Coalition Government took power in 2010 and proposed  
21 a radical programme of educational change that attempted to put to rights a system  
22 which was deemed to have been failing under the previous New Labour  
23 Administration (Boustead, 2012; Stewart, 2012). Although there is not scope within  
24 this paper to discuss this particular element in great depth; two principal themes  
25 emerge from both press, interview data and academic literature: the government's  
26 agenda to increase school autonomies via an expansion of the academies project  
27 (Ball, 2009; Easton, 2009; Machin & Veroit, 2011), and an increasing governmental  
28 and policy emphasis on the primacy of international comparators such as the OECD  
29 (Organisation For Economic Cooperation and Development) PISA programme  
30 (Programme for International Student Assessment), in which English standards in  
31 education have been unfavourably compared with European counterparts (for further  
32 discussion see Grek, 2008; Grek, Lawn, & Ozga, 2009). These comparisons have  
33 exerted great influence on English educational policy appearing in both The 2010

1 White paper and the subsequent Education Act 2011 (DFE, 2010; Parliament,  
2 2011a), metaphorically appearing as a race in which, In inspection terms they have  
3 placed increasing pressure on the inspectorate to explicitly link inspection with  
4 school improvement. Although there has been plentiful research in this area, the  
5 connection has always remained tenuous at best (Ehren & Visscher, 2006, 2008). In  
6 addition to this, recent statistics have demonstrated that a great number of schools in  
7 the 'satisfactory' category have shown no signs of improvement over their last two  
8 inspections (Ofsted, 2012e; Paton, 2012). This apparent lack of progress has placed  
9 politicians and agency in an uncomfortable position and following the appointment of  
10 a new Her Majesty's Chief Inspector of Schools in January, a consultation took place  
11 and as a result the 'satisfactory' judgement was re-worded to 'requires improvement.'  
12 In terms of Clarke's definition of political paradox, in the eyes of both public, teaching  
13 profession and press, this placed the agency in very close alignment with not only  
14 government policy but in uncomfortably close proximity to right wing political  
15 agendas as articulated by The Secretary of State for Education, Michael Gove  
16 (Abrams, 2012; Stewart, 2012).

17 The impact of these elements also heralded challenges in terms of performance  
18 paradox number three: the institutional paradox. Defined by Clarke as the extent to  
19 which the regulatory agency is deemed separate from the service providers. This  
20 separation between service provider and regulator is also a focus of Boyne and  
21 colleagues work who, while agreeing with the Audit Commission that , 'skilled and  
22 credible inspectors are the single most important feature of a successful inspection  
23 service (Commission, 1999:9), find considerable evidence that too close a proximity  
24 between inspectors and inspected can result in 'capture':

25  
26 *'This occurs if inspectors become too close to the inspected and the capacity*  
27 *for independent judgement is undermined or lost.'* (Boyne, Day, & Walker,  
28 *2002:1206)*

29 But the need for inspection to be more greatly aligned with school improvement  
30 alongside the need for inspector judgements to be considered credible has left the  
31 agency with a conundrum: to recruit in service school leaders as inspectors and risk  
32 the 'capture' described above, or continue to recruit individuals who may have been  
33 away from the chalk face for some considerable time? The decision was taken for

1 them following the recommendations of another Parliamentary investigation into the  
2 work of Ofsted in which the committee recorded:

3 *'We are convinced not only that inspectors have more credibility when they*  
4 *are serving practitioners, but also that there are benefits to be gained for the*  
5 *inspection service itself as well as for the settings inspected. [.....]1The*  
6 *exchange of information and the opportunity to see the most effective practice*  
7 *and to take it back into their own institutions... is phenomenal. The inspectors*  
8 *themselves frequently comment that it is the best professional development*  
9 *that they get, as well as the benefit to the sector as a whole.'*(Parliament,  
10 2011b)

11  
12 While the Recruitment of inspectors from serving practitioners creates an inspection  
13 workforce with more recent experience of the educational system than an individual  
14 who may have been out of school for twenty years or more, this development has a  
15 further aim. It seeks to create an inspection regime that can directly influence the  
16 quality of teaching within individual schools through building on the assumed  
17 convergence of interests between professional teacher and professional inspector  
18 and thus narrow the gap between policy and practice: between inspector and  
19 practitioner. This idea taps into shared professional identification aimed at production  
20 of a unified professional workforce with a major focus on school improvement, as  
21 one lead inspector articulates:

22 *'Now we are sharper, and in those days, we did inspection to a school. And*  
23 *the shift has been in the last few years, from doing it to them to doing it with*  
24 *them.'* (EP10)

25 The impact of this shift is as yet unproven; although since the inception of the new  
26 regime the quantity of complaints by head teachers on the inspection process has  
27 risen there is little evidence as yet of the ways in which this new relationship will  
28 affect both teaching policy and practices and the perception of inspection as an  
29 impartial and independent act (for further discussion of the implications of this see  
30 Author, 2013b; Author & REMOVED FOR BLIND REVIEW, 2013).

1 There is little doubt that in-service inspectors will bring a different dimension to the  
2 inspection process, but what this impact will be, brings us to Clarke's final regulatory  
3 paradox of independence: the social paradox. This element of paradox is most  
4 concerned with the ways that personal and professional identities, previous  
5 experience and interests of individuals concerned reflect on the inspection process.  
6 The introduction of practising head teachers from schools judged by Ofsted to be  
7 either good or outstanding raises substantial issues in terms of both the experience  
8 they bring with them to the process and their own perceptions of what it means to be  
9 a good inspector. Previous research into professional identities in education has  
10 demonstrated that are very much influenced by the communities in which they are  
11 considered to have expert status and that the most resilient identities are possessed  
12 by those practitioners who have achieved what they perceive to be excellence in  
13 their field. These individuals are also distinguished by a firm commitment to  
14 professional principles that have normally been instantiated during extensive periods  
15 of professional practice (for further discussion see Author, 2011; Author, 2013a,  
16 2013b; Author & REMOVED FOR BLIND REVIEW, 2013). The extent to which these  
17 individuals can become impartial inspectors: inspectors capable of putting ideas of  
18 excellence that have grown and been nourished by their own success within their  
19 own particular school contexts, may well be the performance paradox that is perhaps  
20 in the longer term the most intractable.

21

22 This discussion raises two key questions for the paper:

- 23 - In what ways does the 2012 Inspection Framework both create and attempt to  
24 overcome the performance paradoxes outlined in this paper?
- 25 - How does the newly developed Framework contribute to and detract from  
26 inspection as a regulatory and tool by which to govern education?

## 27 **Methodology**

28 The research project on which this paper is based examines inspection as a means  
29 of governing education and investigates the governing work of inspection regimes in  
30 three national education systems: Sweden, England and Scotland. The project  
31 methodology also includes analysis of the extent to which inspection offers a  
32 resource for trans/intra-national policy learning within and across these policy

1 spaces; investigating tensions between increased regulation through technical  
2 means such as performance data and the use of expert knowledge, professional  
3 judgement and use of support, development and persuasion in encouraging self-  
4 regulation in the teaching profession.

5  
6 This particular paper is based upon documentary analysis of English inspection  
7 frameworks, thematic reports and Ofsted Inspection reports. The inspection reports  
8 were taken from five case study areas throughout England and geographically  
9 dispersed throughout the country. Reports were analysed within four time frames:  
10 pre -2005, pre-2009, 2009-2012. Within this time inspections were carried out under  
11 a number of different Frameworks (Ofsed, 2005; Ofsted, 1995, 2000, 2009, 2012b).  
12 The research also includes analysis of qualitative interviews with 40 key 'system  
13 actors' within England. They include: inspectors, inspector trainers, Her Majesty's  
14 Inspectors, Contract and agency inspectors (Tribal, CFbt and Serco), senior Local  
15 authority education officials, head teachers and School Improvement Officers (SIPS).  
16 The data are analysed via a combination of qualitative data analysis methods  
17 including discourse analysis (Potter, 1996; Schiffrin, Tannen, & Hamilton, 2001), and  
18 data analysis software that identifies patterns and trends in the use of key words  
19 such as '*teaching*', '*learning*', '*standards*' and '*evidence*'. Critical discourse analysis  
20 is used in this paper in order to define *the changes that have taken place and are*  
21 *taking place in forms of interaction around political and social issues (Weatherell,*  
22 *Taylor, & Yates, 2001:230).*The analysis draws on the work of Goffman (Goffman,  
23 1974) and Lakoff and Johnson (Lakoff, 1991; Lakoff & Johnson, 1999), in its  
24 approach to the ways in which metaphor links to ideologies and political discourses  
25 and how these are framed and legitimised by Ofsted policies and practices. In  
26 drawing upon the work of Goffman, the analysis examines the ways in which  
27 particular statements are framed by normative discourses which appear within the  
28 inspectorate and which legitimise the work of the agency. Framing is viewed as, 'the  
29 use of metaphor to create links between public and professional understandings in  
30 order to support policies and practices.'(Negrine, 2013:82). By identifying normative  
31 approaches, as articulated through interview data, with corresponding policy  
32 innovations , key themes were identified in relation to the performance paradoxes  
33 illustrated in Figure one. In this way the interview data and documentary analysis

1 provided key overarching themes relating to inspection policies and the ways in  
2 which they are articulated by inspectors and school leaders in the field.

3 The case study takes an idiographic approach using multiple site analysis (Stake,  
4 2006) in which individual sites may yield insights which apply across sites but in  
5 which geographical, cultural and contextual differences are acknowledged as core to  
6 the research at each individual location.

### 7 **A Responsive Framework?**

8 In this section of the paper I examine the ways in which the 2012 Framework has  
9 changed the way in which inspection is carried out, and examines to what extent  
10 these changes both mitigate and compound the paradox of independence in  
11 regulatory terms.

12 As discussed, since inception Ofsted's effectiveness has been called into question  
13 by parliament, press and the public, who have questioned the extent to which its  
14 judgements can be deemed to be both valid and robust (Matthews, Holmes, Vickers,  
15 & Corporaal, 1998; Parliament, 2004, 2011b), and the extent to which it contributes  
16 positively to school improvement (Funk, 2012). More recently The Education Select  
17 Committee questioned what they perceived to be the somewhat paradoxical nature  
18 of the agency stating:

19

20 *'We believe that inspection itself needs to be more clearly defined. From*  
21 *inspectors, practitioners and parent, there is clear confusion as to whether the*  
22 *existing Ofsted is a regulatory and inspection body, or an improvement*  
23 *agency.'*(Parliament, 2011)

24 The 2012 Inspection Framework was first introduced in January 2012 and refined in  
25 September of the same year (Ofsted, 2012a, 2012b, 2012c, 2012d, 2012g, 2012h)  
26 The Framework is substantially different from its predecessors both in character and  
27 emphasis. One of the key differences lies in the reduction in the number of  
28 judgements from twenty eight in the earlier schedule, to just four. This combined with  
29 a re-modelling of the workforce to include practising head teachers as inspectors has  
30 led to considerable change for these x *'actors who do political work* .work that both  
31 discursively and interactively seeks to change or reproduce institutions by mobilising

1 values (Ozga, 2009). These values are articulated in Ofsted's changing description of  
 2 the function of inspection within the *two* frameworks, illustrated in Figure 2 Below.

3

2009 Framework (Ofsted, 2009)	2012 Framework (Ofsted, 2012a)
1. Provide parents with information; this informs their choices and preferences about the effectiveness of the schools their children attend or may attend in the future. (page 4 section 2)	1. Provide parents with and <b>expert and independent</b> assessment of how well a school is performing, and help inform those who are choosing a school for their child. (page 4 section 2)
2. Keep the Secretary of State (and parliament informed about the work of schools. This provides assurance that minimum standards re being met; provides confidence in the use of public money; and assists accountability.	2. Provide information to the Secretary of State for Education and to Parliament about the work of schools <b>and the extent to which an acceptable standard of education is being provided</b> . This provides assurance that minimum standards are being met provides confidence in the use of public money and assists accountability, <b>as well as indicating where improvements are needed</b> .
3. Promote the improvement of individual schools, and the education system as a whole	3. Promote the improvement of individual schools and the education system as a whole.

4 Figure 2.

5 The table illustrates a subtle shift in wording, where section one places greater  
 6 emphasis on both the expert nature of the inspectors and the inspectorate and the  
 7 *independence* of inspectors and the inspection agency: an independence challenged  
 8 by recent criticism from both press and unions, who suggest that the inspectorate  
 9 *exists to* implement the Secretary of State's political agenda and is undermining the  
 10 morale of staff (Garner, 2012). The 2012 Framework attempts to respond to this  
 11 political paradox partly by placing great emphasis on the ability of the inspection  
 12 team to generate relationships in which judgements and feedback will be accepted  
 13 by both schools and parents; as one lead inspector told us:

14 *'Inspection is 98% about communication.'* (EP11)

15 The new Framework, it's about telling the story of the school (EP15).

16 This emphasis on creation of a discourse of inspection as a partnership between  
 17 inspectorate and inspected is achieved through repeated emphasis of the  
 18 professional qualities of inspectors (discussed more fully later in this paper),

1 combined with the recruitment of in service heads and senior teachers from  
2 outstanding or good schools. In addition to this, inspectors and senior teachers are  
3 encouraged to carry out joint teaching observations, the feedback from which the  
4 guidance recommends to emanate from the senior teacher rather than from the  
5 inspector (Ofsted, 2012b). The idea of partnership as a way of implementing  
6 government agendas is not a new one, originating during the labour administration it  
7 formed part of the move to,

8           *'Reduce producer dominance associated with monopoly forms of provision ,*  
9           *and sought to create new forms of accountability to users and local*  
10           *stakeholders.'* (Newman, 2001:83)

11 The producer dominance in this case, is particularly articulated in the way in which  
12 the teaching profession is perceived by public, parliament and press. The idea of  
13 teachers as dominant producers, capable of pulling the wool over the eyes of a naïve  
14 public, began under the inspectorate's previous incarnation as Her Majesty's  
15 inspectorate and continued to gain pace from the inception of Ofsted onwards  
16 (Maclure, 2000). The murmurings rose to a clamour, particularly during the early  
17 days of the agency when the then Chief Inspector, Chris Woodhead declared his  
18 intention to rid the profession of *'incompetent teachers'* (Case, Case, & Simon,  
19 2000). The present Chief Inspector is proving to be equally as challenging to the  
20 profession and recent press reports revealed that inspectors are now instructed not  
21 to enter into discussion in school on comments made by HMCI (Stewart, 2012) .

22 But if the profession's view of Ofsted is often less than favourable, studies such as  
23 the one undertaken by Kogan and Maden (Kogan & Maden, 1999) indicate that at  
24 one time, the agency was once popular with the public; that it was indeed viewed as  
25 *'the parents' friend'* as John Major had originally intended (Parliament, 1991). But for  
26 the reasons outlined earlier in this paper, the educational landscape was very  
27 different in 1999 to that of today and the 2012 Framework and accompanying  
28 Inspection Handbook represent the agency's own, *'modernisation project'* (Newman,  
29 2001:84). The term modernisation project first appeared within the Labour  
30 government's programme of public service modernisation in which, 'a partnership  
31 discourse was associated with the attempt by government to learn from and draw on  
32 developments arising within the public sector, to consult with staff and include them

1 in the development of policy [...] a rather different contractually –based set of  
2 discourses ran alongside these, which was designed to ensure that local managers  
3 delivered against central government goals and targets.’ (ibid;84). In this respect the  
4 2012 Framework for inspection, with its emphasis on professional dialogue and  
5 concomitant re-modelling of the inspection workforce in order to ensure that new  
6 inspectors – in service school leaders, are able to use their current experience and  
7 knowledge to effect more cohesive relationships with those they inspect, is also  
8 combined with a declaredly ‘*far tougher*’ Framework. (EP11).

9

10 The construction of a joint discourse of inspection between inspectors and inspected  
11 appears to have great deal of regulatory potential. The inspectorate in attempting to  
12 foster a collaborative view of inspection seeks to align the professional identities of  
13 the inspectors with senior leaders within school. It is in the genesis of these shared  
14 communalities that the interpellation: the imposition of the normative view of good  
15 teaching proposed by Ofsted and its alignment with in school norms is designed to  
16 occur. Training in service staff to perform the role of inspector provides an  
17 opportunity for the agency to bring together the discourse of inspection that it wishes  
18 to convey, with the discourse of inspection as understood by in service practitioners.  
19 In so doing it attempts to address the technical paradox of independence (1) in  
20 attempting to moderate challenges to the reliability and robustness of Ofsted’s  
21 methodology via collusion between inspectors and inspected. In addition it also  
22 addresses the social paradox of agency independence (4) by aligning inspector  
23 identities with those of school leaders.

24 The result is a blurring of the boundaries, a fussiness that hides and obfuscates  
25 regulatory function of inspection with the professionals’ discourse of school  
26 improvement; a phenomenon that Jermier terms: ‘*clothing the iron fist.*’ (Jermier,  
27 1998:12)(Jermier, 1998): the creation of an esoterica of teaching founded on  
28 inspection judgements rather than established pedagogies. This blurring of the  
29 boundaries is aided in part by the huge industry, in the form of books, training  
30 sessions and checklists generated by changes in the inspection Framework (but not  
31 the inspectorate), which centre upon the professional teachers’ need to equate  
32 inspection with school improvement and in so doing work as a form of

1 rapprochement between the two. Training sessions with titles such as, 'The Perfect  
2 Ofsted Lesson', or 'The Perfect Ofsted Inspection' perpetuating the power of  
3 Ofsted's discourse to define what constitutes good and bad in teaching. As one lead  
4 inspector commented:

5           *'We hear, oh I am doing this cos Ofsted says I should.'* (EP17)

## 6 **Shifting Goal posts: Implications of a party political agenda for Ofsted.**

7

8 Investigating the differing extents to which the frameworks seek to influence policy  
9 and practice involves closer examination of the normative assumptions behind each:  
10 the ways in which the texts reach out to create a relationship with their intended  
11 audience, the assumptive values inherent within them, particularly as viewed through  
12 the lens of *expressive values*: evaluative words that draw upon classification  
13 schemes and which may be 'ideologically contrastive, embodying different values in  
14 different discourse types' (Fairclough, 2001:83).

15 Examining statement two in the table, the shift is a subtle one: moving from the  
16 agency's aim articulated in 2009 to: *'Keep the Secretary of State and parliament*  
17 *informed about the work of schools,'* to one in which the agency aims to *'provide*  
18 *information to the Secretary of State for Education and to Parliament about the work*  
19 *of schools and the extent to which an acceptable standard of education is being*  
20 *provided.'* (Ofsted, 2009, 2012c).

21 Although the change in wording is barely discernible it represents a substantial shift  
22 in emphasis for the agency. Moving from an inspectorate whose role is to inform, to  
23 one in which the agency assumes the mantle of the expert: shifting from a position in  
24 which it provides information in order that others may judge, to one in which its  
25 judgements become the bottom line in judging the extent to which an *'acceptable*  
26 *standard of education is being provided'* in England. The normative assumptions  
27 behind this shift, again re enforce the *'professional and expert'* nature of the  
28 inspectorate that appeared in statement one, taking this further to imply that the  
29 agency defines and confirms what constitutes an acceptable standard of education  
30 in England today. This is not a new role for the agency, who have for some years  
31 now articulated shifting notions of excellence through their thematic reports,(see for

1 example (Author & REMOVED FOR BLIND REVIEW, 2012), but this overt articulation  
2 of expertise and benchmarking has not been seen in such a strident form since  
3 Ofsted's previous incarnation as Her Majesty's Inspectorate (Maclure, 2000).

4 According to Newman, shifts in the type of networked governance in which Ofsted  
5 plays a part, require

6 *'The development of more reflexive and responsive policy tools and*  
7 *'broadening of focus by government beyond institutional concerns to*  
8 *encompass the involvement of civil society in the process of governance'*  
9 *(Newman, 2001:162).*

10 But in spite of the continual development of Ofsted frameworks for inspection, the  
11 agency has often been accused of lack of flexibility and ability to react to public  
12 expectations of it (Parliament, 2004, 2011b). Paradoxically the changing frameworks  
13 have also led to conflicting accusations from the profession who bemoan the lack of  
14 consistency between frameworks and a lack of cohesion in terms of the changing  
15 notions of excellence year on year, accusing the changes of being driven by party  
16 political agendas rather than a real concern with school improvement (Ozga, Author,  
17 ET AL REMOVED FOR BLIND REVIEW ). Changes in the frameworks also create a  
18 sense what has been termed, 'performance ambiguity,' (Boyne et al., 2002:1206).  
19 This may be due to the considerable challenge of enabling teachers and head  
20 teachers to keep pace with new expectations and the thinking behind the differing  
21 frameworks. A good example of this is the radical shift in the focus of teacher  
22 observation within the new framework.

23 Observation of teaching has always been a feature of the English inspection system  
24 (Maclure, 2000). The agency states that, 'the key objective of lesson observation is  
25 to evaluate the quality of teaching and its contribution to learning' (Ofsted, 2012b).  
26 This learning is not just evaluated by what is seen in the lesson but is backed up with  
27 a considerable amount of data which reflects both pupil attainment and pupil  
28 achievement. The type of data used in inspections along with the extent to which it  
29 drives judgements has been contested for some time now (for further discussion see  
30 Ozga, 2011; Ozga et al., 2011). As one head teacher told us:

31 *'If all you are going to look at is the data then why bother coming into school' (EP1)*

1 How the final judgement is reached, has been further complicated within the 2012  
2 Framework by the emphasis on teaching over time, explained in the following  
3 quotation by a Lead inspector and inspector trainer:

4 *'What we say to inspectors is look at achievement for the lesson; so if the*  
5 *achievement is good, work out why it is good, it's probably good cos the*  
6 *teaching is good. Then find out is this normally the case? If it is good in the*  
7 *past then you can probably say that this teacher is being effective. But you*  
8 *see, if you do the least modern style of teaching or if you do the most radically*  
9 *different style of teaching model and all of your children are in Victorian type*  
10 *of rows and you are teaching from the back of the room and they never clap*  
11 *eyes on you , but their achievement is good, it matters not.'* (EP11).

12 Although in principle the new Framework is thought by many heads to be fairer, in  
13 addressing both social and technical paradoxes of independence by consideration of  
14 a teacher's normal practice as compared to their performance on the day of the  
15 inspection, as articulated by one head:

16 *'Yes it seems fairer, you can produce evidence to back it [your teaching] up,*  
17 *it's not all about what happens on the day.* (EP19)

18 The sheer volume of observations in the new framework can cause problems as one  
19 head reported:

20 *'Whilst I don't have a brief to be too sympathetic to Ofsted inspectors they are*  
21 *expected to do a huge amount of stuff in a very, very short space of time and*  
22 *things like giving feedback to staff following lesson observation and so on*  
23 *tended to come to bits, simply because they hadn't enough time to do it and*  
24 *there was a mixed understanding of what they suggested they could do and*  
25 *what staff thought they might do!* (EP7)

26 The same head remarked on the feedback process and its effect on staff morale:

27 *'Well you sort of get to a point where you are running 43 observations in a*  
28 *day and a half you are doing say 3 20 min chunks and if you can do that, it*  
29 *just is practically very, very difficult... some were saying inspectors well we*  
30 *aren't allowed to give you a judgements, so some were saying well yours was*

1           *a two yours was a good. And then of course you get staff saying...well they*  
2           *didn't tell me and there must be some sinister reason behind that.'*(EP7)

3 In looking to create a more developmental process this emphasis on observation has  
4 created considerable difficulties for inspectors, who are expected to sustain excellent  
5 levels of feedback and developmental advice within a very constrained timeframe.  
6 As the comments above demonstrate, in trying to overcome accusations of  
7 overreliance on data, and in an attempt to foster links between school /teacher  
8 improvement and inspection, the inspectorate appear to have created a new  
9 paradox: one that due to exceptionally tight time frames involved in the new  
10 framework the rigour and robustness of judgements on teacher performance are  
11 called into question.

12 Another key challenge within the new approach is the need for the teaching  
13 inspector to be able to put aside professional understandings of what constitutes  
14 good teaching and concentrate upon whether this teaching effects good learning.  
15 Although a full discussion of this is out of scope for this paper (see Author, 2013b;  
16 Author & REMOVED FOR BLIND REVIEW, 2013), it raises interesting questions  
17 around the pedagogical aims of inspection and what kind of knowledge is valued in  
18 this process. One inspector trainer offered an aphoristic articulation of the issue:

19           *'They [the inspectors] come in with all of this baggage, what works in their*  
20           *school' and the first thing we have to do is disinter them from that baggage;*  
21           *tell them to leave it at the door' (EP11)*

22 This tension between inspector knowledge and school leader knowledge also  
23 extends to normative understandings of what it means to perform a teacher  
24 observation; as one head articulates:

25           *'[Observing inspection in school] is a very different skill and it has to be that*  
26           *way because it's developmental: nurturing. It has to take into account that*  
27           *these are people that they know well so they can't go in with total objectivity,*  
28           *and also they are immersed neck deep in that person's personal life. So there*  
29           *is an entire matrix of dynamics going on around headship and leaders and*  
30           *line managers that is galaxies away from an inspector walking into a*  
31           *classroom and judging teaching and leadership and behaviour etc.'* (EP11).

1 An added challenge is the amount of time that inspecting heads may give to  
 2 inspection: normally they would perform no more than one per term. The challenges  
 3 involved in being immersed in a certain school culture for the majority of their  
 4 working time preoccupy inspector trainers, as one explained:

5 *'It's their baggage; [they say if teachers] aren't marking this way then they're*  
 6 *not marking right , and that's because in service practitioners all have a*  
 7 *teaching and learning policy in their schools, they are wedded to it and they*  
 8 *have got to shed that as soon as they put the badge on.'* (EP14).

9 The discussion has revealed that although the move towards a more collaborative,  
 10 less combative relationship between inspectorate and teaching profession is a  
 11 positive one, it has introduced considerable paradox into the process of inspection  
 12 tapping into institutional, social and technical performance paradoxes. In the next  
 13 section I explore the way in which an emphasis on the professional nature of  
 14 inspection attempts to mitigate accusations of partiality and over proximity to  
 15 government and party political agendas.

16 A Political Project ?

17 A feeling often voiced within the profession is that Ofsted has become what  
 18 Althusser terms an *'ideological state apparatus'* (Althusser, 2008:19): a primary  
 19 means by which the government perpetuates its educational ideology rather than an  
 20 impartial yet influential agency. This feeling is also prevalent in international circles:  
 21 as one Maltese inspector asked us:

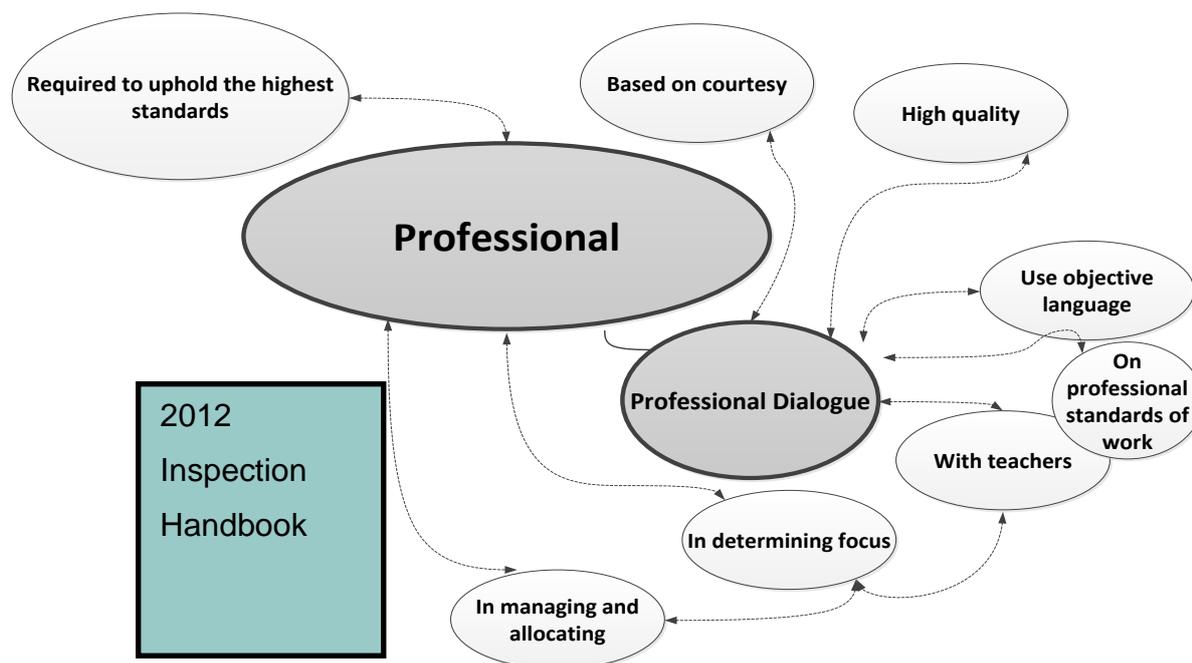
22 *'Why don't they [Ofsted] talk about the political pressure element of it when it's*  
 23 *obvious that they are being used more and more by the government (EP15)?*

24• But the perceptually increasing alignment of agency and government agendas may  
 25 be as indicative of a need for the agency to maintain its influence in an increasingly  
 26 complex education landscape, in which large groups of schools are developing their  
 27 own systems of regulation and their own quality control mechanisms both in and  
 28 across schools (Ball & Junemann, 2012; Ozga, 2000). In this landscape the position  
 29 of Ofsted becomes increasingly tenuous and the retention of its credibility with  
 30 politicians and public more vital than ever. **Steady ingress of myriad organisations,**  
 31 **emanating from both voluntary and private sector, in many cases, act as school**  
 32 **support agencies as well as barometers for school quality and performance. A**  
 33 **particularly powerful example of this is to be found in the case of The Schools Co-**

1 **Operative Society, an organisation set up to,** 'promote co-operative values and  
 2 principles, facilitate mutual support through sharing good practice, develop twenty first  
 3 century co-operative learning communities and promote good governance through  
 4 sound membership based structures that guarantee involvement for all the key  
 5 stakeholders.' (<http://www.co-operativeschools.coop>). **In addition, the availability of**  
 6 **social media and the worldwide web give voice to alternative views on education, for**  
 7 **example The Local Schools Network** (<http://www.localschoolsnetwork.org.uk/>).  
 8 These organisations make powerful use of social media local connections to reach  
 9 out to parents and students over the internet; creating an alternative to the official  
 10 voice of Ofsted. In addition, the once powerfully influential pedagogical reports  
 11 produced by the agency, may appear anachronistic in the face of so many other  
 12 sources of influence, as this inspector explained:  
 13 *'If you look at the quality of Ofsted publications recently and there have been*  
 14 *some good ones, don't get me wrong, but they aren't in the same league in*  
 15 *terms of impact. The HMI publications used to have a huge impact...now take*  
 16 *phonics, huge area right? Big report comes out: successful schools teaching*  
 17 *phonics..do you know about it ? No cos there are so many other sources*  
 18 *about these days.'* (EP4).

19 In order both to counter accusations of partiality and retain primacy and authenticity  
 20 in today's educational landscape the 2012 Framework is infused with references to  
 21 the professionalism of both the inspection process and inspectors themselves. The  
 22 term professional has undergone various iterations during its long history, no more  
 23 so than when allied to the teaching profession as the traditional values based idea of  
 24 a professional has been replaced by an instrumentalised version in which  
 25 professionalism is more closely aligned to compliance with management targets than  
 26 any deontological sense of the word (Author, 2013c; Ozga, 1995). 'These  
 27 understandings of teacher professionalism and their accompanying policy impacts  
 28 have reconfigured the, *'labour process' of teaching, deskilling teachers, intensifying*  
 29 *their work and de-professionalising them as an occupational group.'* (Seddon, Levin,  
 30 & Ozga, 2013:144). **In view of even more recent legislation permitting unqualified**  
 31 **teachers to teach within academies and free schools and forthcoming innovations**  
 32 **designed to allow members of the armed forces to train as teachers without a**  
 33 **degree,(see Gov.UK, 2013).** the return of the agency to what appears to be a more  
 34 traditional approach to professionalism represents a major attempt to distance  
 35 Ofsted from government agendas (DFE, 2013; Harrison, 2013).

1



2

### 3 **Figure 3 Links to the word 'professional' in the 2012 Framework.**

4 Figure three illustrates the incidence of the word professional and associated terms  
 5 in the 2012 Inspection Handbook. One of the terms which places most emphasis on  
 6 the way in which inspectors are expected to interact with schools is that of  
 7 'professional dialogue.' A term which appears almost 40% more frequently in the  
 8 2012 Handbook than in the guidance for inspectors produced in 2009. This term  
 9 normally denotes a discussion among equals rather than one in which the power  
 10 relations between individuals render frank and honest discussion impossible again  
 11 emphasising the ways in which the new framework seeks to form an alignment  
 12 between teaching profession and agency (Clark et al., 1996; Cordingley, Bell,  
 13 Rundell, & Evans, 2005) .

### 14 **Conclusion**

15 Ofsted is in a difficult position and in this paper I have argued that the 2012  
 16 Inspection Framework and its associated re-modelling of the workforce, in seeking to  
 17 address previous criticisms and in attempting to bring an ostensibly more  
 18 developmental culture to inspection, has created a paradoxical system in which

1 presents substantial threat to its continued existence as a credible regulatory body  
2 and legitimate tool by which to effect the governing of education in England.

3 Invoking all four of Clarke's performance paradoxes (Clarke, 2008), the 2012  
4 Framework has been shown to increase the likelihood of compromise to the  
5 inspection process due to constantly shifting frameworks and standards inherent  
6 within these frameworks, and that convincing public and professions that education  
7 is indeed improving; rather serve to create the political and institutional performance  
8 paradoxes described earlier. This in turn appears already to be engendering  
9 substantial levels of resistance within the profession, as this quotation illustrates:  
10 (Abrams, 2012)

11 *'New figures released by Ofsted to BBC Radio 4's File on 4 programme reveal*  
12 *that in the first five months of the new framework, 262 schools – one in 12 of*  
13 *those inspected – made a formal complaint afterwards. Ofsted did not release*  
14 *comparable data for last year, but the figure certainly represents a rise.*  
15 *The Association of School and College Leaders says its monitoring suggests*  
16 *the number of complaints has doubled. At the same time, the number of*  
17 *schools judged inadequate rose from 6% during the last full academic year to*  
18 *9% in the spring term of 2012 (Abrams, 2012)*

19 Ofsted's ability to survive so far has in part been due to its capacity to reinvent itself,  
20 aligning its structure and climate to the political backdrop against which it operates  
21 yet creating a discourse of inspection which places the agency at a respectable  
22 distance from its political masters. In order to continue to do so it may need to re-  
23 define its function within the current education landscape in order to prevent the  
24 Janus like approach of the 2012 Framework with its fuzzy boundaries between  
25 development and regulation from compromising its capacity as an instrument by  
26 which to govern education in England.

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