

## Regulatory Frameworks: Shifting Frameworks, Shifting Criteria

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This chapter draws on the idea of ‘an infrastructure of rules’ in order to discuss the regulatory frameworks that guide the work of inspection in the three systems in our study. As we pointed out in our introductory chapter, embodied knowledge risks being ‘dismissed as irrelevant’ (Fourcade 2010: 571-2) unless there is a presence of an infrastructure of rules and conditions of collection and centralised reporting systems that structure personal observations so that they are not dismissed as ‘merely a mass of observations’ (Fourcade 2010). Inspection frameworks are such an infrastructure of rules. They regulate the inspectors’ practice through prescribing what and how information is to be systematically and/or deliberately collected, as well as what type of relation and distance there should be between inspectors and those inspected. The discussion of the inspection frameworks in our three countries also provides a picture of the types of knowledge that are valued and preferred when judging education quality in schools. What has to be measured and assessed, in order for the inspections to be regarded as valid and reliable and in order for the schools to improve? Assumptions about what counts as a solid basis for judging quality in schooling, of what is a reasonable process for supporting improvement, and about what provides resources for the successful governing of schooling, may be highlighted by studying inspection frameworks.

Inspection frameworks may also tell us something about how neo-liberal agendas (see chapter 2) and their pre-occupation with ‘steering the future’ are operationalised in practices requiring a variety of data, information and knowledge, or as Hayek puts it: ‘this planning, whoever does it, will in some measure have to be based on knowledge which, in the first instance, is not given to the planner but to somebody else, which somehow will have to be conveyed to the planner.’ (Hayek 1945: 520). But these projects also need the work of a nation state trying to preserve a balance between the market and the public interest (Wilkinson 2013). This balancing act directed at the future reflects a tension played out in school inspection in the three countries over time, as we illustrate through discussion of the constant change in the frameworks of inspection.

## Changing inspectorates

Inspectorates in all three countries have undergone a number of changes since their inception. In Sweden growing public concern over education and the concomitant political emphasis placed upon it provoked substantial change in the ways in which inspection is carried out, as Rönnerberg reports:

*Education has been a prominent issue in past elections, and not least in the heated electoral campaign of 2010. This time around, voter surveys showed that education was perceived as one of the most important policy areas by supporters of all parties (Holmberg et al., 2010; Lindquist, 2010). In 1991 only 4% of voters stated that education was an important electoral issue. By 2006, however, this figure had increased to 24% and in 2010 it rose to 26% (Hedberg 2012). (Rönnerberg 2012: 5)*

In all three countries, the influence of international comparisons such as PISA increased both political and public awareness of education, turning ‘education achievement tests into an international spectacle’ (Simola et al. 2011: 97); a spectacle seized upon by the media and reported in many cases in the form of stories which focus particularly on national failures (see for example Grek 2008; Rönnerberg, Lindgren & Segerholm 2012). Changes in the intensity and focus of inspection in all three countries can be identified: articulated in the form of new Acts such as the 2011 Education Act in England (Parliament 2011a) and the subsequent new inspection framework (Ofsted 2012ab), the 2002 Ordinance on School inspection in Sweden (SFS 2002:1160), the New National Authority for inspection established in 2008, and confirmed in the Education Act of 2010 (SFS 2010:800). In Scotland the mode of inspection has developed over time in a coherent progression of the idea of self-evaluation in ‘How Good is our school’ (HGIOS) through various iterations: however the model shifted significantly in 2011 with the adoption of a New Inspection Model and the location of the inspectorate in a new agency, Education Scotland.

Thus new approaches to inspection in the form of new frameworks have been instigated along with substantial re-modelling of the inspectorate workforce (for further discussion see Baxter & Hult, 2013; Lindgren, 2012). In the following section, we discuss the changing infrastructures of rules, the types of knowledge and information collected and how they contribute to an assessment of education quality, along with the ways in which these changes have themselves provoked tensions in the inspection process.

## Changing frameworks

### *Sweden*

Changes in the Swedish approach to inspection accelerated in 2003 with the reintroduction of the school inspectorate, driven by notions of ‘equivalence’: the need to safeguard an equivalent standard of education throughout the whole of the country (Rönnerberg 2011: 74). This represented a substantial change, moving from quality assurance, which was the responsibility of the municipality, to national inspection that focused on individual school visits. As Rönnerberg describes:

*The NAE’s (The National Agency for Education), strategy of not intervening in school activities, and of halting at the municipal level had reduced the state’s ability to use the NAE as a means of pursuing national policies (RRV 2001: 24,P.71). Indeed by deciding to reform the NAE the government voiced its expectations of the new NAE in explicit terms: it was to be a strong and visible actor on behalf of the state, closely observing and inspecting educational activities and upholding demands for quality and equivalence.’ (Rönnerberg 2011: 75)*

From the arrival of a coalition government of Conservatives, Liberal, Centre party members and Christian Democrats in 1991, the links between the economy and Swedish education were strengthened. (Lundahl 2007: 122). Lundahl argues that this was accomplished in three ways: ‘increased importance is attached to education as infrastructural investment, supporting economic growth; the market and enterprise serve as models of education and schools and education is privatised or marketed’ (Lundahl 2007: 123). This focus implied the growth of a much more intensive and regular inspection regime. Back in office from 1994 the Social democratic government reintroduced inspection and the new directive for the inspectorate was to inspect every school and every municipality within a period of six years starting in 2003 (SFS 2002:1160). The framework included assessments of both judicial aspects (compliance with the law) and the quality of the education provided. The mandate also included a school improvement element, but this was to be carried out by a new national agency: the Swedish National Agency for School Improvement (*Myndigheten för skolutveckling*).

The model of inspection built on an evaluation approach in which the relationship between the preconditions for an effective school and the results (expressed as outcomes/attainment) formed the basis for control and development (Skolverket 2005: 16). The inspection model involved three main areas:

- *Results:* Norms and values, Knowledge
- *Activities:* Work on norms and values, Teaching, Steering, Management and Quality Work
- *Conditions:* Access to information and education, Resources (Lindgren et al. 2012).

The evidence to be collected included statistical data alongside qualitative evidence gained during interviews with head teachers, teachers, pupils, staff, parents, central government politicians and administrators. Visits to classrooms were made and ‘informal conversations with teachers and pupils,’ were suggested (Segerholm 2010: 1). The inspections aimed at the provision of both ‘quality and local improvement’ and sought to provide a robust basis for ‘national and municipal decision making’ (Segerholm 2010: 1). Although the model was refined in 2007 it remained essentially the same until the new coalition government of Conservatives, Liberals, Centre party members and Christian Democrats pushed inspection in a new direction and established a new authority in 2008: the Swedish Schools Inspectorate (SSI: Statens Skolinspektionen). The model then moved from a framework which relied upon a number of sources of evidence to one which emphasised: ‘control, results and formal or judicial aspects of education,’ and was launched as part of an: ‘ambitious attempt to by the right wing coalition to reform the Swedish Education system which had been and is still described by politicians and the media as inefficient and underachieving’ (Baxter & Hult 2013, 4). These changes again increased the intensity of inspection as the following quotation illustrates:

*In 2011 the Inspectorate assessed 2 400 comprehensive schools, 550 secondary schools and 660 other publicly funded educational enterprises. In their annual report to the government they stress the increase in productivity of around 1 000 visits compared to the previous year, (or a 41% increase in productivity, our calculation) (Skolinspektionen n.d., 8 in Hult & Segerholm 2012: 2)*

This change in approach engendered a re-modelling of the inspection workforce. The new workforce, with, at its helm, a new National Director-General, a former Deputy director-general of the National Board for Health and Social Welfare, Director General at the National Council for Crime Prevention (Brå), and Police Commissioner, was radically changed. Not only did it comprise professionals from the field of education, but also from the field of law and investigation: legal scholars schooled in the ways of the law or alternatively, professionally trained investigative researchers with academic qualifications (Baxter & Hult 2013: 3). Many of the inspectors with an educational background in the new inspectorate had also worked as inspectors during the period when the inspections were part of the National Agency for Education 2003-autumn 2008 (Johansson 2012).

The SSI carries out regular supervision of all schools and principal organizers, (municipalities and operators of independent schools). In the following discussion these are the inspection activities that we are referring to when using the term 'inspection'. The SSI is also commissioned by the government to carry out additional evaluative activities: these are quality audits where a sample of schools is audited thematically, for example in relation to a specific school subject or a particular area of interest such as assessment in the lower grades. The SSI also handles complaints from individuals (for example concerning bullying) and makes decisions about licenses to start or extend an independent school and also follows up that the school starts in accordance with the licence conditions. The basis of all activities is the agency's interpretations of the Education Act and Ordinance, and other national formal documents that have to be adhered to by all schools. Examples of the latter are: the national curriculum and course plans, the national grading system, regulations concerning individual development plans for all pupils, plans for equal treatment, and the National Agency for Education's general advice (for example about how to carry out quality assurance). Elaborate process manuals have been developed and are constantly revised for the different types inspections, e.g. regular supervision or quality audits.

These laws, rules and regulations are particularly important in regular supervisions (Regeringen Utbildningsdepartementet 2010, 2011, Skolinspektionen n.d. b). Assessment areas in regular supervision are: attainment/goal fulfilment and results, educational leadership and development, learning environment and individual pupils' rights. Before on-site school visits, schools have to send materials and a thorough description of their operations (based on a template) to the SSI. Surveys of parents, students and teachers are also administered. At a

minimum, interviews with head teachers are carried out during the inspectors' visits. Inspections are proportionate, and depending on the inspection history the levels of inspections can be basic or more comprehensive. In schools with a negative trajectory the visits may also include interviews with teachers, pupils, legal guardians, the school nurse, and special education teachers. This model of proportionate inspection is intended to reduce costs. The principal organisers of provision are also interviewed, for example the chairman of the municipal education board along with the director of education, and for independent school organisers, the director of education quality or the equivalent. Decisions and reports in regular supervision are made for individual schools and for principal organizers focusing on deviance from what is required. A response from the principal organizer with a plan for how to comply with the SSI decisions has to be sent to the Inspectorate within three months of the visit. The SSI assess if they can accept the response and action plan and inform the principal organizer of their decision. A follow-up is conducted approximately three months later.

A change was introduced in July 2011 with the new Education Act (SFS 2010: 800); according to it, the SSI can make use of sanctions. Fines can be imposed, or for independent schools the license to operate may be withdrawn if the principal organizer does not address the identified failings. This move to a very different framework from the previous iteration reflected an attempt by the Swedish government to address concerns about the credibility and reliability of inspection methods as well as to combat accusations of partiality among inspectors: the combination aimed at presenting a zero tolerance approach to poor school standards by the new administration (see for further discussion Rönnerberg et al. 2012; Segerholm 2010) The message was very clear: if education was to be a political vote winner, then the government needed to be seen as tough on education. This resulted in a new 'tougher' framework to be implemented by an 'objective' professionally trained workforce; a workforce which, having little in common professionally with those it inspects, would not be the subject of public accusations of 'inspector capture' (Boyne et al. 2002: 2013) particularly given the additional powers of the inspectorate to implement substantial penalties in cases of schools deemed to be failing:

*The Swedish Schools Inspectorate may make use of penalties and apply pressure so that a principal organizer rectifies its activities. If the principal organizer does not take action or seriously disregards its obligations, the Swedish Schools Inspectorate may*

*decide to impose a conditional fine or measures at the principal organizer's expense. In the case of an independent school, its licence to operate may be revoked.*

(Skolinspektionen, 2013: page numbers?)

The new framework also includes quality assessments that are thematic, for example an assessment of mathematics teaching in secondary education, and they form a rather substantial part of the SSIs activities. These assessments may be initiated by the SSI itself, based on experience in the inspections/regular supervisions, but they can also be commissioned by the government when issues are raised in other political areas, for example the position of minority languages in the country. The leadership at the SSI makes decisions about what to quality assess, and then commission literature and research overviews as well as statistical descriptions from the statistics department. They develop directives and devise two or three main questions, and the directives are then quality assured by an internal process before the project leader carries out the investigation. Researchers are invited to participate as subject or theme experts acting as advisors. These quality assessments have two distinctive features:

*One thing is that we can rely more on research and less on statutes. And then we of course in this quality assessment relate to the national curriculum and syllabuses. And that leads to the second difference, that is, how we design and write the report and decisions. We do not any longer express shortcomings /---/ we have an attachment where we point to the statutes that are central for the assessments, and we sum up with areas in need for developments. (Project leader for one quality assessment, date?)*

Data are collected from between 30-50 schools for each quality assessment process. There are aggregated national reports where the results are published, good examples are portrayed, but no sanctions are attached to these more development-oriented assessment exercises.

The infrastructure of rules for school inspection has varied considerably over time. Different national agencies have been commissioned by the Swedish government to inspect from 2003 and onwards. The intensity of inspection activities has increased incrementally and the assessment areas and criteria have shifted from a more holistic model to one directed to outcomes like attainment, achievement and visible results in knowledge of school subjects. School data were collected in the beginning of the period through statistics and interviews. In

the most recent model school data are supplemented by survey information from pupils, legal guardians and teachers representing a variety of knowledge types; hard data, professional knowledge about schools, 'lay views' and knowledge about the legal provisions, with a stronger emphasis on this element. Although the governing distance between the government and the organizers and schools remains formally the same as previously, the stress on compliance shortens that distance. But somewhat paradoxically the professional distance by the same argument may be characterised as having increased because the 'new' inspectors' do not have an educational background. Although the frameworks set an infrastructure where governing is done through embodied presence, the proximity in professional knowledge and experience is reduced in the latest model. In addition the emphasis on deviation and non-compliance in the framework does not promote dialogue and closeness.

### *England*

There were very considerable changes in English inspection frameworks in the period of our study. As we indicated in Chapter 2, although Her Majesty's Inspectorate (HMI) in England traces its origins to the 1830s, Ofsted (the Office for Standards in Education) is a relative newcomer. It was established in 1992, both replacing and incorporating HMI, and reflected the then Conservative government's determination to break what they saw as the hold of the education establishment by introducing competition in the provision of inspection as a means of bringing in 'new blood' and changing the culture of the inspection workforce. Ofsted is a non-ministerial government department that commissions private sector providers to carry out inspections of state schools. It was created because HMI -which included distinguished educationalists- were seen by 'reforming' governments in the late 1980s/1990s as elitist, as more focused on influencing government than on schools, and vulnerable to producer capture. Ofsted was a way of dealing with the 'complacency' of HMI who, according to Chris Woodhead (himself a Chief Inspector under Conservative and New Labour governments) had failed to establish a clear evidence base for action (2002: 202). From 1992 Ofsted kept a Register of Inspectors (RIs) who led inspection teams set up by the contracted companies to train inspectors and provide an inspection labour force to support the huge increase in inspection activity that followed this new arrangement -RIs and commercially provided inspection teams were much cheaper than HMI. Ofsted in 1992 consisted of a much reduced HMI workforce and, 'hundreds of inspection agencies' contracted to deliver inspections:



Anybody could bid for contracts and it was a highly complex matrix of structures, because for example you had sole traders bidding for work.....there were literally hundreds of contractors and Ofsted's job then was very much a matter of quality assurance of those small teams (Contract inspector, 14 November 2012).

The increase in inspection, and the recruitment of this new inspection force created a demand for increased standardisation and consistency across the system, in the absence of the coherence created by the unwritten rules and social cohesion of HMI. As a result there was a massive increase in inspection documentation, including inspection frameworks and handbooks that led to inspection being characterised -by some critics- as a 'tick box' activity. This shift is also, of course, a shift in the basis of authority: different knowledge-based resources are being mobilised in these regulatory instruments. There is a shift from the pre-reform resources -often implicit- of officer-class social behaviour, combined with professional experience and (at least in some cases) subject or pedagogic expertise, to the following of rules constructed elsewhere. At the same time as the work of the inspectorate is increasingly specified, the discourse of their independence and professional judgement continues to be invoked, generating some tension within the inspection workforce as well as within schools.

The fundamental tension in this knowledge-based regulatory process helps to explain the constant search for a satisfactory formula that would sustain the authority of inspectorial judgement while ensuring consistency across the system. There were constant changes to inspection frameworks within the period 1992-2010, accompanied by changes in the handbooks and web based documentation supporting inspection. Substantial change took place in 2005 when HMI were -to some extent- restored to their previous status by being given lead inspector roles in school inspection teams. In this period there was a stronger emphasis on self-evaluation in the inspection process and on encouraging headteachers to operate as School Improvement Partners (SIPs) offering 'challenging advice' to one another. From 2009 onwards the number of private contractors approved by Ofsted to carry out inspections was reduced to just three, with the aim of reducing costs and improving inspection efficiency and consistency (Ofsted, 2009b).

A further tension emerges here. It is not only that Ofsted's claims to authority are complicated by strong frameworks that determine how they produce knowledge, the entry of commercial,

competitive agencies into the field creates the demand for strong mechanisms of quality control that have to co-exist with pressures to minimise costs and maximise profit. As a consequence the successful contractors- CfBT, SERCO and TRIBAL- were and are subjected to onerous systems of quality control, not only in terms of the reports produced, but also in terms of the ways in which they recruit, train and develop inspectors. That there is a need for quality control in a system where price is a key determinant of winning contracts is apparent from this quotation from an inspector involved in training at one of the 3 providers:

I was working for xxx [agency tendering for inspection contracts] - they didn't have a clue. It was all on price not quality, they dropped the quality for the price. [The other agencies] both had much more quality. Going back to xxx, when they were brought in they really didn't have a clue, they were dreadful, awful (...) they didn't know what they were doing, they are better, but it's taken time, around 2 years before they could even get a handle on what they had to do. (Lead Contract Inspector, September 2011)

Whatever the varying requirements of the different frameworks of inspection, the key criteria (attainment levels) continued to dominate. Furthermore, the pre-inspection process ensured that data dominated: inspectors throughout the period of study continue to use data to arrive at a baseline evaluation drawing on centralised data banks that provide detailed pupil- and class level information over time, on the schools performance against national targets and in relation to comparator schools. This forms the basis of the Pre-Inspection Commentary (PIC) that guides the work of the inspection team. As well as the influence of the PIC, the rules for the presentation of data in the inspection report have a highly structuring effect on the work of inspection: for example, between 2005 and 2010 there was a requirement to make a tabular presentation of individual judgments in the following main areas: core systems and outcomes (against targets/indicators); standards and quality; leadership/management; spiritual, moral, social and cultural development and the school's self-evaluation report. The inspection report (which had to be with the school's governing body by the end of the week of inspection) required each of these categories to be judged on a 7 point scale, including 24 sub judgments- amounting to over 100 numerical judgement grades for each school -and that before adding in any subject and key stage judgments (Ofsted 2005, 2009a, 2009b) This was a 'simplified' reporting system that offered 'a new relationship with schools' (Ofsted 2005) –an attempt to revise the process of inspection encapsulated in the 2005 Framework that also reduced the

period of notice of inspection to 2-5 days, replaced large inspection teams with small teams and thus enabled more regular inspections (with a maximum of 3 years between inspections) (Ofsted 2005).

The 'new relationship' received mixed responses from schools (MacBeath 2006) and was, perhaps, undermined by the continued prioritisation of attainment targets. Here we want to draw attention to the work of recording numerous grades in the very tight timescale of writing the report, and the inevitable reliance on formulae and concern to 'get it right'. The monitoring system that such a complex knowledge production regime generates is also significant in shaping the work of inspection and the relations between the different actors involved (i.e. the inspection team, the contracted service providers, and HMI) as this rather lengthy but very revealing quotation illustrates:

*'They [the lead inspectors] are responsible for putting it all together in one report, and at the same time they will Quality Assure [QA] the sections that come in from other inspectors. When completed they will send it to the inspection service provider [i.e. CfBT, SERCO or TRIBAL] and they will also send the report to the QA readers that QA the report, they it goes to Ofsted and an HMI signs it off.....*

*...now if Ofsted/HMI say no we are not signing it off, then it becomes a key performance indicator failure for the provider, so they are paranoid about this because they get slapped, you get contract action notices that will say, that unless you improve this will happen, but at the last inspection I said, ok teaching and learning are definitely satisfactory, and he [the HMI signing off the report] said ok we agree to all that, then we came to leadership and management and we said, if teaching and learning is satisfactory then leadership and management must be too, but he said, I would have expected leadership and management to be good because if leadership and management are less than good then we couldn't even keep the thing at satisfactory. I have some sympathy with that...*

*....so you get tied up in these knots and in the end what inspectors are doing is saying ok well I have to follow this rule....there isn't a rule but I have to follow it....'* (Contract Inspector, September 5<sup>th</sup> 2011).

The quotation also clearly illustrates the absence of articulation of the judgement categories (teaching and learning-leadership and management) and the rather unsophisticated negotiation processes between the reporting inspector and the HMI carrying out the QA.

The change of UK government in 2010 led to the introduction of a new inspection framework in January 2012 and subsequent updating in September of the same year, with further changes thereafter. The 2012 framework marks a very significant change in Ofsted's definitions of success and failure (Ofsted 2012a; 2012b). In that framework four key judgements determine how well the school is performing: achievement of pupils, quality of teaching, behaviour and safety of pupils and overall effectiveness. There is a much tighter specification of the relationship between the grades for each category and the overarching judgement. Inconsistencies are not permitted: as indicated in the earlier quotation the pre-2012 inspection reports could exhibit glaring inconsistencies, where schools were graded 'good' but with judgements of teaching graded only 'satisfactory'. Under the 2012 framework teaching must be graded as good if an overall judgement of 'good' is to be achieved. The new framework was promoted as the product of an 'evolved' inspection system.

The framework reduced the number of judgements made by inspectors from 28 to just 4 (Ofsted 2012b), and gave much higher priority than previously to the observation of teaching and to its evaluation over time: that is, inspectors were required to make a judgement of the extent to which pupil learning is effective over a specific time period rather than in a single observed lesson. The 2012 Inspection Handbook, states that:

*The judgement of the quality of teaching must take account of evidence of pupils' learning and progress over time. Inspectors must not simply aggregate the grades awarded following lesson observations. (Ofsted 2012b: 32)*

In addition, the framework changed the grades to be awarded by inspection from the four categories Special Measures, Satisfactory, Good and Outstanding to those of Special Measures, Requires Improvement, Good and Outstanding. The removal of 'satisfactory' as a grade reflects political frustration with the lack of impact of inspection on the performance of many schools. Data released by Ofsted in April 2012 reveal that in January 2012 out of 348 schools inspected under the new framework only 19% improved, 50% remained the same and over a quarter [28%] achieved a lower grade than in their previous inspection. This compares

with 34% improving, 47% staying the same and 19% declining in performance at inspection under the previous regime in the period 2010/2011 (Wooley 2012). A lead inspector expressed some of the frustrations and anxieties that these changes have provoked among the inspectorate:

*If a school is satisfactory over a period of time then how can we be an agency of improvement? We have to change something.....I can appreciate that. What I don't appreciate is that we can't compare different schedules, these are different systems with different levels of performance: floor standards have changed, so if you are going to change the goalposts, you can't compare four or five years ago (Lead Inspector, 19<sup>th</sup> October 2012)*

Despite the emphasis on its importance there is no attempt in the 2012 framework to define good teaching, nor are there clear criteria for the observation of teaching. Furthermore our interviews suggest that there is little opportunity to discuss pedagogy within the context of inspector training events. Indeed the capacity of the inspectorate to assess teaching has been questioned since the 'reform' of inspection in the 1990s-a particular issue is the distance of some inspectors from classroom experience. These criticisms are reflected in the 2010 -11 Parliamentary Select Committee on Education review of the work of Ofsted, where it was noted that many of problems associated with inspection were attributable to the inspectors themselves, particularly those inspectors who did not have recent school experience:

We believe that this lack of recent and relevant experience of the front-line has contributed to a loss of faith in the inspection system. As one commentator has written, "inspectors have to be trusted and recognised as expert if they are to command the respect of the profession [they] seek[s] to regulate (Parliament, 2011:section 73)

This is an interesting echo of the basis of expertise and authority that was claimed by HMI in pre-Ofsted days, and the new framework combines a very simplified set of judgements with frequent invocation of the term professional, in a way that creates considerable dissonance. For example inspectors are required to:

Use their professional knowledge and engage in a professional dialogue with the head teacher or senior member of staff (Ofsted, 2012b:11)

Our analysis of the 2012 framework, and comparison with its predecessor, revealed that the term professional appeared 40% more frequently in the 2012 Handbook For Inspection than in similar guidance produced in 2009 (Ofsted 2009a; 2012b), yet the capacity to translate or mediate judgement on the basis of professional judgement is much reduced through the simplification of the framework. Indeed the 2012 Framework and accompanying Inspection Schedule (Ofsted 2012a; 2012b) bring considerable challenges to the role of the inspector, challenges that became apparent in our research as the training process for the new framework unfolded. Inspectors are being asked to use ‘professional judgement’ while greatly increasing the number of failing schools (an inevitable consequence of the abolition of the ‘satisfactory’ grade): they are also asked to ‘take account of context’ but value-added contextual data are no longer included in the new inspection regime: they must assess teaching but without reference to specific criteria. There is considerable disquiet among the inspectorate, and the operationalisation of the new procedures is far from smooth, and may further reveal tensions within the inspectorate itself, especially in relation to the basis of their claims to authority: ironically some inspectors told us that they feel less secure in relying on professional judgement as a basis for knowledge-based claims than they did when using specific formulae.

Our interviewees are concerned about managing the delivery of an increased number of negative judgements, or, alternatively, the possible increase in unmerited ‘good’ grades in order to avoid those judgements and their consequences for head teachers, with whom they are supposed to be working more closely in the inspection process. The reduction in the number of judgements does undoubtedly put increased pressure on the inspection team: as a senior Ofsted inspector noted, with only 4 grades:

‘...the verbal and textual recommendations [of inspection] become much more important, so it’s really very dependent on the skills of the inspector and on the need to be specific, to make clear recommendations and yet to be careful not to start instructing the school (Ofsted inspector May 16<sup>th</sup> 2012).

He acknowledged that: ‘this change in the framework is a massive test for us as an inspectorate. It is very high stakes-if the proportion of failing/satisfactory schools doesn’t start to fall, the credibility of inspection as an agent of improvement falls.’

To summarise: knowledge-based claims to authority made by the inspectorate in England have changed since the creation of Ofsted in 1992. The pre-Ofsted HMI mobilized particular social and cultural resources to support their claims to authority. To some extent these claims depended on professional status as expert and successful practitioners, as educationalists, and as members of a highly bureaucratic and hierarchical elite that embodied a particular performance of authority. Authority, for pre-Ofsted HMI, was embodied in its self-presentation, enacted in its relations with others, and encoded in its invisible, inexplicit assumptions about good practice. The various inspection frameworks since 1992 have attempted to specify in quantifiable and demonstrable terms the basis of Ofsted’s professional judgement: this specification is complicated by the organisation of the inspection workforce, by the relationship between judgement and attainment data, by shifting political priorities, and by the diminishing returns of a highly regulated system that is itself highly regulated, and that reveals its insecurities in the constant revision and expansion that characterises Ofsted’s knowledge production from 1992-onwards. The 2012 framework attempts to mobilise the discursive resources of professionalism through its reduction of individual judgment categories and its attempted co-option of head teachers and governors, but the simultaneous removal of the satisfactory grade in the context of heightened pressure on national attainment targets and the political agenda of academisation, combine to undercut opportunities for a persuasive performance of collaborative and professional knowledge production in the inspection process.

### *Scotland*

**a. School Self-Evaluation.** School Self-Evaluation (SSE) in Scotland represents the culmination of a long process of policy development aimed at the improvement of school performance; however, at the same time, it offers a ‘break’ from these developments, as it shifts the focus from the regulation of performance associated with external mechanisms such as targets and examination success rates, to a focus on the whole school and its re-design as a learning organisation. This increasingly influential school of thought sees members of

learning organisations as contributing added value through their continuous learning, which generates new, productive knowledge not only for the individual learner, but also for the organisation (OECD 2000). This approach, it is argued, also reduces costs, because it is less reliant on external mechanisms to monitor performance, while engendering relations of trust, transparency and openness within the organisation, that are conducive to ‘real’ learning. The regulatory regimes associated with New Public Management had, of course, been criticised in terms of their costs and their installation of performative cultures of distrust within organisations, so SSE may be understood as a response to those problems, and also as a logical development from them, in that the installation of performance measures made it possible—once benchmarks had been installed—to move towards an emphasis on self-regulation.

The development of SSE offers a move away from the exclusive focus on technologies of performance measurement (targets, indicators, testing) to the emerging emphasis on *organisational* learning through the installation and promotion of self-evaluation, through which organisational knowledge is developed at the level of the school and of the system. As we discussed in chapter 2, we need to stress the relative autonomy of education policy in Scotland—both before 1999, when a Scottish parliament was (re) established, and since devolution, when a degree of legislative independence—including in education—from the UK government and parliament at Westminster was established. Thus although there are close similarities in education policy across the UK from the period of the post-war Keynesian welfare state, there is evidence of divergence: for example, while England introduced a National Curriculum with National Testing and a strong focus on hard performance indicators, these approaches were not adopted in Scotland. Her Majesty’s Inspectors of Education in Scotland continued to operate through a less confrontational approach than their counterparts in Ofsted in England.

Recent political change has underlined difference: the election of the minority Scottish National Party (SNP) government in Scotland in 2007 marked a break from Labour party policy influence on the Scottish political scene, and brought about considerable change in style of government (Arnott and Ozga 2010) and a further distance from Westminster agendas. The changing scene is further complicated by the recent formation of a Conservative/Liberal Democrat coalition government to replace the New Labour administration at the national UK level in May 2010, with an agenda of retrenchment of the public sector, which is having a very substantial impact across the UK nations, but perhaps



especially in those areas, including Scotland, where public sector provision has not been influenced by privatisation as it has in England. Moreover in 2011 the SNP won a landslide election victory in the Scottish parliamentary elections, and there are very considerable tensions between the two governments about reducing public sector costs and services. Decentralisation is a key principle of the SNP's redesign of governance in Scotland, promoted not in terms of a reduction of state interference (which is the neo-liberal/coalition rhetoric at the UK level) but as demonstrating maturity in the political process, following from political devolution, and enabling the growth of accountability and hence trust between government and its partners (local authorities and other stakeholders). The SNP promotes its identity as a 'learning government' (Sanderson 2009) and seeks to both devolve responsibility to local government and encourage greater autonomy at institutional and local level, including in schools. This is a strategic development to support the SNP's agenda of independence for Scotland.

The emergence of SSE thus needs to be set within these developments in the political context, and in relation to data costs, and the consequences in terms of erosion of trust following from emphasis on performance management and measurement. SSE is about creating a school evaluation framework that claims to bring about constant comparison and improvement, broadly focusing on answering two key questions about educational practice:

- 'How good are we now?' in order to identify strengths and development needs in key aspects of teachers' work and the impact it has on learners; and
- 'How good can we be?' in order to set priorities for improvement.

It is clear that SSE, in its style and operation, is part of a wider shift in accountability in the public sector in Scotland, away from centralised controls and top down management, towards placing responsibility on service providers themselves, and away from external regulation by agencies. Moreover, in making this shift, it prioritises different kinds of knowledge: not just data on performance levels achieved, but evidence of learning. The shift in responsibility is reliant on, and produces, a holistic approach to evidence and learning:

'schools are not islands. They work with other schools, colleges, employers and a number of other services' (HMIE 2007: 55).

From our observation and analysis of these processes we see self-evaluation being used as a tool to encode school knowledge, create consensus and promote specific values that relate to

the creation of self-managed and self-sufficient individuals (both teachers and pupils). Furthermore, as they do more, they produce more and more new knowledge about themselves, which becomes productive for the constant improvement not only of the individual school, but for the governing of the system as a whole, as ‘good practice’ is spread throughout the system by the inspectorate.

The self-evaluation process asks schools to evaluate their performance in terms of impact and outcomes and to identify priorities for action leading to improvements and innovation. The Quality Framework in *How Good is our School?* (HMIE 2007) specifies a set of Quality Indicators that guide the process. There are three key domains against which schools must assess their performance; these are:

- (i) successes and achievements;
- (ii) the work and life of the school;
- (iii) vision and leadership.

Evidence of self-evaluation is required in three main forms: (i) Knowledge-based quantitative data (ii) People’s views (iii) Professional/expert direct observation and documentation. Schools are required to use the ‘Quality Indicators’ outlined in HGIOS in order to describe, quantify and measure their performance which is then to be externally judged on a regular basis through inspections of schools carried out by HMIE. The definition of ‘Quality Indicators’ by HMIE effectively defines what should be regarded as ‘Quality’ in education. Thus, the Inspectorate is able to define what is evaluated and therefore what is valued in education. The text of HGIOS, from its foreword onwards, makes it clear that the focus is on impacts and outcomes, as: ‘self-evaluation is not an end in itself. It is worthwhile only if it leads to improvements in the educational experiences and outcomes for children and young people, and to the maintenance of the highest standards where these already exist’ (HMIE 2007; 2).

This is a policy that comes as part of a wider framework, the so-called Journey to Excellence (HMIE 2007) that provides ‘sets of tools which can be used to bring about continuous improvement in learning’ (HMIE 2007: 2). Thus, while schools are discouraged from using the framework of quality indicators as ‘checklists or recipes’, the idea of offering teachers specific tools for evaluation is well-embedded in the policy culture surrounding the self-evaluation movement in Scotland. The quality indicators are readily translated into pedagogic

practice as they provide teachers with a new language and a new framework for practice in the classroom. In a time of considerable uncertainty and change in curriculum, this is a development that is likely to be welcomed by many practitioners. HGIOS and the self-evaluation framework that it promotes strongly encourage teachers to adopt particular ways of working. There is a strong steer towards teamwork and peer review as hallmarks of the reflective practitioner: all staff are recommended to engage in professional discussion and reflection based on 'shared understanding of quality and a shared vision of their aims for young people' (HMIE 2007: 3). Self-evaluation is required as part of the working practice of all staff, school managers and teachers alike; it is the major vehicle for learning and teaching and for school development: 'self-evaluation becomes a reflective professional process which helps schools get to know themselves well, identify their agenda for improvement and promote well-considered innovation' (HMIE 2007: 3).

HGIOS and self-evaluation are indicative of a new relationship between knowledge and schools that seeks to replace discussions of pedagogy and epistemology with a continuous self-awareness of weaknesses and strengths and a disposition towards constant comparison and improvement. This orientation is systematically promoted through all the HGIOS publications. In this construction of learning, knowledge becomes linked to self-awareness, self-management and self-improvement. It is important to note that self-evaluation is not simply a self-assessment exercise for teachers but increasingly a way of being for all- pupils, parents and teachers alike: 'the evaluative activities involved (in HGIOS) are similar to those which we encourage pupils to engage in as part of their own learning process. Taking part in them creates a community of learners' (HMIE 2007; 7). Indeed, self-evaluation is promoted as a professional process that should not be mechanistic or bureaucratic. It is a guide to practice, 'alongside other sources of guidance such as curriculum advice, research into learning and pedagogy and studies of leadership styles and approaches (HMIE 2007; 6). In terms of its specific characteristics, HGIOS argues that teachers need to be 'forward-looking', 'promote well-considered innovation', as well as 'peer evaluation' (HMIE 2007; 7).

**b. The New Inspection Model.** The growth of self-evaluation has obvious implications for the role of the inspectorate, and these may be illustrated with reference to the New Inspection Model (NIM), which was introduced in early 2011. If self-evaluation is understood as the new 'grammar' of regulation in education policy in Scotland, NIM represents one of its most significant readjusted structures. NIM defines, specifies and modifies the work of information gathering and planning for school evaluation and contributes to the mobilisation of new,

specific kinds of understanding and structuring of education in Scotland. The key feature of NIM is what is widely termed ‘proportionality’: this means that in the cases of schools that are judged to be successful, inspections are much shorter. Briefly, inspectors can decide to ‘disengage’ from ‘evaluative activity’ as early as Wednesday (inspections always start on a Monday), having spent only a day and a half in the school. If such a decision is made and agreed by the school management, inspectors can then continue their work until the end of the week, but in developmental mode, i.e. in discussion of issues of professional development and in support in areas that school staff identify. Thus the inspectorate is asked to engage with teachers in a more supportive and developmental role than previously. NIM also underlines the importance of performing self-evaluation: those who do it well will be rewarded with less frequent, much shorter and less intrusive inspections. Those that do not perform SSE convincingly must expect more frequent, longer inspections and greater scrutiny.

Another key development that contributes to our understanding of inspection in Scotland is the creation of ‘Education Scotland’ in the summer of 2011. Education Scotland brings together the Scottish inspectorate with another organisation, ‘Learning and Teaching Scotland’ (LTS), the former curriculum development agency. This development, criticised by some as not allowing enough independence to the inspectorate and perhaps bringing the functions of scrutiny and support into uncomfortable proximity, is significant in order to explain NIM and the teaching and developmental role that HMIE in Scotland has assumed. Self-knowledge remains key however: the key purpose of the NIM is for schools ‘to show that they know themselves inside out’ (HMIE 2010: 2) and use this knowledge to plan for improvement. According to the inspectorate, ‘when self-evaluation is robust and convincing, we use it as part of the inspection evidence and might be able to finish inspection activities early’ (HMIE 2010: 2). This allows them, as we noted above, to ‘then work in partnership with staff to further encourage good practice and innovation and support improvement strategies’ (HMIE 2010:2). At the start of the inspection headteachers are asked ‘to brief on the impact of your approach to improvement through self-evaluation’. Presenting this narrative as a ‘journey of improvement’ is important (‘where you and your staff have come from, where you are now and where you are wanting to get to’), as well as presenting the meeting as an ‘ongoing dialogue’ about outcomes and plans for the future. Although the language used is quite active (‘give...demonstrate...identify...show’), what is required is the creation of an account. Previous school and quality reports can be referenced for evidence, but the new inspection model ‘is not a process of “validation” of grades through self-evaluation’

(HMIE 2010; 2). Instead, although data and numbers provide evidence, they are accompanied, fleshed out or given meaning and substance through the creation of a story, the narrative of a journey- where we were, where we are and crucially where we are heading to. Future projection and planning are vital here –as words like ‘innovation’ and ‘improvement’ suggest.

Above all, NIM is seen as the solution to the new challenge for inspection systems and public services scrutiny in general in times of financial crisis and reduced budgets–the need to reduce costs leads to a focus on exploiting the promise of self-evaluation: more self-managed schools contribute to less expensive education systems. NIM represents a move towards the kind of accountability systems that were imagined in recent years at the level of policy rhetoric: inspection that promised to act with intelligence, where intelligence-led inspection is key for both the regulator and the regulated. On the other hand, the new inspection system, with its focus not only on accountability but also on support, enhances the regulation of schools through the re-working of the professional identities of teachers and inspectors. This new mode of regulation may operate at a deeper level as it may draw on and support the previous government’s ‘data dream’ by providing it with the substance it lacked: the creation of new professional identities for teachers and inspectors alike.

We conclude this section with a quotation that although lengthy, it is a very telling description of NIM by one of its key founders:

‘We’ve tried to follow the principle that the actual process should be a professional dialogue whereas in the previous model there was an emphasis on ways of building in continuous dialogue –now training our people quite actively in the social skills of inspection, really –we’ve got some occupational psychologists in working with us to develop this framework –working on relationships with people –doing this for 3 or 4 years with the inspectorate- illustrating the general mantra that we push which is that just being right in inspection isn’t enough. The way we communicate that correctness may end up with the school being disempowered, less able to improve. We must also be able to win the support and constructive interest that will enable initiative to come out of it.

So its putting more onus, really, on the school to be able to show us evidence from the school when we go in –as a principle we should just basically be testing our confidence in their processes, and to the extent that we are convinced and think they are, then we can accept and agree with them an overall view of the school which we

have tested and triangulated using processes including classroom observation and then we'd move into development mode if they wish -or leave actually- though schools never actually ask us to leave at that point, they always take advantage of another day or day and half consultancy -they want something that they want to explore further.

But certainly the whole model is designed to be about partnership, dialogue with the school and placing a high incentive really on the school to provide good evidence and to be able to give a good account of themselves in terms of their own view of things.' (senior Scottish school inspector, January 2012)

### **Evolving Frameworks; evolving tensions and implications for the governing of education**

The discussion has revealed the ways in which inspectorates in Sweden, Scotland and England have shaped and evolved their frameworks in order to adapt to the changing political landscapes in which they find themselves. In order to remain credible and politically salient, the inspectorates, by adapting to shifting frameworks and adjusting to changes in the nature of the evidence informing their judgements, have also contributed to alteration of what constitutes quality, success and failure in education. These shifts may also be viewed as different ways to navigate in a policy landscape aimed at steering the future, where there is a tension between central and decentralised governing, something the neoliberal economist Hayek recognised in 1945 (Hayek 1945).

Our three countries have moved in different directions when it comes to defining the kinds of knowledge that are thought necessary in order to make schools (and local authorities) to improve. Scotland has turned to a framework in which the distance between the government and the professionals is diminished, in an effort to persuade both inspectors and inspectees of the national project of improvement. Although the mode of operation stresses partnership and professional dialogue, this framework is about the work of inspection in governing schools and professionals through Education Scotland, setting up the infrastructure of rules for inspection in stressing self-evaluation and professional learning. There is reliance on local responsibility and the work of governing is to be done by engaging schools in the work of development through self-evaluation.

England is characterised by constant change, typical of the neo-liberal ‘project’ that we discussed in chapter 4, ‘flailing and failing towards the future’ (Peck 2012). The arrival of a new government committed to rolling back the state yet again, and further, is reflected in central government activity that tightly regulates the inspectorate and harnesses it to the government project of improvement through discipline and diversification. The frameworks that we reviewed above go through stages of development, first they become more cumbersome and detailed, as Ofsted accumulates responsibilities, and as the commercialised workforce requires some kind of standardisation of practice. They then become inefficient, and are radically simplified to express a more punitive orientation to inspection, through the elimination of ‘satisfactory’ performance. At the same time, attempts are made to incorporate the teaching profession into the inspection process, through professional exchange. This is a highly contradictory set of regulatory requirements.

Turning to Sweden, we can identify a move from a development-oriented framework to a framework that was strictly control-oriented at the outset, focused only on pointing out deficiencies. This has now changed slightly to incorporate support activities like feedback seminars, but paradoxically this is coupled with the powers under the new Education Act to impose sanctions such as fines and the closure of independent schools. The recruitment of inspectors trained in law and with a general investigative competence also makes the distance from the professionals longer, even though the intensity of the inspection activities has increased. School inspection is very much framed by the present government’s project to improve education, particularly the level of attainment. These late changes in the inspection framework point to the neo-liberal unsettled tension between central and decentralised governing, and the oscillating between control and development.

What is most striking in all our cases is the constant change in frameworks and, following from that, the change in criteria for judgement. Constant change is one of the ways the work of governing operates. Through the shifting infrastructures of rules, inspectors are themselves made aware of their own regulation and must continuously update themselves on how the inspections are to be carried out and what the basis for judgements should be. The local authorities responsible for schools as well as head teachers and teachers, have to be alert, or are alerted by what areas are assessed, and have to prioritise their activity accordingly. This is indeed a way to steer the future, and different kinds of data, information and knowledge are

collected and used in these various efforts to plan for, develop and increase the level of competitiveness of schooling systems in a global market.

In each of the three contexts, through in different ways, inspectorates are being increasingly regulated, and this creates tensions in relation to their claims to authority. The more that their activities are specified, the less able they are to refer to their historically-based claims to expertise and professional knowledge. Similarly, the more that their work is seen to be re-designed by governments (especially in relation to changing political control), the more difficult it is for inspectorates to claim independence and to maintain their necessary distance from political control. In all of the inspection systems discussed here, frameworks have been developed in attempts to increase the impact of inspection. Ironically, the tighter the specification, the weaker the claims to authority become. A key dilemma of governing by inspection is thus revealed -how to regulate the regulators, while maintaining their authority and engendering respect for their professionalism. This, of course, is part of the wider dilemma that governing education constantly encounters, perhaps especially in neo-liberal times.

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