

## Written evidence submitted by NAHT

### About NAHT

1. NAHT welcomes the opportunity to submit evidence to the House of Commons Education Select Committee on Ofsted.
2. NAHT is the UK's largest professional trade union for school leaders. We represent more than 36,000 head teachers, executive heads, CEOs, deputy and assistant heads, vice principals and school business leaders. Our members work across: the early years, primary, special and secondary schools; independent schools; sixth form and FE colleges; outdoor education centres; pupil referral units, social services establishments and other educational settings.
3. In addition to the representation, advice and training that we provide for existing school leaders, we also support, develop and represent the school leaders of the future, through NAHT Edge, the middle leadership section of our association. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere.

## About this submission

4. The Committee's call for evidence covers a great deal of ground. In the space available we have focused on a range of overarching problems with the current approach to school inspection. These include:
  - the reporting of inspection outcomes and the use of single word judgements
  - the impact of inspection on schools and school staff
  - inspection as a driver of workload
  - the design of the current inspection framework
  - the culture of inspection and the quality of inspection teams
  - complaints procedures.

## Opening remarks

5. NAHT believes that schools should be held to account for their work. We see the value in a fair, constructive, proportionate and sustainable system of inspection that provides assurance about the efficacy of the school system for parents, pupils, politicians and the wider public.
6. However, the current approach to school inspection and the wider accountability system does not deliver this. In its current form, Ofsted's inspection framework and practice are unfit for purpose.
7. Worse, inspection in its current form causes real harm. It drives extraordinary workload, distorts school priorities and provision, and is at the heart of the current recruitment and retention crisis. There is clear evidence that inspection has a detrimental impact on the mental health and well-being of school leaders and their staff. Necessarily, this damages the experience and outcomes for pupils.
8. In recent years NAHT has repeatedly warned that the current approach to **inspection does more harm than good**. Our 2018 Commission on Accountability<sup>1</sup> and our consultation response to the 2019 framework<sup>2</sup> offered both a critique and solutions, but these were largely ignored by the inspectorate.

## The reporting of inspection outcomes and the use of single word judgements

9. One of the central problems with the way Ofsted currently reports school effectiveness is the use of **single word judgements** to label and categorise schools. These high-stakes summative judgements overshadow everything else associated with inspection and are used to determine the future of schools and school leaders.
10. The appeal of a single word judgement is that it appears to offer an easily understood, shorthand evaluation of school effectiveness, allowing government to identify both successful and what they might describe as 'failing' schools. While this desire for simplicity is understandable, the system of single word judgements is flawed and does

---

<sup>1</sup> Improving school accountability, Report of the NAHT Commission on Accountability, NAHT, September 2020

<sup>2</sup> *A change for the better*, Ofsted's new inspection framework, NAHT, February 2020

more harm than good.

11. Not only does a single word judgement over-simplify the assessment of a highly complex organisation with a range of different strengths and weaknesses, it gives the false impression of objectivity. The reality is that inspection is highly subjective and inherently unreliable – it relies on the judgements of a small team of inspectors on a given day.
12. Ofsted’s own very small-scale research on judgement reliability (based on ‘double’ inspections of 24 previously good schools) found that in just under 10% of cases the inspection team disagreed over the final grade.<sup>3</sup>
13. The reason this lack of reliability matters so much is because of the significant consequences for any school receiving a ‘less than good’ Ofsted grade. UCL research found that the current inspection framework delivers greater levels of subjective variation between inspectors by gender, and whether inspectors are HMI or freelance OIs.<sup>4</sup>
14. Research conducted by the Nuffield Foundation suggests that inspection is only a modest contributor to the improvement or decline of schools rated less than good on more than one occasion.<sup>5</sup>
15. For these schools the single word grade can actually undermine a school’s capacity for improvement, creating a downward spiral. The Education Policy Institute found that ‘...After the initial negative Ofsted grade...the intake of a school tends to become more disadvantaged and teacher turnover increases, both of which contribute to the difficulty in reversing the negative Ofsted judgement. The longer the school continues to have the less than good rating, the harder the process of school improvement becomes.’<sup>6</sup>
16. Both Ofsted and government assert that parents regard single word grades as helpful, but evidence suggests that only a minority of parents find Ofsted grades useful. Just 28% say they are confident that Ofsted ratings are an accurate assessment of how good a school is.<sup>7</sup> And two-thirds of parents do **not** read Ofsted reports when choosing their child’s school.<sup>8</sup>
17. School leaders see little of value in Ofsted’s short, generic inspection reports which rarely provide new or significant insight for school improvement purposes. The inescapable conclusion is that a more intelligent, nuanced approach is required that provides parents with useful information about their child’s school and also helps schools themselves to improve.
18. Of course, inspection should continue to clearly identify the small number of cases where inspectors find unacceptable standards of performance, in order that appropriate support can be provided. But this does not require the current flawed four-grade system.

---

<sup>3</sup> [Do two inspectors make consistent decisions](#), Ofsted, March 2017

<sup>4</sup> [Male school inspectors award more lenient grades than female inspectors](#), UCL, February 2023

<sup>5</sup> [Underperforming schools need more support to avoid a downward spiral](#), Nuffield foundation, June 2022

<sup>6</sup> [Stuck schools: can below good Ofsted inspections prevent sustainable improvement?](#), EPI June 2022

<sup>7</sup> YouGov survey of 3021 adults, June 2023

<sup>8</sup> [Reported](#) in the I, 1 November 2021

19. It is worth noting that there is no statutory requirement for grades. The 2005 legislation places a duty on the Chief Inspector to inspect and report on the quality of education provided by a school. Where a school is failing to provide an acceptable standard of education, it requires that the school is identified as a School Causing Concern, requiring either significant improvement or special measures. This gives scope for inspection to make a simple binary judgement, and in most cases focus a report on its strengths and areas for development.

### **The impact of inspection on schools and school staff**

20. An inspection report offers only a snapshot in time but carries very significant consequences for a school's leaders and staff, its pupils and their parents, and the wider community.
21. Government uses school inspection outcomes as a basis for intervention – any School Causing Concern (that is a school judged to require significant improvement or special measures) **must** be subject to an academy order.
22. Recent changes to regulations mean that a school judged twice consecutively to be 'less than good' may also be subject to an academy order. This applies even where a school is judged to be providing an acceptable standard of education, which **is** the case when it receives a 'requires improvement' judgement.
23. This direct connection between inspection and intervention is flawed. Rather than an inspection unlocking support and resources, it means that a single inspection judgement, on single day, can lead to a school being closed and then reopened as a different legal entity, with obvious consequences for school leaders and their staff, and huge implications for pupils.
24. School leaders face this possibility at **every** inspection. It is no exaggeration to say that school leaders feel as though their future careers are in the hands of an inspection team every time their school is inspected. The pressure that this places on them is, in many cases, intolerable. The tragic death of Ruth Perry has led to an outpouring of personal testimony from school leaders which bear powerful witness to this stark reality. The nation's leaders deserve better.
25. Even for those who receive a positive outcome, the anticipation and experience of inspection often has a dramatically negative impact on school leaders and their staff. The adversarial nature of inspection is debilitating, demoralising and a major driver of ill-health. Calls to NAHT's advice line suggest that many school leaders have left, or are considering leaving, the profession as a result.
26. The harm caused by Ofsted is clear for all who care to see it. It is hard to understand how either the inspectorate or government can knowingly allow this to continue.
27. NAHT cannot emphasise strongly enough that **systemic reform** of inspection is central to resolving the twin recruitment and retention, and mental health and well-being, crises afflicting the profession. About a third (31%) of primary and secondary school leaders, appointed aged under 50, leave their posts within five years of appointment,<sup>9</sup>

more than half (53%) of whom quit teaching in state funded schools entirely.<sup>10</sup>

28. Inspection also plays a critical part in undermining leadership aspiration. More than half (53%) of assistant and deputy head teachers do not aspire to headship,<sup>11</sup> many of whom cite the pressure of accountability as a key factor.
29. There is little in the way of **support** for school leaders. Before an inspection school leaders wait on tenterhooks for 'the call' that comes at half a day's notice, often impeding operational effectiveness and creating logistical challenges for events such as residential visits and statutory testing. Many leaders carry an 'Ofsted pack' with them to meetings and on school trips, because they will be required to hold a detailed initial conversation with the lead inspector within an hour or two of notification.
30. Every evening, from Sunday to Wednesday, a school leader whose school is in the 'inspection window', endures what can amount to four days of psychological torture. Each day pressure builds waiting for the notification call until the Wednesday call window passes, because leaders know that they will not normally receive a call on Thursday or Friday.
31. The intense, unrelenting pressure drives the terrible health and well-being outcomes reported in DfE's recently published *Working Lives of Teachers and Leaders* survey, with 86% of leaders being affected by stress.<sup>12</sup> These pressures are exacerbated for disabled leaders and there is a lack of consistency in providing reasonable adjustments for disabled school staff.
32. A school receiving an 'inadequate' judgement is immediately subject to an academy order. The stark reality is that very few school leaders remain in post after this process has been completed. Even a 'requires improvement' judgement (which means a school is providing an acceptable standard of education) can result in a school leader leaving their post. Ofsted hangs like a sword of Damocles over the system, driving fear and stress. This burden on leaders is neither sustainable nor conducive to effective school improvement.
33. Limited assistance was made available in 2019 for schools receiving a 'requires improvement' judgement, with an offer of up to 10 days' support and advice from a system leader. However, this has been subsequently undermined by the decision to make any school that receives two consecutive 'less than good' judgements eligible for intervention through an academy order. Leaders have understandably drawn the conclusion that the inspectorate is being used by government as a vehicle to drive its agenda for a MAT-based system.

### **Inspection as a driver of workload**

34. Inspection is a clear and significant driver of workload for school leaders and their teams. The inspectorate insists that it makes no formal demand of schools, and that no

---

<sup>9</sup> DfE data records 9370 assistant, deputy and head teacher appointees in 2015, of whom 2925 left their post within five years

<sup>10</sup> DfE data records 2925 assistant, deputy and head teachers aged under 50 when appointed left their post within five years of which 1553 (53%) left teaching in state-funded schools

<sup>11</sup> *Fixing the Leadership Crisis*, NAHT, December 2021

<sup>12</sup> *Working lives of teachers and leaders*, DfE, April 2023, p18

preparation is required for inspection. But no prudent professional would fail to ensure readiness for such a high stakes event, with potentially career threatening consequences. All staff, in every school, will seek to cover all the bases so that they are prepared for every eventuality during an inspection.

35. Moreover, each new inspection framework, (or tweak) moves the goalposts, creating new workload demands. Schools are engaged in an ongoing quest to demonstrate that they meet Ofsted's *latest* requirements, distorting existing school priorities and driving unnecessary workload. For example, the focus in the 2019 framework on subject 'deep dives' and the role of theories of learning based on cognitive science meant that schools had to focus on these areas so that teachers and leaders could demonstrate the requisite knowledge and vocabulary for the questions that would now be posed by inspectors. To suggest that schools can or should simply ignore Ofsted entirely is absurd.
36. With every framework change, inspection outcomes initially drop and then recover, as schools get better at managing the changed inspection process. Ofsted refers to this as 'raising the bar', but changing the rules of the game would be a more apt description. There is a pervasive sense that schools must conform to Ofsted's latest framework, which makes inspection a moving target.

### **The design of the current inspection framework**

37. The current framework is simply not manageable for inspectors. A constant theme of member feedback is that inspection now feels frenetic. Schools report that inspectors are rushed and struggle to get through the evaluation schedule. Leaders report conversations being curtailed in mid-sentence, evidence supplied by the school being refused or ignored, and meetings being unduly hurried. This leads to inspection judgements that are based on poor, incomplete or insecure evidence, and has undermined school leaders' confidence in the inspection process. The experience of inspection is regularly described by school leaders and their staff as 'brutal'.
38. A central concern (raised repeatedly with the inspectorate) is that the framework views all schools through a secondary lens – where subjects are managed by heads of department and largely taught by subject specialists.
39. Primary, Special, and small schools do not have the same management structures. Typically, subjects are co-ordinated by staff who are not specialist teachers of that subject, and have little or no dedicated non-contact time to lead it.
40. These subject co-ordinators are subjected to a process of interrogation by inspectors as part of an inspection activity known as 'deep dives', where questioning is often hostile and inquisitorial. School leaders have been incorrectly barred from accompanying and supporting subject co-ordinators during these interviews. They report that, as a result, the confidence of both recently qualified and experienced teachers who co-ordinate subjects has been shattered, necessitating the counselling of staff.
41. Experience of the inspection process generates genuine fear and has driven very significant new workload across the primary sector. Schools have been forced to make

preparations to cope with Ofsted's inspection methodology, and to meet the model of curriculum management that its framework is predicated on.

42. Before the introduction of the current framework NAHT warned that it attempted to cover far too much ground. School leaders' experiences of inspection indicate that this concern was well founded. To its credit, the inspectorate has invested time and effort in attempting to train, and then retrain, inspectors to operate the framework with greater consistency and efficacy.
43. However, the systemic problems remain. The framework's faulty design impacts significantly on the well-being of individual teachers and leaders, the day-to-day operation of a school, and the delivery of the curriculum to pupils. In turn, this drives high wastage rates among school leaders and their staff.
44. A key element of framework's inadequacy is that it is predicated on a view and approach to learning that is heavily influenced by research in the field of cognitive science. Ofsted states: *'Learning has been defined in cognitive psychology as an alteration in long-term memory: If nothing has altered in long-term memory nothing has been learned. Progress, therefore, means knowing more (including knowing how to do more) and remembering more.'*<sup>13</sup>
45. NAHT agrees that knowledge of cognitive science is useful to educators. However, the **narrow definition of learning** adopted by Ofsted does not represent a settled position and has been imposed on schools.
46. The EEF found that there is value in teachers having **knowledge** of cognitive science, but that the evidence for the **application** of cognitive science is *'...more limited, and provides a less positive, and more complex picture than the basic science'*.<sup>14</sup>
47. Inspectors nevertheless take a highly problematic and disputed approach when attempting to discern whether effective learning has taken place by, for example, quizzing groups of children about their learning from previous lessons, terms or years. Schools report that a disproportionate weight is often placed on pupils' responses when evaluating the quality of education that a school provides. This can approach is particularly problematic for pupils with SEND.

### **The culture of inspection and the quality of inspection teams**

48. High quality teams conduct inspections empathetically and fairly. But NAHT receives far too many reports of adversarial, inquisitorial, and even aggressive approaches. On too many occasions, the conduct of inspection teams falls below the required standard.
49. Too often inspectors adopt an **early hypothesis** about school quality, and then seek evidence to support the position they have taken. Inspection should weigh and triangulate a wide range of evidence, but one-off conversations with individual pupils, or single pieces of evidence, are too frequently used to 'prove' the preconceived view.

---

<sup>13</sup> Consultation outcome [Education inspection framework 2019: inspecting the substance of education - GOV.UK \(www.gov.uk\)](https://www.gov.uk), Ofsted, July 2019

<sup>14</sup> [Cognitive science approaches in the classroom: A review of the evidence](#), Education Endowment Foundation, July 2021

50. Furthermore, a disproportionate approach to the inspection of **safeguarding** has emerged in recent years. Rather than determining whether a school is effective in keeping its pupils safe, Ofsted now attempts to evaluate what it terms a safeguarding '**culture**'.
51. This nebulous concept is inconsistently applied. Too many inspection teams become overly focused on administrative trivialities or, even worse, use 'safeguarding' as a way of catching schools out to justify a less than good judgement. A complete reset is required. Safeguarding should be focused on whether or not pupils are kept safe, rather than bureaucratic compliance which drives workload particularly for designated safeguarding leads, school business leaders and leadership teams.
52. There is a lack of **transparency** around training materials used with inspectors, an issue compounded by the fact that some serving school leaders also act as Ofsted inspectors, meaning they have access to important and consequential materials that others in the sector do not. For example, in 2022 it emerged that Ofsted had published a series of aide-memoires for inspectors that detailed the specific areas inspectors should investigate during subject 'deep dives', along with specific questions to pursue. Ofsted's refusal to publish such materials helps to contribute to a sense of an uneven playing field.
53. NAHT is also concerned by inspectors leading and 'teaming' with **no experience of the phase or school type** (for example, Special) they are inspecting. For instance, this can mean an inspector with only secondary school experience inspecting a primary school, or an inspector with only mainstream experience inspecting a Special school. This appears to be particularly problematic in the early years, where inspectors routinely have no phase relevant experience.
54. School leaders increasingly question the **quality** of inspection teams that visit their school. Although there are excellent individual HMI working for Ofsted, school leaders sense their number has declined in recent years. This may be linked to the changing educational landscape making it harder to retain these professionals. Previously, appointment as an HMI was regarded as a career pinnacle for many, but the growth of academy trusts with central leadership teams has created new and more financially rewarding career options.

### **Complaints procedures**

55. Ofsted's complaints processes are not fit for purpose. They reflect the inspectorate's longstanding corporate view that its judgements cannot be challenged, further embedding the high stakes nature of inspection and associated pressures on school leaders and their teams.
56. If a school is able to raise concerns during an inspection there may be a satisfactory resolution. However, making a face-to-face complaint to an inspector is a matter of fine judgement, and requires confidence and bravery.
57. Formal complaints are limited by the design and operation of the complaints process itself. Response letters are typically frustrating and unsatisfactory, often failing to



meaningfully address the substantive issues that a school has raised. It is very rare for a judgement to be changed in response to a complaint.

58. The lack of access to inspectors' notes (the 'evidence base') means that it is difficult for a school to successfully dispute the inspection judgements it has received or question the evidence that underpins the judgement, without resorting to instructing lawyers or even seeking a judicial review. The so-called independent adjudicator is only able to rule on matters of process.
59. NAHT believes that there should be a truly independent complaints service for Ofsted, with full powers to access inspectors' evidence, and to review and adjudicate on inspection judgements.

July 2023