FORUM
Volume 62, Number 3, 2020
www.wwwords.co.uk/FORUM
http://dx.doi.org/10.15730/forum.2020.62.3.433

Ofsted: a problem in search of a solution

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ABSTRACT Established in 1992, Ofsted is championed by government ministers as the guardian of educational standards in schools and colleges. Ofsted has never produced any research on the validity of its inspection judgements. Ofsted has no evidence, other than rising percentages of schools being awarded positive Ofsted grades, to support its assertion that inspection 'raises standards and improves lives'. Questions are increasingly being asked about the extent to which Ofsted judgements are a fair reflection on the quality of education provided by schools serving disadvantaged pupil intakes. The very poor teacher retention rates in early career lead to further questions about the extent to which Ofsted increases teacher workload and stress. Ofsted's attempts to react to criticism of its practices and outcomes have led to the agency adopting multiple inspection frameworks in a short period of time. There is no evidence, to date, that Ofsted has found adequate solutions to the serious problems its inspection practices and outcomes have with regard to standards of education in English schools.

In the same month as Ofsted was created in 1992, the then Conservative government released its general election manifesto and pledged to introduce, for the first time, regular independent inspection of all schools in order to provide information on the performance of all local schools to parents, 'enabling them to exercise choice more effectively' and providing them with 'straightforward reports on their child's school, together with an action plan from governors to remedy any weaknesses', as part of a wider drive within the manifesto to 'extend competition and accountability in public services' (Conservative and Unionist Party, 1992).

The sense that public services were failing and that strong measures needed to be taken to remedy the situation was reinforced when Chris Woodhead, Her Majesty's Chief Inspector from 1994, said that he wanted Ofsted to be a 'weapon of fear and terror' (*The Telegraph*, 2015) to teachers. It

was also Chris Woodhead who said, with no justification or evidence, that 15,000 teachers were 'hopeless incompetents' (*The Telegraph*, 2015).

Twenty-eight years on from these beginnings, Ofsted is championed by government ministers as the guardian of educational standards in schools and colleges, providing indispensable information for parents. There are many very negative and damaging outcomes of inspections, not least the attritional effect on the teacher retention figures. Naming and shaming schools given negative Ofsted grades results in these schools, which usually serve disadvantaged pupils, finding it much harder to recruit and retain teachers and leaders. Ofsted justifies this as the necessary consequence of 'telling it as it is' and not letting the context in which schools operate become a justification for poor educational standards.

We are at the point now where it would not matter if the Department for Education – and indeed government ministers – did not exist. They are not important in schools. Apart from funding and school structures, government education policies on what should be important issues, such as workforce planning, fail to attract much attention from their intended school-leader audience. What matters, and what is acted on, is contained in the Ofsted school inspection framework.

It is currently Labour, Liberal Democrat and Green Party policy to abolish Ofsted and replace the agency with a more locally based inspectorate, acting within a national framework and with more peer-to-peer school evaluation. These ideas are strongly resisted by the current Conservative government.

What Does Ofsted Stand Accused Of?

Invalid and Unreliable Inspection Judgements

> Since it was created over 25 years ago, Ofsted has not published any research to support the notion that their judgements on school accurately reflect the quality of education that a school provides. (Richmond, 2019a, p. 1)

Strangely, and some would say shockingly, given Ofsted's claim to assess the quality of education provided by a school, Ofsted has never produced any research on the validity of its inspection judgements. This means that Ofsted has no evidence to support its assertion that the grades it awards are an accurate reflection of the quality of the education being delivered in a school because it has no evidence of the extent to which its inspection practices measure education quality.

Because learning is something that happens internally, within pupils' heads, Ofsted relies on proxies for learning – lesson observations and, more recently, work scrutiny – but has no evidence that these inspection practices, and the inspection judgements arising from them, do reflect teaching quality and pupil learning.

Presumably, Ofsted regards every one of its frequently changing inspection frameworks as valid – and perhaps that is why it has done no research into what would appear to be a fundamental area of enquiry. What this does mean, however, is that Ofsted's strapline – 'raising standards, improving lives' – can only be described as an aspiration because Ofsted has no evidence, other than the judgements it awards schools, that it is raising school standards. Ofsted's claims in this regard, based on the percentage of schools awarded 'outstanding' or 'good' grades, are entirely self-referential. There is no evidence that the increasing percentage of schools being awarded 'good' Ofsted grades correlates with an actual rise in educational standards. Whilst this might indeed be the case, it is equally possible that it might not.

Institutional Bias against Schools in Disadvantaged Areas

A persistent and widely circulated criticism of Ofsted is that its inspection judgements are biased against schools situated in poor areas with disadvantaged pupil intakes. Ofsted repeatedly insists that it shows neither fear nor favour in its judgements, and that these accurately reflect the quality of education provided.

This position is powerfully challenged by major research (Hutchinson, 2016) which shows that, using a robust measure of school performance based on value-added measures over three years (to safeguard against one-year blips in performance), schools in deprived areas with challenging pupil intakes that make significant gains in performance are disproportionately likely to be judged by Ofsted as needing to be placed in special measures or categorised as 'requires improvement'. Conversely, schools in leafy suburbs with advantaged pupil intakes which, over a three-year period, make similar *declines* in value-added performance are likely to be judged by Ofsted to be 'good' or 'outstanding'. Hutchinson (2016) concludes that Ofsted is better at judging the characteristics of a school's pupil intake than the quality of the education it provides.

Ofsted's explanation for the pattern of poor inspection judgements on these schools is that they find it harder to attract teachers and leaders, and that this affects the standards of education provided in them. It is certainly the case that schools serving disadvantaged communities experience greater recruitment difficulties, particularly in the secondary sector. Teachers in the most disadvantaged secondary schools are twice as likely to report that their department is not well staffed with suitably qualified teachers compared to schools with the most affluent intakes. These shortages are worst in the core subjects of English and mathematics, where one in three departments within schools serving the most disadvantaged communities say that they are currently not well staffed (Allen & McInerney, 2019).

Ofsted strenuously resists any suggestion that it itself is responsible for the reluctance of leaders and teachers to work in disadvantaged schools. It rejects the charge that its inspection judgements are a constant threat to the professional prospects of leaders and teachers who choose to work in schools

that educate poor children and young people. But, in order to be seen to be doing something, Ofsted initiated its own research into schools that it defined as 'stuck' – that is, schools which have been rated less than 'good' in every inspection since September 2005. A recent report (Ofsted, 2020) concludes that 190 secondary schools are 'stuck', representing about 6% of all secondary schools.

Ofsted does not identify individual 'stuck' schools. They are identified regionally by a map, showing that the highest concentrations of schools identified as 'stuck' are in Bradford, Darlington, Derby, Doncaster, Northamptonshire and Southend-on-Sea – all places with high levels of unemployment, inequality and child poverty. Ofsted's analysis of these schools' pupil intakes shows that the proportion of pupils who are both white British and eligible for free school meals is well above the national average. It characterises the schools as operating in areas of geographical isolation, with unstable pupil populations, low levels of literacy and employment amongst parents, and children sent to school hungry and leading unsupervised lives. So, through its own research, Ofsted admits that schools which fail to improve in repeated inspections and are 'stuck' in a relentless cycle of negative Ofsted grades are situated in disadvantaged areas and serve poor children.

When faced with this unpalatable truth, Amanda Spielman, the Chief Inspector, is unapologetic. In the speech that accompanied her second Ofsted annual report, she declared:

> I make no apology for not giving these schools an easier judgement. I would never want us to be saying that this education wouldn't do for Chelsea children, but it's good enough for Grimsby. The moment we allow for a different quality of education based on demographics is the moment we concede defeat in the battle for equality of opportunity. (Ofsted, 2018)

If ever there was a case of rhetoric disguising reality, the Chief Inspector's words are it. The reality is that there has been no 'battle for equality of opportunity'. Indeed, there has been a determined drive by government during the past 10 years to increase the inequality of opportunity through relentlessly rising rates of child poverty.

In the United Kingdom, 4.2 million children live in poverty. That is, on average, 9 children in every class of 30 (Child Poverty Action Group, 2020). Endemic levels of deprivation, savage cuts of 40% in local authority budgets and deliberate policy by government to make poor children's lives even harder through cuts to family benefits combine to create a perfect storm where the attainment gap between poor children and their middle-class peers can only do one thing: grow bigger.

Ofsted's myopic focus only on schools' responsibilities to transform poor children's life chances ignores the real issues. It ignores the uncomfortable fact that 40% of the attainment gap is cemented before children start school (Andrews et al, 2016). Poor housing, poor food and poor and job-insecure

parents create, for too many poor children, a narrow, cramped life which, despite parents' aspirations and love for their children, traps them into unfulfilled potential. Poverty, compounded by inequality, robs children and young people of their life chances.

Ofsted utterly fails to make this analysis. It looks away as schools struggle, through the deep budget cuts of 8% in the last 10 years, to meet the needs of these children. Ofsted declares that it is up to schools to overcome the rampant inequality in our society and to stand alone against the forces that depress their pupils' educational attainment. In turning a blind eye to all that is politically unpalatable, Ofsted plays a major role in failing to recognise, and reward, the achievements of schools that are doing the hardest work in the most difficult of circumstances.

Constant Changes in Its Inspection Methodology

One startling fact reveals the extent to which Ofsted has a problem, and that is Ofsted has launched five different inspection frameworks over the past nine years. New frameworks are developed to 'sort out' the unintended consequences of the previous ones. But this does not solve the problem because each new framework creates its own undesirable consequences for schools and colleges.

Ofsted has shown an increasing awareness that its previous inspection frameworks have supported the enforcement of negative educational practices. In a startling admission for an agency which might have 'never apologise, never explain' as a strapline, the Chief Inspector, Amanda Spielman, admitted:

> For our part, it is clear that as an inspectorate we have not placed enough emphasis on the curriculum. For a long time, our inspections have looked hardest at outcomes, placing too much weight on test and exam results when we consider the overall effectiveness of schools. This has increased pressure on school leaders, teachers and pupils alike to deliver test scores above all else. (Spielman, 2018)

In a decisive move against the old, now discredited, inspection practice focusing on outcomes and test scores, Ofsted has changed its inspection framework and inspectors' practice. The most recent inspection framework (Ofsted, 2019a) aims to inspect the intent, implementation and impact of a school's curriculum to enable Ofsted to base its judgements on the quality of education provided.

Failures in the Latest Inspection Framework

The new inspection framework is predicated on the supposition that Ofsted inspectors, who, on average, do nine days of inspections each year (because most of them are school leaders), can, over a two-day inspection, come to valid and reliable judgements on the intent, implementation and impact of a school's curriculum through 'deep dives' – intensive immersion in a subject area or an

age phase comprising lesson observations, work scrutiny and interviews with the teachers responsible for leading the subject or phase.

Most importantly, this new inspection framework requires generalist inspectors – who will, in the main, have no degree in the subject or experience of teaching the subject or the age in which they are doing the 'deep dive' – to come to valid and reliable judgements of education quality through the 'deep dive'.

The Reliability of Ofsted's Inspection Judgements

If Ofsted has failed to ask itself whether its inspection judgements are valid, it has conducted small-scale studies into the reliability of its inspection judgements, testing the extent to which different inspection teams, faced with the same evidence of education provision in a school, would come to the same judgement about its quality and award similar inspection grades.

Ofsted's most recent study on reliability, done in 2019 in trialling the new inspection framework, did not produce positive results. In this study, pairs of Her Majesty's Inspectors did 'deep dives' into subjects and then had their judgements compared. Despite Ofsted concluding that the reliability of the inspectors' results was 'good', further analysis (Richmond, 2019a) showed that, in a small and highly controlled study where judgements were based on lesson observations and work scrutiny, when inspectors were required to scrutinise work on four indicators (for example, pupil progress), none of the four indicators produced reliability scores above 0.5, and one indicator produced a score of just 0.38.

Even more concerning is the finding that these numbers were an amalgamation of primary and secondary schools. When secondary schools were considered separately, the inspectors' judgements varied greatly, with reliability scores of 0.22, 0.59, 0.32 and 0.21 across the four indicators. As Richmond notes:

> Remember that the inspector who visits your school could well be a non-specialist in the subject they are inspecting. To cap it all off Ofsted admitted that work scrutiny might not be possible in special schools, it may not work in further education and skills, it probably won't be any use when judging 'alternative methodologies in teaching and learning' (e.g. Montessori schools) and it might not produce anything useful for modern foreign languages. (Richmond, 2019a)

The inspectors involved in the research study reported that they found it difficult to come to judgements about the quality of the curriculum through 'deep dives' (lesson observations, interviews with curriculum leads and book scrutiny) in subjects in which they were not qualified.

It is hard not to see why this finding would not have been entirely foreseeable. As one critical commentator noted:

> How will inspectors be equipped with the detailed knowledge and skills to make valid and reliable judgements on the extent to which the curriculum of a subject they have not taught, nor studied at degree level, is well planned and well sequenced? How are inspectors going to assess whether the curriculum reflects the school's local context when they will spend, on average, two days in that locality? (Bousted, 2019)

So, there is no evidence that Ofsted can operate this new inspection framework fairly. Indeed, the evidence suggests the reverse.

If this were not bad enough, there is a particular problem in primary schools because Ofsted appears not to know that primary school teachers are not, in the main, qualified as subject specialists but as generalists. Neither can primary schools accommodate a management structure which is built on subject leadership. The subject coordinators in most primary settings may well not have a degree in the subject they coordinate. With the demise of subject-specific continuing professional development, their access to professional training and development varies widely.

But primary school subject coordinators are now required by Ofsted, in intensive interviews, to justify the intent, implementation and impact of the way their subject is being delivered to and received by pupils in their school. Ironically perhaps, these are the same Ofsted inspectors who, only in 2019, were utterly focused on literacy and numeracy, and largely ignored the wider curriculum. A National Education Union member survey on the new inspection framework revealed that 80% of members who had been inspected under the new framework said that it increased their workload and affected their morale negatively (National Education Union, 2018).

Ofsted Drives Teachers Away from the Profession

The issue of teacher retention is now an even greater worry than teacher recruitment for government ministers and Department for Education civil servants with responsibility for teacher supply. Remarkably, 22% of teachers now leave the profession within two years of qualification (National Statistics, 2020). After five years, the retention rates for teachers in state schools are even worse. One study (Sibieta, 2018a) found that just 60% of teachers were working in state-funded schools in England five years after starting training. The five-year retention rate was even lower for high-priority subjects such as physics and mathematics, where it was just 50%. This haemorrhaging of teachers from the profession is occurring as a 10% bulge in pupil numbers moves from primary to secondary schools, which is resulting in rising pupil–teacher ratios (Sibieta, 2018a).

Teachers cite an excessive workload as the major cause of dissatisfaction with the profession. And teachers consider that Ofsted is a major cause of their unproductive and unnecessary workload. Ofsted's (2019b) own survey of

teachers' well-being shows that the agency itself is a major source of workload and stress for teachers in England. It reveals that teachers put in longer hours than many others in the UK workforce, reporting that they work more than 50 hours a week on average, while head teachers report working 57 hours a week in term time.

Teachers report that less than half their working time is spent in the classroom, with the bulk of their hours spent on marking, planning and administration, including the data entry and feedback required by school management to prepare for Ofsted inspections. They complain about the data collection and 'ticking boxes' required for Ofsted, with inspections regarded as a source of stress because of the increased administrative workload and excessive focus on exam results.

Teacher shortages can be disguised because school leaders will, understandably, do all that they can to recruit a teacher when they have a vacancy. But it is now too often the case that teachers are not qualified in the subject that they are teaching. Research (Sibieta, 2018b) shows that a very high proportion of teachers are teaching out of their degree subject in certain English Baccalaureate subjects. Modern foreign languages are particularly badly affected in this regard. In German, only 55% of teachers have a relevant degree qualification; for French, it is 53% and, for Spanish, an alarming 35%. Just over half (51%) of physics teachers hold a relevant degree qualification. Even more alarmingly, under half (46%) of maths teachers have a maths degree.

What is even worse, however, is that the Department for Education does not take into account the percentage of teachers teaching out of their subject area.

> This means that in subjects where recruitment targets are persistently missed, e.g. physics, there is still someone in front of the class, but they are increasingly a non-specialist in that subject. This is concerning if you think that non-specialists cannot provide the same quality of education as specialists. (Sibieta, 2018a)

An inspection system which contributes so strongly to teacher flight from the profession cannot be judged to be raising standards of education. It can only be harming them greatly. Teacher shortages weaken the building blocks of an education system. They deny pupils access to teachers who are expert in subjects and age phases, which is required as they progress through their school career. The fact that it is particularly the case that poor pupils are more likely to be taught by an unqualified teacher makes this problem even more serious.

Any government that were serious about raising standards of education would look seriously at an inspection system which is a significant factor in growing rates of teacher shortages. The fact that no government in the past 20 years has been prepared to delve into this serious issue, think about how it might be addressed and then act shows a fundamental lack of seriousness of purpose when it comes to raising standards of education. It also shows cowardice – where fear of tackling a difficult issue (the radical reform of

inspection) trumps the drive to ensure that there are enough teachers in the profession to teach the nation's children.

To Conclude

The charge sheet against Ofsted is a long and grave one. It has been laid out in this article. The effects of this intensifying critique have had an effect on the agency. The ever more frequent changes to Ofsted's inspection methodology reveal an organisation which is hyper-aware that its very purpose and function are being questioned, and that those doing the questioning are not just the usual suspects of education trade unions, but researchers, academics and, we are told, advisors in No. 10 Downing Street.

Ofsted's seemingly impregnable position has been damaged by its adoption of the latest inspection framework, which has brought the agency into conflict with the chief executives of powerful multi-academy trusts, who argue that a new inspection focus on the curriculum discriminates against schools whose pupils achieve success in exams. Ofsted's defenders counter that, for too long, schools which narrow the curriculum and teach to the test have not been challenged (Tryl, 2018), which is, in itself, a serious admission of failure on Ofsted's part, made unwittingly by one of its main defenders.

COVID-19 has done what nothing before could do: it has stopped Ofsted in its tracks. School inspections will remain suspended until the end of the autumn term. Ofsted will visit schools during this period to see how they are coping with the challenge of opening to all pupils, and will compile survey reports of its findings. This may well be the most useful activity that Ofsted has undertaken in decades. But the ambition to resume inspections as soon as possible is clear and supported strongly by government.

Much thinking is now being done by education stakeholders about the future of inspection (Association of Teachers and Lecturers, 2015; National Association of Head Teachers, 2018; Richmond, 2019b). Policymakers and government ministers are acutely aware of the effects on the teaching profession and pupils, whose education suffers from teacher shortages caused by a harsh, unfair accountability framework, in which Ofsted plays a central role. What is not yet apparent is any concerted drive on the part of policymakers to do the work – both in research and in policy communications – to achieve a new inspection system which holds schools accountable in more effective ways, without the hugely damaging effects on the system of Ofsted. Schools are not yet rid of this troublesome priest, whose beliefs and practices are the cause of so much that is dysfunctional in our schools and so much that depresses educational standards in our education system.

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