



House of Commons
Education and Skills Committee

The Work of Ofsted

Sixth Report of Session 2003–04

Report, together with formal minutes, oral and written evidence

*Ordered by The House of Commons
to be printed 15 September 2004*

HC 426
Incorporating HC 1260 from Session 2002–03
Published on 28 September 2004
by authority of the House of Commons
London: The Stationery Office Limited
£17.50

The Education and Skills Committee

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Footnotes

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Summary

This report comes at an important time for Ofsted, which has operated its school inspection regime for more than a decade. All schools in England have now been inspected at least twice. Ofsted and the Government must now consider whether these inspections should continue in the same form or whether Ofsted's role and remit should be re-evaluated. Equally, our aim in this report is to scrutinise the growing role of Ofsted as it expands into new areas; from the inspection of childminding and day care, through post-16 institutions to LEAs and the formidable challenge of leading the inspection of children's services under the reforms being proposed in the Children Bill.

From the evidence we have been given and our discussions with David Bell, Her Majesty's Chief Inspector (HMCI), we have attempted to judge whether Ofsted is the appropriate body to undertake the inspection of these diverse sectors, and to comment on the implementation of its recent strategic proposals, both in children's services and in school inspection and reporting. Ofsted must ensure consistency of judgement over many different types of institutions catering for a variety of age groups and it must show that its inspections are making a significant contribution to improvement.

Ofsted is now the size of a small Government department and looks set to grow again in the future as it takes on responsibility for children's services. Given the substantial public resources it consumes, Ofsted must demonstrate that its inspections represent good value for money. The efficiency of Government administration has come into sharp focus in recent months and the Committee is keenly aware of the Government's intention to make savings and to move certain departments and agencies out of London and the south east. Although we understand that Ofsted will be attempting to make efficiency savings over the coming years and that a substantial proportion of its staff are already located outside London, we are surprised that it has only recently published a review of the impact, use and influence of its work in relation to the resources it consumes. We welcome this review document, but we urge the inspectorate to follow it up with a more rigorous evaluation of its contribution and proposals for the future. After over a decade of existence, Ofsted can claim to be an important influence in the minds of parents, teachers and of the Government. It must now show that it is making the most of this influence.

HMCI has told us of his view that inspection leads to improvement. Whilst the past decade has seen a significant improvement in school standards, we are concerned that the negative judgement bestowed on failing schools by a critical Ofsted report leaves some schools unable to attract high-achieving pupils or well qualified staff, making the task of improvement even more difficult. The value of inspection is diminished if it is not coupled with advice. Whilst it is very important that Ofsted continues to identify schools that are not offering an adequate education, the Government should ensure that schools which receive negative Ofsted reports are guaranteed to receive support from LEAs as well as other agencies such as the local Learning and Skills Council (LSC), giving failing schools a real opportunity to improve.

We are also concerned that Ofsted reports sometimes provide an outdated assessment of a school, which may have achieved significant improvement since its last inspection. When championing its reports as a source of information for parents and others, Ofsted should not disguise the limitations of the inspection process, which can only provide a snapshot of a school's development at one particular time.

The recent confusion surrounding the definition of 'satisfactory' teaching is to be regretted. It has caused ill-feeling towards the inspectorate on the part of teachers and schools. We consider that Ofsted has now clarified what is expected of schools in terms of 'satisfactory' teaching. We hope that Ofsted has learnt from this experience that schools and school staff need to know exactly what is expected of them and the criteria against which they will be measured.

The proposals for a 'new relationship with schools', discussed in detail in this report, appear to us a welcome development, especially as they are intended to alleviate pressure on schools to spend an extended period preparing for inspection. The new inspection regime proposed by Ofsted responds to many of the deficiencies of the current system that we have identified in recent years. However, the central role of self-evaluation needs to be carefully developed in order to function effectively and much work remains to be done in developing consistent grading structures across different institutional inspections.

Ofsted's expansion into children's services must be carefully implemented and monitored to ensure that there does not come a point at which Ofsted becomes too large to be managed effectively as single organisation. As HMCI has recognised, Ofsted's future role as lead inspectorate for children's services is a weighty responsibility. In order to function effectively, it must create the appropriate organisational structures for this new task.

An important consideration in the inspection of children's services will be the promotion of social inclusion. In this context, Ofsted should look to the profile of its own staff, which currently displays very limited diversity.

This Committee has campaigned for some time for changes to the legal structure surrounding complaints against childcare providers. In the past, it has been difficult for parents to access information about the outcome of their complaint, due to legal non-disclosure constraints. We welcome the recent developments that allow Ofsted to share information more widely in the case of complaints against childcare providers. We urge HMCI to pursue his discussions with the Department for Education and Skills (DfES) on the possibility of changing legal regulations so that information on complaints is routinely recorded and included in inspection reports.

1 Introduction

1. The Office for Standards in Education (Ofsted) was established in 1992 as a non-ministerial Government department. Her Majesty's Chief Inspector (HMCI) reports to the Secretary of State for Education and Skills and is formally accountable to Parliament, principally through scrutiny by this Committee.

2. Over the past five years, we have formalised our scrutiny of Ofsted's activities, taking evidence from HMCI and his officials twice yearly. The first of these meetings examines the full range of the inspectorate's work over the year and the second takes place on the occasion of HMCI's Annual Report, looking specifically at the issues raised by that document.

3. We believe that the relationship that has evolved between this Committee and Ofsted since 1999 has resulted in a sound and mutually beneficial system of scrutiny. We value the opportunity for regular and direct scrutiny of a non-ministerial government department and we consider that the work of Ofsted has been improved as a result of this system of accountability. We commend this model of Parliamentary monitoring to the Department for Education and Skills and hope that the Department will keep it in mind when deciding how to set up similar bodies in the future.

4. In addition to our twice-yearly meetings with Ofsted, we regularly take evidence from the inspectorate on matters relating to our inquiries across the range of the Department for Education and Skills' responsibilities. We are grateful to HMCI and his colleagues for their valuable contribution to our recent inquiry into secondary education and we look forward to hearing from them again in future inquiries, particularly given Ofsted's forthcoming role in the inspection of children's services.

5. The conclusions and recommendations contained within this report arise from oral evidence sessions held on Wednesday 5 November 2003 and Monday 8 March 2004. On both occasions we took evidence from Mr David Bell, Her Majesty's Chief Inspector of Schools, Mr David Taylor, Director of Inspection, Mr Robert Green, Strategy and Resources Directorate and Mr Maurice Smith, Director of Early Years. The report also incorporates the written evidence submitted by interested parties in connection with these two sessions.

6. In addition to HMCI's Annual Report, *Standards and Quality 2002–03*, discussed in oral evidence taken on 8 March 2004, Ofsted has published a number of strategic documents over the past year. Ofsted's *Strategic Plan 2004 to 2007*, *The Future of Inspection* and most recently *A New Relationship with Schools* set out the inspectorate's vision of its future role.¹ These documents informed our questioning during the oral evidence sessions and we refer to them throughout this report.

7. On many of the occasions that this Committee has met with Ofsted, it has been our pleasure to receive evidence from Mr David Taylor. Mr Taylor retired from his role as Director of Inspection on 6 April 2004 after more than 25 years with Ofsted, and we take

¹ Strategic Plan 2004–2007, HMI 1834, October 2003; The Future of Inspection: a consultation paper, HMI 2057, February 2004; A New Relationship with Schools, Department for Education and Skills/Ofsted, June 2004.

this opportunity to record the Committee's appreciation of the valuable contribution that he has made to the work of Ofsted and this Committee. In 2003–04, Ofsted made other staffing changes as part of a senior-level reorganisation, which we discuss later in this report.

2 The Work of Ofsted in 2003-04

8. At the oral evidence session on 5 November 2003, HMCI told us that every school in England has now been subject to at least two Ofsted inspections.² HMCI told us of his view that the inspection regime Ofsted has operated in just over a decade of existence has driven improvement in school standards.³ His introductory commentary on the Annual Report, *Standards and Quality 2002–03* states, “all of our inspections are conducted according to a set of principles. At the heart of them is a strongly held commitment that inspection should contribute to improvement”.⁴

9. Despite HMCI’s aspiration that inspection should lead to improvement, the number of schools placed into special measures in the past year rose significantly. A particularly steep rise is in evidence since September 2003, when Ofsted introduced its New Inspection Framework for section 10 school inspections. In September–October 2002, 34 schools went into special measures and 30 schools were designated as having serious weaknesses. In the same period in 2003, 46 schools went into special measures and 39 were designated as having serious weaknesses. This is an increase of 35% in the number of schools placed into special measures and of 30% in those found to have serious weaknesses.⁵

Ofsted’s Annual Report

10. In his Annual Report, HMCI takes the opportunity to clarify what Ofsted expects of schools during a section 10 inspection. In his commentary, he confirms that the bar has been raised, with higher standards expected of teaching.⁶ In addition, where a school has a high proportion of ‘satisfactory’ teaching (the minimum acceptable level of classroom practice) it may now be seen as underachieving overall:

“The new handbooks for inspection set out a clear specification of the standard required for teaching to be judged as good. It is teaching that ensures that individual pupils achieve well, and responds to their needs; that expects pupils to work hard and leads to a high level of interest. This is the kind of teaching, at least, to which all schools and teachers should aspire. To pick up a theme that I raised last year, it is right to say that satisfactory teaching is a general measure of acceptable competence. However, it is not a powerful enough engine to drive continued progress. Schools where satisfactory teaching is the norm are inadequately equipped to tackle the tough challenges we still face and which are described in this report.”⁷

2 Q 3

3 Q 73

4 p 2

5 Not printed.

6 Ofsted’s recent handbooks for inspection set out the requirements for teaching to achieve each of its grades and clarify the distinction between ‘satisfactory’ and ‘good’ teaching.

7 Commentary, p 2.

Ofsted's Annual Report thus gives a clear statement that the criteria by which schools have been judged from September 2003 have become more demanding. This is in contrast with HMCI's evidence to the Committee last year.⁸

11. In evidence to the Committee, HMCI described his Annual Report as “an authoritative overview of education in England during the academic year 2002–03”.⁹ The report finds that “over that past ten years, standards have undoubtedly risen in primary and secondary schools”, although 2002-03 showed a plateau in tested achievement: “the results in National Curriculum tests have remained steady now for a few years and again in 2002–03 there was no improvement on the previous year”. HMCI notes improvements in the quality of secondary school teaching, but finds that primary schools are not making use of the broader curriculum beyond the core subjects of English, mathematics and science and warns, “we cannot afford, and our children do not deserve, a two-tier curriculum”. HMCI commends initiatives such as Education Action Zones and Excellence in Cities for their work in deprived areas, but finds less to praise in some colleges, which fail to offer adequate provision, particularly in the area of work-based learning. Despite these specific concerns, HMCI concludes that on the whole, “parents can be reassured by what we have found”.¹⁰

12. Since September 2001, Ofsted has been responsible for regulating the provision of day care for children aged up to 8 years. The 2002–03 Annual Report is the first report in which Ofsted has been able to offer an overview on childcare nationally. It finds that “the quality of care given by almost all childcare providers is satisfactory or better”,¹¹ although significant variations are observable in the educational opportunities offered by different types of care, from childminding to more formal school settings. The report also summarises Ofsted's ongoing programme of LEA inspection, finding improvements, albeit, as the report remarks, from a low base.¹² In addition, the results of the first 14–19 area inspections are included. Ofsted began a programme of 16–19 area inspections in 1999 with the Adult Learning Inspectorate (ALI). The age range was extended to 14–19 years in 2002–03 in line with the Government's education and training policies for this age group. Ofsted finds some local strengths, but detects widespread strategic weaknesses, particularly in the co-operation between Local Education Authorities (LEAs) and local Learning and Skills Councils (LLSCs).¹³

Ofsted's Structure and Strategy

13. In response to the alterations in Ofsted's remit described above, the inspectorate has made changes to its senior management structure. In 2002–03, changes were made to accommodate the new responsibilities for the inspection of childcare, including the appointment of Mr Maurice Smith as Director of Early Years. Structural reorganisation has continued in the past year, with the establishment of a new strategic board and two non-executive directors. The board is intended to help provide “leadership and strategic

8 Education and Skills Committee, Sixth Report of Session 2002–03, *The Work of Ofsted*, HC 531, Para 10–11.

9 Q 72

10 Commentary, pp1–6.

11 Annual Report, p 7.

12 *ibid*, pp 89–98.

13 *Ibid*, pp48–50.

direction”.¹⁴ Ofsted also announced its intention to recruit a further twenty HMI (Her Majesty’s Inspectors),¹⁵ as well as the appointment of Mrs Miriam Rosen to the post of Director, Education to replace Mr. David Taylor, who retired as Director of Inspection in April 2004.¹⁶

14. Ofsted has consolidated a considerable shift in remit over the past year, but it is also preparing for further changes, anticipated in the Green Paper *Every Child Matters: next steps*.¹⁷ The Green Paper sets out the Government’s plans for the reorganisation of children’s services in the wake of the Laming Inquiry into the death of Victoria Climbié. Legislation to enact these changes has come before Parliament in the form of the Children Bill. The Bill proposes a new inspection framework for children’s services, in which Ofsted will take the lead:

“The Bill requires Her Majesty’s Chief Inspector of Schools, in consultation with other inspectorates and involving key stakeholders, to develop and publish a Framework for Inspection of Children’s Services. The purpose of the Framework is to ensure that inspections, reviews or investigations that relate to children’s services properly evaluate and report on the extent to which children’s services improve the well-being of children and young people. The Bill enables the Secretary of State to make Regulations requiring two or more inspectorates to carry out Joint Area Reviews of local authority areas. Reviews will be conducted in accordance with arrangements made by Her Majesty’s Chief Inspector of Schools [...] The Commission for Social Care Inspection (CSI), together with the Commission for Healthcare Audit and Inspection (CHAI), the Audit Commission (AC) and other relevant inspectorates will have key roles working closely with Ofsted in developing the Framework for integrated inspection and in carrying out Joint Area Reviews. The Bill provides for inspectorates to co-operate with each other, for example, through sharing information; the scheduling and co-ordination of inspection activity and the delegation of functions amongst themselves”.¹⁸

15. In May 2004, Ofsted published *Every child matters: inspecting services for children and young people*, a discussion paper on an integrated approach to the inspection of children’s services. The paper emerged from a steering group of commissions and inspectorates and sets out broad proposals for an integrated approach to inspection.

16. Further to its expansion into this new area of inspection, Ofsted has been reviewing its traditional work inspecting schools. In February 2004, the inspectorate published a consultation paper, *The Future of Inspection*, in which it proposed that school inspection should become “a short, sharp review, carried out with minimal notice”.¹⁹ The new regime is intended to lighten the burden and costs of inspection and make better use of existing data, and would entail a far greater role for self-evaluation. In June 2004, Ofsted and the

14 Ofsted press release NR 2003–88, 10 July 2003.

15 Ofsted press release NR 2004–06, 28 January 2004.

16 Ofsted press release NR 2004–32, 02 April 2004.

17 Department for Education and Skills, 4 March 2004.

18 *ibid*, paragraphs 2.32–2.34.

19 Ofsted, *The Future of Inspection*, HMI 2057, February 2004, Paragraph 9.

DfES published *A New Relationship with Schools*, which confirmed the Government's intention to press forward with these changes.

17. Having completed two inspections of all English schools in the last ten years, Ofsted can be considered a mature institution. Nevertheless, the inspectorate has recently assumed a number of new responsibilities and considerable changes are on the horizon. Ofsted has already taken on the inspection of day care and 16–19 education. In the coming years, it will be extensively involved in inspecting the new arrangements for children's services set out in the Green Paper *Every Child Matters*. The recent publication, *A New Relationship with Schools*, also confirms that there will be significant changes to its 'core work' of school inspection, intended to streamline the process and reduce the burden of inspection. At this mature stage Ofsted can look back on a decade of improvement in standards, but it must also reflect on its future role. Having achieved widespread acceptance and respect amongst parents, schools and the Government, what next for Ofsted?

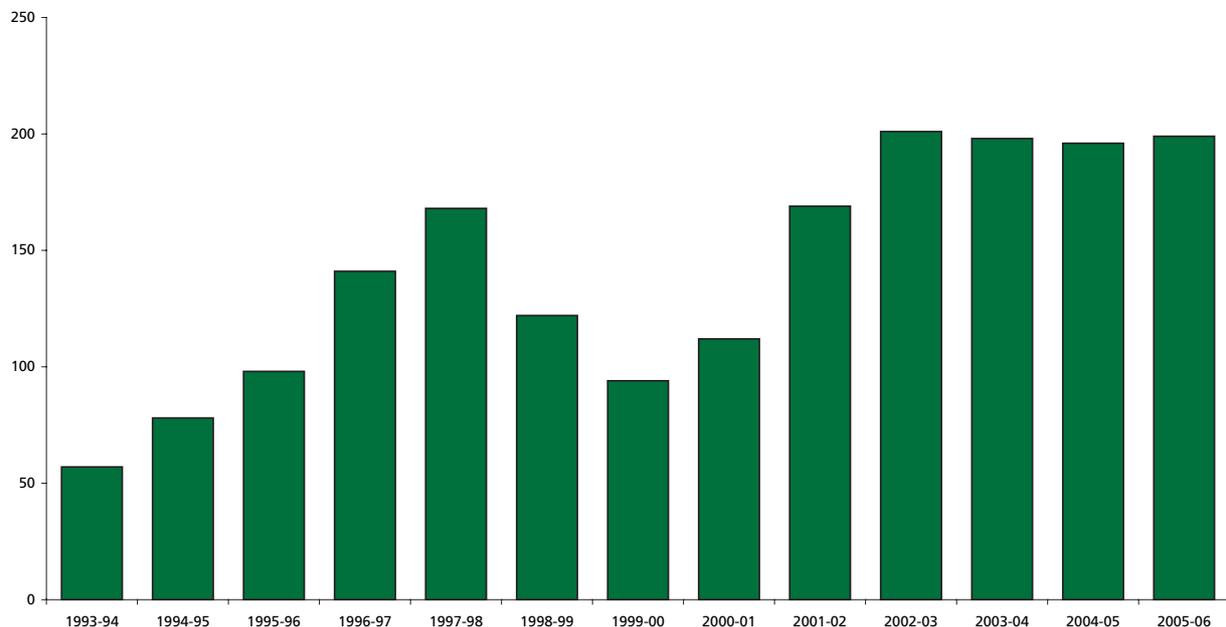
18. This report comes at an important time for Ofsted. Our aim is to scrutinise the growing role of the inspectorate as it expands into new areas; to judge whether Ofsted is the appropriate body to undertake the inspection of these sectors, and to comment on its approach from the evidence we have been given. We are also concerned to monitor the implementation of Ofsted's recent strategic proposals, both in children's services and in school inspection and reporting, which has been its core work for over a decade. Ofsted must now ensure consistency of judgement across many different types of institutions catering for a variety of age groups. It must also show that its inspections are making a significant contribution to improvement in the settings it inspects and thus demonstrate value for money.

3 Growth of Ofsted's Responsibilities

19. Ofsted has seen a huge increase in its size following the extension of its remit to cover further education and day care for children under eight. The latter responsibility alone resulted in 1,500 staff being transferred from local authorities. Public funding has doubled since 1999–2000. The following charts set out this data from 1993.

Public expenditure on Ofsted

£ million 2002–03 prices

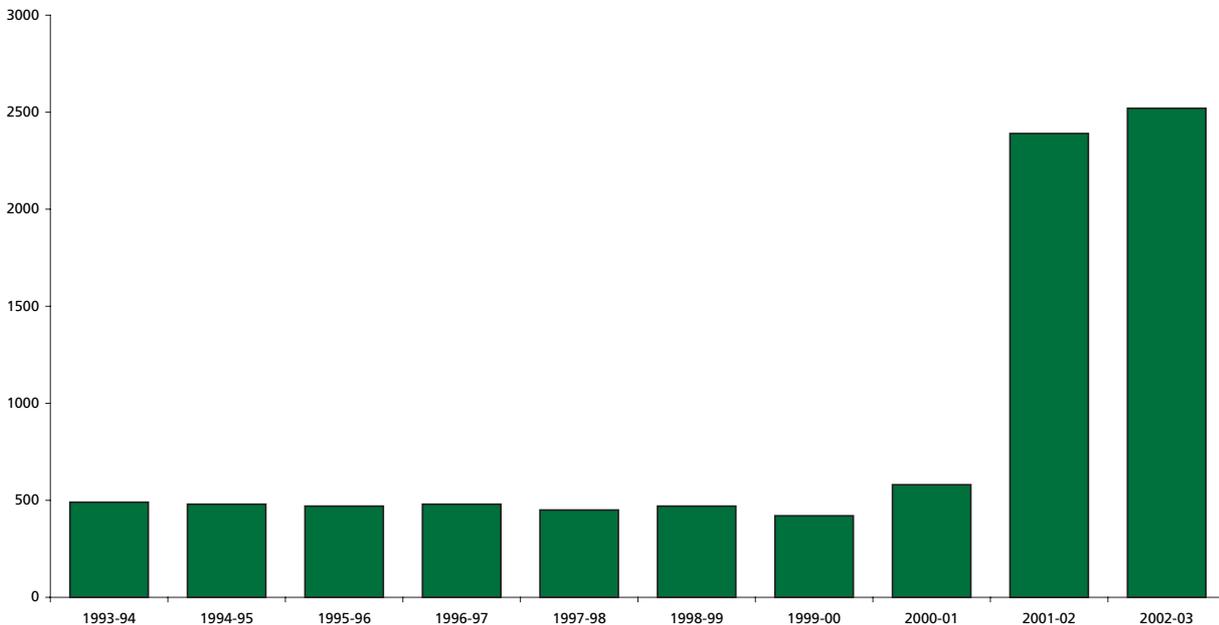


Source: *Education and training expenditure since 1993–94, Department for Education and Skills*

20. Spending on Ofsted increased rapidly during its first cycle of inspections and by 1997 it was three times the 1993 level. It then fell rapidly for two years following the introduction of longer inspection cycles and, later, short inspections for the highest rated schools. The additional responsibilities Ofsted has recently assumed have led to another increase in spending: it is planned to remain at around £200 million, in 2002–03 prices, until the end of the current Spending Review Period.

Staff employed by Ofsted

Full-time equivalent permanent staff



Source: Civil service statistics, Cabinet Office, various years

21. The number of staff directly employed by Ofsted remained steady at around 500 until 2001–02, when there was a large transfer of staff as the responsibility for childcare inspection was added to the inspectorate’s portfolio. Within the current complement of approximately 2,500 staff, 800 are office-based, 500 are in regional centres and the remaining 1,200 are home based workers. The number of staff at Ofsted is now more than half the number employed by the DfES as a whole and greater than the Departments for International Development and Culture Media and Sport and the Cabinet Office.

22. In January 2004, Ofsted carried out an internal staff survey, the results of which were reported in the press.²⁰ The survey appeared to reveal difficulties in effectively integrating the large number of new staff Ofsted has acquired into its organisational structure. One in five respondents said they had been bullied at work and nearly two thirds claimed to be so stressed that the quality of their work was being adversely affected. Less than half said they would recommend Ofsted as a good place to work and almost two thirds said the objectives of the organisation changed so frequently they could not get work done.

23. Ofsted is now the size of a small Government department and is set to grow again in the future, following its assumption of lead responsibility for the inspection of children’s services. This expansion must be carefully managed and monitored to ensure that there does not come a point at which Ofsted becomes too large to be managed effectively as single organisation. Ofsted should take lessons from its recent internal

20 ‘Ofsted staff “bullied and harassed”’, *The Guardian*, 30 April, 2004.

staff survey when considering future staff changes and alterations to its managerial structure.

Every Child Matters

24. As noted above, the Government's Green Paper, *Every Child Matters*, and the associated Children Bill propose that Ofsted should lead the inspection of children's services in local authority areas. A range of inspectorates will be involved in Joint Area Reviews, including the Commission for Social Care Inspection, the Commission for Healthcare Audit and Inspection, the Audit Commission, the Constabulary Inspectorate, the Prisons Inspectorate, the Probation Inspectorate, the Magistrates' Courts Service Inspectorate, the Crown Prosecution Service Inspectorate and others, but Ofsted will take the lead role in devising an integrated inspection framework. Under these reforms, a large and complex sector will be added to Ofsted's remit, only recently after it acquired new duties in relation to day care and post-16 inspection.

25. Appearing before the Committee on 5 November 2003, HMCI acknowledged the scale of the new responsibilities Ofsted would acquire under the Children Bill:

“There is probably hardly an inspection system that Ofsted currently runs that will not be affected by the inspection of children's services and that is why it is so important this does not just become another weight and we have to think about it. Clearly if one is going to make a judgment about the quality of service to children in a particular area, and that will be our aspiration in the inspection report, we will want to know what is happening for the very youngest children so it will impact on our Early Years responsibilities. We currently carry out inspections of the Connexions service and youth services, that is going to be encompassed in this and there is a big discussion to be had about the future of local education authority inspection because clearly we cannot just continue to do that as though nothing has changed. Things will change, not least the new requirement in the Green Paper that local authorities reconfigure their own delivery of services, so all of that has got to happen and, of course, school inspection has to be considered. I cannot say to you we have got it all cracked.”²¹

26. We returned to this subject when we saw HMCI and his colleagues almost six months later, on 8 March 2004. Maurice Smith, Director of Early Years, outlined the progress Ofsted had made in planning its role in the thoroughgoing reform of children's services:

“We are obviously in the relatively early stages of formulating ideas on what these inspections will look like, but equally, if we are going to introduce them not much more than a year from now, we have to get a move on. The focus is going to be on the outcomes of these inspections; that is something that all the inspectorates have agreed. It is crucial that they do take into account the views of children and young people and their parents [...] So far as possible, we will tackle the question of reducing burdens by making use of what we have already. In other words, do not re-invent things if we have something which is reasonably adequate, although when you are bringing together half a dozen or more inspectorates which have been looking at

things from very different perspectives, there is going to have to be quite a degree of readjustment so that they produce an overall coherent picture.”²²

27. Ofsted officials told us that the development of a new framework for the inspection of children’s services did not necessarily have to increase the burden of inspection on local authorities. HMCI said, “Again, we just have to be careful that we do not just add more inspection; how can we get to how effective those sorts of schemes are without putting too much more inspection into the system.”²³ Maurice Smith explained how this might happen in practical terms, by using existing inspection evidence and targeting inspections on the areas of greatest risk:

“We are in the business of trying, where we can, to reduce the burden of inspections, certainly not to increase the burden of inspection so there is going to have to be an element of proportionality to risk. In other words, we look harder at those areas where we think the risks are likely to be greatest. [...] At the core of the process in an area we are looking at a joint assessment by a multi-disciplinary team, in other words, bringing together inspectors from different inspectorates and different disciplines to look at what is actually happening. Having said that though and recognising the huge scale of the task, relatively speaking we think that the field work needs to be kept to a minimum, in other words not weeks and weeks and weeks of inspectors on the ground, but as much thorough preparation as is possible on the basis of the evidence that has already been gathered from field work, whether it is a school inspection or any other sort of inspection.”²⁴

28. Since our evidence sessions, Ofsted has further developed their plans for the inspection of children’s services with the publication of a discussion paper on proposals for the integrated inspection framework in May 2004, produced in association with the other inspectorates involved. The document confirms that inspections will focus on outcomes and will attempt to lighten the burden of inspection through the use of existing data and by targeting areas of risk. It incorporates a set of draft principles, agreed by the group. According to these principles, inspection of services for children and young people will:

- “have the experiences of children and young people and outcomes for them at its heart;
- provide judgements of service contributions to outcomes, the quality and value for money of provision, the quality of its management and the prospects for improvement;
- assess evidence and make judgements objectively against national service standards, where applicable, and other published criteria;
- be proportionate to risk and tailored to circumstances and needs;
- ascertain and take into account the views of children and young people and their parents and carers, and look to involve them in inspections in other ways;

22 Q 157

23 Q 94

24 Q 157

- make use as far as possible of the existing documentation and systems of the organisations inspected and avoid placing unnecessary burdens on them;
- encourage rigorous self-assessment by the organisations inspected and make use of information from their processes of performance management;
- evaluate the work of the inspected public bodies in eliminating unlawful racial discrimination, promoting equal opportunities and encouraging good race relations;
- report openly, clearly and fairly on the basis of secure evidence;
- enable themes of national significance to be pursued and reported;
- be designed to promote and support improvement, linking with action to follow up recommendations;
- build quality assurance into inspection, respond fairly to complaints, carry out evaluation of the conduct and effectiveness of inspection and seek continually to improve it.”²⁵

29. One of the draft principles for the inspection of children’s services is to “evaluate the work of the inspected public bodies in eliminating unlawful racial discrimination, promoting equal opportunities and encouraging good race relations”. The Race Relations Amendment Act 2002 placed upon Ofsted a positive statutory duty to promote racial equality and to incorporate this requirement into the inspection process. Some of the evidence submitted to this Committee in connection with its scrutiny of Ofsted has questioned the inspectorate’s record in this area. The Commission for Racial Equality suggests that further investigation should be carried out into the differential attainment levels of some ethnic minority children as well as schools’ provision for the children of asylum-seekers and travellers.²⁶ Early Years Equality recommend that Ofsted recruit more staff from ethnic minority backgrounds.²⁷ Statistics given to us by Ofsted shows little diversity in its staff: overwhelmingly, inspectors are white, making up 799 registered inspectors out of 834, 4,076 team inspectors out of 4,402 and 305 out of 337 lay inspectors.²⁸

30. The importance of inclusion in inspection goes further than an inspectorate’s statutory duties under Race Relations Act. In its submission to the committee, NASUWT raised its concern that the focus on racial inequalities should not be to the exclusion of other equality issues:

“The new requirements imposed under the Race Relations (Amendment) Act 2000 should not overshadow other equalities considerations; namely, the promotion of gender equality, tackling homophobia and religious intolerance, and the need for schools to meet their statutory duties under the Special Educational Needs and

25 Ofsted, *Every child matters: inspecting services for children and young people: a discussion paper*, May 2004.

26 Ev 103

27 Ev 53

28 Ev 107

Disability Act. OFSTED must report on its work in these other areas of equality, and take full account of the wider equalities agenda in the preparation of inspection reports.”²⁹

31. When we asked HMCI what efforts he had made to promote inclusion within Ofsted, he told us of the training schemes that had been put in place:

“A couple of years ago we required all inspectors as a condition of continuing registration to undergo our training on inspecting education inclusion. I think we did something very important through that exercise and we continue to do it through inspection and that is we do not say to inspectors as an add-on to write something about inclusion. What we actually say to inspectors is that that perspective on inclusion should go right through the whole of the inspection activity.”³⁰

32. **In last year’s report, *The Work of Ofsted 2002–03*,³¹ we expressed our concerns that Ofsted’s new duty under the Race Relations Act had failed to permeate hearts and minds throughout the inspectorate. We are satisfied the inspectorate has made progress in this area through the training of staff, but greater effort is required to make progress in changing the profile of staff recruited to Ofsted.** Inclusion will be a vitally important consideration when Ofsted takes on its new role monitoring children’s services. The inspectorate will need to be alert to a wide range of issues including race and gender equality, provision for disabled children and children with special needs.

33. HMCI told us that he believed Ofsted would be a powerful driver of improvement when it begins inspecting children’s services, saying:

“We certainly hope that this is an area in which inspection can have an impact because by saying this is what we expect to see and this is what we find—not just, are the plans there, but when we go to talk to parents or young people, do they actually recognise that the various agencies are working together—that should be a powerful driver for the sort of improvement that we are looking at.”³²

34. **We agree with HMCI that a sound and reliable inspection regime will be vital to the reform of children’s services set out in the Green Paper *Every Child Matters*. The difficulties inherent in this project must not be elided. Ofsted faces a considerable challenge in developing an inspection regime that is thorough and fit for purpose, yet does not impose too great a burden on services which are themselves coping with a major transformation. Particular difficulties may result from the inspectorate’s decision to be “proportionate to risk” by focusing on services identified as most in need of scrutiny. While this strategy may streamline the inspection process, it must be carefully managed to ensure that standards are maintained in all services for children and young people.**

29 Ev 23, paragraph 42.

30 Q 32

31 Education and Skills Committee, Sixth Report of Session 2002–03, *The Work of Ofsted*, HC 531, Para 10–11.

32 Q 157

35. As lead inspectorate, it will be Ofsted's job to co-ordinate the work of numerous and diverse inspectorates, which may have long-established conventions and practices surrounding their work. The Children Bill aims to ensure that services work in a 'joined-up' fashion. It will be Ofsted's responsibility to ensure that the inspection functions in a similarly co-ordinated manner. We agree with HMCI that "there is probably hardly an inspection system that Ofsted currently runs that will not be affected by the inspection of children's services and that is why it is so important this does not just become another weight".³³ **The further expansion of Ofsted's role to incorporate the coordination of inspection for children's services will have an impact upon the scale and staffing of the inspectorate. It is important that this addition is integrated into the existing Ofsted structures.**

36. Clearly, work remains to be done in the development of an integrated inspection framework for children's services. The *Every Child Matters* reforms are highly complex and will have a significant impact on a very wide range of services. It is therefore extremely important that they are well and coherently implemented. This is an area that the Committee intends to scrutinise specifically and in detail in the future. The performance of Ofsted and of the new inspection regimes more generally will form a natural part of this scrutiny and we look forward to discussing these issues again with HMCI and his colleagues when we see them in November.

Value for Money

37. The draft principles for integrated inspection, drawn up by Ofsted and other inspectorates, explicitly state that inspectorates should "build quality assurance into inspection, respond fairly to complaints, carry out evaluation of the conduct and effectiveness of inspection and seek continually to improve it". We too are concerned that Ofsted should monitor its own activities for effectiveness and efficiency. Given its increasing size and remit, we are keen to ensure that Ofsted still represents good value for money.

38. In July 2003, the Prime Minister's Office of Public Service Reform published *Inspecting for Improvement—Developing a customer focused approach*. This looked at the growth of inspection and external review of public services, how it is changing and how it can become more effective. The report set out ten principles of inspection and external review. In their view an inspectorate that achieved these aims would be at the forefront of best practice and lead the way for others. In relation to value for money, the report concluded that "Inspectors should have regard to value for money, their own included" and that "Inspection itself should be able to demonstrate it delivers benefits commensurate with its cost, including the cost to those inspected". The report also recommended that to achieve greater consistency, effectiveness and value for money inspectorates should, among other things, find "appropriate and effective means of assessing their own contribution, however indirect, to improvement in service delivery".

39. In the financial year 2003–04, Ofsted received £207 million in public funding. This will increase to £215 million by 2005–06. Despite spending this substantial amount of public

resources, Ofsted had not published an assessment of its own value for money, or even quantified the contribution that inspections make to educational standards and pupil attainment when we spoke to its officials in March 2004. Ofsted inspections make judgements about the value for money that schools, colleges and LEAs provide, but it had not so far published a report on its own efficiency and nor had any external body such as the National Audit Office.

40. All (other) Government departments are required by the Treasury to include at least one target in their public service agreement relating to improvements in efficiency or value for money. Most efficiency/cost effectiveness targets require a year on year improvement of 2%. Ofsted's latest Strategic Plan (2004 to 2007) makes no mention of efficiency or cost effectiveness targets.³⁴

41. We asked HMCI and his colleagues what measures Ofsted had put in place to monitor its value for money, and to benchmark its efficiency against that of similar bodies. Mr Robert Green, Strategy and Resources Directorate, told us:

“...we are trying to benchmark ourselves against other organisations, obviously against other inspectorates. Reference has been made to the work in central government on the role of inspectorates and their contribution and it was interesting that, in a survey associated with that, Ofsted was by far the best recognised inspectorate in the public sector, perhaps not surprising given the sort of work we are in, but that, I think, recognised our position there. We look at basic things like how much we spend on our computers and on our support services and we think that, in comparison with other organisations, we are at very lean and efficient levels of expenditure but always ready to look for further tightening there where we can find it. So, it is an interesting point. If we forgot to put value for money in our values, that does not mean it is not there. I think we said that the strategic plan will be a continuing and improving document and that is probably an early point for us to note.”³⁵

42. Mr Green also told us that Ofsted planned to publish a report in 2004 on the impact, use and influence of its work in relation to the resources it consumes:

“...if you go back over the last five years, in cash terms, [Ofsted's budget] has gone up by about three quarters but, during that time, we have taken on the massive new work involved in Early Years operations and post-16 inspection. So, a lot of new functions. One way of looking at it is simply to say, ‘What does the budget look like and what work is being done?’ As David mentioned, we want to do quite a major piece of work that looks at the impact of Ofsted in relation to the resources that are put into Ofsted. [...] we want to do that in a piece of work which we hope will be coming to fruition by about Easter next year, so we will have the first findings in the first part of next year and then really we hope to publish something quite serious about that. So, recognising that it is a point that the Committee has put to us previously and recognising that we have an obligation to be as public as we can about

34 Ofsted, *Strategic Plan 2004 to 2007*, HMI 1834, October 2003.

35 Q 9

what we perceive as the value for money that Ofsted is generating, it is a small part of the education budget but, in absolute terms, it is a lot of money.”³⁶

43. Ofsted’s assessment of its value for money did not appear until 30th July 2004, when it was published as an electronic document on their website.³⁷ The report, entitled *Improvement through inspection: an evaluation of the impact of Ofsted’s work*, was written jointly by Ofsted and the Institute of Education, University of London. The report concluded that “Ofsted has made a substantial contribution to the improvement of the education system and—to a variable extent, alongside other powerful factors—to education providers. Despite its achievements, it is recognised that Ofsted should not be complacent and has room for further evolution as a learning organisation”.³⁸

44. *Improvement through inspection* includes a short chapter on value for money, from which the authors conclude that “Ofsted’s inspection procedures represent good value for money and its plans for the future inspection of colleges, local authorities and schools should improve this further. Nonetheless, steps are planned to improve efficiency and cost effectiveness in several inspection fields [such as the inspection of LEAs]”.³⁹ However, there is little in the way of comparative data and the authors note the difficulty of this task, stating: “Ofsted has begun to explore with other UK and Dutch education inspectorates the possibility of benchmarking inspection costs. The nature of the different systems and their outputs adds to the complexity of this project, which could not be completed as part of this evaluation.”⁴⁰

45. Ofsted is a unique body in terms of the work it carries out, but it is possible to compare it to other inspectorates on a number of indicators including size, cost and activity. The following table summarises data on the staff and expenditure on different inspectorates. Ofsted was largest in terms of staff numbers and second to the Audit Commission on total expenditure. Comparing the cost per inspection across these organisations would mean equating the inspection of a childminder to that of a police force, county council or a National Audit Office value for money audit, but a better way of comparing the cost of inspectorates is to look at it in relation to spending on the service each one inspects. On this measure Ofsted cost 0.5% of relevant spending, ranking above most other inspectorates, but below the Adult Learning Inspectorate and HM Crown Prosecution Service Inspectorate. At present Ofsted carries out around 50,000 visits a year, compared to 800 in the next highest (Adult Learning Inspectorate) and below 200 for most other inspectorates.

36 Q 9

37 <http://www.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.summary&id=3696>

38 Paragraph 470.

39 Paragraph 502.

40 Paragraph 445.

Comparative data on inspectorates

2002-03 or latest year

Inspectorate	Expenditure		
	Staff	£ million	Proportion of total public expenditure on relevant service
Ofsted	2,520	199	0.5%
Audit Commission	2,437	215	0.4%
National Audit Office	765	64	-
Commission for Health Improvement	254	22	0.0%
Social Services Inspectorate	240	11	0.1%
Adult Learning Inspectorate	160	18	2.9%
Quality Assurance Agency for Higher Education	99	9	0.1%
HM Fire Services Inspectorate	67	4	0.3%
HM Crown Prosecution Service Inspectorate	47	3	0.7%
HM Inspectorate of Probation	36	3	0.4%
HM Magistrates Court Service Inspectorate	35	2	0.4%
HM Inspectorate of Prisons	26	1	0.1%
HM Inspectorate of Constabulary	..	8	0.1%

.. not available

- not applicable

Sources: Public expenditure statistical analysis 2003, HM Treasury; Inspectorates' Annual Reports

46. We look forward to exploring the potential for Ofsted to develop its first self-assessment document into a more rigorously quantified evaluation at our next meeting with HMCI and his officials.

47. In its submission to the Committee, The Association of Inspection and Training Providers (AoITP) criticised Ofsted for failing to make best use of the independent providers of inspection services and for too much reliance on in-house HMI:

“We believe that Ofsted has not rigorously pursued the principles of ‘Best Value’ in determining whether to undertake work in-house or to seek to utilise the market. At a time of ever increasing market capacity and capability we are concerned at the extensive growth in the numbers of in-house HMI.”⁴¹

AoITP also argued that “the ‘statutory independence’ of Ofsted is best supported by inspection teams sourced from the open market that are free from the pressures of being ‘within the system’ and are themselves seen as being independent.”

48. When we asked HMCI about the way in which Ofsted sources its inspectors, he told us:

“...your question goes to the heart of what we say in the Strategic Plan under the ‘Future of Inspection’ because I think we say quite explicitly we want to look at the total inspection resource available to Ofsted, that is full-time HMIs, it is the additional inspectors that we have in occasionally to carry out exercises or to do inspections in areas like colleges and initial teacher training, it includes our section 10 contracted inspectors and of course it also includes our substantial body of staff in Early Years. The straight answer to your question is we have not yet considered in any great detail how we might reconfigure the use of those different elements of inspection resource, but that is precisely what we are going to be looking at in the

next document I have referred to because I think it is a really important question to ask, could you get a different sort of mix, could it become better value for money if you did it this way, what are the benefits of having more people in-house, what are the benefits of having less people in-house and so on. That is absolutely central to what we are going to be reporting on in the spring.”⁴²

49. *Improvement through inspection* discusses the costs associated with inspection staff in its section on value for money. Here, the report states that “market forces, reflecting the availability and cost of suitably qualified professionals to act as inspectors, have recently driven up the cost of school inspections”.⁴³ However, *Improvement through inspection* does not fulfil HMCI’s promise to examine different methods of sourcing its inspectors and we urge Ofsted to consider this process in a future paper.

50. The extent to which Government administration in all its forms offers value for money has come into sharp focus in recent months. The Government aims to reduce staff numbers in central departments and to make substantial efficiency savings. The Department for Education and Skills’ staff will be reduced by a third and we understand that jobs will also be lost at Ofsted. On 8 July 2004, Ofsted issued a press notice confirming that it will be undertaking a three-year restructuring project, cutting its regional centres from eight to three (Bristol, Nottingham and Manchester) and dropping staffing numbers by approximately 20%.⁴⁴ The aim is to deliver estimated savings of 20% to Ofsted’s annual budget by 2008. The majority of Ofsted staff are already based outside London, but the inspectorate intends to relocate further operations out of London in accordance with the principles of the Lyons Review.⁴⁵

51. Government services are increasingly coming under pressure to meet stringent efficiency targets. Given this climate, we are surprised that it has taken so long for Ofsted to publish a review of its efficiency levels and costs. We welcome the publication of the self-assessment review *Improvement through inspection*, the inspectorate’s first attempt to quantify its impact and cost-effectiveness. We shall return to this matter in November this year, when we hope to explore with HMCI the potential for Ofsted to develop its first self-assessment document into a more rigorously quantified evaluation.

What does Ofsted achieve?

52. It is impossible to consider Ofsted’s ‘value for money’ without defining the purpose of inspection and asking what inspections carried out by Ofsted actually do achieve. As noted above, HMCI has expressed his firm belief that inspection drives improvement in schools. Equally, parents may take Ofsted reports into account when choosing which school their children will attend and will want to know that these reports provide an accurate and reliable summary of quality and standards. Further, Ofsted has now become a household name: its pronouncements are widely reported in the press along with their implications

42 Q 31

43 Paragraph 447.

44 NR 2004–62, 08 July 2004.

45 *Well Placed to Deliver? Shaping the Pattern of Government Service*, Independent Review of Public Sector Relocation, Sir Michael Lyons, March 2004.

for Government policy. In this context, Ofsted can be considered an influential body with the ability to inform and potentially alter Government policy. In our discussions with HMCI and his colleagues, we sought to assess whether Ofsted is working well across these functions.

53. In order to assess Ofsted's value for money, it is necessary to consider what could be achieved if Ofsted's resources were spent elsewhere or given directly to schools. If Ofsted's funding were distributed directly to schools then it could significantly reduce the deficits faced by some schools at the moment, meaning fewer teacher redundancies in some areas or fewer vacant posts in others. This is not just a question of money, but also of the substantial human resources employed by Ofsted, many of whom are drawn from the teaching profession at a time of national teacher shortages. Ofsted reports that there are major problems of recruitment and retention of teachers in some areas and that the quality of a significant proportion of temporary teachers is "a cause for concern".⁴⁶ In January 2003 there were 2,790 classroom teacher vacancies. Around half the £200 million funding for Ofsted is related to their work with schools and colleges,⁴⁷ the equivalent of 2,500 additional classroom teachers. We must therefore ask whether Ofsted is worth the public money it receives or whether this money would arguably be better spent supplementing school budgets and whether the ex-teachers employed by Ofsted would not be doing more good by going back into classrooms and teaching.

School Inspections

54. Despite HMCI's assertion that inspection is an important driver of improvement in school standards, Ofsted's Annual Report for 2002–03 recorded an increase in schools placed into special measures. In 2002–03, 160 schools were put into special measures, as against 129 in the previous year, a rise of 24%. This is the first such increase since 1997. The Annual Report also records that 43 schools which were last year judged by Ofsted to have serious weaknesses failed to improve and fell into special measures this year.

55. In March 2003, researchers from Newcastle University published findings of statistical research into the GCSE results from 1992 to 1997 of over 3,000 secondary schools that were inspected by Ofsted. Among the 1,900 county, mixed comprehensive schools, Ofsted inspections were associated with a slightly reduced proportion of students achieving five or more GCSEs at grades A*–C: half a percentage point less than those without inspection.⁴⁸ The negative impact on these schools persisted in the years after inspection. Inspection was associated with a small positive effect on GCSE results in all-girls comprehensives and little or no effect for all-boys comprehensives. There were small positive effects for grant-maintained, secondary modern schools, and all types of selective schools. The authors conclude that "Given these results, Ofsted has little value as far as most schools' GCSE examination performance is concerned."⁴⁹

46 Standards and Quality 2001–02: The Annual Report of Her Majesty's Chief Inspector of Schools, February 2003, 'Commentary'.

47 Q 6

48 These results were statistically significant.

49 'Do Ofsted inspections of secondary schools make a difference to GCSE results?', I Shaw, D.P. Newton, M. Aitken and R. Darnell, *British Educational Research Journal* 29, 1.

56. When we asked HMCI whether his inspections can sometimes do more harm than good, he told us that when schools engage in large amounts of time-consuming advance preparation for Ofsted inspections, this can have a deleterious effect on their normal activities:

“The thing to say about the Newcastle research was that it was based on the aftermath GCSE findings in the early stages of inspection and I think, in that respect, it is quite out of date and it is a point that we made publicly at the time. We are not complacent again about that and I think it is fair to say that, in those early days of inspection, in the early 1990s, everyone was getting used to the impact of inspection and of course, in those days, the schools themselves and perhaps inspectors wanted to put a lot of effort into the preparation and the documentation that had to be prepared, all the materials that had to be prepared, and I think that may have dissipated energy in a way that was not particularly helpful. Of course now—and this is a point which the Committee has made previously—we are very keen to ensure and we state publicly that we do not want schools and other institutions being inspected to engage in unnecessary preparation.”⁵⁰

The NUT submission to this Committee states that “there are currently few schools which do not over-prepare for inspection”, due to the perceived high stakes of the process for the school involved.⁵¹

57. Submissions to this Committee have called for a more streamlined inspection process, given the substantial amount of performance data that is now available for schools. It has been argued that the availability of this data means that the results of a school’s Ofsted inspection can largely be predicted in advance. The submission of the NASUWT stated:

“Ofsted has made a highly significant contribution to the development of a national comparative database of school performance based on the process of a nationally driven system of school inspections. This statistical database obviates the need for an elaborate and extended system of school inspection, which is both time and resource intensive.”⁵²

58. There is clear evidence that schools which approach inspections by engaging in what Ofsted terms ‘unnecessary’ preparation divert energy and resources away from their core business of teaching and learning. This may have adverse effects and can even result in a dip in performance. Ofsted appears to have recognised that its current inspection framework is resulting in these unintended consequences. **The proposals for a ‘new relationship with schools’, discussed in detail later in this report, are a welcome development, especially as they are intended to alleviate pressure on schools to spend an extended period preparing for inspection.**

50 Q 5

51 Ev 47, paragraph 10.

52 Ev 19, paragraph 5.

School Improvement

59. HMCI told us that Ofsted inspections should be valued for stimulating change in failing schools, saying: “I have always said that it is teachers, head teachers and those who work in schools who bring about improvements in schools. However, I believe that inspection has made a major contribution to improvements”.⁵³ HMCI has also said that he regards special measures as a catalyst for change, claiming that “Ofsted’s work with schools in special measures has consistently led to improvement”.⁵⁴

60. Ofsted’s Annual Report notes that many schools which have been placed in special measures as a result of an Ofsted inspection have now been re-inspected. It finds that “most schools [in special measures] had begun to find ways of dealing with their difficulties. However, in some, improvement was frustrated by the loss of effective staff, slowness in embracing ideas, or difficulties in recruiting suitably experienced teachers”.⁵⁵ Evidence given to the Committee as part of our recent inquiry into Secondary Schools Admissions has suggested that some schools receiving a poor Ofsted report can find it extremely difficult to recover from what is viewed by parents as a ‘damning’ judgement. During our inquiry, we spoke to Mr Simon Flowers, Head Teacher, The Cathedral High School, Wakefield, who described the situation at his school. The Cathedral School replaced a failing school on the same site, but has found it very hard to shake off the reputation that its predecessor school had acquired. We asked Mr Flowers whether he could regain local confidence in his school:

“I really hope so but I do not think so. I think what will happen is between then and now we are going to have to go through Ofsted and we are at risk, I will lose staff, and the ability to deliver what I know we can deliver, which is the 30% and 40% [5 A*–C at GCSE] potential, will not be realised. I have six teachers in core missing, which is English and maths, because I cannot actually recruit. That is the reality. What I need is a chance to build success. What I am saying is that if we had the chance to do it we could do it, but whilst that is the perception, be it from the school, the parents or the potential teachers coming to us we are going to struggle to attain what we are capable of.” [...] “I know if we were to be deemed a school requiring special measures—which is a risk for us—that would knock parent confidence even further.”⁵⁶

61. Ofsted’s Annual Report records that 43 schools which were last year judged to have serious weaknesses fell into special measures this year.⁵⁷ Despite being identified by Ofsted as ‘at risk’ schools, this judgement has not resulted in successful intervention to improve these schools. **Instead of improving, failing schools can fall into a vicious circle, or ‘spiral of decline’, whereby they are unable to attract high-achieving pupils or well qualified staff.**

53 Q 73

54 ‘Autumn figures indicate tougher Ofsted’, *The Guardian*, 6 Feb 2004. ‘Primaries need to get past basics’, *Times Educational Supplement*, 6 February 2004.

55 Paragraph 309.

56 Education and Skills Committee, Fourth Report 2003-04: *Secondary Education: School Admissions*, HC 58-I, Qq 1022, 1027.

57 Paragraph 304.

62. Indeed, evidence from our broader inquiry into secondary education suggests that a negative Ofsted report may even be a complicating factor, persuading some parents to avoid or even to desert a struggling school. **The value of inspection is diminished if it is not coupled with advice. Whilst it is very important that Ofsted continues to identify schools that are not offering good quality education, the DfES should ensure that schools which receive negative Ofsted reports are guaranteed to receive support from LEAs as well as other agencies such as the local Learning and Skills Council (LSC), giving failing schools a real opportunity to improve.**

Parents

63. In evidence to this Committee, HMCI also justified Ofsted's expenditure in terms of its service to parents:

“...we do know anecdotally—and we want to try to get more systematic evidence of this—that parents do value Ofsted inspection reports and consult Ofsted inspection reports at different times [...] I think it could be superficially attractive to say that all you should ever inspect is where there is a weakness. One would obviously have to work out how you would identify that in the first place, but let us assume that you could identify that. I think personally that that would be a great disservice to parents and children in all schools because it seems to me that, for parents in any school, what an Ofsted report provides is an independent evaluation of how that school is doing.”⁵⁸

64. HMCI told us that all schools should have a regular Ofsted report in order to give parents “an independent evaluation of how that school is doing”. Our evidence has suggested that, on occasion, Ofsted reports do not provide a reliable independent evaluation. We heard of the case of St John Rigby College, where Ofsted inspectors failed to notice that vital resources were missing, due to fraudulent administration, and judged that the school's “financial planning and administration were good”.⁵⁹ Conversely, Myerscough College told us about an inspection report that they are contesting on the grounds that it contained unjustified criticisms.⁶⁰

65. We have also heard that the effect of a negative Ofsted report can persist, despite improvements made to the school or even a successful appeal against parts of a report. Summerhill School has been engaged in a long-running dispute concerning its 1999 Ofsted report, which was highly critical.⁶¹ They told us that in 2004, five years after the inspection, the school is still judged by many people on the basis of this document, despite changes made in the school and questions raised as to the validity of parts of the report.

66. We asked HMCI about the reliability of Ofsted inspection reports. He told us:

“We are not complacent at all but we can always cite examples where it has not quite gone to plan. However, if one looks back over the last ten years, there have been

58 Qq 2, 22

59 Q 14

60 This case has now been resolved.

61 Ev 53, 83, 84.

almost 50,000 school inspections and the level of complaint has been actually remarkably low. I think there are ways in which we can always improve our inspection practice. We want to give greater attention, for example, in school inspection to the views of pupils. We do take account of the views of parents. We always are interested in the views of staff. So, I think there is a whole variety of ways in which we can continue to learn, but I would be extremely foolish if I sat here and gave you an absolute assurance that every inspection from now on in would be conducted faultlessly and that there would never be a difficulty. What I can say to you is that Ofsted takes the monitoring and the evaluation of inspection very seriously and actually, within our own budget, we spend quite a bit of money monitoring inspections and actually following up the conduct of inspectors where we are not satisfied with it.”⁶²

67. HMCI also told us that Ofsted reports can only provide a snapshot of a school as it is at the moment of inspection:

“The situation on all school inspection reports, whether it is independent or maintained schools, is that the previous school’s report stands as a matter of record unless there is a decision made that it is completely misleading. So it is not as if Summerhill or any school in that position is being treated differently. As David [Taylor] said, that is the inspection report. The next inspection report will then describe the school as it is at that time.”⁶³

68. We accept that serious disputes between schools and Ofsted concerning the judgements made in inspection reports appear rare. We are, however, concerned to ensure that there is proper monitoring of the reliability of Ofsted reports, particularly given the high stakes involved for a school’s reputation. **We urge Ofsted to devote particular attention to maintaining the reliability of its reports as it moves towards a new inspection framework. We are also concerned that Ofsted reports sometimes provide an outdated assessment of a school, which may have achieved significant improvement since its last inspection. When championing its reports as a source of information for parents and others, Ofsted should not disguise the limitations of the inspection process, which can only provide a snapshot of a school’s development at one particular time.**

Policy

69. In evidence to the Committee, HMCI also justified Ofsted’s expenditure in terms of its implications for the Government’s education policy:

“Ofsted’s budget for 2003–04 is £207 million. [...] You would expect me of course to say, ‘I think that is a relatively small sum of money in context of total education expenditure in this country which each year runs into billions’, so I think that point is the obvious point to make. I think I would also then say that, as part of that general improvement effort, it is terribly important that we know what is going on, that Parliament knows and that the public know what it is getting for those billions of pounds that are being spent on education and I think that is, in the end, the most

62 Q 14

63 Q 43

important role that Ofsted plays, reporting fearlessly and frankly on the state of education. I hope that you would accept that, over the years, Ofsted has not pulled its punches. It has highlighted where things are going well in the system but it has also been able, because of its independent status, to report frankly on what it has found.”⁶⁴

70. HMCI went on to give an example of Ofsted’s ability to shape Government policy through its reports:

“I can give you a very recent example which I think makes the case strongly. That is to do with the inspection we carried out on teacher training in Further Education. We painted a fairly sorry picture of the quality of teacher training in Further Education and almost immediately the Government responded with a whole set of measures to bring about improvements in that area. That is one of a number of examples going back over ten years where we have influenced government policy.”⁶⁵

71. Ofsted’s independence and its ability to criticise Government policy where necessary are a key factor in assessing its effectiveness as an organisation. HMCI has told us of instances where Ofsted has brought about changes in policy. **The high profile and activity level of Ofsted under its current HMCI should continue and even expand in future, particularly as the inspectorate takes on its new responsibilities for children’s services under the proposals of the *Every Child Matters* Green Paper. This is a particularly sensitive sector where Government policy is emerging, and an area where Ofsted has the potential to add value not only through the inspection of individual institutions, but also through the publication of reports taking a broader overview of particular services.**

64 Q 6

65 Q 73

4 Inspection and reporting

72. This Committee has received a number of submissions relating to the process and conduct of inspections, as well as the proposed changes to the inspection regime outlined in the consultation document *The Future of Inspection*. Ofsted's recent publication, *A New Relationship with Schools* confirms its intention to change the way in which school inspections are carried out as well as attempting "a co-ordinated approach to inspection 0-19",⁶⁶ embracing schools, colleges, LEA areas and early years settings. These proposed changes raise a number of questions, which we discussed with HMCI in our evidence sessions.

Early Years: Disclosure of Information

73. In last year's report, we expressed concern about the way in which Ofsted handles complaints against childcare providers. We noted that Ofsted has refused to make public the outcomes of its investigations and concluded that a change in the law might be necessary to allow parents to receive this information and thus to restore faith in the complaints process. We urged HMCI to act quickly to investigate which legal barriers existed and to propose alterations to the law.⁶⁷

74. Over the past year, we have pursued the issue of the disclosure of information in complaints against early years providers. On 5 November, we asked Maurice Smith, Director of Early Years, what progress had been made. He told us:

"This is a difficult area for us and I would not wish to pretend to the Committee that it is not and indeed your Chairman has personally intervened in this area. There are two strands to it and I hope you will not mind me explaining a little bit of the detail. One is the complaints history of the institution or childminder. David [Bell, HMCI] has no power to publish a complaints history [...] David's powers in terms of publications in the Early Years sector are very different from his powers in the schools sector [...] His powers are constrained by the Data Protection Act and the Human Rights Act. The other strand is that if a parent complains they do not get a decision from Ofsted that says that complaint is upheld or not upheld. What they get is a letter that says, 'This person continues to be suitable to provide day care', and that is actually not what they want. What they want is to know whether their complaint is justified or not. We cannot tell them that for the same reasons that I have described and we have delved deep and hard with government solicitors to find ways to change that. Your Chairman is very keen that we should do so and indeed has approached the Secretary of State about that. We have three strands of that approach. We would like to bring change about in primary legislation that would enable the Chief Inspector to report more widely and we are looking at the window that may present itself in terms of Every Child Matters. [...] The second strand is

66 The future of inspection, p.15.

67 Education and Skills Committee, Sixth Report of Session 2002–03, *The Work of Ofsted*, HC 531, paragraph 20.

that we can make some changes in the regulation [...] the Department, with our advice and influence, is now consulting in two separate sections in the New Year about how we can extend this a bit. The third thing is that we can do something ourselves, if we can. The only thing that we found sensible to do is to bring in a voluntary scheme where, if the provider agrees, they can disclose the details of the complaint and its outcome. We brought that in mid-July and that is up and running now and we have had some response.”⁶⁸

75. We continued to press Ofsted on this matter and on 5 March 2004 we received a letter from HMCI stating that after discussions with his lawyers, he would be adopting a revised approach to the disclosure of information in complaints against childcare providers, which would mean that more information could be shared with parents who make a complaint and other parents whose children may be affected:

“Once I have completed my investigation of their complaint, I will write to them setting out details of how I looked into the matter, and what action was agreed with, or taken against, the provider as a result. I will also share that information on request with other parents who can demonstrate that they have a child in the setting.”⁶⁹

Information would still not be available publicly or to any individual who did not have a child in the setting, such as “a concerned bystander who witnesses an incident”. HMCI added:

“The Department for Education and Skills (DfES) is today launching a consultation on a package of revised regulations. I have asked the DfES to include in their consultation a change to the regulations that support the National Standards for Day Care and Childminding. This is to include a specific duty on all providers to keep a record of all complaints. At present, the requirement to keep a complaints record is listed as a supporting criterion to the national standards and, as such, is only something that providers must ‘have regard to’. I believe that making it a specific duty on all providers to keep a record of complaints will enable Ofsted to examine that record routinely during inspection, and to include a summary of it in our inspection reports. The information given in the reports will show the number of complaints made since the last inspection, broadly what they related to, and whether the provider has resolved them satisfactorily.”

76. We welcome recent developments that allow Ofsted to share information more widely in the case of complaints against childcare providers. We urge HMCI to pursue his discussions with the DfES on the possibility of changing the law so that information on complaints is routinely recorded and included in inspection reports.

Satisfactory

77. In the past year, Ofsted’s use of the term ‘satisfactory’ to describe the quality of teaching has been the subject of a major public debate. Submissions to this Committee have detected a shift in the meaning of ‘satisfactory’, so that in the words of the NAHT, “a school

68 Q 51

69 Ev 55

whose teaching is satisfactory, and some better than satisfactory, [is] nevertheless being found to be under-achieving.”⁷⁰ In last year’s report we expressed our concern that “the apparent interpretation of the term satisfactory has shifted and caused confusion and concern among teachers and parents”.⁷¹

78. In 2004, HMCI used his Annual Report to clarify that a school where the majority of teaching is ‘satisfactory’ with a minority of ‘good’ or better teaching would indeed be considered to be under-achieving:

“...it is right to say that satisfactory teaching is a general measure of acceptable competence. However, it is not a powerful enough engine to drive continued progress. Schools where satisfactory teaching is the norm are inadequately equipped to tackle the tough challenges we still face and which are described in this report.”⁷²

HMCI thus confirmed that the bar has been raised with regard to the proportion of ‘satisfactory’ teaching within a school that is considered adequate.

79. When we discussed the confusion over the term ‘satisfactory’ with HMCI, he told us that higher expectations in terms of teaching quality would lead to improvement:

“On the basis of our evidence—and that is what I report on—we have seen significant improvements in the quality of teaching over the past ten years. We have pushed out more to the margins unsatisfactory and poor teaching. As I said last year—and I return to the theme this year—if we are going to drive forward progress substantially to meet some of those existing and future challenges, satisfactory teaching may not be sufficient to bring that about. I think we have seen significant improvements in the quality of teaching, but there is still much that can be done to bring about improvement. When I say that people say that I am just dissatisfied and never happy, that I want the satisfactory to become good, but the story is quite encouraging: if teachers have been able to bring about those improvements that we have reported on, then surely they are capable of bringing out further improvements. That seems to me to be the encouraging news in this message. We should not always see the demand for satisfactory to become good and excellent as a negative, but to see it as a plus, as a way of driving forward more improvement in our education system.”⁷³

80. The recent confusion surrounding the definition of ‘satisfactory’ teaching is to be regretted. It has caused ill-feeling towards the inspectorate on the part of teachers and schools. **We consider that Ofsted has now clarified what is expected of schools in terms of ‘satisfactory’ teaching. We hope that Ofsted has learnt from this experience that schools and school staff need to know exactly what is expected of them and the criteria against which they will be measured. It is important that this information is set out publicly in a clear and explicit form. We further hope that Ofsted will follow this model**

70 Ev 41, paragraph 2a.

71 Education and Skills Committee, Sixth Report of Session 2002–03, *The Work of Ofsted*, HC 531, paragraph 13.

72 Commentary, p 2.

73 Q 105

when informing institutions about the new inspection arrangements it proposes to implement.

A New Relationship with Schools

81. On 15 June 2004, Ofsted and the DfES published *A New Relationship with Schools*, setting out their plans for the future of inspection. The document claims to build on the responses to the earlier consultation document *The Future of Inspection* and on structured trials in 14 LEAs. It further asserts that a consensus has been built around its proposals: “LEAs and schools have welcomed the direction of reform, and formal responses to consultation have been overwhelmingly positive”.⁷⁴ The main features of the proposed new inspection system are:

- “shorter, sharper inspections that take no more than two days in a school and concentrate on closer interaction with senior managers in the school, taking self evaluation evidence as the starting point.
- shorter notice of inspections, to avoid schools carrying out unnecessary pre-inspection preparation and to reduce the levels of stress often associated with an inspection. Shorter notice should also enable inspections to review the school in an environment much closer to the schools more usual working pattern.
- smaller inspection teams with a greater number of inspections led by one of Her Majesty’s Inspectors (HMI). Furthermore, Her Majesty’s Chief Inspector (HMCI) will be accountable for all reports, including those written by non-HMI led inspection teams.
- more frequent inspections, with the maximum period between inspections reduced from the current six years to three years, though more frequently for schools causing concern.
- more emphasis placed on the school’s own self-evaluation evidence, as the starting point for inspection and for the school’s internal planning, and as the route to securing the regular input and feedback from their users—pupils, their parents and the community—in the school’s development.
- a common set of characteristics to inspection across all phases of education from early childhood to 19.
- a simplification of the categorisation of schools causing concern. We intend to retain the current approach to schools that need special measures and remove the labels of serious weakness and inadequate sixth form, replacing them with a new single category of improvement notice for schools where there are weaknesses in the progress of pupils or in key aspects of the school’s work.”⁷⁵

82. The new inspection regime proposed by Ofsted responds to many of the deficiencies of the current system that we have identified in recent years and is to be warmly

⁷⁴ Department for Education and Skills, *A New relationship with schools*, Foreword, p 1.

⁷⁵ *ibid*, p 5.

welcomed. Confidential submissions to the Committee have persistently complained about the burden of inspection. We are glad that Ofsted has recognised this as a problem and is taking this opportunity to reconsider its functions after ten years of inspection. Plans are clearly at an early stage of development, but we do feel able to highlight two issues which merit careful consideration by Ofsted—firstly, the increased role of self-evaluation and secondly the challenge of creating and implementing “a common set of characteristics to inspection across all phases of education from early childhood to 19”. We set out our concerns regarding these areas below. Ofsted intends to issue more detailed proposals later this year and we look forward to discussing them with HMCI when we see him next in November.

Self-evaluation

83. *A New Relationship with Schools* proposes that inspection reports take their cue from a school’s self-evaluation in order to ease the burden of inspection:

“The time is right to stimulate every school to embed strong self-evaluation in its day-to-day practice. We do not want to weigh down school self-evaluation with excessive bureaucracy. We intend to replace the current four forms with a new single self-evaluation form (SEF) which schools will be expected to keep up to date at least annually. This will be a standard form that captures data about the school that inspectors can use to inform their inspection visit. It will be for schools to develop their own process of self-evaluation and to fit the completion of the SEF into their core systems as best suits them. Ofsted and the DfES jointly will give very simple guidance on how schools can judge whether they are doing it well.”⁷⁶

84. This Committee has received a number of submissions discussing self-evaluation and its role in the inspection process. In common with many others, the Universities Council for the Education of Teachers (UCET) welcomed the greater degree of trust implied by self-evaluation:

“We are gratified that Ofsted has decided to allow teacher education institutions’ self-evaluation of their work to feature more prominently in the inspection process. In our view, just as the hallmark of the effective teacher is the commitment to self-evaluation with a view to enhanced performance, so the effective teacher education institution is one in which self-evaluation is embedded and internalised.”⁷⁷

85. The Secondary Heads Association (SHA) also welcomed this move, but warned that self-evaluation reports must be handled extremely skilfully by inspectors:

“Schools see the focus on school self-monitoring and evaluation as very helpful to the improvement process and the Form S4 (self-evaluation report) has been warmly welcomed. The process required to complete the form is only truly valuable, however, if schools are scrupulously honest with themselves and are prepared to identify and analyse weaknesses as well as strengths. The difficulty is that the weaknesses identified are then made public. This can seriously damage a school and

⁷⁶ *ibid*, p 7.

⁷⁷ Ev 82

does not contribute to improved performance. Some inspection teams are also misusing the self-evaluation by concentrating on areas of known weakness (see below), which also provides a powerful incentive to write not an honest report but one intended to play to its readers. There is a danger of this essentially useful approach being undermined before it has really become established.”⁷⁸

86. When we asked HMCI whether the publication of the weaknesses institutions have identified was a disincentive to honest self-evaluation, he said:

“We would not want to undermine school self-evaluation because it is very important as a means of identifying how well a school knows its strengths and weaknesses and subsequently how well or how capable it is of improvement. I would not want, however, to run away with the notion that if there are weaknesses identified on the self-assessment that somehow inspectors should not look at them, because those weaknesses need to be assessed and one of the things that we have to think about for the future is whether we say more publicly about the school self-evaluation statement and the inspector’s judgment [...] we do want to look at those things which the school identifies as a strength and those areas where the school has identified a weakness so that we can say we agree with that but we are confident the school has put into place steps to address the issue. Where we would all be concerned is where a school presents a rosy picture of its circumstances which is not in any way born out by the evidence. [...] Some people might interpret that as us just concentrating on the weaknesses; what I would say is that we are concentrating on a leadership problem that has failed to diagnose weaknesses and do something about them.”⁷⁹

87. Regular and honest self-evaluation is a hallmark of a well run institution. Ofsted’s proposals to encourage all schools to make it part of their normal routine are therefore welcome. Our evidence has highlighted the sensitive nature of the self-evaluation process. Self-evaluation structures must be robust in detecting areas for improvement, yet schools must not be punished for identifying weaknesses where they have developed and implemented plans to deal with these problems. We look forward to seeing more detailed proposals on self-evaluation from Ofsted, which must address the sensitive nature of this procedure.

Consistency 0-19

88. In *A New Relationship with Schools*, Ofsted and the DfES propose the formulation of “a common set of characteristics to inspection across all phases of education from early childhood to 19”.⁸⁰ We have noted a number of inconsistencies in the inspection frameworks applied to different age groups and services, which we have discussed with HMCI and his colleagues. Consistency across inspections is desirable, but in undertaking this wholesale reform, Ofsted will need to strike a balance between standardisation and the

78 Ev 78

79 Q 98

80 p 5

need to develop an inspection tool tailored to the particular setting to which it is being applied.

Grading

89. In contrast with its framework for school inspections, Ofsted grades day care provision for children up to eight on a three-point scale of ‘unsatisfactory’, ‘satisfactory’ and ‘good’. In the introductory commentary to his Annual Report, HMCI states, “It is encouraging to report that the quality of care given by the great majority of child care providers is satisfactory or better”.⁸¹ This comment could give rise to confusion, given that HMCI has said that schools graded as largely ‘satisfactory’ would not be an “encouraging”, rather, they would be considered to be under-achieving.

90. LEAs are also assessed on an alternative scale with seven points, ranging from ‘very good’ ‘good’, ‘highly satisfactory’ and ‘satisfactory’ to ‘unsatisfactory’, ‘poor’ and ‘very poor’. Ofsted’s Annual Report states that “the performance of most LEAs inspected in 2002-03 was at least satisfactory, and highly satisfactory in over half”.⁸² **It is not clear to us why LEAs need to be graded on a seven-point scale, whereas day care providers can be accurately assessed according to a much less sophisticated three-point scale.**

91. We asked HMCI whether ‘satisfactory’, in relation to LEAs, means the same as ‘satisfactory’ in relation to schools or to day care providers. He told us that Ofsted was working towards a common framework:

“There is a perennial debate within Ofsted about grading scales and what different terms mean. I think the same argument might apply, and that is to say that where LEAs are achieving a level of competence we may describe as satisfactory, we also use the perhaps confusing terminology highly satisfactory as well in relation to LEAs. We know in those areas where LEAs have most influence, it is good provision that makes the difference. I would not pretend that we have absolute consistency in either our grading schemes or our terminology. It is something we are going to look at under *The Future of Inspections*, to try to get the kind of consistency required so that we do not end up having to feel a bit embarrassed when we are asked the sort of question you have just asked us.”⁸³

92. **We agree with Ofsted that there is merit in developing a more consistent grading system across different types of inspection. A common currency would make terms like ‘satisfactory’ much less confusing and much more accessible to all.** However, the growing range of services for which Ofsted is the lead inspectorate can only complicate this task, particularly in the case of the new responsibilities for children’s services, which range from youth justice to healthcare. **A consistent inspection framework should not do away with distinctions which are necessary to ensure that the inspection system is fit for purpose.** We therefore look forward to seeing Ofsted’s plans for a common set of characteristics and to discussing them with HMCI in November this year.

81 Commentary, p 2.

82 P 90

83 Q 148

Context

93. Ofsted’s inspection of post-16 provision is an area where the inspectorate is particularly interested in developing a common inspection framework. HMCI told us:

“We do not think that is going to cause us huge difficulties. We think there is an important principle there and I have to say it is one which people have commented on. Post-16 education is—to use that rather ugly word—delivered in a number of different settings from school sixth forms which are inspected under Section 10 arrangements at the moment, through to post-16 in sixth form colleges, general further education colleges and specialist colleges. We do think there is some logic there in bringing together our work under a common inspection framework.”⁸⁴

94. The development of a common framework will be particularly important as Ofsted continues to carry out area-wide inspections which take in post-16 provision. Last year, Ofsted completed four 14–19 area inspections. Its conclusions are largely critical. The Annual Report finds that “the statutory framework does not set out clearly the respective responsibilities of LEAs and local LSCs for developing 14–19 education”,⁸⁵ citing the considerable autonomy of individual schools and the absence of incentives for collaboration. It concludes that “there are few signs of an effect on the patterns of provision [...] Planning is focused mainly on the interests of the individual institutions rather than the needs of students, employers or the community”.⁸⁶

95. Ofsted has recently implemented a new framework for area inspection and its first few inspections appear to place considerable emphasis on area-wide strategies and objectives which are shared by LEAs and LLSCs. In contrast, Ofsted’s section 10 inspections of schools generally have little to say about the area-wide context. The submission of the National Association of Educational Inspectors, Advisers and Consultants (NAEIAC) to this Committee suggests that Ofsted’s own inspection regime therefore militates against collaboration and co-operation:

“A further Ofsted objective should be to carefully identify and secure appropriate and closer linkage between the formal inspectorial role of Ofsted and the ongoing developmental role of LEA and similar external school improvement services [...] A suitably linked-up approach to overall school and college improvement is required for the future, to ensure continuing progress in raising standards”.⁸⁷

96. We asked HMCI why his inspections of individual schools or colleges place little weight on the institution’s participation in area-wide networks and strategies. He told us:

“I think it is our job to report on the outcomes. [...] It should be our job to say what outcomes are being secured for the pupils in this institution. I think the pattern of sixth form education—or post-16 education more generally—is going to be rather interesting. I do point out in the Annual Report, based on a very small sample of 14

84 Q 110

85 paragraph 217

86 paragraph 219

87 Ev 89

to 19 area inspections, it is difficult to see where the leadership is coming from to bring about the kind of provision that is going to meet the needs of all pupils. I think that is what we can do. Again, that is based on outcomes: what is best for the pupils rather than this is a fixed opinion over the nature of the organisation of institutions.”⁸⁸

97. The encouragement of area-wide co-operation between schools, colleges and private providers of work-based training is a key element of the Government’s Skills Strategy. At present, there are inconsistencies in Ofsted’s inspection framework for post-16 institutions that appear to conflict with this integrated aim. **We understand that Ofsted is developing a new framework for post-16 inspections and we urge HMCI to consider carefully how this framework will join up with area inspections, for which it has only recently instituted a new regime. Ofsted’s judgement of school sixth forms and other post-16 institutions must take account of the collaborative setting in which they are now expected to work.**

98. Although work is necessary to integrate Ofsted’s individual inspections of different types of institution into a context of area-wide collaboration, we have received some submissions calling for a greater degree of differentiation in assessments, even where they are made of the same type of institution. Some of our evidence has urged Ofsted to be more sensitive, when carrying out its inspections, to the context within which an institution is working and to tailor its judgements accordingly, rather than applying a ‘one size fits all’ measure.

99. Representatives of Further Education (FE) colleges have told this Committee that the context in which an individual FE college is working should be taken into account by inspectors. Ofsted’s inspection of FE institutions concluded that “most provision is satisfactory or better; although almost one in ten of the colleges inspected is inadequate”.⁸⁹ Commenting on the report, HMCI said, “continued weaknesses in teaching in further education colleges still give cause for concern, especially in work-based learning and provision for learning in basic literacy and numeracy”.⁹⁰ The submission of the Association of Colleges found this judgement misleading and called for changes to the inspection regime, suggesting that:

“The large and vital contribution made by many colleges to widening participation, combating social exclusion and delivering the objectives of Success for All is rarely reflected in the grades for such colleges [...] Inspectors do not recognise partial achievement. Retention and achievement of a qualification are sometimes dependent on factors outside a college’s control and must no longer be used as the sole measures of the effectiveness of provision’.⁹¹

100. In last year’s report, we urged Ofsted to continue to develop more sensitive ‘value-added’ measures to recognise the context of partial achievement within which many FE colleges operate. Ofsted’s response to the report stated, “we are continuing to work with

88 Q 76

89 Annual Report, p.39.

90 NR 2004–8, 04 February 2004.

91 Ev 89

DfES and the LSC to develop a basket of performance measures, including value-added measures, which reflect better than current indicators the range and diversity of work undertaken by FE”.⁹² We asked HMCI what progress has been made in this area:

“We have said to this Committee, and it is something that I can repeat today, that we are very sensitive to the issue of getting a better basket of indicators to enable us to make proper comparisons between different kinds of post 16 provision. We said last year in the Annual Report that generally speaking sixth form colleges and school sixth forms in achievement terms will do better than general Further Education colleges but we immediately went on to say that they are serving different sorts of populations. I will not pretend we have got there yet but the task is to try to find an appropriate basket of measures. The one slight concern about the AoC submission is the suggestion that this is the case everywhere, it is not the case everywhere, we know some general Further Education colleges are more successful in meeting the needs of students and helping students to remain in education than in others. I think we are right and I should acknowledge the work that we are doing to try to get a better set of indicators but we should not suggest that somehow all FE colleges are the same and because one college is not very successful at retaining students that applies in every case because it certainly does not.”⁹³

101. We hope that Ofsted will soon be able to report concrete progress in its development of more sensitive indicators for the inspection of FE colleges. **Despite repeated reassurances from HMCI that work is in hand, it is not clear from published documents whether the changes to school inspection outlined in *The Future of Inspection* will be matched by reforms to the inspection regime in the college sector.**

92 Education and Skills Committee Fifth Special Report 2002-03, *Government's and Ofsted's Response to the Committee's Sixth Report: The Work of Ofsted*, HC 1190, paragraph 10.

93 Q 67

5 Conclusions

102. Over the past year, Ofsted has brought forward proposals which will significantly change the way it works. After operating its school inspection regime for more than a decade and having inspected all schools in England at least twice, Ofsted is proposing to overhaul its inspection regime under the banner ‘a new relationship with schools’. These proposals are still in their early stages, but we welcome the emphasis on a more streamlined process, which will reduce the burden of inspection and look forward to seeing the detail of the new inspection regime.

103. Ofsted has recently taken on large new areas of responsibility, expanding into the inspection of day care provision and area-wide assessments. The Government has also announced that Ofsted will take lead responsibility for the inspection of children’s services. We are concerned that this expansion must be carefully managed in order to ensure that new staff are effectively integrated and that Ofsted operates efficiently given the substantial resources it now consumes.

104. Ofsted has grown to the size of a small Government department and as such it has a similar responsibility to justify its achievements in relation to the public money it receives. HMCI has expressed his view that inspection leads to improvement and has taken the first steps towards quantifying the extent of this effect through the publication of a self-assessment review. We welcome this move and urge the inspectorate to pursue the development of more rigorous benchmarking measures to show that Ofsted is making the most of its influence. We look forward to discussing this with HMCI at our next meeting.

Conclusions and recommendations

The work of Ofsted in 2003–04

1. This report comes at an important time for Ofsted. Our aim is to scrutinise the growing role of the inspectorate as it expands into new areas; to judge whether Ofsted is the appropriate body to undertake the inspection of these sectors, and to comment on its approach from the evidence we have been given. We are also concerned to monitor the implementation of Ofsted's recent strategic proposals, both in children's services and in school inspection and reporting, which has been its core work for over a decade. Ofsted must now ensure consistency of judgement across many different types of institutions catering for a variety of age groups. It must also show that its inspections are making a significant contribution to improvement in the settings it inspects and thus demonstrate value for money. (Paragraph 18)

Growth of Ofsted's responsibilities

2. Ofsted is now the size of a small Government department and is set to grow again in the future, following its assumption of lead responsibility for the inspection of children's services. This expansion must be carefully managed and monitored to ensure that there does not come a point at which Ofsted becomes too large to be managed effectively as single organisation. Ofsted should take lessons from its recent internal staff survey when considering future staff changes and alterations to its managerial structure. (Paragraph 23)
3. In last year's report, *The Work of Ofsted 2002-03*, we expressed our concerns that Ofsted's new duty under the Race Relations Act had failed to permeate hearts and minds throughout the inspectorate. We are satisfied the inspectorate has made progress in this area through the training of staff, but greater effort is required to make progress in changing the profile of staff recruited to Ofsted. (Paragraph 32)

Every Child Matters

4. We agree with HMCI that a sound and reliable inspection regime will be vital to the reform of children's services set out in the Green Paper *Every Child Matters*. The difficulties inherent in this project must not be elided. Ofsted faces a considerable challenge in developing an inspection regime that is thorough and fit for purpose, yet does not impose too great a burden on services which are themselves coping with a major transformation. Particular difficulties may result from the inspectorate's decision to be "proportionate to risk" by focusing on services identified as most in need of scrutiny. While this strategy may streamline the inspection process, it must be carefully managed to ensure that standards are maintained in all services for children and young people. (Paragraph 34)
5. The further expansion of Ofsted's role to incorporate the coordination of inspection for children's services will have an impact upon the scale and staffing of the

inspectorate. It is important that this addition is integrated into the existing Ofsted structures. (Paragraph 35)

Value for money

6. Government services are increasingly coming under pressure to meet stringent efficiency targets. Given this climate, we are surprised that it has taken so long for Ofsted to publish a review of its efficiency levels and costs. We welcome the publication of the self-assessment review *Improvement through inspection*, the inspectorate's first attempt to quantify its impact and cost-effectiveness. We shall return to this matter in November this year, when we hope to explore with HMCI the potential for Ofsted to develop its first self-assessment document into a more rigorously quantified evaluation. (Paragraph 51)

School inspections

7. The proposals for a 'new relationship with schools', discussed in detail later in this report, are a welcome development, especially as they are intended to alleviate pressure on schools to spend an extended period preparing for inspection. (Paragraph 58)

School improvement

8. Instead of improving, failing schools can fall into a vicious circle, or 'spiral of decline', whereby they are unable to attract high-achieving pupils or well qualified staff. (Paragraph 61)
9. The value of inspection is diminished if it is not coupled with advice. Whilst it is very important that Ofsted continues to identify schools that are not offering good quality education, the DfES should ensure that schools which receive negative Ofsted reports are guaranteed to receive support from LEAs as well as other agencies such as the local Learning and Skills Council (LSC), giving failing schools a real opportunity to improve. (Paragraph 62)

Parents

10. We urge Ofsted to devote particular attention to maintaining the reliability of its reports as it moves towards a new inspection framework. We are also concerned that Ofsted reports sometimes provide an outdated assessment of a school, which may have achieved significant improvement since its last inspection. When championing its reports as a source of information for parents and others, Ofsted should not disguise the limitations of the inspection process, which can only provide a snapshot of a school's development at one particular time. (Paragraph 68)

Policy

11. The high profile and activity level of Ofsted under its current HMCI should continue and even expand in future, particularly as the inspectorate takes on its new responsibilities for children's services under the proposals of the Every Child Matters

Green Paper. This is a particularly sensitive sector where Government policy is emerging, and an area where Ofsted has the potential to add value not only through the inspection of individual institutions, but also through the publication of reports taking a broader overview of particular services. (Paragraph 71)

Inspection and reporting

Early years: disclosure of information

12. We welcome recent developments that allow Ofsted to share information more widely in the case of complaints against childcare providers. We urge HMCI to pursue his discussions with the DfES on the possibility of changing the law so that information on complaints is routinely recorded and included in inspection reports. (Paragraph 76)

Satisfactory

13. We consider that Ofsted has now clarified what is expected of schools in terms of 'satisfactory' teaching. We hope that Ofsted has learnt from this experience that schools and school staff need to know exactly what is expected of them and the criteria against which they will be measured. It is important that this information is set out publicly in a clear and explicit form. We further hope that Ofsted will follow this model when informing institutions about the new inspection arrangements it proposes to implement. (Paragraph 80)

A new relationship with schools

14. The new inspection regime proposed by Ofsted responds to many of the deficiencies of the current system that we have identified in recent years and is to be warmly welcomed. (Paragraph 82)
15. Regular and honest self-evaluation is a hallmark of a well run institution. Ofsted's proposals to encourage all schools to make it part of their normal routine are therefore welcome. Our evidence has highlighted the sensitive nature of the self-evaluation process. Self-evaluation structures must be robust in detecting areas for improvement, yet schools must not be punished for identifying weaknesses where they have developed and implemented plans to deal with these problems. We look forward to seeing more detailed proposals on self-evaluation from Ofsted, which must address the sensitive nature of this procedure. (Paragraph 87)
16. It is not clear to us why LEAs need to be graded on a seven-point scale, whereas day care providers can be accurately assessed according to a much less sophisticated three-point scale. (Paragraph 90)
17. We agree with Ofsted that there is merit in developing a more consistent grading system across different types of inspection. A common currency would make terms like 'satisfactory' much less confusing and much more accessible to all. (Paragraph 92)

18. A consistent inspection framework should not do away with distinctions which are necessary to ensure that the inspection system is fit for purpose. (Paragraph 92)
19. We understand that Ofsted is developing a new framework for post-16 inspections and we urge HMCI to consider carefully how this framework will join up with area inspections, for which it has only recently instituted a new regime. Ofsted's judgement of school sixth forms and other post-16 institutions must take account of the collaborative setting in which they are now expected to work. (Paragraph 97)
20. Despite repeated reassurances from HMCI that work is in hand, it is not clear from published documents whether the changes to school inspection outlined in The Future of Inspection will be matched by reforms to the inspection regime in the college sector. (Paragraph 101)

Formal minutes

Wednesday 15 September 2004

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor

Mr Kerry Pollard

Valerie Davey

Jonathan Shaw

Nick Gibb

Mr Andrew Turner

Paul Holmes

The Committee deliberated.

Draft Report, (The Work of Ofsted), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 104 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned until Monday 18 October 2004 at 3.30 pm

Witnesses

Wednesday 5 November 2003

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Mr David Bell , Her Majesty's Chief Inspector of Schools, Mr David Taylor , Director of Inspection, Mr Robert Green , Strategy and Resources Directorate, and Mr Maurice Smith , Director of Early Years, Ofsted.	Ev 1

Monday 8 March 2004

Mr David Bell , Her Majesty's Chief Inspector of Schools, Mr David Taylor , Director of Inspection, Mr Robert Green , Strategy and Resources Directorate, and Mr Maurice Smith , Director of Early Years, Ofsted.	Ev 56
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List of written evidence

1	Ofsted	Ev 55; 107
2	NASUWT	Ev 19; Ev 98
3	General Teaching Council for England	Ev 24
4	Elizabeth Derrington, Independent Complaints Adjudicator for Ofsted and the Adult Learning Inspectorate	Ev 26
5	National Institute of Adult Continuing Education (NIACE)	Ev 27
6	Learning and Skills Council	Ev 28
7	Association of Inspection and Training Providers	Ev 29
8	National Association of Educational Inspectors, Advisers and Consultants	Ev 33; Ev 87
9	Summerhill School	Ev 34; Ev 39; Ev 53; Ev 83; Ev 84
10	Association of Lay Inspectors	Ev 40; Ev 86
11	Alan Quinn	Ev 40
12	National Association of Head Teachers	Ev 41; Ev 79
13	Association of Colleges	Ev 42; Ev 89
14	National Union of Teachers	Ev 45; Ev 91
15	British Association for Early Childhood Education	Ev 50
16	Myerscough College	Ev 51
17	Secondary Heads Association	Ev 52; Ev 77
18	Early Years Equality	Ev 53
19	Association of Teachers and Lecturers	Ev 80
20	Universities Council for the Education of Teachers	Ev 81
21	Field Studies Council	Ev 85
22	General Teaching Council	Ev 100
23	Commission for Racial Equality	Ev 103

Reports from the Education and Skills Committee, Session 2003–04

First Report	Public Expenditure: Schools' Funding	HC 112
Second Report	The Work of the Committee in 2002–03	HC 348
Third Report	The Draft School Transport Bill	HC 509–I HC 509–II
Fourth Report	Secondary Education: School Admissions	HC 58–I HC 58–II
Fifth Report	Secondary Education: Teacher Retention and Recruitment	HC 1057–I HC 1057–II
First Special Report	Government Response to the Committee's Seventh Report of Session 2002–03: Secondary Education: Pupil Achievement	HC 147

Oral evidence

Taken before the Education and Skills Committee

on Wednesday 5 November 2003

Members present:

Mr David Chaytor

Valerie Davey
Paul Holmes
Helen Jones

Mr Kerry Pollard
Jonathan Shaw
Mr Andrew Turner

In the absence of the Chairman, Valerie Davey was called to the Chair

Witnesses: **Mr David Bell**, Her Majesty's Chief Inspector of Schools, **Mr David Taylor**, Director of Inspection, **Mr Robert Green**, Strategy and Resources Directorate, and **Mr Maurice Smith**, Director of Early Years, Ofsted, examined.

Q1 Valerie Davey: Good morning and we welcome you all, especially David Bell and the Ofsted team. The reason I am chairing today is that Barry Sheerman extends his apologies. He is actually in India, so it is not an easy journey! We welcome David Bell, David Taylor, Robert Green and Maurice Smith who I think has been confirmed in his post for Early Years, so congratulations and welcome. Before we move on to the business of today which is to further scrutinise the work of Ofsted, I am sure that all of us were deeply shocked last night by the death of a teenager in a school corridor. I think that we should all pause and remember this morning that Luke Walmsley has lost his life and although, at this stage, we can do no more than extend our sympathy to his family and to the whole school community there, I am sure that at a later stage there will be an opportunity to reflect on whether there is anything further that we could do. At this stage, I am sure we would all want to register our sympathy to the family and to the community. Moving on, the Ofsted empire has grown, certainly almost since last time we saw you, I think. More and more areas of work are being incorporated and I think our concern as a committee is whether they have actually been integrated or whether they have been tacked on, whether we are now getting value for a larger amount of money which taxpayers are putting into Ofsted or not and I want to start by reflecting that, for all public services and for all examining and inspection bodies, the Prime Minister's Office of the Public Service Reform has specifically questioned such bodies and is asking (a) that you do have regard for value for money when you make your inspections but also on your own account and I would like to ask therefore how you are monitoring value for money in Ofsted and in what way you are doing it.

Mr Bell: Just before I come to that direct question, just picking up your point about the expansion of Ofsted's work, I presume that you are referring to

the new responsibilities that are likely to come our way under *Every Child Matters* and I would be more than happy to take some questions on that later on. On the issue of value for money, it is an issue that Ofsted takes very seriously. We are currently engaged in a piece of work internally looking at the impact of Ofsted, looking at the extent to which we provide value for money, the extent to which our information is utilised by the public and the extent to which our findings are helpful to the education system and the care system in this country. We are very mindful of the wider cross-governmental review of inspection and we are participating in that work, but we are certainly not at all complacent about what we have to do. I think I would just make one other observation and that is of course that Parliament itself has determined that Ofsted has to take on new responsibilities. For example, people often comment about the rapid growth in the size of Ofsted. That was largely attributable to the impact of the Care Standards Act which transferred over to Ofsted the responsibility for the inspection and regulation of childcare and it would seem to me, if one takes that as an example, that we now have for the first time in this country a national overview of childcare which we have never had previously. So, yes, we took on the responsibilities that Parliament gave us and I think that in that example and many others we can demonstrate that we are doing what Parliament wants us to do and I hope keeping our work under scrutiny.

Q2 Valerie Davey: What evidence will you be able to give this Committee and the wider public that you are doing that?

Mr Bell: That is one of the questions that we are addressing. What would constitute evidence that would count for value for money? We are looking at perceptions of inspection: what does it look like on the part of those who are on the receiving end of inspection? That is something we have done from the

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beginning and we have some evidence and we continue to have evidence from those who are inspected and, broadly speaking, if one takes school inspections, over 90% of those who are questioned after inspection say that they have found the inspection process to be useful and helpful. That is not something that we engineer. All we do is send the questionnaire out. We ask the head teacher and a randomly selected member of staff to comment. So, we want the perceptions of those who are on the receiving end of inspection. I think it is also important to try to gather perceptions from those who use the information from inspection. If one takes school inspection, one would immediately say parents and we do know anecdotally—and we want to try to get more systematic evidence of this—that parents do value Ofsted inspection reports and consult Ofsted inspection reports at different times. I think it is important too that our work is seen to inform policy. I can cite a number of examples where Ofsted inspection reports have been important in helping to shape government policy and the way in which things should be done. For example, this morning, we have just published our report about the teaching of primary French in initial teacher training. That makes a number of recommendations which we would put to the DfES and also to the Teacher Training Agency and that is one of many, many examples where we can show that we are influencing government policy. I think we have to accept in the end that there will always be a degree of debate about the value for money that you get from inspection and regulation. It does seem to me that Parliament and successive governments have seen inspection and regulation as an important part of the monitoring of public services and their improving effectiveness and that is not in any sense to be complacent about our work, but I think that, in the end, there are some choices that have to be made about inspection and regulation and whether or not it is a good thing.

Q3 Valerie Davey: Most of us, and parents as well, would want to know that you are actually improving the service delivery.

Mr Bell: That is an interesting point because Ofsted would say that the key responsibility for improving the service offered, whether it is in a school, in a college or wherever, rests with those who work in that school or college. What Ofsted inspection does first of all is to give evidence of the quality in that institution and then, on the basis of what it is found, to identify some issues—we call them key issues, as you know, in our school inspection reports. I think it is important that we have that responsibility of reporting frankly and fearlessly, identifying those things that need to be done but properly leaving the task of improvement in the hands of those who are in institutions. People often ask, “How can you demonstrate that the inspection element has added value to the improvement of an institution?” It is very difficult to disentangle the inspection effect. I think it is very difficult to say, “This school has improved in this way and that bit of the improvement is attributable to inspection and that

bit is attributable to a national policy and that bit is attributable to the staff” and so on. It is quite difficult to disentangle, but one of the things that we do look at in school inspection is the improvement between first and second inspection and I reported on that in my annual report this year. We have found—and now that we have just about completed the inspection of every school in England twice—that, in just over 90% of schools inspected, there has been at least satisfactory improvement since the previous inspection. I do not say that that is all because of Ofsted or that is all because of inspection, but I do think that we are one of a whole variety of measures and approaches that help schools and other institutions to improve.

Q4 Valerie Davey: Given your answer, I think you can understand why the debate will continue.

Mr Bell: I think it is an important debate and I think it is very important that any inspectorate or regulator keeps its own work under review. After all, we look at institutions and make a judgment about the value for money that they offer. It seems to me entirely appropriate that the same questions are put to us in the work that we do.

Valerie Davey: Good. We accept that.

Q5 Mr Pollard: How do you interpret the findings of the research from Newcastle University that inspection has had a negative impact on GCSE attainment in many schools?

Mr Bell: In a funny sort of way perhaps, it reinforces the point I have just made about disentangling the different effects and impacts. The thing to say about the Newcastle research was that it was based on the aftermath GCSE findings in the early stages of inspection and I think, in that respect, it is quite out of date and it is a point that we made publicly at the time. We are not complacent again about that and I think it is fair to say that, in those early days of inspection, in the early 1990s, everyone was getting used to the impact of inspection and of course, in those days, the schools themselves and perhaps inspectors wanted to put a lot of effort into the preparation and the documentation that had to be prepared, all the materials that had to be prepared, and I think that may have dissipated energy in a way that was not particularly helpful. Of course now—and this is a point which the Committee has made previously—we are very keen to ensure and we state publicly that we do not want schools and other institutions being inspected to engage in unnecessary preparation. So, we did look at that research and we took it seriously, but I think it is important to put it in context that it really is now quite a bit out of date and did refer to a relatively small number of schools early on in the inspection process.

Q6 Mr Pollard: What can you say to reassure the Committee that Ofsted is worth the public money it receives and that this money would not be better spent filling the holes in school budgets and perhaps the ex-teachers you employ being back in teaching.

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Mr Bell: There is quite a lot there! Ofsted's budget for 2003–04 is £207 million. About one third of that is on Early Years and it is back to what I was saying about those new responsibilities being given to us by Parliament. Half of the budget is related to inspection of schools and colleges. Again, I think that, in the end, you are back to choices that have to be made. You would expect me of course to say, "I think that is a relatively small sum of money in context of total education expenditure in this country which each year runs into billions", so I think that point is the obvious point to make. I think I would also then say that, as part of that general improvement effort, it is terribly important that we know what is going on, that Parliament knows and that the public know what it is getting for those billions of pounds that are being spent on education and I think that is, in the end, the most important role that Ofsted plays, reporting fearlessly and frankly on the state of education. I hope that you would accept that, over the years, Ofsted has not pulled its punches. It has highlighted where things are going well in the system but it has also been able, because of its independent status, to report frankly on what it has found.

Q7 Mr Pollard: "Satisfactory" is a word that is used quite a lot and we have had this discussion before about how we might find a word other than "satisfactory". I used to get that on my school reports and I used to think it was really awful because it meant that I was just sort of ticking along. Have you given any more thought to finding another word or another phrase that might describe how schools are doing really rather well but is different to "satisfactory".

Mr Bell: I recall that we discussed this at some length at the last meeting. What we have tried to do—

Q8 Mr Pollard: This is your second inspection now!

Mr Bell: Thank you! What we have tried to do in the new handbooks that accompany the new inspection framework is be very clear about the criteria against which we make different judgments. It is very clear criteria that we provide when inspectors are making judgments about teaching. So, they will know what we would consider to be the attributes of satisfactory teaching. They would know what we would consider to be the attributes of good teaching and so on. That is a difference to the previous arrangements where we did not quite have that same clarity in those terms. Coming back to your point about the actual term used, you probably could argue until the cows come home about a term. I think our response to that has been to try to make it absolutely clear about what those terms mean rather than get too hung up about which word we actually use.

Mr Pollard: That is satisfactory!

Q9 Mr Chaytor: On the question of value for money, in the strategic plan for 2004–07, the section on aims and values does not mention value for money at all. So, my question is: if it did mention it,

what would be the criteria by which Parliament and the public should judge the value for money provided by Ofsted?

Mr Bell: I am happy to start that but perhaps I could ask my colleague Robert Green to supplement it. I think there are a number of points that one would make. I think first and foremost you would want us to reassure you that we are spending wisely and efficiently the money that comes to us. In some ways, that is the most basic level of just looking after the money that we are given. Then I think you are into identifying the sorts of things that I have already described: how much our information is used and how much it is valued; what impact it is having on policy; what impact it has on developing and identifying practice that other schools and colleges can use and so on. So, we are not at all complacent about that. I think it is fair to say—and Robert may want to supplement this—that value for money is an important feature that, in a sense, enthuses our plan, not least in our reference to the need to carry out further reviews of inspection in the future. Just coming back to an opening remark that Valerie Davey made, the issue of new responsibilities coming Ofsted's way is not simply a case of adding that on to everything else. We are going to look very carefully at how we can avoid a new inspection responsibility just simply adding to the weight of inspection. So, I think an important feature of demonstrating value for money is demonstrating that we use our inspection resources efficiently and effectively and do not just keep adding and adding to the weight of inspection.

Mr Green: There are a number of ways into this question and David has touched on many of them so far. If you look back at what has happened to Ofsted's budget over the past 10 or 11 years, it was fairly stable during many of the years in the 1990s, though it went up and down a bit, and obviously it has increased recently. So, if you go back over the last five years, in cash terms, it has gone up by about three quarters but, during that time, we have taken on the massive new work involved in Early Years operations and post-16 inspection. So, a lot of new functions. One way of looking at it is simply to say, "What does the budget look like and what work is being done?" As David mentioned, we want to do quite a major piece of work that looks at the impact of Ofsted in relation to the resources that are put into Ofsted. There are a number of strands to this and one of them is of course that now we have not only completed the second cycle of inspection but are into the third cycle and one can begin to track from one inspection to another to another, so we can look at that dimension of things alongside all the perception dimensions, the various stakeholder groups that David was talking about, and we want to do that in a piece of work which we hope will be coming to fruition by about Easter next year, so we will have the first findings in the first part of next year and then really we hope to publish something quite serious about that. So, recognising that it is a point that the Committee has put to us previously and recognising that we have an obligation to be as public as we can about what we perceive as the value for money that

Ofsted is generating, it is a small part of the education budget but, in absolute terms, it is a lot of money. The other thing I would touch on is the point that David was again talking about in terms of the way various people—groups of teachers and parents—actually make use of the findings of Ofsted’s work. This will be part of our study, but there are products like the PANDAs which we are making more and more accessible and which schools are making more and more use of. We are conscious that other people are fishing in the same waters and that we are not the only people producing this sort of information. So, it is not just Ofsted looking for value for money; Ofsted working with the DfES is very much looking to avoid overlap, working with the QCA to avoid overlap, so that we are using money wisely and we are minimising the burden that we put on schools. Perhaps the final thing to say is that, in the jargon, we are trying to benchmark ourselves against other organisations, obviously against other inspectorates. Reference has been made to the work in central government on the role of inspectorates and their contribution and it was interesting that, in a survey associated with that, Ofsted was by far the best recognised inspectorate in the public sector, perhaps not surprising given the sort of work we are in, but that, I think, recognised our position there. We look at basic things like how much we spend on our computers and on our support services and we think that, in comparison with other organisations, we are at very lean and efficient levels of expenditure but always ready to look for further tightening there where we can find it. So, it is an interesting point. If we forgot to put value for money in our values, that does not mean it is not there. I think we said that the strategic plan will be a continuing and improving document and that is probably an early point for us to note.

Q10 Mr Chaytor: What about the impact on school performance, particularly in terms of primary, secondary and post-16? Would you not accept that there has to be a relationship between the amount invested in inspection and improving performance? Otherwise, why are we inspecting if performance is static or declining?

Mr Bell: I think it is important to make the point that inspection is to provide a public report on what is going on in this school or college and that is an important purpose that in one sense is slightly distinct to the issue of improvement, but I think it is fair to say that our reports do help the improvement effort by diagnosing what is going on and then what the school or college might do to improve in the future. So, I think it is important to make that point but to say that if you are then wanting us to identify X percentage of improvement or this kind of improvement or that kind of improvement that comes about simply attributable to inspection, I think it is an almost impossible task, actually. I think we can also identify other ways in which we contribute to improvement because we are able to use all the findings of our inspection reports to contribute to improvement. For example, we published a report just at the turn of the summer on

boys’ writing which I think was an important report because not only did that say that this is the state of the nation, as it were, on boys’ writing, but it actually gave a number of pointers that schools could consider. So, at that level, I think improvement can be demonstrated. I would like to bring David Taylor in at this point.

Mr Taylor: I wonder whether we might wish to challenge this kind of Panglossian view that the world is one of continuous improvement and that, unless you are showing that things are getting better, you are not doing your job. We would be doing our job just as well, indeed it is a job we ought to do, if we say that things have become worse and that this Government’s policy is not working. We are there to hold Government to account for policies which cost far more than our budget and if we say that these policies are not producing value for money, that not only are they not producing improvement but they are making things worse, then we are actually doing our job. So, I think it is important to say, firstly, that we want to beware of this kind of assumption that every initiative automatically engenders improvement and, secondly, that the only way in which you can validate an organisation such as Ofsted is if you can demonstrate that things are getting better. If things are getting worse and we stop them getting worse by saying the right thing at the right time, we are doing our job.

Q11 Mr Chaytor: The underlying assumption there is inspection, to inspect Government policy and not to inspect the performance of schools.

Mr Taylor: Government policy is designed to lead to improvement. We are there to help Government to tell whether the policies are having that effect or not.

Mr Bell: We have not used the ‘A’ word this morning “accountability”. It is about accountability; it is the accountability of schools for their performance; it is the accountability of Government for the policies that they accept. David is absolutely right, I can think of one or two reports in the last year or so where we have actually said, “Really, this policy is not working and it is not very effective.” I think it is important that there is an independent body and I think it is a great virtue of Ofsted’s status constitutionally that we have that capacity to speak out and say what we think based on our inspection evidence.

Mr Chaytor: Does it not also follow that the evaluation of your own effectiveness should not be conducted internally, as Mr Green was suggesting, but also by an independent body?

Q12 Mr Pollard: Who would inspect that independent body?

Mr Bell: There is an incredibly important independent body that does hold us to account and that is called Parliament and it is through this Committee that our work is called to account.

Q13 Mr Chaytor: But you would accept that there is a paradox here. If you are working on a piece of research at the moment which is identifying ways in which your value for money can be better evaluated,

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this is rather like the police investigating complaints against the police and my argument is, why is the Audit Commission not doing this job? Why are you subject to the same regimes as local authorities are of schools themselves? There has to be some professional external accountability and investigation.

Mr Bell: I would like to leave that point for Robert to answer because that is part of our thinking in terms of this impact project. On the issue of complaints, of course there are two sorts of complaints, as it were. There are complaints that people might have about the way in which an inspection is carried out and of course there is a person called the independent complaints adjudicator, so Ofsted is not the final judge and jury, as it were, when it comes to complaints against our activity. In terms of that more general review of Ofsted's work, I think that all of us in Ofsted take very seriously the accountability that we have to Parliament. From our point of view, that is the accountability that properly should govern our work. That is not to say of course that we are not interested in what others have to say and perhaps Robert might add to that.

Mr Green: That is absolutely true. Of course, we are not subject to the Audit Commission though we do a lot of work with them, but we are subject to the National Audit Office who look not only at the financial figures but also increasingly at the substance of our work and very properly so. In our Audit Committee, we get into this sort of discussion rather more in fact than about the figures. They are the sort of questions which increasingly we are being asked. So, there is that sort of formal scrutiny and accountability which helps Parliament to identify whether we are working effectively or not. On the question of this review, I am sorry if I gave the impression that we are thinking that this should be a wholly in-house activity. We have not absolutely finalised how we want to do it yet but the sort of work that I was talking about, looking at the changes in schools from one cycle of inspection to another to the third, is very much the sort of thing where we can envisage real value in bringing in somebody from outside with an independent look at the findings. So, we certainly envisage independent elements in the report and, when we have completed it, of course it will be there for public scrutiny and debate and no doubt other people will then want to take things on further. I think that, in a way, it is pulling the range of issues together that we would like to do which will be a first, so we want to be very closely involved in doing that, but then it very much is up to others to scrutinise what we have said.

Valerie Davey: Can I just say that I hope within that resource you will recognise the actual staffing that you have because it seems to me that that is the most valuable resource and they are working for you, rather than, as my colleague suggested, being in schools and I think that human resource for which you are responsible has to be quantified and understood as well.

Q14 Paul Holmes: If you have such a large empire that dominates the educational scene and you spend £200 million of taxpayers' money a year, one

measure of value for money would be that at least your reports will be accurate and reliable. Obviously, some people will sometimes question that. Myerscough College in Lancashire have submitted evidence to us that they are contesting a recent report that Ofsted did on them and Summerhill School have done the same although we are going to ask you about that later, so I do not want you to respond on that one at the moment. Obviously, sometimes these are matters of judgment where the school or the college will say, "They have not taken this into account" and so on. There is at least one clear-cut case that we can look at. Ofsted inspected a school and said that the principal and the senior management team provided strong leadership and a clear ethos, they thought that the head teacher provided strong, sensitive and skilful leadership and the Ofsted report said that financial planning and administration were good. Now, this school was St. John Rigby College in Bromley and it turned out in fact that, at the time Ofsted undertook that report, the head teacher, Colleen McCabe, was in the process of embezzling £500,000 from school funds for her own personal use. She was sentenced to five years' imprisonment and the court were told that the staff and students shivered for an entire winter as heating systems went unrepaired, that library shelves were bare, staff training was non-existent, there was not a single computer for pupil use, and the court was told that the head teacher was not only a thief but that she was a bully who brook no dissent. You will say that Ofsted undertook that inspection in 1996. How can we be sure that, in 2003, Ofsted are not producing reports like that that were not worth the paper they were written on?

Mr Bell: I will not respond to that last comment but I think it is important to make the point that we do take those sorts of issues very seriously. You are right to highlight the concerns that were expressed by Myerscough College. We accept that there were aspects of that that might have been done differently, although it is interesting actually that that one went all the way to the independent complaints adjudicator and she commented, "there was an unresolved disagreement between the college principal and the inspectorates over the conduct of that inspector." The college principal and senior management had one view and the inspectorates had another. I think that does illustrate some of the complexities in dealing with complaints. We are not complacent at all but we can always cite examples where it has not quite gone to plan. However, if one looks back over the last ten years, there have been almost 50,000 school inspections and the level of complaint has been actually remarkably low. I think there are ways in which we can always improve our inspection practice. We want to give greater attention, for example, in school inspection to the views of pupils. We do take account of the views of parents. We always are interested in the views of staff. So, I think there is a whole variety of ways in which we can continue to learn, but I would be extremely foolish if I sat here and gave you an absolute assurance that every inspection from now on in would be conducted faultlessly and that there

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would never be a difficulty. What I can say to you is that Ofsted takes the monitoring and the evaluation of inspection very seriously and actually, within our own budget, we spend quite a bit of money monitoring inspections and actually following up the conduct of inspectors where we are not satisfied with it.

Q15 Paul Holmes: In the specific St John Rigby College case, your report said the exact opposite to what was actually happening, that financial management was good—she was a crook and she was robbing the school; and that she was a strong, skilful and sensitive leader—she was a bully. How can a thorough Ofsted inspection actually get it so wrong?

Mr Bell: I think there is an important point—and you refer to it yourself—about the timing of that inspection, when it actually took place in relation to head teacher’s career in the school. The other point I would make—and we said this at the time—is that Ofsted inspectors are not auditors. In terms of the financial management or mismanagement, clearly one would hope that inspectors would be able to identify elements of that but, in terms of the detailed scrutiny of the books, as it were, that is not a job that Ofsted inspectors carry out because that would be a duplication of resource because we actually have an audit system that carries out that kind of inspection. I think you are right to highlight the case, but maybe, in highlighting the case, it really demonstrates quite how exceptional it was and we have to look at that as we do with any inspections which go wrong and see if there are lessons that we can learn.

Q16 Helen Jones: While I accept that your inspectors are not auditors, it is difficult, when going round a school, to miss the fact that it does not have books on its shelves and does not have computers and that the heating keeps breaking down. The question that I think the Committee would like you to answer is, having seen how that inspection went so wrong, what steps has Ofsted taken to make sure that nothing like that can happen again? I do not think that you have quite told us that yet.

Mr Bell: I think it is important to make the point that the inspectors in that inspection in 1996, as in all inspections, will report what they find at the time. There were all kinds of things that emerged, as I understand it, during the court case, but it may quite conceivably have been possible that some of the things that were highlighted during the trial were not in evidence during the inspection. I would be terribly concerned if inspectors carried out an inspection and all sorts of things were going badly wrong and they just were not reported on. The truth of the matter is that I do not think I can honestly say because I do not know whether there were all sorts of things that were or were not going on during that inspection that the inspectors failed to record. What happened subsequently in this school clearly then did become a matter of public record through the court trial. So, where we have evidence provided to us at the time or afterwards of a report that has been misleading, in other words it was not stated properly what has

actually been going on, we follow those sorts of problems up very, very carefully indeed. That is the most extreme example but I have to say that there are other examples where one might inspect a school and inspectors go back three or four years later and find the school in a very different state altogether. That has happened in other cases.

Q17 Helen Jones: Have you carried out a review of that particular case?

Mr Bell: Not an explicit direct view because actually my judgment was that it was so far ago that going back and trying to trawl through all the evidence and find out what was actually going on in the school against what the inspector said, I actually did not think that was an efficient—

Q18 Valerie Davey: It was not an efficient use of time and money.

Mr Bell: I genuinely did not think that was efficient. If it had happened last year, then maybe it would have made more sense to do it, but I just did not think it made sense to do it in that level of detail, but we have obviously looked at the case.

Q19 Jonathan Shaw: Mr Bell, the empire does continue to expand, if not through your own doing, obviously you would say that is Parliament’s will, but I wonder if you have a map on your office wall, so that looking at responsibility, all the pink bits are ours and it gets bigger and bigger. I wonder if, in your considerations, you look at areas where you might be able to reduce your involvement. You say that you comment on policy and whether it is successful, so let us look at Ofsted for a minute and the future of inspection. We are often told that we are now data rich and I think that is something you have said to this Committee before. Part of that richness is that we now have value added results. We know whether, for example, high-performing schools are actually assisting pupils to improve. It could be argued that the outcome of many inspections could be predicted because we have all this information. So, with all this rich data that we have now, do you really need to be coming to this Committee in a couple of years time saying, “We have inspected all schools three times”?

Mr Bell: Just picking up the first point in relation to asking ourselves the question, do we think that there are things we could do differently and the Ofsted role expanding, I mentioned in relation to children’s services that that is a very, very serious consideration at the moment. We have been asked to look, working with other inspectors, at how we might reduce the total burden. So, that is very much on our programme of work. So, we do not just say on children’s services, “Let us just add it to everything else that we are doing.”

Q20 Jonathan Shaw: I would like to perhaps come to that later. School inspection.

Mr Bell: I have a couple of points to make. The first thing to say is that inspection, as driven by legislation, does not just look at the standards attained by pupils. There are four things that we

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have to look at in inspection and this is in legislation: (1) is the standards; (2) is the quality of education; (3) is the leadership and management; and finally (4) is the ethos of the school. I think inspection gives you that rounded picture. Now, as we have said in the strategic plan, there is a debate to be had in what we are describing as the future of inspection about how you go about carrying out inspection in the future because the world is different to the world that first came into being in 1992 and those are the sorts of questions that I am sure we would want to look at. I do go back to the point that I made earlier however and that is that, in the end, inspection is about holding the education system/the care system to account. That seems to me to be, as it were, non-negotiable within what Parliament has asked us to do. Beyond that, how we go about doing it, what evidence we draw upon, how we deploy our inspections, when we inspect and how we inspect, all of that seems to me to be quite properly a matter for attention and I will be talking much more about that in the consultation paper referred to in the strategic plan.

Q21 Jonathan Shaw: Can you envisage a time where there will be a criteria to inspect or not? If we have so much information available to us about the school's success or not and then you can use your resources to inspect those schools that are struggling, those schools that are in serious weakness and those schools that are in special measures.

Mr Bell: I would make the obvious but I think important point that that would be for Parliament to determine. At the moment, that is what Parliament is determined.

Q22 Jonathan Shaw: Mr Bell, I appreciate that you are playing a straight ball, as you do, but you said earlier on that you comment on government policy and you say what works or does not and I am asking you to comment on government policy in looking to the future.

Mr Bell: I think it could be superficially attractive to say that all you should ever inspect is where there is a weakness. One would obviously have to work out how you would identify that in the first place, but let us assume that you could identify that. I think personally that that would be a great disservice to parents and children in all schools because it seems to me that, for parents in any school, what an Ofsted report provides is an independent evaluation of how that school is doing. So, directly to answer your question, I think that inspection and reporting should stay and I think that is value for money. The big questions and legitimate questions in the future are, how do you do it and can you do it differently?

Q23 Mr Chaytor: If I could just follow on this point about identifying the weaknesses of schools, in an interview, I think it was responding to the Newcastle University research, you defended the role of inspection by saying that Ofsted, over the 10–11 year period, had identified I think it was 1,000 schools in serious weaknesses. My question is, do you not think that these schools were not known as schools that

were struggling? Was this a great scandal only discovered by Ofsted or had you asked local education authorities previously, would they not have produced more or less the same list of 1,000 schools?

Mr Bell: The question is not whether they were known, the question is what was being done about them. I think that, in the vast majority of cases, probably local authorities would have accepted that those schools were struggling and knew that they were struggling. The reality is that until we had national inspections from 1992 onwards, there was, I think, a lack of will to deal with such schools and it seems to me that what the inspection arrangements did was provide a mechanism to identify those schools and, alongside the identification, to put into place procedures that would help those schools to improve.

Mr Taylor: Could I just add that we do not just inspect schools, we inspect local education authorities. That programme shone a very fierce spotlight on local authorities that did not know or were doing nothing about their weak schools. Since that, the improvement of local authorities has been one of the major findings of Ofsted inspection. Indeed, I would argue that, in looking for the things which Ofsted has contributed to improvement, making LEAs more able to concentrate their support and challenge role in relation to struggling schools has been one of our major achievements. The recent round of LEA inspections has shown that most LEAs are now performing at least satisfactorily, to go back to our word, and often well in relation to functions which previously they were failing to deliver. So, I think that we do have evidence not only that there was a considerable amount of under-recognition of the extent of the problem at the local level but also of a failure to tackle it with the resolution which is now being shown.

Q24 Mr Chaytor: In the last 12 months, there has been a 35% increase in schools in special measures and a 30% increase in schools in serious weaknesses. Earlier you said that even if school performance was declining, Ofsted could be succeeding. Does it equally follow that, if there is an increase in schools in special measures and an increase in schools in serious weaknesses, Ofsted is succeeding?

Mr Bell: We are still talking about a relatively small percentage of schools overall but I think that there are one or two issues that we should be concerned about. For example, the number of schools that have previously been in serious weaknesses and then have slipped into special measures. Of course, there was a trend emerging and of course Ofsted was given new responsibilities to visit all serious weaknesses schools within about eight months of being so declared to make an initial judgment about how they were doing. I think that may be one factor that has contributed to a rise that we have seen. So, there may be specific factors at play there. I think we would still all want to express concern however that, even after ten years of inspection, there are schools that still do slip into special measures and serious weaknesses

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and I have to say that there are times when I look at the paperwork, as I do for all schools in such a situation, where I do wonder how the school has got into the state that has been described because you would ask how after ten years of inspection, after more rigorous managing and after better identification, this is still happening? I think that remains a serious question to ask even though it is still a relatively small percentage of schools overall.

Valerie Davey: I am aware that this whole area we have started with is crucially important but there are other specific things that we want to come on to fairly soon.

Q25 Mr Pollard: All other government departments are required by the Treasury to include at least one target for a 2% efficiency improvement each year. You escaped that net. Do you have efficiency targets and what are they?

Mr Green: We do not escape that net because we do not negotiate directly with the Treasury, we negotiate with the DfES. So, our negotiations in that context are with the Department and, as David said earlier, we are still in the throes of that process at the moment. Referring back to the question that was asked earlier about efficiency, the Department is expecting us to make efficiency savings of at least that order throughout. We are arguing that there are special factors in some areas that apply to Ofsted, but that is very much the territory that we are in. We currently, as the Committee will know, have a service delivery agreement which does not get into that sort of detail. We are proposing with the Treasury's and the Department's agreement that the strategic plan now becomes the place in which we set out the targets that we should be setting and again, if there are areas that we need to look at in future versions, then we can do that.

Q26 Mr Pollard: Looking at the number of staff, you have 2,520, the Audit Commission is the next highest, 2,437 and everybody else much less than that. You mentioned earlier that you have benchmarking exercises with other inspectorates but you did not give any details of that and what the outcome of the benchmarking was.

Mr Green: We are going to do some benchmarking insofar as we can. Of course, when you get close to other inspectorates, everybody is operating in different ways. The reason for our very large number of staff again, as the Committee will know, is that it grew essentially from 500 or thereabouts to 2,500 or a few more absolutely and precisely because of the link with the Early Years work where we were taking on functions which local authorities no longer carry on. So, in terms of the share of the public budget that has gone, it is a transfer to Ofsted rather than an addition. With that—and other colleagues will be able to speak more directly about that—we now have 100,000 providers of childcare to inspect with that additional staffing.

Q27 Mr Pollard: Is it your view that there has been some benefit from economies of scale of being one part of one inspectorate now rather than every LEA having their own?

Mr Smith: There are benefits—

Q28 Mr Pollard: Just an objective view.

Mr Smith: You asked about the benefits in terms of economies of scale and there are some benefits in terms of economy of scale in terms of the services that Robert's division, the corporate services, if you like, personnel, finance, IT etc, deliver to the organisation because, with the addition of the Early Years Directorate, there are broad economies of scale in terms of those corporate-type services. There are some probably relatively minor economies of scale in terms of the use of buildings and premises etc. So, for example, we have eight regional centres for the Early Years setup which can be used by HMI colleagues etc, etc. There are probably economies of scale at the senior management-type level where we have one Director of Strategy and Resources for the whole of Ofsted and we do not have a sub-director for Early Years so to speak, whereas if it had been a separate organisation you would have had a separate person on that salary. So there are some economies of scale by the Early Years work coming into Ofsted. What is perhaps even more important is the benefits in terms of joined-up work as it moves into the more qualitative area. For example, we are doing a number of projects driven by the Department in relation to things like the foundation stage and Birth to Three Matters where we have an economy of skills because we can draw on different skills within the organisation which we would not have been able to do before and in some ways that is perhaps even more important.

Q29 Mr Turner: I have just two questions. Firstly, merely looking at the number of people you employ is highly misleading, is it not, because you use a lot of contractors? What is the full-time equivalent change over the period between 1992 and when you took on Early Years? Secondly, have you looked at the effectiveness of employing contractors as against directly employed staff in Early Years, and are you considering perhaps going over to more direct employment or, alternatively, going over to more employment of contractors in the Early Years area?

Mr Bell: To take the first question, we moved pretty well from stable staffing of around 500 really from the beginning of Ofsted through the 1990s to 2,600 full-time equivalents now and about 1,800 of those 2,600 are employed on the Early Years side, so in a sense the major movement was in Early Years.

Q30 Mr Turner: I am sorry, maybe I did not make myself clear. You were retaining lots of contractors who were doing lots of work.

Mr Bell: Indeed, and the pool of people that were on the roll to carry out inspections under Section 10 in schools was around 7,000 but now it is about 5,000. So that is 5,000 separate individuals who are on the inspection roll to carry out school inspections.

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Q31 Mr Turner: Could you say how many man days, for example, they were working? I am just trying to contrast the 1,800 employed staff who are presumably working 1,800 years altogether in each year with a rather amorphous number of contractors, 7,000, who may be doing one day a week or maybe seven days a week.

Mr Bell: That is the big problem.

Mr Green: I do not know the precise answer. The number of person days or person years the contracted inspectors will be working will be a function of the cycle of school inspections. In the Early Years it was a four year cycle and now it is a six year cycle, so that will have caused a reduction in person years. The other factor—and David Taylor will correct me if there are other factors I am forgetting—will be the nature of the inspection process. Has that caused more or less intensive use of inspectors? I am not sure about that, although I think it has reduced in recent years. So my expectation would be—and we can certainly do some work on this and let the Committee have the figures as best we can estimate them—that the number of person years of contracted inspectors has declined.

Mr Taylor: And if you turn that into a cash equivalent the obvious third factor is the effect of a competitive market on pricing. For much of that decade we watched that unit cost of an inspection reduce as a result of fierce bidding pressure and competition. That is not something which we can absolutely control. Nonetheless, if you map that decade in terms of the total costs of the contracted inspector system against, say, an inflation index over the same period then the costs of contracted inspections have actually fallen relative to what they were in 2003 and we have figures that we could produce on that.

Mr Bell: The second part of your question goes to the heart of what we say in the Strategic Plan under the “Future of Inspection” because I think we say quite explicitly we want to look at the total inspection resource available to Ofsted, that is a full-time HMIs, it is the additional inspectors that we have in occasionally to carry out exercises or to do inspections in areas like colleges and initial teacher training, it includes our Section 10 contracted inspectors and of course it also includes our substantial body of staff in Early Years. The straight answer to your question is we have not yet considered in any great detail how we might reconfigure the use of those different elements of inspection resource, but that is precisely what we are going to be looking at in the next document I have referred to because I think it is a really important question to ask, could you get a different sort of mix, could it become better value for money if you did it this way, what are the benefits of having more people in-house, what are the benefits of having less people in-house and so on. That is absolutely central to what we are going to be reporting on in the spring.

Q32 Paul Holmes: Just looking at one particular aspect of Ofsted inspections in terms of taking account of pupils’ special needs and disabilities, the

NASUWT have written to the Committee and said that they are a little concerned at the emphasis, for example, on you having a role to play in race equality and inspections and how looking at that sort of issue might overshadow other issues such as disability or special needs or gender equality and so forth. Have you any general comments to make on that?

Mr Bell: Yes, I have. I think Ofsted led the way amongst inspectorates by putting inclusion right at the heart of the work that we do. A couple of years ago we required all inspectors as a condition of continuing registration to undergo our training on inspecting education inclusion. I think we did something very important through that exercise and we continue to do it through inspection and that is we do not say to inspectors as an add-on to write something about inclusion. What we actually say to inspectors is that that perspective on inclusion should go right through the whole of the inspection activity. So I think it is very important that we do that. The second point I would make is that the new framework in particular really requires inspectors to look at what one might describe as the differential performance of different groups of youngsters. That might be youngsters with particular disabilities, it might be youngsters from particular ethnic minority groups, it might be youngsters who for one reason or another are performing very well or performing poorly. So there is even greater attention now being given to that in the new inspection arrangements. On the specific point of race equality, again I think it is fair to say—and I am sure the CRE would confirm this—that we were fairly quick off the mark on this in terms of ensuring that the new inspection framework took account of the Race Relations Amendment Act, as we were required to do, and that is a very specific and explicit requirement on inspectors when they are inspecting to look at racial equality issues.

Mr Taylor: It is important to focus on the totality of Ofsted’s output and not only the school inspection reports because HMI surveys have probed questions such as the underachievement of boys. When I first became an HMI 25 years ago one of our most influential reports was on girls in science and I think it is a long HMI tradition to look at those questions of inclusion and entitlement for gender, for particular disabilities and so on and the surveys which we produced on the achievement of different ethnic groups have been well documented in this Committee over the years. I think it is therefore a recommendation of our broad approach that we should combine the sweep of the Section 10 inspections with these HMI surveys, which is really where we can quite often get down to the level of detail we need to analyse, along with the support we now have from the pupil data that has been referred to in order to find out what is happening to the groups most at risk. It is a central part of our value to emphasise inclusions not only through our general inspections but through reporting on specific surveys.

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Q33 Paul Holmes: We had some mention earlier on about the introduction of value added measures for schools and David Taylor mentioned earlier that of course one role of Ofsted is to say where government programmes are not working or are working in the opposite way to the way in which they were intended. One issue for people concerned about disability and special needs is that the schools that tend to do best in league tables—and Ofsted figures show this—tend to take well below national averages of children with disabilities and special needs and some form of selection covert or overt is going on. Have you any comments to make on that? Is it something they are going to look at in future reports?

Mr Taylor: I think it links to the point I was just making actually, which is that increasingly through the work of our research analysis division we can input into the system really detailed analysis of the data on individual pupils and then we can become more subtle and sophisticated in how we track the progress of those pupils and hence how well schools with different mixes of pupils are forming. Even as things are and have been over the last few years, it has been absolutely central to the inspection process that we contextualise the school inspection by looking at the prior achievement of pupils, by benchmarking against schools of a similar kind and hence we do not run the risk of appearing to think that just because a school is in a leafy suburb it is automatically a better school. Our lists of good schools over the years have systematically drawn attention to the achievement of schools in more disadvantaged areas.

Paul Holmes: I recently visited a special school in Redruth in Cornwall, an absolutely fantastic school. They have had two Ofsted inspections which were very good in general, but they were very incensed about one particular aspect. This is a school where they take their kids from the age of 4–19. Most of these kids will never even reach Level 1 because of the special needs they have got and yet Ofsted were criticising them because they do not teach them Shakespeare and modern languages. Is it always appropriate to apply these yardsticks to every school in every situation?

Q34 Valerie Davey: I think that is very specific.

Mr Taylor: I think we have been very much at the vanguard of enabling inspectors to look in detail at the performance of pupils at the bottom level of achievement by the use of the “p scales”. The training materials we produced to encourage inspectors to be able to map and record progress even where it is infinitesimal has been one of our really important contributions to the evaluation of special educational needs and I believe we should continue to push for proper and detailed and subtle ways of evaluating the performance of those children whose progress is most difficult to measure and recognise.

Valerie Davey: Well done!

Q35 Jonathan Shaw: I want to talk about the new responsibilities. Mr Bell, you have referred to the Green Paper *Every Child Matters* on a couple of occasions and I will give you an opportunity to talk about that. I would be interested to hear your thinking about the interface between your existing inspectors, school inspections, child protection and children in care. The Green Paper is going to change the world as we know it at the moment as to how children’s services are delivered and it is going to be your organisation’s responsibility to make sure that that happens.

Mr Bell: There is probably hardly an inspection system that Ofsted currently runs that will not be affected by the inspection of children’s services and that is why it is so important this does not just become another weight and we have to think about it. Clearly if one is going to make a judgment about the quality of service to children in a particular area, and that will be our aspiration in the inspection report, we will want to know what is happening for the very youngest children so it will impact on our Early Years responsibilities. We currently carry out inspections of the Connexions service and youth services, that is going to be encompassed in this and there is a big discussion to be had about the future of local education authority inspection because clearly we cannot just continue to do that as though nothing has changed. Things will change, not least the new requirement in the Green Paper that local authorities reconfigure their own delivery of services, so all of that has got to happen and, of course, school inspection has to be considered. I cannot say to you we have got it all cracked. We are actually working very hard on it at the moment and we are working very well with a range of other inspectorates and there are quite a number of other inspectorates involved. We are all very mindful of the fact that we need to get to the judgment about the quality of children’s services at the same time and not just saying let us keep on doing what we have always done before. There is a tension there because it may be that in focusing on children’s services and in wanting to get a proper analysis of what is going on there and at the same time reduce the weight of inspection there may be things that all inspectorates have done previously that they determine they will no longer do and that is an important challenge for inspectorates, not just to add to the weight.

Q36 Jonathan Shaw: Might that be using the rich data that we have where you can reasonably predict the outcome of schools’ performance and the level that it is teaching the kids etcetera and you will be focusing on where the need is greatest, whether that is children living in poverty, whether it is children at risk, in need, in care and those who we can reasonably predict are at greatest risk. So you will be doing a super inspection of a whole LEA area, looking at those particular points, at the interface between the health visitors, the social workers and where these kids fall between the gap.

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Do you think that will be the future for Ofsted rather than school inspection, school inspection, school inspection on an individual basis?

Mr Bell: The commission that Ofsted has been given to develop the inspection arrangements has asked us to look at universal provision and specialist and targeted provision. I think that is quite an important point because if you say let us just focus on the most vulnerable children, the children who are at risk, you may fail to see the extent to which universal services are meeting the needs of those children. Also, I think if one says you could imagine school or individual institutional inspections just evolving or perhaps disappearing because what you would be looking at is the interface, again I would ask the question how will we know what some of those individual institutions are doing, whether they are children's homes or schools or day care providers? If we do not know what each of those are doing can we really then say with absolute certainty that we know what children's services are like in an area? Going back to your opening comment, we will make very substantial use of the data we already have and I think that will certainly help us in terms of looking at where we focus our effort. I can imagine, for example, going to an area, carrying out a children's services inspection, doing the universal bit, if I can put it that way, knowing from the data you have in advance that there is a huge issue in relation to children in care or there is a huge issue about the number of children who appear not to be getting special services. The only other point I would make is do not forget that children's services is not simply a matter of services delivered by local government. That is going to be one of the interesting issues for us. Health, the justice system, the private sector, it will be interesting to see how we track our way through all of that.

Q37 Jonathan Shaw: I know local authorities are meeting up and down the country to look at how they are going to shape their services and announcements from you as to how you are going to inspect them will certainly influence what framework is set up. You are in a very influential position. Not only is the empire growing but its influence is becoming even more dominant.

Mr Bell: I am very aware of that and we are working to a timetable to try to have our first consultation papers out probably in the spring of next year. We are working to quite a tight deadline. If we are looking at the new financial year beginning April 2005, there is a lot to do to get all of this into place because at the same time as we are being asked to provide a new integrated framework for children's services we have also been asked to ensure that there is still the capacity to make what one would describe as single service judgments about local authority services. So the assumption will be that we make a judgement about children's services but continue to make a separate judgment about education services, etcetera.

Valerie Davey: The other aspect that I was pleased to see you make some reference to recently is out of school children, that is those children who still fall between all these stools. I think we need to move on. I think I would like to come to Helen now who wants to talk about the burden of inspection in a different context.

Q38 Helen Jones: I want to talk about the mechanics of inspection as well as the burden of it. We have heard representations continually on this Committee from teachers who believe that the inspection process itself puts an additional burden on them. I know that Ofsted has said quite frequently they need not do more than the normal level of preparation. I want to ask you two things about that. Firstly, what are you doing as an organisation in regard to the notice you give of inspections? Would it not minimise the impact on some teachers with heads who want to rewrite all their policies the week before if you gave even less notice of an inspection or even did unannounced inspections as well as helping you to get a better snapshot of what is going on in the school? What training are your inspectors given on looking at the policies in place in the school when they do inspect and working out how long they have actually been in place and been running?

Mr Bell: At the moment the notice period is somewhere between 6 and 10 weeks and that is constrained by the requirement for contracting and principally for consultation in advance with both parents and governors. Those are statutory requirements on us at the moment. I think a number of people made the point would it not be better to have a shorter period of notice and that may be something that we could look at as part of our consultation paper in the autumn. There is an argument that says that if the notice period was much shorter there would be much less incentive to go through a whole lot of elaborate preparation. We will continue to express some frustration at that elaborate preparation despite all the signals being given to schools about not preparing in advance and the actual list of documents we ask for in advance. I think it is about half a dozen things we ask for and one of those things is a timetable and another is a map of the school. We really do not overburden people in advance. I have always said to head teachers that there is a shared responsibility for this. There is a responsibility on Ofsted to make sure that it minimises the burdens in advance and tries to minimise the burdensome nature of the process, but I do think there is a responsibility on school leaders as well. It is their responsibility in a sense not to charge around and get everyone to do all that additional preparation. They have to have the confidence to stick with what they are doing, to provide what only Ofsted requires and not get into all kinds of elaborate preparation and I have to say that the picture does vary from school to school. You go to some schools and the staff will say to you, "We know the inspection is coming, but that's fine,

we've tweaked a few things," then you go to other schools and there is a sense of panic that grips them there.

Mr Taylor: I am sure you will know that all our inspectors, both leading inspectors and team members, were trained in the new inspection framework which started in September. If you are looking at the changes which that new framework embodies, at the heart of those are strengthening the relationship between self-evaluation and inspection such that inspectors go into the school with the clearest possible analysis both of the context and history of the school from the head teacher's own statement, which is the self-evaluation input into the inspection. The visits to the school by the lead inspector are designed to enable that inspector to understand and share with the rest of the team those contextual factors about the length of time policies have been in place, about the length of time the head has been in post and significant changes in the catchment and the intake and the exam results and so on. I know the question of self-evaluation has been raised with you. We believe that we are working towards a much more integrated and better articulated relationship between what the schools tell the inspectors and what the inspectors tell the schools.

Q39 Helen Jones: I want to ask you about the make up of your inspection teams as well. Now that lay inspectors can lead inspection teams, have you provided any extra training for those inspectors leading the teams? Can you justify to me a lay inspector being the lead inspector in a school inspection whereas in a health inspection we would not adopt the same kind of policy? I might like to inspect a brain surgeon's work but I am probably not qualified to do so. I would be interested in your views on that.

Mr Bell: The most important point to make is that anyone who is going to become an inspector leading an inspection has to undergo training. So it is not as though the person who is an inspector can just lead an inspection, there is a supplementary element to the training and I think that is very important. There has been an important principle really from the beginning of the inspection process and that is that the inspectors bring a distinctive perspective to the work of the inspection team, but they are there in their own right as inspectors. I think our view was that they should also have the right to additional training to become registered inspectors. I think to argue against that almost is in principle to argue against the contribution that they can make to inspection. The other point I would make is that some lay inspectors are quite highly experienced now in school inspection. I know that raises another set of issues about when do you stop becoming a lay inspector if you are very experienced in inspection. I think the very important principle and the reassuring point is that anyone who leads school inspections has to be properly trained for the task.

Q40 Helen Jones: What have you done to recruit more inspectors from a variety of different backgrounds? I am thinking particularly of your lay

inspectors from a variety of different ethnic and religious backgrounds. Can you give us some idea at least of what the current make up of your inspectorate is?

Mr Bell: I probably could not do that offhand, but I could make sure we provide that information. We did try to target some of our recruitment of lay inspectors at under-represented groups. I do not think we have been particularly successful. Frankly, there is still a big job to be done there to make our lay inspectorate more representative and we have had to think again how we might do that. At the moment we have not got that exactly how we would want it, although that was on the back of more targeted recruitment. We will have to think again about how we can best do that. We will provide the data you are looking for, the background by ethnic group of lay inspectors. We can actually do it for all inspectors if you would like that as well.¹

Valerie Davey: However perfect the system, you still allow for complaints and we are coming on to that briefly at least.

Q41 Jonathan Shaw: In your opening remarks to Valerie Davey, Mr Bell, you talked about the perception of inspections and those who use information from those inspections in forming policy. With that in mind I want to talk about Summerhill School and the dispute that has been going on for four years now. Members of the Committee are very aware of the report in 1999 from Ofsted that made a lot of criticisms about the school. Following that report the school pursued a legal appeal against the judgment and also went through the adjudication process. Can you assist in drawing a line as to what is an unsatisfactory position because it seems people are still referring to this report?

Mr Bell: I think that is one of the difficulties in relation to what would be considered drawing a line on this because it has undergone all the processes that you have described, including going to the Independent Adjudicator. So it is quite difficult from our perspective now to know what more needs to be done. I was struck, however, by the submission from Summerhill this time which talked about the voice of pupils and I think I would say that that is something that we have given more attention to in all inspections. I hope that what we are doing there is going to reassure the Summerhill students and staff and others that the voice of pupils is now more prominent in school inspection. I should also say that the Government's Green Paper *Every Child Matters* makes a very explicit reference to the need to canvass the views of pupils and part of our work in preparing for *Every Child Matters* and the inspection of children's services is to ensure that we have effective systems for gathering the views of pupils.

Mr Taylor: If I could just reflect on two things. One is, I believe that the debate at the time around Summerhill was a very important debate in enabling the country to look at the balance between the duties

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upon a regulatory body in establishing minimum and acceptable standards and the rights of individuals, parents, pupils, schools themselves to provide something which fits their particular clientele and that debate was quite a finely balanced one. The second point is that things have not stood still on the legislative front because in 2002 there was a new Act which defined the minimum standards for independent schools in a new way and the new Independent School Inspection Programme which we are sharing with the Independent Schools Inspectorate is now conducted against that rather clearer framework of standards, which I think means that both Summerhill School and an inspectorate will be somewhat more certain what the ground rules of engagement are. At least to some extent as a matter of statute we now have a framework in place which will enable us to test out the limits of acceptability. It is the duty of an inspectorate to answer questions about whether an institution designed to give education is providing a satisfactory education and we made a professional judgment on that matter.

Q42 Jonathan Shaw: The 1999 inspection document, is that a credible document on which to make a judgment about the school today?

Mr Taylor: We are not in the school today. As I have said, there has been a new framework and a new legislative basis for inspections since 2002.

Q43 Jonathan Shaw: If the local authority said, "We're not prepared to send this child to this particular school because of what they said in 1999," is that fair?

Mr Bell: The situation on all school inspection reports, whether it is independent or maintained schools, is that the previous school's report stands as a matter of record unless there is a decision made that it is completely misleading. So it is not as if Summerhill or any school in that position is being treated differently. As David said, that is the inspection report. The next inspection report will then describe the school as it is at that time.

Q44 Jonathan Shaw: There was obviously an appeal and there were changes to that report. Would you expect this 1999 report to be relevant in making a decision about a school today? That is quite a simple question, is it not?

Mr Bell: It has to be relevant insofar as it was a proper report of a school at that moment in time and that is how all reports lie on the Ofsted record as it were. One would always say to anyone who is looking at a report that that report is seen in the context of when the inspection took place. If there has been a period of time that has elapsed since the inspection then parents and others will need to find other ways of supplementing their information and knowledge, but that applies to every school in the country that might have experienced a bit of a gap between the previous inspection and the current day.

Q45 Helen Jones: We have raised a couple of issues with you of where things appear to have gone wrong. I think what would help the Committee is if you could tell us what processes there are within Ofsted, when there are complaints and when things go wrong, for making sure that similar things do not happen again. Certainly, from what I have heard this morning both about Summerhill and St John Rigby, I am not clear about that.

Mr Bell: If one takes Section 10 inspections of schools, the first port of call when a school is dissatisfied is obviously with the registered inspector during the school inspection itself, then it is with the contractor who has secured the inspection and we think that is right because in a sense those are the people who are closest to the inspection.

Q46 Helen Jones: I am not asking you about the complaints process, I am asking what Ofsted has in place internally in order to enable it to learn from complaints.

Mr Bell: Obviously there is a report published of the number of complaints that go to the Independent Complaints Adjudicator. We are required to make a response to the Independent Complaints Adjudicator and I can cite examples of things that we have changed in the light of recommendations by the Complaints Adjudicator. That is at the most formal level, but below that, obviously as an Ofsted board we keep an eye on the kinds of complaints that are made and if there are processes and procedures that could be put into place that could be changed. We do take it very seriously. We do look annually at the pattern of complaints that come in and what we might actually do about them. The Independent Complaints Adjudicator commented in our last report that she was pleased at the extent to which she was able to have a good discussion with Ofsted about its own processes and procedures. So she recognised that we try to move on complaints. You will not be surprised to know that we do not always agree with the judgments made by the Independent Complaints Adjudicator, but we do take seriously what she says and do respond accordingly.

Helen Jones: I am shocked!

Valerie Davey: We are going to move on now to look in more detail at Early Years.

Q47 Mr Pollard: The British Association of Early Childhood has raised concerns regarding the inconsistency between the standards expected of the private and voluntary sectors inspected and those of the maintained sectors. Which standard does Ofsted inspect against?

Mr Smith: We inspect against both.

Q48 Mr Pollard: Is there an inconsistency there?

Mr Smith: I think one of your colleagues used the word "clunky" before. I do not know if that is a proper word. It is a "clunky" position because we inspect under two different primary legislative powers. It is not just in this particular area of maintained and non-maintained provision where that "clunkiness" exists. We try to alleviate the "clunkiness". A particular example of that is

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something called combined inspections, where we combine the inspection of funded nursery provision with the day care inspection. Going back to Mr Chaytor's question some time ago, that reduces the number of inspections that an institution would receive and the burden of the inspection. I am sorry to say that there is a "clunkiness" to some of the Early Years inspection functions. I think one of the reasons is that Early Years policy and Early Years development has moved rather quickly over the last three or four years. Good examples are Early Excellence Centres and the Neighbourhood Nursery Initiative and Sure Start centres and they move more quickly than the law governing inspection and regulation, so we do not catch up. What we then have to do is to try to join together or mix and match a little bit our legislative powers in order to deliver a coherent inspection programme and because of that there are some discrepancies pointed out by the Early Education Association, which is a fair comment, but my plea is that we are bound by the legislative programme under which we inspect.

Mr Bell: "Declunking" may not be altogether straightforward because sometimes people say to us that what we need is just a single inspection framework that will cover every child in every conceivable setting between, say from birth to the age of five and I think that sounds like a great idea and then you think whether we are actually saying that there should be a single framework that applies absolutely in the same way to a childminder looking after a couple of children and a maintained school with a nursery class. There will clearly and quite properly be elements that should be consistent in the early education of children, but I think we have to be sensitive so that in the legitimate desire to gain consistency we do not end up with something that really is not fit for purpose.

Q49 Mr Pollard: Do parents understand that?

Mr Smith: That is a question I cannot answer. I find it difficult to understand sometimes and I am a parent.

Q50 Mr Pollard: I am a parent of seven children. Can you match that?

Mr Smith: No, I cannot, but I am working on it!

Mr Taylor: It is quality not quantity!

Q51 Mr Pollard: We talked about parents just briefly then. Parents who entrust their children to a day care provider and complain do not get included in the feedback loop and that has left a big hole. What is your view about that? Is that fair on parents?

Mr Smith: This is a difficult area for us and I would not wish to pretend to the Committee that it is not and indeed your Chairman has personally intervened in this area. There are two strands to it and I hope you will not mind me explaining a little bit of the detail. One is the complaints history of the institution or childminder. David has no power to publish a complaints history. This is an issue that was particularly relevant to the Osborne family

whose child died with a childminder prior to Ofsted's role. One strand is the complaints history of the place. If you are a parent, unless you have their free will then you cannot get at that and that is because David's powers in terms of publications in the Early Years sector are very different from his powers in the schools sector. I think we explained this last time. We have written a very detailed letter to your Chairman about it. His powers are constrained by the Data Protection Act and the Human Rights Act. The other strand is that if a parent complains they do not get a decision from Ofsted that says that complaint is upheld or not upheld. What they get is a letter that says, "This person continues to be suitable to provide day care," and that is actually not what they want. What they want is to know whether their complaint is justified or not. We cannot tell them that for the same reasons that I have described and we have delved deep and hard with government solicitors to find ways to change that. Your Chairman is very keen that we should do so and indeed has approached the Secretary of State about that. We have three strands of that approach. We would like to bring change about in primary legislation that would enable the Chief Inspector to report more widely and we are looking at the window that may present itself in terms of *Every Child Matters*. Let me just step back. We are also looking at that window in relation to "clunky" inspections and whether we can do something there. The second strand is that we can make some changes in the regulation—we do not make the changes in the regulation, the Department makes the changes in regulation which we can then implement and the Department, with our advice and influence, is now consulting in two separate sections in the New Year about how we can extend this a bit. The third thing is that we can do something ourselves, if we can. The only thing that we found sensible to do is to bring in a voluntary scheme where, if the provider agrees, they can disclose the details of the complaint and its outcome. We brought that in in mid-July and that is up and running now and we have had some response.

Q52 Mr Pollard: I fear that when this new role is undertaken by Ofsted it may drive underground some of the child care provision because of the inspections. Have you got a feel for that? Has anything like that happened?

Mr Bell: We have been quite clear that where child minding is being done illegally we would pursue that and it is absolutely proper that we do and there have been one or two cases that we have taken to force action against illegal child minding. In a sense that has been dealt with properly. In terms of family and so on, the arrangements that have applied historically did not change in relation to child care. This is all about child care in a sense which is contractually entered into for a certain period of time, a week and so on. I cannot answer your question directly as to whether people have stopped it. I would not have thought they would have

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because the legislation that drives our work was not affecting families who make their own arrangements with other members of their families.

Mr Smith: It is a proper concern. There are two pieces of evidence. Firstly, the number of child care places is growing.

Mr Pollard: Good!

Mr Smith: So that would suggest that Ofsted, either through its registration programme or its inspection programme, is not a barrier. Of course it could be argued it may have grown more, but we do not know that because it is entirely speculative. The second thing is that we do conduct MORI-type work with providers who have been inspected and we conducted a major exercise last year and the feedback was in the 90+% range right across the piece in terms of people's experience of inspections and that relates back to previous comments about the schools.

Q53 Mr Turner: This is a question for the Chief Inspector. You were quoted in the *Sunday Telegraph* as saying that disruptive and dishevelled upbringing left children ill-prepared for education. Do you not think it would be valuable if you could comment on that in relation to individual schools rather than use proxies such as free school meals?

Mr Bell: It is quite difficult to get at. I was very clear when I was being interviewed by the *Sunday Telegraph* that I was speaking very much on the basis of what head teachers and teachers were telling me rather than inspection evidence that we had. We had a very limited amount of inspection evidence on that specific subject through our work in early excellence centres. So you are right, it is quite difficult to get at. I thought about that after this all came into the public domain perhaps in a way that I did not expect, but it is quite difficult. David Taylor referred earlier to schools' self-evaluation and the head teacher's statement in advance and there is a good opportunity there for head teachers to comment on the prior experience of children coming into school and to try to provide some of the context against which the teachers are working with the pupils that they have got. I think it is interesting that since I made those comments at the end of August there have been a couple of independent research projects, including one that the DfES published, that demonstrated the absolutely crucial importance of parental support in advance of children going to school and really nailing down some quite tight evidence on that. So it is there and there is a lot of attention being given to it. I am not sure we can go much beyond doing what we do at the moment in terms of inspection to get at this issue.

Q54 Mr Turner: Is that because you do not have the evidence or because you feel it is outside your scope?

Mr Bell: I think methodologically it is quite difficult to get at. What kinds of things would you be looking at? How could you measure them? What head teachers will tell you, of course, is that

children come into school with very limited capacity to speak in sentences, the children cannot settle to work and they cannot socialise with other children. These are all real and observable but they are actually quite difficult to get at systematically and therefore I think the kind of qualitative way in which we ask kids to do it, put that down as a statement by way of introduction, by context in your school self-evaluation, is probably as good as it will get rather than trying to find some very rigid measures to say X number of children can sit for Y number of minutes. So I think probably it is about as good as it will get at the moment.

Valerie Davey: I think Committee members might come into that category if we are not careful.

Q55 Mr Turner: We have had a submission from one of your inspectors who says, "The Government claims, on the basis of improving Ofsted reports, that standards in schools are rising are misleading. The nature of inspections has changed since Ofsted began. The changes in the 2000 and 2003 handbooks have led to less objectivity by inspectors. The largest single factor in this is the requirement to feed back verbally to teachers immediately or soon after a lesson is observed. Many inspectors are now grading teaching higher than they did previously because of the potential confrontation with teachers."

Mr Bell: I found that a curious submission because the inspector appeared to be implying that if you talked to teachers and fed back on their work somehow you had corrupted the process. You have to say to yourself that it does seem rather strange if that is the perception. One of the things that is important about inspection is trying to provide not just institutional level feedback at the end of the process and ultimately through a published report, but, where possible, short feedback to individual teachers about what has gone on. That just seems to me sensible to do. As far as the suggestion that somehow inspectors are going soft because they have to do it is concerned, that is something that we will have to keep under review. I will certainly not move from the position that inspectors have a responsibility to provide feedback because if they are not able to provide that feedback to teachers I do not really think they should be inspecting.

Q56 Mr Turner: So you do not believe that there is too much emphasis on feedback, as this submission suggests, on negotiation and inspectors are losing their objectivity as a result?

Mr Bell: Certainly not negotiation, that is a really important point and again I think I would be concerned about the behaviour of an individual inspector if they thought it was about negotiation. We are very clear that inspectors should be feeding back and telling us what they have found, what they have seen and that is the general principle. At the end of inspections inspectors will correct matters of fact. Matters of judgment are non-negotiable. That is the principle behind the

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inspection system. As far as the system generally losing objectivity is concerned, I just do not think there is evidence for that at all.

Q57 Mr Turner: How do you demonstrate that?

Mr Bell: We do pursue on-site our monitoring of inspection because our subjects and quality assurance division go out on-site and monitor inspections and see how they are being conducted, so they can watch all elements of that. We follow up any particular concerns that we might have about individual inspectors. For example, if complaints are made that might lead us to look at the work of an inspector on-site. We have at our fingertips all the data in relation to the inspection grades awarded by individual inspectors and we can look at patterns of grade award and so on. We look very carefully at this because the general point is right, the system's credibility could be undermined if it was seen to be going soft. The thing that I find rather paradoxical about the comment about feedback is that often teachers would criticise us for not providing enough feedback and not having enough time to provide feedback, but then you are down to the simple logistics. I think the important principle is that feedback should be there during inspection.

Valerie Davey: Paul wants to make another comment on the satisfactory issue.

Q58 Paul Holmes: Your new manual for training for the inspections that started this September contains the section that says, "teaching that is generally satisfactory with little that is better merits a judgment of unsatisfactory owing to a lack of aspirational teaching". You are now telling your inspectors that satisfactory schools and teaching should now be judged unsatisfactory. If that is so we might expect to see a big jump in the number of failing schools. You gave us some figures yesterday showing that comparing September to October this year 2003 with September to October last year there has been a 35% increase in schools being judged as needing to enter special measures and a 30% increase in schools judged as having serious weaknesses, is this because of your new ruling that satisfactory is now unsatisfactory?

Mr Bell: If I can take the second point and perhaps David might want to come in on the satisfactory issue. Those are early figures, we are talking about the first half-term, September/October, and clearly you are right those figures suggest what you have described but frankly I think it is too early to be drawing judgments. I look at the paperwork in association with every school that is going into special measures and the kind of evidence I am looking at is not, as it were, simply attributable to one factor, it rarely is in schools going into special measures. As I said earlier in response to a question, there is a separate question and concern that we should have if a pattern of schools continuing to go into serious weakness and special measures emerges over the year as a whole, that is a separate discussion, but I think it is rather early to talk about

a trend and it being attributable to this or that. Certainly the evidence I have looked at is not down to one particular factor.

Mr Taylor: I may have shot my bolt on satisfactory last time. I think it is important just to underline that what we are saying is that if there is an unrelieved diet of education which never rises above the midpoint of a seven point scale then overall as a judgment on the education received by those pupils in that school this is not a situation which is good enough, which is satisfactory. There is a distinction, and it is a fundamental distinction, between a grade on the quality of teaching in one lesson and an overview of the whole school based on what might be 100 lessons. If you see one lesson that is satisfactory that lesson is satisfactory, if you see 100 lessons that are only satisfactory you may be entitled to draw the conclusion that we have drawn that overall this is not a good enough standard of education. I also want to add, that we are constantly trying, this is why we have a new framework and additional training, to make sure there is not a slippage in inspectors' standards, that we do keep the intellectual muscles and the judgmental muscles of the inspectors fully toned. I believe when you have a new framework it is a chance to say, "we are here standing for very high standards, we expect you out there in the field to be making sure that those are maintained". I think when you have a new, if you like, boost to the system through a fresh inspection framework and training you may expect that inspectors are going to be on their firmest and best behaviour as they implement it.

Mr Bell: If I can make one further quick observation on that, I have spoken to a number of heads who have undergone inspection since the beginning of September, they have said that the interesting issue for them is not the satisfactory/unsatisfactory borderline, for them the sharper and clearer criteria we have given to distinguish good from satisfactory has proved to be quite interesting in their own schools. They are not criticising it, they are saying that sharper distinction really has helped them as heads as well as inspectors to get at the distinction between good teaching and satisfactory teaching.

Valerie Davey: We must leave it there because we must spend some time on post 16.

Q59 Mr Chaytor: How long before Ofsted takes over ALI?

Mr Bell: Goodness! We have only had the post-16 inspection arrangements running for a couple of years, when I went into the third year of inspection, and we worked together properly, as we have to and should do, with the Adult Learning Inspectorate, so that is not on the radar screen as far as I am aware.

Q60 Mr Chaytor: Given the direction in other parts of your work, particularly the inspection of all children's services and the understanding of the relationship between preschool and primary, what is the case for having a separate inspection post-16 because it simply means that the same curriculum delivered by different institutions is inspected by two different inspectorates.

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Mr Bell: What I would say is that most colleges who have undergone inspections since the autumn of 2001 would say that they cannot see the joins, if I can put it that way. Although Ofsted and ALI do inspections jointly people never say to us, “that was the ALI bit or that was the Ofsted bit and they were clearly in contradiction with each other”. Operationally it is working reasonably well.

Q61 Mr Chaytor: Does that not strengthen the argument for a complete merger?

Mr Bell: It might but it is really beyond my responsibilities to comment on that. What I would say about integration is that interestingly although we have the lead responsibility on *Every Child Matters* it is not integration in the sense that we are subsuming all of the inspectors from different inspectorates into Ofsted, in some ways that was the Early Years model, where all of these inspectors were brought in from local authorities up and down the country and they all came to the Ofsted. Under the *Every Child Matters* arrangements we will be leading inspections, that is very clear, but we will have to work alongside other inspectorates. Ofsted has had a history of working with other inspectorates, formally with the Audit Commission on LEA inspections but also in informal and occasional ways with the Social Service Inspectorate, sometimes with joint inspections of local councils. Last year we worked very successfully with the Criminal Justice Inspectorate looking at the Street Crime Initiative, and so on. It is incumbent on inspectorates to work together where they are required to do so and the case for integration or merger is a separate issue. For the sake of those being inspected and for the sake of good accountability we need to make the arrangements work we have at the moment.

Q62 Mr Chaytor: Moving on from inspections or institutions and looking at the issue of area inspections post-16, in your strategic plan you establish as an objective the assessment of national strategies for improving education in the 14–19 age group, what is your assessment of the national strategies of area inspections and the role of the LSCs in implementing the recommendations of the area inspections?

Mr Bell: Again this is where the timings did not coincide, Ofsted began inspecting area provisions 16–19 in 1999 and then under the Learning and Skills Act we were given the responsibility to carry out 14–19 area inspections and we are very early into that cycle of inspection. There is going to be a very interesting overlap with the findings of our inspection and the work of Learning and Skills Councils and other local players when it comes to the Strategic Area Reviews that are being carried out. In the some cases the inspection will be prior to the Strategic Area Review and arguably that will be a very useful analysis of the state of provision 14–19 and it would help, one would hope, to drive the Strategic Review. In other cases because of the timing, the timings do not fall into synch, we will be inspecting 14–19 provision after a

Strategic Area Review has been carried out, but that may be no less valuable because of course then we will have the ability to look at the early evidence of what has happened in the light of strategic review. On the specific point about the LSC role, I think it is a complex area of governance, if I can put it that way, 14–19, because you have a whole variety of players, you have the LSC clearly with responsibilities, you have the local education authorities retaining important responsibilities, many of which incidentally go well beyond the school functions but would involve other services, and of course you have the individual institutions, colleges and schools. In a sense nobody has absolute power over the whole system. A lot of this has to be done within the context of what the LSC is leading but with the consent of others. I think it is an interesting question, and I do not have an answer to it at the moment, about how the LSC are going to carry this out.

Q63 Mr Chaytor: Can I suggest one or two answers, what you are doing, Mr Bell, is describing the structures we have but I think we are trying to tease out of you what is your assessment of the effectiveness of those structures. In describing it in such length are you implicitly saying, “we have an over-complicated, over-bureaucratic, ineffective set of arrangements between 14–19”?

Mr Bell: I think that remains the question and I think it is fair to say that it is probably too early for us to say.

Q64 Mr Chaytor: How long do we have to wait?

Mr Bell: We are carrying out inspections across the 47 LSC areas over the next three or four years so we will have an overview at the end of that period but it would be fair to say after a year or so we are going to be able to draw upon our evidence of the first 14–19 area inspections.

Mr Taylor: The timetable for evaluation is a complex one and if you look at the Government’s strategy for 14–19 and the phased implementation of that we are actually moving into what for even David Bell might look quite a long way in the future, and for me it is well off the sight line. I think we really have to say that 14–19 is a very complex area, the lines of accountability are complex but it is also complicated in terms of curricula change. We are doing a number of probes into specific aspects of that change, an increased flexibility programme for 14–16 year olds, Pathfinders, all of these initiatives which are breaking up the rigid separation between schools and colleges. I think we are hoping to be able to give early advice to Government, to the Tomlinson Committee, and so on, on the direction of change in 14–19, but to evaluate that strategy in the round is certainly going to be something for possibly even your successors.

Q65 Mr Chaytor: The area-wide inspections of all 47 LSCs will be all completed by September 2006, that will be 18 years after the Education Reform Act which set the process of proliferation of small sixth forms in schools underway and 13 years after the

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incorporation of FE colleges which created this internal market of FE colleges. Do you think that is an acceptable way for Government to manage arrangements for 14–19? A whole generation has gone by and yet we still have not come up with a sensible way of Government intervening and planning and we are still debating it and producing more inspection reports. When does Ofsted say to the Government, “this is what you need to do”?

Mr Bell: I think one can draw an important distinction between what is happening nationally to make things work and what is happening locally. We will find, as we have already found in our first published 14–19 reports, a variety of approaches and actually in some places it looks more coherent than it does in others already. In a sense we are not waiting for the never, never to make an evaluation of what is happening in particular areas, we can make those points and they should have an impact on young people’s lives and education soon. That is an important point to make, we are not doing nothing until the end of the process. It is, however, difficult to make a judgment about the national picture and the national scene. What you have described is right, those sort of milestones that you have described are right but as David said a moment or two ago it is not going to get any more straightforward because if you take what has been said publically about any changes that might come from the qualification structure in the light of Mike Tomlinson’s work that could be another seven or eight years given what has been said about changes within this decade. I think we just have to accept, certainly for the foreseeable future, that we are going to be in turbulent times when it comes to 14–19 provision, but that should not deflect us from what we can all do now to make a difference to the life chances of young people in schools and colleges and elsewhere.

Q66 Jonathan Shaw: You will have seen the submission from the Association of Colleges where they felt that some colleges were penalised because of the inspection process, there was criticism where there was a lack of completion amongst students and clearly colleges take students who have a history of poor achievement. Is it right that you should be penalising them in this way?

Mr Bell: We do not, as it were, simply penalise colleges on the basis of one particular indicator or not. We have said to this Committee, and it is something that I can repeat today, that we are very sensitive to the issue of getting a better basket of indicators to enable us to make proper comparisons between different kinds of post-16 provision. We said last year in the Annual Report that generally speaking sixth form colleges and school sixth forms in achievement terms will do better than general Further Education colleges but we immediately went on to say that they are serving different sorts of populations. I will not pretend we have got there yet but the task is to try to find an appropriate basket of measures. The one slight concern about the AoC submission is the suggestion that this is the case

everywhere, it is not the case everywhere, we know some general Further Education colleges are more successful in meeting the needs of students and helping students to remain in education than in others. I think we are right and I should acknowledge the work that we are doing to try to get a better set of indicators but we should not suggest that somehow all FE colleges are the same and because one college is not very successful at retaining students that applies in every case because it certainly does not.

Q67 Mr Turner: I would like to refer to your joint report with the Audit Commission on school place planning. You refer in paragraph 10 to the reduction in surplus places, primary 9.5 to 9.0% and secondary from 11.6 to 8.6% as a result of which you say “authorities have been able indirectly to promote higher standards in schools and scarce resources have been released for spending more efficiently on other things than surplus capacity”. Are you saying that that use of resources is a better driver to improved performance than competition between schools?

Mr Bell: I do not think we said that. I do not think that it is quite as straightforward as saying it is one or the other. I think it is very interesting, certainly speaking from my experience as a Local Authority Chief Education Officer that there was always this paradox, on the one hand you were being driven to reduce surplus places and people would say to you, “you are reducing choice” and you would say, “yes, but we are being told to reduce the surplus places to free up the resource”. There is always a paradox there that if you make more efficient use of the places you have and free-up money to invest you may then remove some choice in the system because there are less surplus places. I do not think it is a case of one driver is more effective than another, I think there have been many benefits over the last 15 years or so of local management where schools have in a sense laid out a stall and have developed their own distinctive identity and parents have been given more information, all of those things seem to be absolutely right. What we tried to do in this report—and I believe I am coming in front of the Committee in a couple of weeks to talk about it—is to make the point it is not as straightforward as sometimes it is made to be because there are difficulties associated with this whole very complex area. I believe I am back a week on Monday to discuss in some detail this whole report.

Q68 Valerie Davey: We are having David Bell back on this specific issue.

Mr Bell: You have given me good advance warning to think about it.

Valerie Davey: Thank you all very much for a fairly intense and wide-ranging session. We are most grateful. It is not six months, as it sometimes is, before you are back because, as you rightly indicated, in the context of our report on school admissions you are coming to give evidence fairly soon. Thank you all very much indeed.

**Memorandum submitted by the National Association of Schoolmasters and Union of Women Teachers
(NASUWT)**

SUMMARY

1. The submission by NASUWT relates to all aspects of the work of Ofsted. In particular, the Association's evidence to the Select Committee recommends that:

- a review of Ofsted is undertaken in order to take account of its impact on educational standards and teacher workload in schools and colleges;
- the inspection framework be amended to ensure that it contributes effectively to reducing the problems of excessive workload and bureaucracy in schools and colleges, which operate to the detriment of effective teaching and learning;
- a detailed cost-benefit assessment of Ofsted's work should be undertaken with a view to supporting the future development of an efficient inspection process which is coherent and takes account of other existing mechanisms for school improvement;
- the workforce remodelling agenda be firmly embedded in the Ofsted framework and inspection process;
- the various inspection frameworks are rationalised;
- the current private contracting system is replaced with a smaller, permanent group of professional, qualified and trained inspectors;
- agreed criteria for identifying those schools with problems are introduced;
- specialist inspectors are provided to work with LEAs to support school improvement;
- the non-statutory elements are removed from the inspection schedule;
- a comprehensive range of equalities indicators is used to inform the inspection process;
- the use of surveys to canvass student opinion are abandoned;
- an independent body is introduced to which Ofsted would be accountable;
- a fully independent appeals mechanism is established;
- the efficacy of school self-evaluation as a means of reviewing school effectiveness is examined together with the ethically dubious practice of Ofsted incorporating this in its framework and then marketing its own self-evaluation model and commercial products to schools;
- the response of Ofsted to the new duties placed on it under the amended Race Relations legislation should be examined;
- detailed consultation takes place on the establishment of agreed criteria to be used by Ofsted in evaluating performance management processes in schools.

2. The Association's submission addresses a number of themes relevant to Ofsted's work:

- Ofsted's current work;
- the future work of Ofsted;
- Ofsted's accountability;
- inspection burdens;
- establishing work/life balance for teachers;
- self-evaluation;
- equality and diversity;
- performance management;
- transparency;
- post-16 education;
- LEA inspection.

3. NASUWT would be pleased to provide further information or commentary to the Select Committee upon request.

OFSTED'S CURRENT WORK

4. There remains a need to consider the future purpose of, and rationale for, school inspection. This must be addressed in a manner which takes account of the prevailing context where a number of mechanisms exist within schools, as well as locally and nationally to support school improvement.

5. NASUWT finds that Ofsted has made a highly significant contribution to the development of a national comparative database of school performance based on the process of a nationally driven system of school inspections. This statistical database obviates the need for an elaborate and extended system of school inspection, which is both time and resource intensive.

6. There is considerable evidence available presently to indicate that the outcome of an individual school inspection may be predicted with some confidence in advance of a visit to a school, where proper recourse is made to the available statistical evidence.

7. Indeed, by making better use of the available statistical databases, it would be possible to focus and develop the inspectorial and support role of Ofsted by targeting only those schools which appear to be at risk of failing.

8. Moreover, the Association believes that there continues to be a gap in public and professional confidence in respect of the inspection system, which has been criticised as:

- overly dependent on the use of unreliable and subjective perceptions sourced from the practice of classroom observation;
- unduly stressful for school staff and pupils;
- widely perceived as punitive, demoralising and demotivating;
- unpopular with education professionals;
- variable between different inspection teams; and
- unable to ensure that inspection teams have recent and relevant experience and a successful track record in the subjects and phases they are inspecting. Moreover, neither are inspection teams, in general, representative of the school population.

9. Despite some recent improvements, the majority of teachers continue to approach the Ofsted inspection process with dread. There is little doubt that responsibility for this lies with Ofsted, the Government and the continued promotion of a crude and simplistic discourse about educational standards, which castigates and diminishes the efforts of schools, teachers and pupils alike.

10. NASUWT has undertaken numerous surveys of teacher workload. Consistently, these surveys have identified that for headteachers and classroom teachers one of the greatest sources of additional workload is the Ofsted inspection process. There is no doubt that the stress and diversion of effort in the preparation for inspection, the “performance” expected during the inspection period itself, and the conduct of the post-inspection review has a major impact upon both the professional and personal lives of teachers.

11. As well as the cycle of school inspections, Ofsted carries out inspections into other areas which can, and frequently do, result in additional visits from inspectors. The problem of inspection overload must be addressed as a matter of urgency.

12. Furthermore, the Government Circular 2/98, “Reducing the Bureaucratic Burden upon Teachers” highlighted the need for schools and Ofsted to reduce the workload of teachers relating to inspections. In spite of the Circular there is little evidence of a reduction in workload.

13. NASUWT has received a constant stream of reports regarding:

- the lack of transparency in the work of the inspection teams;
- the lack of consistency in the oral feedback given to classroom teachers about their performance;
- the lack of consistency in inspection judgements;
- the lack of consistency in the time spent in classroom observation;
- the failure of some inspectors to observe the guidelines regarding the confidentiality of feedback; and
- the failure of some inspection teams to follow the Code of Practice.

14. Teachers have also reported a disparity between the judgements of Ofsted, HMI and LEAs, which has led to confusion, frustration and disillusionment with the system. This lack of consistency must be addressed by establishing a unified system of inspection and support.

15. Moreover, with as many as 14,000, mostly part-time, inspectors working for over 240 separate contractors, it is inevitable that procedures and judgements vary significantly.

16. One of the most frustrating and unfair aspects of the Ofsted inspection process for teachers is the inability of schools or individual teachers to have redress against damaging and inaccurate judgements. Although there is a complaints procedure, the integrity of it must be questioned. The redress offered to schools where an appeal is upheld is the threat of another inspection. It is hardly surprising that teachers have such little confidence in the system.

17. The cost associated with the Ofsted inspection regime is a major area of concern. The money invested annually in Ofsted far outstrips the investment made to comparable areas of public sector audit, such as the work undertaken by the Audit Commission.

THE FUTURE WORK OF OFSTED

18. NASUWT asserts that there are undoubted advantages in a system of rigorous quality management of education services. The case for some sort of independent audit to make schools accountable and to facilitate educational and organisational improvement is not at issue. NASUWT is not opposed to an inspection process. However, the process should be supportive as well as inspectorial. It remains to be demonstrated that the most appropriate system is in place.

19. The National Agreement “Raising Standards and Tackling Workload” should provide an important focus to the work of Ofsted. The Chief Inspector has previously, together with the QCA and DfES, issued advice to primary schools on reducing workload and bureaucracy associated with planning.

20. The process of school workforce remodelling must be supported by an inspection framework which recognises and understands the purpose of the contractual changes that have occurred and the important demarcation between teachers’ roles and the roles accorded to support staff in schools. The fundamental intention of the provisions of the Agreement is to raise standards by freeing teachers to concentrate on teaching. The implementation of the Agreement is therefore crucial and Ofsted has a key role to play in monitoring this.

21. NASUWT strongly recommends that further action is needed to ensure that the workforce remodelling agenda and new contractual duties for schools are fully and firmly embedded in the Ofsted inspection process. Ofsted has a key role to ensure that educational standards are supported by effective action in schools to reduce workload. Additionally, NASUWT recommends that a change to the new school inspection framework is now needed, coupled with training on the implications of workforce remodelling for all inspection teams.

22. There has been a massive increase in inspection activity within the pre- and post-16 system which has engendered confusion, complexity, duplication and overload.

23. There are substantial direct and hidden costs associated with the current inspection regimes which is not matched by the benefits of inspection. A full cost benefit analysis of the Ofsted inspection system must be undertaken as a matter of priority and as a basis for securing the requisite levels of professional confidence.

24. There is a considerable body of independent research that is broadly critical of the design, operation and effectiveness of Ofsted. In spite of recent reforms to the inspection framework, significant concerns remain about the scope of Ofsted’s role and the conduct of inspection teams on the ground.

25. The Association proposes a number of changes to the inspection system, as follows:

- Rationalise the various inspections frameworks in a way which delivers real benefits for schools and colleges and which minimises the burdens on institutions.
- Replace the current private contracting system with a smaller, permanent group of professional, qualified and trained inspectors who have recent and relevant experience of teaching.
- Introduce agreed criteria for identifying those schools with problems and where an inspection is appropriate, working within a newly agreed framework.
- Provide specialist advisers to work closely with LEA inspectors to support school improvement.
- Ensure that non-statutory elements are removed from the inspection schedule.
- Ensure that a comprehensive and appropriate range of equalities indicators is used to inform the inspection process.
- Abandon the use of surveys of student opinion.
- Introduce an independent body to which Ofsted would be accountable.
- Introduce a fully independent appeals body with powers of redress.

26. There are further critical issues to be addressed in respect of:

- the relationship between school inspection, self-evaluation and performance management;
- the role of Ofsted in assuring social inclusion and anti-discrimination;
- the quality of the school inspections process and its implementation; and
- the standard and consistency of inspection reports.

OFSTED’S ACCOUNTABILITY

27. NASUWT remains unconvinced by claims made about the merits of the school inspection arrangements in England as the basis for raising educational standards. Many teachers and parents would recognise that educational standards are not improved simply by measuring what takes place within schools. NASUWT asserts that it is due to the hard work and professionalism of teachers that improvements in teaching and learning have been secured.

28. Nevertheless, it is essential that Ofsted is held accountable for its work, and that it operates on the basis of a sound evidence base gained from its work in the field. In particular, it is essential that Ofsted report annually on the extent to which its work adds value to the existing arrangements for accountability, performance management and raising standards in schools.

29. The real costs of inspection must be balanced against the benefits derived to each school. This relationship is far from clear. Research undertaken by NASUWT has demonstrated that inspection arrangements have delivered poor value for money, whilst the impact upon teachers' lives, morale and retention has been significant and adverse. NASUWT calls for a review of the financial, professional and educational costs of the burgeoning inspection system to be undertaken, the findings of which should be subject to public scrutiny.

INSPECTION BURDENS

30. There now exists a mass of school performance information, targets, annual reporting arrangements and awards to schools and individual teachers which deliver a more than adequate level of public scrutiny and accountability, and which also assists the process of continuous improvement in teaching and learning within institutions. Nevertheless, and within this context, there has been an increase in the inspection burden on schools and teachers. NASUWT strongly asserts that the Government and Ofsted must act with courage to better exploit the high quality data that is available in relation to individual schools and by the improved use of value-added school performance data.

31. NASUWT asserts that the current inspection burdens have engendered confusion, complexity, duplication and overload. The Association would prefer a radical alternative model to be established which would substantially reduce these burdens. Such a model should:

- significantly reduce the amount of inspection time in individual schools;
- focus on assessing compliance with statutory requirements;
- review the efficiency and effectiveness of administrative and bureaucratic systems within individual schools;
- review the impact of national requirements and statutory guidance on teacher workload and on teaching and learning outcomes;
- make improved use of existing absolute and value-added school performance data sets as a substitute for school inspection visits;
- be supportive of the work of teachers and help foster a culture of learning within schools;
- be accountable in public and professional terms; and
- operate within a low bureaucracy framework.

ESTABLISHING WORK/LIFE BALANCE FOR TEACHERS

32. The Government and signatories to the National Agreement have rightly recognised the relationship between teacher workload and the educational standards achieved in schools. This is a key aspect of the National Agreement, which seeks to improve teachers' work/life balance through strategies to reduce their overall working hours.

33. The school inspection process has a critical role to play in focusing on the effectiveness of leadership, management and governance in schools as key drivers for workload reduction. NASUWT believes that the Inspection Framework should make explicit the statutory requirement on headteachers and governing bodies to ensure work/life balance.

34. The Association believes that Ofsted should be required to consult with the signatories to the National Agreement to examine the implications of the Agreement for the school inspection framework.

SELF-EVALUATION

35. NASUWT finds deeply unhelpful Ofsted's continued promotion of school self-evaluation as a means of reviewing school effectiveness. Moreover, Ofsted has adopted a position on this issue which is at best ethically dubious, given its attempts to market its own self-evaluation model and commercial products to schools.

36. NASUWT maintains that Ofsted, as the inspectorate body, should be concerned to evaluate the effectiveness of arrangements for self-evaluation which have been adopted by schools; and, in particular, to test the impact of the same on educational standards and teacher workload.

37. Schools are neck-deep in the administration of internal systems of planning, target setting, benchmarking, analysis and reviews of individual and institutional performance. The continued promotion of self-evaluation is becoming increasingly superfluous and evidence suggests that this strategy has served to increase the bureaucratic burdens on schools. The process is often at odds with the new statutory requirements to aid workload reduction.

38. Feedback to NASUWT demonstrates that the hidden costs associated with the conduct of self-evaluation are considerable and neither does the mechanism deliver rigorous public accountability.

39. NASUWT wishes to reiterate its deep concern that Ofsted has chosen not to review the effectiveness and impact of its own self-evaluation models. The Association believes that the continued promotion of self-evaluation will serve to add a further and unnecessary layer of bureaucratic administration within schools.

EQUALITY AND DIVERSITY

40. NASUWT has argued consistently that the current model of inspection fails to recognise the different challenges that schools face with regard to pupil intake (particularly the range of learning abilities), poverty and differing levels of parental and community support. It is unclear that the operation of the inspection process gives adequate recognition to the contextual differences between schools which is so critical to determining the outcomes that can be achieved by schools. It is welcome that Ofsted now acknowledges the importance of socio-economic factors as a determinant of school performance. It is essential that the Chief Inspector makes clear how such a recognition will in future impact on the conduct of school inspections and on the judgements reached by inspection teams.

41. Ofsted has a critical role to play as a public body listed under the Race Relations (Amendment) Act 2000. Importantly, Ofsted has invested in providing guidance and training for inspection teams on educational inclusion/racial equality matters. This follows serious criticisms by the Commission for Racial Equality and other bodies regarding Ofsted's apparent failure to address effectively issues of racial equality within school inspection reports. Given the new duties that apply to Ofsted under the amended Race Relations legislation, it is essential that Ofsted:

- consult openly on the development of its racial equality plan;
- identify and report on the arrangements it will put in place to assure racial equality in all aspects of its work;
- indicate how it will consult with teachers and the wider community in the ongoing development of its racial equality scheme; and
- report annually on its racial equality practice and the outcomes of its work in addressing racial inequality within its own structures and within those bodies subject to inspection.

42. The new requirements imposed under the Race Relations (Amendment) Act 2000 should not overshadow other equalities considerations; namely, the promotion of gender equality, tackling homophobia and religious intolerance, and the need for schools to meet their statutory duties under the Special Educational Needs and Disability Act. Ofsted must report on its work in these other areas of equality, and take full account of the wider equalities agenda in the preparation of inspection reports.

43. NASUWT believes that the arrangements for the conduct of Section 10 inspections must be adjusted to take proper account of the needs of special schools and pupil referral units. These provisions are disproportionately subject to negative inspection judgements, despite the perceived quality of the service they offer to young people. There remains a danger that the standards used in respect of mainstream provisions are applied inappropriately in the case of these specialist provisions.

PERFORMANCE MANAGEMENT

44. The introduction of performance management in schools has a number of implications for the operation of the school inspection system. At its most rudimentary, it requires that Ofsted consider the operation of performance management in schools and comment on its effectiveness. However, and more significantly, performance management, where it is operating effectively, should reduce the requirement for school inspection visits. NASUWT believes that a detailed consultation is required on the criteria to be used in the evaluation of performance management in schools and the implications of performance management for the future scope and focus of school inspections.

TRANSPARENCY

45. NASUWT welcomes the commitment made by Ofsted that inspectors should brief school staff on the inspection process and their involvement in it. This is particularly important in helping to demystify the process of inspection, allaying the fears of staff and should serve to enhance the transparency and professional ownership. It is important that a meeting with school staff takes place prior to the conduct of the inspection and on completion of the draft inspection report.

46. NASUWT asserts that improved dialogue is needed at all stages within the inspection process. This extends, in particular, to the feedback afforded to teachers after their practice has been subject to observation by an inspector. All too often, teachers receive little by way of constructive feedback on how the quality of their teaching could be improved. The abolition of the grading process should constitute an important development; however, and in order to engender professional confidence, it must be the case that

individual teacher profiles/grades should be used strictly for the purpose of informing overall judgements on the quality of teaching across the school/subject/phase and should not be disclosed to any party within the school.

POST-16 INSPECTION

47. Further clarification is needed on the operation of the 14–19 inspection framework and its potential impact on schools and colleges and on the workload of teachers. The developments in respect of 14–19 education are highly significant; however, NASUWT is concerned that the implementation of many of these changes will result in increased inspection burdens on schools and colleges. It is essential that these changes do not result in an additional inspection burden on schools and colleges.

48. NASUWT has recognised that the inspection burden has increased rapidly. There is a serious problem of duplication for those institutions unfortunate enough to be subject to multiple institutional, LEA, area or other focused inspection. This has generated unnecessary levels of stress for teachers and students alike. The problem of inspection overload must be addressed urgently as a central part of the Government's strategy for sectoral coherence.

49. The relationship between inspection judgements/reports and proposals for the reorganisation of 16–19 provision within an area must be made clear. This is a matter for Ofsted to address in conjunction with the Learning and Skills Council, the DFES and LEAs and in consultation with trade unions.

50. There is a need for clarity on the operation of the 14–19 inspection framework and its potential impact on schools and on the workload of teachers. It is essential that Ofsted/ALI develop and consult on a strategy to rationalise the various inspection frameworks in a way which delivers real workload gains for teachers.

LEA INSPECTION

51. NASUWT recognises the statutory basis for the inspection of LEAs and the contribution of an external inspections process in helping to raise standards of educational provision. LEAs should play a key role in guiding and supporting the work of schools and in helping to raise standards of teaching and learning. However, in recent years, many LEAs have been less equipped to fulfil this function as a result of increased financial delegation to schools, the impact of outsourcing of functions, and as a result of a plethora of legislative measures which have been taken by Government to reduce the extent of LEA powers for intervention. Indeed, the provisions regarding earned autonomy as set out in the Education Act 2002 will further weaken the control of individual LEAs in the running of schools. Moreover, in many areas, LEAs' capacity for strategic intervention to support schools in need has been compromised as a result of a number of recent policy changes.

52. Given this context, the Association believes that it is essential to extend the debate about the purpose and value of a comprehensive programme of LEA inspection which continues to test the performance of LEAs against an outdated set of performance criteria. Moreover, the activity and contribution of other bodies involved in running LEA services and those companies to be established/engaged in the provision of goods and services to schools should also be subject to a more rigorous quality assurance scrutiny, undertaken by Ofsted or another suitable body.

17 October 2003

Memorandum submitted by the General Teaching Council for England (GTC)

SUMMARY

The GTC is committed to developing thinking on a future accountability model which ensures public transparency and accountability, encourages teacher professionalism and trust, supports the development of teachers' informed practice and best informs school improvement.

The GTC has established a Collaborative Forum on the future accountability framework involving a range of key partners, including the Office for Standards in Education (Ofsted).

A principal aim of the Forum is to identify the policy barriers and opportunities for strengthening school self-evaluation within the accountability framework.

The conclusions and findings of the Forum will inform GTC advice to the Secretary of State for Education and Skills on this policy area in Summer 2004.

1. INTRODUCTION

1.1 The GTC is committed to developing thinking on a future accountability model, which ensures public transparency and accountability, encourages teacher professionalism and trust, supports the development of teachers' informed practice and best informs school improvement. The GTC intends to use the conclusions and findings of the Forum to inform its advice to the Secretary of State for Education and Skills on this policy area in Summer 2004.

1.2 Following a GTC seminar in April 2003 on school self-evaluation, the GTC has established a Collaborative Forum on the future accountability framework involving a range of key partners, including Ofsted. The Forum held its first two meetings in July and September 2003 and will meet a further four times in November 2003, January, March and May 2004.

1.3 The GTC's starting point is its commitment to a three-level model of school self-evaluation involving:

- rigorous internal self-evaluation involving all stakeholders;
- monitoring of and support for the processes of self-review by external advisers; and
- external audit and quality assessment.

2. TERMS OF REFERENCE

2.1 The purpose of the Forum is to:

- create a co-ordinated exchange of research, policy and practice;
- identify the policy barriers and opportunities for strengthening school self-evaluation;
- develop working papers to influence policy;
- act as a means of diffusion of practice to schools and Local Education Authorities (LEAs); and
- culminate in GTC policy advice to the Secretary of State for Education and Skills on the national accountability framework.

2.2 The Forum is examining the inter-relationship of inspection, self-evaluation, peer review, performance data, collection, interpretation and application, professional standards and performance management.

PROGRAMME OF WORK

3.1 In order to identify the policy barriers and opportunities for strengthening school self-evaluation the Forum is:

- reviewing issues arising from the current inspection framework, the existing role of school self-evaluation under the framework, and the perceptions of the longer term role of Ofsted, and the development of school self-evaluation;
- taking evidence from a range of LEAs and school perspectives concerning the impact of the Ofsted framework, including evidence concerning LEA/practitioner experience of the support for schools with serious weaknesses/in special measures;
- exploring how other areas of GTC policy and that of other organisations may support the development of an accountability framework with a greater degree of teacher professional judgement. One obvious example is the GTC's Teachers' Professional Learning Framework¹ and the way that it promotes professional learning as an opportunity "to take a leading role in school improvement and developing practice". Reviewing the relevance of and issues arising in current national policy agendas such as innovation, school networks and collaboration, diversity pathfinders and evidence of the experience of schools involved in shorter inspections; and
- exploring ways in which the rigour of school self-evaluation processes could be increased. This might include looking at effective models of collecting and interpreting data, practice in bringing together "hard" performance data and stakeholder attitudinal data. A further theme could be to review different approaches to evaluation.

MEMBERSHIP

4.1 The Forum includes one representative from each of the following organisations:

- Ofsted
- Department for Education and Skills (DfES)
- Audit Commission
- National Association of Educational Inspectors, Advisers and Consultants (NAEIAC)
- ConfEd (Confederation of Education Service Managers)
- Local Education Authority (LEA) practitioner
- Local Government Association (LGA)
- The Education Network (TEN)
- National College for School Leadership (NCSL)

¹ The GTC's Teachers' Professional Learning Framework offers a map of professional development experiences to help teachers and school leaders identify and plan for effective learning opportunities for teachers' to develop their practice.

- Parent representative
- National Governors Council (NGC)
- NCOGs
- National Foundation for Educational Research (NFER)
- The six teacher organisations
- National Confederation of Parent Teacher Associations (NCPTA)
- Teacher Training Agency (TTA)
- Representatives of the London Institute of Education and Sheffield Hallam University
- Schools Council UK

4.2 In addition, 10 schools have been invited to take part in the Forum. In addition other organisations, local authorities, schools, young people and researchers will be asked to contribute to the Forum on specific issues. Workshops on school self-evaluation issues for two respective groups of parents and governors will be organised during the lifetime of the Forum and the findings will be fed into the Forum's deliberations.

20 October 2003

Memorandum submitted by Elizabeth Derrington, Independent Complaints Adjudicator for Ofsted and the Adult Learning Inspectorate

SUMMARY

I investigate about 20 complaints a year, which Ofsted has failed to resolve internally, and make recommendations either to address specific problems or to improve practice generally

Ofsted has recently reviewed its internal complaints procedures to improve coherence and consistency, and has consulted me as part of the process.

The only recurrent problem that has arisen in early years complaints I have investigated is delay in processing registration applications.

I have investigated two post compulsory education complaints and identified scope for improving the working of the complaints procedure.

My overall experience of working with Ofsted has been very positive, and all my recommendations have been accepted.

SUBMISSION

1. My perspective on Ofsted's work is necessarily limited, because of my role. I investigate complaints that Ofsted has failed to resolve using its internal complaints processes, a total of about 20 per year. The sample of Ofsted's work that I encounter, therefore, is far from representative. It is also a very tiny proportion of the total workload of Ofsted.

2. As Independent Complaints Adjudicator, my two principal objectives are: to make recommendations for the resolution of complaints referred to me and to make recommendations for changes in practice (either with regard to inspection procedure or complaint-handling) that will help similar complaints arising in future. I also have an interest in helping Ofsted to ensure that individuals who are dissatisfied with any aspect of Ofsted's work have appropriate information to enable them to get easy access to the Ofsted complaints procedure.

3. I have recently provided comments to Ofsted on work that has been done to improve its internal complaints processes, and to provide greater consistency between the processes operated in different divisions. I have welcomed the opportunity to comment and have been encouraged by Ofsted's response to my suggestions. The outcome of the review should be a more coherent corporate approach to complaints, providing easily accessible guidance on how to complain, streamlined processes, and clear and consistent information on the availability of a completely independent review by the Independent Complaints Adjudicator.

4. The Committee has expressed an interest in receiving comments on the work of Ofsted's early years directorate. Of the 46 complaints referred to me to date, 10 have concerned Ofsted's responsibilities for registration and inspection under Part XA of the Children Act 1989. Given the number of registrations and inspections that Ofsted has carried out, this is a very small number (though I cannot, of course, be sure that all complainants who have been dissatisfied with Ofsted's response to their concerns have been aware of the availability of an independent review). Insofar as there has been a common theme, it has been the delays that can occur in the processing of some registration applications. As I have only seen a very small number of cases, I have no direct evidence on the prevalence of delays. I have, however, recognised that delays can have a serious financial impact on providers, who are often struggling to run a very small business or not

for profit organisation. I have encouraged Ofsted to adopt a policy on making payments in cases of clear financial loss attributable to administrative errors at Ofsted, and am pleased to say that a policy is now in place. This should allow cases of financial loss to be dealt with appropriately and consistently.

5. The Committee has also expressed an interest in receiving comment on Ofsted's responsibilities for post 16 education. I have dealt with two complaints on the work of the post compulsory education division, again a very small sample. Both have highlighted scope for improvement in the Ofsted complaint-handling process. Ofsted has responded positively to my observations and recommendations, and I have provided comments on a revised complaints information leaflet for providers of post compulsory education. I look forward to having further productive discussions with Ofsted on this issue.

6. Overall my experience of working with Ofsted has been very positive. I have had no difficulty maintaining an independent stance, but have also been able to develop a working relationship characterised by openness and mutual respect. Although my recommendations have not always been welcome, all have been accepted, and have, I believe, made a constructive contribution both in individual cases and in some areas of practice and procedure. I have been particularly encouraged by Ofsted's indication that it is adopting a more open and flexible approach to disclosing to complainants evidence that would, in the past, have been treated as confidential as a matter of policy. I believe that disclosure of inspectors' notes, in appropriate cases, could help complainants understand and accept inspection findings, and so enhance confidence in the inspection process.

20 October 2003

Memorandum submitted by the National Institute of Adult Continuing Education (NIACE)

1. SUMMARY

This response only relates to Ofsted's duties in relation to education and training for those over the age of 16. NIACE suggests that the Committee may wish to consider four issues:

- The real need for two separate inspectorates in post-16 education and training is not clear cut. Has the time come to propose one single consolidated service?
- Does Ofsted give sufficient attention, especially in annual reports, to adults in post-16 education provision?
- Has the national basic skills strategy been advanced or hindered by news coverage resulting from a recent inflammatory press release (NR 2003/107, 26 September) on the inspection of adult literacy and numeracy.
- How the term "satisfactory" is used in the language of inspectorate reports.

2. IN DETAIL

2.1 Two inspectorates with responsibilities in post-16 education and training resulted from the Learning and Skills Act 2000. Each inspectorate, Ofsted and the Adult Learning Inspectorate (ALI), takes part in inspections of FE colleges. It is not clear that having two separate inspectorates serves adult learners well. The Committee might wish to consider the case, on grounds of effectiveness and efficiency, for a single inspectorate.

2.2 The vast majority of students in FE colleges are 19 and over, and most college students are adults. A significant number of sixth form colleges are attended by adult learners. NIACE notes the limited reference to adult learners in Ofsted's reports, giving the impression often that young people aged 16–19 are the main and often only focus for colleges work. While acknowledging that the Act makes a clear distinction between the education and training of young people and those over 19, it is clear that in the light of the skills strategy and level 2 PSA target, Ofsted needs to be more sensitive in acknowledging the interplay and connectedness of provision for young people and adults. We suggest that the Committee consider seeking assurance from Ofsted that the quality of provision affecting adult learners will be given greater prominence in the future. The specific mention of adults in Ofsted reports would also keep the public and the LSC informed about all-age provision involving adults. The lack of visibility of adult learners in FE college reports has also meant that the quality of provision for adults often cannot be easily identified, thus impeding the spread of good practice.

2.3 NIACE was saddened by the press coverage of the thematic review of adult literacy and numeracy provision. The "spin" given on this appears to be from a poorly judged press release from Ofsted. The content of the report is a sound and helpful set of judgements on provision; its conclusions in tune with education and training providers' experience, and its recommendations helpful to the Government's strategy. However, the report fails to make clear that it was commissioned by the Adult Basic Skills Strategy Unit; and the press release completely fails to recognise that national developments (such as staff training) are underway but have only just begun,—and so have not yet had an impact. Neither does it acknowledge

that references to teaching and learning in “basic skills” unhelpfully lumps together literacy, numeracy and English for Speakers of other languages—and that poor quality provision may occur in one subject alongside entirely satisfactory provision in another

2.4 Finally, there is a technical question which the Committee may wish to clarify since it appears to be causing some confusion. The meaning of grade 3 “satisfactory”, used to mean that provision was good enough. Both inspectorates have raised questions about whether satisfactory teaching across the board is good enough. Phrases on public platforms such as “satisfactory at best” (meaning little good and very little outstanding) have raised some concerns. Clarifications on what “satisfactory” really means would be helpful.

3. CONCLUSION

The Common Inspection Framework and its use by Ofsted and the ALI has proved helpful to providers in the field (although there may be a case for fine tuning the framework to remove the apparent inconsistency that an institution can have poor grades for leadership and management while delivering highly-graded teaching and learning!). NIACE would, however, like to see Ofsted reporting more on the experience of adults in education, to complement the way in which this is done by the ALI. If the Government is to continue with two separate Inspectorates in the same industry (and we recognise that legislation would be necessary to change this), then greater attention may need to be paid to ensuring a high level of sustained co-ordination of activity (including over such matters as press notices). Providers need help and support; not castigation alone.

October 2003

Memorandum submitted by the Learning and Skills Council (LSC)

The Learning and Skills Council is responsible for the funding of sixth forms in schools, colleges and training providers in England. Given our responsibility to improve quality, particularly learners’ participation and success, we work closely with Ofsted, in respect of institutional and area inspections, and the actions which arise from them.

1. EFFECTIVE WORKING RELATIONSHIP WITH OFSTED

Improving quality requires close co-operation between Ofsted, responsible for judging quality and the LSC responsible for working with providers to improve quality between inspections. The relationship with Ofsted is positive and has become closer over the last two years. There is regular cooperation, for example, over the planning of institutional and area inspections. The appointment of link inspectors by Ofsted for each of the 47 local LSCs is helpful in developing understanding and improving working relationships. The LSC, DfES, Ofsted and ALI are working together on an important project to develop new wider measures of success.

2. RAISING STANDARDS

Inspection is an important tool in the drive to increase the success of colleges and providers. The LSC liaises closely with Ofsted in improving the performance of colleges found to be inadequate at inspection. The LSC welcomes the separate grading of the quality of school sixth forms, but it is too early to judge the overall significance of this.

3. MINIMISING BUREAUCRACY

Sir George Sweeney’s committee are working with the LSC in a drive to minimise bureaucracy. They have recently expressed the view that the establishment of one post-16 inspectorate for education and training would assist the minimising bureaucracy agenda. This would reduce duplicate requests to providers and the need for providers to familiarise themselves with differences in approach between the two inspectorates. It would also be valuable in ensuring that one inspectorate had a coherent overall view of education and training in all contexts and age ranges, to strengthen understanding and comparisons.

4. AREA INSPECTIONS AND STRATEGIC AREA REVIEWS

Collaboration between Ofsted and the LSC, both national and local, has been particularly important in relation both to 16–19 area inspections 1999–2003 and the new 14–19 area inspections, beginning this year. These provide valuable judgements on the curriculum and quality of provision available for 14–19, and quality available to 14–19 year olds, across an area. There has been good close working between all partners

to develop guidance for those involved in preparing for area inspections. The LSC welcomes Ofsted's commitment to closer alignment over the timing and location of area inspections. This will also be helpful in minimising bureaucracy.

Inspectorate judgements are valuable in informing LSC strategic area reviews. However, although there is co-operation with Ofsted about which areas are chosen for an area inspection, the relationship with strategic area reviews remains potentially difficult.

As the new strategic area reviews focus upon strategic planning issues, less focus on these by Ofsted, and more focus on judgements upon the quality of teaching and learning and the curriculum available, would be more helpful. This is where the unique expertise of Ofsted is best placed to make the judgements which will support improvement.

5. REVIEW OF THE IMPACT OF THE FIRST CYCLE OF INSPECTIONS UNDER THE COMMON INSPECTION FRAMEWORK

As we come towards the end of the first cycle of inspections under the Common Inspection Framework, it is timely to review the effectiveness of the framework and indeed the inspections since 1993, in securing improvement. Have the frameworks used by inspectorates been effective in securing improvement over the last 10 years? What lessons can be learned in securing improvement in the future?

Ofsted may wish to consider whether the inspection of an individual provider every four years sufficiently supports continuous improvement. Given Ofsted's role as the agency responsible for quality assessment, they may wish to consider a revised inspection regime with "lighter touch" inspection every four years supplemented with more frequent monitoring visits for those organisations judged to be less than satisfactory.

CONCLUSION

The LSC and Ofsted are partners in delivering the Government's education and skills agenda. The LSC welcomes the productive working arrangements that have been developed thus far and looks forward to strengthening and improving these ties in the future.

17 October 2003

Memorandum submitted by the Association of Inspection and Training Providers (AOITP)

1. STRATEGIC PLAN 2004–07

1.1 We welcome the publication of this corporate plan for its general clarity and ease of use as well as for its content.

2. INTRODUCTION BY HMCI

2.1 We note with interest the four principles on which the work of Ofsted is based and:

- We support unreservedly the continued constitutional independence of Ofsted.
- In focusing on its "extensive statutory duties" we believe that Ofsted has lost an opportunity to develop the non-statutory side by more extensively using the educational expertise available to it from the education market in a judicious mix of private and/or public sector providers.
- We believe that Ofsted has not rigorously pursued the principles of "Best Value" in determining whether to undertake work in-house or to seek to utilise the market. At a time of ever increasing market capacity and capability we are concerned at the extensive growth in the numbers of in-house HMI.
- We support "open reporting" to the public but believe that Ofsted should make even greater efforts than it has to understand what it is that parents and carers want to contribute to the inspection system and what information they want back from that system and the format and content of that information. In particular, there may be a conflict in this area of presentation between the "professionalism of the statutory role" and the more relaxed approach that disseminating information to parents and carers might call for.
- While we continue to support the Ofsted approach of "rooting advice and guidance" in robust evidence we feel that there is a role for Ofsted and the market to develop educational policy and strategy that requires an element of speculation or "blue skies thinking". We believe that this is currently an underdeveloped area of work and that it represents a lost opportunity for both Ofsted and the Government.

2.2 We support the concept of the "evolving inspection system" and we are pleased that a higher priority is to be given to the "improvement of inspection". Our concerns in these areas are as follows:

- “Active review” has historically meant that much of the developmental thinking has taken place within Ofsted and has been largely uninfluenced by the expertise available within the market. Consultation with the market has been mostly at too late a stage to affect the key principles or underlying philosophy and, in the main has been tinkering with decisions already made.
- Review has not been a partnership activity and the market has been frustrated at its inability to contribute in any meaningful way to the system which it is then operating within. On such limited occasions as we have had for input into the current “New Framework”, for example, it has been clear that many of the issues we have raised had not been considered by Ofsted or, where they had been considered, there was not a consensus on the way forward internally and our contribution was clearly not welcomed in that context. A concrete example is that of the debate over whether the New Framework would be “issues” or “curriculum” driven.
- We support the view that we should continue to make the inspection process less burdensome to schools but this process should be undertaken in partnership review with the market as we have to live with the consequences of decisions made which impact on our operational processes and sometimes have financial implications not reflected in our tender prices.
- We strongly support accountability and public reporting.
- Inspection should, of course, reflect the nature and circumstances of the provision being inspected. Performance is not independent of the operating context. What is important, however, is not to allow “context” to become an “excuse” or “reason” for poor performance. The system should contextualise performance but then identify what it is the provider has done to adapt to its context and respond to and overcome what are perceived as being the barriers to effective service delivery and improvement of standards.
- We are especially concerned that the effectiveness or otherwise of the LEA in supporting and challenging schools is not a focus of the inspection system given the impact this can be perceived to have had for good or ill on its schools.
- We welcome the focus on things that will make “a real difference to the quality of education and care” and look forward to a constructive dialogue with Ofsted on what these might be and how they might be measured and reported on.

2.3 Like Ofsted, we welcome the possibility of an integrated approach to the inspection of children’s services in an area, of which education would be one part.

2.4 Our view is that the “statutory independence” of Ofsted is best supported by inspection teams sourced from the open market that are free from the pressures of being “within the system” and are themselves seen as being independent. We are very aware of the pressures that are brought to bear on in-house teams and the distortions this can produce.

2.5 Given historical precedent, we would have little faith that Ofsted will involve the market in the development of an integrated approach despite a recognition in discussion with them that things usually turn out better in a partnership approach than when done alone. From our perspective, we believe there to be internal barriers within Ofsted that prevent them from operating in an effective partnership with the market. The oft-repeated line that this or that contractor may gain a commercial advantage by its involvement is not one that in our view either holds water or is insurmountable. Its effect, however, is to exclude rather than include.

2.6 We welcome Ofsted’s plan to evaluate in greater depth the impact of major government policies to which we would add “initiatives”. We would, however, wish Ofsted to use Best Value Principles and engage with the market in a dialogue as to how and where the market can help in this evaluation rather than, as we suspect will otherwise be the case, Ofsted undertakes all of that work in-house.

2.7 While we welcome Ofsted’s initiative “. . . to disseminate inspection findings more effectively” we believe this largely misses the point. All statutory agencies involved in education together with LEAs and schools subscribe to the principle of effective dissemination of good practice etc—that many do it badly is also beside the point. The education system is awash with good practice and dissemination—what Ofsted needs as a precursor to this initiative is to understand what the barriers are within LEAs and providers, including FE and HE, that prevent good practice etc from being implemented.

2.8 Putting out more and better information is not going to be effective if we do not first understand why information already in the public domain is not effectively transferred into current operational delivery and strategic thinking.

2.9 We would like to see the first of the bullet points under this second strand redrafted as follows:

- Making the best use of the considerable expertise of HMI and childcare inspectors *and of the resources available to us from the market.*

2.10 We have stated before, and we firmly believe it to be true, that there is more and greater expertise in the areas of school improvement and effectiveness in the market than there is within Ofsted. It is a concern for us that partnership with Ofsted over the last five or six years has not led in any significant way to the market to being involved in anything other than inspections, inspector training and some *ad hoc* materials development.

2.11 We support the third strand in this report but again, repeat our request for earlier involvement in the developmental process and effective consultation at the appropriate stages. We have little confidence that this will be achieved without a firm steer to Ofsted from the Select Committee.

2.12 In terms of Ofsted's objective "... we set ourselves the goal of being a well-run organisation ... " we believe that it has some way to go before it can claim to have met that goal. It is a source of concern to the market that Ofsted sets high standards for its contractors and, if it sets the same high standards for itself, regularly fails to meet them.

3. Section II: Schools and Colleges

3.1 We broadly welcome the thrust of this section and look forward to a formal opportunity of contributing to the "appraisal of current strengths, weaknesses and challenges".

3.2 We already work closely with Ofsted to maintain and improve the quality of all aspects of the inspection system for which we are responsible. We are not aware that there is any difference in outcomes between HMI led and market led inspections.

3.3 There are now no registered inspectors operating on a freelance basis—all work through inspection contractors and it is through and with those contractors that we would wish to see Ofsted working to further improve quality and rigour. We do not accept, and no-one has made the case, that "... there is a vital place for HMI, working alongside registered inspectors, in assuring the quality of inspections and accuracy of judgements."

3.4 Ofsted is again making the mistake of not understanding the difference between quality control and quality assurance and in the above statement it appears to be refocusing on the process and not, as we have maintained it should, on the outcomes of that process.

3.5 If there are perceived shortcomings that approach is intended to address we should state firmly that those shortcomings have not been raised with us as contractors nor have we been engaged in any dialogue with Ofsted around this issue.

3.6 HMI working alongside registered inspectors has the effect of blurring lines of responsibility and accountability and may throw the complaints process open to accusations of partiality if HMI are part of a team against which a complaint is made and that complaint is not upheld.

3.7 We would wish to be fully involved and consulted on any changes along the lines suggested above.

3.8 Having said that, however, we have on many occasions said that we are prepared to have HMI as part of contractor teams on an occasional, planned basis for professional development as we are very aware of the different cultural and operational contexts between HMI teams and those of contractors. That invitation has never been taken up and we repeat it again here:

Ofsted report sub-paragraphs in bold

2.1 Regular inspection of maintained schools. We note Ofsted's commitment to consultation and working with its inspectors and contractors on reviewing the New Framework. To date that commitment has not been fulfilled as effectively as it might and we welcome the focus this issue will have at the contractors' conference with Ofsted on 24 October. We are not optimistic, however, based on historical trends, that Ofsted will show itself amenable to a meaningful, ongoing dialogue. Our current dialogue with Ofsted on training needs and recruitment issues has been in fits and starts over the last three to four years, has been less than effective, unproductive in many ways and even now is the subject of considerable criticism from our members, especially on the focus given to numbers of recruits rather than on their inspection capacity.

2.2 Quality assurance. Language is important in conveying cultural values. We note that Ofsted will review and develop quality assurance arrangements and that it will work with us to improve quality further. We take that to mean that we will not be involved in the analysis but we will be involved in the subsequent delivery. We feel that we have important views to contribute here and that in a partnership approach to the continuous improvement of quality we would not detect the dislocation that this paragraph implies.

2.3 Monitoring schools causing concern. We have briefly touched earlier on the lack of any focus on the LEA within the S10 inspection system. Given the current belief that LEAs "make a difference" then schools that cause concern might be regarded as a failure of the LEA's own quality assurance and intervention processes. It seems appropriate to us that the S10 inspection process should have a view on the adequacy and effectiveness of the impact of an LEA on any given school in its area, more so when that school is underachieving, with serious weaknesses or special measures.

2.4 Inspection of independent schools. We have no comment.

2.5 Effects of national policy aimed at raising standards in schools. We would again suggest that the principles of Best Value be applied here. We collectively have more people on a daily basis in schools and LEAs and other provider institutions including FE and HE than Ofsted or any

other government agency. Many of our consultants are recognised nationally and internationally for the work that they do in all facets of education. Many subcontract their services to the big national consultancies and are involved in major DfES initiatives. A good number of our members are education consultancies in their own right and have made a major impact in various ways at local, regional and national level. We hope, and expect, that Ofsted will begin to make more use of that resource in this area of work.

2.6 Strategic review of inspection. We note the commitment to consultation in 2004. We would hope that a pre-cursor to that might be a diagnostic meeting/s between the client and its contractors who feel that they have a contribution to make in the early iterative stages of the developmental and review process and not just in consultation on a series of options or alternatives further down the road.

We have already given our support to better information for parents and integrating inspection of services for children and young people and do so again here.

We have some concerns over the quality of school evaluation, especially in the “reality gap” between the perception of some schools and what we find on the ground.

We support close targeting of inspections and more intensive monitoring of schools causing concern. We would like the option of being able to report on a school that does not fit into the current categories of “cause for concern” and where it is doing just enough to scrape by. For those schools we would like the option of inspecting them again 12–18 months later. This would not be a full inspection but a diagnostic check that might result in a request for HMI corroboration visits where performance has declined or not picked up as first thought possible on the original inspection.

4. FURTHER EDUCATION AND RELATED PROVISION

4.1 Given the changes to 14–19 education we believe there is a strong argument that this should form a seamless part of the inspection process that should be market led.

4.2 This is not the time or place to develop that argument but we would welcome the opportunity of commencing the dialogue with Ofsted and the Adult Learning Inspectorate.

5. TEACHER TRAINING

5.1 We are aware of many of the developments in the last few years that the TTA has initiated and broadly welcome them. As we have said earlier, we have more people in school for more days in a week than any other agency. We believe that we have considerable knowledge of teaching and teaching practices that would be valuable to both Ofsted and the TTA, especially in helping the latter inform the redevelopment and reshaping of ITT courses and content.

6. SECTION III: LOCAL EDUCATION AUTHORITIES, CHILDREN’S SERVICES AND AREA WIDE PROVISION

6.1 We have some concerns that the current LEA inspection regime is less effective than it might be. While we understand that government policy has moved away from direct forms of intervention and outsourcing there is, nevertheless, a need for LEA inspection to have the same rigour as the current S10 process. We do not believe that to be the case and would welcome the opportunity of developing this further with Ofsted.

6.2 We would, in particular, like to discuss a greater involvement for the market in the process over and above providing individual members for HMI led teams.

6.3 While we respect Ofsted’s statutory autonomy and welcome its discussions with other inspectorates to develop an integrated framework and methodology for the inspection of children’s services in local authority areas we are conscious that, for many of our members, S10 inspection work forms the mainstay of their business.

6.4 At present, we tender on an annual basis for our work and, at the point of the award, usually late-March no contractor has much more than 12 weeks worth of work left. This creates an annual instability within the market that has declined from around 100 contractors three years ago to around 26 now. That instability hinders long-term planning and investment decisions whether in infrastructure, hardware or people.

6.5 Ofsted consulting with other organisations on future systems of inspection will add further instability and hinder our ability to recruit and retain good quality staff and inspectors unless we are also regarded as a partner in the developmental process and offered meaningful consultation.

7. SECTION IV: IMPROVEMENT THROUGH INSPECTION

7.1 We would like to see an amendment to the final sentence of the preamble to this section to read: “This approach will draw on the resources and expertise of all directorates within Ofsted and from the market” believing this to be both within the spirit of partnership and that Ofsted is not the only source of knowledge in these areas. While we do not really expect an amendment to the document we hope that HMCI will give a commitment to make that proposed amendment a practical reality.

October 2003

Memorandum submitted by the National Association of Educational Inspectors, Advisers and Consultants (NAEIAC)

1. The National Association of Educational Inspectors, Advisers and Consultants wishes to submit the following comments on aspects of the current work of Ofsted to the House of Commons Education and Skills Committee, for consideration prior to its forthcoming meeting with Mr Bell. NAEIAC, as the nationally-recognised professional body and trade union for educational inspectors, advisers and consultants, is firmly committed to the belief that standards and quality of education can be improved through the intervention of professional inspection, advice, support, training and leadership, and enjoys regular contact with HMCI and Ofsted on issues of current concern to inspectors and to LEAs, schools and colleges.

SUMMARY OF SUBMISSION

2. Our submission may be summarised as follows:

- The recent publication of Ofsted’s Strategic Plan 2004–07 clearly points to an evolving and more open approach to the future of the school inspection system and the considerable information it generates, but also raises several practical issues connected with (a) the necessary objective of developing a “holistic” view of school and college improvement which effectively links up school self-improvement efforts with the range of external inspectorial and developmental services to schools and (b) the involvement and deployment of inspectors themselves.
- The new Strategic Plan also refers to Ofsted’s projected new role of leading the development of an integrated inspection system for all children’s services in local authority areas, and the allocation of this significant new responsibility is broadly to be welcomed, given Ofsted’s recent track record in administratively absorbing previously separate inspection regimes.

OFSTED’S STRATEGIC PLAN 2004–07: REVIEW OF THE SCHOOL INSPECTION MODEL

3. The newly-published Ofsted Strategic Plan 2004–07 is a significant document which builds upon several of the important themes outlined in the 2003–06 plan published last April and also embraces new areas for development. The interesting commitment to undertake a further review of the school inspection model over the next three years, aiming to introduce improvements during that period, is welcome in principle but also raises a number of related practical issues to be addressed in this era of richer school performance data and the enhanced use of information technology to analyse results and trends. NAEIAC has no doubts about HMCI’s strong basic commitment to maintaining an independent and suitably rigorous school inspection regime. In addition, the stated objectives here (para 2.6) include a valuable emphasis on “a close link between inspection and (school) self-evaluation and use of improved performance data”. HMCI’s introduction to the document, however, rightly refers to this review “as one aspect of the government’s overall strategy for standards and accountability in education”. A further objective should, therefore, be to seek to identify and secure appropriate and closer linkage between the formal inspectorial role of Ofsted and the ongoing developmental role of LEA and similar school improvement services, given that school improvement is, by nature, an ongoing process and also that more collaboration between schools is now increasingly encouraged and best sustained in practice through external facilitation by such local agencies. A carefully linked-up approach to overall school and college improvement is required for the future, to ensure continuing progress in raising standards.

4. The new Strategic Plan refers to a key related issue when it discusses ensuring that Ofsted’s data is used “to make the fullest possible contribution to the inspection process, the improvement of provision and educational debate” (Section IV). This represents a noteworthy and helpful commitment to the wider dissemination of Ofsted’s extensive database and associated evidence on significant aspects of educational practice. NAEIAC has long advocated such a broader dissemination process, for example by suggesting in a 2002 submission to the Select Committee, concerning the evolution of LEA inspections, that there should be “appropriate formats for supplementary papers or events which could allow valuable information on specific aspects of best practice . . . to be disseminated on a broader basis across LEAs”. This type of openness can materially assist the desired “holistic” approach to educational improvement outlined above.

5. Where the Strategic Plan for 2004–07 describes Ofsted’s fundamental Aims and Values, it specifically mentions meeting “objectives in partnership with others”. As the Plan begins to be implemented in practice, this concept should be borne in mind in relation to the range of organisational developments for Ofsted described in Section V of the document. An effective communications strategy covering inspectors as well as Ofsted staff should embrace not only enhanced electronic and hard-copy information flows but improved, two-way, consultative arrangements. NAEIAC is encouraged by recent developments in Ofsted’s efforts to receive, and respond to, the views of inspectors and their representatives, and is confident that progress in this area can assist the wider ‘ownership’ of future changes arising from reviewing the inspection system itself, as part of a broader “stakeholder” involvement. This factor is clearly related to the established principles already reflected in Ofsted’s personal and professional development project, which is mentioned in the document.

6. The Quality Assurance arrangements for inspections and the teams which conduct them, are to be reviewed and developed, under the new Strategic Plan (para 2.2), further underlining David Bell’s stated commitment in the Introduction “not only to improvement through inspection, but also to improvement of inspection”. The document also refers to an HMI input, specifying that they will “lead a small proportion of Section 10 inspections” (para 2.1). This review process will be of considerable interest to our Association, and could practically assist those inspection teams which today include serving headteachers, or other new inspectors, in upholding Ofsted’s reputation for high-quality inspection activity.

7. A smooth transition to a revised, but rigorous, sensitive and cost-effective, school inspection model will require careful steps to avoid undue turbulence within an Ofsted market system already adapting to recent changes, and appropriate attention to the practical issues facing inspectors themselves, including long working days and noticeably varying levels of remuneration. The stated desire to ensure Ofsted staff “have the resources and support they need to do their jobs effectively” should equally apply to those conducting school and college inspections. In addition, the issue of the future supply of trained inspectors (mentioned in para 2.1) deserves further scrutiny, especially in certain subject areas, and fresh thought should be given to outlining the basic obligations falling on schools and their leaderships during the course of an inspection, in order to better balance the important requirements of the code of conduct covering inspectors.

OFSTED’S STRATEGIC PLAN 2004–07: INSPECTION OF CHILDREN’S SERVICES AND AREA-WIDE INSPECTIONS

8. The new Strategic Plan refers to the Government’s intention, announced in the recent Green Paper “Every Child Matters”, to award Ofsted the lead role in developing the future integrated inspection system for children’s services in local authority areas, following appropriate consultations. NAEIAC welcomes the allocation of this new role and believes that Ofsted is a suitable agency for designing and developing this important new inspection regime with a view to protecting the interests of vulnerable children in our society, given its successful administrative absorption of other, previously separate, inspection activities over recent times. The projected development of area-wide inspections of all educational provision will require a process of thoughtful integration with established inspection systems and the avoidance of both “gaps” and overlaps in order to ensure that a balanced and comprehensive approach is genuinely achieved.

FURTHER INFORMATION

9. NAEIAC trusts that the above points will be of interest to the Education and Skills Committee, and would be happy to respond to any requests for further information which may assist the Committee’s deliberations on the work of Ofsted.

October 2003

Memorandum submitted by Summerhill School

The following is Summerhill School’s response to “7. Memorandum submitted by Ofsted” as published on pages Ev 34 and Ev 35 of “The Work of Ofsted, Sixth Report of Session 2002–03, House of Commons Education and Skills Committee”.

INTRODUCTION

We feel the contents of the written evidence from David Bell, HMCI, unfairly represents the events and issues of the dispute between Ofsted, DfES and Summerhill School. The statements in appearing to respond to our submission are highly misleading, giving the impression that the school is no longer defined as “failing” due to changes it has made. This serves only to continue the injustices that occurred during Summerhill’s 1999 inspection and its subsequent report and Notice of Complaint.

Summerhill is still faced with the effects of its 1999 report being referenced (eg Kent LEA referencing it as its primary evidence against Summerhill during a Special Education Needs Appeal). Summerhill wants to move on, and hopes that what has been learnt has contributed to a system that will not allow other schools to suffer in the same way. We feel David Bell’s response sadly does not reflect this.

SUMMARY

1. Misleading through omission.
2. Ofsted apology ignored.
3. Adjudicator's criticisms left out.
4. Senior Ofsted staff criticised.
5. Values of accountability, fairness and respect.
6. Changes at Summerhill.
7. Economical with the truth.
8. Summerhill refused to change.
9. Summerhill wins in the Royal Courts of Justice.
10. Summerhill still judged by 1999 Report.
11. Will the school be allowed to move on?
12. School working positively with Inspectors.
13. Recommendations to the Committee.
14. Report comments on David Bell and Ofsted.

1. David Bell's response to the Summerhill submission, and Paul Holmes' question to him at the Education and Skills Committee, is rather like Ofsted's response to the Adjudicator, misleading through omission at the very least.

2. For three days eight inspectors managed to observe and fill-in observation forms on two out of classroom activities at Summerhill in 1999. When confronted with this appalling lack of inspection of out of class activities the team leader, Neville Grenyer, officially apologised. This apology was ignored by the adjudicator in her final report, and in their evidence to her Ofsted falsely claimed they went out of their way to inspect non-lesson activities! Over the years the school has continuously informed inspectors that activities inside and outside of the classrooms were of equal importance to its provision for its students. The Ofsted inspectors knew that you could not fairly inspect the school, according to its philosophy, if this was not taken into account.

3. David Bell quotes the non-committal conclusion of the adjudicator, ignoring her criticisms of the team that they made conclusions without apparent evidence, especially in relation to the claims of the drift in school culture, of children confusing freedom with the pursuit of idleness, and of failing to explain the conflict between Ofsted's inspection framework and Summerhill. Infact the team leader, Neville Grenyer, as did the Ofsted inspector in our most recent registration inspection, referenced the "National Curriculum" as the definition of a broad and balanced curriculum, one point the judges at our Royal Courts of Justice appeal did their utmost to criticise.

4. David Bell quotes the Adjudicator, "At the same time, it is clear that Ofsted has taken the matter seriously and devoted a significant amount of time of senior staff to considering and responding to the complaint". This is hardly surprising when you consider the Ofsted team being criticised. The team of eight included Cliff Gould HMI responsible for inspections of secondary schools in England (now responsible for teacher training inspection) who arrived one day late and spent much of his time on his mobile phone dealing with enquiries about the 1999 Ofsted report on racism, and Neville Grenyer HMI responsible for inspections of private secondary schools.

5. Summerhill, throughout its numerous inspections has been open and helpful to inspectors, who have been grateful for our hospitality, though admittedly we have confronted them when we felt unfairly treated. It is a shame that the values of the school, accountability, fairness and respect were not and have not been displayed by Ofsted.

6. When David Bell references the three points of the school's Notice of Complaint, that we agreed to comply with from the beginning, he omits the three that we went to court over because we refused to implement them. In remedying the health and safety we simply continued with our ongoing plan of school building improvement and elected a health and safety committee to regularly inspect the school. With weaknesses in teaching and the curriculum in Key Stage 2 we simply replaced a teacher. The reference to development in management practices, policies and peer review, were changes implemented before the 1999 inspection, and were part of our action plan at the time.

7. These issues have never been in dispute, and they were not a part of our dispute with Ofsted and the DfES. For David Bell to reference them as if these changes resulted in Summerhill no longer being threatened with closure, and indeed being praised in its latest inspection, is an incredible slight of hand with the truth. Much like that of the DfES's claims after the Appeal Court Case outcome, which was covered by the Observer and Radio 4's "The Message" programme as "spinning" going too far.

8. Summerhill refused to comply with three parts of the Notice of Complaint; 1. The segregation of toilets for male, female and students and staff; 2. To ensure children are either in classrooms learning or engaged in independent study; 3. To assess the children throughout their lives at the school.

9. These three were withdrawn by a Court Appeal as a result of an agreement with the DfES, in which Summerhill stated it would not change but simply continue to share the teaching staff's good practice!

10. David Bell states, "it is clear that Summerhill remains unhappy with the 1999 inspection report and our response to their complaint about the inspection". Yes, we are still being judged by a report that fails the school, despite a successful court battle, an adjudication that states at least two of the main conclusions of the report had no evidence, and a successful registration inspection.

11. We wholeheartedly agree with the adjudicator when she concluded with the hope that her report would "... enable Summerhill to move on from the experience of the 1999 inspection and to help both Ofsted and Summerhill to develop a constructive and productive working relationship." When history is rewritten or misrepresented in defence of that inspection and its report, and that report is the only contemporary published Ofsted document on the school, when will David Bell and Ofsted allow us to move on?

12. We continue, as always, to work positively, on the ground, with Ofsted inspectors, as independently observed by the DfES adviser Professor Paul Hirst, and are happy with our present inspection process. It is simply a great shame that the school's reputation will only be finally vindicated on the publication of its next full inspection report in several years time.

13. We make the following recommendations to the Education and Skills Committee:

- (a) ensure that all court cases involving Ofsted are referenced in the HMCI's annual report to the committee so that they can be held accountable and lessons learnt;
- (b) ensure that there is an ethos in Ofsted that allows for learning from mistakes instead of defending its reputation;
- (c) in the interests of justice ensure that adjudications are fully published and accompany all copies, electronic or physical, of the original report;
- (d) review the status of Ofsted statements about schools, especially when they redefine a school as successful instead of failing. Are the statements public, private or published? What effects does this have on the perception of a school in terms of the public, press, Local Education Authorities etc;
- (e) examine the definition of a broad and balanced curriculum, in relation to Summerhill's experiences, the present emphasis on diversity in education, the practice and inspection of home education;
- (f) allow every school to have their own 'adviser' involved in the inspection process who can feed back during the inspection and the verbal review, and input an assessment of the inspection for inclusion, or at least reference, in the Ofsted published report; and
- (g) that every inspection should not only have a section that reviews the opinions of students and their school council but that it should evaluate the school's implementation of the Convention of the Rights of the Child.

14. My inspection report for David Bell and Ofsted would be summarised as "excellent communication skills, especially in editing, but needs to review its understanding of citizenship and responsible participation. It confuses open accountability with the pursuit of defending their reputation."

August 2003

Memorandum submitted by the Association of Teachers and Lecturers

1. We start by signalling an achievement: the flow of complaints about poor quality inspection received by ATL has steadily declined over the last year. We are therefore cautiously optimistic about the effectiveness with which concerns about quality have been and continue to be addressed.

On this occasion, therefore, we confine our attention to some other more over-arching issues:

- effective learning and teaching;
- policy coherence;
- joint inspections and consistent judgements in the early years; and
- evidence that Ofsted's reports are having the necessary impact.

2. EFFECTIVE LEARNING AND TEACHING

2.1 Ofsted's Framework for Inspection requires inspectors to evaluate and report on the effectiveness of teaching and learning. From large numbers of Ofsted reports, it would appear that the main focus of inspection is on teaching rather than on learning. The one does not necessarily follow the other.

2.2 When "learning" is mentioned in Ofsted reports, it is most often used to describe one of three activities: teaching, performance and school work. However, teaching professionals know that:

- the relationship between what is taught and what is learnt is rich and complex—learning is not simply "being taught";

- a focus on “performance” can depress effective learning: learners end up with negative ideas about their abilities—evidence shows that a focus on learning can enhance performance; and
- pupils who are encouraged to focus on “learning” rather than simply on “work” achieve very much better results.

2.3 Although the Framework for Inspection talks about “effective learning” there is no definition as to what this means, or how the qualities of effective learning can be identified and understood. If the Framework is to work in the best interests of learners and teachers, considerably more information is needed on Ofsted’s understanding of effective learning.

2.4 The DfES has recently published its Core Principles for Teaching and Learning. In a covering letter accompanying the Core Principles, the Head of the DfES Standards and Effectiveness Unit has made it clear that these principles will constitute the Department’s expectations and guidance for schools. Indeed, the Core Principles are embedded in the new National Primary Strategy.

2.5 There is, however, no apparent relationship between the Department’s Core Principles and guidance in the Ofsted Framework as to judging the effectiveness of teaching and learning in schools. Thus while the DfES has made explicit its expectation that schools will adhere to the principles, this expectation is not reflected in the Framework for Inspection.

3. EARLY YEARS ISSUES

3.1 *Ofsted must ensure consistency of inspection across foundation stage provision.*

The foundation stage of education happens in maintained, private, voluntary and independent settings. Ofsted inspections are carried out under section 10 of the Schools Inspection Act 1996 for reception and nursery classes in schools; section 122 of the School Standards and Framework Act 1998 for settings in receipt of nursery education funding for three and four year olds, including playgroups, day nurseries, private nursery schools, independent schools, childminder networks; and part XA of the Children Act 1989 (as inserted by the Care Standards Act 2000) for providers of daycare, who may also have funded nursery children. Inspection teams for each type of inspection are selected, trained and employed differently. It is very difficult to compare judgements of foundation stage education provision across different sectors.

3.2 *Is Ofsted giving sufficient weight to partnership issues?*

The foundation stage should be supported by the Early Years Development and Childcare Partnerships. ATL’s recent research (to be published in November) suggests that the maintained sector is not represented on EYDCPs, and that the EYDCPs delegate responsibility for education issues to the LEA. This leaves reception classes, which should be the end point of the foundation stage, without formal links to the rest of the foundation stage. Should Ofsted inspect the infrastructure that supports the foundation stage?

3.3 *Ofsted should carry out joint inspection of early years services, particularly in settings and schools which offer an integrated service.*

We are aware that there has been successful experience of joint inspection of post-16 services, which could be used to support joint inspection of early years services. We recommend that Ofsted put in place plans for carrying out joint inspections of services (including childcare, health etc), and for carrying out inspections of the way the partnership is working—both within the setting/school and in terms of wider support for teachers and practitioners. These should ensure that education and care services are better balanced.

4. IS OFSTED HAVING ENOUGH IMPACT?

4.1 Under the 2000 Framework Inspectors had to report on:

- “how efficiently and effectively the headteacher and key staff lead and manage the school, promoting high standards and effective teaching and learning”;
- the adequacy of staffing . . . highlighting strengths and weaknesses . . . where they affect the quality of education provided and the educational standards achieved;
- and in determining their judgements inspectors should consider the extent to which there is rigorous monitoring, evaluation and development of teaching;
- there is effective appraisal and performance management;
- specific grant is used effectively for its designated purpose(s);
- there is effective induction of staff new to the school and the school is, or has the potential to be, an effective provider of initial teacher training.

The Ofsted report has also been required to report on:

- “non-compliance with statutory requirements where it detracts significantly from the quality and standards of the school”.

4.2 Yet Ofsted's Annual Report in 2003 reported that in around half of the schools the needs of teachers in the early stages of their careers were not properly identified or addressed and that the training undertaken did not significantly improve their teaching skills or their ability to contribute to the development of their schools, nor did it reinforce their commitment to teaching as a career. Of even greater concern to us is that, despite the accountability framework Ofsted represents and the legal and contractual responsibilities of headteachers, between one quarter and one third of newly qualified teachers (NQTs) are getting no professional development activities as part of their induction, when this should be their entitlement, and 20% did not receive all their reduced timetable, which headteachers are contractually required to provide for them on the basis of a 10% reduction of the timetable taught by classroom teacher colleagues (see Totterdell *et al* (2002) "*Evaluation of the Effectiveness of the Statutory Arrangements for the Induction of Newly Qualified Teachers*", Research report No 338, DfES).

4.3 We question whether Ofsted has had the impact that could have been expected bearing in mind its intent to report on such non-compliance with statutory requirements which, in our view, must detract significantly from the quality and standards of a school.

4.4 In addition, Ofsted's report "*Leadership and Management Training for Headteachers*", April 2002, reported one in 12 primary schools, one in 17 secondary schools and one in 20 special schools with unsatisfactory or poor leadership and management. In 2000–01 leadership and management was adjudged good or better in only 74% of primary schools, 77% of secondary schools and 78% of special schools. Furthermore, even where schools were judged to be good overall there were fairly common areas of weakness, amongst which was the delegation of appropriate tasks. A further report, "*Leadership and Management: What inspection tells us*", June 2003 also reports that, despite the fact that appraisal is similarly subject to legislation, Regulations and is a contractual duty of headteachers for which they received targeted training, "the school's strategy for appraisal and performance management are aspects of management which are still in need of improvement in many schools". In 2001–02 this was quantified as good or better in 56% of primary schools and 51% of secondary schools.

4.5 We, therefore, question whether Ofsted has had a sufficient impact on these key contractual responsibilities of headteachers and whether it will do so in the future.

4.6 Ofsted and "intelligent accountability"

The Government has recently developed the concept of "intelligent accountability", which in our view should be pre-eminently what Ofsted should be attempting to achieve. But the Association is extremely concerned that such an expectation is severely limited by two issues:

- the coherence of policies; and
- the timing of Ofsted revisions.

In particular and as an example we would like to take what we regard as a key element of leadership and management: the headteacher's responsibility for the continuing professional development of teachers and support staff.

5. THE COHERENCE OF GOVERNMENT POLICIES

5.1 A key area of the inspection process, we believe all would agree, is "how well is the school led and managed". The definitions and expectations of school leadership and management, however, appear to emanate from a variety of sources.

5.2 Ofsted in the current Framework requires its inspectors to report on "the quality of leadership, particularly by the headteacher, senior team and other staff with responsibilities" and "the effectiveness of management". Inspectors are required to assess the extent to which a series of statements is met. These include assessing the extent to which "leaders inspire, motivate and influence staff and pupils"; "leaders create effective teams"; "the performance management of staff, including support staff, is thorough and effective in bringing about improvement"; and "a commitment to staff development is reflected in effective induction and professional development strategies . . .". The thinking behind the revisions to the Ofsted Framework appears to have resulted from Ofsted's own observations and not from other evidence-informed research (see '*Leadership and Management: What inspection tells us*', June 2003).

5.3 The DfES has recently issued for "consultation" a paper on "Core Principles", (appended as annex 2). This includes a section on "School Improvement", which highlights:

"Build collective ownership through leadership development", which *inter alia* includes reference to "skills in managing change", building "widespread ownership of the improvement process by creating an improvement group . . . with membership drawn from different levels in the school and reflecting a range of experience and perspectives across the whole staff team"; and

"Create time for staff to learn together, to make performance more consistent and effective across the school". This section states that within school, variation on performance on teaching and learning should be tackled "by creating a professional learning community" and that headteachers should "link this to the performance management process, and use activities such as collective enquiry, peer observation and coaching, since these are likely to have the maximum impact on teachers' classroom practice."

5.4 The DfES has also recently announced that, as part of the review of expenditure in 2004–05, Ministers have decided that they want to concentrate on “action to build school’s capacity for effective professional development”. This action will include “more closely integrating CPD, performance management and school improvement as key components of effective whole school policies on teaching and learning, reflecting the Core Principles and delivering personalized learning”.

5.5 We question whether there is sufficient coherence and consistency across these conceptions of leadership for Ofsted to construct a commentary on the extent to which current expectations of leadership and management are being met. If this is not an issue of coherence then it may be one of the timing of revisions to the Ofsted Framework.

5.6 The timing of Ofsted revisions

We regard it as unhelpful that a revised Framework for Ofsted inspections is to be put into practice almost simultaneously with a revision of the National Standards for Headteachers by the National College for School Leadership (NCSL). Obviously there are similar issues of coherence, but we want to emphasise here the importance of prior consideration of the cycle of revisions of the basis for inspection and self-evaluation. What, in our view, is critical is that what Ofsted appears to inspect and value is synchronous with the Standards promulgated in other areas. It must surely be equally true that unless what is supported and advocated in the Standards is recognized and rewarded by Ofsted then the behaviours and practices related to the Standards may be undermined and undervalued.

The draft revised National Standards emphasise, for example, that:

- A willingness to engage in thinking about the future is essential to effective headship and that headteachers should know about futures thinking, local, national and global trends; and new technologies, their use and impact.
- Headship is interpersonal and that the headteacher must know about emotional intelligence; adult learning, individual differences, and professional development models; and the emotional and political aspects of the change process for organizations and individuals; and
- Headteachers who invest in an authentic and dynamic relationship with the community recognize their schools as agents of social change and community regeneration.

Once these are in place, we believe, Ofsted will need to radically revise the criteria against which it assesses the quality and effectiveness of leadership and management. Yet frequent revisions of the Framework must surely be costly and an ineffective use of scarce resources.

5.7 Consequently, we recommend that the Select Committee considers whether the Ofsted Framework and mode of inspection is compatible with an evolutionary and rapidly changing set of expectations of leadership and management and that Ministers and the Department reflect on the coherence of the accountabilities in relation to leadership and management that Ofsted is tasked to inspect.

October 2003

Memorandum submitted by Tertius Wharton, a pupil at Summerhill School

Why isn’t the Kent County LEA supporting me at the school I want to be at? The 1999 Ofsted report is incorrect and corrupt, and therefore should be discarded. The evidence is not valid and should not be used in my appeal.

17 October 2003

Memorandum submitted by Bea Hyde-Owens, a pupil at Summerhill School

1. What are Ofsted doing for children’s rights.
2. Contradiction between residential schools and day schools.
3. Consultation on Green Paper.

1. I am a member of the Article 12 steering committee, and feel very strongly on matters concerning children’s rights. I would like to know: what are Ofsted doing to ensure that children are being given their rights and listened to, especially in schools?

2. As a child currently in boarding school, I have a director of inspection who is also responsible for the implementation of rights in residential schools, Roger Morgan. Why do children in state school not have this?

3. I think it is unfair, and would like to see all schools have someone in charge of making sure that children know about, and are able to use, their rights properly. As the green paper “Every Child Matters” has recently been published, has, or will, Ofsted and this committee contribute their opinions on how children’s rights should be implemented in schools?

October 2003

Memorandum submitted by the Association of Lay Inspectors

While the new Framework is an improvement on the previous versions the way in which it has been introduced has been clumsy, resulting in much uncertainty for inspectors and providers. This, coupled with an unwieldy form of compulsory training, and the shortening of inspection time, has caused many inspectors to quit, and others to reserve judgement as to whether they should.

The recruitment of new lay inspectors has similarly been less successful than hoped for. A broader social and ethnic mix than the current one has not been obtained, training has been too limited, and none of those applying a year ago has yet been enrolled, or employed on the 2003 round.

To bring lay skills and perspective to bear, a lay inspector must be attached, by law, to the inspection of every school, including those where pupils are generally aged up to 18 in sixth forms. No lay inspector, however, is ever used in the inspection of the establishments other than schools for the education of those aged 14–19, such as colleges. Lay inspectors are generally admitted to perform a valuable function for the public in the inspection process and this anomaly should therefore be corrected.

As regards the first point above (2003 Framework arrangements):

1. Consultation on some aspects of the proposed process was little and early (Spring 2002). Key elements did not begin to emerge until the turn of 2003, and inspection providers had considerable uncertainty trying to assess practical implications when putting their bids together in January. Quite surprisingly, for instance, the template for the new format of inspection reports, affecting their size and who was to write them, was only determined as late as the summer of 2003.

2. The Committee will no doubt hear from many others as regards the pain caused by the “one size fits all” style of compulsory training for understanding and applying the new Framework. Every inspector was unnecessarily bruised, and many decided there and then to call it a day.

3. Less time is now allocated to every inspection, but the number of “black boxes” on which a judgement has to be scored (from 1–7) has more than doubled. Inspection now calls for incisive investigation, but broad judgements about the effectiveness and compliance of each school continue to have to be made. Time for the inspection of primary schools is particularly curtailed. Consequences are:

- (a) a likely lessening of security and quality in inspections; and
- (b) inspection work becoming less worthwhile to the individual inspector, followed by their possible detachment from it.

4. The larger Regions now used for the allocation of inspections are much too large. The rationale is based upon that of Ofsted’s local centres, but the distances involved when agreeing in principle to undertake an inspection in any one region can vary by over 100 miles. This is a further factor dismaying inspectors working to the new Framework in a context of less time and money.

18 October 2003

Memorandum submitted by Alan Quinn

I have been an inspector for 10 years and offer these observations from first-hand experience.

- Government claims, on basis of improving Ofsted reports, that standards in schools are rising are misleading.
- The nature of inspections has changed since Ofsted began.
- The changes in the Handbook of 2000 and now 2003 have led to less objectivity by inspectors.
- The largest single factor in this is the requirement to feedback verbally to teachers immediately (or soon after) after a lesson is observed.
- Many inspectors are now grading teaching higher than they did previously because of the potential confrontation with teachers.
- Much unsatisfactory teaching is now graded as satisfactory. I understand that only 1 in 20 lessons is unsatisfactory now. This dramatic improvement in recent times is not credible and supports my contention that inspectors are less objective in their judgements on teaching and learning.
- The statistics of these higher teaching grades thus recorded mean that other factors, such as pupils’ achievement, progress, attitude etc. have to be correspondingly raised to support the inflated teaching grades.
- Many anomalies in the first-hand evidence have to be adjusted to make both the report and the profile in the Judgement Recording Form (JRF) coherent.
- The grades in the JRF reflect the adjustments rather than the true picture, in many cases. Team decisions are rarely genuinely corporate.
- Ofsted statistics depend on these inaccurate grades in the JRF and are therefore flawed.
- The objectivity of inspection can be restored by an arm’s length approach or, now that procedures are so well embedded, the introduction of spot checks.

1. Inspectors are now under pressure from Ofsted and schools and are now almost apologetic in approach for fear of upsetting someone. I have heard schools describing an Ofsted inspection as free consultation.

2. There is far too much emphasis on regular feedback and negotiation in the course of an inspection. Inspectors are losing their objectivity as a result.

3. The Framework requires that we are objective and impartial but the procedures make these difficult to achieve. Inspectors are in schools to observe first and then to make judgements. The main and considered feedback should come at the end of that and should be separate from the initial inspection process. Time should be set aside after the week of inspection if consultation is required and inspectors should be paid a fee for such work.

4. Ofsted makes unrealistic demands on inspection teams in the time available on site. It requires inspectors to work for as much as 14 hours each day. The process is fundamentally flawed because inspectors have to cut corners to try to obtain objective evidence in too short a time. The constant reference to teachers, through feed back and discussions that the Handbook envisages, impedes the process further.

18 October 2003

Memorandum submitted by the National Association of Head Teachers (NAHT)

NAHT would like to take the opportunity to comment on:

1. The effects of the extensive remit of Ofsted.
2. Aspects of the revised Framework for Inspection, introduced in September 2003.

1. Ofsted has responsibility for inspection of a range of educational settings. The question has been raised in the past as to how these varied inspection systems relate to each other, and the extent to which they can be co-ordinated. Without effective co-ordination, there is a danger that schools can be subject to inspection by more than arm of Ofsted; for example, some NAHT members working with young children have reported that their school has been inspected under the normal section 10 arrangements, then again if the school seeks to expand its early years provision. Similarly, a secondary school might have its normal section 10 inspection, and then find that an area inspection of 16–19 provision is imminent, and the school is involved in that.

This issue has been discussed with the Chief Inspector in the past, but it would be helpful to explore what progress has been made.

2. Looking at the revised inspection arrangements, it is clearly too early to draw definite conclusions as to how they are working. Reports of the first inspections carried out according to the new Framework are only now being published. However, concerns have been fed to NAHT by members whose schools have been inspected, and some of the points are raised here.

- (a) Some months ago, the Chief Inspector raised the question as to whether “satisfactory” was good enough, a comment that led to some debate. The new arrangements provide that a school would be judged to be underachieving if the inspection shows “satisfactory teaching overall, but too little (less than a third of lessons seen) that is good or better”. This raises the possibility of a school whose teaching is satisfactory, and some better than satisfactory, nevertheless being found to be under-achieving. How does the Chief Inspector envisage this criterion being applied?
- (b) There has been discussion in the past about the Ofsted Complaints procedure. Currently, unless the issue can be resolved during the inspection with the team leader, the process takes some time. Has the Chief Inspector given any thought to ways in which complaints can be resolved more quickly, perhaps with some element of early mediation?
- (c) Questionnaires have been introduced for pupils to fill in before the inspection. Many of us argued that these forms were not necessary, and that a competent inspector could assess very quickly the feelings of pupils/students about their school or college, by means of conversation with them. Although it is early days, it would be useful to explore how much the Chief Inspector thinks the use of these forms has contributed to inspections this term.
- (d) Lay inspectors have been part of teams since the beginning of Ofsted inspections. After a few years, it became possible for lay inspectors to lead inspection teams. Many would argue that it is essential to have extensive experience of working in a school in order to lead an inspection, experience which, by definition, a lay inspector does not have. It would be useful to explore the Chief Inspector’s views on the training these inspectors receive, and how well it prepares them for the task of leading an inspection.

17 October 2003

Memorandum submitted by the Association of Colleges (AoC)

SUMMARY

1. In our evidence submitted to the Committee in September 2002 AoC made a number of points about Ofsted procedures which disadvantage sections of the Further Education community. We repeat those below which remain unaddressed.

2. Of major concern are the relatively low inspection grades achieved by the majority of colleges with a high disadvantage factor. It is vital that ways of measuring the “value added” to a learner by the college is introduced. (see paragraph 32)

3. The criteria for judgements made on leadership and management should be clarified. (paragraph 34)

4. The use of attainment as a criterion for grading lessons continues to be a problem and should be discontinued. (paragraph 30)

5. It remains a matter of concern that the nominee is excluded from the grading meetings that take place on a Thursday and Friday of inspection week. (paragraph 40)

6. There are shortages of inspectors in certain curriculum areas, with the result that these areas are not inspected in some colleges. (paragraph 28)

7. The inspection of school sixth forms continues to be conducted using different criteria and by different groups of inspectors, making true comparisons very difficult. (paragraph 41)

In addition we would make the following points:

8. We would like to see consistency of practice across all local Learning and Skills Councils in the descriptions of colleges which are used by the Inspectorate to help with their analysis. (paragraph 39)

9. Ofsted should take more notice of previous inspections and colleges’ own self-assessment procedures and use them as a basis of their inspection. (paragraph 43)

10. Colleges report a generally high level of satisfaction with the implementation of the Common Inspection Framework and the conduct of the inspectorate. (paragraph 23)

11. The emphasis in the inspection process on the experience of the learner continues to be welcomed by colleges. (paragraph 24)

12. We welcome the recognition from inspection findings that teaching and learning and success rates, continue to improve. (paragraph 25)

13. It is vital that further work is done on recognising a wider range of successful outcomes to measure institutional and individual performance. (paragraph 38)

14. The misleading practice of using the leadership and management grade as a surrogate grade for the overall judgement of a college as “good” or “poor” etc should be discontinued. (paragraph 35)

15. Colleges would welcome further guidance on the pre-planned meetings with staff, students and employers, in view of their importance in relation to the Key Questions. (paragraph 29)

16. Further guidance on a desirable format for the Self-Assessment Report would be welcomed. (paragraph 43)

17. A protocol for Nominees to use in noting concerns about the inspection process should be made available for use during the inspection. (paragraph 40)

OFSTED MEDIA RELEASES

18. AoC has serious concerns about the negative emphasis in Ofsted media releases on further education college provision. These media releases, although they create considerable press coverage, are often not a fair reflection of Ofsted’s own reports.

19. For example on 30 April 2003 Ofsted issued 12 press releases jointly with the Adult Learning Inspectorate in relation to their report on post-16 education and training. All of these media releases stated that “further education should be more closely matched to the needs of local employers”. There was little evidence in the report to substantiate this comment. The reason for any gap tends to relate to employers choosing qualifications that attract public funding rather than any lack of responsiveness from colleges. In fact we understand that Ofsted are only now in the process of assessing the level of employer engagement and this report is not due until autumn 2004.

INTRODUCTION

21. The Association of Colleges is the representative body for further education colleges in England and Wales established by the colleges themselves to provide a voice for further education at a national level. Some 98% of the 420 colleges in England and Wales are members.

22. AoC has continued to monitor College's perceptions of the Common Inspection Framework and while there are still some concerns about the process, inspection is seen by Further Education Colleges as the key to driving up quality across the sector.

OFSTED'S INSPECTION RESPONSIBILITIES FOR POST-16 EDUCATION

23. Feedback received by the AoC from many colleges continues to reveal a generally high level of satisfaction with the implementation of the Common Inspection Framework, its usefulness as a tool to improve quality and the validity of the findings. Inspections have worked particularly well where the team has consisted largely of experienced inspectors with a good understanding of the diverse nature of FE provision and students. In the most satisfactory inspections, the team has been prepared to listen to and acknowledge the college when it has wished to clarify issues or bring additional evidence to bear. Inspectors have almost unfailingly been professional and courteous in their dealings with colleges. There is still some variability between part-time inspectors.

24. The continued focus on teaching and learning and the evaluation of the impact on learning of all college functions is still welcomed by colleges and is seen to be driving up standards.

25. We are pleased to note that the number of lessons observed as good or above is continuing to increase: 68% of the teaching of adult learners was good or better, and 63% for 16–18 learners. The number of unsatisfactory lessons has reduced from 10% to 7%. In addition, we are pleased to note that recent LSC data confirm substantial increases yet again in learner success rates, from 59% to 65%.

26. The AoC noted at the last Select Committee meeting the sector's appreciation for the changes that the AoC had highlighted and that had been implemented, namely: the smaller teams, the increased length of inspections where appropriate, the longer notice of inspection, the increased reporting on adult work, the availability to colleges of Inspectors' CVs and the implementation of the appeals system against grading decisions and a complaints system for procedural issues. It might be helpful to add a protocol for nominee's to report concerns about the practice of any of the inspectors while inspection is taking place.

27. Colleges have welcomed the implementation of further changes that the AoC had suggested/supported and that have now been implemented. These include:

- The use of contributory grades when grading a programme area. This enables the college to identify strengths and weaknesses more clearly and overall judgments for discrete areas inside whole programme areas to be made.
- The revised process for re-inspection is seen to be more helpful to colleges and is more likely to result in the improvement of quality that is required.
- Now that there is a history of robust data colleges welcome not having to devote time to data checking prior to inspection.
- The recognition of the need to look at 14–16 provision within colleges and the importance of the relationship with the 14–19 area reviews.

28. There is still a problem in recruiting inspectors with expertise in particular subjects, especially some vocational areas. This sometimes results in specialist areas such as Hairdressing and Sport not being inspected. This disadvantages general further education colleges which in many cases will have excellent provision in these areas. It is important that every effort is made to recruit sufficient appropriately experienced inspectors for all curriculum areas.

29. Overall, colleges welcome the pre-planning process but, now that the process is well established, there could be some extra guidance to make the process more streamlined. The purpose of this would be to save time and ensure that the college is presenting information in the most helpful way. For example: the planning of meetings with staff and students during inspection week takes up considerable time within the college because they are considered as very important in helping inspectors judge how well the college responds to the key questions. However there is a feeling in the sector that inspectors by now do know what they are looking for in these meetings and that there could be extra guidance to help the planning process. Likewise, extra guidance on what inspectors want to see in the work place would be most helpful. Inspection teams tend to arrive in with a plan of what they want to see in these areas but then have to change the schedule to meet the demands of the work place. A section in the hand book of inspectors' expectations regarding what they wish to observe in work based learning would be helpful together with a recognition that inspectors will then be guided by the college in these areas.

30. The application of the criterion "attainment" is still causing confusion in its use as applied to many courses found in colleges. This requires inspectors to make judgements on the standard of work of the group as a whole against a national norm for students working at that particular level at that stage of the year. This is a model that makes sense in schools where the student group is relatively homogeneous but only in certain courses in colleges. First, the members of a group, for example, of basic skills students, may be at widely different stages and working to their own individual learning plans. Secondly, this system penalises colleges that admit students with more modest prior achievements. Because attainment grades are no longer published, colleges can no longer even see the effect these grades are having on final lesson gradings. We believe that this criterion should be discontinued in colleges.

31. There is much good practice in the development of self assessment documents as colleges are learning to self assess more accurately. However, more guidance in the handbooks on the process and desirable final format of the self assessment document would be welcomed.

32. We welcome the increasing recognition of the importance of developing appropriate value added measures to measure achievement and we look forward to the findings of the Measuring Success Steering Group. At present value-added measures only exist to measure the distance travelled by learners on a narrow range of courses. Developing a wider range of value-added measures will be of particular importance as an inclusive 14–19 curriculum unfolds, and in measuring the success of current 14–16 initiatives which require colleges to work with many disaffected young people who are at risk of dropping out of education or training. Achievement of a qualification may not always be an appropriate outcome. For some learners at risk of dropping out, for example, merely attending regularly and acquiring employability and other social skills will be an achievement in itself and this should be recognised by the inspection process.

33. There is some concern that inspectors seem to be inconsistent in their judgement about the significance of different learning strategies. AoC would support an emphasis on inclusive learning for all students but believes that this needs to be consistently measured.

34. AoC wishes to reinforce again the importance of transparent criteria when making judgements on leadership and management. It is not always clear why a college receives an unsatisfactory grade while another receives a satisfactory grade.

35. AoC would like to propose that the Inspectorate reviews the practice of identifying a “good” or a “poor” college on the basis of the leadership and management grade. Using the leadership and management grade as a surrogate in this way is misleading when taken up in subsequent public discussions of the performance of the FE sector.

36. The role of the Learning and Skills Councils in inspections needs to be reviewed. They are involved in the planning meetings and they hear the feedback but otherwise they are peripheral despite their key role in signing off the post-inspection action plan. Consultants are often required to help to do this.

37. Many colleges feel there is too long a time lag between the end of inspection, the production of the final report and the signing off of the post inspection action plan. A suggestion would be to recognise the report as complete when it is sent for publishing, this would reduce by a whole month the gap between the report and the official beginning of post inspection planning [many colleges start this process informally immediately after inspection]. The whole area of post inspection action planning needs tightening.

38. There continues to be concern about the tension between widening participation and the importance of retention and achievement of whole qualifications for certain groups of students. Colleges with a large proportion of disadvantaged students and those whose history of prior achievement when they arrive at the college is poor, still tend to receive poorer grades at inspection. There is still inadequate recognition of the quality of the work of colleges with students who find it more difficult to remain at college and achieve a qualification. There is an over-reliance on achievement of a qualification as an indicator of the success and quality of a college. Retention and achievement of a qualification are sometimes dependent on factors outside a college’s control. Many adults, for example, are not interested in a qualification and may leave when they have acquired the knowledge or skill that they need. Many leave because they have obtained employment. Some leave because their employer withdraws sponsorship and others experience financial or personal pressures which make it impossible for them to continue at college. Colleges providing for these categories of students need to have their work acknowledged and praised by inspectors if they are not to feel pressurised into discontinuing this type of work and restricting their recruitment to those students who are most likely to succeed. Recognition of the achievement of individual units will hopefully help to mitigate these effects.

39. It is critical that the interface between Ofsted and the LSC is clarified. AoC understands that local LSCs set benchmarks for colleges which are then used in analysis by the Inspectorate. It is of considerable significance for a college, for example if it is considered by the local LSC to have widening participation as a major component of its mission. The Inspectorate would then use a different set of benchmarks to another college where this description was not used. It does appear that different judgements are made in different parts of the country. We would urge the Inspectorate to encourage local LSCs to move to a more equitable approach.

40. We remain committed to the view that nominees should be present at the final grading meetings. Although inspectors do their best to ensure that no unexpected findings emerge at a late stage in the week, if they do, the nominee can challenge any inaccuracies with additional evidence. This process, adhered to by FEFC, reinforced the partnership between the college and the inspection team in a professional and objective manner.

41. We are concerned that colleges are still subject to a different inspection process and a far more rigorous and exhaustive inspection than school sixth forms. This is reflected in the fact that the inspection report of a school sixth form is only a few paragraphs long.

42. There is concern that in some colleges a poor inspection has resulted in major changes in the senior management. It is important that the findings of an inspection are used as the basis for planning improvements and not seen necessarily as a tool for restructuring.

42. AoC believes that it is critical that Ofsted moves from a position of similar inspection of all institutions to one that takes cognisance of successful prior inspections and moves to a light touch where appropriate. AoC considers that it is essential that Ofsted should take more notice of colleges' own self-assessment process and procedures and use them as a basis of their inspection.

October 2003

Memorandum submitted by the National Union of Teachers

SUMMARY

This submission from the National Union of Teachers (NUT) focuses on the new school inspection framework. It also addresses issues of concern relating to the work of Ofsted's Early Years Directorate and Ofsted's inspection responsibilities for post-16 education.

There are a number of questions which arise from the submission which members of the Select Committee may wish to consider in their interview with Her Majesty's Chief Inspector. These questions are as follows:

- Would the Chief Inspector agree that any future development of the school inspection framework should include appropriate support and guidance to schools in addition to the identification of weaknesses?
- Will Ofsted agree to put in place annual review arrangements which maintain a "running check" on the effectiveness of the proposed changes, following its usual consultation mechanisms?
- How would the Chief Inspector define the place of internal evaluation within the inspection framework? Does he envisage any changes in that relationship in the future?
- Would the Chief Inspector expand on the format, role and purpose(s) of self-evaluation in the revised school inspection framework? What value does Ofsted place on the involvement of all stakeholders in the school self-evaluation process?
- What assurances can HMCI give that individual inspection teams will follow the guidance in the inspection handbooks and will not expect to see over-long or beautifully presented planning from teachers?
- Would the Chief Inspector expand on how the management of teachers' workload will be evaluated?
- How will Ofsted ensure that the judgements made about the management of workload take into account the external demands, which are beyond the control of the school's leadership and which would, indeed, have an impact on the workload of school leaders also?
- Would the Chief Inspector agree that Ofsted has responsibility in ensuring that its requirements are manageable for headteachers? What mechanisms are in place for monitoring and reviewing such demands on a regular basis?
- Could HMCI itemise the inspection evidence which evaluates the effectiveness of teaching assistants taking whole classes without teachers being present and could he say whether inspection evidence encourages the appointment of Higher Level Teaching Assistants, Cover Supervisors and Learning Managers?
- Would the Chief Inspector acknowledge the need for sensitivity in the use of value-added data? Would the Chief Inspector acknowledge the limitations of such data in making comparisons between schools?
- How would HMCI define "satisfactory" in relation to teaching? In what way(s) does his definition differ from that of the Oxford English dictionary "sufficient, adequate: (of an argument) convincing"?
- How does HMCI resolve the tension between the statements in the inspection handbooks that "teaching that is generally satisfactory with little that is better merits a judgement of unsatisfactory owing to the lack of aspiration in teaching"?
- Has HMCI changed the goal posts when it comes to determining whether a school is delivering a satisfactory level of education or whether its overall quality of teaching is unsatisfactory?
- Does HMCI believe that individual teachers and schools are able to overcome wider, societal problems in all cases by improved teaching?
- Does HMCI agree that inspectors' judgements about "parental apathy" have the potential to impact unfairly on the overall inspection outcome for schools serving the most challenging communities?
- Would the Chief Inspector expand on how inspectors' findings would record instances where staff are denied CPD and/or induction opportunities for such reasons?
- How will the current inconsistencies between Section 10 and Section 122 inspections be addressed by Ofsted? Will the Chief Inspector acknowledge that reliable and consistent judgements are less likely to be achieved if inspections are undertaken by one person? What is the place of educational

assessment in inspections of early years provision? Should this be the main focus of inspection, as is presently the case for Section 10 inspections, or should there be a more fundamental reassessment of what all early years provision, including nursery schools and classes, might offer and how it could be measured?

- How would the Chief Inspector describe the relationship between Ofsted and LSCs? Does he think it would be appropriate for Ofsted inspection reports to be used as justification by LSCs for the closure of school sixth forms? Will Ofsted not be compromised, therefore, by the LSC's additional powers in post-16 reorganisation proposals? What transparent procedures will be in place to ensure that open and full accountability is seen to take place?
- What assurances can HMCI provide that small sixth forms, operating under severe financial constraints, will not be penalised unfairly? Will Ofsted take into account the reduction in funding from the LSC for sixth form provision when making such judgements?
- Would the Chief Inspector agree that issues of overlap relating to school sixth forms still need to be resolved? What steps will Ofsted take to ensure that inspection arrangements do not duplicate the bureaucratic and administrative demands on school sixth forms?
- Does the Chief Inspector believe that the current arrangements for post-16 inspection give a rounded picture of all of the work of institutions? What assurance can Ofsted give that post-16 inspections will give equal value to all courses and not just to those that lead to formal qualifications that attract higher levels of funding?

FULL SUBMISSION

1. This submission from the National Union of Teachers (NUT) focuses on the new school inspection framework. It also addresses issues of concern relating to the work of Ofsted's Early Years Directorate and Ofsted's inspection responsibilities for post-16 education.

THE NEW SCHOOL INSPECTION FRAMEWORK

2. There is now a bank of research evidence which demonstrates that, while teachers understand the need for accountability, they reject the failure of the current arrangements to enable inspectors to provide developmental advice, as well as criticism and the punitive consequences for those schools which have been deemed as "failing".

3. This approach has led to the alienation of teachers from the process of quality assurance and evaluation. The arrangements have failed to channel teachers' expertise, experience and their commitment to the evaluation process. The NUT is concerned that the new school inspection framework does not redress sufficiently the balance between internal and external evaluation.

4. In addition, it has been a matter of long-standing concern for the NUT that Section 10 inspections have not been seen by schools as supportive to their developmental needs and that inspectors should, as well as identifying problems, also offer potential solutions or approaches for schools to consider when addressing issues highlighted for attention as a result of external inspection. Would the Chief Inspector agree that any future development of the school inspection framework should include appropriate support and guidance to schools in addition to the identification of weaknesses?

5. The NUT would agree with the statement in the introductory section of the school inspection framework that "inspection has improved significantly since 1993". However, the history of school inspection during this period of time is that it has been subject to evolutionary change rather than informed review. Will Ofsted agree to put in place annual review arrangements which maintain a "running check" on the effectiveness of the proposed changes, following its usual consultation mechanisms?

SCHOOL SELF-EVALUATION

6. The increased emphasis on school self-evaluation within the revised inspection framework is a welcome development. Inspectors will now be required to take into account schools' self-evaluation work, using it as a starting point for inspection planning in individual schools. As the Committee knows from its previous submissions on the work of Ofsted, the NUT has consistently promoted a more productive relationship between school self-evaluation and independent, external inspection. Such an approach could be a step towards the model of school self-evaluation for which the NUT has consistently pressed.

7. It is important, however, that school self-evaluation activities go beyond the use of Ofsted's own criteria and are, for example, bottom up as well as top down, formulated and refined locally and "owned" by all relevant stakeholders, if they are to be seen as a genuine tool for improvement and not simply as a self-audit mechanism. There is concern that self-evaluation might be viewed purely in terms of satisfying Ofsted requirements, rather than as a valuable whole-school school improvement activity. Self-evaluation instruments and approaches cannot be imposed. Schools, in consultation with stakeholders, should be expected to determine the areas for their own self-evaluation, not Ofsted. In addition, its impact will be

limited given the high stakes nature of inspections overall. School self-evaluation cannot fully command the confidence of teachers when it is required to take place within inspection arrangements, which have punitive rather than developmental consequences.

8. There is considerable evidence that it is the self-evaluation process which is of benefit to schools, involving as it does all stakeholders in the school. By focusing on the outcomes rather than the processes of school self-evaluation, Ofsted has failed to understand the crucial importance of the self-evaluation process to school improvement or to address the central issues of concern to teachers and to learners. Under the current arrangements, inspectors would not investigate the extent of teachers' involvement in or consultation on self-evaluation activities when making a judgement about its efficacy.

9. In addition, the almost exclusive concentration on pupils' achievements, as demonstrated through the statistics of assessment, within the school's self-evaluation evidence to Ofsted, virtually ignores the subjective element of self-evaluation, as evidenced by John MacBeath's work, which he had demonstrated to be vital to understanding learning, teaching, ethos and organisational development. How would the Chief Inspector define the place of internal evaluation within the inspection framework? Does he envisage any changes in that relationship in the future? Would the Chief Inspector expand on the format, role and purpose(s) of self-evaluation in the revised school inspection framework? What value does Ofsted place on the involvement of all stakeholders in the school self-evaluation process?

INSPECTION AND TEACHER WORKLOAD

10. There are currently few schools which do not over-prepare for inspection. The assurances contained within the inspection handbooks that inspectors must not do anything which would encourage teachers to prepare or plan material especially for the inspection and that planning "should be judged by how well it supports teaching and learning, not by any pre-conceived idea about its format, level or details" are welcome.

11. Inspection is still, however, high stakes for both schools and for individual teachers. Inspectors' judgements on teaching and the quality of learning, for example, are informed by scrutiny of teachers' planning. There would be some element of subjectivity in such judgements, however, compounded by the characteristics of particular inspection teams. In addition, it is inevitable that the pressure to ensure that lesson plans and records, for example, are at presentation level will continue simply because of the high stakes nature of inspection. What assurances can HMCI give that individual inspection teams will follow the guidance in the inspection handbooks and will not expect to see over-long or beautifully presented planning from teachers? Would the Chief Inspector expand on how the management of teachers' workload will be evaluated?

12. The NUT welcomes the inclusion of the management of teachers' workload in the "Framework for Inspecting Schools", as part of the evaluation of school management's effectiveness. Ofsted should now take the opportunity, recommended by PwC's teacher workload study, to require inspection teams to inspect school management's effectiveness in preventing excessive workload being experienced by teachers. How will Ofsted ensure that the judgements made about the management of workload take into account the external demands, which are beyond the control of the school's leadership and which would, indeed, have an impact on the workload of school leaders also? Would the Chief Inspector agree that Ofsted has responsibility in ensuring that its requirements are manageable for headteachers? What mechanisms are in place for monitoring and reviewing such demands on a regular basis?

13. The DfES is seeking tenders for a study of the effectiveness of teaching assistants. Could HMCI itemise the inspection evidence which evaluates the effectiveness of teaching assistants taking whole classes without teachers being present and could he say whether inspection evidence encourages the appointment of Higher Level Teaching Assistants, Cover Supervisors and Learning Managers?

USE OF COMPARATIVE DATA BY OFSTED

14. The revised Ofsted inspection framework refers to an increased reliance by inspection teams on value-added data. The NUT would wish to register caution about any over-reliance on value-added data. It recognises that value-added mechanisms for the statistical data available to inspectors about schools can lead to greater accuracy in reflecting school achievement. The absence of value-added progress, however, does not necessarily mean failure but could indicate changes in pupil intake, including high mobility, or maintenance of current achievement despite significant external pressures. This sensitivity should be part of the health check which inspection teams should use in testing the reliability of value-added data. Would the Chief Inspector acknowledge the need for sensitivity in the use of value-added data?

15. In addition, the NUT is concerned about inspectors making comparisons between schools which are deemed to be similar through information provided by Performance and Assessment (PANDA) reports when other information may indicate that the circumstances of such schools are anything but similar. The NUT believes that Ofsted should review the way in which benchmark data is used by inspection teams. Would the Chief Inspector acknowledge the limitations of such data in making comparisons between schools?

INSPECTION JUDGEMENTS

16. Under the section “How Effective are Teaching and Learning?” in the inspection handbooks, the following paragraph appears:

“Making a judgement about teaching overall in a school, stage or subject requires careful weighing of the range of evidence that is available. Teaching that is predominantly and consistently very good with some outstanding features may justify an overall judgement of excellence. On the other hand, teaching that is generally satisfactory with little that is better merits a judgement of unsatisfactory owing to the lack of aspiration in teaching.”

17. Inspectors have also been told that an overall unsatisfactory judgement for teaching should, if it is accompanied by another “major weakness”, result in a school being placed into special measures. Furthermore, a single “major weakness” could, if considered serious enough, lead to a school being condemned as failing.

18. The NUT believes that this is an unacceptable development. The Ofsted guidance has completely reversed the meaning of “satisfactory” and the application of this guidance could be extremely serious. Schools which previously had not been considered to have serious weaknesses could now receive such a designation despite the fact that their standards had not changed.

19. The NUT has raised these concerns with Ofsted. David Bell, HMCI, defended the ability of inspectors to question the quality of teaching in a school which has “much satisfactory teaching and little that is better”. He also restated that if there was virtually no “good or better” teaching in a school that would be well below what Ofsted expected. In addition, David Bell wrote:

“It is not Ofsted’s intention to enter into a period of rigid interpretation of rules to increase the number of schools with, for example, serious weaknesses. However, you are right in recognising our drive for ‘sharper inspection’. I see this as diagnosing both strengths and weaknesses with more rigour, not a more negative or critical approach.”

How would HMCI define “satisfactory” in relation to teaching? In what way(s) does his definition differ from that of the Oxford English dictionary “sufficient, adequate, convincing”? How does HMCI resolve the tension between the statements in the inspection handbooks that “teaching that is generally satisfactory with little that is better merits a judgement of unsatisfactory owing to the lack of aspiration in teaching”?

20. In addition, HMCI has said, “Occasionally, good teaching is subverted by disruptive pupils who do not want to learn. Provided the teacher has done everything possible to engage such ‘hard to teach pupils’, the quality of teaching should not be penalised unfairly”. Has HMCI changed the goal posts when it comes to determining whether a school is delivering a satisfactory level of education or whether its overall quality of teaching is unsatisfactory? Does HMCI believe that individual teachers and schools are able to overcome wider, societal problems in all cases by improved teaching?

21. If inspectors find “widespread indifference or antipathy from pupils and parents”, this would be taken as evidence that they are extremely dissatisfied with the school and a “poor” grading would be given to this aspect of the school’s work. The NUT believes that such an approach does not take into account the difficulties many schools experience in engaging pupils and their parents, despite their best efforts. It is essential that Ofsted takes full account of the school’s context and the socio-economic profile of its pupils and parents, as well as the evidence of the work that the school has done to engage with pupils and parents. Does HMCI agree that inspectors’ judgements about “parental apathy” have the potential to impact unfairly on the overall inspection outcome for schools serving the most challenging communities?

PROFESSIONAL DEVELOPMENT

22. The inclusion in the new school inspection framework of the requirement for inspectors to evaluate the commitment of the school’s leadership to induction and professional development is welcome. The NUT has held the long-standing belief that, because the promotion of learning is its highest priority, teaching should provide the best example of a learning profession. It has expressed consistently a view that school leaders should primarily focus their energy and activity on being the lead professional within the school.

23. The effective development of staff through induction and professional development should be inspected, however, with due regard for the practical constraints facing schools, in particular, due to lack of funding following the removal of dedicated funding for induction through the Standards Fund and the discontinuation of funding for a number of national CPD initiatives. Would the Chief Inspector expand on how inspectors’ findings would record instances where staff are denied CPD and/or induction opportunities for such reasons?

OFSTED'S EARLY YEARS DIRECTORATE

24. The creation of the Early Years Directorate has incorporated the Ofsted inspection of the Foundation Stage in schools (Section 10) with inspection of maintained nursery provision for three and four year olds with funded places in private and voluntary sector settings (Section 122). It also involves the registration, regulation, compliance and enforcement required by The Children Act inspections of the quality of day care provided for young children.

25. The NUT believes that children and parents are entitled to comparable quality of provision for their education and care. Under the present arrangements, however, Section 122 inspections are carried out by a single Registered Nursery Inspector rather than teams of inspectors and usually only last for a day. It has also been reported by the Early Years Curriculum Group that there may be discrepancies between the key issues set out in the two forms of inspection. For example, recommendations to put a system of planning or assessment in place for a private nursery setting bear on comparison to the rigorous and detailed refinements that may be demanded of staff working with under-fives in schools. (Early Years Curriculum Group, "Action Paper 3", 2001).

26. The current discrepancies between Section 10 and Section 122 inspections are unacceptable. The NUT believes that consistency of approach to the provision in all sectors is essential, but not at the expense of quality. All settings should have visits from more than one inspector lasting longer than one day, so that there is time to gather valid and reliable evidence of continuity and progression. It should also build on internal procedures for self-evaluation, providing validation and also encouragement for practitioners to become increasingly reflective in their practice. Meetings with parents and managers should be built into the inspection, as they are for schools. How will the current inconsistencies between Section 10 and Section 122 inspections be addressed by Ofsted? Will the Chief Inspector acknowledge that reliable and consistent judgements are less likely to be achieved if inspections are undertaken by one person? What is the place of educational assessment in inspections of early years provision? Should this be the main focus of inspection, as is presently the case for Section 10 inspections, or should there be a more fundamental reassessment of what all early years provision, including nursery schools and classes, might offer and how it could be measured?

OFSTED POST-16 INSPECTION

27. Since September 2001, post-16 provision has received greater attention as a result of the extended remit given to Ofsted and the establishment of the Learning and Skills Council (LSC). Although the NUT has, to a certain extent, been reassured as to Ofsted's intentions about the way in which "The Common Inspection Framework for Inspecting Post-16 Non-Higher Education and Training" will be implemented, the outcomes of the inspection still remain "high stakes".

28. The NUT has serious concerns about the powers afforded to LSCs and the way in which inspection reports may be used by them, in particular, the ability of LSCs to put forward reorganisation proposals for the improvement of post-16 provision at local level, including the ability to make proposals relating to closure of school sixth forms where inadequate progress has been made in securing the necessary improvements. The range of provision in any school sixth form may be constrained by factors outside its control.

29. It is important that Ofsted liaises with the local LSCs in terms of monitoring school sixth form provision. Although raising standards of post-16 provision is an important criteria in the inspection arrangements, this should not be judged in terms of economic viability. Inspection outcomes should not be driven by higher unit costs in post-16 education. When post-16 provision is being evaluated it is important that a fair consideration is given to all course programmes, even though some may prove more expensive than others. How would the Chief Inspector describe the relationship between Ofsted and LSCs? Does he think it would be appropriate for Ofsted inspection reports to be used as justification by LSCs for the closure of school sixth forms? Will Ofsted not be compromised, therefore, by the LSC's additional powers in post-16 reorganisation proposals? What transparent procedures will be in place to ensure that open and full accountability is seen to take place?

30. The new inspection framework places considerable importance on the cost effectiveness of sixth form provision. In addition, where sixth forms are small, the effectiveness of the school's strategies to manage small numbers of students and the quality of learning, when students are taught in very small groups, will be given particular attention by inspectors.

31. School sixth forms will only get a third of the additional funding which was anticipated this year, leaving a shortfall of up to £60 million. Such a reduction in funding will not reflect the needs of different groups of learners, denying them access to a broad range of learning programmes, including both academic and vocational qualifications. It is a matter of particular concern for the NUT that the inspection handbook advises inspectors that "A sixth form that is not effective cannot be cost effective, however low its funding." What assurances can HMCI provide that small sixth forms, operating under severe financial constraints, will not be penalised unfairly? Will Ofsted take into account the reduction in funding from the LSC for sixth form provision when making such judgements?

32. The quality of school sixth form provision is currently subject to both Section 10 and Post-16 inspections. Ofsted has said that it is in the interests of all that the inspection of school sixth forms and colleges are comparable. Yet many issues relating to the dovetailing of Section 10 inspections and Post-16 inspections remain unresolved. One key principle is that school sixth forms should not be over-inspected. If, for example, a school sixth form has been recently subject to an Ofsted Section 10 inspection as part of the regular cycle, it should not then be inspected under the new arrangements within four years. Equally, teachers in school sixth forms may view it unfair if the rest of the school was subject to a “short” Section 10 inspection while they had a full Post-16 inspection.

33. There is also potential for the over-duplication of documentation and bureaucratic overload arising from the requirements of post-16 institutions to provide evidence of quality improvement. Ofsted needs to issue supplementary guidance, which should be subject to written consultation, on maximum levels of documentation needed for post-16 inspections. It should be a key principle of any such guidance that Ofsted would not require of school sixth forms any information which has previously been provided in connection with a Section 10 inspection.

34. The NUT believes that school sixth forms should be included within Section 10 inspections only and not subject to duplicate inspections. Post-16 area inspections should focus on provision which was previously the responsibility of the FEFC. Would the Chief Inspector agree that issues of overlap relating to school sixth forms still need to be resolved? What steps will Ofsted take to ensure that inspection arrangements do not duplicate the bureaucratic and administrative demands on school sixth forms?

35. Whilst acknowledging that retention rates and high levels of completion and achievement are important indicators in the post-16 quality indicators, these should not dominate the accountability process. There should be sensitivity to the diversity that exists in post-16 provision. Local and community provision, in both rural and urban areas, must be taken into account.

36. In addition, evaluation of post-16 provision should take into account all the factors that relate to social and economic disadvantage. Whilst not intending to justify poor quality provision, the context in which post-16 learning takes place and the circumstances, previous educational and social contexts from which learners are drawn, will inevitably have a significant impact on the quality of their learning experience and the learners’ achievements. Judgements on where the providers of learning programmes must be made with full knowledge of the learners’ backgrounds.

37. A wider definition of achievement should also be incorporated into the accountability process that acknowledges the new post-16 curriculum developments, which are delivered increasingly in units and modules. The quality of post-16 provision should also focus on what a particular local provider is offering to meet the educational needs of learners in that locality.

38. Any inspection arrangements in post-16 education must not be biased towards narrowly defined outcomes. Obviously, the quality of provision is central to the success of post-16 education but it should be seen in the context of supportive measures rather than as a means of penalising institutions in terms of Ofsted recommendations. For example, there is a range of factors which can influence the quality of provision, including adequate funding.

39. Inspection arrangements in post-16 education should recognise and support the delivery of the education that is being offered to learners, rather than focus only on what specific courses are available. For example, the contribution that post-16 students make to the ethos of the school or college of which they are part are important quality indicators. Does the Chief Inspector believe that the current arrangements for post-16 inspection give a rounded picture of all of the work of institutions? What assurance can Ofsted give that post-16 inspections will give equal value to all courses and not just to those that lead to formal qualifications that attract higher levels of funding?

October 2003

Memorandum submitted by the British Association for Early Childhood Education

The evidence is submitted by The British Association for Early Childhood Education (Early Education), the leading national voluntary organisation for early years practitioners and parents, with members and branches in England, Northern Ireland, Scotland and Wales.

The evidence is based on factual information of current inspection practices.

THE QUESTION

What is the standard that Ofsted is aiming for in the education of young children?

Although all Foundation Stage settings (FSS) are required to be inspected by Ofsted as a condition for receiving grant aid, the type of inspection they receive is fundamentally different. Settings in the private and voluntary sectors receive Section 122 inspections, while FSS in state schools (nursery and reception classes and nursery schools) receive a Section 10 inspection. The differences between these inspections are summarised as follows:

THE FRAMEWORKS

Although many headings in the two Frameworks are similar, there are significant differences, for example, in contrast to a Section 10 inspection, in a Section 122 inspection there is no requirement to evaluate and report on:

- the standards achieved in the areas of learning;
- how well the curriculum meets children's needs;
- how well strategic planning reflects and promotes the setting's ambitions and goals; and
- how well the principles of best value are applied in management and use of resources.

THE DURATION OF THE INSPECTION

A Section 122 inspection lasts for one day and is carried out by one inspector.

A Section 10 inspection lasts from between two to four days and the FSS is visited by two or more of a team of inspectors, including a lay inspector who is required to contribute a non-educational view.

INVOLVEMENT OF PARENTS

A Section 122 inspection encourages the inspector to seek the views of parents by meeting with groups and individuals informally.

A Section 10 inspection requires that the views of parents are sought through: an Ofsted questionnaire and a parents' meeting. The responses of parents inform the inspection findings.

QUALIFICATIONS AND TRAINING OF INSPECTORS

The majority of inspectors who are responsible for Section 122 inspections have a background in social services and a number have little training in the Foundation Stage or early childhood development and learning. To qualify as inspectors they are required to attend one day's training which is mainly concentrated on inspection procedures. Additional professional training and guidance is provided but this is attended only on a voluntary basis.

Section 10 inspectors are required to be qualified teachers and have had substantial experience in education. The training for inspection is a rigorous process, which involves a course of training and practical experience of inspection, both of which are assessed. In addition, in order to qualify to inspect the FS, inspectors have to demonstrate background knowledge and experience in the phase and attend an additional one-day's specialist training. Section 10 inspectors are expected to keep up-to-date with inspection developments and in order to do so they are required to attend five days annual professional training.

Clearly any form of inspection provides a form of quality assurance and important information for both parents and the Government. However, the differences between the two types of inspection, in particular the use of different inspection frameworks, raise questions about the lack of common parameters for quality and for the provision of information provided about FSS. Parents and other lay persons do not understand the differences. This frequently leads to a belief that FSS in the private and voluntary sector are more successful than those in the state sector.

If, as the Green Paper suggests, the Government intends to achieve an integrated inspection framework it raises the question of which of the current frameworks would provide the marker for quality.

October 2003

Memorandum submitted by Myerscough College

We understand that you will receive this Friday a copy of our College's Inspection Report.² The actual inspection took place in late January 2003. The delay in publication has arisen because the College made a complaint about the conduct of an individual inspector. The latter was responsible for judgements relating to a specific curriculum area, sportsturf. We sought to resolve this through the mechanisms available at Ofsted but, as no satisfactory agreement could be reached, the College sought an independent adjudication. The adjudicator's report is now in the public domain and is attached.³ The consequence of the adjudication is that we have received apologies from Ofsted and an agreement from them for early re-inspection of sportsturf. This will take place in the week commencing 17 November 2003. We had hoped that our Inspection Report, having been delayed this far, should not be published until after this re-inspection. However, Ofsted feel that such a course of action is not justified and we have acknowledged that.

² Not printed.

³ Not printed.

We felt it appropriate that Select Committee should receive a copy of the adjudicator's report at the same time as our Inspection Report and hence this letter. We are aware that our Inspection Report remains confidential until its publication this Friday.

We very much hope that our case will be helpful for future inspections. Throughout we have stressed that Myerscough is committed to its learners and always seeks continuous improvement. It was and remains our view that the inspection of sportsturf was not conducted properly and we feel that adjudication confirms this.

Myerscough has an excellent reputation for sportsturf both nationally and internationally and indeed our work-based based training with adults and others is continually expanding and is well received by employees and trainees.

We Look forward to the re-inspection and will take forward any recommendations from that. We are already implementing a post-inspection plan for the rest of the College activity.

15 October 2003

Memorandum submitted by the Secondary Heads Association (SHA)

1. SHA believes that inspection should become a validation of the self-evaluation process in a school. Only where this reveals evidence of under-performance should a full inspection take place. For greater consistency and higher quality of judgement, we believe that inspection teams should be led, not by contracted part-timers, but by full-time HMI.

2. SHA welcomes the new Form S4 (the school's self-evaluation) as a move towards the sort of inspection system that it would wish to see.

3. The vast majority of inspections are now carried out very professionally, but SHA remains unconvinced about the process itself. The inspection process is inherently unscientific, and is not really robust enough for the several uses to which it is put. There is little or no evidence that it actually does improve standards, though there are many claims. There is insufficient quality control of the judgements that inspectors make, influenced as they are by prior sight of statistical evidence and by one another, as distinct from the conduct of the inspection and compliance with the process. Although the latter aspects have improved considerably they are secondary and there is still much room for improvement. Many school leaders remain deeply concerned about inconsistency in the inspection approach and the judgements reached. Further work to improve this needs to be encouraged if the system is to continue.

4. Although steps to reduce the burden of inspection have been taken it is still a stressful process. The development of forms pre-populated with data is a move to be welcomed, as is the new provision of forms on the Ofsted website to encourage schools to use them annually for their own purposes. If schools do this, the pressure to complete forms to the deadlines required will be eased.

5. The inspection handbooks are a useful school improvement tool.

6. The pupil questionnaire, which in general we welcome, has some weaknesses. Secondary schools which are being inspected early in the year, having given the questionnaire to all pupils, are finding that Year 7 pupils do not know enough to answer some of the questions (like whether or not the homework set is purposeful) because they do not have sufficient experience of their new school. Their responses are not, however, separated out in any way so that their judgements can be read in the light of their relative inexperience. They tick the box which says that they are in years 7-9. A simple modification to the form would enable responses from new pupils to be identified by the registered inspector. Presumably, students in year 12 are in the similar position—they may not have had sufficient experience of the sixth form to make well-founded judgements.

7. The publication of adverse reports does not make it easy for a school to improve: their staffing problems are increased (who will elect to work in a school which has been publicly named and shamed?) and schools in special measures are not allowed to employ NQTs.

8. One of the impediments to school improvement can be a judgement in a particular subject department (on the basis of limited evidence) which is markedly more favourable than the view held by the headteacher on the basis of evidence gathered over a longer period of time. In the context of a published report, few school leaders will argue for lower gradings even when believing that the judgements were too generous. When this happens, it increases the resistance from individual teachers or departments towards attempts by the headteacher to improve them, on the grounds that Ofsted has said that they were sound or better.

9. There is some evidence that schools' measured results often dip in the immediate post-inspection phase.

10. It continues to be the case that schools drawing pupils from areas with high levels of social and economic deprivation are the ones finding inspection the biggest challenge and are the ones most likely to be placed in a failing category. This is not to use the socio-economic circumstances of these pupils as an excuse for underachievement, but schools that are apparently similar often have significant differences between them and the solutions are not as straightforward as is often implied.

11. Inspection needs to be much more tightly related to the support required for school improvement. At the moment, judgement and support are wholly separate processes. SHA does not believe that this is the best use of these limited resources.

12. SHA is concerned about the reference in reports to senior staff who have moved on before the school is inspected, and whose work is criticised although they have not seen or spoken with the inspection team. They may not be named but by virtue of their previous role, they are clearly identifiable. Contractors and registered inspectors should be given clear guidance about this, and such staff should have a means of raising a complaint if they feel that their reputation has been unfairly besmirched.

October 2003

Memorandum submitted by Tom Dixon and Journey Roberts pupils at Summerhill School

We are writing about the statement made by David Bell regarding the court case brought against the results of the Summerhill School 1999 inspection in March 2000. He claimed that Ofsted had not lost and fails to mention that the settlement was made completely on Summerhill's terms after we had agreed to comply to the basic health and safety issues, and hired a suitable class 2 teacher, which we had agreed to from the beginning.

As students at Summerhill School we are dismayed and insulted by this misleading Ofsted report. As Chris Woodhead said, "Feel free to bin your report" if you feel it does not accurately describe your school.

We request the committee to urge Ofsted to withdraw the 1999 Summerhill report.

17 October 2003

Memorandum submitted by the Early Years Equality (EYE)

Early Years Equality (EYE)—formerly the Early Years Trainers Anti Racist Network (EYTARN)—works to ensure racial equality in the lives of all young children. We work with government and other national organisations as well as with local organisations.

We are represented on:

- DfES/Sure Start Unit's (SSU) Equality and Diversity Group.
- QCA's Race Policy Group.
- Ofsted's Early Years Equalities Forum.

And have advised on the racial equality issues to be included in:

- the SSU guidance for early years development and childcare partnerships (EYDCPs);
- the National Standards and accompanying guidance;
- the drafting of QCA's curriculum guidance for the foundation stage; and
- developing and writing training materials for Ofsted childcare inspectors as well as working on Ofsted's early years race equality scheme, as a result of the requirements of the Race Relations (Amendment) Act 2000.

Our work with Ofsted so far has been to work together in a supportive and cooperative manner, but we have some concerns.

THE RECRUITMENT AND TRAINING OF EARLY YEARS PERSONNEL

The Race Relations (Amendment) Act 2000 places a general statutory duty on public authorities (which includes Ofsted) to eliminate discrimination and promote equality of opportunity and good relations between people of different racial groups.

This clearly includes ensuring that those people employed by Ofsted understand this legislation and how it applies to Ofsted's functions and have the knowledge and skills to put it into practice as part of their general duty under the Act.

1. Impact of Race Relations Amendment Act on Recruitment.

- (i) Recent recruitment materials for childcare inspectors include, for the first time, a reference to "a commitment to and understanding of equalities in practice" but this is only a "desirable" and not an "essential" requirement. In order to comply with the general duty under RRA we believe this requirement should be essential and should be at the forefront of Ofsted's recruitment and selection procedures and practice.
- (ii) Furthermore, where racial equality issues are explicit in the materials for potential applicants this is more likely to attract applications from people from black and minority ethnic groups because they will feel issues of concern to them, such as racial discrimination, are being taken seriously—again an aspect of RRA to "promote equality of opportunity".

QUESTION

How will Ofsted recruit early years employees who understand and have a knowledge of issues of racial equality?

2. *Implications for further training*

- (i) To comply with the general duty

We appreciate that racial equality issues are complex and not readily understood in short training courses. However, we believe there is a significant need for childcare inspectors to have further training in order to be able to comply with the requirements of the new legislation, to comply with the general duty.

- (ii) To be in a position to ensure that National Standard 9 (Equal Opportunities) is being put into practice effectively in all early years settings.

We have been given information which suggests that some childcare inspectors do not understand what is required of them.

For example, they may be unable to assess:

- whether an admissions policy is potentially unlawful; or
- what the promotion of equality of opportunity and good relations between people of different racial groups means in practice.

QUESTION

How will Ofsted ensure that all their early years employees understand their responsibility to comply with their statutory general duty under the amended Race Relations Act?

3. *The Importance of Monitoring Equality Issues*

- (i) We have been told by people outside Ofsted that the Early Years Equalities Forum is to be disbanded. As a member of this group, however, EYE has not yet been advised of any proposed changes. It may be that it is to be re-formed in a different format.
- (ii) Our concern is that issues like those raised above may not be identified in the Early Years Division unless there are people who have the knowledge and experience to identify them and ensure that they are addressed.
- (iii) If organisations like EYE do not identify such issues, which come under Ofsted's duty to comply with the amended Race Relations Act (RRA), how will they be identified and addressed?

QUESTIONS

How does Ofsted intend to ensure that issues of complying with their statutory duty under RRA are identified when, at present, some are not being identified by existing Ofsted staff?

Would it not be helpful to involve others experienced in the issues to work together with them to ensure compliance?

October 2003

Monday 8 March 2004

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor
Valerie Davey
Jeff Ennis
Mr Nick Gibb

Paul Holmes
Mr Kerry Pollard
Jonathan Shaw
Mr Andrew Turner

Memorandum submitted by David Bell, Her Majesty's Chief Inspector of Schools, Ofsted

DISCLOSURE OF INFORMATION ABOUT COMPLAINTS

The House of Commons Education and Skills Select Committee has previously asked me about my approach to the above. I am writing to let you know of some developments that will be announced today which will enable me to share more information following a complaint.¹

I have previously explained that my lawyers believe that disclosure of information, other than that expressly provided for in the Children Act 1989 ("the Act"), could be unlawful. This is because duties of confidentiality, and rights of non-disclosure under the Data Protection Act 1998, place significant constraints on my ability to disclose details of my investigations following a complaint about a provider. My lawyers believe that, in the absence of a specific power allowing me to disclose information in relation to complaints, the presumption must be that I have no authority to do so. However, in the light of continuing concerns from parents about non-disclosure, I have had further discussions with my lawyers and other colleagues and, as a result, I am introducing a revised approach.

SHARING INFORMATION WITH PARENTS WHO MAKE A COMPLAINT, AND OTHER PARENTS WITH A CHILD IN THE SETTING

You will see from my announcement that from today, I intend to share more information with parents who make a complaint about their childcare provider. Once I have completed my investigation of their complaint, I will write to them setting out details of how I looked into the matter, and what action was agreed with, or taken against, the provider as a result. I will also share that information on request with other parents who can demonstrate that they have a child in the setting.

My legal advice has suggested that without a specific power to share such information, there is still a risk of legal challenge from a provider that my disclosure is unlawful. However, lawyers believe I am more likely to be able to defend such a challenge if I limit the sharing of information to those who have a direct relationship with the provider, such as a parent of a child in the setting. So, I would be able to share information with a parent of a child who has made a complaint about the childcare and I could also share that information with other parents of children in that setting. I could not legally share information with, say, a concerned bystander who witnesses an incident and reports it. Whilst I do not want to discourage such people from making a complaint, my lawyers believe that in such cases, as the complainant has no direct relationship with the provider, it is reasonable to expect the person to trust Ofsted, under its statutory duties and powers, to look into the concern and to take appropriate action.

INCLUDING COMPLAINTS INFORMATION IN INSPECTION REPORTS

The Department for Education and Skills (DfES) is today² launching a consultation on a package of revised regulations. I have asked the DfES to include in their consultation a change to the regulations that support the National Standards for Day Care and Childminding. This is to include a specific duty on all providers to keep a record of all complaints. At present, the requirement to keep a complaints record is listed as a supporting criteria to the national standards and, as such, is only something that providers must "have regard to". I believe that making it a specific duty on all providers to keep a record of complaints will enable Ofsted to examine that record routinely during inspection, and to include a summary of it in our inspection reports. The information given in the reports will show the number of complaints made since the last inspection, broadly what they related to, and whether the provider has resolved them satisfactorily.

To allay other concerns from providers about vexatious complaints being reported, I will ensure that the wording included in the report makes it clear whether a complaint was about a minor matter that required little or no further action, or whether it was about something more serious. I will not include in inspection

¹ Ofsted News Release, NR 2004-17.

² 5 March 2004.

reports any complaints that relate to matters outside my regulatory responsibilities (for example, contractual issues or complaints about fees), since these are for the provider and the parent to resolve between them.

Alongside this, I recently announced my decision to publish childminder inspection reports on the Ofsted website from April 2005 (day care inspection reports are already published). This follows soundings taken with childminders who had previously expressed concerns about having their names and addresses openly available on the website. To allay those concerns, I have decided to publish childminder reports showing the unique reference number and the first four digits of the postcode. This will be linked to a mapping system that will enable parents to view reports of childminders in their desired location. This will ensure an appropriate balance between the protection of childminders and the children they care for, and making information more widely available to parents.

DFES CONSULTATION ON NEW AND REVISED REGULATIONS

The package of regulations that DfES is today launching for consultation will also include new regulations on disclosure of information. The new regulations will give me a specific power to share information with other parties who work in child protection, including the police and local authority social services departments. Whilst Ofsted would have shared such information in the past where a child was at risk, the new regulations will put beyond doubt that I can share such information. Subject to views obtained during the consultation, DfES intends to finalise the regulations and lay them before Parliament later this year.

The DfES regulations will take some time to come into effect. However, having listened to the views of parents, I have decided to put in place the measures outlined above in advance. As I have indicated, acting without the specific legal powers being in place does carry some risk. However, I am confident that if I keep within the parameters that my lawyers have set out, I am reasonably safe from challenge, in advance of the regulations being passed. Above all, I think that given the current concern about the protection of children, it is essential that I demonstrate that I have listened to the views of parents and responded appropriately.

5 March 2004

Witnesses: **Mr David Bell**, Her Majesty's Chief Inspector of Schools, **Mr David Taylor**, Director of Inspection, Ofsted, **Mr Robert Green**, Strategy and Resources Directorate, Ofsted and **Mr Maurice Smith**, Early Years Directorate, examined.

Q69 Chairman: Could I first of all welcome you, Chief Inspector. It is a pleasure, as ever, to have you here. Could I also welcome your team, David Taylor, Robert Green and Maurice Smith and say to David Taylor that it is quite a sad occasion in some senses because we have become used to seeing you here and this is going to be your last performance in front of the Committee. Is that correct?

Mr Taylor: It is very sad for me, too, yes.

Q70 Chairman: Thank you for the excellent evidence you have given us in several sessions and you have our very best wishes for what I cannot believe will be a real retirement.

Mr Taylor: Thank you very much.

Q71 Chairman: Some of us have watched your settling-in process. How long have you been in the job now, Mr Bell?

Mr Bell: Nearly two years, Mr Chairman.

Q72 Chairman: So you are well settled in and you seem to be quite vigorous in terms of the number of reports and times that you make initiatives from Ofsted, but you are also head of a growing empire. I do not want to spend too much time on that, but every time we see you there is another bit that the Government has added on, and the Children Act has given you great new responsibilities which we will

come to. As is our custom, would you like to have a couple of minutes to open up on the Annual Report?¹

Mr Bell: Thank you very much, Mr Chairman. I was actually here earlier this morning in the Grimmond Room next door making a speech on the subject of girls' attainment and achievement. I was actually able to sit in the chairman's chair so it gave me the chance to experience a meeting from the other side, so to speak. I have to say, that feeling did not last and I am back in my usual position as a suppliant waiting to be questioned by your Committee. You have acknowledged that we have been busy over the past few months since we last met in early November. As well as my Annual Report we have published reports on Further Education, Teacher Training, the National Literacy and Numeracy Strategies, Music in Key Stage Two and so on. In Early Years we have announced the publication of child minders' inspection reports on our website and as recently as last Friday we outlined plans for giving parents more information when they make complaints. I know that is something that has particularly interested this Committee. Even with all that to keep us busy, it will not have escaped your attention that we have also published a consultation document on the future of inspection. Not surprisingly, this has occasioned much comment in

¹ *Standards and Quality 2002-03: The Annual Report of Her Majesty's Chief Inspector of Schools, Ofsted, February 2004.*

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schools, the media and across the wider public. Naturally I am happy to say more about that if members so wish. As you acknowledged in your introduction, Mr Chairman, this occasion is primarily an opportunity to discuss the Annual Report which was published on 4 February. I believe it provides an authoritative overview of education in England during the academic year 2002–03. It is, of course, for the Committee to determine which themes are of particular interest to you and I stand ready with colleagues to answer your questions. In general terms I presented a picture of steady progress as the education system does better and better for more and more young people. We are able to report for the first time in our Annual Report on our comprehensive picture of childcare in England and I believe that parents can be reassured by what we found. We also report on improvements in areas as diverse as Information and Communication Technology in primary schools, through the Key Stage 3 strategy and its impact on teaching and learning, and on to the decline in the number of colleges with unsatisfactory leadership and management. However, in a word that only chief inspectors can use with such impact, there are a number of issues and challenges facing the education system in England. I comment on the dangers of a two-tier curriculum in primary schools, the continued gap in achievement between different groups of pupils and the persistent weaknesses that we found in the quality of work-based learning. In providing this balanced overview of strengths and weaknesses, I believe that Ofsted does make a vital contribution to education in this country. Our evidence tells it like it is. It enables those with an interest in education to consolidate the gains and tackle the weaknesses. Whatever the future holds for inspection, I can assure you that I will not compromise on this work for as long as I am Her Majesty's Chief Inspector. You have already commented, Mr Chairman, on David Taylor's last appearance in front of this Committee. I would like also to pay tribute to David not just for all the work that he does in this forum but more generally. I think it is also worth commenting that David has contributed to the work of Her Majesty's Inspectorate for over a quarter of a century.

Q73 Chairman: Thank you for that. If there is anything of a theme in the questioning today we will be asking you, I suppose, over all the territory, what is your view on the effectiveness of the institution you head up. We have talked about its increase in size and range of responsibilities but it is a lot of the tax payers' treasure, it is a lot of salaries, a lot of stress—even if the new inspection regime is adopted—to heads, teachers and students. Is it worth it? That is a question we have to ask you. We know you inspect, but does the inspection improve what goes on in schools? Is it the inspection process that improves what goes on in schools? On the other hand, surely one of the key things is that what you find does influence government policy. We will come

into it in more detail, but are you just an inspectorate whom no-one takes much notice of? Or are you, on both those heads, making some difference?

Mr Bell: I certainly would not suggest that we are an inspectorate whom nobody takes any notice of. I have always said that it is teachers, head teachers and those who work in schools who bring about improvements in schools. However, I believe that inspection has made a major contribution to improvements. If you look back over the past ten years there has been a number of policy initiatives—local management of schools since the late 1980s, the national curriculum, national strategies and school inspection—so if you ask me to try to disentangle the effect of inspection I think it is probably impossible to do that. On the other hand, what I would argue—and I point to a number of examples of where we have contributed to improvement—is that when the inspection framework was first published and the handbooks for guidance were published, they brought together for the first time the expectations inspectors had of schools and schools, I think, found those very useful and actually themselves started to use that guidance and advice to assess their own performance. More generally I think that has led to an improvement in school self-evaluation. When Ofsted was set up there was very little systematic school self-evaluation going on; I think inspection has helped to give that greater profile to schools and has also enabled school leaders and managers to look more critically at what they do. Another example for me would be our impact in schools that have required special measures. Perhaps it is there that you see the direct impact on inspection most strongly because inspection identifies those schools which require special measures. Her Majesty's Inspectors monitor those schools and obviously the vast majority of those schools improve sufficiently to come out of special measures. I think there is a very direct impact there of inspection. You commented about national education policy. I can give you a very recent example which I think makes the case strongly. That is to do with the inspection we carried out on teacher training in Further Education. We painted a fairly sorry picture of the quality of teacher training in Further Education and almost immediately the Government responded with a whole set of measures to bring about improvements in that area. That is one of a number of examples going back over ten years where we have influenced government policy.

Q74 Chairman: In your own literature you point out very strongly that the two big kick-starts in educational performance are the introduction of GCSEs and the other is numeracy and literacy. They were not down to you; you point that out yourself. On the other hand, when we took evidence in two local education authority areas looking at admissions, whatever you say about the effect of Ofsted on schools in special measures, we still found almost intractable problems where the schools serving the most deprived communities in both those areas found it very difficult to get out of being at the bottom; they may be just above being in special

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measures—they are not in special measures—but they still are in the most difficult situation. They find it more difficult to recruit good teaching staff; they find it more difficult to recruit a fair percentage of brighter students. What does Ofsted do in that situation?

Mr Bell: I recall when I gave evidence to the Committee on school admissions, on the back of our report I pointed out that there were some policy tensions that existed. It is really not for Ofsted to make policies; it is for Ofsted to report. That is what we did; we did highlight precisely some of the issues that you have described. On the other hand, we know from our evidence that schools serving difficult circumstances—including those that have gone into special measures—can improve and do improve such that they come out of special measures and, as I point out in my report, go on to be outstanding schools. We have fourteen in that category in this year's Annual Report. I think what you have through Ofsted is that evidence that enables you to ask those questions in a way that we can speak with some authority. I think that is helpful from Ofsted's perspective.

Q75 Chairman: I have read your material over the years and what you consistently say about small sixth forms is that they find it difficult to provide quality teaching at the 16 to 18 level. That comes through your reports consistently. Would you agree with that?

Mr Bell: We have commented that small sixth forms do find it difficult to offer the range of courses, but we do not have an absolute prescription that says that a school sixth form must be this size.

Q76 Chairman: That does come through the report and yet here is the Government now embarking on a whole range of City Academies, all of whom will have sixth forms. Presumably quite a few of them will have small sixth forms. Does that concern or worry you? Is that part of your remit?

Mr Bell: I think it is our job to report on the outcomes. In some schools there can be a very small sixth form that does achieve well but will only be able to offer opportunities across a limited range of subjects. Equally we know that there are some schools with slightly larger sixth forms that do not do quite as well. I think it would be wrong for Ofsted to go into inspection of sixth forms or any other aspect of a school and say "We have a pre-determined solution. We think that if you are this size or this shape or this configuration you are going to be good or bad." It should be our job to say what outcomes are being secured for the pupils in this institution. I think the pattern of sixth form education—or post-16 education more generally—is going to be rather interesting. I do point out in the Annual Report, based on a very small sample of 14–19 area inspections, it is difficult to see where the leadership is coming from to bring about the kind of provision that is going to meet the needs of all pupils. I think that is what we can do. Again, that is based

on outcomes: what is best for the pupils rather than this is a fixed opinion over the nature of the organisation of institutions.

Q77 Chairman: On both counts you think that the Government changes its policy because it reads your reports and listens to what you have to say. You also do make a difference in the quality of education.

Mr Bell: Yes, but we are not complacent about that. If you read, as I know you have, our consultation document *The Future of Inspection*² we argue that there is an even greater contribution that we think we can make to improvement. That is based on a principle that I think we have learned more about over the last years; in the sense that it is the certainty of re-visiting where there are issues that need to be picked up. We found that out in the school sector and we found that in the post-16 sector. We believe that if we can reduce the weight of inspection but increase the frequency, then there is an opportunity for more frequent visits to ensure that improvement is driven at school level. We are not complacent on these matters.

Q78 Chairman: I am not accusing you of complacency, but there is a problem that many people are criticising the Government because many of what they saw as the easy quick hits—the increases in numeracy and literacy, the driving up of standards of achievement at GCSE and so on—have been very impressive, but everyone now talks about a plateau. That is more difficult. You have made improvements for 70% to 75% of pupils; what about the remaining 25%, the most difficult? If the Government is being criticised for reaching a plateau, you too are complicit in the sense that your job is now becoming more difficult. The easy wins are gone. What can the Inspectorate now bring to this much more difficult 25%?

Mr Bell: We tried to address that in the report we published last December on the literacy and numeracy strategies where we looked at perhaps why schools were sticking, what needed to be done, where schools were getting better gains than the average. I think we can contribute on the basis of our inspection evidence. For example, we commented on teachers' subject knowledge and the contribution which that makes to higher standards. We commented on the contribution the rest of the curriculum can make and not just a focus on literacy and numeracy. I think inspection can play a very important role in identifying those institutions where success appears to be greater than that which has been achieved elsewhere and highlight that for others to learn from. I think that has been one of the great virtues of inspection; we have so much accumulated evidence now over 10 years that teachers, head teachers and government can benefit from what we can tell them about education.

² *The Future of Inspection: A consultation paper*, HMI 2057, Ofsted, 10 February 2004.

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Q79 Chairman: David Taylor has been in the job for a quarter of a century. Do you think we are now getting to the real testing time with the difficult areas because you have had the easy victories, the quick hits?

Mr Taylor: One of the benefits or drawbacks of such an inordinately long memory is that I can recall when we first wrote about the need for a primary curriculum to have the characteristics of breadth and quality that we are still writing about 25 years later in the primary survey that was published in 1978 when I became an HMI. The obvious lesson to draw from that is that for a very long time HMI and Ofsted inspections have been focussing on what needs to be done to raise the standards in primary schools. It is not, as David said earlier, up to us alone to effect that improvement. All we can do is systematically to draw attention to the quality and standards that we find and through that means diagnose the issues that need to be addressed if those difficult areas that you refer to are to be tackled. That is what we continue to do.

Q80 Chairman: Parts of the evidence from the Red Document, the consultation paper, sounds as if you have been listening to comments from the Select Committee over recent years (I hope I am not being arrogant in saying this). It seems to me what is being suggested in the consultation paper is precisely what members of this Committee over the last three years have been pushing you to do: have a better relationship with the schools after leaving, a more continuous relationship. Would you accept or agree with that?

Mr Bell: We do take very seriously what the Select Committee raises with us and matters relating to the conduct of inspection have exercised this Committee's mind for a number of years. That has been one influence. There were influences inside Ofsted itself. We were starting to think about the future and I think it would be wrong for Ofsted to have said that we have had this system of school inspection for 10 years, come what may we are going to continue to do this in exactly the same way. That is not to undermine the tremendous contribution that school inspection in its current form has made; it is to look into the middle distance and to say—as I actually say quite explicitly in the Red Document—that it is time to trust schools more and to focus on those things that we think are going to make most difference through inspection. Along with the increased frequency that I have described, there are a number of other issues that we think will contribute to further improvement like, for example, ensuring that schools diagnose their own strengths and weaknesses accurately. We have taken account of a lot of opinions and, of course, as you would expect, we are getting a lot of views expressed about the future of inspection and I do hope—whether it is at this meeting or at a subsequent meeting—the Committee will give us their thoughts on the future.

Q81 Jonathan Shaw: What happens when your reports are discredited or criticised in that process, what do you do then?

Mr Bell: I suppose there is a general and a specific. The credibility of inspection in the general sense is very important and that why we go out of our way to seek views from head teachers and teachers after inspection. That has told us a consistent story over the past 10 years or so that in the main about 90% of people who respond to our questionnaires—it is usually a very good response—say they are satisfied with the outcomes of inspection and think that inspection contributes to improvement. That is at the general level, so the credibility is very important. At the specific level we have a complaints process which ultimately can take you all the way through to the independent complaints adjudicator. As the independent complaints adjudicator herself points out, it is always going to be very difficult to resolve something when it gets as far as her. The onus is on all the other parties to try to sort things out. At the most extreme I have the power to declare an inspection and inspection report as seriously misleading and withdraw it.

Q82 Jonathan Shaw: Have you ever done that?

Mr Bell: I have done that. I cannot give you the exact numbers but I can provide those for the Committee. Certainly in my time as Chief Inspector I have done that. I think people would expect that to happen in the most extreme cases. People would expect that Ofsted would investigate very carefully and, if a report was seen to be seriously misleading, to withdraw it. Complaints about inspections come in all different shapes and forms, but I have to say in the main—going back to my earlier comments—the majority of schools are satisfied with the process of inspection.

Chairman: We would like to move on now to early years, primary and nursery schools. Mr Ennis?

Q83 Jeff Evans: Mr Bell, Ofsted has rated over 50% of child care provision as satisfactory or worse. Given HMCI's comments that satisfactory teaching is not sufficient to drive continued progress, is the lack of good quality child care of serious concern?

Mr Bell: I think I would want to draw a distinction between quality based judgments in child care and the judgments that we make in school inspection for one very simple reason: we have only just started to make those quality based judgments in the early years. If you recall, when Ofsted took over the inspection of child care we just made a judgment about compliance with the national standards. We still do that, but we now make a quality based judgment on a three point scale in child care. I can bring Maurice Smith in to comment more on the early years but I am happy to come back to the question about satisfactory not driving up improvement in the schools sector.

Mr Smith: I have nothing much more to add except to say that 99 and a bit per cent were found to be satisfactory or better, which we feel is a positive report on child care in the country. We do have a three point scale and we set it out clearly in a very brief leaflet that is available to parents and providers. We feel that those grading structures are suitable and fit for purpose as we stand. I am sure

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that the Chief Inspector in his *Future of Inspection* report will be looking at grading structures right across Ofsted in the medium term future, but these will stay with us and they are broadly accepted in the field until 31 March 2005.

Q84 Jeff Ennis: I cannot remember the exact time scale when the early years inspectorate took over the function from the social services department.

Mr Smith: September 2001.

Q85 Jeff Ennis: So it has been in place for two and a half years. I know there were a number of early teething problems—the transfer of staff et cetera, computers, having to work from home rather than centrally—have those teething problems now totally dissipated?

Mr Bell: We were given quite a major task to carry out 100,000 inspections of child care providers by 31 March 2003. We carried that out. After that we have given ourselves, in a sense, another task to ensure that all child care providers are inspected again by 2005. I think it is fair to say that we are on target. You did highlight—as we highlighted—the teething problems and perhaps Maurice will say a bit more about the statistics that tell us how we are doing. IT was a very interesting example because I seem to recall sitting here about a year and a half ago saying that we were making steady if unspectacular progress in IT investment and success. That is an area we really have turned round. Our early years' staff are much more satisfied with their early years equipment. I would just make a comment that following a discussion about efficiency in central government and what Sir Peter Gershon is proposing. Ofsted is a rather interesting trail blazer because we have one of the largest percentage of staff that are home based, certainly in the Government and the public sector more generally. We actually think that that does contribute quite a bit to efficiency because you do not have the same kind of overheads that you might have. However, central to that is ensuring that people have high quality IT support and we really have addressed that over the past couple of years.

Mr Smith: I have just a little more to add, if I may. I think it is fair to say when we inherited what were about 1,200 staff from 150 different local authorities it was probably about 50/50 those who wanted to go home to work and those who would have preferred to have been in an office. Some of our sister organisations like the NCSC offered both; we did not. I would have said by the first Christmas that that figure had gone to 75/25 against because, you are right, we did have information technology problems and people were finding it difficult to get used to that working environment. I meet groups of inspectors four times a week—two on a Monday, two on a Friday—and my feedback from that is that that figure has turned the other way round. I would have said it is now 75% to 80% who prefer to be home based workers. Partly that is due to significant investment in information systems over and above our contracted position with Logica. Ofsted has dipped into its own pocket fairly significantly to

bring colleagues up to speed. Secondly, I think it is a discipline of home based working that we have worked very hard, as an organisation, to try to generate and improve. As the Chief Inspector said, we are seen by Government and by other government departments to be the leading agency in terms of home based working and we are flattered by that. However, we can do better and we still have a way to go.

Q86 Jeff Ennis: In pre-school years education as well—also in school years—one of the more recent Government initiatives has been the devolvement of a neighbourhood nursery initiative in developing neighbourhood nurseries. Do we have any sort of early findings in terms of how successful they are in inspection terms?

Mr Smith: We have not inspected neighbourhood nurseries as a discrete group and therefore our findings are only those that relate to group full day care. However, we do inspect Early Excellence Centres as a discrete group and one of David Taylor's teams is responsible for that area of work. We have not published on that yet, although we have a draft report at this stage.

Q87 Jeff Ennis: Do you have any sort of early feed back on that that we can be privy to?

Mr Taylor: The Annual Report does have a section on the inspection of eight Early Excellence Centres and by and large that was a positive picture. The inspection of 23—which is now in a draft report—confirms very strongly the messages in that small section in the first part of the report. I think we have something which, in the development of the new kind of integrated children's services and children's centres, provides a promising beacon in terms of how to organise that kind of wraparound care and educational support. By and large, where the centres have less progress to report, it is that the management has been rather less experienced. Where LEAs are putting strong management into those Excellence Centres, through experienced heads, quality is good and improving.

Q88 Jeff Ennis: From the report itself on page seven, the main findings of the child care and early learning, one of the clauses there said, "Ofsted investigated 400 complaints about unregistered child care providers, four for every one thousand registered providers. Of these 10,000 resulted in enforcement activity." I wonder if you could explain to the Committee what it entails when you actually take enforcement action against an unregistered child care provider.

Mr Smith: When we come across unregistered child care provision we make every attempt to persuade the unregistered childminder to become registered (they are childminders in the main). Indeed, many do. If they do not, then we monitor that position and if they continue, in our evidence, to provide unregistered care, then we issue enforcement notices against them. That is the 10% as quoted in the

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report. If they breach that enforcement notice, we take them to court and courts have taken a very rigorous line against such people.

Q89 Jeff Ennis: I guess that would involve some sort of fine.

Mr Smith: Yes, usually a financial penalty.

Q90 Jeff Ennis: What sort of fine would it be?

Mr Smith: The most recent one which was highlighted in the public domain was a fine of £4,000.

Q91 Mr Gibb: Can I just pick up on the issue of the plateau. On page 13 of the Report it says that the results in national tests in primary schools have not improved for several years and the gap between the standards obtained by boys and girls persists, particularly in writing. The plateau has been at about 75% for the last four years, achieving Level 4 at age 11. When you look at the tables of SATS results published in the newspapers you can see some schools in some very deprived parts of Tower Hamlets achieving 100% Level 4 age 11; then you can find schools in very prosperous suburbs of middle England where the teachers are very high quality teachers, the parents are very supportive and the children come from homes in which books are quite common, achieving only between 70 and 80%. Why is that? You have commented in the past that there needs to be more emphasis on phonics within the national literacy standard. Picking up the effectiveness of your organisation, how effective have you been in having those comments heeded and what generally is your view about phonics?

Mr Bell: On that specific point, a couple of years ago we made some very trenchant criticisms about the confused status of advice to teachers in relation to phonics and, to be fair, that was picked up quickly by the DfES and subsequent guidance was issued and some ways amended from previous practice. You would not necessarily expect to see that having an immediate effect on the next year's results, but that is a very clear example of a quick response to what we said. We have taken a view—and we took a view from our early inspections of reading standards in Inner London Education Authorities, which, to some extent, acted as a kind of precursor to the national strategies under the previous government—that there needed to be a more systematic teaching of phonics; teachers needed to have more grounded knowledge of how children were taught to read. I think all of that has come about. The interesting observation I would make is that that probably got us to where we were up to about 2,000 when some ways the kind of soft underbelly of under-performance was dealt with with that very early attack via the national strategies. Where we have got to now is, of course, just more difficult. Then we come back to your question of why is it that some schools achieve substantially better than others. It is difficult to comment school by school, but some of the factors are the quality of teaching, the teacher's subject knowledge and crucially—and this is really important and we emphasise this time and time

again—the quality of leadership and management in the school. That involves both the head teacher's own knowledge of teaching reading and literacy more generally, as well as their capacity to monitor standards within their own schools. I think the quality of leadership is absolutely crucial. What we have tried to do in last year's Report is to tease out some of the things I have already mentioned: the contribution the rest of the curriculum can make; the way in which the teacher's subject knowledge can be developed. We must not forget that there has been a turnover of teachers since the introduction of the national strategies and there is a need to ensure that people are up-skilled. I wonder if I might ask David Taylor to comment as well on this.

Mr Taylor: Just picking up on one of Mr Gibb's points which is about the variation of performance in different local authorities—which is indeed where we came in on this focussing on under performance in three London local education authorities—I have looked quite closely at the Tower Hamlets example and I do believe it shows very clearly that an authority which has, right from the top, that kind of systematic leadership that David has talked about at the school level can make a tremendous difference. There has been a strategic approach to the development of literacy in Tower Hamlets which, in many ways, is a beacon to other authorities. Like Mr Gibb, I would want to do what we normally do which is to try to celebrate the best success that we find and disseminate the lessons from that. I would say that what Tower Hamlets shows impressively is the importance of that relentless focus that we talk about on each individual, right from the start of Key Stage 1 with the phonics emphasis, but sustained right the way through into the upper junior classes. Some of the problems come from a tailing off, round about Year 4, where pupils are on the edge of level 3/4 and are really not making the kind of progress they should in their upper primary years. That is where the other issues come in to do with the extent to which teachers really have the kind of detailed subject knowledge to apply to what is the barrier for those particular pupils and the variation between schools is still far too great. What we tried to do—and our survey has done, I think,—is to shine that increasingly fierce spotlight on both the good practice and the poor practice. What we tried to do is to say, how do we make sure that the rest do as well as the best?

Q92 Valerie Davey: Mr Bell, you started by saying—as most inspectors who ever come to us have always done—“We tell it like it is”; it is this snapshot in time, it is this focus on where a school is and we will tell that school. The work you are now doing in early years means that you are able to tell it like it is whether it is a child minder or an Early Years Excellence Centre or whatever the different nature of that early years work. In time, do you think you are going to be able to compare and contrast what is being done in early years which, as we all know, is the foundation for primary and secondary? Or are you still going to be telling it like it is in its separate sectors?

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Mr Bell: We aspire to tell it like it is zero to 19. We actually say that in the consultation document about the future of inspections. For example, one of the proposals we are making there is that you will move to a common inspection framework, post-16 as well as pre-16. I would be less than honest if I suggested that it is straightforward when it comes to the zero to four element because, to some extent—as your question implies—it is such a variable landscape of provision. It goes, as we know, from somebody looking after children in the home as a child minder right the way through to perhaps quite a large early years' unit attached to a primary school. The expectations are different, of course, to some extent because if you are in a reception class you will be leaning towards five, through the foundation stage and up towards Key Stage 1, which is quite different if you are a two and half year old or a three year old in a day nursery or with a child minder or whatever. I think it is difficult for us to comment, but it is not something that we have given up on. In fact, we are looking very carefully at the moment at how we might best do this. I think there is one danger in our understandable drive to try to get consistency: you end up show-horning very different kinds of provision into the same framework and it just does not work. We have to get right a common framework, as far as it can be common, avoiding the danger that we end up telling nothing because we have tried to shoe-horn too much in. If Maurice would like to comment on this, it would be interesting from his perspective.

Mr Smith: I think the only other thing that I would add is that we do not have any methodology at present of tracking children. That may be a good thing or a bad thing, but there is no realistic way of doing it from birth through into the school age provision. In the Green Paper developments there is a debate about whether there should be reference numbers for children and that may move us a little bit further in that direction. Another thing I would like to add is that not only is it important that we try to get consistency across the age range, but we do look at that consistency issue into the Green Paper developments. The Green Paper seeks five outcomes for children and we are looking very carefully at how, for example, the 14 national standards for child care link in with the five outcomes for children. We think that they can and we are working hard to bring that consistency to the table.

Q93 Valerie Davey: Whatever the form of care which you are inspecting, because you are an education inspectorate presumably you have a kite mark in terms of the way in which a child's abilities are being developed in whatever context they are being cared for.

Mr Bell: When we inspect child care under our current responsibilities we do it against 14 national standards which have been set and which encompass a range of aspects of development. There is some work to be done on that. Could we get them sharper? Could they become clear, as Maurice suggests in the light of the Green Paper? What is interesting under *Every Child Matters* is that, as you will be aware,

Ofsted has been given the lead responsibility for the inspection of children's services at the local level. That has involved us working with a range of inspectorates. That is going well but, of course, people inspect and look at the world from different perspectives. One of the questions that we have been addressing is, how do we get to the heart of what makes the regime suitable and effective for children and young people in an area? We are going to be largely driven by those five outcomes that are described in the *Every Child Matters* Green Paper. I do not think it is a case of saying that we are an education inspectorate and we have this perspective; I think what really matters under the Green Paper developments is that we focus on those outcomes and we then look at how different inspectorates would draw upon evidence to come to judgment. You will be aware, of course, that we want to reduce the burden of inspection as well, so we have to try to use a lot of the existing evidence that we have about how well children are doing.

Q94 Chairman: Going back to the original opening remarks about who takes any notice of you and how do we improve what is out there in the real world, this Committee did quite a thorough investigation into early years (nought to eight) some time ago. At that time we thought that the Sure Start Programme and the Early Excellence Centres were a very good investment. Would you concur with that? You are two years later than us, in a sense, so you have much more evidence to judge it.

Mr Bell: To pick up David Taylor's point, our evidence from integrated provision is broadly positive. I think I have been reported as saying that if we are really going to attack some of those very difficult and stubborn issues in the education system, we must ensure that children get the best start possible. Sure Start is not the only way but it is one way, particularly in areas where parents are maybe struggling to make the best sort of provision, through no fault of their own but through a variety of circumstances. We are not inspecting Sure Start services directly at the moment. We are inspecting the Early Excellence Centres and I think there are some encouraging messages there. I think in the future, however, it could be different because the *Every Child Matters* Green Paper does envisage that all of that provision will be encompassed within the inspection remit that Ofsted leads on but shares with others. Again, we just have to be careful that we do not just add more inspection; how can we get to how effective those sorts of schemes are without putting too much more inspection into the system.

Chairman: I want to move onto secondary schools now and Paul Holmes is going to lead us through that.

Q95 Paul Holmes: Over the last year we have conducted a series of inquiries into different aspects of secondary education and one of the issues that came up when looking at specialist schools was that we could not really get from the Government or anyone else really an explanation of why they

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thought specialist schools were better than non-specialist schools. On page 102 of your report you state that “In specialist schools, 56.1% of pupils gain five or more A–C compared with 48.7% in other schools.” That would seem to support the Government’s argument that specialist schools work. You also point out that some, such as sports colleges, actually get less good results than non-specialist schools so the picture is not uniform. You especially point out that caution is needed in comparing any of these results across different schools because of possible differences in pupil intake. Can you elaborate at all on that and how it reflects on why specialist schools may or may not be successful? Do we know?

Mr Bell: I think it is very difficult to diagnose, as it were, the added value—if I can use that term, not necessarily as a technical term, but in a common sense way—for specialist schools. I think our evidence, despite those cautionary comments that I make and you have repeated, does suggest that they are getting some benefit on the back of their specialist status. I think we are then into some discussion about why that might be so. I have said before that I think that the specialist status and the move towards specialist status can have a kind of galvanising effect: it can give the school a sense of purpose and mission to do things differently. It can also require the school to think again about the curriculum entitlement: how do they make a reality of their specialism and what impact that might have. I have also said that specialist status is not the only way to become a good school or an improving school; it is one way but there are other ways in which schools improve and are good without specialist status. I think the question in the future will be: what difference does specialist status make? If all schools move towards specialist status—which is the aspiration of the Government—one might say it has less to do with expanding choice (which was one of the original motivators for the specialist status programme) and more about it becoming a general school improvement programme. If you do the sorts of things that specialist schools tend to do—re-think the curriculum, get that sense of identity—that just contributes to general school improvement. I think it is very difficult to disentangle the specialist schools effect from all those other things that are going on to bring about improvement.

Q96 Paul Holmes: You say that sports colleges, for example, do less well than non-specialist schools in the first place. Why do you think there is a difference there between a maths specialist school and a sports school?

Mr Bell: I do not think I know exactly what the answer to that question is, but it is a fact that generally speaking the sports specialist schools are not doing as well. They have, in a sense, the same approvals process and the same planning process that other schools have if they go towards specialist status. I know it is an issue that concerns the specialist schools trust because they see sports status as a very valuable specialism but are concerned

about the less than spectacular success of the sports colleges. I think I have to confess that I do not have any specific explanation for why sports colleges might be doing less well than other specialist schools.

Q97 Paul Holmes: In terms of the caveat that you put on in the Report about bearing in mind the differences in pupil intake when looking at how different types of school do, in inspecting presumably you have to look also at how far *Success for All* and Government objectives like that are being achieved. We have just completed taking evidence about school admissions and we received quite a bit of evidence that all sorts of schools—specialist schools, faith schools, CTCs, all sorts of schools—might covertly or overtly select in various ways, whether they are allowed to or not. How far does that open or covert selection undermine approaches like *Success for All*?

Mr Bell: We cannot really comment at the level of the individual school on the admission system beyond what is published. We know this is an area where there are a lot of rumours and other kinds of suggestions. Does that undermine the principles behind *Success for All*? Not necessarily. I think the most important thing to say about admissions is that they have to be open and transparent. It is really important that parents who are thinking about sending their child to a particular school know exactly what the rules are for getting a child in. That is one thing. When it comes to *Success for All* the most important thing is to be sure that there is appropriate provision for all. That takes me neatly to another point that we make in our Annual Report. If you look at the current configuration of the schools and colleges in this country, we make the point that if you are a Level 3 student—in other words you are a student going through A Levels and likely to go onto university education—the education system does very well for you in the main in this country. If you are a Level 1 or 2 student the deal is much more mixed. It seems to me that that is what we have at the moment and to some extent the structure of schooling, the structure of curriculum and even the structure of assessment over many years has not cracked that one. It seems to me that while issues of school admissions are interesting and important, there are perhaps other issues that need to be looked at for the future—and that is really Mike Tomlinson’s business—that will enable us to address more successfully the needs of all students and not just those at the top end of the education system.

Q98 Paul Holmes: As we said earlier on, you are moving towards short, sharp inspections, for example, and already you are starting to make more use of school self-evaluation. We have had submissions from the Secondary Heads Association and the NASUWT who say that that is in danger of being undermined because if a head is going to put real self-evaluation in the school they are going to put weaknesses in, but they get published and then the schools have a pillaring for that. Secondly, they

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say that there is evidence starting to grow of schools' self-assessed weaknesses then being overly focussed on by the inspection teams who then produce more critical reports on more evidence of weaker lessons because they are concentrating on the weaker areas of the school and this perhaps helps to explain the increase in schools being judged to be failing, for example, within the last year. Have you any thoughts on that? Are you undermining the very valuable process of self-evaluation by overly concentrating on the weaknesses the schools identify?

Mr Bell: The most important thing that I would say to begin with is that we do not tell inspectors just to concentrate on those weaknesses the school identifies. Inspectors have to look at all the evidence available to them before coming to a judgment. I think it is important to stress that point and we have reiterated that point in guidance to inspectors and I make that point publicly whenever I can. We would not want to undermine school self-evaluation because it is very important as a means of identifying how well a school knows its strengths and weaknesses and subsequently how well or how capable it is of improvement. I would now want, however, to run away with the notion that if there are weaknesses identified on the self-assessment that somehow inspectors should look at them because those weaknesses need to be assessed and one of the things that we have to think about for the future is whether we say more publicly about the school self-evaluation statement and the inspector's judgment. We believe quite strongly that that is a powerful way forward. Inspectors, under our proposed system in the future, would comment on the school self-evaluation, not to take off the process but much more about has the school's self-evaluation told it as it is? Of course, in those circumstances, we do want to look at those things which the school identifies as a strength and those areas where the school has identified a weakness so that we can say we agree with that but we are confident the school has put into place steps to address the issue. Where we would all be concerned is where a school presents a rosy picture of its circumstances which is not in any way born out by the evidence. I have to say that from some of the papers that I look at in relation to schools that go into special measures, that is what you find. You find inspectors commenting on a far too positive review being given by the school which in no way is supported by the evidence. Some people might interpret that as us just concentrating on the weaknesses; what I would say is that we are concentrating on a leadership problem that has failed to diagnose weaknesses and do something about them.

Mr Taylor: I have a brief comment, if you would like, from the FE sector, which Paul knows very well I know. One of my former colleagues who, in his previous incarnation, had been principal of an FE college said that one of the cleverest pre-inspection things he did was to self-assess his leadership and management one grade lower than he thought it was and that worked out to his advantage because obviously the inspector said, "Here is a man we can

trust and is almost too hard on himself", so in the final grades for the college that turned out pretty well. The conclusion I draw from it is that actually if schools and colleges try to present an exceptionally rosy picture of their performance, then in fact inspectors will be asking sharp questions about whether that positive self-assessment is justified. If they are honest, even to the point of being slightly hard on themselves, then plainly the inspectors will respect that they are doing a thorough, professional and conscientious job. On the whole we are not talking about honesty and dishonesty; what we are talking about is skills and experience in undertaking what is really quite a tough thing to do: to provide an honest and accurate self-assessment means you need to know quite a lot about standards; you need to have benchmarks; you need to have openness; you need to have gone through the process very closely so working together with schools and colleges to get better at self-assessment is a very important part of our development because then I think we shall work towards a system where there is greater skill, greater confidence—as well as greater honesty—in producing self-assessments which provide a realistic backcloth for the work of inspectors.

Q99 Paul Holmes: As I have said before, Ofsted comes before us and we read the reports and government ministers tell us how much teachers and schools like Ofsted now and they regard them as a very valuable assessment tool et cetera. I always point out that it is only two and a half years since I was teaching and it is not my experience of what schools feel. Every time I go back to schools in the constituency where my colleagues still teach they say that is not how they feel. In your Report you say that when you do sample surveys of schools 90% of the samples say they are very satisfied with the inspection process. We have submissions here from the various teachers' unions and from secondary heads, for example, who specifically say that their members are not willing to complain. If it is when the inspection is going on they are scared because they think it will mean a worse report because they are making waves; after a report has come out they think it is just not worth the hassle of dragging it all out again. So on the one hand we have people saying that they see inspections as being unfair, too negative but they do not complain; on the other hand we have you saying that schools are very, very satisfied. Would you like to comment?

Mr Taylor: I believe that there is a lower satisfaction rate among teachers than among heads and principals. We have evidence of that from the surveys and I think that is what you would expect because a teacher's experience of inspection is limited to a few lessons, possibly not all that much feedback and they do feel dumped on by the whole process sometimes. It is not surprising to me that we found that a harder nut to crack. I think all we can do is—as we are doing—to make sure that inspection is both the rigorous process that it needs to be and one that is sensitive, civilised and humane in which inspectors engage in a proper and professional discourse with teachers to help them

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understand that this is not some kind of punitive regime but a genuine contribution to school improvement. That is our consistent aim; it has been HMI's aim for all of those 25 years and it continues to be Ofsted's fundamental purpose to work towards inspection which has that combination of rigour, challenge and humanity.

Q100 Mr Gibb: Can I bring you to paragraph 101 regarding secondary schools and the GCSE results where you talk about half of pupils gaining five or more GCSEs at grades A–C. That is one percentage point higher than last year. Then you go on to say, “However, the proportion of pupils gaining five or more A–G grades and at least one A–G grade fell slightly” which is set out in the table. Do you regard grades D–G at GCSE as failed grades?

Mr Bell: I do not regard them as fail grades but I am not naïve; I understand the currency that they have in the education system and beyond. It is interesting that Mike Tomlinson acknowledges that in his report. Young people know where the currency lies and what the currency is and I think we have got to a system where it is important to recognise the achievements of all young people but, at the same time, we know in the wider world that it is a C grade or above that is seen to have that wider currency. That does not lead me to the conclusion that any learning that is acknowledged by a grade below C is unimportant and will not be useful to you or helpful to you in the next stage of education and training. However, we do have a problem of perception that grades beneath grade C are not seen to be particularly valuable. I acknowledge that there is a perception problem in the system at the moment for those young people who do not get grade C. I do not think you need take my word for it; I think young people themselves will recognise that.

Q101 Mr Gibb: The syllabus for those students who are only expected to gain Level 1 makes it impossible to get a grade above level C because that is the maximum grade that that syllabus will allow. Do you share any responsibility for this perception that has crept in, not you personally, but Ofsted?

Mr Bell: I will just repeat the point that I made, I will not argue that if you get a grade below C that somehow that does not represent learning or useful learning. You have said yourself, you are capable in such a syllabus to achieve maybe a grade C. I think it is absolutely right that we provide the kind of education that acknowledges the achievement of young people given what they have done, but at the same time we have to face up to the fact that for many young people and for parents and, frankly, for employers, it is not seen to be currency that we value. The Committee and the individuals on the Committee will have different views about the extent to which we are going to be able to address that in the future, but it does seem to me to be a pressing problem. However you figure the assessment system, you are always going to have some young people who are not capable of achieving what the majority achieve for one reason or another. I think it is very important if we look to the future and we look at

entry level and foundation level (if that comes about) that we have appropriate curriculum content and appropriate ways of measuring the progress that young people are making in such a way that has wider credibility in the education system.

Mr Taylor: I would like to come in on one point made by Mr Gibb about the two-tier GCSE and it is an obvious one, that is that the lower or foundation tier allows for grade C but not above grade C and every year many people who are entered for the foundation tier do, in fact, get the grade C by that route. We have not created a system where if you are doing the lower tier you cannot achieve your five grade Cs that you need for advanced study.

Q102 Mr Gibb: Can I pick up on David Bell's comment when he said “appropriate curriculum content”. We have been corresponding through Parliamentary Questions about settings in schools. The key thing about settings is that you can then tailor the curriculum to the particular ability level which is key. In your Parliamentary answers you have said that overall on average across Years 7 to 11, 38% of lessons inspected are setted. 80% of maths lessons are setted, but in English about 55% are setted; in subjects like history and geography only 25% of lessons are setted. What is your view, based on the accumulated experience of inspections, of the importance of setting within secondary schools?

Mr Bell: I think it is important but I do not think it is actually for central Government—whether that is Ofsted or the DFES—to require all schools to set in a particular way or another. I think what it is for individual schools to do is to determine what is best in their circumstances. I think one can understand some of the rationale historically for setting the percentages that you have described in mathematics as opposed to history or geography. I think one of the things I said in response was that it is not for us to say that setting works or setting does not work. It is for us to look at the outcomes achieved by pupils and in some circumstances setting is highly effective in meeting the needs of all pupils and helping them to achieve. In other circumstances, schools would argue that they do not need to set for particular subjects or at particular times because they can achieve the same kind of outcomes. I think that is the way it should be. I think it would be difficult and probably wrong for that kind of prescription of the level of classroom organisation to be driven by central Government, but what I hope is that our evidence and other advice that comes out will encourage schools to think carefully about setting and how best to meet the needs of pupils.

Q103 Mr Gibb: Why is it right for central government—ie the electorate through their elected politicians—to determine a national literacy strategy but wrong for the same process to lead to a decision on whether or not to set in schools?

Mr Bell: I think that is probably a question you would need to put to ministers rather than a Chief Inspector. The National Literacy Strategy was, as you suggest, highly prescriptive, right down to the level of classroom organisation in specific lessons. I

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think I would argue that that was appropriate in its form in that very rigid way in its early days, to enable teachers to concentrate on what needed to be taught, how it should be taught and so on. I actually think that what we are finding is that schools are using that expertise and that advice that they have acquired in the past four or five years and making some modifications so you will not necessarily see exactly what you saw at the beginning. I would like to make one very important point about that: we consistently reported that you can have the best structure to the lesson—it can be a text book lesson in a sense—but it could still be rather dull and uninspiring. Whilst advice about structures of lessons and how you organise the time—all of that is important—in the end it does come down to the quality of the teaching and the extent to which the pupils are engaged in the learning. I think I would apply the same kind of argument to the setting so that if you said there would be a national prescription for how setting is carried out in every classroom you would still be left with that question: does it lead to better teaching?

Q104 Mr Gibb: That is what I am asking you, Mr Bell. You are the people who are responsible for determining whether we are achieving the right outcomes, to use your phrase. Really I am asking you which method does achieve the right outcomes. Why is it that 80% of lessons are set in maths? What is happening in those 20% of lessons? Why is right for those lessons not to be setted?

Mr Bell: I do not have one answer actually; I do not have a single prescription about the way in which all lessons in every subject, in every school in England should be taught. I do not think that is the business of Ofsted and I would suggest that to that level prescription is not actually the business of government. What it is the business of Ofsted to do—as we have done—is to report on organisation of classes—as we do—and outcomes achieved. I would go back to what I said earlier: I think in some circumstances setting is a highly effective way of ensuring that pupils achieve the best outcomes but in other circumstances not.

Mr Taylor: I think if there were one unequivocal answer we would be right to say that we should set in all circumstances or we should set in maths but not in history, but ever since the report (which I would not dream of mentioning) in 1979 where HMI evaluated the mixed ability teaching quite critically the evidence has said that it all depends on how well it is done. That, of course, is our proper response. On the other hand, I think it is right that all those who know what things look like in schools record—as inspectors do—whether lessons are mixed ability or setted and what the effect of that is. In the more linear subjects there is no doubt that not only is it easier to teach narrow ability groups (for example maths, modern languages and classics); in other subjects it is easier to teach the full ability range because the kind of differentiation required is different. If we stray beyond that rather obvious generalisation we would, I think, be giving a false

message that there was one unequivocal solution that in all circumstances produced best practice, and it just is not so.

Q105 Chairman: The Inspectorate is saying, pretty unequivocally, that it is down to the quality of teaching, whatever method you use. When you were part of the Ofsted team, a former chief inspector thought that a significant percentage of teachers today should not be teaching. Does Ofsted still have that view? Or have those teachers who should not be teaching according to Ofsted under a previous chief inspector all gone out of the system?

Mr Bell: On the basis of our evidence—and that is what I report on—we have seen significant improvements in the quality of teaching over the past ten years. We have pushed out more to the margins unsatisfactory and poor teaching. As I said last year—and I return to the theme this year—if we are going to drive forward progress substantially to meet some of those existing and future challenges, satisfactory teaching may not be sufficient to bring that about. I think we have seen significant improvements in the quality of teaching, but there is still much that can be done to bring about improvement. When I say that people say that I am just dissatisfied and never happy, that I want the satisfactory to become good, but the story is quite encouraging: if teachers have been able to bring about those improvements that we have reported on, then surely they are capable of bringing out further improvements. That seems to me to be the encouraging news in this message. We should not always see the demand for satisfactory to become good and excellent as a negative, but to see it as a plus, as a way of driving forward more improvement in our education system.

Chairman: I want to move on now to post-compulsory education and David Chaytor is going to lead us on that.

Q106 Mr Chaytor: Could I ask you, Chief Inspector, in the introduction to your Report you say we should be cautious about expecting everything to improve continuously. Can you tell us realistically, is it possible to secure annual improvements across the board? Is this what we should expect and is this plateau that there is in certain areas at the moment a blip or is the plateau the nature of things?

Mr Bell: Perhaps one of the problems that you encounter when you have an annual report is that you do not see spectacular improvement from year to year; you just do not see that and to some extent there is almost some disappointment in that, but that is the nature of things (it would appear to be the nature of things generally as well as in schools). What I have tried to do in my annual reports and in a number of public statements, is to take that longer view and to ask what has happened over time. I think we have got substantial evidence of improvement over time. That is not to say that one will not be hoping for small improvements from year to year, and certainly one would be dissatisfied if there had been no improvement or even a going back, but I think it is very important to take a slightly longer

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perspective. If we look at the quality of teaching and we take a long view on that we have some substantial improvements over the past ten years, but if you look at last year's Annual Report and how it compares to this year's Annual Report it is marginal.

Q107 Mr Chaytor: If we took a longer period of time—say five years or 10 years—would you expect to see the same rate of improvement over that period, or are we into the law of diminishing returns in terms of school and college improvement?

Mr Bell: I think there is a very interesting question here about how much improvement you can get out of the system. For example, one might say that the improvements that you could get in terms of pupil achievement could be capped by the appropriateness of the curriculum we offer to some young people. To some extent, if you look at what we have said about Level 1 and Level 2 students there may be an element of truth in that. We keep reporting on the difficulties that such students face in the education system. Is that something to do with those students and the way they are being taught, or is that actually something to do with what we are teaching them and how we organise their teaching and learning? I am not saying yes or no, but I think you have to ask those questions at that level of detail; you have to say that if we are not bringing about improvement, what do we need to do next? I take a broadly optimistic view about this when I think about the very substantial improvements that we have seen in the education system; the extent to which more and more young people do well in the education system; the extent to which schools are doing better. Again, we should not be too excited by small movements in numbers and therefore I think it is important to retain that long view.

Q108 Mr Chaytor: Given your earlier comments about the contribution of Ofsted to school improvement, would you expect the inspection regime to make the same contribution as time goes by? I accept there is going to be variable rates of improvement, but is the role of inspection going to remain the same or does there come a point when the inspection regime can be relaxed and reduced, and there will be some kind of self-sustaining rate of improvement?

Mr Bell: To some extent that is the rationale for our future of inspection paper. We are proposing quite radical changes to the school inspection system. We are able to hold, I think, in our proposals to those things that really matter: independence, public reporting, saying it as it is, making sure that failures are identified and improvements brought about. However, we can do that in different ways and I think it is only right—if the education system has changed and adapted over recent years—that we look to the inspection system to change and adapt. I think one of the things that has been rather interesting in our consultation about this new inspection is that some of the comments we are getting back are people trying to understand how we can do what we have previously done in this new

system. I think that is the change of mind set required; we are not going to be able to do everything we have done previously in the new system. We have to think about doing inspections differently to bring about the next phase of the programme.

Q109 Mr Chaytor: Is one of your specific objectives to bring about a common inspection framework between schools and colleges because this has been a matter of some controversy?

Mr Bell: Yes, it is.

Q110 Mr Chaytor: Are you confident that will be in place?

Mr Bell: We do not think that is going to cause us huge difficulties. We think there is an important principle there and I have to say it is one which people have commented on. Post-16 education is—to use that rather ugly word—delivered in a number of different settings from school sixth forms which are inspected under Section 10 arrangements at the moment, through to post-16 in sixth form colleges, general further education colleges and specialist colleges. We do think there is some logic there in bringing together our work under a common inspection framework.

Q111 Mr Chaytor: In the context of the interim report from Mike Tomlinson's Committee where there are some radical changes to the curriculum, what do you expect will have to change in the inspection routine following the development of a unitised curriculum and the growing number of young people who will be acquiring part qualifications rather than assuming that everybody will do a full-time two year course?

Mr Bell: There is a lot of thinking for Mike Tomlinson and his team still to do, but one, for example, is if one of the accountability measures that we use—the percentage of pupils achieving five plus A–C grades at GCSE—changes in the ways that you have described we are going to have to think of new ways of assessing the progress that pupils make and how we use that as a measure of institutional accountability. I would make the point that I think it is important that assessment and what is in the interests of the pupils should drive the system, not the accountability measures. Even in a new system we have to know how all institutions are doing and we have to know what progress students are making in those different institutions. I think there is quite a lot of work to be done in the context of new measures to understand how inspection would have to change. Of course, looking at attainment data—however you define it—is one part of inspection, but it is not the only part of the inspection business.

Q112 Mr Chaytor: In primary and secondary schools now we have an emerging value added system for recording achievements, but in post-16 there is almost nothing in terms of value added other than the A level results. What role will value added play in a common inspection regime?

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Mr Bell: At the moment we are actually out to consultation on more extensive measures for post-16 provision. I think that is a good start. Value added is interesting generally. People have been calling for value added measures for years and years and years and once we have them everyone is saying they are not quite sure about them. It raises all sorts of interesting issues and I think that is part of the difficulty. It is not a stable landscape when it comes to value added because actually you could cut the data in different ways and get different outcomes. I think everyone is being rather cautious. However, it does seem to me at heart that there is a very important principle: can we tell what progress pupils make? We should be able to tell that. We should also be able to say, what contribution has the school or the college made to this? We do know that for some pupils the school or the college does make a substantial difference in their education. We need to know how institutions add value to pupils' learning.

Q113 Mr Chaytor: In the section of your Report on post-compulsory education you are critical of the quality of work-based learning. You give one paragraph to this, yet you give paragraphs and paragraphs and a whole series of multi-coloured charts to the question of sixth forms and A levels. Does that accurately reflect the proportion of young people involved in work-based learning as against those who are engaged in sixth form A level work?

Mr Bell: It is partly an issue of numbers, but it is also partly an issue of the overlap of our work with the Adult Learning Inspectorate. As you know, when the Adult Learning Inspectorate gets reports on both pre-19 and post-19 it will say more about work-based learning. Having said that, going back to your previous question about the future, it may be that if we have different approaches to work-based learning we would hope that this would have to become a more substantial part of annual reports in the future.

Q114 Mr Chaytor: Can I return to the question the Chairman raised earlier about sixth forms and city academies. If you were designing the system that we now have, would you have ensured that the strategic area reviews were completed before a decision of establishing city academies or sixth forms was taken?

Mr Bell: There is never a right time to make decisions because there is always something that would have gone on. I think the observation I would make is that the areas where city academies have been proposed are areas where there has been long standing educational under-achievement and to hang around and wait for another review perhaps would not have served the interests of those pupils, both current and to come. Equally, I think it is important for the planning of city academies that thought is given to the rest of the post-16 provision in an area, but I do not think hanging around waiting for another review is a good solution for a lot of these young people.

Q115 Valerie Davey: Mr Bell, you mentioned the huge influence a school or a college plays in a young person's development post-16. Do you think you will be judging in the future whether the choice of subjects is adequate at any particular establishment and the facilities available appropriate for the development of a 16 year old?

Mr Bell: If you are talking about the quality of the provision if one takes provision generally, we do comment in the Annual Report about specialist provision and in some areas of the curriculum specialist provision is inadequate to meet particular curriculum needs. If you are talking about the issue of advice more generally, what advice do young people get, I think it is really interesting that Mike Tomlinson's report gives such a priority to that. If we are going to have young people making informed choices then the advice has to be given. One of the things that has been commented on in the Tomlinson paper and has been commented on previously is the need for that advice to be perceived to be independent so that the young person is not just being directed to stay on at school. That may be the right solution, but I think advice has to be seen as credible and independent to make sure young people go to the right setting post-16.

Q116 Valerie Davey: And that that choice is available to them, in other words Mr Tomlinson is looking for this broad curriculum as well as depth of curriculum and I am suggesting that not every school is going to be able to provide that and not every college is going to be able to provide that.

Mr Bell: No, and it seems to me that one of the questions that still awaits answering is the kind of institutional configuration that is going to be required to bring about the maximising of choice. You are absolutely right, even a school with a very, very large sixth form is unlikely to have on its premises the very specialist equipment and resources that you might need to pursue a particular vocational option. It seems to me that everyone now, under the current system, has to look at how far their own facilities are suitable for young people and, if they are not, how they can be made available through, for example, partnerships and collaboratives with other institutions.

Q117 Mr Pollard: Moving on to special schools now, I have visited two pupil referral units, one in Birmingham and one local to me. The one in St Albans we call a links unit rather than a pupil referral unit and I much prefer that term; it says what it does and I would wish that we would use that nationally rather than a pupil referral unit. I think there is a whiff of something not quite right, a punishment associated with that. The one I went to at St Albans is doing exceptional work. Linda Dunn, the head teacher there, has been there for six years and gets good reports and results all the way through. I am bothered about the inspection. I cannot see how the inspection for a pupil referral unit could be the same as a normal school, for example one of the measures at a PRU would be that

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the pupil turns up; that is it. Or stops throwing chairs through the windows. Should there be a separate regime of assessment?

Mr Bell: There is. We do not just inspect special schools generally or pupil referral units in particular in absolutely the same way as we inspect mainstream primary and secondary schools. If you look in our Annual Report on page 60 (the little box under paragraph 289) you will see that we do comment that the quality of education for pupils in referral units is improving but it is from a low base. We also highlight the number of pupil referral units which were failing to provide a satisfactory standard of education. That is not say that all you have to do is have the pupils turn up. We know, of course, that it is an important measure because some of the pupils who turn up more regularly to pupil referral units are youngsters who probably were not turning up regularly at mainstream school. I think it is really important equally that we do not have low expectations of the education that can be offered.

(The Committee suspended from 5.30 pm to 5.40 pm for a division in the House)

Mr Bell: Shall I just finish my last answer? It was interesting last year, when we reported on alternatives at Key Stage 4, we highlighted the great dangers in having provision that really did not offer anything of any use to the young people who attended and I think the creation of pupil referral units and the like have been designed to ensure that we get a better education. Young people's behaviour, their attendance, those sorts of things can be the building blocks for better attainment. We do not judge them by just the same standards (I use that word in a very general sense) as we do mainstream schools, but we do judge them against standards and it is very important that we have the same high expectations of pupils and of teachers who work in pupil referral units as we have for any other institution or young person in the education system.

Q118 Mr Pollard: On page 53 of your Report you state that most PRUs are now geared up for 25 hours' provision. My feeling is—and it is only a feeling having visited only two out of hundreds—that they are not really geared up for the 25 hours and will be really stretched to provide that. I wonder whether you could comment on that.

Mr Bell: We actually do because we talk about few units having the staff or expertise to meet the very severe needs of some pupils and we know that a number of pupil referral units are dealing with pupils who are encountering major difficulties. We have always said and it is well known that going to work in this kind of provision takes a special kind of calling because these are the most disaffected and disengaged young people in our education system. By the same token, despite recognising the work that has gone on, we must not have lower expectations for the quality of education that these young people deserve.

Q119 Mr Pollard: How do you encourage teachers to spend time at these units because they are the most challenging and testing that any teacher will ever come up against?

Mr Bell: We are seeing more examples of special schools and settings working with mainstream schools and it seems to me that that is an important answer to that question. As long as special schools or special units are seen to stand in absolute isolation from the rest of the system, then you are less likely to encourage others to go and work in them. That is increasingly not the case; special schools and units are playing their part in the system's wider provision. I think the more opportunities mainstream teachers have to work in those settings perhaps the more likely it is for some of them to consider going to work in them.

Q120 Mr Pollard: Should we have it as part of a career structure?

Mr Bell: Not in the sense that everyone is required to do it, but certainly I think opportunities for pupils to visit from special to mainstream, mainstream to special and for teachers to visit special to mainstream and mainstream to special at least offers some insight into working in such schools and units and therefore hopefully teachers might consider taking it up as a career.

Q121 Valerie Davey: In Bristol we have had a very special commendation for our Mereton education support for young parents group. I think that that insight would be valuable for other teachers and I am wondering whether that is a particular area which, around the country, is doing well.

Mr Bell: One of the members of staff from Mereton joined our seminar this morning on girls' achievement because we thought it was very important to pick up this issue. One of the points I was making this morning was that whilst we are right to look at high achievement on the part of girls, we must not lose sight of the lost girls in this system. In fact, the Mereton Unit in Bristol seems to me to be an excellent example of the kind of provision that has been made, particularly for teenage parents. Yes, absolutely, it was really good to have a contribution because the person from Mereton actually contributed to the discussion this morning.

Q122 Jonathan Shaw: Moving on to strategies for school improvement, there were 160 schools put into special measures in 2002–03 as against 129 the previous year. That is an increase of 24%. Commenting you said, “Undoubtedly the robustness of the revised inspection framework introduced has been a contributing factor to that”. You say you make no apologies for that; you are talking tough now, are you?

Mr Bell: Can I just draw a distinction between what happened up to July 2003 and what has happened since. You are absolutely right. The data that is outlined on page 63 does represent an increase in the academic year 2002–03 but obviously the comments that you have cited refer to the increase in the number of schools going into special measures from

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September. The reason I draw that distinction is because the increase last year, although it is as you have described, is probably due to a variety of factors but not as significant—arguably—as the rise we have seen from last September. It is not a case of talking tough, it is a case of explaining what we have done. The reason why I explained it that way was because we have different expectations now of schools than we had previously. That has undoubtedly contributed to an increase in the number of special measures schools since September.

Q123 Jonathan Shaw: How many schools are in special measures this year that would not be in special measures under the previous regime?

Mr Bell: I cannot answer that question because every inspection is done there and then at the time when inspectors make the judgment. We do not have a formula anyway when it comes to special measures. We do not tell inspectors to tick boxes and the school is in special measures. What we do say to inspectors is: here are certain factors that you need to consider. Some of those factors have changed. In the previous inspection system we said to inspectors that where there is 20% or more unsatisfactory or poor teaching you should at least consider special measures. Let us just think what that means. That is four times the national average of unsatisfactory or poor teaching. I think it is entirely reasonable to say to inspectors in the old system to consider special measures. We have changed that; we have now said that if there is 10% of unsatisfactory or poor teaching in a school we should consider special measures because that is twice the national average of unsatisfactory or poor teaching. It seems to me entirely reasonable to say to inspectors: you should, at the very least, consider whether special measures might be appropriate.

Q124 Jonathan Shaw: This is a dynamic process; do you envisage a time when it will be 5%?

Mr Bell: We do not set out with quotas in mind. We certainly did not revise that guidance with a view to creating more schools in special measures.

Q125 Jonathan Shaw: That is rather an odd thing to say.

Mr Bell: No, because the criteria that we have put into place reflect the improvements in the education system. As the percentage of unsatisfactory or poor teaching declines across the system as a whole, by saying the threshold is, as it were, 10% you would not necessarily automatically expect more schools to be told to make improvements.

Q126 Jonathan Shaw: A summary of what you are telling the Committee is that good news, there are more bad schools.

Mr Bell: No, I do not think it is good news that there are more bad schools. It is a serious point because every time I have to look at the papers in relation to schools which go into special measures I always think to myself that that is going to have a substantial impact in that school, but I do it because

I believe very strongly that special measures for the vast majority of schools has been day one to recovery. The vast majority of schools improve and offer a better education. It is never good news when a school goes into special measures, but if special measures is the way to bring about improvement then it should be imposed on the school.

Q127 Jonathan Shaw: I do not have the statistics to hand, but perhaps you could tell the Committee, Mr Bell, there has been some concern about the number of schools in serious weaknesses but then continued to go down into special measures. Can you tell the Committee what the picture is today?

Mr Bell: That was the case and, if you recall the last but one meeting, we talked about the new arrangements that Ofsted has put into place for monitoring schools in serious weaknesses. Now Ofsted will go back and visit all schools in serious weaknesses within about six to eight months. Previously we had only visited a sample. Some of those schools that have gone into special measures have been where Her Majesty's Inspectors have re-visited and found the school does require special measures. I hope we will see something of a short-term effect there because it is a bit of a sad fact but I think too many schools were allowed to drift in serious weaknesses because it was assumed that nobody would come back and have a look. I think the certainty of re-visiting over time will lead to faster improvement.

Q128 Jonathan Shaw: Within this relationship of more visiting or returning with your inspection team, are they then providing advice in the way that you are perhaps seeking in the consultation document which the Chairman referred to earlier on? Is this a snapshot of what we might see in the future in terms of how Ofsted will relate to schools?

Mr Bell: I always draw an important distinction between inspection and advice, but what I would say is that the regular monitoring of schools under special measures where HMI go back regularly is seen as one of the most valuable aspects of the process. Almost without exception, after a school has come out of special measures it will say that the regular challenge, the visits, the reporting from HMI is part of that improvement.

Q129 Jonathan Shaw: I want to talk to you about serious weaknesses. You are saying that there was a concern that schools in serious weaknesses then spiralled down into special measures. You are saying that picture is changing for the better.

Mr Bell: It is not changing yet because it is a bit early. We have only been carrying out these new arrangements since last September, a year past September. I am afraid to say that we are still seeing schools that were in serious weaknesses that are being put into special measures. I think what I am suggesting to you, Mr Shaw, is that as the message gets round the system that if schools in serious weaknesses are guaranteed a first and possibly subsequent visits, then I think there will be greater urgency to do something about those schools.

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Q130 Jonathan Shaw: Who is to blame in those circumstances? Why have you felt the need to make more interventions in schools in that way? It is a very serious issue. A school has real problems and then it just gets worse before it gets better.

Mr Bell: I think the responsibility has been shared historically. I think there were cases where perhaps school leadership did not really take as seriously as it should have the fact that it had been designated as being in serious weaknesses. I think it is the case that LEA activity in schools in serious weaknesses was much less significant than those in special measures and I think there were just too many cases of schools where no support or intervention came from outside and the school just drifted from serious weaknesses over time into special measures.

Q131 Jonathan Shaw: Going back to one of my earlier questions about a change in the regime, do you think that every school understands now what is expected of them in terms of the percentage level of what is satisfactory? Do you think everyone is aware of that?

Mr Bell: I cannot give you a guarantee for all 24,000 schools.

Q132 Jonathan Shaw: Of course not, but what about the feedback from your inspectors going into schools? What are they telling you? What are the reports telling you?

Mr Bell: People tend not to report in that way, if I might say. What I would say is that schools almost invariably buy the inspection handbooks that lay out all the criteria and the guidance so I would be surprised, I have to say, if a school were to say that it has no understanding of what Ofsted expects. I would be very, very surprised if they said that.

Q133 Jonathan Shaw: They might have some confusion about the threshold of satisfactory lessons.

Mr Bell: I do not think so because we are very clear in describing what satisfactory teaching looks like, what good teaching looks like. There has been a change. In the most recent inspection guidance we have been clearer in the descriptors of satisfactory teaching, good teaching and so on. We were very clear about that throughout the consultation, going to head teachers meeting up and down the country. We were saying to heads that we would be sharper in our definitions to enable inspectors to make those judgments. The reaction I got—often from heads—was “good, because that kind of guidance, sharper and clearer, will enable us to do a better job in monitoring what is going on in our own schools”.

Q134 Jonathan Shaw: Turning to the issue of resources, do you see schools where they have resource issues which can be directly attributed to issues in standards?

Mr Bell: It is very difficult to comment on that at the level of an individual school. I often get people challenging me and asking me why I cannot say. Inspectors judge schools as they find them with the money they have. They have to judge the

effectiveness. Inspectors cannot judge what the school might have been like if it had more or less money. I think at times people are frustrated because we do not say more about that. What I would say, at the level of the individual institution and at the level of this Report, we do highlight where there are equipment deficiencies, buildings deficiencies which we would argue are having a detrimental impact on pupils' learning. In this Report I quote about schools having a shortage of specialist accommodation. That is based on a lot of inspection reports that have said that. We cannot then say that the standards would have been better in this school “if”, but we can say the job of teaching and learning might be more difficult because the science equipment or facilities are not up to scratch.

Q135 Jonathan Shaw: Are you able to comment in terms of where you see resources going where there is another inspection? Where there is another inspection and there have been new resources put in, are you then able to make a judgment: here was the school three years ago, here is the school today and it has now got new computer screens, it has interactive white boards et cetera.

Mr Bell: We can certainly do that if some of those concerns about resources were identified as recommendations in the previous report. In the inspection report now we have to comment on what action has been taken from recommendations. You will get it there and sometimes I know you get it in the body of the text. The body of the text about subjects might say, since the last inspection this happened or that happened. I think we are able to comment and certainly as to recommendations we will comment on whether they have been acted on.

Mr Taylor: In the field of ICT obviously we have said that standards have improved and there is a very direct and clear correlation between the quality of provision and the standard of work. It is pretty obvious in that area, but it is one in which we have started now to see the real improvements which have been looked for for some years.

Q136 Chairman: When we take evidence the best sessions of evidence we get is when we go out and take evidence in a local education authority or in a school. If a school has serious weaknesses how do you assess who is to blame? Where is the responsibility? Does that knock onto your assessment of LEAs because some of the schools we have talked to who are either in that sort of general area of serious weaknesses or likely to be in special measures, feel there is a cycle of decline and it is almost: here is a head who perhaps is not quite up to the job in the situation or he has been there too long and cannot think through the challenge or show the leadership, his inability to attract new staff (as I said in my opening question to you). There is a sort of sense that it is all very well you chaps coming in and saying you have to improve, you are going from serious weaknesses to special measures. There is a question in the community: who is responsible for this and who is responsible for putting this school back on track?

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Mr Bell: As you know there are very direct legal responsibilities on local education authorities to promote school improvement and that is why, when we inspect local education authorities, we do look at the contribution that was made to school improvement, which includes an analysis of the numbers of school in special measures and serious weaknesses and trends over time. There is a clear question there about local authorities. On the other hand, in a system of local management where power is largely decentralised, one would have to say that the basic responsibility lies at school level. However, I think you cite a good example of where perhaps the responsibility might lie at school level, but has that just been allowed to drift on without a local authority intervening more effectively? The other thing I would say about Ofsted is that we are not there to apportion blame or to get into all of that; we are there to say that in this situation the school is not providing an adequate standard of education and something needs to be done about it.

Q137 Chairman: Who do you say that to? Do you say that to the Secretary of State or do you say it to the local education authority?

Mr Bell: As you know, it is said in the published report and both the school and the local education authority are required to act on that and action plans have to be put together, so it is set down in a very formal sense.

Q138 Chairman: If there is a school in serious weaknesses, there is a real problem because children are only going to get one chance at that education, I would have hoped that someone at Ofsted would pick up the phone to someone in the Department and say, "Look, we are very worried about this school; I don't think the answer is going to come from the local education authority and I think the Department should know about this". You are not prescribing action, but creating awareness.

Mr Bell: There are two things I would say about that. The first thing is that it cannot be clearer to a local education authority if an inspection report on a school says that this school has serious weaknesses. I would have to say, what else do they need to know to do something about it? The second point I would make is that we do not, as you know, have the intelligence between inspections, we do not pursue what has happened between inspections to be able to do what you have described and, as it were, phone up the local authority and say this that and the other. However, I do think that where we have identified schools in serious weaknesses and, in fact even where we have not, there should be enough in an inspection report for local authorities to judge the level of intervention and support required.

Mr Taylor: My last inspection as a member of Ofsted was to a school which had been in special measures for just under two years. It had had four monitoring visits by HMI and I joined the HMI who had done those visits and the school was taken out of special measures so it was quite a nice way to end my inspection career. However, in the course of it, I learned quite a lot about what is needed for the

school to be turned round. In that case it did not need a change of head teacher; it needed a wake-up call to the head teacher plus concerted action by the local authority and the kind of on-the-spot monitoring and diagnosis of weaknesses that HMI had put into that school. When we delivered the verdict after two years that this school was no longer in need of special measures there was a unanimous sigh of relief. Indeed, the head teacher was brushing tears from his eye. We were able to say that this is an example of how, if you get this triangulation between local support, effective leadership at a school level and HMI intervention then a school should improve and that is exactly what happened.

Q139 Chairman: Thank you; that is heart warming story. What worries me is when we see an LEA that is one of the poorest performing LEAs and a school with serious weaknesses and what I feel for is the community and the young people going through that school at that time.

Mr Taylor: You are right; that was one of the weaker LEAs and when we inspected it we pointed out the weaknesses in it support for schools in special measures, so some things can change.

Q140 Valerie Davey: The headmaster may have breathed a sigh of relief and felt happy, but the parents of those young people who had gone through that particular school in the last two years know that they have not had the quality of support and education which they all deserve.

Mr Taylor: They will have been able to watch it get better as a result of the direct action taken by the head teacher.

Q141 Paul Holmes: We are now turning to teacher training, development and supply. At a number of points in the report on this you call for teacher training providers to make more use of their partners in schools, but the Universities Council for the Education of Teachers has written to us to say that they are finding it increasingly difficult to find school partners. You think it is important to use the school partners; the people who are supplying it are saying they are having difficulty in finding them. Why do you think that is?

Mr Bell: Schools have a lot on their plate at the moment. They sometimes think that contributing to the education of the next generation of teachers is a burden too far. I think that is a shame because perhaps in the education system we do not have the sense of every institution contributing to the future generation of those that teach. One may argue in the Health Service that there is a better tradition—teaching hospitals and so on, one generation contributing to the development of the next—so I take very seriously what USET says and it is also commented to me at a more local level when you go and visit higher education, teacher education providers. I think, to be fair, that is one of the reasons why we have seen such a plethora of routes into teaching emerge as a way of trying to change the traditional relationship between higher education

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and skills. There are a lot of examples now of skill-based routes into teaching and education and I think that is generally a good thing, except it is not a panacea. We have quoted examples in the past where school-based routes have not been quite as effective. I think this will be a mixed economy of provision but it would be worrying if UCET is projecting into the future that there are going to be fewer and fewer schools because that would worry us all about ensuring the next generation of teachers get a good start in their pre-service training.

Q142 Paul Holmes: You do specifically pick up further on that point in paragraph 377. You say that the emphasis on tests and examinations in Years 9 and 11 and also post-16 as well, these have led to a decline in the willingness of schools to offer teacher training in those particular year groups. That obviously compounds the problem.

Mr Bell: I think that is going to the point I made in response to your question that schools are busy places. The assessment or the teaching of young people at those crucial stages means that people are very focussed on that. Again it goes back to the point of can we find ways of ensuring that teacher education is not seen as a burden but is seen as more of the natural rhythm of school life. Again I think to promote some of those school-based initiatives is good for that reason because those people are training on the job and maybe there is not the same kind of disruption. Whether you are school-based provider or a HE-based provider working with partnership schools, you have to avoid that kind of disruption anyway. I think we are being very honest here; we are citing the reasons why some schools say that it is just too high stakes or it is just too busy for them to contribute to initial teacher training.

Q143 Paul Holmes: Again, perhaps you have one government policy about tests and league tables et cetera which is working against teacher training in schools, just as earlier we were talking about possibly it would also work against inclusion in schools.

Mr Bell: There are always those policy tensions. I would want to move away from a system where we lost that kind of information about performance, but at the same time we always have to be alert to effects like these; it is worrying if it is going to prevent training teachers to get good opportunities in schools.

Q144 Paul Holmes: At paragraph 407 on page 82 you say that in January 2003 there were 4,000 more teachers in post in schools than in the previous equivalent period. Were all those 4,000 qualified or were a significant proportion unqualified teachers?

Mr Bell: Those figures represent qualified teachers but, as I think I go on to say in that paragraph, if you take the headline figure in one sense it is almost meaningless because if you then look at where problems arise those 4,000 teachers are not neatly distributed around the country. Going back to government initiatives to try to bring teachers in by as many different routes as possible, that should be

commended because there is a recognition that there are some parts of the country or some types of school that do have more difficulty recruiting staff than others.

Q145 Paul Holmes: Professor Alan Smithers from Liverpool University published, in conjunction with the National Union of Teachers, a staffing survey in 2003 which said that in actual fact there had been a net loss of teachers to the system of about 4,500 teachers, although the headline figure was one of 4,000 extra. How would you reconcile the different figures?

Mr Bell: I do not have them here but I am certainly happy to look at that evidence. My understanding has been that the number of teachers coming into training and therefore those coming out has increased year on year, but the big issue is not in the sense the total number, but it is where those teachers are and their subject specialisms because we do also point out in this Report that we continue to struggle to get teachers in some of the shortage areas. I am quite happy to look at that evidence.

Q146 Paul Holmes: As you have already pointed out, although the figures say there were more teachers coming into the system and vacancies fell by a quarter, you still have a third of LEAs saying that they have trouble recruiting in their areas. That is especially true in the schools who most need the best new teachers, the ones in deprived areas. The Select Committee was in California recently looking at schools in Los Angeles and we were very impressed with one programme there where one university course was deliberately focussed on this. They were recruiting the highest quality undergraduates and they were aiming them exclusively to go to work in the most deprived inner city areas. They show that that sort of high quality programme had a much better retention over the next few years with staff actually staying in schools. Have you looked at any of that sort of thing? Are there any suggestions for doing that in England?

Mr Bell: There is a kind of dipping the toe in the water in that in this country with the Teach First scheme which you may be aware of which is to encourage young people to consider teaching for a period of time.

Q147 Paul Holmes: I think we took that to the United States and it was universally disliked in the State where they looked at it because it was totally different from this programme. This was being parachuted in for two years with no commitment to teaching whereas these people wanted to spend not only a lifetime in teaching, but teaching in the most difficult areas. They did not like the parachutists who they say were sort of VSO people.

Mr Bell: Having visited one or two London secondary schools that are making use of the Teach First scheme, they are finding it helpful and the young—it tends to be younger—people I spoke to were finding it very helpful. In some ways the Teach First scheme is premised on the assumption that these young people may not stay in teaching and

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make a career of teaching. However, I think it is likely for some that it might be a chance to think about a career they would not otherwise have thought of. I think there are so many different ways to tackle this problem. The more we can attract young people—or other people—in, the more opportunities we make available, the better. I would just say at paragraph 408 we do say that despite the figure you cited rightly about the third of LEAs having difficulty, the LEAs are now giving much more attention to this issue about how they recruit, incentivise to go into training, work in partnership between the school and colleges. I think LEAs are now on the ball on this scheme. However, it is a long standing problem that will not be solved overnight.

Chairman: That provides a perfect link into the next section which is local education authorities.

Q148 Mr Turner: Does satisfactory, in relation to LEAs, mean the same as satisfactory in relation to schools?

Mr Bell: There is a perennial debate within Ofsted about grading scales and what different terms mean. I think the same argument might apply, and that is to say that where LEAs are achieving a level of competence we may describe as satisfactory, we also use the perhaps confusing terminology highly satisfactory as well in relation to LEAs. We know in those areas where LEAs have most influence, it is good provision that makes the difference. I would not pretend that we have absolute consistency in either our grading schemes or our terminology. It is something we are going to look at under *The Future of Inspections*, to try to get the kind of consistency required so that we do not end up having to feel a bit embarrassed when we are asked the sort of question you have just asked us.

Q149 Mr Turner: You have a record of judgment recording statements and inspection of each LEA and number 20 is the effectiveness of its services to services to support school management. There are seven sub-categories in that. How can an LEA which gets above four in all but one of those seven sub-categories, still only achieve a four overall?

Mr Bell: I do not know the answer and I cannot give you a direct explanation to that, so I will not even pretend to do so, but I will come back to you on that.

Q150 Mr Turner: In that case, can I just read some quotations out very briefly? “The council does not serve vulnerable groups of children well. Overall the performance of schools unsatisfactory. The proportion of middle schools judged good or very good is 46% which is much lower than nationally at 75%. Officers, staff and elected members attribute unsatisfactory performance to a perceived culture of low aspirations. In statutory obligations in special educational needs this area remains unsatisfactory. There have been major delays of up to a year in issuing amendments to statements following annual reviews. Health, safety, welfare and child protection is unsatisfactory. Measures to combat racism is

poor. The leadership provided by elected members is unsatisfactory.” How can an LEA like that be satisfactory?

Mr Bell: I do not know the particular LEA you are describing, but I am happy to look at that outside the meeting. I think there are important questions that you are alluding to there about what services are crucial to an LEA’s overall success in coming to such a judgment. I accept the general point, absolutely.

Q151 Mr Turner: My point is that it is all very well to get a one on catering, but it is not much fun for the pupils if the overall performance of schools is unsatisfactory.

Mr Bell: One of the issues that in some ways we have always struggled with in LEA inspection is the distinction between what the schools achieve and what the LEA overall achieves. Do not forget that the vast majority of money and responsibility for school standards now lies with LEAs. I know we have had this conversation at this Committee before when we have argued that if you are trying to make a close connection between the quality of an LEA and its services and the general performance of the schools, that is not as useful as indicator as looking at the socio-economic context of the area. What we have said in previous LEA reports, those functions in which an LEA has most direct control—for example school admissions, special education needs, school improvement, working with schools in special measures—then you can have an impact. We have always been cautious and our reports have always been very cautious in saying that actually effectiveness in those specific delineated functions will necessarily mean that the education and attainment of the pupils is necessarily satisfactory. We have always been quite cautious about that.

Q152 Mr Turner: You have mentioned special educational needs. How do you compare what happened in this inspection with what was promised at the last inspection?

Mr Bell: In the last inspection—and for most authorities it would have been their first inspection under the inspection arrangements—there would have been quite a long list of recommendations and as with school inspections we do ask inspectors to look at whether the recommendations have been dealt with. I would say generally—and I think the report highlights this—that our evidence from the first round of inspections would also support this, that early years are generally weaker in relation to special educational needs functions than other areas of work. Certainly we would want to comment if there was a complete failure to address issues that were identified first time round. I can think of one or two LEA inspections just published recently where we have done that in other areas, for example school admissions, and that is quite a negative judgment about the LEA.

Q153 Mr Turner: What I am worried about is that there are LEAs that seem to be able to talk, to write the plans, but they are not able to deliver. In a report you delivered on this LEA in the year 2000 you said

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it is working towards a more coherent strategy: services round transition, actions being taken to remedy weaknesses. You then said it was unsatisfactory on special educational needs and now you have said it remains unsatisfactory on special educational needs. I accept that half the LEAs that were unsatisfactory three years ago are no longer unsatisfactory, but do you really feel that you are effective in waking up the local education authorities where you have a consistent pattern of failure in a very significant area?

Mr Bell: That is an interesting question. I think what the LEA inspection programme has done is drive up standards to an acceptable level in the vast majority of cases. If you look at the first round of inspections there is no doubt that those LEAs inspected later in the first round of inspection did better because they realised that Ofsted meant business and, frankly, the Government meant business in relation to intervention powers. What do you do in an LEA inspection if you find an area of provision which has remained unsatisfactory or poor and you set that against other areas which are generally improved in the intervening period, if that is the case? As we say in school inspections, we ask inspectors to take account of all the evidence in the round and come to a judgment, but I think it is a fair question to ask of us, if you have a very significant area of provision in an LEA and it has not been acted upon, why do you not make a judgment. The interesting thing is that we do not have an equivalent judgment to serious weaknesses in the LEA world which in some ways would enable you to get at that. In other words, you say that across a number of areas things are going well, but in this very specific area it has not been tackled. The only way we do that is through the text on the inspection report which says that this area still has not been dealt with. I think you are making a fair point: are there areas that are so crucial that we cannot judge an authority overall as satisfactory if that particular area is satisfactory and has been satisfactory previously. We are moving into a period of change in the LEA programme of course because we are having to think about how the LEA inspection work, dovetailed with *Every Child Matters*. Some of our thinking in *Every Child Matters* forces us to look even more critically at support for children with special needs, vulnerable children and so on. I actually sense that we will not be able to duck this if we have ducked it in the past and have not given judgments as sharp and as clear as we can. I think your observations are a helpful reminder to us that we really need to look carefully at how we make judgments for LEA support in this area.

Q154 Mr Turner: I am glad that we have agreed that something needs to be done. Could I just move on to one other issue to do with middle schools? I quoted the figures for middle schools as 75% being good or very good overall nationally. Have you ever produced a report on the performance of middle schools? Are you able to make an assessment of why some middle schools appear to be far less successful as in this report than others?

Mr Bell: I think I will have to defer to my colleague on the first part of that question.

Mr Taylor: I do remember a report on middle schools in 1981 but more recently, after an appearance here when we were asked questions about a comparison between three tier systems and two tier, we did go away and do a fair bit more analysis on those comparative data and, as tends to happen when you do this, the answer is a lemon, basically. In some places three tier systems are working more effectively than two; in others it is the other way round. As you might expect, it is not a very clear cut picture. What we find is that the hotspots are rather different in three tier systems than they are in two tier. Things like that are interesting but not enough to hang a whole national policy on them.

Q155 Mr Turner: Are they enough to hang a local policy on? What I am really worried about is that people tend to change the structure as an alternative to changing the system.

Mr Bell: You cannot use Ofsted evidence to make a national case in relation to middle schools. However, it may be that in a local setting people could say, well, if we look at what has happened with our middle schools or our first schools or whatever, there does seem to be a pattern of failure or under achievement. I think you are right to highlight the danger, and that is to assume that the problem has to be with the structures when it might have to do with some other things as well. Therefore just changing say from a three tier to a two tier would seem to be not an absolute guarantee of future success. Other things like: are the teachers appropriately trained? Are the leadership and management capable of leading these new schools? Are the transition arrangements handled well from one structure? All of those seem to me to be equally important and we should not just assume that a three tier system going to two tier will magically improve standards.

Q156 Chairman: This fashion for sending a private sector contractor into LEAs, from where you sit has it been a success by and large?

Mr Bell: There has been less intervention either from the private sector or from elsewhere in the public sector in recent times. We have, of course, looked at different approaches to intervention. We have looked at approaches where the public sector has assisted the public sector (which was the case to a large extent in Liverpool) but we have also looked at other LEAs where the private sector has gone in and been leading the intervention programme. I think it is hard to say that one thing works and the other thing does not. Our evidence would seem to suggest that where intervention of any sort has happened it has led to the green shoots of recovery. Obviously, if you are talking about major structural problems in an LEA they are unlikely to be sorted out in the period between first and second inspections because we often go back second time rather quickly after the first time to see if any progress is apparent. I think I can say we do not have an absolute picture either

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way. The most important thing that usually happens in such circumstances is just better relationships begin to emerge between schools and the provider, whether that is the local authority or a private sector provider. We do know there has been at least one high profile case where that has not happened, so I think we need to be careful about generalising.

Chairman: Just before we move onto our last subject, *Every Child Matters*, we take this area very, very seriously. We are going to briefly mention it today. We are doing so because this is so important to the whole structure of how this Committee holds the Government to account that we will be having not only a seminar on this area but we will be having you back just to discuss this. I just thought I would let the outside world know that this is not the Committee just tacking on a couple of questions on such an important subject.

Q157 Jonathan Shaw: You are, as we all are, acutely aware of the Lane Inquiry's findings and how it damned those authorities responsible for their failure to protect Victoria Climbié. You are charged with developing an inspection regime across children's services. It is bound to have interfaces with other agencies such as the police, which is a huge departure for yourselves. I think that it is quite difficult to begin to try to comprehend how you are going to inspect all that. I expect it has caused you a few sleepless nights over recent months. As the Chairman said, we are going to look at this in detail, but perhaps you can give us a flavour as to where you begin to tie all this together so that we do not have systemic failure in the way that we have seen before. It is not to say that we will not see children die; we will, but it is about the systemic failure. Can we put our hands on our hearts and say that we did all that we could?

Mr Bell: I wonder if you would mind if I asked Robert Green to comment on this. He is overseeing that project.

Mr Green: Given that most of my responsibilities are around Ofsted's backroom operations and support, the less the Committee feels it needs to ask questions the better I am doing my job on the whole. However, this is a project in which, in the Ofsted context, I am taking a particular interest. The first thing to say is that we are enormously enthusiastic about the opportunity that this gives to Ofsted and to all the inspectorates who are collaborating. Mr Shaw mentioned working with the police and just to list some of the inspectorates that we are bringing together: the new Commission for Health Care Audit and Inspection, Commission for Social Care Inspections (both of those are, as it were, getting themselves into position at the moment, which is one of the issues for us; we are working with inspectorates that are still being built). On the youth justice side, there is the Inspectorate of Constabulary, the Inspectorate of Prisons, Probation, the Magistrates' Court, Crown Prosecution Service. All of those are sitting in on a group that David Bell chairs once a month, as well as the Adult Learning Inspectorate and the Audit Commission. There are probably others as well, but

that is enough to be getting on with. One of my colleagues has the phrase that what we want to be able to do is to come out of this process and be able to say what it is like to be a young person in a particular defined area and to have that kind of sense of safety and safeguards as far as one can reasonably achieve them. The focus of the integrated inspection—that is what we are going to be talking about, integrating the inspections of these various bodies—is how well the services at the local level work together. It is an age old problem for I am sure as long as any of us have been involved in this. How well those services work together to improve the lives of children and young people and to come back, in a sense, to the very first question that the Committee was raising about the impact of Ofsted, we certainly hope that this is an area in which inspection can have an impact because by saying this is what we expect to see and this is what we find—not just, are the plans there, but when we go to talk to parents or young people, do they actually recognise that the various agencies are working together—that should be a powerful driver for the sort of improvement that we are looking at. We are obviously in the relatively early stages of formulating ideas on what these inspections will look like, but equally, if we are going to introduce them not much more than a year from now, we have to get a move on. The focus is going to be on the outcomes of these inspections; that is something that all the inspectorates have agreed. It is crucial that they do take into account the views of children and young people and their parents. That is one essential premise so the inspections will have to make judgments about the way in which the different services contribute to those outcomes and the quality of the provision. They are going to take account of national criteria. Going back to a point the Chief Inspector was making earlier, we are in the business of trying, where we can, to reduce the burden of inspections, certainly not to increase the burden of inspection so there is going to have to be an element of proportionality to risk. In other words, we look harder at those areas where we think the risks are likely to be greatest. So far as possible, we will tackle the question of reducing burdens by making use of what we have already. In other words, do not re-invent things if we have something which is reasonably adequate, although when you are bringing together half a dozen or more inspectorates which have been looking at things from very different perspectives, there is going to have to be quite a degree of readjustment so that they produce an overall coherent picture. It is crucial to us that we report openly so that local people can look and see how things are in whichever area we are looking at. Also, it is quite clear from the Green Paper that—again going back to an earlier point—improvement has to be a central concern for this process. It has to contribute to the way in which things get better. The approach we are taking at the moment is to start with *Every Child Matters*, five outcomes that matter to children, with the addition the Government has given us of looking at the ways in which the local services provide support to parents. So it is the

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outcomes for children and the support that is provided to parents. In terms of what I was saying earlier about the risk, one of the areas that we will look at in particular is the categories of young people and children who have particular issues for whatever reasons, so special needs is one of those groups that we think is necessary to focus on particularly. Looked after children is another long standing issue which I know the Committee has been concerned about. Children in transition between one stage and another, particularly those moving out of being looked after, and those children who are going back to the PRUs, those children who are out of mainstream education. These are some areas where we know we want to focus particularly. We are thinking about a framework—but it is very early days on this and I am sure there will be much more opportunity to talk about this in the separate session that you are thinking of having—and we will draw together the information that we can from all the inspectorates involved, the statistics, the findings they have from their inspections so far. At the core of the process in an area we are looking at a joint assessment by a multi-disciplinary team, in other words, bringing together inspectors from different inspectorates and different disciplines to look at what is actually happening. Having said that though and recognising the huge scale of the task, relatively speaking, we think that the field work needs to be kept to a minimum, in other words not weeks and weeks and weeks of inspectors on the ground, but as much thorough preparation as is possible on the basis of the evidence that has already been gathered from field work, whether it is a school inspection or

any other sort of inspection. One of the things that we do think we want to put in on the ground is what we are thinking of as case studies. This could happen in various ways. It could simply be following the case of an individual child, tracking through the files: what do the health files, the education files, the social services files tell us about this child? What evidence do they give about the way in which the different services have been talking to each other and cooperating? We are going to look at, on the ground, particular areas; we are going to talk to young people in particular areas and ask what their experience is. These are early ideas at the moment, but overall we want to come out with a system which evaluates the joint planning of services, the ways in which services are jointly commissioned, crucially the way they are delivered in a coherent way, and then the way in which local authorities and other services review the services. Broadly speaking that is the framework. We are at the stage of simply talking to other inspectorates at the moment. We are about to start talking informally to a much wider audience over the next few months to begin to test some of these ideas.

Jonathan Shaw: I have no further questions; I think that sets the scene for when we come back.

Chairman: We have had an excellent session. I always feel it ruins the momentum of questions when there is a division as we like to keep you on the griddle, but at least you get a respite of 15 minutes. However, I hope that concentration did not lag. I think we asked most of the questions we intended to ask. Chief Inspector, can I again thank you for your attendance, also Maurice Smith, Robert Green and David Taylor. We will see you again soon.

Memorandum submitted by the Secondary Heads Association

SHA acknowledges that the current inspection framework's clear emphases on learning and teaching and on the monitoring and evaluation of these by school leaders give it the potential to contribute to the raising of standards in secondary schools and it is in the context of a desire to encourage school improvement that the following comments are offered.

SUMMARY

- the emphasis on school self-evaluation is welcomed but the publication of weaknesses impedes honest self-evaluation (paragraph 1);
- the sharing of the pre-inspection commentary is welcomed but there needs to be adequate time for the school to respond to it and a procedure for ensuring that errors in this commentary are corrected or the inspection team (paragraphs 2 and 3);
- the benchmark tables published in the *Handbook for the inspection of secondary schools* have increased expectations to which schools were given no time to adjust (paragraph 4);
- the idea that judgements which are mostly satisfactory are together unsatisfactory is confusing (paragraph 5);
- in measuring progress from the previous inspection, like is not being compared with like (paragraph 6);
- complaints from SHA members about the process of inspection have risen dramatically since the new framework was introduced in September 2003 (paragraph 7);
- there is a widespread perception amongst our members that inspection is now much more aggressive and leaves heads and staff feeling demoralised and demeaned (paragraph 8);
- there is also a widespread perception that inspection is now more negatively biased and that heads are being held accountable for issues which are beyond their control (paragraphs 9 and 10);

- SHA has concerns about inconsistencies in inspections (paragraph 11);
- the “snapshot view” can impede rather than enhance school improvement (paragraph 12);
- a reluctance to use Ofsted’s complaints procedure means that its use is not a clear indicator of levels of dissatisfaction with the inspection process (paragraph 13); and
- SHA acknowledges that many inspectors carry out their function within the published Code of Conduct but the current levels of concern are not helpful in improving our schools (paragraph 14).

1. Schools see the focus on school self-monitoring and evaluation as very helpful to the improvement process and the Form S4 (self-evaluation report) has been warmly welcomed. The process required to complete the form is only truly valuable, however, if schools are scrupulously honest with themselves and are prepared to identify and analyse weaknesses as well as strengths. The difficulty is that the weaknesses identified are then made public. This can seriously damage a school and does not contribute to improved performance. Some inspection teams are also misusing the self-evaluation by concentrating on areas of known weakness (see below), which also provides a powerful incentive to write not an honest report but one intended to play to its readers. There is a danger of this essentially useful approach being undermined before it has really become established.

2. The sharing of the pre-inspection commentary with schools is welcome but the time-scale given for school response is often too short (as little as two working days). These commentaries sometimes have gross errors. The pre-inspection commentary should arrive at least five working days in advance of the inspection.

3. The relatively late arrival of the pre-inspection commentary has given rise to another concern: where the pre-inspection commentary contains errors, the errors are often not corrected for inspection team members. In one particular case, the misinterpretation of school data in the pre-inspection commentary left our member feeling that the negative view this gave inspectors in the team affected the whole inspection especially as the error was not corrected in the minds of inspectors at the start of the inspection week or, for that matter, at any other time.

4. There is no doubt that the September 2003 framework has raised the levels that schools must meet. A major factor in this has been the introduction of benchmark tables with their grade descriptors and schools should have been given time to assimilate these before the new inspection regime came into effect. These level descriptors are a major contribution to what Her Majesty’s Chief Inspector defines as the clearer focus of the new inspection. For schools though, it is equivalent to being entered for an examination without having had sufficient time to adjust to a significantly changed syllabus.

5. The statement to the effect that “If a department or a school is judged to be mostly ‘satisfactory’, it is unlikely to be ‘satisfactory’” continues to confuse. The “mostly satisfactory” implies, we are told, that there is unlikely to be sufficient aspiration in the department or the school—in which case, it is difficult to understand how a satisfactory judgement was awarded in the first place.

6. These raised expectations mean that in the process of seeking to identify improvement from the previous inspection, like is not being compared with like. Under the previous framework, for example, “satisfactory” meant “satisfactory” and the higher grades, being less tightly defined and more open to the judgement of individual inspectors, were less difficult to achieve.

7. The number of complaints SHA receives from members about the processes of inspection has risen dramatically. These complaints do not only come from schools unhappy with the final judgement but also include schools that have been judged good, very good or very effective. Under the previous framework, complaints about process had become rare and there was a general perception among our members that inspection teams had become adequately professional in their approach.

8. The widespread perception is now that there is a more aggressive approach by inspection teams. There has been an increase in the number of complaints about inspectors not following the code of conduct for inspectors published on page 3 of the *Handbook for inspecting secondary schools*. In particular we have had complaints about inspectors not “treating all those they meet with courtesy and sensitivity”, failing to “do all they can to minimise the stress on those involved in the inspection” and not maintaining a “purposeful and productive dialogue with those being inspected”. Calls to SHA about inspection frequently refer to members of staff being left demoralised and demeaned by the process.

9. Many calls now also refer to the perception that inspection since September has become more negatively biased. Since September 2003 there are frequent reports of Registered Inspectors arriving prejudiced against a school and battering on to any and every weakness to the exclusion of strengths, which are acknowledged grudgingly if at all. Often this view emerges as schools talk about the over-representation in lessons sampled of those taught by short-term teachers and supply staff. It seems that it is not unusual for this to occur particularly at the start of the inspection week, the negative impact of the initial negative messages never being balanced. This has led to a real fear in the way many secondary headteachers now approach inspection. Teacher recruitment is a national issue and headteachers feel that through inspection they are now being held accountable for something beyond their control. They do not feel that their leadership is being tested to see whether, in the light of recruitment difficulties, they have made the best arrangements possible but rather that the focus on the quality of teaching and learning in the classrooms of these teachers puts both their school and their own continued employment at risk.

10. Teachers are aware that in the inspection of individual lessons, lessons disrupted by “difficult” individuals will fail. Some of the children assigned to schools under the drive for inclusion are particularly challenging. The Ofsted lesson inspection process makes no allowances for the presence of such children. In these circumstances, the way in which the new benchmark table level descriptors (table 11 of the Handbook) are being applied seems to leave less room for an individual inspector’s judgement than previously. Again, SHA members feel that they are being held accountable for situations that are beyond their control. This is not to argue with judgements identifying poor teaching as a reason for misbehaviour but to state that there are situations where the teaching itself is not the issue and where teachers themselves are the victims of disturbed and volatile young people. It is often in schools facing the biggest struggles to improve their own quality and reputation where this difficulty is most often acute: they are often under-subscribed and, as a consequence, are required to admit a disproportionate number of pupils excluded from other schools.

11. Notwithstanding the limits on individual inspectors’ judgements identified above, SHA continues to have concerns about consistency between individual inspectors and individual teams. For example, one team required Individual Education Programmes to be made subject specific (ie each department must write the IEP in its own terms) before IEPs would be judged satisfactory. Or an individual inspector told a teacher that the lesson as a whole might well have been very good but the evidence in the part of the lesson she saw only enabled her to judge it “good” (it was not the teacher’s fault that the inspector could only stay for part of the lesson). It is only since September 2003 that complaints such as these have become frequent from our members.

12. One of the examples we have given is the ground for another complaint: that the inspection process gives only a snapshot and elements of the school may be seen either at their best or at their worst during the inspection week. It is not unusual for a weak teacher or department with whom a head is working for improvement to be judged as satisfactory or better in the “snapshot view”. Not infrequently, this becomes a hindrance to progress. One might argue that the head should have declared the weakness but we refer again to the difficulty faced when such honesty leads to a public statement.

13. SHA members are reluctant to use the Ofsted complaints procedure. During the inspection there is a real fear that a complaint will have a negative impact on the final report; afterwards, members feel that they are unlikely to alter the judgements and that the process will simply involve them in work which will not bring any benefit to anyone in their school. Certainly, very few want to open themselves up to the possibility of even more inspection by HMI. This means that the current levels of official complaint do not give an accurate assessment of the degree of discontent.

14. SHA would not deny that there are many registered inspectors and team inspectors of high quality who seek to carry out their function within the published code of conduct but our records clearly indicate that there is, currently, a high level of concern about, even fear of, the new approach to inspection. SHA does not believe that this works in the best interest of raising levels of attainment and achievement in our schools.

February 2004

Memorandum submitted by the National Association of Head Teachers

Thank you for the opportunity to submit issues that the Committee can discuss with Her Majesty’s Chief Inspector of Schools. The NAHT feels it would be useful for the Committee to raise the following issues with the Chief Inspector:

1. In 2002–03 160 schools were put into special measures, as against 129 in the previous year, a 24% increase. Although this is still a small number in comparison to the number of schools inspected, it does represent a significant increase. Has the Chief Inspector any views as to why this increase has taken place? Over the same period, 163 schools were designated as having serious weaknesses, as against 201 in the previous year; a simplistic look at these figures might indicate that some schools had been put into special measures that might, in previous years, have been identified as having serious weaknesses. Is that the case? In addition, only 130 schools were taken out of special measures, against 163 the previous year. **Is there any significance in the increased number of schools put into special measures, or the reduction in the number coming out of special measures, during 2003–03?**

2. The figures quoted above relate to 2002–03, the period covered by the Chief Inspector’s Annual Report. Nevertheless, there is a strong perception in schools that the Framework for Inspection introduced in September 2003 has raised the standard required for a school to receive a good report. The feeling is that a school inspected now would be likely to receive a less positive report than if the inspection had taken place before September 2003. **Can the Chief Inspector counter this perception?**

3. There is concern in many schools regarding the Ofsted Complaint Procedure. The Annual Report notes a slight increase in the proportion of complaints over the previous year, and an increase in the complexity of the complaints received. The average time taken to deal fully with a complaint, according to the Annual Report, was 50 days, a substantial rise on the previous year. This is too long for an aggrieved school. NAHT would like to see a mediation process introduced into the Complaint Procedure at an early

stage, so that genuine complaints could be identified and investigated much sooner than is the case now. While there needs to be discussion as to how this would work in practice, **it might be interesting for the Committee to explore any plans the Chief Inspector has to review the Complaint Procedure.**

4. As form S4 has evolved, the role of school self-evaluation in inspection has become more significant. This is set to take on a greater significance, in the light of the draft proposals for future inspection arrangements published recently. **It may well be useful to explore how effective the Chief Inspector feels self-evaluation has been up to now.**

February 2004

Memorandum submitted by the Association of Teachers and Lecturers

SUMMARY

- the proposed full scale review of inspection may not result in a revision which is fit for purpose;
- the independence of Ofsted remains in doubt;
- the apparent absence of collaboration with the Audit Commission is regrettable; and
- member experience suggests that some recent inspections have lacked quality in early years, primary and secondary settings.

1. The Chief Inspector's report refers to "undertaking a full scale review of our processes for inspecting schools and colleges". Disappointingly the first part of this to emerge, entitled *The Future of Inspection 0-19*, makes it clear that the review contains no evidence of fresh consideration about whether the proposed model will prove to be fit for purpose. Indeed, it totally begs the question of the robustness of the accountability for Ofsted. It would be useful for the Committee to explore this issue.

2. The second area for discussion is that of the extent to which the Chief Inspector can be certain that he has maintained the independence of Ofsted while ensuring that there is sufficient relevance to the issues of the day, particularly those dear to the government. What specific evidence of independence is to be found in the report?

3. There is also the issue of costs. What, if any, collaborative work, eg with the Audit Commission, is being undertaken to examine issues of value for money? As an association, our view is that no-one has yet calculated the true pre-inspection costs; it is time this issue is properly investigated. While it is not something Ofsted can do itself, any review of the inspection system must include evidence about what has hitherto been a considerable drain on public funds.

4. While earlier in 2003 we were delighted to observe a drop in member difficulties with Ofsted, the pattern has now reversed. In the words of an early years advisory teacher:

"This is just to inform you of feelings at our last PAT Team meeting re: joint inspections. The consensus of opinion was that these were not helping raise quality at all and in fact were depressing quality. Partnership advisory teachers are promoting good early years practice. Then along comes Ofsted which condones and allows, in some cases, abysmal practice."

5. At primary level a class teacher sadly tells us:

"As a school we asked the team to focus on SEN and inclusion and the Foundation Stage. I did therefore expect to be made aware of some points for improvement in these two fields as well as hopefully some positive commendations for the hard work we have put in. This was my third inspection (all at this school) and I feel so angry and aggrieved at the way some of the inspection was carried out and the very negative slant on the actual published report."

6. Meanwhile a secondary assistant head raises issues about a narrowness of approach which appears to be at variance with the hope that inspections play an effective role in relation to school improvement:

"Having experienced and valued two previous inspections in 1994 and 1998 I should have been looking forward to one of your teams recognising the achievements of my school. Sadly this was not the case. The Ofsted team we had were, in the main, personable, professional people who tried to make the process beneficial but were obviously very restricted and could not move from their agenda of standards based on prior attainment through the PANDA report.

"As you know, Mr Bell, schools are much, much more than just about attainment and standards. This is a significant part of what we do but far more important is the fact that schools are about people and the relationships between those people. Teaching and learning is about developing the potential of all learners in the learning community and doing this through a broad, balanced and relevant curriculum where the learners enhance their self-esteem, confidence and independence. Basing the inspection mainly on standards through prior attainment immediately 'tunnels the

vision' of any inspection team and makes it almost impossible for them to recognise achievement in any other form. At present your 'team' definitely feels like the opposition and not part of the 'team' that helps to improve teaching and learning in our schools."

February 2004

Memorandum submitted by the Universities Council for the Education of Teachers

SUMMARY

1. UCET represents 94 Faculties, Departments and Schools of Education in universities and university sector colleges in all parts of the UK, including all of those in England. Since these are the most heavily inspected institutions in the educational system UCET believes it is well placed to offer an authoritative statement on Ofsted.

2. UCET welcomes the following recent changes in Ofsted's mode of operation with regard to teacher education institutions:

- (a) the decision to reduce the frequency of inspections (Paragraph 5 below);
- (b) the intention to provide institutions with a three-year schedule of inspections (Paragraph 6);
- (c) the adjustment in the inspection methodology to include self-assessment and thereby indicate a measure of confidence in the capacity of institutions to highlight for themselves their own strengths and weaknesses (Paragraph 7);
- (d) the recognition that continuing professional development is a means of enabling teachers to re-kindle their enthusiasm for their work and to familiarise themselves with perspectives and analytical tools which challenge their current approaches to teaching, and is not to be seen simply as a mechanism for securing immediate improvements in pupils' achievements, important though these are (Paragraph 8);
- (e) the intention to consult on an inspection framework for FE and related provision which reflects the different character of that sector (Paragraph 9).

3. However, UCET maintains that the following further changes are required in Ofsted's relationship with teacher education institutions:

- (a) a further refinement in the inspection methodology is required so that inspection is more closely related to risk, allowing a lighter approach to institutions of proven and well established quality (Paragraph 11);
- (b) in inspection the emphasis should be more on the assessment of quality than the testing of compliance (Paragraph 12);
- (c) to strengthen the participation of schools in teacher education Ofsted should include in its inspection of schools framework an assessment of a school's contribution to the preparation and induction of new teachers (Paragraph 13);
- (d) to strengthen still further the quality of teacher education Ofsted should assess the extent to which programmes are underpinned by research and research findings (Paragraph 14);
- (e) since Ofsted has no monopoly of intellectual robustness or of professional integrity, and could never claim to have cornered the truth market on quality and standards in education, it should adopt a more collaborative approach to inspection (Paragraph 15);
- (f) Ofsted should be encouraged to explore with the sector how the tone and climate of inspections might be improved (Paragraph 16).

RECENT OFSTED CHANGES ENDORSED BY UCET

4. UCET is the body which represents 94 universities and university-sector colleges in all parts of the UK, including all of those in England. These institutions have undergone more inspections than any other group of institutions, many having experience of inspection on an annual basis and some being inspected, for different aspects of provision, several times in the course of a single year. UCET therefore claims to be in a position to offer an authoritative statement on the work of Ofsted as it relates to these institutions.

5. UCET welcomes a number of recent changes in Ofsted's relationship with the teacher education institutions. The first of these concerns the frequency of inspections. It is no exaggeration to claim that some institutions have been subjected to an extremely heavy programme of inspection, reflecting a particular strategy for inspection rather than the need to pursue perceived deficiencies of provision. Consequently, institutions have been required to devote a wholly disproportionate amount of time and resources to preparing for inspection and undertaking necessary follow-up work. Over-inspection, like over-assessment of students' work, can itself distract attention from the proper business of an educational institution.

6. Secondly, we endorse Ofsted's decision to provide institutions with a three-year schedule of inspections, although the time-scale of the schedule very clearly implies that the frequency of inspections is likely to remain high, certainly compared with the frequency of inspection for schools, and with external quality audit in higher education. Nevertheless, the existence of a schedule will permit institutions to plan how inspections can be accommodated within a structured programme of review and course development, and possibly also to co-ordinate inspection with internal university quality assurance arrangements.

7. Thirdly, we are gratified that Ofsted has decided to allow teacher education institutions' self-evaluation of their work to feature more prominently in the inspection process. In our view, just as the hallmark of the effective teacher is the commitment to self-evaluation with a view to enhanced performance, so the effective teacher education institution is one in which self-evaluation is embedded and internalised. The purpose of inspection should be to interrogate an institution's self-evaluation and through that to confirm that an institution is overseeing a programme of continuous enhancement of quality and standards. Ofsted's purpose, we maintain, is to reinforce institutions and their partner schools as self-monitoring professional communities committed to still more effective teacher education. That is, Ofsted might have more regard to the old adage that we should "design quality in, rather than inspect faults out".

8. Fourthly, we detect a welcome shift in Ofsted's approach to teachers' continuing professional development. There now appears to be a recognition that CPD is not to be restricted to the furthering of government policy or to achieving immediate gains in pupils' achievements. CPD is a powerful way of re-kindling teachers' enthusiasm for their specialism, of challenging teachers intellectually, and of equipping them with insights and analytical tools for revitalising their work in the school and the classroom. In this connection, we have been much encouraged by recent Ofsted reports on the award-bearing programmes offered by our institutions.

9. Fifthly, UCET is pleased to note that Ofsted intends to consult on the inspection framework for FE. Recent inspections appeared to rely on the framework used in school inspection and therefore did not fully recognise the distinctive characteristics of the sector, particularly the relative emphasis given to subject teaching and generic teaching skills.

UCET RECOMMENDATIONS FOR OFSTED

10. While applauding these changes in Ofsted's relationship with UCET institutions, we wish to highlight five ways in which that relationship might be still further developed.

11. The first of these concerns the methodology of inspection. We maintain that there is a strong case for relating inspection more closely to risk. For those institutions that have consistently demonstrated a high quality of work the demands of inspection might be reduced so that time and effort could be targeted to support the development and dissemination of good as well as innovative practice. Ofsted's resources might then be re-configured and the role of Link Inspector re-introduced to support those institutions whose quality of work justifies closer attention. It is just silly, and a misuse of resources, to assume that a uniform diet of inspection should be rigidly dispensed to all, regardless of the evidence available.

12. Secondly, many of our institutions perceive the inspection process as a tool of compliance rather than a professional engagement about the quality and standard of provision. Of course, a national system of teacher education must be attuned to the changing needs of the schools and institutions must shape their provision in accordance with national standards. However, assessing the extent to which institutions comply with the minutiae of national expectations is not an adequate measure of quality, unless that term is defined to mean the avoidance of risk playing safe, and eschewing innovation, all in the interests of demonstrating a capacity to jump through the familiar hoops.

13. Thirdly, it is universally acknowledged that effective teacher education requires strong partnership between institutions and schools, where students have the opportunity to practise as teachers under skilled and experienced supervision. We are becoming extremely concerned at the difficulty of involving a sufficient number of schools to partner us in our work, notwithstanding the financial incentives that exist. In our view there are immediate and long-term benefits to schools of having keen and eager students to assist in teaching their pupils and of having a highly trained and well-educated pool of newly qualified teachers to draw from in revitalising our schools. Besides, teachers surely have a professional obligation to support the induction of new members of the profession, just as beginning teachers have an entitlement to support from their senior colleagues-to-be. We maintain that schools' commitment to working with at least one teacher education institution should no longer be optional but a required part of belonging to the same profession. If Government resiles from making that a requirement then Ofsted should include a school's contribution to HE-based teacher education part of its school inspection framework, so that when schools are asked by Ofsted at the time of inspection to detail their contribution they would be made to feel very uncomfortable if they said they made none.

14. Fourthly, there is a widely held view, shared by Government, that teaching should be seen as a researching profession and that teacher education should be set in an environment in which research and critical enquiry flourish. We believe it would further strengthen teacher education if the Ofsted framework

for inspecting teacher education institutions included an assessment of the extent to which programmes were underpinned by research, particularly practice-based research developed in collaboration with partner schools.

15. Fifthly, we would like to see Ofsted adopting a more collaborative approach to the inspection of teacher education. Ofsted does not have a monopoly of intellectual rigour or of professional integrity and it could never claim to have cornered the truth market in regard to quality and standards. For their part, the teacher education institutions represent a huge repository of expertise on these matters. We therefore believe a more collaborative approach would be justified. That, of course, is possible without any diminution in the incisiveness or candour that characterises inspection at its best.

16. The point we are making here relates to the tone and climate in which inspection takes place. There certainly was a time when teacher education institutions perceived the inspection regime to be rigidly prescriptive and coercive. These days have passed. There is nevertheless evidence of continuing distrust. Thus, for example, requests for supplementary documentation once an inspection has begun are considered to be unreasonable and a source of irritation. Another example concerns the recent Ofsted reports on *Teacher Training: Development and Supply and An Evaluation of the Training School Programme*. These reports commended training schools and their achievements. Neither of them, however, acknowledged the positive role teacher education institutions have played by working in partnership with these schools and contributing significantly to their achievements. What does it say about the relationship between Ofsted and UCET institutions when what might have been an oversight is perceived by so many to be a calculated snub?

February 2004

Memorandum submitted by Michael Newman, Summerhill School

INDEX TO SUBMISSION

1. Questions asked by Jonathan Shaw MP about use of criticised reports.
2. Kent county continue to contest placement at Summerhill.
3. All reports are treated the same.
4. How should a school be judged if its last report is successfully criticised?
5. David Bell, HMCI, agrees to look at presentation of reports.
6. Recent report underlines need to learn from mistakes and to look at dissemination of information.
7. Failure to address issue of reports that are subsequently officially criticised.
8. Unjust to let schools address the issue of judgements based on most recent Ofsted publications.
9. Append to reports subsequent official criticisms.
10. Group from Summerhill will be attending Select Committee meeting on 8 March to hear David Bell, HMCI.
 1. At your meeting with David Bell HMCI on 5 November 2003, Jonathan Shaw MP asked questions that related to a constituency case in which a child's attendance at Summerhill School was being contested by the Kent LEA using the school's 1999 Ofsted report as its primary evidence.

Q42 Jonathan Shaw: The 1999 inspection document, is that a credible document on which to make a judgment about the school today?

Mr Taylor: We are not in the school today. As I have said, there has been a new framework and a new legislative basis for inspections since 2002.

Q43 Jonathan Shaw: If the local authority said, "We're not prepared to send this child to this particular school because of what they said in 1999," is that fair?

(Uncorrected evidence from "Work of Ofsted" 5 November 2003.)
 2. Kent county is continuing to contest the case. The boy has a special educational needs statement.
 3. The response to Jonathan Shaw's questions was that all reports are equally available, and are treated the same, unless they have been withdrawn due to a complaint.
 4. Afterwards I lobbied David Bell, asking him how after a court case, a critical independent adjudication and then a successful registration inspection (results are not published), the 1999 Ofsted inspection report could still be seen as a valid way of seeing the school. This is the most recent Ofsted document published on Summerhill. His initial response was to recommend that people should visit the school to make a judgement, and that people should not rely on the Ofsted report alone.

5. David Bell was questioned about the status of Ofsted reports being different if they have since been criticised, but not sufficiently to be withdrawn, and yet this difference not being reflected in Ofsted's presentation of those reports. Was this not misleading to people reading the reports? Does a school have to wait for a full inspection to gain a fairer public image? David Bell responded that he would look into how they are presented.

6. In his recent annual report he mentions the desire to learn from mistakes;

“Where inspections are not as they should be, we are anxious to learn of them.” (Quality and Service, Commentary)

And to improve their dissemination;

“looking at ways in which inspection findings can be disseminated in the most effective way.” (The Work Ahead, Commentary)

7. But even when describing the complaint process (502) he fails to explain how Ofsted will address issues of criticised reports, their status and their presentation. It seems that at the moment it is left to the individual school to redress the issue of its public image if an Ofsted report is successfully criticised but not withdrawn.

8. Given the national status of Ofsted, its claims to seek to achieve quality inspections and reports (528, 529), it seems unjust to expect a school to defend itself against a faulty report, especially when dealing with local education authorities, or special education needs tribunals. If this continues to be the case decisions with regards to the interests of children can be unfairly judged due to over-reliance on published evidence from Ofsted.

9. Will Ofsted append to copies of its reports, on the web and paper copies, references to independent adjudications and court cases that criticise the report?

10. Myself and a group of Summerhill students, elected to promote the interests of the school and children's rights, will be attending the Committee's meeting on Monday 8 March to see how the Committee ensure David Bell, HMCI, and Ofsted are accountable.

February 2004

Memorandum submitted by Pema Sinclair (age 13) on behalf of Summerhill School

Index to letter:

1. Despite covering areas relevant to children's rights the UNCRC is not referenced.
2. Emphasis by David Bell on individuality, the foundation of the UNCRC.
3. Principles of inspections.
4. Principles meaningless without UNCRC.
5. Select Committee and Ofsted should use UNCRC as main foundation.
6. Where is the voice of the child in the report and in schools?
7. UNCRC should be adopted as principal for Ofsted.
8. “Every Child Matters” and concern over Ofsted having to monitor UNCRC.
9. I will be attending select committee meeting.

1. Even though Ofsted's annual report covers the following topics, “moral and social development”, “spiritual development”, “cultural development”, “citizenship” in paragraphs 142–144, we think that it is necessary to use the UN Convention on the Rights of the Child (UNCRC) as a framework in the report. How can these areas have any meaning without referencing children's rights?

2. We are very pleased to read that David Bell states individuality is important and children should be “treated as individuals”, as he writes in his introduction about Tim and Jenna. The individuality of the child is the foundation of the UNCRC.

3. The Report states, “All of our inspections are conducted according to a set of principles.” “Inspection is underpinned by a conviction that all children and young people are entitled to a high-quality, rich and enjoyable education that meets their individual needs.”

4. We understand that these are important principles, but we think they are meaningless if Ofsted is not ensuring schools are implementing the rights of the child.

5. The Select Committee should use the UN Convention on the Rights of the Child as the main foundation of their scrutiny of Ofsted and education in England. They should ensure that all children have their say and have equal rights. Ofsted should review how the child develops as an individual by exercising their rights, and how schools are implementing those rights.

6. Where is the voice of the child in the Report, except as an anecdote about two children, who were lucky enough to speak to the Chief Inspector of Schools? Two years ago Ofsted said it planned to listen to the views of children (referred to in paragraph 488). In Summerhill we have uniquely had that right since Spring 2000. Not only are children without a voice in the report but Ofsted does not ensure, through their inspections, schools give their pupils a say in their learning or community.

7. We urge Ofsted to add the UNCRC to its principles and to include it in all of its inspections and reports.

8. In “Every Child Matters” Ofsted maybe in the future inspecting most of the state’s provisions for children. If they are given that responsibility, how will they use the rights of the child in their work if they have been unwilling so far to even mention the UNCRC in their inspection of schools?

9. I will be attending the committee to hear how David Bell, HMCI, will be implementing the UNCRC.

February 2004

Memorandum submitted by the Field Studies Council

KEY ISSUE

Fieldwork provision in biology is declining in British schools. Over 96% of GCSE science pupils will not experience a residential field trip, and nearly half of A level biology students will do no fieldwork, or will have a half-day experience near to their schools¹. This is despite the very clear educational and personal development benefits such out-of-classroom activity brings.

Fieldwork should be a vital element of an imaginative and contemporary science education. It helps students to develop their understanding of science as an evidence-based discipline and to acquire the hands-on experimental skills that are an essential part of science work. Furthermore, out-of-classroom activity provides an exciting and memorable experience for young people which can enthuse and inspire them, and will help to link science to their everyday lives.

The Field Studies Council (FSC) recommends that the decline in biology field work should be reversed by:

- making fieldwork a requirement rather than an option in the biology curriculum;
- supporting innovative curriculum development; and
- providing support for trainee and experienced teachers.

BACKGROUND

The FSC—a pioneering educational charity—is the UK’s leading independent provider of field courses for biology students. Every year over 430 schools send pupils on biology field courses to the FSC’s UK network of 17 field centres. In recent years the FSC has witnessed a continuing fall in numbers of schools sending pupils on A Level biology courses in particular.

Similar trends at all key stages and extending to universities appear to be leading to a shortfall in people with the practical skills needed to support biodiversity related activities, such as ecological surveying and identification of plants and animals, and wider careers in rural conservation, urban development and transport planning. It also undermines the potential to raise the general level of informed environmental awareness at a time when there is an increasing demand for students and their wider communities to be aware of their impact on the world around them.

The FSC’s position has been fully supported by the House of Commons Science and Technology Select Committee which stated “We endorse the view of the Field Studies Council that fieldwork should be strongly recommended in all courses . . . In our view, practical work, including fieldwork, is a vital part of science education.”²

The Government has itself recognised the need for more practical teaching approaches including fieldwork in 14–19 science education. There is little evidence, however, that any existing government initiative or policy is providing a suitable solution to counter these trends.

CRITICAL FACTORS

A number of critical factors have been identified by teachers themselves. The most important are:

1. Low priority given to fieldwork in the 14–19 biology curriculum. The need for field experience remains optional and is weakly promoted in 14–16 (GCSE) and A level (16–19) curricula.

¹ School Science Review, December 2002.

² Science and Technology Select Committee; 3rd Report; *Science Education from 14 to 19*; 11 July 2002.

2. Lack of confidence by teachers to deliver fieldwork. Newly qualified biology teachers—many of whom came from laboratory or desk-based disciplines—do not have sufficient training to support out-of-classroom teaching. Due to the retirement of teachers and the demise of local authority advisers with these skills, they do not have local support to develop these skills and confidence.
3. Cost of fieldwork.

THE EXPERIENCE OF GEOGRAPHY

FSC research has shown that GCSE geography pupils in secondary education are ten times more likely to take part in a residential field course than biology pupils.

In contrast to the option of fieldwork for biologists, the Key Stage 4 Geography National Curriculum includes a requirement for fieldwork. “Pupils should be taught . . . to select and use appropriate fieldwork techniques . . . and instruments”.³

Because no such direction is given within the biology curriculum, and fieldwork is only an option for science pupils, little emphasis is placed on biology fieldwork by Ofsted. In a recent FSC survey of 56 inspections which commented on individual subjects, 56% of geography inspections made reference to fieldwork or out-of-classroom experiences, compared with only 14% of biology inspections.⁴ The significance of Ofsted inspections is such that the general view among those involved in secondary education is that “If it isn’t inspected, it isn’t important.”⁵

THE SOLUTIONS

The biology curriculum

- (i) 14–16 (GCSE)
Curricula must acknowledge the importance of fieldwork in helping to deliver the learning outcomes. The need for fieldwork should be strongly encouraged.
- (ii) 16–19 (A level)
Every A level biology student should have field experience: fieldwork must become a mandatory requirement rather than an option in the A level biology curriculum. The critical role of fieldwork in helping to deliver biology synoptic elements must be acknowledged.

Teacher training

- (i) The Teacher Training Agency should ensure that all trainee biology teachers have sufficient training to enable them to deliver basic out-of-classroom teaching.
- (ii) The proposed National and Regional Centres for Excellence in Science Teaching should provide fieldwork-related Continuing Professional Development (CPD) opportunities for practicing teachers.

Inspections and monitoring

Inspections by Ofsted should ensure that policy and practice provide a full and fair entitlement to field experience. National data should be collected and collated by the government’s advisers enabling trends in fieldwork to be measured.

February 2004

Memorandum submitted by the Association of Lay Inspectors (ALI)

MAIN POINTS

- ALI welcomes HMCI’s prizing the work of lay inspectors in paragraph 41 of The Future of Inspection. Lay inspectors have a lively sense of the different, but complementary, edge they often add to the process. They consider their role as being of special importance to every school inspected and will, for that reason, and on behalf of the public, be disquieted if this were to cease.

³ Geography National Curriculum KS4.

⁴ FSC Ofsted 2003 Survey.

⁵ Chief Examiner, FSC Workshop, 3 October 2003.

- It is unfortunate that Ofsted's outlay during 2002–03 into the recruitment and training of an additional 200 lay inspectors from 2000 applications received has resulted in the enrolment finally of fewer than 40.
- It is unfortunate that the advantages gained over the years by investment in skilling the current independent inspection force will be largely dissipated under the current proposals from 2005 onwards.
- It is unfortunate that educational inclusion, equal opportunities, security and welfare, governors' opinions, parental views and possibly those of pupils, seem likely to disappear from direct examination under the new model.
- It is unfortunate that corporate judgement will disappear in smaller schools to be replaced by that of one individual alone.

COMMENTARY

1. It is no coincidence that during the 11 years of independent inspection led by Ofsted the skills and efficiency both of inspectors and of schools have increased considerably. The task of improving standards has been uppermost. This has involved much widening of professional appreciation in areas such as educational inclusion, and in leadership and management. It has also involved a more focused, rigorous and systematic approach in the application of techniques and skills.

2. Ofsted's inspection system has led the way, and followed through, in this ratcheting up of standards, just as daily work within schools has unequivocally been responsible for such widely effective implementation. Consistency and refinement, as well as adequate resourcing, will be key to future educational improvement.

3. Inspectors have hitherto been in classrooms observing teaching and learning, the building blocks of progress. They have had professional dialogue with all practitioners, so that teachers and departmental leaders can be emboldened. They have been positioned to judge the effectiveness and consistency being delivered, enabling each school, and its responsible authorities, including the government, to have a dispassionate assessment of overall strengths and weaknesses. They have deliberately taken into account the views of governors, parents, and pupils, all having critical stakes in the outcomes. Not least, inspectors have judged the extent and quality of support, safety, and child protection.

4. It is therefore unfortunate, to put the matter at its least, that all these elements of dynamic, insight, and safeguard, springing from the inspection system, are apparently to be removed in England after September 2005. The job thereafter will ordinarily entail little more than a critical monitoring of standards and plans built upon each school's self-assessment, within a maximum span of ten man-days. The role itself is essentially similar to that which LEA advisers might routinely be expected to perform. Evidence will not be centred round pupils as individuals.

5. Although the concept of more frequent and lighter inspections may superficially, and in the short term, be politically and economically attractive, it is no less than tragic that the very broad skills of classroom-based inspection are to be shed just at the time when they are delivering most energy and benefit. Inspection has not been about satisfying inspectors, as HMCI has thought it necessary to comment, but about driving up standards, comprehensively. The investment which inspection teams and contractors currently represent, once lost, will not be easily regained.

6. Lay inspectors, of course, will wish to add value into the inspection process in whatever shape emerges. Their proven flexibility, independence of mind, and experience beyond education equip them well for the purpose. They will remain keen to represent the public, and hear the voices of the more immediate stakeholders in the system, over the whole age range to 19.

February 2004

Memorandum submitted by the National Association of Educational Inspectors, Advisers and Consultants

1. The National Association of Educational Inspectors, Advisers and Consultants offers the following comments on aspects of the current work of Ofsted to the House of Commons Education and Skills Committee, for consideration prior to its meeting with Mr Bell on 8 March 2004. NAEIAC, as the nationally-recognised professional body and trade union for educational inspectors, advisers and consultants, is committed to the belief that standards and quality of education can be improved through the intervention of professional inspection, advice, support, training and leadership, and enjoys regular contact and dialogue with HMCI and Ofsted on issues of current concern to inspectors and to LEAs, schools and colleges.

SUMMARY OF SUBMISSION

2. Our submission may be summarised as follows:
 - The recently-published Ofsted proposals for a new school inspection model in England reflect an understandable emphasis on stronger school self-evaluation in the future, but also raise practical issues about how to actually achieve a reliable school self-review system, given the cultural changes this will require inside many schools. In addition, the new model needs to be designed and introduced in ways which respect the contribution of the present inspection workforce, and ensure that its expertise and experience is still utilised.
 - HMCI's Annual Report on Standards and Quality in Education 2002–03 provides a positive description of the LEA contribution to school improvement, drawing on detailed inspection evidence, and this serves to underline the need for carefully identifying appropriate and closer linkage between the formal inspectorial role of Ofsted and the ongoing developmental role of LEA and other external school improvement services.

PROPOSALS FOR NEW SCHOOL INSPECTION MODEL

3. The Ofsted consultation paper "The Future of Inspection", published on 10 February, outlines proposals for a new model of school inspection in England, as foreshadowed in last autumn's Ofsted Strategic Plan 2004–07. HMCI's foreword rightly describes these as "radical" changes, and the document understandably emphasises the increasing importance of school self-evaluation in the ongoing debate over the design of an appropriate inspection system for the period ahead, firmly geared to wider governmental objectives for high standards and genuine accountability in education. As we stated in our last submission to the Select Committee on the work of Ofsted "NAEIAC has no doubts about HMCI's strong basic commitment to maintaining an independent and suitably rigorous school inspection regime" and this factor offers some reassurance as the system now evolves towards shorter, carefully focussed and more frequent Ofsted inspections based on reduced notice periods and a revised and strengthened school self-evaluation process.

4. HMCI has personally entered into useful discussions with NAEIAC representatives over the essential nature of this significant reform, with its specific implications for the current inspection workforce in England. The new model requires clear and sustained improvement in the quality of school self-review, which currently remains all too varied. This is an important objective, but the practical experience of our members tells us that introducing a genuinely reliable self-evaluation system, which accurately identifies the principal weaknesses as well as the specific strengths of individual schools and colleges, often involves serious internal cultural adjustment. This is especially relevant where a school retains a traditional, "authoritarian" headteacher leadership style, with the staff consequently wary of exposing problems and failures. The Ofsted consultation paper itself states "Many schools now undertake self-evaluation effectively; those which do not should be encouraged to do so", but does not specify how this key task should be organised and undertaken. This central point adds to the case for effective LEA and other external developmental services to support and challenge schools in adapting to stronger self-review arrangements. A national-level requirement for more detailed self-evaluation "tick-lists" will not suffice and even the best short inspections still only provide "snapshots" of a school at a given moment in its development, however useful as such, and cannot in themselves carry schools through the process of cultural change required.

5. The new and significant suggestion of a "more consistent approach to the inspection of education and care through the age range 0–19", resting throughout on the five key principles listed in paragraph 52 of the consultation paper, deserves serious interest and discussion by all relevant parties. It could assist in terms of recognising the significant practical implications for the future of the anticipated legislation to follow the recent Green Paper "Every Child Matters" and of the continuing encouragement for schools to embed themselves more actively in the life of their local communities, in various ways.

6. Ofsted retains specific obligations, however, to the workforce which has implemented and developed the current inspection system over the last decade, and gained considerable expertise in the performance of the formal inspectorial role in that process. Despite periods of mass media attention to school-based concerns over the system, relatively few formal complaints have actually been registered over the years and working relationships between school leaders and inspectors have often been good without detracting from the necessary rigour of the inspection itself. This is due to the professionalism and ongoing commitment of independent inspectors, and the newly proposed model, according to the Ofsted paper, "would be delivered in large part through independent inspectors, as now", but would clearly involve smaller numbers of these trained and experienced specialists and closer contact with HMI who will "often" lead the new inspection teams (paragraph 40).

7. This implies less total input, and reduced earnings opportunities, for these self-employed inspectors who have repeatedly worked long hours, for varying fee levels, in carrying the inspection process over the years, on the evidence of detailed NAEIAC surveys of the conditions under which they work. We will, therefore, be seeking detailed consultations over the precise impact of these intended changes on independent inspectors and on Ofsted's related promise "to involve them in a wider range of our work than is at present the case", in light of the statement that "Ofsted values the work done by its partners in the

inspection market". The valuable expertise of these inspectors should not be lost as the system continues to evolve in new directions, and their morale and interest may falter if they feel that the school inspection market is to be less attractive in the future, in terms of work availability and income levels.

8. As we noted in our last submission to the Select Committee concerning Ofsted's activities, "a smooth transition to a revised, but rigorous, sensitive and cost-effective, school inspection model will require careful steps to avoid undue turbulence within an Ofsted market system already adapting to recent changes, and appropriate attention to the practical issues facing inspectors themselves".

OFSTED'S ANNUAL REPORT ON STANDARDS AND QUALITY IN EDUCATION 2002-03

9. A noteworthy feature of HMCI's Annual Report of Standards and Quality in Education 2002-03 is the positive description of the general LEA contribution to school improvement, based on recent inspection evidence. Page 91 of the report indicates that:

- "Educational planning for school improvement is improving, although some targets are unrealistic; school improvement strategies are at least satisfactory in all the LEAs inspected.
- LEAs perform their monitoring, challenge and intervention support roles increasingly well, particularly in targeting underperforming schools.
- Major initiatives in raising standards of literacy and numeracy and the Key Stage 3 Strategy have been well managed.
- The quality of management services is generally satisfactory, although that of property maintenance has remained persistently low in a third of LEAs.
- LEAs make good provision to promote the career training and development of teachers."

10. This encouraging report adds to our Association's longstanding and considered viewpoint that, in light of the government's overall strategy for higher standards and genuine accountability in education, a further Ofsted objective should be to carefully identify and secure appropriate and closer linkage between the formal inspectorial role of Ofsted and the ongoing developmental role of LEA and similar external school improvement services, since school improvement is, by nature, an ongoing process. In addition, more collaboration between schools is now increasingly encouraged and best sustained in practice through external facilitation by such local agencies. A suitably linked-up approach to overall school and college improvement is required for the future, to ensure continuing progress in raising standards.

February 2004

Memorandum submitted by the Association of Colleges (AoC)

SUMMARY

- AoC believes that although inspection has undoubtedly played a part in improving the quality of college provision, the time is right to question whether inspection in its current intensive and costly form is an effective way of making further improvements.
- We are concerned that the skills and experience of a significant number of associate inspectors and of a few lead inspectors have given colleges cause for concern and that there is a shortage of associate inspectors in some areas.
- We are concerned about the interface and potential for duplication between the roles of Ofsted and the Learning and Skills Council in the monitoring and reporting on the quality of providers.
- Several of the concerns that AoC has been expressing to the Select Committee over the past few years still remain unresolved.
- The large and vital contribution made by many colleges to widening participation, combating social exclusion and delivering the objectives of Success for All is rarely reflected in the grades for such colleges.
- The measures for judging successful outcomes of student learning in further education are too crude. It is vital that ways of measuring the "value added" to all learners by colleges is introduced.
- Colleges should be judged with reference to the performance of similar colleges and not against those with a very different profile.
- We are concerned that the criteria for the grades for leadership and management appear sometimes to be inconsistently applied.
- We are pleased to see some aspects of the Chief Inspector's consultation document: *Ofsted: The future of inspection*, particularly the proposal to conduct shorter inspections.
- We are concerned that the proposed model of a series of shorter, focused visits could prove to be even more disruptive to the overall life of the college than the current arrangements.

- We are concerned at the proposals to give either little or no notice of inspection to further education colleges, because of the complexity and the often dispersed nature of the provision.
- We welcome the proposal to use providers' existing self assessment procedures in a spirit of greater trust and to minimise bureaucracy.
- We would like to see inspectors working alongside colleges to effect improvements in a similar way to that of the FEFC college inspectors or HMI in the past.
- We hope that the proposals will lead to the inspection of all post-14 providers, including schools, under a common framework in order to ensure valid comparisons.
- AoC would like to be part of the discussions that take place in the future to take these developments forward.

1. We believe that the time is right to question whether inspection in its current intensive form is an effective way of making improvements to the provision in the further education sector. In addition, in several important respects outlined below, it is ill-fitted for what it is trying to do, to the context of a large amount of further education provision. Colleges are currently inspected not only by Ofsted but by the Adult Learning Inspectorate and the Quality Assurance Agency, in addition to monitoring of performance by the Learning and Skills Council. It is our view that this constitutes excessive scrutiny which takes away time for learning and is extremely costly for both providers and the public purse.

2. We are concerned that the skills and experience of a significant number of associate inspectors have given colleges cause for concern and that there is a shortage of associate inspectors in some areas. This leads sometimes to areas of learning not being inspected at all or being poorly inspected with inappropriate judgements made. Although the majority of lead inspectors are appropriately skilled and experienced, this has not always been the case and some inspections have been badly conducted by lead inspectors with little understanding of further education and who have made questionable judgements. There is clearly a need for additional training to ensure consistency.

3. We are particularly concerned about the interface and potential for duplication between the roles of Ofsted and the LSC in the monitoring and reporting on the quality of providers. It is most important that different inspection and review bodies such as Ofsted and the LSC do not replicate each other's demands for information but build on each other's findings using common information collected in the same or complementary formats. If inspection takes place more frequently, as is proposed in the Chief Inspector's consultation document: *Ofsted: The future of inspection*, colleges could find themselves undergoing inspections and Performance Reviews on an almost continuous basis.

4. Colleges are proving that they are providing high quality learning experiences for their students. According to the Ofsted Chief Inspector's Annual Report for 2002–03, the quality of teaching was at least satisfactory in 92% of lessons observed. Provision was judged to be educationally and socially inclusive in 98% of colleges. Guidance and support are extremely strong features in the vast majority of colleges. This area was at least satisfactory in 97% of cases, with an impressive 84% being good or outstanding. In addition, praise for the support received by students from both teaching and support staff figures very consistently in the features that students liked about their college.

5. These findings support the findings of the LSC National Learner Satisfaction Survey 2002–03 which shows that 94% of FE students are satisfied with their learning experience. Statistics like these indicate that the sector is mature enough to warrant a different type of inspection process.

6. Of major concern are still the relatively low inspection grades achieved by the majority of colleges with a high disadvantage factor and consequent lower rates of retention and achievement. Colleges providing for lower achieving students must have their work acknowledged by Ofsted inspections if they are not to feel pressurised into discontinuing this type of work and restricting their recruitment to those students who are most likely to succeed. We believe there is still inadequate recognition of the quality of the work of colleges with students who find it more difficult to remain at college and achieve a whole qualification. Inspectors do not recognise partial achievement. Retention and achievement of a qualification are sometimes dependent on factors outside a college's control and must no longer be used as the sole measures of the effectiveness of provision.

7. The measures for judging successful outcomes of student learning in further education are too crude. It is vital that ways of measuring the "value added" to all learners by colleges is introduced. At present, recognised value-added measures only exist to measure the distance travelled by learners on a narrow range of courses. Developing a wider range of officially recognised value-added measures will be of particular importance in ensuring, amongst others, the success of 14–16 initiatives, where colleges will be required to work with many disaffected young people who are at risk of dropping out of education or training. Many colleges have developed their own methods of measuring value added but report that although inspectors have expected to see these developments, they did not take them into account when making judgements on student achievement.

8. We believe it would lead to sounder judgements if colleges were to be judged with reference only to the performance of similar colleges and not against those with a very different profile. At present there exist the categories of colleges with a high widening participation factor (ie considerable student disadvantage) and colleges with a lower widening participation factor. This makes it impossible to compare like with like and

leads to harsher judgements made against those colleges with large numbers of students with low levels of qualification at entry and those with large numbers of adult and part-time students. These colleges are not only more complex to manage but are catering for those students who often have no previous history of educational success, may have a variety of personal and financial difficulties and will therefore present greater challenges to a college.

9. We are concerned that the criteria for the grades for leadership and management are being sometimes inconsistently applied. In many cases they now appear to be based almost entirely on grades for areas of learning, giving rise to a situation in which the grades for the two areas now simply reflect each other. This is clearly not a satisfactory state of affairs. The grade for leadership and management must be able to reflect strengths or weaknesses that may not always be apparent solely from the grades for the areas of learning. In a handful of more recent cases, possibly in an attempt to redress this situation, the grade for leadership and management does not appear to reflect either good teaching and learning or real improvements in student success that have been brought about as a result of strong leadership and management.

10. AoC has been advocating for some time a lighter touch inspection for those colleges where the quality of provision is consistently high. We are pleased to see proposals advocating this in HMCI's consultation paper. This will lessen considerably the disruption and expense of inspections to the provider. It would also be most appropriate if this differentiated approach were also to be applied within a college, so that those areas of learning which received high inspection grades in the past and where subsequent data show that high quality learning is still being delivered, also receive a light touch.

11. We are concerned that the proposed model of a series of shorter, focused visits could prove to be even more disruptive to the overall life of the college than the current arrangements. We recommend greater use of institutional self assessment as an alternative model to inform inspection, combined with the greater use of other data and documentary evidence already available from auditors, the LSC and student surveys to determine the focus and intensity of inspection.

12. We have for a long time been advising the inspectorate that self assessment is a valuable mechanism for driving up standards and providing a good basis for inspection. We are pleased to see that HMCI is now acknowledging the use and value for inspection purposes of self-evaluation in schools, and by implication of self assessment in colleges. We feel that this recognises the considerable rigour of self assessment as a process and the value of the effort that colleges put into it. All colleges now have had for the past eight years their own systems for evaluating the strengths and weaknesses of all aspects of their provision and have staff well trained to carry out their own assessments.

13. We would stress the important principle of equity between inspection of different sectors and provider types. The inspection of school sixth forms continues to be conducted using different criteria and by different groups of inspectors, making true comparisons impossible. We very much hope that this situation is rectified under the current HMCI proposals to ensure fair comparisons.

14. We stress the difficulties that would be involved for large, complex organisations like further education colleges in the proposal to give only a day or two's notice of an inspection visit. Many more students than in schools are involved in a range of activities involving employers or in community settings that may take them out of college, either singly or in groups. Whilst recognising that the intention is to cut down on unnecessary preparations made by organisations to be inspected, account must be taken of necessary preparations that will still have to be made.

15. We would like to see an inspectorate that was empowered to work with providers to bring about improvements and which could offer advice and support in the process of inspection. This was an accepted and valuable part of the previous role of the FEFC college inspector and of HMI within colleges but one that is not a part of the remit of either Ofsted or the Adult Learning Inspectorate.

16. AoC would like to be involved in discussions on the future shape of inspections to ensure that the inspection process both raises standards and reaches judgements that fairly reflect the efforts of further education colleges to meet the needs of individuals, employers and the communities they serve.

February 2004

Memorandum submitted by the National Union of Teachers

This memorandum sets out some questions which arise from the HMCI Annual Report for 2002–03. It is a detailed report and the questions set out below are not inclusive. There are other, equally pertinent, questions that arise from the report.

COMMENTARY

1. HMCI warns: *“we should be cautious about expecting everything to improve continuously, but this apparent plateau is a cause for concern. We must ask what needs to be done to restore momentum”*. (Page 2)

- Could HMCI expand on the apparent tension between this and the Government’s exhortations to schools to demonstrate continuous improvement?
- How does this judgement fit in with reported continuing improvements in the quality of primary teaching and leadership?

2. HMCI states: *“To pick up a theme that I raised last year, it is right to say that satisfactory teaching is a general measure of acceptable competence. However, it is not a powerful enough engine to drive continued progress”*. (Page 2)

- On what evidence base and using what mechanisms, did HMCI move from raising the question of “satisfactory being good enough” in last year’s Annual Report to stating it is not in this year’s report?
- If satisfactory teaching represents “acceptable competence” in HMCI’s commentary, why is it being used to classify schools as “unsatisfactory” in the new Section 10 inspection framework?
- Would HMCI comment on the tension between this view and the caution he expressed above about expecting everything to improve continuously?
- As pointed out in Ofsted’s recent report on the National Literacy and Numeracy Strategies (NLNS), many teachers’ and schools’ adherence to methods and materials formulated centrally may have an adverse effect on the quality of teaching. In HMCI’s view, would strict adherence to NLNS materials, for example, represent satisfactory teaching?
- Would HMCI agree that the description of teaching as “only satisfactory”, for example in paragraph 44, is demoralising and undermines the efforts made by teachers? Would HMCI agree that such comments reflect the new Section 10 inspection framework, rather than the one which was used to conduct inspections in 2002–03, on which this Annual Report is based?

3. HMCI states: *“We cannot afford and our children do not deserve a two-tier curriculum”*. (Page 2)

- HMCI says that combining a rich and broad curriculum with high standards *“is proving to be a tall order”* for many schools, yet the Government continues to use the 2002 Ofsted report on the curriculum in primary schools as evidence to refute such claims. Would the HMCI agree that the Ofsted curriculum report features a minority of schools which have “bucked the trend” and that the HMCI Annual Report gives a more accurate picture of the curriculum in primary schools in general?
- To what factors does HMCI attribute the widening gap between achievement in the core and the foundation subjects?
- How optimistic is HMCI that the Primary Strategy will redress the balance between achievement in the core and foundation subjects?

4. HMCI believes that: *“There is scope, though, for more focused evaluation of how pupils are progressing and, for this, alongside other assessment information, to guide teaching so that it is more securely tailored to pupils’ needs”*. (Page 4)

- Would HMCI expand on what he describes as “more focused evaluation” and “other assessment information”?
- Does HMCI envisage that summative assessment information would be used for formative purposes? If so, how?
- Would HMCI agree that the use of Assessment for Learning could have a significant impact in ensuring that teaching was more closely aligned to pupils’ needs?

5. HMCI notes the difficulty of recruiting experienced teachers to *“the most difficult and deprived areas”* and also emphasises the importance of good or better teaching in such schools. (Page 4)

- Would HMCI agree that schools in the most difficult and deprived areas are being penalised for being unable to recruit experienced teachers?
- What strategies would HMCI suggest such schools employ to recruit experienced teachers, given the financial constraints many schools are experiencing currently?
- Would HMCI agree that the cancellation of the DfES sabbatical scheme for experienced teachers working in schools in challenging circumstances is unlikely to assist schools’ recruitment and retention efforts?

6. In addition to recruitment difficulties, on page five HMCI refers to a wide range of other factors which inhibit the progress made by schools in deprived areas, such as physical and cultural isolation, the high mobility of pupils and lack of parental support.

- Whilst acknowledging the *“significant contribution”* made by the quality of leadership in such schools, would HMCI agree that there are some socio-economic factors which impact on pupil performance that can only be mitigated, rather than tackled fully, by school leaders?

- Would HMCI agree that the leaders of schools in deprived areas have to demonstrate a higher standard of leadership and management than colleagues in schools in more affluent areas in order to receive a satisfactory or better inspection judgement, given the current model of inspection which focuses solely on outputs? Would HMCI describe such arrangements as equitable?
- Does HMCI agree that the difficulty experienced in recruiting headteachers and other senior managers to schools in deprived areas is linked to the greater challenge such schools offer, including Ofsted inspections?

7. Although funding has been a critical issue for schools over the last year, it is not referred to in either the “Commentary” or “The Work Ahead” sections of the Annual Report.

- Why has a little prominence been given to such an important topic in HMCI’s report?
- Is HMCI planning to investigate systematically the impact of the funding crisis on schools, using the findings of Section 10 reports as well as HMI thematic surveys?

CHILDCARE AND EARLY LEARNING

8. HMCI reports that growth in childcare is largest amongst full-day care providers “*while sessional provision has decreased marginally*”. (Paragraph 8)

- To what does HMCI attribute this development?
- Does HMCI believe that this growth in full-day care indicates a decline in the amount of early education places offered by providers?

9. HMCI notes that, in terms of funded nursery education: “*in about one in eight settings generally, there are significant areas for improvement or the provision is unacceptable*”. (Paragraph 19)

- Would HMCI expand on this finding, in particular, any category of provider which is over-represented?
- Would HMCI agree that there is a link between the quality of educational provision and the employment of qualified early years teachers?

NURSERY AND PRIMARY EDUCATION

10. HMCI comments that in the Foundation Stage: “*In communication, language and literacy, children’s speaking and listening skills are better than their early skills in reading and writing*”. (Paragraph 29)

He goes on to report that: “*Children do not make sufficient progress because they are asked to record their ideas in writing before they have had a chance to talk about them*”. (Paragraph 31)

- Would HMCI acknowledge the tensions implied in these two statements?
- Does HMCI believe that, despite guidance from Ofsted, some inspectors still expect to see formal literacy and numeracy teaching throughout the Foundation Stage and that this had an impact on the overall judgements made on these two areas of learning?

11. The Annual Report states that EAL pupils’ “*progress is better in English than in other subjects and better in the Foundation Stage than at other stages*”. (Paragraph 42)

- Why does HMCI think there is this variation, particularly across the subject areas?
- Does HMCI believe that this finding has implications for the funding of specialist support for EAL pupils?

12. HMCI notes that many teachers: “*are replying on existing records and assessments*” rather than using the Foundation Stage Profile. (Paragraph 56)

- Would HMCI agree that teachers are, in fact, free to use their own methods of recording assessment, as only the completion of the Profile at the end of the Foundation Stage is a statutory requirement?
- Would HMCI agree that such a misunderstanding about teachers’ statutory responsibilities is likely to undermine Foundation Stage teachers’ confidence in Ofsted judgements?
- Would HMCI agree that some teachers would prefer to use their schools’ own recording systems, not because they “lack confidence”, but because they feel them to be more useful and less bureaucratic than the Profile?

13. HMCI finds that: “*The gap between the highest and lowest performing schools at Key Stage 2 is the same as last year, at the equivalent of about one National Curriculum level. Prior to 2002, the difference was reducing. The rate of improvement is broadly similar for schools having different socio-economic circumstances*”. (Paragraph 37)

- To what does HMCI attribute this development?

- Would HMCI agree with the findings of the Assessment Reform Group that high stakes testing has a disproportionately strong impact on the motivation of lower achieving students, which has the effect of widening the gap between the highest and lowest achieving pupils?

14. HMCI finds that: *“Too much teaching in the foundation subjects remain “flat” and “ordinary” and it needs to improve to raise standards further”*. (Paragraph 49)

In addition, the teaching of ICT is judged to have: *“improved more than any other subjects”*. (Paragraph 47). This improvement is attributed to a number of factors, including training and resourcing.

- Would HMCI agree that teachers’ access to professional development relating to the foundation subjects has been limited in recent years and that resources have been targeted generally at supporting improvements in numeracy and literacy?
- What steps would HMCI recommend should be taken, at national, local and school levels, to further develop the teaching of the foundation subjects?
- Would HMCI agree that the amount of time allotted by schools to the foundation subjects has a significant impact on the quality of teaching and learning?

15. HMCI reports that: *“Schools still have difficulty measuring the effects of the work of teaching assistants on pupils’ progress in learning”*. (Paragraph 57)

- What Ofsted evidence exists to support the Government’s view that the use of teaching assistants to lead (a) part of and (b) whole lessons raises standards?

16. The Annual Report states that *“only a minority of schools had a clear and well developed strategy to meet the needs of these (EAL) pupils”*. (Paragraph 76)

- Does HMCI believe that the National College for School Leadership has an important role to play in remedying this situation and that the DfES needs to place greater emphasis on providing schools with the appropriate management tools to develop clear and well defined strategies to meet the needs of EAL pupils?

17. The Annual Report states that *“with exception of RE, the contribution of different subjects to pupils’ spiritual and cultural development is not sufficiently exploited”*. (Paragraph 80)

- In HMCI’s opinion, is there a role for QCA in providing clear guidance to schools on how the different subject areas can promote pupils’ spiritual and cultural development?

SECONDARY EDUCATION

18. The report recognises the contribution of a more flexible Key Stage 4, including through “vocational” provision, to enhancing motivation and achievement in some schools.

- Does HMCI consider that curriculum flexibility may have any implications for reducing the future choice of some students? Does HMCI agree with the Working Group on 14–19 reform that there should continue to be a common core of skills development and learning for all students?

19. HMCI has reported a small increase in the proportion of teaching deemed to be unsatisfactory at Key Stage 4 and has identified weaknesses at middle management level within secondary schools.

- To what extent does HMCI attribute such trends to difficulties of teacher supply, for example, difficulties in recruiting and retaining teachers of Key Stage 4 subjects, and/or difficulties in teacher retention which may contribute to a smaller “pool” of experienced teachers who may consider moving into middle management.

20. HMCI reports a higher proportion of teaching which is good or better in specialist schools, when taken as a whole, compared to schools overall.

- Has HMCI collated any evidence from the relatively small sample of specialist schools inspected that this trend is related specifically to specialist status, or whether the quality of teaching in those schools might have been expected to be higher in such schools regardless of teaching and learning?
- Has HMCI been able to collate any evidence to suggest that issues of teacher supply, for example the recruitment and retention of teachers, might be less problematic than in schools as a whole and whether this might account for any such variations in teaching quality?
- Has HMCI collated evidence to determine whether the apparently particularly high quality of teaching in certain types of specialist schools is attributable to a focus on particular curriculum areas in which the school specialises, or whether the quality of teaching in such schools is consistent across all curriculum areas?

21. HMCI’s Annual Report states that *“a very significant number of traveller children, mainly at Key Stages 3 and 4, do not attend or stay at school”* and that *“the lack of engagement by traveller children in secondary education remains a matter of serious concern”*. (Paragraph 106)

- Does HMCI see a role for inspection of LEAs to highlight the issue of access and retention to schooling for traveller pupils?

22. The report suggests that *“in many schools, teachers and teaching assistants require additional training in working with pupils with SEN whose behaviour is particularly challenging including those with autistic spectrum disorders”*. (Paragraph 133)

- What are HMCI’s views about the implications for the training of all staff?

23. The new Ofsted inspection framework requires inspectors to assess the extent to which schools deal effectively with incidents of bullying, racism and other forms of harassment such as homophobic bullying. The report finds that *“in four out of five schools, the approaches used to counter or eliminate instances of oppressive behaviour including harassment and bullying are good or better”*. Later in this section, the report states that *“evidence of oppressive behaviour, found in one in twenty-five schools, is often the result of inconsistent application of the school’s approach by inexperienced or temporary staff”*. (Paragraph 160)

- What steps does HMCI believe are necessary to ensure that all staff teaching in schools have appropriate training in tackling bullying behaviour among pupils?

24. The Annual Report identified that *“equality of access and opportunity is unsatisfactory in one school in twenty”*, referring to both primary and secondary schools. (Paragraphs 73 and 163)

- Does HMCI agree that QCA has still much to do to enable all schools to offer full access to the curriculum?
- Does HMCI believe that further training opportunities should be available to schools to eliminate any barriers to providing pupils full access to the curriculum?
- What factors does HMCI believe are the main barriers to schools undertaking such training?

25. The Annual Report points to the fact that *“few schools in areas with small minority ethnic populations are vigorous enough in their schools”* (to promote race equality). (Paragraph 162)

- Does HMCI agree that such schools would benefit from clear advice from the DfES on promoting race equality in mainly white schools which takes into account their specific circumstances?

EDUCATION IN SPECIAL SCHOOLS AND PUPIL REFERRAL UNITS (PRUs)

26. The report finds that *“half of the schools for pupils with EBSD that were inspected had experienced significant turbulence in their staffing”*. Later in the section, the report refers to the excessive turnover of other key staff in EBSD schools and comments that *“non-specialist staff are too often recruited to key posts where subject specialisms are crucial for development. As a result, the specialisms of the staff and their levels of expertise often do not meet the school’s needs”*. (Paragraph 264)

- Would HMCI expand on what measures he believes are required to alleviate the recruitment and retention difficulties identified in EBSD schools?

27. In general, special schools receive high ratings from the Chief Inspector for the standards achieved.

- What implications does HMCI draw from this finding for the Government’s policies for inclusion?

SCHOOL IMPROVEMENT STRATEGIES

28. HMCI reports that *“the number of schools made subject to special measures increased in 2002–03 and that many of these included schools which had previously been judged as having serious weaknesses and/or were schools in challenging circumstances”*. (Paragraphs 305–6 and 333–4)

- Does HMCI believe that such schools receive sufficient support to enable them to improve? In what way does Ofsted contribute to their improvement?
- Does HMCI agree that the Section 10 inspection framework makes it more likely that schools in challenging circumstances will be placed in special measures due to factors such as lack of parental support?
- Does HMCI believe that the significant increase in the number of schools placed in special measures or serious weaknesses categories since September 2003 may, in part, be due to inspectors’ lack of familiarity with or misinterpretation of, the new inspection framework?

29. Difficulties with the recruitment and retention of experienced staff for schools designated as requiring special measures and/or serious weaknesses are identified as a barrier to improvement by HMCI. (Paragraphs 309, 311, 318)

- Does HMCI agree that the current process of placing schools in special measures is, in fact, counter-productive, in that it exacerbates such schools’ problems in retaining high quality staff?
- How does HMCI believe that recruitment and retention in special measures schools could be improved?

30. HMCI describes the wide variation in progress made by Fresh Start schools (paragraph 327) and the *“greatest challenges”* such schools face in raising standards achieved by the previous schools, in particular *“recruiting appropriately qualified teachers and middle managers; a legacy of underachievement; unsatisfactory behaviour and attitudes to learning; poor attendance”*. (Paragraph 328)

- Would HMCI agree that the Fresh Start initiative is not as effective in raising standards as the Government has claimed?
- Does HMCI believe that the policy of making all staff reapply for their posts at the new school has the effect of de-stabilising staffing and that this is counter-productive in terms of the need for knowledge of the pupils' prior attainment and attitudes to learning?
- How does HMCI account for the reported weaknesses in the leadership and management of Fresh Start schools, given the high profile of headteachers appointed to such schools?

31. The section on Education Action Zones (Paragraphs 339–343) is critical of EAZs for lack of focus and poor management.

The NUT-commissioned research by PricewaterhouseCoopers in 2000 identified the lack of involvement by teachers at the development and early implementation stage of Education Action Zones. This was largely due to the Government's strategy of presenting EAZs as challenging teachers' pay and conditions and working practices and encouraging the private sector to become involved in the operation of the Zones.

In addition, the competitive bidding process for Zone funding meant that a variety of attention-catching initiatives were proposed, rather than more realistic and coherent strategies for improving pupil achievement.

- Would HMCI agree that an important lesson of the Education Action Zone initiative is that teacher involvement and expertise are essential in tackling the issues of low pupil achievement and poor motivation and that one factor in the greater success of the Excellence in Cities/Excellence Clusters initiatives is the integral role of LEAs and teachers in the operation of these programmes?
- Has HMCI drawn any conclusions as to the factors which contribute to successful and sustained school improvement strategies and those which have proved to be unsuccessful? Has he advised the Government on these factors so that they can inform future policy making?

32. The Academies programme is one of the Government's current strategies for improving poorly performing secondary schools, which is in its early stages in terms of numbers of Academies in operation.

- Will HMCI be reporting on the early outcomes of the Academies programme in next year's report and, if so, will that include an assessment of the impact of Academies on neighbouring schools?

TEACHER TRAINING, DEVELOPMENT AND SUPPLY

33. HMCI notes, in relation to initial teacher training, that *"weaknesses arise because too much responsibility is carried out by a small number of people. This is particularly a problem in SCITTs"*. (Paragraph 359)

- Could HMCI expand on this finding, in particular, the capacity of schools to provide high quality initial teacher training experiences?
- What additional support does HMCI believe is needed, at school level, to bring about the necessary improvements?

34. The Annual Report states that *"there is wide variation in the extent to which they (providers) take positive steps to recruit from minority ethnic and under-represented groups"*. (Paragraph 361)

- Whilst funding from the TTA to support initiatives to recruit trainees from minority ethnic days is beginning to have some effect, does HMCI believe that much more is needed to not only recruit minority ethnic trainees into teacher training but also to retain them on courses?

35. The Annual Report identifies a concern that *"some aspects of inclusion, such as the teaching of EAL pupils, do not yet have enough attention in many courses"*. (Paragraph 366)

- Does HMCI agree that this aspect of inclusion needs a specific focus from the TTA and a themed inspection on this would help to provide key pointers for improvement?

36. In relation to primary teacher training, the report finds that *"training pays insufficient attention to the teaching of pupils with special educational needs"*. (Paragraph 363) In relation to secondary school teacher training, the report finds that *"the assessment of pupils' progress and achievement remains the weakest element of the trainees' teaching"*. (Paragraph 370)

- What implications does HMCI think that these findings have for the development of initial teacher training and continuous professional development programmes?

37. HMCI reports a number of concerns about the quality of flexible post-graduate teacher training, including initial training plans (Paragraph 381), school-based training and quality assurance procedures. (Paragraph 382)

- To what does HMCI attribute these weaknesses?
- How confident is HMCI in the quality of those teachers who have undertaken this training route?
- What action does HMCI believe should be taken to address the concerns raised in this report?
- What further action will Ofsted take to pursue these concerns?

38. HMCI attributes post-graduate in-service training with a number of specific benefits, including improvement in “*participants’ ability to analyse their classroom practice, facilitate school improvement and disseminate examples of effective teaching*” (Paragraph 400) and “*enhanced teaching and learning, improved curriculum planning, assessment and setting of pupils’ targets and better systems of self-review*”. (Paragraph 401)

- Does HMCI believe it would be beneficial for individual teachers and for schools if such training were to be available to all teachers as an entitlement rather than paid for by teachers themselves, as is the case in many schools currently?
- Would HMCI agree that sustained, high quality professional development, which meets teachers’ and schools’ individual needs, is more effective than one-off training opportunities which are closely linked to national priorities?
- Would HMCI expand on the quality of in-service training in general and, in particular, on the effect the discontinuation of a number of funding streams, has had on teachers’ access to CPD?

39. HMCI reports that “*the number of teachers in post in English schools has increased by 4,000 since last year*”. (Paragraph 407)

- Would HMCI confirm whether this figure includes unqualified as well as qualified teachers?
- Given the reported increase in the number of teachers, why are so many schools continuing to experience difficulty in recruiting staff?
- Does HMCI agree with the findings of Professor Alan Smithers¹ that, although over 4,000 teachers were recorded as entering the English education system in 2003, greater numbers of teachers left it, resulting in a net loss of some 4,537 primary teachers and a gain of just 20 secondary teachers?
- Can HMCI expand on the profile of those teachers entering the system this year, in particular, whether they are specialist teachers offering the shortage subjects listed in paragraph 410?

LOCAL EDUCATION AUTHORITIES

40. HMCI’s confirmation of the improvements in LEA performance is welcome. (Paragraphs 442–446) This year’s report, however, does not include reference to the different strategies LEAs have adopted to address weaknesses identified by Ofsted, particularly those which have contracted out their services to private sector partners following intervention by the DFES. Many of these contracts are still in operation or, as in the case of Southwark, have had a highly publicised change of contractor, during the year.

- Does HMCI draw any conclusions on the Government’s policy of involving the private sector to deliver LEAs services? Does he envisage that this option will be used in the future?
- Does HMCI plan to undertake an analysis of the effectiveness of the different methods LEAs have adopted to address weaknesses such as outsourcing and joint venture partnerships with private providers, partnership and secondment arrangements with more successful LEAs, stakeholder boards and education trusts? Would such an analysis include a value-for-money element undertaken by the Audit Commission?

41. HMCI states that “*in almost half of the LEAs inspected, education development plan targets for Key Stage 2 are unrealistic*”. (Paragraph 447)

- Why does HMCI believe so many LEAs have over-estimated schools’ potential performance?
- Does HMCI agree that the linkage of schools’ performance, as measured by National Curriculum Key Stage 2 tests, with LEAs own performance indicators has had an impact on LEAs’ target setting?
- To what extent have LEAs taken schools’ own targets into account when setting targets?
- Does Ofsted have any evidence of LEAs bringing excessive pressure to bear on schools in order to meet overly ambitious targets?

42. This section on minority ethnic pupils, including traveller pupils (Paragraph 455) states that “*in a few LEAs, a clearer priority to providing support for these pupils and closing the gap between the attainment of pupils from different ethnic groups is evident*”.

- Does HMCI agree that to ensure that the majority of LEAs prioritise closing the gap between the attainment of pupils from different ethnic groups, a clear emphasis on this is needed in the inspection of LEAs?

43. In relation to pupils with SEN, the report states that “*few LEAs have effective systems for monitoring the use of devolved funding in schools or for demonstrating changes in pupils’ level of achievement*”. (Paragraph 467)

- Is HMCI concerned about the increasing devolution of SEN funding away from LEAs to schools?

¹ Smithers, A and Robinson, P, *The Reality of School Staffing*, Centre for Education and Employment Research, University of Liverpool/National Union of Teachers, 2003.

44. The NUT views with concern HMCI's finding that "*in a quarter of all LEAs inspected, support (for measures to combat racism) was unsatisfactory, . . . (and) not all LEAs have yet established systems for reporting racial incidents that are used consistently. Some LEAs, including those with significant numbers of pupils from minority ethnic backgrounds, still do not have appropriate mechanisms for consulting with representative groups*". (Paragraph 477)

- Does HMCI agree that these LEAs are in breach of their duties to meet the requirements of the Race Relations (Amendment) Act and that more robust advice from the DfES is needed, including appropriate resources to enable LEAs to develop good practice?

QUALITY AND SERVICE

45. HMCI notes that the proportion of complaints by schools increased slightly over the year (Paragraph 500) and that, of the formal complaints, "*about half were partially upheld and the remainder were not upheld*". (Paragraph 500)

- To what does HMCI attribute this growth in complaints. Was there any discernible trend?
- Could HMCI confirm that no formal complaints were fully upheld?
- Of those complaints which were partially upheld, was there any particular aspect of the inspection process which complainants had in common?

46. HMCI reports that "*all inspectors were trained and assessed in the new inspection arrangements that came into effect in September 2003*". (Paragraph 514) However, page 32 of the Winter 2003 edition of "Update", the Ofsted publication for inspectors, makes it clear that a number of inspectors are yet to undertake or complete this training and that, in addition, a number of misunderstandings have arisen as a result of the new inspection framework.

- Could HMCI confirm that all inspectors, undertaking Section 10 inspections since September 2003, have completed training in the new inspection arrangements?
- Could HMCI describe the monitoring and quality assurance mechanisms which are being used to check inspectors' understanding of and compliance with the new inspection framework? Does HMCI envisage further training opportunities will be offered to inspectors?

47. HMCI states that "*the number of inspection providers has decreased by almost half from 120 in 1997–98 to 69 in 2002–03*" as a result of Ofsted requiring "*greater business efficiencies and more flexibility*". (Paragraph 526)

- Would HMCI agree that there is a danger that the number of inspection providers will continue to decline, leading to a monopoly of inspection by relatively few providers?
- What advantages and disadvantages does HMCI believe the current system of competitive tendering brings to the inspection process?

February 2004

Memorandum submitted by NASUWT

1. The submission by NASUWT relates to the annual report of the Chief Inspector of Schools on "Standards and Quality in Education".

2. NASUWT is pleased to be invited to contribute to the deliberations of the Education and Skills Committee. NASUWT represents the interests of 223,500 members in schools and colleges throughout the United Kingdom.

3. NASUWT welcomes the opportunity to comment on the issues raised as a consequence of the last year of inspection. However, the Association is also mindful that the Chief Inspector has formally invited comments on changes to the inspection framework which could be introduced from 2005. The Association takes the view that notwithstanding the need for interim adjustments to be made to the inspection framework, how inspectors are trained and held accountable, and on other matters, there remains a need for more comprehensive changes to be introduced in the interests of the education system, pupils, parents and the public at large. NASUWT does not comment in this submission specifically on the most recent proposals issued by the Chief Inspector, as a separate consultation process has been identified and since the Select Committee has not specifically sought such comments. However, the Association would be pleased to provide evidence to the Select Committee at such other time as may be appropriate in respect of the recent proposals to change the inspection framework.

4. NASUWT wishes to advise the Select Committee of the following concerns regarding the work of Ofsted in the 2003 period.

5. The new inspection framework appears designed to fail an increased number of schools as a result of the highly regressive and inflexible nature of the targets applied to the percentage of lessons that may be deemed "satisfactory".

6. The inspection framework requires that schools provide an honest declaration of their strengths and weaknesses through the pre-inspection review process. This process is designed to target inspection more effectively whilst enabling inspection teams to identify the extent to which schools have in place adequate and appropriate arrangements to address any issues and whether schools are in need of any additional support. However, the pre-inspection self-evaluation process has been misused by inspection teams as a shortcut to judging standards in schools to be weak. NASUWT has learned that data from the pre-inspection school self-evaluation process is used by some inspection teams to target lesson observation in areas where a school has, through the self-evaluation process, identified standards of teaching or learning to be “weak”, resulting in the over-inspection of particular lessons, the over-representation of these lessons in the overall analysis of teaching and learning in the school, and resulting in a negative but misleading judgement applied to standards across the school as a whole.

7. Neither can it be claimed that the process of school self-evaluation has added value to the inspection process. Instead, it has resulted in a more costly and time-consuming process for schools which has resulted in unwelcome and undeserved inspection judgements. The use of the pre-inspection self-evaluation arrangements must be seriously questioned. At the same time, NASUWT strongly cautions against the extension of the self-evaluation element of the inspection process.

8. The section 10 inspection framework has resulted in the skewed analysis of the strengths and weaknesses of individual schools, which is contradicted by other available evidence on the performance of schools.

9. The introduction of the inspection framework has shifted the goalposts for schools by changing the definition of what constitutes satisfactory school performance. This has been compounded by the effect of the Chief Inspector’s remarks in 2003 which questioned whether satisfactory is any longer good enough. The Association asserts that these developments have impacted adversely on the manner in which school inspection has been conducted during the period since September 2003, and has contributed to the rise in negative subjective interpretations of schools made by inspection teams.

10. There has been a sharp rise in the number of schools judged to have serious weaknesses or that have been designated as requiring special measures since the introduction of the new inspection framework. The Association recognises that the increase in the proportion of schools in special measures/serious weaknesses began in the term immediately prior to the new framework coming into effect. However, the Association has received feedback from LEAs and schools which suggests that this may be explained by some inspection teams applying prematurely the new inspection standards.

11. Recent comments made by the Chief Inspector have fuelled a moral panic about declining educational standards in schools. This has not helped to engender professional support for the inspection process and may undermine public support for state funded educational provision. Moreover, the overall trend in inspection judgements has been greeted with cynicism and derision from teachers and parents alike.

12. For the first time in a number of years, the Association has cause to express concern about the quality of the relationship between Ofsted and schools which, for many, is, once again, no longer conducive to raising standards in schools.

13. The Association has received considerably increased feedback from schools regarding the adverse workload impact arising from the introduction of the new inspection framework and the Chief Inspector’s remarks on whether satisfactory is good enough.

14. The Association has received feedback of highly variable interpretations and judgements under the terms of the new Inspection Framework.

15. There remains a need to improve the quality and scope of training received by inspection teams, particularly in relation to the expectations under the new inspection framework, and the changing expectations of schools arising from the National Agreement on “Raising Standards and Tackling Workload”. The Association has received no satisfactory evidence of training provided to inspection teams to enable them to address the National Agreement implications in a rigorous and consistent manner. Such feedback as the Association has obtained suggests that many registered inspectors remain unclear about the implications of the National Agreement and a number do not accept that the Agreement is relevant to the conduct of inspection.

16. The effectiveness of the quality assurance processes within Ofsted requires further investigation. The Association does not believe that any inspectors should be on the Ofsted register who do not meet the standards set by the Chief Inspector and who do not conform to the Code of Practice. The Association understands that there has been a significant increase in the number of inspectors who have been deregistered during the course of the past year, confirming our concerns regarding variable standards of inspectorial practice. Nevertheless, it is incumbent on Ofsted to ensure that bad inspectors are not registered in the first place and that they are not placed in a position in which they may inflict untold damage on the schools they visit.

17. There remains a need for greater transparency with regard to how breaches of the Code of Practice are monitored and dealt with by Ofsted, and the reasons for deregistration. This is an essential precondition for raising professional and public confidence in the inspection process.

18. Furthermore, NASUWT recommends that:

- (i) a review of Ofsted be undertaken to take account of its impact on educational standards and teacher workload in schools and colleges;
- (ii) Ofsted should identify within the inspection framework how it will reduce workload and bureaucracy in schools and colleges;
- (iii) workload reduction be included as a specific standard within the inspection framework;
- (iv) the workforce remodelling agenda be firmly embedded in the Ofsted framework and Section 10 inspection process;
- (v) the various inspection frameworks that apply to schools and colleges be rationalised;
- (vi) the private contracting system of inspection be replaced with a smaller, permanent group of professional, qualified and trained inspectors;
- (vii) non-statutory elements be removed from the inspection schedule;
- (viii) the use of surveys to canvass student opinion should be abandoned;
- (ix) the arrangements for ensuring the accountability of Ofsted be strengthened; and
- (x) the costs and benefits of school self-evaluation be evaluated in full consultation with the teacher associations prior to any proposal to extend its use across schools.

February 2004

Memorandum submitted by the General Teaching Council (GTC)

BACKGROUND

1. In the General Teaching Council's (GTC's) last memorandum to the Education and Skills Select Committee on the work of Ofsted in September 2003 we informed the Committee that the GTC was undertaking thinking on an accountability model that:

- ensures public transparency and accountability;
- encourages teacher professionalism and trust;
- supports the development of teachers' informed practice; and
- best informs school improvement.

2. The GTC has a commitment to school self-evaluation (SSE) involving:

- rigorous internal self-evaluation involving all stakeholders;
- monitoring of and support for the process of self-review by external advisers; and
- external audit and quality assurance.

3. A primary focus for the GTC is to identify how SSE works best in different circumstances. The object of this work is to provide a greater degree of teacher and wider community review, recognising the need for transparency and to utilise better teachers' informed professional and collective judgement.

INTRODUCTION

4. There is no shortage of accountability in schools. The Secondary Heads Association (SHA) has identified at least 127 bodies including parents, governing bodies, LEAs, central government, the Qualifications and Curriculum Authority (QCA), Ofsted, the Learning and Skills Council (LSC), Connexions Partnerships, Local Strategic Partnerships, Lifelong Learning Partnerships and Child Protection Officers, to which schools are legitimately answerable. Ofsted is currently working to a revised inspection framework introduced in September 2003, which proposes a greater emphasis on SSE.

5. Secondary school inspection will change in breadth as the Government's Green Paper proposals on 14–19 education, *Extending Opportunities: raising standards* are implemented and greater numbers of young people are educated in more diverse settings and study a more flexible curriculum with greater balance between academic and vocational courses. Furthermore, the Green Paper *Every Child Matters* has implications for more integrated services at a local level which in turn have consequences for how Ofsted interacts with other inspection agencies as is made clear in *The Future of Inspection* document.

6. *The Future of Inspection*, Ofsted's review of school inspection, proposes shorter inspections every three years with the shortest possible notice to schools with inspection supporting a greater degree of self-evaluation in schools, with an acknowledgement that "It is time to trust schools more and draw on the professionalism of teachers". David Miliband in his speech to the North of England Conference (NEEC) in January 2004 also supported the need for "Intelligent Accountability".

7. In this context, it is timely that the GTC, through its Collaborative Forum of stakeholders, including Ofsted, is examining the inter-relationship between inspection, self-evaluation, peer review and performance data collection, interpretation and application.

SCHOOL SELF-EVALUATION

Evidence

8. Ofsted has a framework for inspection which includes the principle that they will have due regard for self-evaluation. Evidence suggests that the better school leadership is, the better the quality of self-evaluation will be.

9. According to Ofsted, the quality and use made of school self-evaluation is a good indication of the calibre of the management of the school and the school's capacity to improve. The evidence for this is the close correlation between the quality of 100 S4 forms (the record of the schools' summary of its self-evaluation) and the final inspection reports found in an unpublished Ofsted survey.

10. Ofsted says "Self-evaluation . . . provides the school and the registered inspector with a means of ensuring that inspection covers matters of potential significance to the school." However, school self-evaluation currently does not form the basis of the majority of schools' accountability to internal and external monitoring processes, though it will play a greater role in the new proposals on inspection announced in February 2004.

11. The NFER research *Evaluating School Self-Evaluation* identified positive findings on school self-evaluation for LEAs and schools. For schools the SSE process:

- provided a mechanism to change the culture of the school;
- benefited Continuing Professional Development (CPD);
- increased a sense of the school developing its own agenda;
- helped to encourage community feedback and involvement; and
- provided schools with a range of tools for evaluation activities.

12. Problems identified included:

- the tensions between LEAs "managing" and "supporting" their schools;
- ownership of the school self-evaluation process. LEAs were clear it should be school-driven but did admit that LEAs were often actively managing the process;
- how the provision of LEA support should be funded and organised; and
- initiative fatigue exacerbated by the tensions in schools between self-evaluation and preparing for Ofsted inspection.

13. The Council shares the concern identified in the NFER research about the ownership of the school self-evaluation process and embedding its processes in every day school practice and planning.

GTC Focus Groups

14. The GTC is in the process of taking evidence from schools, LEAs and partners on school self-evaluation in the context of the Ofsted framework and other models. As part of this evidence-gathering GTC has established a series of focus groups in Norwich, Rochdale, Bradford and Oxford involving in total 155 teachers.

15. Teachers' perceptions of current school self-evaluation include:

- self-evaluation should be part of a cycle informing the school's development plan and CPD programmes;
- there should be external validation of a school's self-evaluation processes;
- school self-evaluation should lead to a shared understanding about how the organisation needs to grow, generating shared values and common goals;
- all groups were keen on peer-led reviews;
- a strong plea for head teachers to ensure that the outcomes of self-evaluation were communicated to all staff;
- schools where there was a tradition of involving pupils such as in a School's Council were more positive about involving pupils in self-evaluation;
- teachers generally welcomed the involvement and support of their LEA in their school's self-evaluation but teachers did not see much benefit from involving business/independent consultants;
- teaching and learning should be the main focus of school self-evaluation; and
- teachers' experience of school self-evaluation tended to involve the completion of questionnaires but they generally favoured more interactive approaches;

- time and resources were seen as the main inhibitors of schools self-evaluation;
- training on self-evaluation would be welcomed.

16. This is the beginning of the process of building evidence to support the development of the model of school self-evaluation to which the GTC is committed, leading to intelligent accountability. The next steps will be the use of targeted groups on parents, governors and pupils, liaising with Schools Council UK and other organisations to develop and facilitate a pupil group.

GTC work on assessment

17. The GTC is developing recommendations on principles for developing assessment policy. These will be built on the premise that there needs to be a better balance between formative and summative assessment that is reliable, meets public accountability needs and forms a lever for developing teacher professional judgement across the policy area. The principles are likely to incorporate the following elements:

- 17.1 The primary purpose of assessment is to provide feedback to shape and develop the teaching and learning activities in which both teacher and pupils are engaged. Targets should be used to support the feedback, that all pupils need before they can take action to improve their learning.
- 17.2 Assessment for learning rather than of learning occurs when evidence is actually used to adapt the teaching to meet the needs of the pupils, or by pupils themselves to change the way they work at their own learning.
- 17.3 The dominating influence of short, summative, external testing has the effect of drawing teachers away from formative assessment.
- 17.4 The systematic weighing of evidence from many studies by Black and Dylan¹ shows that formative assessment does raise standards. The evidence also showed there is room for improvement in the way teachers use formative assessment.
- 17.5 The advice targeted at the learning needs of individual pupils, which teachers can offer from formative assessment, is not matched by results from tests.
- 17.6 Strengthening the practice of formative assessment should include new ways of enhancing feedback between pupils and teachers, actively involving students in the assessment process, helping pupils to develop self assessment skills produce significant, and often substantial, learning gains. Many studies show that improved formative assessment helped low attaining pupils and those with learning difficulties more than the rest.

14–19 Education

18. GTC has welcomed the Government Green Paper *Extending Opportunity: raising standards* as an opportunity to move away from assessment for the purposes of quality control and accountability towards a more diagnostic and formative model.

19. The GTC believes that the Government's commitment to greater individualism in 14–19 learning with more localised and responsive structures to support it cannot be accommodated in national performance tables as currently configured. The GTC is developing principles for a framework for assessment that better balance internal and external assessment underpinned by a greater degree of teacher professional judgement. We consider that the current assessment process is over-reliant on external exams. The last decade has seen the further development of a series of drivers of school accountability, including performance indicators, targets and published performance tables. Teachers, over the last few years, have articulated that they are being diverted away from their core accountability to pupils for providing high quality teaching and learning, to being increasingly answerable to the demands of these drivers.

20. The GTC welcomes the distinction the Tomlinson Reform Group makes between “assessment for learning” and “assessment of learning” as it indicates a shift away from the dominance of external testing as a means of quality control. It is also welcome that assessment for learning appears to be set to become a greater part of school practice as the DfES's Standards and Effectiveness Unit gives it greater strategic priority.

21. We also welcome the Reform Group proposal that “better use could be made of assessment which is already undertaken by many teachers . . . rather than relying on a greater volume of externally prescribed tasks.” The GTC's own policy and piloting work with teachers adopts this approach to good effect. The GTC LEA CPD Partnership Project, involving nine LEAs and some 500 teachers to examine models of entitlement to continuing professional development, drew on data already being collected for evaluation purposes and provided formative feedback to participants.

¹ Professor Paul Black and Professor Dylan William, Kings College London.

PRIMARY SCHOOLS

22. *Excellence and Enjoyment*, the new Government strategy for primary schools, gives primary schools greater flexibility in relation to aspects of Key Stages 1 and 2 curriculum and assessment practice. At Key Stage 1 the Government proposes to trial new approach of supported teacher assessment where tests underpin teacher assessment rather than being reported separately. This is consistent with the GTC's advice to the Secretary of State on CPD, which recommended that schools be encouraged via, among other means, LEA and Ofsted self-evaluation frameworks, to use CPD to underpin and further develop teaching and learning and support school improvement.

CONCLUSION

23. The direction of public policy on school assessment is moving towards a stronger focus on school self-evaluation. The GTC's concern is to ensure that future accountability processes include more teacher and community review based on practitioners' informed professional judgement and ensuring transparent forms of public accountability.

24. The GTC believes that for effective assessment processes to be embedded in everyday school practice and planning there needs to be a better balance between formative and summative assessment and a shift away from the dominance of external testing as a means of quality control.

February 2004

Memorandum submitted by the Commission for Racial Equality

SUMMARY OF OBSERVATIONS

1. The Commission for Racial Equality and Ofsted have a shared interest in working together to embed the equality dimension within education, to ensure that the needs of ethnic minority children are met and that positive race equality outcomes are achieved.

2. Particular areas of concern for ethnic minority pupils are the persistently lower levels of attainment and the higher rates of exclusion from school.

3. The Inspector's proposal that there is scope for a more focused evaluation of how pupils progress in order to address differential attainment levels of ethnic minority children is welcome.

4. The early years sector should also consider how it can address the needs of ethnic minority children, including Traveller, asylum seeking and refugee children.

5. The new race equality duty framework is proving helpful in ensuring that education authorities and schools proactively identify and tackle differentials between children of different ethnic backgrounds.

6. Effective leadership in schools can ensure a climate where equality of opportunity and anti-racism are part of the ethos.

7. Schools should have strategies in place to meet the needs of children who are advanced EAL learners.

8. Effective interventions are needed to address the lack of engagement of traveller children in secondary education.

9. The Commission is concerned to note that the programme for citizenship is unsatisfactory in over half of the schools.

10. The development of links and partnerships between schools and their communities is important for the creation and maintenance of community and social cohesion.

11. There is a need to address poor practice in relation to harassment and bullying through appropriate training.

12. Effective parental/school partnerships will be enhanced by the use of appropriate communication methods.

13. Further education colleges need to implement race equality measures to address ethnic minority participation and achievement.

14. Attention should be paid to the disproportionate impact of education provision on ethnic minority youth in young offender institutions.

15. The needs of children in alternative education projects must be addressed.

16. Training providers should have in place strategies to recruit trainees from ethnic minority groups and address the training needs of teachers of English as an additional language.

17. LEAs need to improve the measures they have in place to combat racism.

1. INTRODUCTION

1.1 The Commission for Racial Equality (CRE) welcomes this opportunity to comment on the Report of the Chief Inspector on *Standards and Quality in Education*.

1.2 The CRE was established under the provisions of the Race Relations Act 1976 as an independent statutory body. We work to eliminate racial discrimination and to promote equality of opportunity and good relations between racial groups.

1.3 In 2000 the Act was amended to give public authorities a general statutory duty to have due regard to the need to eliminate racial discrimination and promote equality and good race relations. In addition to this general duty, specific duties apply to schools and colleges. Schools have to:

- draw up and periodically review a written statement of their race equality policy; and
- assess and monitor the impact of their policies on pupils, staff and parents of different racial groups, especially with regard to attainment.

1.4 Colleges of further education have very similar duties and, in addition, they are required to monitor employment. The monitoring of employment in schools is the responsibility of local education authorities. In addition to the general duty, and in common with other government departments, Ofsted has specific duties to draw up a race equality scheme and carry out monitoring in employment.

1.5 The Amendment Act provisions were government's response to the findings of the Stephen Lawrence Inquiry. They were intended to deal with the effects of institutional discrimination and to ensure that the benefits of public services are enjoyed equally, irrespective of the racial group of citizens.

2. RACE EQUALITY IN EDUCATION

2.1 The Commission and Ofsted have a shared interest in working to address racial inequality and embed the equality dimension in education. We value the relationship which has been established between us and look forward to working together to ensure that the needs of ethnic minority children in education are met and that positive race equality outcomes are achieved.

2.2 While the report reflects the fact that progress is being made, areas of concern remain, particularly at school level, including the persistently lower levels of attainment and the higher rates of exclusion from school of certain ethnic minority groups.

2.3 Evidence shows that:

- By Key Stage 3 it is estimated that only 15–20% of Gypsy and traveller children are registered or regularly attend school.¹
- Black Caribbean pupils are more than three times more likely and black “other” pupils are just under three times more likely to be permanently excluded than white pupils.²
- 28% of black Caribbean secondary school pupils, and 23% of Pakistani and Bangladeshi pupils were recorded as having special education needs compared to 18% of white pupils.³
- Boys of Bangladeshi, black African, black Caribbean and Pakistani origin are far less likely to get five or more GCSEs than their white counterparts.
- While black Caribbean pupils have better than average levels of attainment at Key Stage 1, this declines so that they are one of the lowest attaining groups at GCSE where they are 28% below the national average; Yemeni and Somali pupils have the lowest attainment overall.
- In the FE sector all groups of minority ethnic learners have lower levels of achievement than white students.⁴

2.4 We understand that Ofsted is undertaking a thematic inspection for race equality in relation to schools and LEAs and look forward to the opportunity jointly to consider the findings.

3. THE CHIEF INSPECTOR'S COMMENTARY

3.1 The Chief Inspector reports an increase in the capacity to analyse how individuals and groups of learners are achieving and notes the finding that “groups from different minority ethnic backgrounds perform very differently”. We welcome his proposal that there is scope for a more focused evaluation of how pupils progress.

3.2 The commentary refers to asylum seeker pupils who often have needs which require specific interventions and responses. We would also add Gypsy and traveller children, who are particularly marginalised from the education system as Ofsted itself has reported.

¹ Ofsted *The education of Traveller children: a survey of educational provision for Travelling children* (1996).

² DfES National Statistics First Release, SFR 16/2003.

³ DWP *Opportunity for all*, 2003.

⁴ *Challenging Racism: further education leading the way*.

3.3 In the section on The work ahead we welcome the full-scale review of Ofsted's processes for inspecting schools and colleges. Inspectorates can be a powerful mechanism for raising quality standards and addressing institutional issues including those which may result in disadvantage for minority ethnic children in education.

4. CHILDCARE AND EARLY LEARNING

4.1 We are conscious of the importance of early years learning in establishing a basis upon which children can build as they move into the primary sector. We would encourage the sector to consider how it can address appropriately the needs of minority ethnic children, including traveller, asylum seeking and refugee children, as the provision of a high quality, accessible service in the early years will help these children to integrate more swiftly into the education system generally.

4.2 It is not clear whether Ofsted has access to data by ethnicity for children in the childcare sector; this would be an important first step in determining the level of provision across communities as well as the gaps which may need to be addressed.

5. NURSERY AND PRIMARY EDUCATION

5.1 The gender gap in achievement referred to in paragraph 38 is an example of the importance of monitoring the progress of children across a range of variables. By doing so schools and educationalists can understand better the dynamics of the problem in order to design and deliver appropriate solutions. The race equality duty now provides a useful framework for proactively identifying adverse impact and tackling differentials between children of different ethnic backgrounds, and inspecting effectively for this.

5.2 Leadership and management in primary schools are addressed on pages 20 and 21 of the report in respect of subjects, governing bodies, accommodation and resources. We consider that effective leadership can also play an important role in creating a climate where equality of opportunity and anti-racist strategies underpin and are integral to the ethos of a school.

5.3 Equality of opportunity is addressed in paragraph 73 and it is encouraging to note that around 66% of schools are considered to "provide equality of opportunity well". This means, of course, that one third may not be doing so and this would need to be addressed as a matter of urgency.

5.4 HMI appears to define equality of opportunity in the primary sector as having "full access to the curriculum" with "barriers to learning . . . identified and overcome." The report does not specify whether the steps taken to address barriers to learning include addressing differential levels of attainment of ethnic minority children, including traveller children. Further detail on the "vital contribution" of ethnic minority achievement grant staff would also be helpful.

5.5 It is worrying to note that only "a minority of schools" have strategies in place to meet the needs of children who are advanced EAL learners (paragraph 75). This is particularly so given the report's acknowledgement in paragraphs 112 and 107 that in two out of three primary and secondary schools EAL speakers make at least good progress.

5.6 We are encouraged by the finding that three quarters of schools covered by the report provide good or better extra curricular activities and would suggest that, if not already in place, ways be found to share the examples of the good practice referred to in paragraph 81.

6. SECONDARY EDUCATION

6.1 The report identifies the differential attainment levels of some ethnic minority children and white boys from poorer socio-economic backgrounds (paragraph 105). It goes on to mention "as a matter of serious concern" the lack of engagement by traveller children in secondary education. In this, as in other areas, we would welcome the opportunity to discuss with Ofsted the types of interventions and strategies which may help to address these issues. (paragraph 115)

6.2 The report considers the race equality duty at paragraph 162; the addition of an analysis of schools' responses to their obligations and, in particular, what steps are being taken to address long-standing and well substantiated areas of concern for ethnic minority children would have been particularly helpful here and we would welcome a stronger focus on this in future reports

6.3 Note our comments in 5.2 about leadership and management.

6.4 The report makes it clear that more work is needed both in relation to cultural development, particularly in schools without pupils and teachers from a range of backgrounds, and in the study of citizenship. The Commission is concerned to note that the programme for citizenship is unsatisfactory in over half of the schools (paragraph 144); this needs to be addressed as a matter of urgency.

6.5 We see the development of links and partnerships between schools and their communities as important for the creation and maintenance of community and social cohesion (paragraph 152). Schools have a significant role to play here and have much to gain from developing a better understanding of the

communities in which they are located. The report states that “. . . fewer schools evaluate the benefits of these links” and it may be that the provision of guidance on ways to undertake such an analysis would encourage more schools to do so.

6.6 We are encouraged by the progress which is being made to combat harassment and bullying (paragraphs 160 and 161); however the findings point to the need to address poor practice through the provision of appropriate training for inexperienced and temporary staff.

6.7 We have already pointed to the opportunity which the race equality duty provides to address seriously the persistent racial inequalities that the Chief Inspector notes in his report. And while the report contains some evidence of the response of schools and colleges to the race equality duty (see paragraph 162), we look forward to the opportunity to consider in more detail how the sector is using this lever to improve education outcomes for minority pupils.

6.8 The features of effective parental/school partnerships (paragraph 166) provide a useful checklist against which schools can assess and then improve their relationship with parents. The use of appropriate communication methods is particularly important when English is not the language spoken in the home or where levels of literacy are low, as is found among the traveller community.

7. POST-COMPULSORY EDUCATION

7.1 The Chief Inspector reports that “generally colleges have developed race equality policies . . . and most have made at least satisfactory progress in the initial stages of implementation.” Importantly, this includes monitoring in relation to ethnic minority participation and achievement. However, given the Chief Inspector’s concerns that not enough is being done in a number of areas, it would appear that many colleges have yet to move beyond the process stage of implementing equality measures to identify the outcomes to which these measures are directed and monitor progress towards their achievement. This will need to be rectified if real change is to come about.

7.2 The report is critical of the quality of education in young offender institutions. It should be noted that such failings have a very disproportionate impact on some ethnic minority groups and is for the CRE a significant concern.

8. EDUCATION IN SPECIAL SCHOOLS AND PUPIL REFERRAL UNITS

8.1 Paragraph 302 talks of the unsatisfactory nature of alternative education projects, the use of unqualified teachers and the inability to promote reintegration into mainstream education for children who have dropped out or been excluded. We consider that particular attention needs to be paid to the needs of these children; otherwise they will only be further marginalized and disadvantaged.

9. TEACHER TRAINING, DEVELOPMENT AND SUPPLY

9.1 Paragraph 361 points to the need for training providers seriously to address how they recruit trainees from ethnic minority groups. Equal opportunity training for recruiters should be required, steps should be taken to ensure that providers understand what is permitted under the positive action provisions of the Race Relations Act, and race equality action plans should set out the measures to be taken to encourage more ethnic minority recruits.

9.2 It is clear from the report that there is a need for training providers to address the training needs of those who will teach pupils for whom English is an additional language (paras 366 and 376), including taking account of skills and experience acquired outside the training environment. The importance of doing so is reinforced by the Chief Inspector’s earlier observations at paragraphs 42 and 107 on the progress EASL pupils can make.

10. LOCAL EDUCATION AUTHORITIES

10. While it is somewhat encouraging that nine out of 10 LEAs inspected were determined to be “satisfactory” or better in how support was provided for minority ethnic pupils, including travellers, the fact that only one quarter were deemed to be “good” in their provision (paragraph 455) indicates that a lot more needs to be done in this area.

10.2 This is supported by the Chief Inspector’s comments in paragraph 477 in relation to measures to combat racism, where he finds it “seriously worrying that in a quarter of LEAs inspected support was unsatisfactory”. Clearly, work needs to begin as a matter of urgency to remedy this situation and to address issues such as the reporting of racist incidents and consultation with representative groups.

Supplementary evidence from Ofsted

When I appeared before your Committee, albeit in your absence, on 5 November 2003, I promised to follow up on one area we discussed with some further information, which is now provided below.

The breakdown by gender and ethnic origin for our registered, team and lay inspectors is as follows:

REGISTERED INSPECTORS

Gender breakdown

Total	834
Female	324
Male	510

Ethnicity breakdown

Black	2
Caribbean	
Black Other	2
Indian	7
Pakistani	2
White	799
Other	5
Not completed	17

TEAM INSPECTORS*

Gender breakdown

Total	4,402
Female	2,090
Male	2,312

Ethnicity breakdown

Bangladeshi	1
Black African	5
Black Caribbean	19
Black Other	14
Indian	32
Pakistani	5
White	4,076
Other	33
Not completed	217

*Registered inspectors not included

LAY INSPECTORS

Gender breakdown

Total	337
Female	184
Male	153

Ethnicity breakdown

Black African	1
Black Caribbean	3
Black Other	1
Indian	6
Pakistani	3
White	305
Other	3
Not completed	15

10 November 2003
