

## **‘The Judgement of Solomon’ or Judge Rinder does schools?: A metaphorical Re-imagining of UK school inspection.**

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This paper starts from a presumption of the necessity and importance of accountability. It also draws on experience of four and half years’ work as one of Her Majesty’s Inspectors, three years as an additional inspector, the management of Catholic School Inspection(s) under Section 48 of the Education Act, 2005 and extensive experience of external examining (peer review) in the University sector. While working as one of Her Majesty’s Inspectors<sup>1</sup>, inspections were led in independent school contexts, primary (including early years) and secondary (including with sixth forms) phases and of both school-based and university-led teacher education and training. Inspection teams on which I served or led came to the full range of inspection outcomes.

During my time in Ofsted, I became acutely aware of two significant factors, shaping policy and practice: 1) the quasi-judicial nature of inspection and 2) ‘fear stalking the land’. Since leaving Ofsted, observing its inspections in action, receiving its judgements, complaining about and to it and experiencing the full force of its prejudicial behaviour, I am further convinced of the rectitude of this two-fold evaluation. These two factors will be the substance of the paper but first I intend to set out some propositions to render unambiguous my position(s) in the matter of the future of inspections in the UK.

First, the case for accountability. The provision of education, free at the point of access is a political commitment over many generations in the United Kingdom. Education only happens because taxpayers provide the means, in partnership with faith communities<sup>2</sup> and, more recently, some wealthy philanthropic benefactors<sup>3</sup>. As such, it must be as subject to regulation as any other service which is why an inspectorate is as necessary as His Majesty’s Inspector of Constabulary and Fire and Rescue and The Care Quality Commission.

Second, the fallacious putative equation of inspection with ‘peer review’. In an academic context where it is new ideas that are subject to scrutiny by peers, this methodology has validity and a degree of reliability. Academic prowess means that the protagonist’s ideas are eviscerated by others ‘in the field’. A dialogic process ensues. Even in the validation of new programmes, or the ‘external examining’ of courses, the methodology has value in that it is contributory to the precision and veracity of leaders’ rationale and learning intentions. It may well contribute to the development of secure learning outcomes for programmes at Level 3 and above. However, these are tested in examination conditions or by some other means of submission by the ‘students’. In research terms, the outcomes are judged by take up and citation of the ideas by others, or the returns from the metaphorical, or actual, market. It is a red herring to assume that regulatory activity in educational settings could adopt a peer review model<sup>4</sup>.

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<sup>1</sup> I will use the term Her Majesty’s Inspector when referring to my own service. Elsewhere for chronological accuracy, I will use the term His Majesty’s Inspector.

<sup>2</sup> This is neither the time nor place to review the role of faith communities in state education, suffice it to say that section 48 of the Education Act 2005, establishes the position with a golden thread back to the so-called Dual System written into the Education Act 1944.

<sup>3</sup> This is neither the time nor place to review the motivations of those who have sponsored academies. Others may choose to do so elsewhere.

<sup>4</sup> There is a case for saying that peer review has a place in school improvement, school development, continuous professional development (CPD), training, coaching, mentoring and, to a lesser degree, appraisal, indeed the whole

Third, the need for a professional inspectorate for the system, but not necessarily, of the system. For the avoidance of doubt, this paper evinces the notion that school inspection is necessary but that it should be free from political and editorial control and that it should be driven by carefully selected, appropriately skilled, professionally trained and accredited personnel.

### **The quasi-judicial nature of inspection**

The legal requirement for schools to be inspected sets the context for inspection activity. Inspectors gather ‘evidence’ and come to judgements based on evidence. Grades are awarded on the basis, it is argued, of evidence. Thus, the skills one might have acquired as a teacher, lecturer or carer over many long years of experience, necessary to be selected as an inspector, are immediately set aside in favour of quick-to-be-acquired ‘detective’ skills. The training for His Majesty’s Inspectors is intense and the probationary period six months, arguably patronising for people at the end of distinguished service. It is less intense for Ofsted Inspectors but for both groups it is continuous, necessitated by the regular – usually annual – changes to the inspection frameworks and evaluation schedules. This is because the outcomes of an inspection are legally binding on a school. One simple illustration makes the point. UK law provides that the Secretary of State for Education may intervene when a school’s leadership and management (including governance) is judged to be inadequate. Intervention follows.

The metaphor is further extensible when taking into account the notion of ‘lines of enquiry’: those things that the lead inspector determines are the matters that shape the focus and frame inspection activities. Lines of enquiry are derived from the lead inspector’s pre-inspection analysis of publicly held data, information from the school and Ofsted’s own database of complaints about the institution, its own metric-driven risk assessment process and ‘local contextual information’ held on record. In the last iteration of the framework, however, lines of enquiry became known as hypotheses, one of which was invariably about the extent to which the school’s curriculum conformed to the pattern set out by Ofsted’s self-referential Policy Unit.

Also of concern is the well-documented (albeit anecdotally) adversarial nature of inspections. Presented with the ‘hypotheses’, the school’s leadership team are invited to provide evidence *au contraire*. They may have provided some ahead of time through the self-evaluation process, wherein they are asked to make a judgement on the school’s performance and then support it with evidence. I could point to a handful of cases where schools’ leaders judged their schools to be inadequate; they were usually new leaders who had been put in place to rescue a school already judged to be failing. Inspectors are trained ‘to hold the line’; leaders are coached to argue their case. A lawyer friend once opined that the difference between the French legal system and that which pertains in the UK is that in France the lawyer’s task is to get to the truth. In England, their task is to win the argument.

I could also point to a much greater incidence of inspections which resulted in an arm wrestle over tiny fractions of performance data which may or may not have signalled the effectiveness or otherwise of schools. One headteacher once presented me with a scatterplot of all the performance of England’s secondary schools on one page. They were visibly offended when I noted, with as little impatience and sarcasm as I could muster, “but I’m only inspecting this school”. Incidentally he had rightly judged that the school’s performance overall was good, confirmed, I noted subsequently, that the school – marked out as one red dot among c5000 black dots – was bang on the dissecting line between expected and actual performance. In that

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continuum of professional learning activities in which teachers should be regularly engaged. This discussion is, though, about inspection.

instance there was a good correlation between data and outcomes. The judgements were relatively straight forward.

It is at this point that an explanation of the metaphors in use in this paper is necessary. ‘The judgement of Solomon’ is an allusion to the great King of Israel whose wisdom was legendary (1 Kgs 4:29-30). It was tested by two women who argued that both were the birth mothers of an infant. To settle the dispute, Solomon proposed that the child be cut in half and each woman given an equal share. The argument was settled by the actual mother who, to ensure the survival of the child, volunteered its care to the other woman. The other woman would have sacrificed the child to win the argument. Solomon’s wisdom, maybe even prescience, was such that he rightly judged that the real mother would do anything to preserve the life of her beloved infant. While it is not argued here that inspection judgements are comparable to life and death situations<sup>5</sup>, inspectors often tell tales of how they were required to apply wisdom and experience in the service of sometimes incredibly difficult decisions based on similarly fine judgements. They needed to apply the metaphorical wisdom of Solomon.

Judge Rinder, is not a judge. Even his own Wikipaedia page asserts that he is a criminal barrister not a circuit or high court judge. However, for television, he serves as a faux judge apparently dispensing justice in a made-for-TV setting. That is not to say that he does not possess the necessary wisdom to be or become a judge. Certainly his words and works (see for example, the excellent BBC 2 programme recently airing *The Holy Land and Us - Our Untold Stories*) indicate that he is learned, scholarly and with a significant degree of emotional intelligence as well as intellectual rigour. He is certainly witty. The point, though, is that the exercises in which he engages as Judge Rinder are faux, for dramatic effect and, indeed, ratings.

In a faux court, the judgements might be entertaining, and even educative, but they are not binding. They are not the enforceable at law. They do not lead to punishment or sanctions, nor do they provide for retribution or recompense. In fact, they are pointless.

Ofsted judgements conversely have real outcomes. Most are positive. A significant minority, though, have deleterious outcomes for the institutions upon which they are visited and contiguously, therefore on staff and governors. There is nothing ‘faux’ about the conversations with school leaders in the run up to and in the run off from the delivery of an inadequate judgement. Increasingly, the same can be said for requires improvement judgements. Ultimately if a school is not judged to be good, the normative response is that ‘we failed our Ofsted’.

The ramifications can be serious. Headteachers have been known to lose their jobs; governors have been removed or replaced, single academy trusts have been forced to join multi-academy trusts and ‘failing’ academies have been, or are being, re-brokered into different trusts. And yet, the process comes down to the judgement of a person who is no better qualified or more formally credentialed than Judge Rinder. He looks at the evidence, reviews submissions from the appellant and the defendant, asks a few questions of each, reads the ‘room’ and comes to his own conclusion.

A fair criticism of this metaphor may well be that Judge Rinder is not dealing with an order of decision-making akin to judging the effectiveness of a school. The argument is however that there is a good degree of similarity in the methodology deployed: Look at some data, listen to

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<sup>5</sup> The situation pertaining to the inspection of Caversham Primary School (January 2023) has, however, been implicated in the tragic and untimely death of the headteacher at her own hand. Indeed this paper, inter alia, is part of a response to that pivotal moment in inspection in the UK.

some presentations, ask some questions, arrange the evidence, make a judgement. In the current framework, because of the political and psychological implications of lesson observations<sup>6</sup>, rarely do inspectors now make judgements on the one thing teachers are supposed to do, and that is teach.

Even during the inspection of initial teacher training providers, inspectors do not systematically observe trainees teaching; rather they are tasked with commenting on the provision of training around the Core Content/Curriculum Framework (CCF) and the alignment of providers' curricula to the ideological prerequisites of the contemporaneous Secretary of State. It may have happened already, and it will inevitably be the case that a trainee who meets with an inspection team, that awards a provider with a good grade, will be found to be incompetent in the classroom before the end of their Early Career Teacher (ECT) year. This is nonsense. If an inspector cannot judge, against an agreed framework, the quality of teaching in a third party institution, how can they possibly hold their own staff to account? This has to be considered, since it is a stated ambition of Ofsted that all teams will include serving practitioners and that even His Majesty's Inspectors (the fulltime civil servants who 'lead' Ofsted) will have had a minimum of five years' senior leadership experience in the phase they are deployed to inspect. Leading educational provision inevitably means making judgements about the effectiveness of teaching and its impact on learning. The best leaders model effective practice, exemplifying how well to do it and offering advice and guidance to their juniors and subordinates.

It is inconceivable that a solicitor who failed to give accurate advice would be enabled to continue in practice. Barristers become wealthy only when they are successful, precisely because they get hired to fight cases on the basis of their track record in court. Judges are drawn from the coterie of successful barristers: That is why the average age of judges is considerably higher than the average age of inspectors<sup>7</sup>. This last remark is based on participant observation as one of HMI between 2014 and 2018. Older and more experienced inspectors retired at the end of what had been successful careers, always with at least one headship in that time. Nearly all new recruits were in their late 30s or 40s; one was 20 years younger than me on appointment. Few had been headteachers.

Watching Queen's (now King's) Counsel in action is a powerful learning experience. Not only do they possess the sharp intellect that got them into university, into a pupillage, called to the bar and then awarded 'silk', but they also possess the confidence and assurance that has come from the verbal dogfights (back to the adversarial model again) that occur in front of judges from their time as a junior, through leading Counsel roles and on to the status of Queen's (now King's) Counsel. Moreover, their ability to marshal evidence, think on their feet and pick holes in their antagonist's argument is impressive. They fear nothing except the weakness of their own legal argument and the cases upon which they depend for legal precedent.

Regrettably, on the other hand, the teaching profession in England, from top to bottom is fearful.

### **'Fear stalks the land'**

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<sup>6</sup> I had even started to refer to this inspection activity as 'observations of learning' so as to circumnavigate the ideological opposition to lesson observations, predicated on anxiety about workload and perceived anxiety about being observed on the part of individuals.

<sup>7</sup> '72% of court judges and 72% of tribunal judges were aged 50 and over, with 37% aged 60 and over in courts and 40% in tribunals. Across all legal selection exercises, those aged 50 and over accounted for 41% of applications and 39% of recommendations.' ([www.gov.uk](http://www.gov.uk)) See here

I remember hearing myself say this to a friend when trying to make sense of yet another ‘interesting’ decision made at national level by those with limited experience of ever working in or running schools. Those who pushed back were told, ‘We’ll lose the contract [with the DfE]’. Thus Ofsted had begun the process of self-identifying as a delivery arm of the Department for Education. They feared the consequences of speaking truth to power. Senior officers, despite robust challenge, simply reinforced the messages as if they too were apparatchiks of the Ministry of Truth (Orwell G., 1984 1949). They, themselves, feared not attaining the upper reaches of the organisation on their upwardly ambitious career trajectory. Sensible, reasonable, logical people in the inspectorate started to chant rhythmically the terms: ‘intent, implementation, impact’. Later they were seen pacing up and down corridors reciting the mantra ‘knowing more to remember more’. They feared not knowing the new framework well enough to retain their badge. I left.

I watched heads, trust leaders, governors, curriculum leaders and eventually teachers all falling into line except, perhaps, the most cynical, innovation-weary stalwarts who rightly noted they’d seen it all before. Panic! “What if Mr X doesn’t conform? – we’ll fail our Ofsted”. And then... And then, formerly exempt outstanding schools started to ‘fail’ their Ofsted – they were downgraded to ‘good’. The fear of losing the grade – and the resultant exemption – was palpable; every bit as palpable as for leaders of those schools who bumped along between grades 3 and 4 with the ‘left-by-mutual-agreement’ sword of Damocles hanging over them.

Those ‘Ofsted’ outcomes I complained about were where a subjective interpretation was placed on a set of data or other inspection phenomena or where unbright decisions were made, not with the Wisdom of Solomon, but the application of what I choose to call inspection by fad. Fearing themselves sanction for not holding the line, inspectors veered towards ludicrous judgements about curriculum under-performance. And when challenged, they held the line, re-writing the evidence to justify non-sensical positions and judgements simply not supported by the facts as presented. Only when I could demonstrate their breaches of the law was I, and the school I was supporting, given apology, albeit grudgingly. For example, when an inspector had offered judgements on a Religious Education lesson in a Catholic School, I asserted and won the argument that only an inspector qualified to inspect under section 48 of the Education Act 2005, and licenced by their local bishop could inspect that particular subject, in that context. In another school, fearful of what Ofsted might ‘do’, the head persuaded me not to complain: ‘I’ve had enough’, and yet in that instance, the complaint was even more clear about breaches of Ofsted’s own handbook and guidance. In both examples, the conduct of the inspection teams was embarrassing as a former HMI. Neither lead inspector knew the law or their own framework well enough.

The co-relative of fear is the absence of trust. As fear grows, trust diminishes. Consequently, at the very moment leaders need to trust those around them, their peers, governors and members of staff, they retreat into themselves. Too much conversation goes on off air, pre-emptive, unrecorded and with deals done ‘pending the outcome’. A high-ranking local authority officer once asked me on an inspection to judge the school as requires improvement rather than inadequate, as I had signalled - following the mantra on inspection training, ‘no surprises’ - and ‘we’ll write a Warning Notice’. ‘They’ clearly knew the issues. ‘They’ had done nothing about it. ‘They’ were fearful that this might trigger an academy notice and this would mean less ‘top slice’ from which their own livelihoods were funded. Consequently, pupils in the school had been receiving an inadequate education for some time. The new headteacher, ‘they’ had brought in to rescue the school, did not know who to trust.

There is no doubt that an academic career, and the experience of writing for publication put me a little ahead of those I joined with, when it came to producing reports. This was especially true

of those who had not previously had their 'writing' subjected to the same level of scrutiny as had I. Fearful proof readers, desperate to maintain the party line – sorry, compliance with the writing guidance, the requisites of the Plain English campaign and the 'House Style' - would insist on editing reports that had been carefully crafted rendering their meaning banal, their style patronising and their reportage overly simplistic. There is not enough space here to write meaningfully about the 'blandisation' of reports. Suffice to say that it was rare to see the complexity of a school or the breadth of its work done justice to in inspection reports.

Undoubtedly one of the driving forces for 'blandisation' is the fear of legal challenge. There is a mantra in Ofsted, 'if it isn't written down, it didn't happen'. Conversely, reports were edited so that there was literally nothing to challenge. While one was exhorted to 'tell the story of the school' through the writing of a meaningful report, anyone risking original thought, quirky phraseology or indeed, writing an honest appraisal of a school, had their work sandpapered down to meet the publication guidelines. We were trained to write reports that were impervious to legal challenge, hence they became to most intents and purposes meaningless. In essence all that was left was the one-word judgement – the very thing against which most of the education sector is now protesting.

Ironically, the greatest fear within the organisation was of complaints. This fear was driven by the effort overhead in responding to any complaint that came in. Serving OIs would have to write their response in their own time and with no additional funding. HMI, including me, were given time within the working week to respond; but all that did was to defer whatever else one had planned. One learned to avoid complaints on inspection and to arrange the evidence base in anticipation so that a response would be 'evidence-based'. And, of course, there were vexatious complaints. These would have been reduced if Ofsted had outsourced their investigation. However, fear of anyone knowing the internal processes meant that complaints were handled internally. Though less bland than the vast majority of inspection reports, the outcomes of complaints investigation were usually couched in language that removed any blame from Ofsted and rarely found in favour of the complainant. The in-house legal team were kept busy dealing with both genuine and vexatious complaints tying up valuable resource. Understandably, opponents of Ofsted note that this is the organisation marking its own homework, something that offends against principles of natural justice and, dare I say it, common sense.

I made mistakes. I apologised, as one ought to when it is necessary. I am certain that I would have railed against an external body investigating a complaint against me or an inspection I had led, but I would have also been sure of the evidence, and that it supported whatever judgements I had made. Many complaints are made about the conduct of inspectors. This is tricky. I learned early on that a sense of humour on inspection is not always an asset. However, being approachable and willing to listen is. All other human behaviours are subjective and in the high status, high stakes context of inspection, some folk will interpret or perceive words, gestures, silence, expressionlessness and non-committal in ways that suit their mindset. There has to be an independent 'policing' of this where schools can make their complaint and inspectors can, in all humility, assert the facts as they understand them.

My perception is that a higher proportion of complaints follow inspections which resulted in requires improvement or inadequate judgements. Once I had announced my departure from the organisation I was scheduled 'high risk' inspections. Was this punishment for challenging the emerging conventional wisdoms of the Policy Unit? Was this a back-handed compliment that I had the skills necessary to navigate these potentially tricky encounters? Was this a fluke of scheduling or was it simply that all the other talent and experience had left our region? Either way, the last three inspections I led resulted in judgements at grade 4 and all resulted in

complaints. None were upheld. I hope this was because I had acquired the skills to produce an evidence base that countermanded the complaints.

The ability to scrutinise data-sets and look for trends and patterns was a transferable skill I had acquired along the way – I had even worked with some of the techies who had been responsible for RAISEOnline and the performance tables. I had also had considerable experience of observing trainee teachers across a wide range of secondary subjects and making life-changing judgements about their effectiveness as potential teachers. However, all that is actually required as an inspector is to apply with slide rule accuracy a framework written in quasi-legalese. The current framework could be operated by someone with no background in education as it is a bureaucratic analysis of a bunch of documents, procedures and processes. This is one illustration of the legalese in which reports are cast:

“In accordance with section 44(2) of the Education Act 2005, His Majesty’s Chief Inspector is of the opinion that this school requires significant improvement, because it is performing significantly less well than it might in all the circumstances reasonably be expected to perform.”

The legally binding form of words used to connote that a school has serious weaknesses.

Fear stalks the land partly due to a number of high-profile failures in safeguarding procedures. I joined Ofsted amid the angst of ‘The Trojan Horse’ affair. I spoke with colleagues who had judged as outstanding a school in the East End of London, but from which eventually emerged the now, notorious Shamina Begum and her two associates. Senior officers did not question how they might have been groomed or trafficked and what learning the organisation should take from this analysis, but rather whether ‘We’ had failed to spot something. I even heard concerns expressed about whether there was any potential reputational risk to the organisation. The fear that we might have got it wrong, and that that might play badly with our paymasters caused, I would argue, such senior officers to take a disproportionate approach to a tragic situation. By the way, little evidence was found in the inspections of the so-called ‘Trojan Horse’ schools of any deliberate attempt to infiltrate governing bodies and to create Islamic enclaves.

While senior officers, including His Majesty’s Chief Inspector, fear losing the contract or sanction because they are not seen to be delivering government educational policy, fear will continue to stalk the land. I confidently predict that a change in central government would lead to a cosying up to the new Secretary of State, even if they have a completely different view of education or the work of the inspectorate. The abandonment of curriculum, curriculum, curriculum will happen faster than anyone can say Maths, English and PISA league tables. And don’t even get me started on the misapplication and privileging of one protected characteristic over another.

What is needed now, in my view, as with the judiciary, is an inspectorate independent of government and free from political and editorial control.

### **Some inconvenient truths about Ofsted**

The problem is that Ofsted is not and cannot ever be free from political and editorial control, nor can it be free from the ideological precepts of those who pay for it, govern or run it. It was, after all, Sir Michael Wilshaw, himself, who drove the move from the one-word judgement ‘satisfactory’ to the now grade 3 ‘requires improvement’. His motivation for this was always cited as the need for pupils to get at least ‘a good deal’.

Here are some other inconvenient truths for those seeking the abolition of Ofsted or significant reform of its policies, procedures and practices.

1. It was as a direct response to pressure from so-called ‘outstanding’ headteachers that their schools became exempt from routine inspection. This resulted in a significant minority of schools not being inspected for many years despite changes in cohorts, leadership and management, governance and, contiguously, inspection frameworks. Nobody should have been surprised that in such circumstances many of those schools were downgraded when routine inspection was restarted for those schools in 2021. That it happened simultaneously with the restart of routine inspection post-pandemic is an accident of history. The inconvenient truth here is that this situation was the result of a concerted school leadership proposition that was flawed from the outset.
2. Directly related to point 1 above is a second inconvenient truth, summarised as the transition to short inspections of good schools. Headteachers lobbied hard for shorter inspections when provision was previously judged to be good. This was unashamedly justified as a means to avoid what then became known as a full ‘Ofsted’. For the avoidance of doubt, a full Ofsted – under section 5 of the Education Act 2005, is the only legal instrument that allows the grade of a school to be changed. Converging with this clamour was the recognition in Ofsted that the maintenance of routine ‘section 5s’ for all schools was draining the diminishing budgets. ‘Group think’ led to the conclusion that ‘one day’ or so-called ‘short inspections’ would mean the ongoing monitoring of good schools without the additional expense of a full team. In some weeks, I was tasked with completing two such inspections back-to-back with the preparation time for the second inevitably overlapping with the report-writing of the first. The sector quickly realised that a monster had been created where the whole process was again reduced *ad absurdum*, as no meaningful ends were served by the process. ‘Group think’ created the monster by crafting a rationale out of the existing legal framework with a casuistic manipulation of the wording of section 8 of the Education Act 2005.
3. It was as a direct response to similar lobbying from the sector that the so-called ‘cull’ of inspectors happened in 2014. In all honesty, prior to that point I had been part of inspection teams where I was the youngest team member by far, except for perhaps the HMI leading it. Many of the associate inspectors at the time, had long since ceased careers as teachers or leaders, LA advisers and consultants. Their motivation for inspecting had sometimes as much to do with socialisation for themselves in retirement as it did for raising school standards. While this was less than desirable, I am not convinced that the Wilshaw-approved conventional wisdom that leaders want to know that the person walking up the path is a peer and knows the issues, was any more coherent as a proposition. I also observed many inspectors – skilled in their own contexts – behaving just like the Harry Enfield character who goes around saying, “I wouldn’t do it like that!” There were times as a lead where I had to point out that we were not inspecting their school, even if they were certain that practice was far better than that which we were currently inspecting.
4. Inconvenient truth 3 (above) derives from the concept of the ‘noble practitioner’. This was a phenomenon that was prevalent in teacher training contexts during the 90s and into this millennium. The basic hypothesis is that a person working in a practical context is better equipped to judge what is going on than someone living a sheltered academic life in an ivory tower or, for argument’s sake, Whitehall. In educational terms, it is the equivalent of arguing that the pilot of a spaceship is better equipped to understand what



is going on than the academics, scientists, programmers and engineers who built the craft. The actual truth is that both are needed. However, under Sir Michael this ‘truism’ was institutionalised so that, it was argued, every team should have on board a ‘serving practitioner’. Indeed, Sir Michael wanted it to be the case that serving practitioners should lead inspections. Some of us pointed out in internal meetings that this simply wasn’t feasible. Those of us who had had governance responsibilities made the obvious point that taking a headteacher out of their own setting for four or more days made no logical sense. Serving heads I worked with, concluded that they could not possibly take on lead roles due to the time commitment. Inevitably, those who did lead inspections, after the cull, were drawn from a very small pool of those who were practitioners but had roles dissimilar to that of being the headteacher of a large secondary school. Many MAT officials ended up as inspectors; not all had been in a ‘buck-stops-here’ role. The inconvenient truth is that, despite, the rhetoric, a tiny proportion of those leading inspections meet the published criteria for being a ‘serving practitioner’.

5. Data. The inconvenient truth is that left solely to teacher assessment, summative outcomes for pupils rise. This was seen clearly during the pandemic. Over time, and with the input of proper information scientists, the education project in England had developed industrial scale information about pupil performance, based on a national pupil database. Each school, at a given point in the academic year after summative assessments had been reported, were provided with a comprehensive report about its performance – RAISEOnline. Schools protested that this was far too complicated and that it only showed summative outcomes. That was what it was supposed to do. It was later added to with so-called ‘transition matrices’, which reported how much progress pupils had made ‘from their starting points’. A lower-order inconvenient truth was that this sometimes showed that some pupils had made no progress during their time at school and, a few, had actually ‘gone backwards’. The reality was that the report laid bare the actual performance of the school – if only for the educational outcomes. Admittedly, one had to steal oneself to really get into the data in the pre-inspection phase. Some inspectors loved this and must have gone down several rabbit holes to develop their lines of enquiry. Others found it too difficult. Even the outsourced trainers preparing us as Ofsted Inspectors (when inspections were delivered by external companies) communicated from time to time their view that it was ‘far too complicated; you only really need pages  $x$  and  $x$  and  $x$ ’.

The inclusion of ‘contextual value-added measures (CVA) was a concerted attempt to reflect the actual reality of the school in its setting. This was fairer because it took account of the often, plentiful barriers to learning pupils faced given the postcode lottery of school placement. This measure was removed by the 2010 Coalition Government because The Right Honourable Michael Gove who took over as Secretary of State for Education was only concerned about results and, even then, with results in what he termed ‘facilitating subjects’.

6. The inconvenient truth is that the removal of CVA and the assertion of what has now become the EBACC<sup>8</sup> favours schools with affluent or comfortably off cohorts. It especially favours Grammar Schools and those schools whose pupils’ parents can afford to pay for either quality first teaching or top up private tuition. So, it is government policy, not inspection frameworks, that have doubled down on the inherent inequities in the system. Others are better placed to demonstrate an evidence-based analysis of the

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<sup>8</sup> The English Baccalaureate

postcode lottery in action, but my perception is that it is utterly real from the experience of inspecting many schools in the so-called South Eastern coastal communities. There are several sub-strata inconveniences here:

- a. The replacement of RAISEOnline with the Inspection Data Summary Report (IDSR) (with its infographics ) and the later derivation, Analysing School Performance (ASP), reduced *ad absurdum* the visibility of that which was needed by inspectors to do a thorough job.
  - b. The replacement of RAISEOnline was undoubtedly as a response to lobbying from the sector that it was ‘too complicated’ or that it ‘did not tell the story of the school’ or that ‘in a school like ours, with cohorts as small as ours, the shifts in percentages – or proportions - are meaningless’. Leaders and governors were fearful that inspectors would not be able to see this. We were trained to discount anything with a cohort less than five. RAISEOnline suppressed publication of any data derived from an incidence of five or less.
  - c. Not all Grammar Schools meet the all the contemporaneous criteria for ‘outstanding’.
  - d. Many schools in lower socio-economic output areas are not supported with the type of parental aspiration that can be a huge driver for school performance. This may be cultural capital but it may also be donations to school funds or for ‘extra-curricular activities’. It may also provide support for those challenging Ofsted outcomes.
7. League Tables. Everybody hates league tables until they are at the top of them. An inconvenient truth for education at large in England is that those who do well lack humility in broadcasting their success. It is the banners outside the schools, the self-aggrandised reportage on websites, the relentless tweeting of the front pages of inspection reports that drives the wedges into the sector and the divisions between those with good or better grades and those without. Recently, I was shown a website which sets out all the inspections I led, all the single-word judgements I made and the overall effectiveness grades. None of the carefully crafted reports I wrote were there; just the numbers. It is an inconvenient truth that it is the sector that has deified the single-word judgements. Moreover, capitalising on fear stalking the land, it is snake-oiled salesman who have commodified these grades to turn them into sales opportunities<sup>9</sup>.
8. Experience. It is an inconvenient truth that the current Chief Inspector has not conducted inspections. Moreover, they have never taught and they have never been in a ‘buck-stops-here’ role in an educational organisation. This is also true of the current regional director for the South East, though they had some time out of Ofsted working in a large multi-academy trust, but not in a ‘buck-stops-here’ role. Sir Michael was known to shadow inspections; I have no evidence or not of whether he actually led an inspection end-to-end i.e. from planning to judgement(s) and report-writing.
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## A potential solution

I am mindful of my own axiom: ‘a strategy is what you have when you haven’t got a solution’.

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<sup>9</sup> I was editing this on 4th May 2023 when I received an extensive list of vacancies aimed at trainees at the University of Roehampton – London-based. Each row had three entries: the Local Authority area, the subject vacancy and the Ofsted grade for the school – not even the school’s name!

What follows is a propositional ten-point plan for reforming UK school inspection. It is offered as a discussion starter not an end in itself:

1. The inspectorate should stand outside normal civil service structures, so that it is education professionals who determine its policies, procedures and practices, not 'staffers' who have no experience beyond their own education and even less understanding of the context of all schools. However, HMI should meet the recruitment standards of the senior civil service as was the case up to 2014.
2. The reassertion and strengthening of the process whereby HMI are appointed by the privy-council after criterion-referenced vetting and, only after a period of proven success in headship or senior leadership of a MAT, University Department of Education or as a tier two leader. They must have been in a 'buck-stops-here' role.
3. The alignment of HMI salaries with the judiciary, not Grade 6 or 7 civil servants. As a benchmark it is worth noting the scales from 5-7 in this Ministry of Justice document: [here](#). Regional Directors should be paid a salary commensurate with the judiciary at 5.2 and HMCI at scale 4.
4. The re-recruitment of former HMI under strict re-selection criteria and under the same terms as set out in point 1 above. This to bring back much needed experience and expertise. This should only be, however, when they have demonstrable success of leading provision since leaving the organisation. A separate paper is required on what might constitute 'demonstrable success'.
5. HMCI to be recruited only from those with a proven track record of inspecting, and across the full range of contemporaneous grades available. They should have inspected in state and independent schools and had engagement with LA SEND reviews and ITE inspection. Given the wider remit of Ofsted, they should also acquire experience in the social care sector, early years and skills sectors.
6. Inspection teams should be comprised of personnel with a mixed set of skills: A career public servant to collate information from staff, pupil and parent surveys with sufficient training to be able to spot any patterns and trends, note any outliers and read between the lines; a serving practitioner from headship of a statistical partner to the provision being inspected; a specialist in safeguarding with accredited training for the contemporaneous requirements under Keeping Children Safe in Education and with the ability to judge between a failure in safeguarding and an administrative error.
7. Ofsted Inspectors working on a day rate should be paid a fee commensurate with the level of skills required to undertake the job professionally, but with the certainty of a rigorous performance management regime. Frankly, at the moment, the fee is risible and inspectors can earn far more per day advising schools on how 'to pass Ofsted' than conducting inspections.
8. The complaints process to be managed by an independent office comparable with the Independent Office for Police Conduct.
9. Schools to be prevented from using outcomes of inspection activity in their prospectuses, brochureware or marketing materials. The legal requirement to make the

latest report available on the website should be retained but the placeholder should have no commentary, either way.

10. The framework should be revised so that the quality of provision and outcomes are given equal weight and the pendulous tendencies, driven by ideology, are removed from framework planning once and for all. It should also be reverted back to a time when the context of a school (contextual value-added measures) was taken into account so that outcomes can be understood more deeply, though not excused, given the well-documented influence of 'postcode' factors, the socio-economic context of the 'catchment community' and the impact of health and well-being inequalities.