
When Their Only Tool is a Hammer: a school's traumatised parents take on Ofsted

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ABSTRACT In early 2020, Wynstones School, a Steiner Waldorf school in Whaddon, Gloucestershire, was required to close by the Department for Education, following a damning Ofsted inspection report. The report reads like a horror story of educational malpractice and ineptitude. Here, the authors tell the story of this saga, focusing in particular on the highly contestable nature of Ofsted's report and the subsequent legal case brought by traumatised Wynstones parents against Ofsted, seeking a judicial review. The authors also situate Ofsted's judgements within a wider paradigmatic discussion of what are arguably incommensurable educational-pedagogical world views – and Ofsted's determination to impose its own world view on a pedagogy that rejects its narrow audit-culture proceduralism. Grave questions are raised about the impossibility of achieving educational justice for wronged or abused schools through currently available legalistic means.

If all you have is a hammer, everything looks like a nail. (Abraham Maslow, 1966)

Introduction

Accountability is what remains when responsibility is taken away.
(Pasi Sahlberg, TED-EX talk, https://youtu.be/TdgS--9Zg_0)

This article tells a story from which we hope others in comparable circumstances can learn and draw courage. We think it likely that Ofsted – England's Office for Standards in Education – is the most despised organisation in the education world, and has been so since the 1990s and Chris Woodhead's infamous tirades against so-called 'bad teachers' (his chosen term; see, for

example, *TES*, 1997; Judd, 1998). There is a considerable critical literature on this problematic organisation going back nearly three decades (see, for example, Duffey, 1996; Jeffrey & Woods, 1996; Centre for the Evaluation of Public Policy and Practice, 1999; Cullingford, 1999; Case et al, 2000; Waal, 2008; Thomson, 2016; Coffield, 2017; Brinton & House, 2019; House et al, 2019; Basse et al, 2020; Bousted, 2020; House, 2020a; Reclaiming Schools, forthcoming; Tierney, 2020) – and yet Ofsted continues to impose its enforcer will on England's schools, seemingly untouched by any and every criticism. This alone is a fascinating cultural-political phenomenon that deserves an article in its own right, but it is alas beyond the scope here.

This article has five main aims: (1) to provide contextual understanding for this particular inspection report; (2) to show how Ofsted's judgements are highly contestable and open to the charge of confirmation bias; (3) to interrogate Ofsted's inappropriate weaponising of safeguarding ideology in attacking and undermining schools; (4) to illustrate the traumatising impact of a forced school closure on families and children; and (5) to show how it is impossible to hold this organisation accountable in any meaningful sense.

Some Context

In a state school, everything is strictly defined ... [and] planned with exactitude. With us everything depends on the free individuality of each single teacher ... The school must be run in such a way that one does not set up an abstract ideal, but allows the school to develop out of the teachers and out of the pupils. (Rudolf Steiner)

The decision to force a school to close is something that thankfully happens extremely rarely. When it does very occasionally occur, one expects to find clear and proportionate grounds justifying such a fateful decision. The knock-on and collateral impacts of forcing a school to close are so enormous that, where the closure is contested, a full investigation is essential to ensure that a grave injustice has not been perpetrated.

Wynstones School – a Steiner Waldorf school in Whaddon, Gloucestershire – has nurtured and inspired thousands of young persons since it was founded in 1937. However, our close reading of Ofsted's January 2020 report, as revealed in the detailed analysis in House (2020a), discovered a litany of unsubstantiated assertions and highly questionable judgements. Ofsted's world view about what constitutes 'a good education' was used as *the* metric by which to judge an educational approach – Steiner Waldorf education – that differs in fundamental ways from the metric being inflexibly deployed to assess and, ultimately, condemn the school.

Under the high-stakes accountability regime that Ofsted promotes and enforces – possibly the most punitive in the world – Steiner Waldorf schools, with their progressive humanistic pedagogy, have been especially vulnerable, first, because they do not easily conform to the mainstream, metrics-centred

accountability measures Ofsted demands and, second, because the Waldorf movement in England has arguably not been sufficiently proactive in presenting its own distinctive vision of education in ways that enable schools to stand their ground against an Ofsted onslaught.

Ofsted has taken full advantage of both of these factors as, over the last decade, its inspection regime has been considerably tightened up (Alan Swindell and Kevin Avison, personal communications [respectively former Steiner Waldorf principal and Steiner Fellowship executive officer], 2020), demonstrating a discernible bias against the Steiner Waldorf approach, with its attacks and subsequent closures of Rudolf Steiner School Kings Langley, the three Steiner Academies (Exeter, Frome and Bristol) and now Wynstones School.

It is impossible not to see a pattern in all this – and the injustice of a system which sees fit to shut long-standing, successful schools largely on highly questionable ‘safeguarding’ grounds (see below). Ofsted’s actions, however, are a threat not just to Steiner schools but also to education in general in England, as Ofsted has long been identified as a major cause for the demoralisation and de-professionalisation of the teaching profession (see, for example, Jeffrey & Woods, 1996).

The shortcomings of Ofsted’s report on Wynstones School, and the way it was then used to close a much loved school, need to be made known and freely accessible, for the issues discussed here are by no means confined to Steiner Waldorf education alone, but are relevant to any educationalist and concerned citizen who believes that our children’s schooling experience should be a freeing, creative-artistic, imaginative and above all *humanising* one, rather than an approach that instrumentally ‘inducts’ children into a status quo that privileges materialism, consumerism, and narrow audit-culture values and practices.

Contestable Judgements and Confirmation Bias: methodology in question

[P]ower leads individuals to anchor too heavily on their own vantage point, insufficiently adjusting to others’ perspectives. (Galinsky et al, 2006, p. 1068)

In his detailed critique of the Ofsted report which effectively closed Wynstones School, House (2020a) focuses in particular on questions of safeguarding, safety culture and professional responsibility; school culture, leadership and Ofsted’s impact on the school’s teaching body; pedagogy and differing learning paradigms; and Ofsted’s overarching audit-culture ‘proceduralism’. In all of these areas, House found Wynstones’ Ofsted report to be littered with problematic judgements, unsubstantiated assertions, logical non-sequiturs, etc. How could this have come about?

We believe that a clear case of *self-confirmation bias* is evident in the report, rendering it methodologically invalid in the research sense and thus an erroneous rationale for closing the school. In research methodology literature, *(self-)confirmation bias* is defined as the tendency to search for, interpret, favour and recall information in a way that confirms or strengthens one's prior personal beliefs or hypotheses. A series of famous 1960s social psychology experiments demonstrated that people are routinely biased towards confirming their existing beliefs. Hughes & Pollard, for example, write:

Where opinions have already been formed – particularly on value-laden issues – individuals can be prone to fit the available evidence to their views, rather than change the views themselves. This presents an interesting challenge for experts ... who will by definition be approaching dialogue with pre-formed views, and may have to make particular effort to be open-minded and reflexive about the benefits deliberation can bring to their own thinking. (Hughes & Pollard, 2014, p. 1, our emphasis; see also Galinsky et al., 2006)

A school inspection is always and necessarily *a research exercise* – and, as such, it is legitimate, indeed essential, to subject inspections to the same methodological rigor as any other piece of reputable research.

Public letters exchanged in January 2019 between Ofsted's Amanda Spielman and the then education secretary make it appear very likely that inspectors will have been inspecting Steiner schools – including Wynstones – with a *pre-decided ideological agenda* imported into the inspections, with all the inevitable attendant biasing effects described above. In a public letter dated 31 January 2019, written by Spielman to Damian Hinds, she revealingly spoke of

questions about whether ... common failures [of the Steiner schools] are a result of the underlying principles of Steiner education ... I therefore urge you to consider and further investigate why so many of the Steiner schools inspected are neither protecting children adequately nor giving them a good standard of education ... *tak[ing] enforcement action to close down all inadequate Steiner schools that fail to improve rapidly. (Spielman, 2019, our emphasis).*

Revealingly, a number of the actual phrases and arguments used in Spielman's letter of January 2019 *are reproduced virtually verbatim* in Ofsted's Wynstones inspection report of a year later – which is entirely consistent with the argument that extensive confirmation bias has contaminated Wynstones' Ofsted report.

At the very least, this is consistent with the view that, far from the Wynstones inspection report being a fair and objective description of the school as it actually was, with inspectors coming into the school as 'quasi-researchers' with an appropriately open mind, it is, rather, a document that suggests the inspectors went into the school already having decided what was going to be wrong and then 'discovered' those very things, with even the mildest of issues being repeatedly seized on as confirmation of their imported agenda.

Any reputable academic researcher with even a modicum of understanding of the biasing dangers inherent in research and evaluation would drive a coach and horses through the methodological legitimacy of this Ofsted inspection report, given the highly politicised background against which it has been generated (see Spielman, 2019), the failure to have carefully positioned safeguards in place in their inspection process to ensure against self-confirming bias, and the Waldorf-alien audit-culture lens through which Ofsted evaluates schools.

Both the politicised context in which the Wynstones inspection was carried out and the content of the report itself point unequivocally to self-confirmation bias as littering the whole inspection process – with the report’s ‘findings’ therefore being incontrovertibly unsafe. Our considered view is that such grave and unsafe judgements could only have occurred because of the pervasive presence of either self-confirming bias or some other biasing effect(s).

There are also wider questions about Ofsted’s flawed inspection methodology – not least the fact that many of the things inspectors ‘see’ (and then unfavourably judge) are phenomena distorted (or even created) *by their own anxiety-generating presence*. Ofsted’s implicit assumption that the very presence of the inspectors does not substantially change that which they are assessing through their (often intimidating) presence is methodologically unsustainable.

Ofsted’s Strategic Weaponising of Safeguarding Ideology

In the rush to end abuse, we have waged war on eros, with the result that one set of tyrannies has given way to another ... [quoting Stephen Fry] ... ‘abuse’, a word which when used within ten spaces of the word ‘child’, causes hysteria, madness and stupidity in almost everybody. (Johnson, 2000, p. xiii)

House’s (2020a) work contains a lengthy chapter on safeguarding and its vicissitudes, opening up essential questions about the negative unintended consequences that the unthoughtful, narrowly proceduralist application of safeguarding ideology gives rise to. Ofsted has a particularly narrow, legalistic approach to interpreting safeguarding law, which is highly contestable in its imposition of one narrow view of safeguarding law (Lauren Devine, Professor of Law and qualified barrister, personal communication, 2020; see also Devine, 2018; House, 2020b). House (2020a, pp. 59-65) also raises more general cultural questions about the way safeguarding law has been deployed by the state over recent decades – or ‘the political economy of safeguarding’ – such that it has arguably caused more net damage *to families’ well-being* compared to the child abuse and neglect it is claiming to address (see, for example, Wrennall, 2010; see also Devine, 2018). House (2020a, pp. 43-58) also subjects the Ofsted report’s judgements on safeguarding to a forensic analysis, which, purely at the level of internal logic and coherence, casts considerable doubt on the factual, evidential status of those judgements.

Lauren Devine maintains that Ofsted is purveying and imposing a narrow *interpretation* of the law – one that is rooted in fear and a pervasive ‘low-trust’ ideology. Schools, says Devine, are not obliged to accept this narrow safeguarding approach if they have an informed and carefully articulated alternative safeguarding protocol in place that is consistent with their own ethos (Devine, 2018).

Devine further advised the Wynstones parents’ legal team that nothing emerges from the Wynstones inspection report which indicates that the inspectors considered the safeguarding issues *in the context of the Steiner ethos, pedagogy and philosophy* – a point also made repeatedly in House (2020a). Thus, clearly the Steiner model is *deliberately* less interventionist, and its protocols are arguably acceptable in that context, she advised. Given that statutory requirements are not breached, there can therefore be legitimate differences of opinion about how risk is understood and managed, and about what a competent safeguarding/child protection protocol looks like.

Incredibly, Ofsted’s *own survey* of Wynstones’ parents found that 93% said their children felt safe at Wynstones. The teachers have pointedly noted to us in off-the-record conversations that the Ofsted inspectors showed little interest in the children and classes, but based their conclusions and judgements on policies and procedures, and computer data.

Devine’s view that Steiner schools are entitled, within the law, to have – and be judged by – their own formulated safeguarding policies based on the Steiner ethos, pedagogy and philosophy is something that is seemingly not countenanced by Ofsted. Its interpretations and judgements are thus presented as final and unarguable, and, in effect, only a hugely expensive legal challenge through the courts can problematise and offer the hope of overturning them.

As detailed in House (2020a), there are also grave concerns in many quarters about the way in which *unprocessed cultural anxiety* about risk and fear (Furedi, 1997, 2018), eagerly fed by organisations like the National Society for the Prevention of Cruelty to Children and sensationalising media coverage (for example, Lonne & Parton, 2014), is distorting the policymaking process itself – in ways that commentators like Professors Piper and Stronath (2008) variously term ‘panic’, ‘madness’ and ‘insanities’ (see also, for example, Johnson, 2000; Power, 2004; Furedi & Bristow, 2008; Clapton et al, 2013; Brown & Hanlon, 2014; Creasy & Corby, 2019). And when decisions that devastate the lives of hundreds of families may be being fed by such unprocessed anxiety playing out in the Ofsted inspection policy process, this is a major cause for concern, not to mention a possible cause of gross injustice, unconsciously built into the accountability process itself.

A Traumatized School Community

Ofsted **are** the safeguarding issue in this country.
(Wynstones School parent)

House (2020a, pp. 96-119) presents a detailed analysis of the multiple impacts that the Wynstones closure had on families, based on a special questionnaire survey.[1] The many parents completing the questionnaire showed great courage in sharing the often highly traumatic experiences they endured. Their harrowing stories provide a testament to the degree of devastation caused by forcibly closing a school without any consultation with, or accountability to, the parents and children affected. Speaking truth to power (Foucault, 2001) is never easy, and these parents showed how it is essential not to allow a 'persecutor' to position citizens as 'victims' (Hall, 1993) and thus manufacture our impotence. The parents pushing back against Ofsted may not have won their legal action due to the impossible odds the system stacks against any challengers to it, but they *have* found the courage to forcibly speak back to Ofsted, refusing to accept ideological impositions and enforcer judgements that bore little, if any, resemblance to their own local, intimate experiences of Wynstones. This legal odyssey has thus been an arguably essential and necessary stepping stone on the journey to ultimately prevailing over this organisation.

The questionnaire report merits some coverage here, especially in relation to the parents' damning views about Ofsted and the Department for Education (DfE). Here are just a few of the comments parents made (all have given their permission to reproduce these views verbatim in the public sphere):

I hope there's a way forward to expose the injustice and prejudice wielded by Ofsted and DfE on our school and on Steiner education more broadly.

This closure was ridiculous, and not [being] given any notice was very unsettling and unprofessional by the DfE ... The DfE needs to think before they close a school of our size and 80 years of being a well-attended Waldorf school. There could have been other options and methods than this.

I am shocked by the lack of accountability and the refusal by the DfE to take any responsibility for their decision to close the school and for the consequences of this. It is hard to believe that they have made absolutely no provision and offered absolutely no support for our children, and when challenged on this – I have complained to the DfE, Ofsted and my MP [Member of Parliament] – there is no acknowledgement that any of it has anything to do with them.

[The sudden closure of the school] just seems like a heavy-handed action by a body who wish to see Steiner schools abolished for ideological [sic] reasons. When safeguarding issues arise at other schools, even very serious issues or scandals, the schools are never closed down by Ofsted. On reading the Ofsted report, my sister-in-law, who is a supply teacher in state schools, said 'All schools are like that'.

Many lives are being damaged by the heavy-handed action of Ofsted in closing Wynstones, in circumstances which would never lead to the sudden closure of other schools, which are not suddenly closed down over safeguarding irregularities. I have not heard of [a] similar drastic Ofsted action, but I have often heard of much more serious safeguarding scandals in schools, which of course were not closed down.

Together [Ofsted and the DfE] have seriously damaged our children in the name of a very dubious 'safeguarding' procedure which has nothing to do with children's safety. They should be made to pay the full costs in reparations to the parents, the school and the children, although of course the real cost they have inflicted by tearing a community apart and ruining children's lives cannot be measured.

The online report (see note 1) contains many more testimonies of this nature. These parental comments speak for themselves and need no embellishment or commentary from us.

An Effectively Unaccountable Accountability System

Just as educators need to be held accountable, so do policy makers ... for the validity of the educational accountability systems they establish and the social and political conditions within which they expect these systems to work. (Sirotnik, 2004, p. 155)

Wynstones' parents sought a judicial review, determined to right what they believe was a grievous wrong committed against their school. This did not, however, feel like much of a genuine choice, because, given the nature of Ofsted's own inadequate complaints procedure (see, for example, Roberts, 2020a, b) and the very limited option for pursuing justice through the courts, a very narrowly defined judicial review was effectively the only course open to them. In reality, complaints made against Ofsted are very rarely acted on (with most challenges being routinely denied), and the so-called 'independent adjudicator' has no teeth – they can only 'advise' Ofsted and an Ofsted report or a judgement cannot be changed.

It is bad enough, then, that Ofsted is widely recognised as having an inadequate internal complaints procedure for pursuing grievances. But in this 'David and Goliath' situation, Ofsted and the DfE have virtually unlimited taxpayers' largesse to draw on to defend their behaviour in the courts. They also have a vested interest in being obstructive and protracting matters wherever possible, ensuring the legal costs of their challengers are as high as possible. That such legal game-playing should be a significant impediment standing in the way of just, legal redress over such a grave matter is, frankly, scandalous.

Moreover, with legal aid now exceedingly scarce, private citizens have to raise a small fortune just to seek justice for what they believe to be abuses perpetrated by a state agency. One wonders how such differentially one-sided access to our legal process can be justifiable in a putatively democratic country. It is surely essential that access to redress for challenging state overreach by this highly controversial organisation is made more accessible for schools and parents who feel that they have been grievously wronged.

We also wonder why decisions such as these have to be made in (exorbitantly expensive) legalistic environments. We urgently need a completely independent school-support framework that actually *enables* rather than judges and punishes, with alleged unfairnesses and abuses openly negotiated and adjudicated on, beyond the unhelpful, adversarial win-lose binary narrowness of the legal system – in short, a whole new paradigm for school accountability (Kushner, 2020) which roundly rejects the punitive ‘enforcer ideology’ that Ofsted purveys.

What the Wynstones parents’ now-withdrawn legal case exposes, then, is the total inadequacy of a system whereby the only effective way in which wronged, abused and bullied schools can seek redress is through the courts. The DfE has notably failed to put in place an independent, non-legalistic framework for dealing with such disputes – one that is capable of effectively challenging Ofsted and is not shoehorned into the unduly narrow legalisms of the judicial review process, which effectively relieves Ofsted of any systematic democratic scrutiny for the totality of its behaviour and practices.

It serves the government very well to have the current system, leaving legal action as the only option to wronged parties, because it and Ofsted know that it will deter the vast majority of schools from challenging them – even when schools are convinced of the unfairness of their treatment. This wholly loaded system therefore generates 99+% supine compliance with the Ofsted enforcer system, which is precisely what the government wants, and which is why the system is structured as it is.

Concluding Thoughts

Under Ofsted inspection conventions, school students are passive subjects of the conditions in which they are, in fact, agents. One of the key flaws in Ofsted methodology is that inspectors jealously guard judgements of educational quality, and deny access to teachers, parents and students. (Kushner, 2020, p. 13)

As in Summerhill School – which Saville Kushner helped in winning its legal challenge to Ofsted 20 years ago – freedom lies at the heart of both Steiner education and all progressive humanistic pedagogical approaches. Yet it is precisely freedom that comes under sustained attack by fear-driven audit-culture proceduralism. As Piper and Stronath have it:

‘freedom’ comes before any decision for good or evil ... [A]ny system of audit that pre-empts ... freedom by deciding in advance a regime of prescription and precaution is a form of unfreedom ... If we are to end in freedom, then we must begin with it. (Piper & Stronath, 2008, p. 65)

Professor Ian Stronath was also centrally involved in Summerhill’s famous legal victory against Ofsted, so it feels especially apposite to be quoting both his and Saville Kushner’s insights here.

We believe that the forced closure of Wynstones School was unjustified and grossly disproportionate; that the safeguarding problems thus caused by the precipitate closure dwarfed any safeguarding issues present in the school pre-closure; that the closure unnecessarily traumatised over 250 children and their families; and that it should have been possible for the DfE and Ofsted to have been held to effective account for this gross injustice, with its affront to parental human rights to choose their children’s education.

We hope that the way we have problematised Ofsted’s behaviour in this article will empower others in comparable circumstances to find their voice and give them the capacity for fearless speech in *speaking truth to power* where power is being used in ways that are demonstrably unjust and cause suffering to those victimised by such abuses.

Note

[1] The full report can be found online at: <https://tinyurl.com/ya866qcs>

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