

ASSOCIATION OF TEACHERS AND LECTURERS

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Inspection 2012 – Ofsted consultation on new framework for inspection of maintained schools and academies

Submission from the Association of Teachers and Lecturers

Date: 20 May 2011

ATL, the education union, is an independent, registered trade union and professional association, representing approximately 160,000 teachers, head teachers, lecturers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in the United Kingdom. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We recognise the link between education policy and members' conditions of service.

ATL exists to help members, as their careers develop, through first rate research, advice, information and legal advice. Our evidence-based policy making enables us to campaign and negotiate locally and nationally.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

ATL policy

ATL believes that teachers as professionals must be recognised for their knowledge, expertise and judgment, at the level of the individual pupil and in articulating the role of education in increasing social justice. Within light national parameters, development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders; assessment should be carried out through local professional networks. Schools and colleges are increasingly encouraged to work collaboratively to offer excellent teaching and learning, and to support pupils' well-being, across a local area. Accountability mechanisms should be developed so that there is a proper balance of accountability to national government and the local community, which supports collaboration rather than competition.

Executive Summary

- Ofsted's proposals don't yet answer the big questions or address the real reform ATL members want. That is, professional accountability not punitive accountability; locally administered in a way that supports improvement.
- The accountability system needs overhaul. Ofsted's new framework can shift the narrative on intelligent accountability, but only if it succeeds in supporting training and development and in developing a proper professional dialogue – including supportive, not fear-driven, observation with regular, high quality feedback. The influence Ofsted

may have on the interactions between leadership and teaching & learning will be crucial to driving improvement.

- Fewer criteria with less grading is a positive step. And under the principle of 'make statutory as little as possible', if it genuinely means less bureaucracy and fewer rules that limit professionalism it should be welcomed. But Ofsted needs to prove this is the case.
- ATL is concerned that the absence of CVA data will mean that the hard work of staff teaching children in difficult circumstances will not be fully understood. It is essential that the education system serves all young people and no perverse incentives exist to distract from this goal.
- Ofsted must accept responsibility for unintended consequences and seek to deal with them, committing to helping leaders and teachers alike avoid unnecessary paper trails. The fresh emphasis on observation by inspectors mustn't add workload and stress on classroom teachers.
- It is not just what is on the page, but what happens in practice. Ofsted must take responsibility for its reputation and the way it is perceived if it is sincere about improving the inspection experience.

ATL response

There is no longer any argument that there is a need for accountability in the public sector. Proper accountability is a duty on all public servants but especially those entrusted with the education of future generations. ATL has long-held concerns about the role of Ofsted in the accountability system and we do not think the new framework will eradicate them. Nevertheless, we remain hopeful that Ofsted's latest inspection arrangements can push political debate towards a more intelligent accountability that best serves the young people that education is for.

ATL's policy on accountability

Ofsted's proposals don't yet answer the big questions or address the real reform ATL members want. That is, professional accountability and not punitive accountability; locally administered in a way that supports improvement and doesn't diminish the autonomy of professionals who have been left feeling mistrusted.

ATL's policy is set out in our position statement, *New accountability for schools* which is submitted alongside this response.

We said in our submission to the Select Committee for Children, Schools and Families' 2009/10 enquiry into school accountability that "Professional accountability implies commitment to evaluate and improve; it does not require a juggernaut of data collection and detailed comparison of schools". The current accountability system gives undue weight to central government, particularly through national test data and Ofsted inspection. This leads to a narrowing of the curriculum and mitigates against professional reflection, innovation and creativity. Successive governments have talked openly about raising the status of teaching yet have failed to recognise the impact that dubious league tables and an undermining of professionalism have had. Unfortunately, Ofsted is seen as a prime tool in this.

The interaction of school improvement and accountability needs developing. Supportive accountability will encourage schools, colleges and the professionals working within them to be innovative and creative, where punitive accountability measures are seen to limit that capacity.

We strongly advocate a shift from national to local accountability for schools. ATL believes that both support and challenge can be combined in a single role, and that this role should convey the accountability of the school to the local authority. Ofsted would quality assure all local accountability processes, and subsequently would have more time to focus on strengths such as its useful thematic reports.

ATL continues to argue that Ofsted inspection of maintained schools is unnecessary as it duplicates a range of accountability and support mechanisms locally and nationally and impacts negatively upon both learners and professionals. The stress they put on everyone in schools weakens morale and damages children's learning and development.

ATL is not alone. The most recent Select Committee report presented compelling evidence that Ofsted's school inspections should end.¹ We too believe that a supportive local accountability system focussed on improvement rather than professional humiliation is what is needed.

The big issues Ofsted must address

Though the accountability system needs overhaul, and though we will continue to make arguments for change, we recognise that we are unlikely to see such this year. So we welcome Ofsted's invitation to discuss the proposed framework and willingness to engage with representatives of the profession.

We would like to see Ofsted's new framework shift the narrative towards a more intelligent accountability. This will only be possible if Ofsted succeeds in supporting training and development and in developing a proper professional dialogue – including supportive, not fear-driven, observation with regular, high quality feedback. The influence Ofsted may have on the interactions between leadership and teaching & learning will be crucial to driving improvement.

Supporting training and development

Locally administered challenge and support as part of the school accountability system could undoubtedly offer significant support for training and development. Trends in needs could be identified across local authorities, or beyond, and provision for new training or CPD secured. Though it is ever more difficult in an increasingly fragmented maintained schools sector, Ofsted is ineffective if it is unable to raise itself to this level. The development of the workforce is indisputably a key part in ensuring school improvement. Without useful assistance in supporting training and development of staff, Ofsted increases the risk of being viewed with scepticism, being feared and being seen as primarily punitive. The organisation needs a much more positive story to tell.

¹ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/570/57002.htm>

Observation – and the importance of feedback

ATL members continue to report their dissatisfaction with snapshot lesson observation that does not see teaching in the round or allow for understanding of a class. The issue of the availability, and quality, of feedback from inspectors does not go away. There is a disconnect felt between teachers and inspectors that is fatal to trust, respect and professional satisfaction. Whilst Ofsted has committed to strengthening and spending more time on the provision of feedback to classroom teachers, it should be aware that the current culture around inspection has undermined this part of the visit.

Feedback is incredibly important to a mature and useful professional dialogue. But its effectiveness is contingent on a shift in ethos. To move beyond a situation where teachers blame inspectors, and inspectors blame teachers, there should be both a system and an atmosphere that means that useful feedback in the form of two-way discussion takes places following every observation. Teacher learning, development and collaboration should be at the heart of this.

Helping leaders help teachers

The interaction between leaders and teachers is an important part of school improvement and a key factor in aiding and sustaining high quality teaching and effective, enjoyable learning. We believe Ofsted has a role to play in aiding these interactions and helping leaders help teachers.

School leadership roles are not easy. But it is important that as skills in managing institutions develop further, that leaders still feel connected with the teaching and learning that schools exist for. Government makes this difficult by controlling the reins so much. For example, to what extent can a school leadership be held to account for curriculum when the government wields such a restrictive, prejudiced power over it?

So leaders need to be able to intervene supportively. But this shouldn't mean increased monitoring. Data collection is not the same as evaluation. Ofsted should be clear that increasing the demands for teachers to create paper trails is not a suitable intervention. Ofsted needs to be stronger in demonstrating this to headteachers who, unsurprisingly given the high stakes, high pressure style of Ofsted inspections, are searching for insurance policies in the form of unrequired lesson plans. If Ofsted gets better at two-way discussion between professionals, such paperwork will demonstrably not be necessary. Supporting and challenging heads to develop their teachers, keep up-to-date with practice and pedagogy, and make relevant and positive changes to teaching and learning must be a central goal for Ofsted.

Making improvement more significant than judgment

We are pleased that Ofsted has let it be known that it is aiming for the new inspection framework to contribute more positively to school improvement. This is easier said than done, not least because of existing culture and practice and what appears to be a hunger to identify and punish failure at individual and institutional level. Ofsted may disagree with this, but it is a widely felt perception. Therefore ATL challenges

Ofsted to ensure that inspection is, as Ofsted say, 'at the heart of school improvement'.

If the changes are to have a positive impact and break down the barriers between the inspection authority and staff in schools it is incumbent upon Ofsted to show that it is regularly and consistently achieving:

- the improvement of effective interactions between leadership and teaching & learning
- in getting the message to Heads that paper trails are not necessary
- the encouragement of teacher learning, development and collaboration
- a positive and proper professional dialogue with staff
- the bolstering of teachers' professional voice and widespread use of a reflective language of practice
- a concrete impact through full support for training and development

And whilst doing so it embodies the notion of proportionality, developing professional accountability without a 'one size fits all' approach. Ofsted may not be responsible alone for each of these characteristics but it is an influential player that can contribute to these goals in pursuit of providing all young people in Britain with the highest quality education possible. The development of professional voice should allow teachers to not cower, but feel empowered to, if necessary, challenge inspectors' understanding of a class or judgment of teaching quality.

In opposition, Michael Gove pledged to "support a culture of professionalism, not one of tick-box conformity".² We remain doubtful over whether he really means that and whether his policies will do anything other than the opposite. But at the same time, we encourage Ofsted to seize the opportunity of a new framework to ensure this culture shift materialises.

Unintended consequences and the workload effect

Ofsted must accept responsibility for unintended consequences and seek to deal with them, committing to helping leaders and teachers alike avoid unnecessary paper trails.

The fresh emphasis on observation by inspectors mustn't add workload and stress on classroom teachers. Recent experience would suggest that this shouldn't be taken for granted. Impacts may not just be during or in the immediate run-up to inspection. Workload or stress can and do build up in the long-term – this may mean individual school's lesson planning requirements, it may mean greater pressure or extensive observation from heads, but what is needed from Ofsted is awareness and the ability to counter such reactions which all build into perceptions of the inspection experience.

Seeking thorough and confidential feedback from the new framework's pilots can help identify the unintended consequences of this process and set of criteria. But continual monitoring and dialogue post-January 2012

² <http://www.guardian.co.uk/education/2010/mar/02/michael-gove-readers-questions-ofsted>

will also be needed. It is essential that Ofsted identifies the unintended consequences of its inspections and acts upon them.

The importance of equality in the absence of CVA

ATL is concerned that the absence of contextual value added data will mean that the hard work of staff teaching children in difficult circumstances will not be fully understood. It is essential that the education system serves all young people and no perverse incentives exist to distract from this goal.

We are pleased that the message Ofsted is conveying is that there is a need to contextualise somehow, but we will reserve judgment as to whether this can be done efficiently and effectively without CVA data. The context is all important in making useful judgments about education provision, but it is also worth noting that contexts change. Ofsted will need to be agile enough to deal with this given the continued reduction in inspections of higher-rated schools. Risk assessment will need to be able to identify schools with a sudden rise (possibly from a base of zero) on SEN pupils. It will be a system failure if the absence of CVA and lack of effective contextualisation becomes a driver in schools not exerting its energies into developing every pupil.

What's missing and what does that mean?

Important things are 'missing' in the new inspection proposals. It is not yet clear what the impact of this is. It may be good if it reduces 'tick box conformity' yet it may be bad if it means the downgrading across the education world of a belief in the importance of certain issues. Less headline criteria might mean less bureaucracy and pressure, but it might also mean that certain aspects are simply hidden behind those core judgment areas. Equality and diversity is the obvious example, having been diminished from being a limiting judgment under the last inspection framework, to not only not being a judgment area but barely even being mentioned in the proposals. This looks perverse, not least given the government's desire to 'narrow the gaps'.

Whilst Ofsted reassures that equality and diversity should be being judged across the piece, this seems to be an ideal world view. The reality across industries, not just education, is that the issue of equalities is unfortunately not yet mainstreamed into the public consciousness and our social and institutional practices. This is just as likely to pose problems for inspectors as schools. All stakeholders have a responsibility to guard against the risk of the entrenchment of even deeper social divisions, particularly on the grounds of social class which also tends to be disproportionately linked with ethnic background and disability.

With contextualisation up in the air, it is more important than ever to ensure that a commitment to equality in education is not somehow lost, and that individual schools and, crucially, the system as a whole provides an excellent education for all young people.

There needs to be clarity about the exact nature and weight that will be given to the 'non-graded' judgments that are highlighted explicitly in the consultation paper – social, moral, spiritual and cultural education;

meeting the needs of disabled pupils and those who have special educational needs; reading and numeracy in primary schools; literacy in secondary schools.

It is not yet clear whether the eighteen judgment areas from the 2009-2011 framework still exist under different headings but without their own explicit gradings. Or has there been a genuine reduction in criteria?

Do fewer criteria mean fewer rules that limit professionalism?

Fewer criteria with less grading is a positive step. And under the principle of 'make statutory as little as possible', if the proposed rationalisation genuinely means less bureaucracy and fewer rules that limit professionalism then it should be welcomed. But, as this can't be taken for granted, Ofsted needs to prove that this is the case. A lot will rest upon whether the reduction in headline criteria is real or whether the presence beneath those judgment areas of aspects from previous inspection frameworks increases pressure for conformity.

Data, judgment and self-evaluation

Whether by inspectors or in league tables, we know that crude judgments and comparisons made using exams data cause a (perfectly rational) change in teaching and diminishing of teachers' full capabilities that pose a danger to the education of young people. With fewer focus areas for inspection, the likelihood of data having a greater influence in overall effectiveness judgments is real and severe.

If Ofsted section 5 inspections are to continue for now, we believe they should be based upon a balance of self-evaluation, inspectors' judgment and data and statistics. The new proposals will not diminish the current over-reliance on (often unreliable) data, particularly that from high-stakes exams, and particularly, it seems, in the automated aspect of risk assessment of stronger schools. Surveyed ATL members believed that the SEF could be the main basis for grading their school, ahead of the inspection team's judgment and with over twice as much support as for data and statistics.³ It doesn't seem like this will be the case. It is a shame if Ofsted is merely representing the change in mind of the secretary of state – from being a critic of Ofsted's over-reliance on data, to insisting the government will publish "as much data as possible so parents and teachers can really see what is going on in schools".⁴

We recognise that Ofsted do look beyond single year data, but a more reasonable and less dramatic accountability system would be analysing longer trend periods, for example five years worth of data.

The four focus areas

With the caveats already expressed we broadly welcome the four judgment areas which will be widely recognised as important. Though the detail behind these categories is not yet obvious, they appear at face value to be sound. Only through extensive piloting and revision can this

³ ATL Survey, summer 2010

⁴ TES, 11 March 2011

be tested and there should be an open door to feedback from school staff with the flexibility to adapt Ofsted practices.

Context

ATL has grave doubts about government education policy. We don't believe the direction of travel will support *all* young people being able to benefit from an equitable, exciting education that they can capitalise upon throughout their lives. It is important that Ofsted acknowledges the context it is operating in; one in which government rhetoric on valuing the profession is not matched by policy. For this reason, we believe Ofsted should be keen not to continue to (or be perceived to) restrict professional autonomy.

A prescriptive curriculum is, mid-review, looking inevitable, and we caution Ofsted about using English Baccalaureate data to form judgments. Though 'achievement' was the category that made it into the Education Bill, we note that the secretary of state was previously describing this as 'academic standards' and fear that schools, and certain pupils, are being set up to fail. Ofsted should not wish to be a part of this.

In the light of greater school freedoms and the new pupil premium, we enter an era of risk and uncertainty in the maintained schools sector. With the consequences for individuals or whole cohorts of pupils potentially devastating, we question whether Ofsted should consider placing a greater focus on holding schools accountable for spending decisions under these mechanisms?

Further issues

Parents

Intentions for involving parents are of some concern to ATL. Without a doubt an important stakeholder, parents' views are significant and it is natural that they are part of the process. What is important is that these views are proportionate and that, when decisions are based upon them, that they are representative. The potential for hijacking by small vocal interest groups or niche voices seems large. We ask then how much weight will be given to requests from parents for inspections? That online surveys are all year round and not just at inspection time appears sensible on the surface. But we are deeply concerned that the publication in real time, as we understand will be the case, of self-selecting samples of a schools' parents is extremely risky no matter how they are contextualised. Minority pressure could hold schools hostage with untold consequences for schools, teachers, communities and pupils.

Re-inspection, returning to schools and freeing up resources

More detail is needed before we can judge the effectiveness of risk assessment plans. But of greater concern to ATL is the turnaround time for so-called failing schools, particular in the context of the new powers for the secretary of state that the Education Act 2011 will deliver. It is important that Ofsted's expectations of change are reasonable. And that with a narrowed timetable for monitoring visits, that Ofsted has adjusted requirements for progress. There will need to be reassurance that

expectations are achievable for schools in the time and, with stakes so high, applied consistently nationwide.

It is hoped that the smaller number of inspections that will take place under new arrangements will allow Ofsted to develop better quality assurance and high quality, consistent and expert inspection teams.

Ofsted's reputation, and the reality at the chalkface

Ofsted must take responsibility for its reputation. In pursuit of a proper professional accountability, we would expect the inspectorate to agree with us that it is time to retire the culture of fear that has pervaded for too long. Yet the spectre of failure appears as prominently as the second sentence of the consultation paper on the new proposals. It is not acceptable – nor in anyway helpful to young people, parents, government – for staff in schools to feel battered and bruised. Nor is it teachers' responsibility to change their perception of Ofsted. They need convincing, and only if their experience changes – through a more professional process focussed on improvement and development, not labelling and punishment – might such a shift occur.

Alongside culture and reputation, Ofsted must understand that the success of this latest direction for inspection does not lie in the framework but how it is used and how it is felt. It is not just what is on the page, but what happens in practice, be that before, during or after inspection in schools, or the wider impacts of this national inspection regime. Reasoned logic behind the proposals does not guarantee a productive system of inspection and accountability.

Ofsted has a responsibility to challenge media coverage too. To avoid further damage to the morale of both the profession and young people, we hope that Ofsted will pledge to take responsibility for communicating clearly with the media that a lower proportion of schools being judged with higher grades will not be because the quality of education is dropping, but simply because outstanding schools are not being revisited. It should not be taken as a given that everyone in the country will comprehend Ofsted's work.

Ultimately, if it is sincere about improving the inspection experience Ofsted must act to change the way it is perceived.

Conclusion

ATL thinks a fuller review into the whole accountability system would be timely (and indeed is necessary), rather than piecemeal, and potentially inconsistent, changes as a result of separately reformulating Ofsted inspections, unilaterally scrapping the SEF, and commissioning Lord Bew to review key stage 2 arrangements.

Whilst Ofsted can't determine that on behalf of government, we do believe that it can wield its influence to shape the future of accountability and inspection. Intelligent accountability that respects professionals in schools is achievable. If Ofsted inspections mutate in the form proposed then the organisation must take responsibility for its reputation and the reality of what inspections impose on schools; it must ensure the development of a proper professional dialogue and support for training and development.

And it must have no lesser ambition than to improve the inspection experience for staff in schools, and ultimately contribute to a better education for all young people.

Post-implementation, Ofsted should fully and openly evaluate this latest inspections framework, inviting – and listening to – comment from the profession.

ATL believes that Ofsted school inspection is not the answer. But while it continues, we will demand that Ofsted positively transforms the inspection experience in order to support improvement across the education system.

ATL publications attached:

- [New accountability for schools](#) (2007)