An independent inspectorate? Addressing the paradoxes of educational inspection in 2013.

Abstract

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

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

The Role and Purpose of Ofsted: The Parents’ Friend.

Inspection has been a feature of the education landscape in England since its inception in 1838 (Maclure, 2000:83). The creation of Ofsted (The Office for Standards in Education) in 1992 marked a shift in the culture of inspection in England, placing a far greater emphasis on regulation rather than upon its former focus on development and advice. The new regime drew on John Major’s Citizens Charter in its stated aim of creating a more transparent inspection regime, through a
schedule that provided parents with clear and impartial information in order to aid parental choice of school, aligning with the neo-liberal education agenda which began in England in the early 1980s. As John Major stated at the time, ‘Ofsted should be the parents friend’ (Major, 1991).

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

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

Ofsted, has, since its inception been closely associated with a series of ‘rational, highly engineered frameworks, that reflect the neo-liberal project (Author & Segerholm, forthcoming). Internationally, inspectorates have become increasingly
central to government policy development, acting as both inspectors of practice and
regulators of that practice (Ozga, Author, Clarke, Grek, & Lawn, 2013). The English
inspectorate has since its inception been located between public and profession,
parliament and practitioner. Its power to both inform and form policy through a
diachronic discourse of changing notions of excellence and its converse, in
education (See for further discussion Author & Ozga, 2013). As part of the wider
audit society (Power, 1997), Ofsted as an inspectorate of education, is central to the
three overlapping programmes that Power argues have driven the audit explosion:
‘New Public Management; ‘responsive regulation; and quality assurance,’ (Ibid:66). By
functioning as an ostensibly depoliticised body: ‘one of the range of tools,
mechanisms, and institutions through which politicians can attempt to more to an
indirect governing relationship;’ inspectorates and the frameworks that they employ
in their evaluative processes act as both policy shapers and policy implementers
(Raffe, 2008:238; Yanovitzky, 2002).

One of the critical dimensions of successful public service regulation is the need for
regulatory agencies to independent or not open to influence by the agendas of
stakeholders, government, service users or other agencies. But this notion of
independence while seductive and ostensibly straightforward often occludes the
more complex nature of the term. A term that initially gained currency during what
Power terms,’ the audit explosion of the early 80’s,’ (Power, 1997:3), it became
established as one of the core elements of evaluating with validity (House, 1980) but
quickly became problematized, particularly when coupled with notions of ‘inspector
discretion:’ the extent to which inspectors rely on their professional judgment and
discretion when making their judgements (Bardach & Kagan, 2010). But inspector
discretion and the extent to which this influences the notional independence and
impartiality of the regulatory agency is not the only element of independence which is
increasingly called into question when referring to public service inspectorates.
Clarke breaks down this notion of independence, identifying four paradoxes inherent
within the term: the institutional, political, the social and the technical. What these
mean in terms of the agencies tasked with undertaking this regulation is illustrated in
Figure One.
This need for independence has according to Boyne and colleagues a dual function:
the first focusing on the dynamogenic affect inherent within the symbolic importance
of inspection and the extent to which it is able to, ‘offer comfort or reassurance to a
range of stakeholders,’ (1199); the second points to its fundamental role in a
successful typology of inspection methodology. It is identified by House as a core to
the principle of ‘fairness’ and the principle of evaluating with validity; again focusing
on the perceptual validity that has currency with government, public, profession and
service user (House, 1980). But as Clarke points out, the concept of independence
in terms of regulation is not straightforward and any regulatory body attempting to
create and perpetuate a discourse of independence, needs to consider the ways in
which the term is constructed by both public, profession and government.

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

‘One of the reasons we are independent is because we are not part of the
direct chain of command.’ (EP17)
This actual and perceptual independence is also articulated by the agency’s conception of transparency:

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

The need for political distance between regulatory bodies and government appears in a number of influential texts on the fundamental to successful regulation across the public services but as the discussion which follows points out, the extent to which Ofsted is independent has been contested since its inception in 1992. Challenges to this independence have been made according to all four of the paradoxes identified by Clarke. In terms of paradox one: the technical dimension, the agency has experienced continual challenge to the methodologies by which it reaches its judgements. These range from criticisms on an over reliance on data (see Ozga, 2011; Ozga, Dahler-Larsen, Segerholm, & Simola, 2011), to criticisms around the role and function of teacher observation within the inspection process (Fidler, Earley, Ouston, & Davies, 1998). Turning to paradox two: the extent to which there is a conflation between party, government and Ofsted evaluation: the debates that have taken place since the agency’s creation have intensified over the last ten years; particularly since The Coalition Government took power in 2010 and proposed a radical programme of educational change that attempted to put to rights a system which was deemed to have been failing under the previous New Labour Administration (Bousted, 2012; Stewart, 2012). Although there is not scope within this paper to discuss this particular element in great depth; two principal themes emerge from both press, interview data and academic literature: the government’s agenda to increase school autonomies via an expansion of the academies project (Ball, 2009; Easton, 2009; Machin & Vernoit, 2011), and an increasing governmental and policy emphasis on the primacy of international comparators such as the OECD (Organisation For Economic Cooperation and Development) PISA programme (Programme for International Student Assessment), in which English standards in education have been unfavourably compared with European counterparts (for further discussion see Grek, 2008; Grek, Lawn, & Ozga, 2009). These comparisons have exerted great influence on English educational policy appearing in both The 2010
White paper and the subsequent Education Act 2011 (DFE, 2010; Parliament, 2011a), metaphorically appearing as a race in which, in inspection terms they have placed increasing pressure on the inspectorate to explicitly link inspection with school improvement. Although there has been plentiful research in this area, the connection has always remained tenuous at best (Ehren & Visscher, 2006, 2008). In addition to this, recent statistics have demonstrated that a great number of schools in the ‘satisfactory’ category have shown no signs of improvement over their last two inspections (Ofsted, 2012e; Paton, 2012). This apparent lack of progress has placed politicians and agency in an uncomfortable position and following the appointment of a new Her Majesty’s Chief Inspector of Schools in January, a consultation took place and as a result the ‘satisfactory’ judgement was re-worded to ‘requires improvement.’ In terms of Clarke’s definition of political paradox, in the eyes of both public, teaching profession and press, this placed the agency in very close alignment with not only government policy but in uncomfortably close proximity to right wing political agendas as articulated by The Secretary of State for Education, Michael Gove (Abrams, 2012; Stewart, 2012).

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

“This occurs if inspectors become too close to the inspected and the capacity for independent judgement is undermined or lost.’ (Boyne, Day, & Walker, 2002:1206)

But the need for inspection to be more greatly aligned with school improvement alongside the need for inspector judgements to be considered credible has left the agency with a conundrum: to recruit in service school leaders as inspectors and risk the ‘capture’ described above, or continue to recruit individuals who may have been away from the chalk face for some considerable time? The decision was taken for
them following the recommendations of another Parliamentary investigation into the
work of Ofsted in which the committee recorded:

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

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

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

The impact of this shift is as yet unproven; although since the inception of the new
regime the quantity of complaints by head teachers on the inspection process has
risen there is little evidence as yet of the ways in which this new relationship will
affect both teaching policy and practices and the perception of inspection as an
impartial and independent act (for further discussion of the implications of this see
Author, 2013b; Author & REMOVED FOR BLIND REVIEW, 2013).
There is little doubt that in-service inspectors will bring a different dimension to the inspection process, but what this impact will be, brings us to Clarke's final regulatory paradox of independence: the social paradox. This element of paradox is most concerned with the ways that personal and professional identities, previous experience and interests of individuals concerned reflect on the inspection process. The introduction of practise head teachers from schools judged by Ofsted to be either good or outstanding raises substantial issues in terms of both the experience they bring with them to the process and their own perceptions of what it means to be a good inspector. Previous research into professional identities in education has demonstrated that are very much influenced by the communities in which they are considered to have expert status and that the most resilient identities are possessed by those practitioners who have achieved what they perceive to be excellence in their field. These individuals are also distinguished by a firm commitment to professional principles that have normally been instantiated during extensive periods of professional practice (for further discussion see Author, 2011; Author, 2013a, 2013b; Author & REMOVED FOR BLIND REVIEW, 2013). The extent to which these individuals can become impartial inspectors: inspectors capable of putting ideas of excellence that have grown and been nourished by their own success within their own particular school contexts, may well be the performance paradox that is perhaps in the longer term the most intractable.

This discussion raises two key questions for the paper:

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

**Methodology**

The research project on which this paper is based examines inspection as a means of governing education and investigates the governing work of inspection regimes in three national education systems: Sweden, England and Scotland. The project methodology also includes analysis of the extent to which inspection offers a resource for trans/intra-national policy learning within and across these policy
spaces; investigating tensions between increased regulation through technical means such as performance data and the use of expert knowledge, professional judgement and use of support, development and persuasion in encouraging self-regulation in the teaching profession.

This particular paper is based upon documentary analysis of English inspection frameworks, thematic reports and Ofsted Inspection reports. The inspection reports were taken from five case study areas throughout England and geographically dispersed throughout the country. Reports were analysed within four time frames: pre-2005, pre-2009, 2009-2012. Within this time inspections were carried out under a number of different Frameworks (Ofsted, 2005; Ofsted, 1995, 2000, 2009, 2012b).

The research also includes analysis of qualitative interviews with 40 key ‘system actors’ within England. They include: inspectors, inspector trainers, Her Majesty’s Inspectors, Contract and agency inspectors (Tribal, CFbt and Serco), senior Local authority education officials, head teachers and School Improvement Officers (SIPS).

The data are analysed via a combination of qualitative data analysis methods including discourse analysis (Potter, 1996; Schiffrin, Tannen, & Hamilton, 2001), and data analysis software that identifies patterns and trends in the use of key words such as ‘teaching’, ‘learning’, ‘standards’ and ‘evidence’. Critical discourse analysis is used in this paper in order to define the changes that have taken place and are taking place in forms of interaction around political and social issues (Weatherell, Taylor, & Yates, 2001:230). The analysis draws on the work of Goffman (Goffman, 1974) and Lacoff and Johnson (Lakoff, 1991; Lakoff & Johnson, 1999), in its approach to the ways in which metaphor links to ideologies and political discourses and how these are framed and legitimised by Ofsted policies and practices. In drawing upon the work of Goffman, the analysis examines the ways in which particular statements are framed by normative discourses which appear within the inspectorate and which legitimise the work of the agency. Framing is viewed as, ‘the use of metaphor to create links between public and professional understandings in order to support policies and practices.’ (Negrine, 2013:82). By identifying normative approaches, as articulated through interview data, with corresponding policy innovations, key themes were identified in relation to the performance paradoxes illustrated in Figure one. In this way the interview data and documentary analysis
provided key overarching themes relating to inspection policies and the ways in which they are articulated by inspectors and school leaders in the field.

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

A Responsive Framework?

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

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

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

The 2012 Inspection Framework was first introduced in January 2012 and refined in September of the same year (Ofsted, 2012a, 2012b, 2012c, 2012d, 2012g, 2012h)

The Framework is substantially different from its predecessors both in character and emphasis. One of the key differences lies in the reduction in the number of judgements from twenty eight in the earlier schedule, to just four. This combined with a re-modelling of the workforce to include practising head teachers as inspectors has led to considerable change for these x ‘actors who do political work’ work that both discursively and interactively seeks to change or reproduce institutions by mobilising
values (Ozga, 2009). These values are articulated in Ofsted’s changing description of the function of inspection within the two frameworks, illustrated in Figure 2 Below.

**Table 1:**

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<td>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)</td>
<td>1. Provide parents with and <strong>expert and independent</strong> assessment of how well a school is performing, and help inform those who are choosing a school for their child. (page 4 section 2)</td>
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<td>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.</td>
<td>2. Provide information to the Secretary of State for Education and to Parliament about the work of schools <strong>and the extent to which an acceptable standard of education is being provided.</strong> This provides assurance that minimum standards are being met provides confidence in the use of public money and assists accountability, <strong>as well as indicating where improvements are needed.</strong></td>
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<td>3. Promote the improvement of individual schools, and the education system as a whole</td>
<td>3. Promote the improvement of individual schools and the education system as a whole.</td>
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Figure 2.

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

‘**Inspection is 98% about communication.**’ (EP11)


This emphasis on creation of a discourse of inspection as a partnership between inspectorate and inspected is achieved through repeated emphasis of the professional qualities of inspectors (discussed more fully later in this paper),
combined with the recruitment of in service heads and senior teachers from outstanding or good schools. In addition to this, inspectors and senior teachers are encouraged to carry out joint teaching observations, the feedback from which the guidance recommends to emanate from the senior teacher rather than from the inspector (Ofsted, 2012b). The idea of partnership as a way of implementing government agendas is not a new one, originating during the labour administration it formed part of the move to, ‘Reduce producer dominance associated with monopoly forms of provision, and sought to create new forms of accountability to users and local stakeholders.’ (Newman, 2001:83)

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

But if the profession’s view of Ofsted is often less than favourable, studies such as the one undertaken by Kogan and Maden (Kogan & Maden, 1999) indicate that at one time, the agency was once popular with the public; that it was indeed viewed as ‘the parents’ friend’ as John Major had originally intended (Parliament, 1991). But for the reasons outlined earlier in this paper, the educational landscape was very different in 1999 to that of today and the 2012 Framework and accompanying Inspection Handbook represent the agency’s own, ‘modernisation project’ (Newman, 2001:84). The term modernisation project first appeared within the Labour government’s programme of public service modernisation in which, ‘a partnership discourse was associated with the attempt by government to learn from and draw on developments arising within the public sector, to consult with staff and include them
in the development of policy [….] a rather different contractually –based set of
discourses ran alongside these, which was designed to ensure that local managers
delivered against central government goals and targets.’ (ibid;84). In this respect the
2012 Framework for inspection, with its emphasis on professional dialogue and
concomitant re-modelling of the inspection workforce in order to ensure that new
inspectors – in service school leaders, are able to use their current experience and
knowledge to effect more cohesive relationships with those they inspect, is also
combined with a declaredly ‘far tougher’ Framework. (EP11).

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

The result is a blurring of the boundaries, a fussiness that hides and obfuscates
regulatory function of inspection with the professionals’ discourse of school
improvement; a phenomenon that Jermier terms: ‘clothing the iron fist.’ (Jermier,
1998:12)(Jermier, 1998): the creation of an esoterica of teaching founded on
inspection judgements rather than established pedagogies. This blurring of the
boundaries is aided in part by the huge industry, in the form of books, training
sessions and checklists generated by changes in the inspection Framework (but not
the inspectorate), which centre upon the professional teachers’ need to equate
inspection with school improvement and in so doing work as a form of
rapprochement between the two. Training sessions with titles such as, ‘The Perfect Ofsted Lesson’, or ‘The Perfect Ofsted Inspection’ perpetuating the power of Ofsted’s discourse to define what constitutes good and bad in teaching. As one lead inspector commented:

‘We hear, oh I am doing this cos Ofsted says I should.’ (EP17)

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

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

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

Although the change in wording is barely discernible it represents a substantial shift in emphasis for the agency. Moving from an inspectorate whose role is to inform, to one in which the agency assumes the mantle of the expert: shifting from a position in which it provides information in order that others may judge, to one in which its judgements become the bottom line in judging the extent to which an ‘acceptable standard of education is being provided’ in England. The normative assumptions behind this shift, again reinforce the ‘professional and expert’ nature of the inspectorate that appeared in statement one, taking this further to imply that the agency defines and confirms what constitutes an acceptable standard of education in England today. This is not a new role for the agency, who have for some years now articulated shifting notions of excellence through their thematic reports,(see for
exampleAuthor & REMOVED FOR BLIND REVIEW, 2012), but this overt articulation of expertise and benchmarking has not been seen in such a strident form since Ofsted’s previous incarnation as Her Majesty’s Inspectorate (Maclure, 2000).

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

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

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

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

‘If all you are going to look at is the data then why bother coming into school’ (EP1)
How the final judgement is reached, has been further complicated within the 2012 Framework by the emphasis on teaching over time, explained in the following quotation by a Lead inspector and inspector trainer:

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

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

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

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

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

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

‘Well you sort of get to a point where you are running 43 observations in a day and a half you are doing say 3 20 min chunks and if you can do that, it just is practically very, very difficult… some were saying inspectors well we aren’t allowed to give you a judgements, so some were saying well yours was
In looking to create a more developmental process this emphasis on observation has created considerable difficulties for inspectors, who are expected to sustain excellent levels of feedback and developmental advice within a very constrained timeframe. As the comments above demonstrate, in trying to overcome accusations of overreliance on data, and in an attempt to foster links between school/teacher improvement and inspection, the inspectorate appear to have created a new paradox: one that due to exceptionally tight time frames involved in the new framework the rigour and robustness of judgements on teacher performance are called into question.

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

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

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

‘[Observing inspection in school] is a very different skill and it has to be that way because it’s developmental: nurturing. It has to take into account that these are people that they know well so they can’t go in with total objectivity, and also they are immersed neck deep in that person’s personal life. So there is an entire matrix of dynamics going on around headship and leaders and line managers that is galaxies away from an inspector walking into a classroom and judging teaching and leadership and behaviour etc.’ (EP11).
An added challenge is the amount of time that inspecting heads may give to inspection: normally they would perform no more than one per term. The challenges involved in being immersed in a certain school culture for the majority of their working time preoccupy inspector trainers, as one explained:

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

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

A Political Project?

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

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

But the perceptually increasing alignment of agency and government agendas may be as indicative of a need for the agency to maintain its influence in an increasingly complex education landscape, in which large groups of schools are developing their own systems of regulation and their own quality control mechanisms both in and across schools (Ball & Junemann, 2012; Ozga, 2000). In this landscape the position of Ofsted becomes increasingly tenuous and the retention of its credibility with politicians and public more vital than ever. Steady ingress of myriad organisations, emanating from both voluntary and private sector, in many cases, act as school support agencies as well as barometers for school quality and performance. A particularly powerful example of this is to be found in the case of The Schools Co-
Operative Society, an organisation set up to, ‘promote co-operative values and
principles, facilitate mutual support through sharing good practice, develop twenty first
century co-operative learning communities and promote good governance through
sound membership based structures that guarantee involvement for all the key
stakeholders.’ (http://www.co-operativeschools.coop). In addition, the availability of
social media and the worldwide web give voice to alternative views on education, for
example The Local Schools Network (http://www.localschoolsnetwork.org.uk/).
These organisations make powerful use of social media local connections to reach
out to parents and students over the internet; creating an alternative to the official
voice of Ofsted. In addition, the once powerfully influential pedagogical reports
produced by the agency, may appear anachronistic in the face of so many other
sources of influence, as this inspector explained:

‘If you look at the quality of Ofsted publications recently and there have been
some good ones, don’t get me wrong, but they aren’t in the same league in
terms of impact. The HMI publications used to have a huge impact….now take
phonics, huge area right? Big report comes out: successful schools teaching
phonics..do you know about it ? No cos there are so many other sources
about these days.’ (EP4).

In order both to counter accusations of partiality and retain primacy and authenticity
in today’s educational landscape the 2012 Framework is infused with references to
the professionalism of both the inspection process and inspectors themselves. The
term professional has undergone various iterations during its long history, no more
so than when allied to the teaching profession as the traditional values based idea of
a professional has been replaced by an instrumentalised version in which
professionalism is more closely aligned to compliance with management targets than
any deontological sense of the word (Author, 2013c; Ozga, 1995). ‘These
understandings of teacher professionalism and their accompanying policy impacts
have reconfigured the, ‘labour process’ of teaching, deskillling teachers, intensifying
their work and de-professionalising them as an occupational group.’ (Seddon, Levin,
& Ozga, 2013:144). In view of even more recent legislation permitting unqualified
teachers to teach within academies and free schools and forthcoming innovations
designed to allow members of the armed forces to train as teachers without a
degree,(see Gov.UK, 2013). the return of the agency to what appears to be a more
traditional approach to professionalism represents a major attempt to distance
Ofsted from government agendas (DFE, 2013; Harrison, 2013).
Figure three illustrates the incidence of the word professional and associated terms in the 2012 Inspection Handbook. One of the terms which places most emphasis on the way in which inspectors are expected to interact with schools is that of ‘professional dialogue.’ A term which appears almost 40% more frequently in the 2012 Handbook than in the guidance for inspectors produced in 2009. This term normally denotes a discussion among equals rather than one in which the power relations between individuals render frank and honest discussion impossible again emphasising the ways in which the new framework seeks to form an alignment between teaching profession and agency (Clark et al., 1996; Cordingley, Bell, Rundell, & Evans, 2005).

Conclusion

Ofsted is in a difficult position and in this paper I have argued that the 2012 Inspection Framework and its associated re-modelling of the workforce, in seeking to address previous criticisms and in attempting to bring an ostensibly more developmental culture to inspection, has created a paradoxical system in which
presents substantial threat to its continued existence as a credible regulatory body and legitimate tool by which to effect the governing of education in England.

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

(Abrams, 2012)

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

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

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