

## **NATIONAL AUDIT OFFICE – VALUE FOR MONEY STUDY: OFSTED’S INSPECTION OF SCHOOLS**

The Association of School and College Leaders (ASCL) represents nearly 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.

### **Summary of ASCL’s response**

ASCL recognises the existence of Ofsted as an independent inspector of schools. The intended function of inspection is, as Ofsted states, to “achieve excellence in education and skills for learners of all ages.” In doing so, it is appropriate that schools face external scrutiny and that inspection acts as a safeguard of children’s interests by investigating educational standards at both school level and across the system, providing insight to support improvement within the school-led system.

However, the paradigm within which school inspection currently operates is increasingly at odds with a school system which has undergone significant change and is now, according to the inspectorate’s own metrics, operating at a ‘good or better’ standard across the overwhelming majority of schools (89%). The growing distance between how inspection operates and what the system needs is in danger of undermining the very standards Ofsted seeks to uphold. Significant changes to the way schools are inspected are essential if we are to redress the damaging compliance culture generated in part by current inspection methods and unleash the potential which exists in an increasingly school-led system.

Ofsted appears to recognise the need for deeper change and ASCL welcomes many of the proposals outlined in Ofsted’s 2017-22 strategic plan, especially the commitment to ensuring inspection practice is evidence-based. It is essential that this work gets to the heart of the different role inspection must play in the new educational landscape as the inspectorate must ensure it provides value for money as well as fitness for purpose.

### **1. Do you consider that Ofsted that has sufficient inspection staff with the right experience and expertise?**

1.1 ASCL accepts that, as with most publicly-funded organisations, recent budget constraints have presented significant challenges to Ofsted. It is our view that Ofsted have undertaken a number of appropriate steps in order to help ensure their workforce has the capacity and expertise to meet its obligations. For example, the decision to bring Ofsted inspectors in-house appears to have helped ensure training and key messages are disseminated more effectively among inspectors.

1.2 The use of serving school leaders as Ofsted inspectors is a desirable facet of inspection, but it is not without difficulty. In particular, the previous system for the conversion of short inspections led to a problems regarding the last-minute standing down of inspectors placed on contingency. The recent change to allow a longer period of time between section 8 short

inspections and full inspections in particular circumstances will help to limit the instance of this and help to ensure that serving school leaders are better able to balance their work for Ofsted with their responsibilities towards their schools.

1.3 However, the fragmentation of the school system with the development of Multi-Academy Trusts (MATs) and the perceived creation of a market around the sponsoring of new schools by Trusts has led to an increase in concerns we receive relating to potential conflicts of interest on the part of inspectors. For example, it may be perceived that a serving Ofsted inspector working in the leadership of a particular Trust may not be impartial if they knew an inadequate judgement could lead to an academy order and that their trust might benefit from sponsoring the academised school. Although the problem here is more likely to be one of perception rather than reality, this is an interesting example of how changes in the educational landscape present new challenges for Ofsted as they seek to inspect 'without fear or favour'.

1.4 Her Majesty's Inspectors (HMI) are generally recognised and respected for their expertise. However, there are risks facing their continuing level of contribution to inspection. Firstly, there is a danger that the position of HMI may have become less attractive to those people with the greatest expertise and experience as school leaders. Previously, the status of HMI had often attracted high calibre school leaders but the diverse school system means that influence and salary now may be more attractive in senior positions within MATs. It is vital that the post of HMI continues to attract top quality candidates and that there are sufficient HMI to underpin the quality and consistency of inspection that schools, parents and pupils rely on.

1.5 Secondly, anecdotal evidence from schools indicates that HMIs have had most value in supporting schools in challenging circumstances on their improvement journey. Unfortunately, some schools which are in most need of this support have not been able to access it. This has partly been as a result of Ofsted's decision not to monitor new schools, where the predecessor was judged inadequate and subsequently academised or re-brokered. The problem here, however, is often not of Ofsted's creation and is more to do with the fact that too many schools take too long to become sponsored or re-brokered, thus leaving them without the necessary support. Ofsted have reduced the amount of time before they will monitor schools facing a delay in being sponsored but this is another example of how the diverse accountability system requires high levels of clarity and coordination from those organisations holding schools to account. Arguably, this is not yet sufficiently established. We also acknowledge that there are potential conflicts of interest issues when HMI advise or support schools on their improvement journey, as Ofsted is then effectively inspecting the ability of its own staff to improve a school.

1.6 As with many school leadership teams, Ofsted inspectors are not a diverse and representative group. Part of this is an extension of the fact that BAME leaders are under-represented in school leadership, but the problem is particularly acute in Ofsted. The inspectorate is taking steps to try and widen the representativeness of their workforce and ASCL is working to support this, but more needs to be done. To address this and other issues Ofsted may want to reconsider relaxing the requirement that inspectors must themselves be working in good or outstanding schools. The assumption that such leaders are inherently both better leaders and better placed to contribute to the inspection process may unnecessarily limit the recruitment of inspectors in some parts of the country. Moreover, insights gained from inspecting other schools may help to disseminate good practice across the system. Obviously, this would need to be balanced against what is in the best interests of inspectors' schools but a blanket prohibition may no longer be appropriate in an increasingly school-led system.

## **2. Do you consider that Ofsted adopts a consistent approach to the inspection of schools which is clear to all involved?**

2.1 The work and operation of Ofsted is increasingly transparent and ASCL strongly welcomes this. Handbooks and newsletters to inspectors are routinely published and accessible to schools. This helps to bring clarity to the process of inspection. Therefore, there is generally a reasonably good level of consistency as far as the routines of inspection are concerned. For example, it is an established routine that, apart from unannounced inspections, schools receive a phone call from the lead inspector around midday the day before the inspection. However, there remains an unhelpful degree of inconsistency in the application and interpretation of Ofsted's descriptors and in the judgements schools receive (see question 3 below).

2.2 ASCL believes it is appropriate that Ofsted uses a nuanced and intelligent approach to focus resources where there is most need. Therefore, a degree of difference in how some schools are inspected is preferable to a 'one size fits all' approach. For example, apart from twenty percent of good schools, most will tend to receive a short inspection after three years. Schools which are judged to require improvement may be monitored and would be re-inspected under section 5 within two years. We also support recent arrangements which seek to reduce the 'cliff edge' impact of inspection by giving some schools time to respond to concerns before the school is downgraded. We believe that such changes help to reduce the high stakes of inspection and move the inspection conversation beyond blunt judgement and towards proper dialogue for improvement.

2.3 However, ASCL feels that the current exemption for outstanding schools is not appropriate. If Ofsted is to be a safeguard to check the standards of safety and education young people enjoy, it is inappropriate for some schools to be exempt from inspection. Moreover, to make exemption a prize for schools which achieve outstanding status is to risk creating a perverse incentive – the notion that some schools should aspire to be removed from oversight by Ofsted. It is also inconsistent that special schools and pupil referral units judged outstanding do not qualify for the same exemption. It is also arguable that if outstanding schools are where best practice exists, it is not helpful for such evidence to be missing from the national evidence base.

2.4 A recent report from Education Policy Institute indicated that Ofsted are slow to intervene where published exam performance suggests attainment dips in outstanding schools. Schools in the same community as exempt outstanding schools have voiced their concerns that their results and quality of education may be better than the exempt outstanding school down the road. That outstanding school was possibly inspected many years ago, but other local schools may have lower Ofsted judgements as they have been inspected more recently under a more demanding framework. These schools will therefore argue quite logically that this disparity confuses parents and means that, in a competitive admissions environment, they are disadvantaged by the inspection system.

2.5 Moreover, exemption means that safeguarding processes and impact are not subject to scrutiny in some schools. Given that some outstanding schools are 5-10 years since their last inspection, this could suggest that Ofsted may not be able to fulfil its core aim to "achieve excellence in education and skills for learners of all ages."

2.5 Feedback we receive from school leaders also suggests that the differing roles and responsibilities of Ofsted within our diverse accountability system are not well understood. The space Ofsted occupy in having oversight of school standards is now crowded with a range of other players, including Regional Schools Commissioners (RSCs). The lack of clarity in relation to roles and responsibilities in our accountability system is widely acknowledged, including by the Education Select Committee. Whilst resolving this is not the

responsibility of Ofsted alone, more could be done to ensure stakeholders better understand the relationship between the respective roles Ofsted and RSCs.

### **3. How confident are you in the consistency of Ofsted's judgements?**

3.1 The paradigm in which inspection is established assumes that inspectors' judgements are the ultimate and accurate measure of a school's effectiveness. The result is that significant consequences are attached to the outcomes from inspection, including the duty on the Secretary of State to issue an Academy Order in relation to local authority maintained schools which are judged inadequate by Ofsted.

3.2 Given the potential consequences of such outcomes for communities, schools and employees, schools are strongly incentivised to place great importance on striving to avoid particular inspection judgements. In some cases this has had unintended and distorting effects on school behaviours, including driving up workload. Moreover, it places great weight on the need for consistency and accuracy of inspection judgements. Due to the severe consequences associated with adverse inspection judgements, any degree of inconsistency and inaccuracy is unacceptable. Unfortunately, we receive communications from school leaders who cite inconsistency as a key concern. In one recent case a school was placed into special measures largely as a result of historic data but during the subsequent monitoring inspection the lead inspector refused to look at the school's latest data which had just been published and which would have demonstrated the significant upturn in performance that leaders had originally forecast, thereby casting doubt over the original judgement. This apparent willingness to use data to condemn the school on one hand but not to take more positive data into account on the other was particularly troubling.

3.3 ASCL is of the view that inconsistency of judgement is a fundamental issue in the use of the current inspection framework as indeed it has been with previous frameworks. Partly by design, the nature of the current framework is interpretive and underpinned by subjective judgements, which make 100% consistency between inspectors unlikely to be achieved. We recognise that Ofsted has worked to improve the consistency of judgements, and ASCL welcomes this work, but it is our view that the consistency of judgements has not yet reached the required level given the significant consequences tied to inspection outcomes. In particular, school leaders report concerns over the inconsistency of judgements in relation to teaching, learning & assessment and outcomes. ASCL is pleased that Ofsted has committed to researching validity of inspection methods and we hope that this work will lead to ensuring that inspection practices are evidence-based. We note however that this might call into question the continuing weight placed on some existing practices in the interim. We recognise that as a result of the research it may be concluded that judgements cannot be consistently reached. If this is the case a change to the grading structure itself may well be necessary to ensure fairness.

3.4 Inconsistency in relation to the inspection of safeguarding has been a particular concern for school leaders, partly because of genuine concerns that minor and easily-resolved safeguarding issues could plunge an otherwise good school into special measures. It is for this reason that ASCL advocates an exploration of whether safeguarding and other matters of compliance should be decoupled from the inspection of educational quality and we are pleased that Ofsted have suggested they will consider this further.

3.5 In 2017 ASCL fielded concerns from several schools which were judged inadequate as a result of not having a perimeter fence. ASCL was pleased that Ofsted responded to our concerns regarding this issue and addressed this as part of inspectors' training later in the year but this was of little comfort to the schools which had already suffered harsher judgements under the same framework. We welcome Ofsted's ongoing work to improve consistency and deliver more proportionate inspection. However a fundamental problem

remains: that is the requirement for inspectors to reach a single graded judgement to capture the 'overall effectiveness' of schools. ASCL does not consider that a single grade can ever capture the full range of provision offered by schools and that it is the attempt to do so that, in many cases, is at the root of the inconsistencies outlined above.

#### **4. Do you consider that the costs and impact of Ofsted's inspections on schools are proportionate?**

4.1 A recent research paper from NFER ([www.nfer.ac.uk/publications/LFSC01](http://www.nfer.ac.uk/publications/LFSC01)) concluded that heads in schools judged inadequate were significantly less likely to be retained in their job. In itself this statistic is troubling enough, but given that we consider some inadequate judgements to be insecure or inconsistent (as demonstrated above), the implication is that some heads may be at risk of losing their jobs as a result of a poorly carried out inspection. There also appears to be an underlying view that when a school is judged inadequate the leadership of the school is not good enough. There are examples of headteachers losing their job because of the Ofsted judgement on their school when in reality they have not been in post long enough to have had a significant impact on the performance of the school. Furthermore, there is evidence to suggest that some school leaders are increasingly unwilling to step into headship because they are worried about the impact of inconsistent and potentially adverse Ofsted judgements. The implication of this may be that good leaders and potential headteachers are lost from the system to the detriment of pupils. There are similar concerns around whether inspection judgements risk stigmatising particular schools and areas so that they become less attractive to the highest calibre teachers and thus risk entrenching educational inequalities in the system. More research into this is needed.

4.2 So far this academic year we have noted almost 50 communications from members via our hotline where serious concerns have been raised in relation to inspection. We estimate that around a dozen of these are likely to have had implications for the employment of the members concerned. It is worth noting that this does not include less formal communications (which do not come via our hotline) and that more issues may have affected members without them notifying us. This evidence indicates that inspection and the consequences of inspection are issues of considerable concern for many school leaders.

4.3 A common criticism of Ofsted is that historic data plays too large a role in determining inspection judgements. In one sense the use of quantitative data from exam performance provides the best way of providing fair and consistent comparisons between the performance of schools. However, given the correlation between historic data and Ofsted outcomes, it is arguable that schools are heavily incentivised to prioritise exam outcomes ahead of other aspects of school life. A recent collaboration between ASCL and Education Data Lab shows a reasonably high level of correlation between Progress 8 and Ofsted outcomes ([educationdatalab.org.uk/2017/10/how-do-ofsted-ratings-relate-to-progress-8-scores](http://educationdatalab.org.uk/2017/10/how-do-ofsted-ratings-relate-to-progress-8-scores)). It is against this context that Ofsted itself has suggested that many schools have prioritised exam performance ahead of curriculum breadth and balance. Indeed, HMCI recently suggested these problems went even further; "We know that there are some schools that are narrowing the curriculum, using qualifications inappropriately, and moving out pupils who would drag down results." We would argue that inspection itself is partly the reason why this has occurred in the first place.

4.4 The implication of this is that Ofsted does not operate merely as an independent safeguard in the system; it is, perhaps inadvertently, responsible for shaping the behaviours of schools. This much is also recognised in the valuable 'myth busters' work that Ofsted has undertaken in recent years. That this work has been so necessary is testament to the fact that inspection itself can leave a distorting and unhelpful footprint on school practice.

4.5 It is important to recognise that there is a danger that the more definable the criteria for a judgement become, real or perceived, the more likely it is that school behaviours will be influenced and unintended consequences are likely to arise. A good example of this followed Ofsted's recent statements about the narrowing of the curriculum, within which it was suggested that schools running a 2-year Key Stage 3 were not offering a sufficiently broad curriculum. Overnight, the consequence was a number of schools contacting our helpline to seek advice on whether they should change to a three-year Key Stage 3 in order to satisfy Ofsted. The dynamic here is clear; because of the consequences of inspection judgements schools feel huge pressure to conform to practices which are perceived to give them the best chance of success with Ofsted and this may not align with what is in the best interests of the pupils they serve. This dynamic has given rise to an unhelpful culture of compliance in schools. Ofsted are tackling aspects of this through their myth-busters work but, as demonstrated by the shortened Key Stage 3 issue, any perceived link between Ofsted preference and inspection judgements risks generating a new breed of myths.

4.6 The impact of making judgements is not well enough understood by the inspectorate and many others, including the DfE and more research is needed in this area. ASCL therefore welcomes Ofsted's commitment to exploring this issue as outlined in the 2017-22 strategic plan. We believe that serious consideration should be given as to whether inspection judgements now pose a greater risk to school improvement than the benefit offered.

## **5. Is Ofsted meeting the needs of the users of its school inspection reports?**

5.1 As already noted, there are problems associated with trying to distil a school's full range of provision into a single graded judgement for overall effectiveness. One by-product of this is that inspectors have to ensure that the range of evidence and judgments within reports 'stacks up', otherwise the report may be challenged as part of Ofsted's quality assurance processes. On one hand it is good that internal quality assurance processes are taken seriously by inspectors, but some leaders have expressed concern that inspectors may be inclined to explore particular pieces of evidence which appear to confirm their judgements and pay less attention where evidence may not so easily be reconciled with the proposed judgement.

5.2 One apparent by-product of the need to ensure the body of evidence and written report closely matches the judgement is that reports seem to have become less effective at capturing the distinctive essence of the school. As such, reports sometimes fall between two stools – neither technical enough to provide real insight for schools, nor distinctive and accessible enough to provide parents with a true sense of the school's ethos and character. Pleasingly, we have seen some reports from 2017-18 which better capture the essence of the schools concerned and some section 8 short inspection letters appear to do this most effectively. This may be because the less structured format of short inspection allows inspectors to write more freely.

5.3 One argument put forward to justify the continuing use of the current inspection grades is that parents find this useful. However, this position seems at odds with the exemption applied to outstanding schools, meaning that some grades generated years before may no longer be a true reflection of that school's current provision. The true value of inspection rests in the dialogue, insight and action generated by the process of inspection, not in the grade itself – especially in a system where 89% of schools are now judged good or better. Inspection would better meet the needs of users if focus was taken away from the blunt tool of grades and inspectors had more freedom to fully explore with leaders the real quality of the school and how the school can move forward. Some commentators have suggested a binary judgement would be more effective and this is certainly worthy of exploration.

## **6. Do you consider that Ofsted's inspection of schools has a positive effect?**

6.1 As noted in questions 3 and 4, ASCL has significant concerns about the consequences, some of which are unintended, arising from Ofsted inspection. There is sufficient anecdotal evidence to suggest that inconsistent and insecure judgements risk undermining some of the work being done in schools to attract teachers and leaders to the places in most need. Tellingly, there is also an industry of training, books and products which are marketed on the back of fear of adverse inspection.

6.2 Ofsted inspection has been impacted by changes in the wider accountability landscape and climate which mean that so much now rests on inspection success. In this context it is concerning, but not surprising, that some schools have felt it necessary to pursue costly legal challenges to Ofsted judgements. It would be concerning if this was to become a more regular occurrence and that significant sums of money intended for education were being diverted towards preparing for inspection or litigation as a result of problematic inspections.

6.3 However, despite the problems associated with current inspection practice, ASCL believes that independent inspection is an important part of safeguarding the educational standards of the country and the outcomes and wellbeing of our young people. Ofsted's 2017-22 strategy provides encouragement that Ofsted is working to address some of the problems outlined above. Ofsted has declared its ambition to be a 'force for improvement'. Evidence we receive from schools suggests that there is some way to go for this to be the consistent experience of all schools, but we are optimistic that steps are being made in the right direction.

I hope this evidence is useful to you in conducting your investigation. I would be very happy to discuss this further.

Yours sincerely,

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