Governing by Inspection? Comparing school inspection in Scotland and England

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Abstract:
This paper explores the role of inspection processes as a mode of governing and offers a comparison of the formation and trajectories of inspection processes in England and Scotland. We start from a consideration of the rising importance of inspection processes in the transformation of forms of governing in recent decades, associated with such tendencies as the New Public Management, governing at a distance and the rise of ‘audit culture’. The paper draws on current research to both explore and problematize such generalizations. The ESRC funded research explores both comparative and transnational dimensions of national inspection models (England, Scotland and Sweden) and the role of European level networks and agencies in promoting inspection.

We draw on some of the early work in this project to explore how England and Scotland have developed (in both the long and short terms) different modalities of inspection and we consider some of the political, cultural and institutional conditions of these differences. Such comparison suggests that analyses of inspection (and related terms such as audit, evaluation and so on) need to be tempered by attention to particular formations in which institutional relationships, political orientations and professional practices differ substantially.

The paper concludes by considering how to articulate the general and the particular in relation to inspection (while being attentive to the transnational processes that link and influence inspection in specific national settings). We examine the shared elements that mark inspection as a mode of governing (with particular attention to the growing significance of data generation and management). We also ask what the political, analytical and practical implications of different modalities of ‘doing inspection’ might be.

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Introduction: governing at a distance.

In recent work on governance, inspection has been identified as one of a cluster of processes that have accompanied changes towards 'governing at a distance' (others include audit; targets; performance management and standards) as a way of managing or improving the performance of public services. The governmental concern with performance is fundamentally associated with the larger dynamics of state reform. As Pollitt and Summa note:

Over almost exactly the same period as performance audit has emerged as a distinct form of audit, the governments of Western Europe, North America and Australasia have embarked upon extensive programmes of public management reform. These have aimed at modernizing, streamlining, and in some cases minimizing the whole of the state apparatus. Although the details of these reform programmes have varied considerably between one country and another, most of them have given a central place to the themes of decentralization and performance management... This has entailed a widespread rethinking of the balance between the autonomy and the control of public organizations. It has generated a search for mechanisms and incentives that will help realize these new management ideas in practice. (1999: 1-2.)

This concern with performance emerges in the intersection of global and national dynamics and discourses. What O'Connor (1973) described as the 'fiscal crisis' of the state marked both the withdrawal of capital from the 'managed growth' compromises of postwar Fordism and involved the construction of the 'crisis of the state' as an economic/fiscal problem (see also, Prince, 2001 and Stein, 2001, on the 'cult of efficiency'). As a result, increased symbolic visibility has been attached to public expenditure, with an emphasis on fiscal control, constraint and consciousness within public organisations. This 'fiscal' discourse is a key condition for what Power called the 'audit explosion' (1993), in that the technology of audit is grounded in the fiscal conception of the world (and organizational life) and the process of expanding fiscalization makes the expansion of audit plausible. And, of course, the expansion of audit contributes to the 'truth effect' of fiscalization: audit provides the practices and products that make the fiscal discourse come true.

Processes of state reform in this period have intensified dis-integration through various means: privatization, internal markets; out-sourcing, delegation, decentralization and devolution, competition between multiple providers, principal-agent contractualization, etc. These have contributed to a dispersed or dis-integrated state form, necessitating systems of control at a distance (Clarke and Newman, 1997; Hoggett, 1996). Managerialism has been the dominant organizational strategy (and discourse) for coordinating public services. Performance is a way of naming the problems of control at a distance and the proposed solutions to them. It is identified as a problem emerging in the gap between hierarchical 'command and control systems' and delegated managerial authority. Scrutiny, inspection, evaluation and audit emerge as solutions to the problems of 'arm's length control' (Clarke et al, 2000).
These contexts created the conditions in which ‘performance’ has come to be a central political and governmental concern. In the UK, its roots lie in the state reform projects of the Conservative Governments in the last two decades of the 20th century. The concern with performance sustains the fiscal discourse’s attention to the economic and efficient use of resources, albeit tempered by an increased concern with ‘quality’ and ‘standards’. This shift of attention was captured in the second New Labour government’s concern with ‘delivery’, reflecting a political anxiety that the public should see the improvements in services that the government was directing (if at arm’s length). Performance sustains the managerial discourse – emphasising the value, authority and autonomy of managers (and attempting to transfer responsibility from the political to the managerial locus). It continues the ‘competitive’ framing of public services – not just contractually, but in the form of performance comparison (league tables, benchmarking, the distinctions between successful and failing, the melodramatic commitment to ‘naming and shaming’ under-performing organizations, and so on).

The concern with performance has underpinned the proliferation of scrutiny agencies. These have performed several inter-locking functions – evaluating performance, creating comparison, and functioning as both policy enforcers and management consultants (Clarke et al., 2000; Humphrey, 2002a; Davis, Downe and Martin, 2002). In a general sense, this is a familiar account of the place of inspection in new governance arrangements for public services – evoking a series of conceptual designations: Power’s Audit Society (1993) or Audit Cultures (Strathern, 2000); The Evaluative State (Henkel, 1991; Neave 1991; Pollitt, 1993) or even Clarke’s ‘performance-evaluation nexus’ (2005). In their different ways they locate inspection as one among several processes through which more dispersed or fragmented public services are to be managed, directed or governed. In this paper, we aim to qualify this view of inspection in two important ways. First, we wish to distinguish inspection as a type of governing activity from some of the other processes, particularly those that centre on using quantifiable data to monitor and manage performance (see Lawn, 2011; Ozga 2009; Ozga et al, 2011). That is, we place an emphasis on the institutional processes, relationships and practices of inspecting as a distinctive form of governing work. Second, we explore ways in which ‘inspection’ itself contains – and conceals - considerable diversity in the organization of inspection as a means of governing schooling. In this we draw on early work in a current ESRC funded study to contrast inspection in Scotland and England.¹

The Inspection question:

What differentiates inspection as a mode of governing at a distance? This is a critical starting point, since inspection remains a significant technique in the proliferating new ways of governing public services that have been constructed in the UK and beyond since the 1980s. However, inspectorates

¹ Governing by Inspection: School Inspection and Education Governance in Scotland, England and Sweden (ESRC RES-062-23-2241-A).
have a much longer history as a means of governing both services (education; policing prisons) and fields of practice (for example, Factories and Health and Safety) in which the public interest came to be embodied in inspectors. In part, then, this is a question about the persistence of a 19th century mode of governing into new state formations of the 21st century. We identify three key features that distinguish inspection as a mode of governing:

1. it is directly observational of sites and practices. That is, in the case of schooling, inspectors are empowered (and required) to enter the world of the school and observe what takes place within.

2. it is a form of qualitative evaluation, involving the exercise of judgement rather than the calculation of statistical regularity/deviation. Judgement is at the core of the activity and thus raises questions about the articulation of knowledge and power.

3. it is embodied evaluation: the inspector is a distinctive type of agent whose presence is required at the site of inspection and who embodies inspectorial knowledge, judgement and authority.

It is difficult to over-emphasise the first point: inspection persists as a form of governing work in a milieu where standards, bench-marking, targets and the routine collection of performance data has become central to governing at a distance. As one of us has argued about the rise of data in educational governance:

... statistical processes and skills have become more valuable, and more powerful. While vital for mobilizing this process of information shaping and gathering in the first place, they are crucial to their analysis in the second. It is statistics which define and represents the technical standards by which data can be manipulated and so compared. It is important to remember that accuracy is not the strongest driver of statistical development, where comparison is deemed to be essential as it is in this data-driven comparative governance form. As Porter has pointed out (1995, p.29):

‘There is a strong incentive to prefer precise and standardizable measures to highly accurate ones. For most purposes, accuracy is meaningless if the same operations and measurements cannot be performed at other sites.’

He suggests that this is particularly the case when the measures are going to be put to work outside the statistical or scientific community, as for example in policy work. The political usage of numbers, Porter adds, ‘creates and can be compared with norms, which are amongst the gentlest and yet most persuasive forms of power in modern democracies’ (p.45). Furthermore, if the numbers are accepted as valid, and here ‘technologies of trust’ operate because of the role of experts in the construction of statistical indicators, then as Porter (1995, p.45) argues, ‘...the measures succeed by giving direction to the very activities that are being measured’.

Because the processes that create indicators and rankings are characterised as ‘technical’ or ‘scientific’ they are what Rose (1999, p.198), has called an inscription device, that is they constitute that which they seek to represent. Numbers thus
become a ‘rhetorical technique for ‘black boxing’ – that is to say, rendering invisible and hence incontestable – the complex array of judgements and decisions that go into a measurement, a scale, a number’ (Rose 1999, p.208).

Thus the basis of knowledge has changed–especially in relation to the speed of retrieval and transfer of knowledge–(Thrift 2004, Delanty 2001) and so governing, too has changed, and they are now closely interdependent. Knowledge is (governing) power, and governance steers knowledge. The system has moved from governing through implicit assumptions and highly contextualised knowledge to one in which performance is made visible and transparent. It has shifted from one in which local government and schools were relatively closed from public and central government gaze, to a situation where they are rendered visible and calculable. (Ozga and Simola: p. 150; in Ozga et al., 2011)

Here, then, is a core puzzle for our research: how is the persistence of inspection to be explained? What does direct observation add to the growing apparatuses of data collection and evaluation? There are several possible answers:

First, statistical data remains problematic and potentially unreliable. The agents who collect it may try to manage the representation of performance; the indicators chosen may not be adequate to the reality they are intended to convey; and performance management systems are persistently vulnerable to problems of ‘gaming’ as evaluated organisations and actors try to produce success. As a result, the apparent ‘hardness’ of statistical fact is itself an artefact (Poovey, 1998).

Second, performance data may not convey an understanding of the processes and practices that have produced the result. The internal world of the school and the classroom produce measurable effects – but observation (as practised by knowledgeable observers) is necessary to understand how those effects are produced. Inspection might provide the knowledge of how outcomes have occurred.

Third, inspection overcomes at least partially, the distance involved in governing at a distance. The dismantling of integrative state bureaucracies in the move towards market-like, devolved, decentralized and dispersed systems of ‘delivering’ public services like schooling contains risks centred on the problem of how to make autonomy relative. Devices and technologies for creating autonomy and regulating it have proliferated, but the threat/promise of inspection involves the authority of the state becoming temporarily present in the space of relative autonomy. This leads to some ambiguities about the forms of authority that inspectors embody to which we will return.

Finally, inspection involves judgements of quality – of individual, organizational, professional, and managerial performance. That is, it has something to add to the evaluation of ‘quality’ in education: it can speak of the distribution of skills, competences, capacities of different kinds and how they are situationally combined. As a consequence it exists in troubled relationship with the professional (and managerial) judgements of those being assessed.
Possibly some combination of these different accounts might explain the persistence of inspection in the new worlds of governing at a distance: but it remains a puzzling question for us. It is a puzzle with immediate – and political – resonance. If Finland is the leading educational performer in the OECD world and the new point of comparative reference, how has it attained this status without having Inspection?²

So far, we have talked about inspection as a distinctive practice: one mode of governing at a distance. It is certainly important to identify the characteristics that distinguish inspection as a practice from others such as performance data or audit (and thus be able to pose the question of how they combine in specific assemblages of governing). However, both historical and comparative investigations remind us that there is no single and unchanging form of inspection. In the following sections we consider the trajectories and formations of school inspection in England and Scotland.

**Inspecting Scottish schools**

The Inspectorate has had a very powerful presence and a history of influence in policy formation within and outside the central department responsible for education (McPherson and Raab 1988: 135). The quotation below, from a former Senior Chief Inspector speaking in the 1960s, conveys its historic role and the inspectorate’s view of themselves:

‘Does change in policy-making bring change in the Inspectorate, or is it the other way round? Both hinge of the issue by the Department of memoranda embodying current professional thinking, which can – potentially at least – alter the character of our whole traditional system. Inspectors promote the policy contained in them as a central aim of their day to day business. But they are also instrumental in the compilation of these documents, for their unique knowledge of schools, and their relationship with people in all parts of the educational system which enable them to sound opinions freely, contribute most of the evidence on which the recommendations are based’ (EIS 1966a quoted in McPherson and Raab 1988: 135-6).

In sum, the SCI went on, through its work the Inspectorate had: ‘drawn a net tightly over the whole of Scottish education’.

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² The recent Parliamentary Select Committee report on Ofsted stumbled over this puzzle, indicating that: ‘there are major differences between our education system and Finland’s which do support the retention of school inspection in this country’ (Select Committee, 2011: 16) (at the centre of these differences is the fact that socio-economic variations explain much less of differential educational performance in Finland). The UK and Finland are also different countries:

It is worthy of note that Finland is, in many respects, a very different country to the UK. The population is dramatically smaller (5.4m compared with 62m) and there is substantially less immigration. Politically, Finland is commonly governed by Coalitions; geographically, it is very large with a very sparsely populated north. (ibid: 50)
In assessing the importance of their historical positioning for understanding the present, it is, perhaps, key to remember that Scotland’s pre-devolution education system occupied a very peculiar position in terms of governing. Education in Scotland was recognised by the UK government and parliament as having a peculiar character and tradition (like Scots law and the Church) and so was administered by London through the Scottish office and a Secretary of State for Scotland who was a member of the UK cabinet. In effect this allowed for considerable independence within the Scottish policy community, as the UK government was largely indifferent to developments in Scottish education, so that interest tended to be confined to ensuing reasonable compatibility between systems to provide for internal UK movement. In this context, the Inspectorate had very considerable independence. The Scottish Education Department (SED) within the Scottish Office was seen as pre-occupied with administration, and as highly centrist in its mode of operation. The closest analogy might be a colonial one—the inspectorate acted as District officers, policing activity, but maintaining order rather than developing systemic change. (In fact there is very little research on this group, so that conclusions about its influence are, as we shall see, quite contradictory).

The history of the inspectorate from the post war years, as chronicled and interpreted in the key text ‘Governing Education’ (McPherson and Raab 1988) is one of struggle for dominance between the central department and the inspectorate from the 1940s to the 1980s and over the issue of the independence of the Inspectorate from political control during the 70s and 80s. McPherson and Raab, as we have already seen, interviewed key policy actors, including former senior inspectors. They interpret the history of the inspectorate as one of strong positioning from 1945 to the 1960s, as it had the monopoly of inspection functions—there were no local inspectors—and in that period the administrators in the Scottish Education Department looked to the Inspectorate for strategic and intellectual leadership. The inspectorate also operated as policy innovators (McPherson and Raab 1988:148) and enjoyed the predominant position in education in Scotland until the 1960s, when, as they put it ‘the Inspectorate’s wings were clipped’ (op cit: 148). They associate this change with the beginnings of attempts by the central government Department to more effectively manage the system (especially as financial stringency increased in the 70s); to plan resource allocation to the new, larger-scale comprehensive schools, and to manage teacher careers.

Interpretation of how the Inspectorate responded to those changes varies. Walter Humes, who is consistently critical of what he sees as the self-serving interests of the ‘leadership class’ in Scottish education, interprets the behaviour of the inspectorate in this period as evidence of their fairly enthusiastic identification with the more managerial tendencies in the SED (Humes 1986: 74), in other words he sees the inspectorate as bending with the prevailing wind. Others stress their capacity to use their position and resources to ‘bolster their own position’ in a period of change (McPherson and Raab 1988: 151). Their position and their ways of performing their role were undoubtedly affected by political and professional divisions over key policy directions throughout the 1960s and 70s. These developments and the debates that surrounded them about how to open up a rather narrow academic system to include more and different pupils (the school leaving age was raised from 15 to 16 in 1973) challenged their expertise-based
authority, which was largely based on the successful teaching of academic pupils, and the growth of, and debate about comprehensive provision created new conditions for their knowledge-based claims to authority. However the Inspectorate continued to be a major force in Scottish education, offering a presentation of itself as ‘consultant, co-ordinator, co-operator, catalyst, digester, enabler, encourager, helper, honest broker, guide, link person, meter reader, operator, observer, reporter, refresher, stimulator, trouble-shooter, visionary, watchdog' (MacLean 1976). Indeed, it is possible that change in a previously highly standardised system offered them the chance to claim a unifying authority and system knowledge that no other group could match.

Throughout the 1980s there were considerable tensions between the Conservative UK governments and those responsible for education in Scotland. In this period there is a steady growth of standardisation and management, along with a spread of certification and national criteria for the evaluation of schools, managers and teachers. The Inspectorate becomes a presence at an ‘increasing number of points of articulation' of the system (MacPherson and Raab 1988: 494). When we move to the 1990s the inspectorate has become more managerial in style, and has also moved towards heavier reliance on their own evidence, reducing contact with the wider research community, and also moving away from scholarship as a criterion for appointment as an inspector (Weir 2008: 146). As a consequence, argues Weir-himself a former HMI- their activities became more technicist and managerial. Thus, senior HMI were influential in drafting the first education act of the new Scottish Parliament in 2000, which placed legal obligations on schools and education authorities to manage improvement. The Standards in Scotland’s Schools etc Act set out statutory requirements for school improvement within an improvement framework encompassing a set of five National Priorities (Scottish Parliament, 2000). A series of performance indicators were identified for each priority and education authorities were expected to agree targets for achievement of these indicators with their schools.

These developments strongly mirrored UK policy: the Standards Act was promoted by the new Labour-controlled Scottish government and with the active involvement of the then Senior Chief Inspector as a way of reassuring the UK government that the Scottish system was working in alignment with performance management methods (EGSIE REF) especially in view of the imminent establishment of the Scottish parliament. This act also strengthened the role of the inspectorate in relation to inspecting education authorities (schedule 9). However at the same time there was a major crisis in education in Scotland following from the examinations debacle of 2000, when new examinations, introduced hurriedly, led to thousands of students receiving the wrong results or none (Bryce and Humes 2008). The new parliament established two committees of enquiry, one of which focused on accountability. The Inspectorate was implicated in this crisis, and the change in the political landscape enabled the expression of considerable resentment against its dominant role in Scottish education. The establishment of the parliament undermined its claim to be the sole champion of Scottish interests against the UK political leadership, and, as ‘the exam crisis provided the opportunity to drive the attack home' the Inspectorate lost its policy-making role (Raffe et al 2001). There was also, of course, an element
of convenient scapegoating in this: the Inspectorate were seen to be too powerful by politicians, who took advantage of the situation to blame them for a crisis for which they (the politicians) were largely responsible.

Since 2001 the Inspectorate has ‘enjoyed’ the arms length relationship with government that is stressed in the earlier quotation from the framework document. Following the exam crisis HMIE lost their special status as crown appointees, and became an Executive Agency, directly accountable to Ministers and not to the Crown. It was distanced in a literal sense in its relocation from the administrative heart of the capital to an anonymous building in a business park in the new satellite town of Livingston. A senior Inspector summarises this period of change in a recent interview:

We no longer have a formal role in leading policy or leading development. When we became an agency we no longer have that title. Formally we give professional advice. Now professional advice takes many forms. Clearly when we publish a report like Improving Scottish Education then there are clearly big messages there which are designed to set directions and they may or may not be picked up. We put people, at the request of the government and LTS, onto working groups where our people will often have a strong influence in the recommendations and the decisions that come out of these groups. In our aspect reports on particular bits of provision again there are recommendations and so on but in the sense that in the late 90s I could be lead officer for a national sitting targets programme and would actually write the circulars and that. When I joined the HMI I wrote my first speech [for the Minister] within a fortnight. This no longer happens. We are now notably at second hand ... (HMIE 2)

For our purposes, this development may be interpreted as a setback for the inspectorate in terms of its policy influence, however inspectors remain very powerful within the system, and there are also signs that they have adapted to the new political context post-devolution and are recovering their position. The critical issue here is the changing politics within which the inspectorate is currently operating.

The Political Context: Education Governance in Scotland

As indicated earlier, although there was considerable convergence of policy in education in the UK, education policy in Scotland increasingly diverged from that of the UK government from the 1980s onwards. From 1979-1997 the Conservative UK administrations re-made government in line with market principles. This was achieved through the break up of state and professional monopolies so as to provide consumer choice and foster competition, and through the provision of information about the performance of the system to support consumer choice and encourage improvement. That these principles had considerably less impact in Scotland is attributed to the tradition of central regulation there, and the strong sense of civic identity that can be traced to the loss of national sovereignty in 1707, and the consequent central role played by the core institutions – the church, law and education. From 1997-2010 the UK New Labour Government’s priorities (which were not dissimilar to those of their Conservative predecessors) were inflected rather differently in the ruling Lib-Lab coalition governments in Scotland. For example competition between schools was much more limited in Scotland.
(Adler 1997, Croxford and Raffe 2007), there was no national testing regime, and importantly, the mode of operation of Her Majesty’s Inspectors of Education (HMIe) in Scotland was less confrontational than that of their English counterparts in Ofsted.

Political devolution in 1999 and the election of the minority Nationalist government in 2007 marked a break from previously dominant UK New Labour policy influence on the Scottish political scene, and brought about considerable change in style of government (Arnot and Ozga 2010).

The SNP Government

Minority status forced the new regime to work through persuasion and compromise, and to use discursive strategies to reach beyond the sphere of traditional politics and seek to co-opt partners in government and connect to a wider audience. These were considerable departures from conventional governing practices in Scotland, which had a history of highly centralised control especially, perhaps, in education policy, where central directives were implemented at the local level, and monitored by the inspectorate as ‘the eyes and ears of the department’ (refs). The new government uses a strong narrative that shapes and drives the governing framework, through an overarching theme that links economic recovery with public good to achieve a ‘wealthier and fairer, healthier, safer and stronger, smarter and greener Scotland’. The new style of government is reflected in the adoption of a relatively small number of key outcomes and indicators, which contrasts sharply with the previous regime’s 400+ targets.

Government is presented as strategic, and improvement in performance is discursively aligned with quality of life for ‘people in Scotland’

‘The whole of the public sector will, for the first time, be expected to contribute to one overarching Purpose and all performance management systems will therefore be aligned to a single, clear and consistent set of priorities. The transition to an outcomes-based approach with delivery partners, including local government, will leave the detailed management of services to those who can best understand and tailor their resources and activities in line with local priorities. The Scottish Government will concentrate on providing leadership and direction, and focus on strategic priorities. (TSG, 2007a, pp. 1-2)

While the new governing mode is clearly driven by considerations of reducing cost, it is also consistent with the Nationalist government’s agenda of demonstrating maturity in the political process, following from political devolution, and thus enabling their claims for full political independence for Scotland. In this trajectory, the growth of accountability and the demonstration of trust between government and its partners (local authorities, professions and other stakeholders) is strategically important. A significant element in building trust and co-opting partners in governing is self-evaluation, and in this respect we understand the shift in governing strategy to be coherent and consistent from the national government through the local authorities to the individual schools. HMIE, then, become important teachers and mediators in the new governing relations, and the mobilisation of knowledge about one’s own performance becomes a very
important governing activity—again, at all levels. HMIE, in this new context, have also embraced enthusiastically the agenda of ‘teaching’ other systems, which is supported by the strongly internationalist and pro-European focus of the Scottish government.

**Inspecting English Schools**

The history of Inspection in England involves a rather different trajectory, dominated above all by the creation of Ofsted (The Office for Standards in Education) which replaced the established agency of school inspection: Her Majesty's Inspectorate (HMI), a body that had been in existence since 1839. School inspectors were part of a Victorian governance system that extended well beyond education: Her/His Majesty's Inspectors existed for police, prisons, fire services, mines and factories, for example. In 1839, Parliament had decided that no further grants for education should be made without the right of inspection, and in the same year the two first inspectors were appointed

‘We are still appointed in the same way and have retained the title "Her (His) Majesty's Inspector". The form of appointment derives from Tudor times, and over a century it has helped to safeguard and still symbolises our cherished independence of judgment. [Allen, 1960 p235; Allen was a former HMI reflecting on his experience for a European education audience]

In a system that was heavily stratified into a restricted elite secondary education and a mass elementary education, the official purpose of education was limited, and the tools of governance ranged from central grants, examinations, handbooks and inspections. Oversight of the system, particularly its efficiency, depended upon HMI judgments. With the exception of financial data [about grants], the system was without data.

The power of the inspectorate was expressed as a form of mediation, in which judgement and experience, shielded by their ‘independence’, allows them to move between institutions – from their base to schools and LEAs and to the Ministry.

I have no actual powers; the schools are administered by the local education authority, not by the Ministry. I could, it is true, make representations to the Ministry which might end in the grant to the Authority being cut down or even withheld; but this kind of thing almost never happens. If the Education Officer respects me, it is for three reasons: first, H.M.I. represents an honourable tradition and enjoys a position of respect, both as a representative of the Ministry and as an individual; second, he is dis-interested, with no "axe to grind", as we say; third, he knows his schools - better than the administrator can hope to know them. For much of the time I shall be expressing my own individual opinion, but I can also help to see that the Ministry understands the Authority's needs and problems, and that the Authority appreciates considerations which arise from the central and national aspects of educational planning. [Allen, 1960 p 237]
They acted through discursive power, managed through conversations and reports, which appears to be centred upon their elite status, their professional community, and their operational significance [as the only body which unites disparate sites and practices in the country]. This description of themselves fits in closely to the prevailing description of the education system as 'a central system, nationally administered' or 'a partnership between central and local government and the teaching profession'.

In the postwar period, the discourse around the HMI shifted, and it became linked to the growth of local schools advisory services in the counties and the cities. By the 1970s, school inspection was no longer only the work of HM Inspectors, as local authorities, to varying degrees, had their own school-focused staff. A city like Birmingham had its own inspectors [treated historically as ‘efficiency’ inspectors] and organizers [treated as subject specialists], amalgamated into one body by the late 1970s [Winkley, 1982 p121]. They had their own hierarchy, were 44 in number and had a degree of independence from the CEO. [Winkley, 1982 p 124-5]. During the 1970s, a progressive withdrawal of HMI from the field of formal inspection of individual schools left a vacuum for LEAs to fill [1982 p 127]. Around this time then, LEAs may have instituted more formal inspections of schools, recognising inspection as a strengthening of authority...Inspectors and advisers have powers too, in administrative matters, and may have considerable influence over say, design of schools, allocation of finance, permission for school activities such as school visits, and areas of school activity outside the curriculum which are within the orbit of administrative systems; [Winkley, 1982 p 132]

By 1975 there were some 1650-1700 LEA inspectors in the country, including a significant number of advisers appointed to work with secondary head teachers, following comprehensive reorganization, and the first substantial recruitment of advisers specifically for primary education [Pearce, 1986 p335]. By the mid 1980s, the sense of trust and reliability that surrounded them was breaking. They were becoming exposed and made visible in their 'progressive and often radical' approach [Pearce, 1986 p 335] at a time when the politics of education was being analyzed and disputed.

There was a clear 1960s ethos and a very clear agenda which permeated virtually all the civil servants. It was rooted in 'progressive' orthodoxies, in egalitarianism and in the comprehensive school system. It was devoutly anti-excellence, anti-selection, and anti-market. ... If the civil servants were guardians of this culture, then Her Majesty's Inspectors of Education were its priesthood (Baker 1993, p. 168, quoted in Lea and Fitz, 1997 B p45-6]

As they continued to make judgements and good practice models, based upon accumulated reports, they were in conflict with a government intending to reverse or overturn post war practices and could appear critical [Thomas, 1998, p416-17]

Government dissatisfaction with the publication of HMI reports which appeared to be implicitly critical of Government actions or policies (or
at least, the reports were presented as such by the opposition parties and/or the media; hostility towards LEA inspectorates and HMI from influential right-wing think tanks, who regarded the then current inspection procedures as being inadequate, and who also suspected HMI and LEA inspectors of subscribing to 'trendy' educational theories; [Thomas, 1998 B p420]

The problem began to resolve itself as a knowledge and intelligence deficit in policy making. Instead of direct attacks on an ‘independent’ HMI, it was constructed as a problem of lack of evidence: on what evidence were they making judgements?

Ofsted was invented (alongside many other Offices for…) in the Thatcher governments’ reforms of education. OFSTED came into existence with the promise that every school (primary and secondary) in England would be inspected within four years, and would receive repeated inspections. Indeed, the centrality of inspection to the role and practice of OFSTED was embodied in its first corporate mission statement: ‘Improvement through Inspection’. The scope of inspection also demanded a change in staffing, the core Inspectorate shrank from around 515 to 300 HMIs, with inspections to be staffed largely through sub-contracted inspectors, as inspection was contractualised and put out for tender.

Initially, the culture and style of HMI seemed to dominate, both within the new organization and in its relations to government, despite the hopes and expectations of a reforming Conservative government that saw the creation of OFSTED as a way of undermining the ‘producer capture’ of the Inspectorate (and its supposed privileging of ‘progressive education methods’. However, the appointment of Chris Woodhead as HMCI in 1994 (he served until 2000) is viewed as changing the style of the organization in a number of ways. Smith (2000), for example, describes him as leading a transformation of OFSTED in to a ‘campaigning organisation’, which adopted more or less explicit stances on teaching methods, the quality of teachers, the curriculum, and pupil performance. He – and the organization – also propounded an almost messianic belief in the transformative power of inspection (despite limited or even contradictory evidence about its impacts).

The creation of OFSTED physically separated the new organisation from the DFE, where the HMI had been located within the same building, enabling (argue Lea and Fitz, 1998) a degree of professional and cultural connection. But OFSTED is also a more dispersed organization, with a smaller core and a large amount of outsourced employment.

There are two main points about continuities and discontinuities. First, the model of inspection originally used by OFSTED derived almost directly from work of HMI. The 1992 Handbook on inspection (and the associated framework documents) was a distillation of HMI experience, put together for the training and development of new inspectors (Lea and Fitz, 1998: 49). Although the system and practice of inspection has changed, there was a strong HMI legacy, apart from a decisive move away from the central role of subject specialists. Second, Lea and Fitz argue that HMI was already moving towards some of the critical features of the new system and the role of inspection in 'steering the system' during the 1980s. They point to two key
elements: emerging advocacy for a national curriculum to overcome local variation; and an engagement with international comparative questions about the performance of the English system. Others, it should be said, have placed greater emphasis on discontinuities: not least the greater public role and focus on accountability that have shaped OFSTED.

Current structure and practices

OFSTED has been the agency for schools inspection since 1992, with occasional changes in approach and methodology, including the involvement of a ‘lay inspector’ (‘lay’ meaning not a professional educator, though like other such organisations, e.g., NICE – National Institute for Clinical Excellence – lay may be interpreted relatively narrowly, see Barnett, Davis, Wetherell, 2006). It has also made greater use of ‘self evaluation’ in the inspection and reporting process, even though originally the self evaluation material was conceived of as background for the inspectors rather than a systematic element of the process.

The organisation is headed by a Chief Inspector and reports to Parliament. Its non-departmental status enables it to make much of its independence, although it is not clear exactly from whom or what they see themselves as being independent. This may date from the accusations of ‘producer capture’ that were levelled at HMI during the 1980s (a very Public Choice theory concept), so that OFSTED insists on its independence from those being inspected and the development of both a tough regime and tough rhetoric (failing schools, failing teachers, naming and shaming etc) is a way of performing such independence. Whether they have ever been independent of government and its (changing) education agenda is another matter.

The organisation is governed by a board, supported by a advisory board. OFSTED currently delivers a wide range of inspection and regulation functions in England:

* childminders
* childcare on domestic premises
* childcare on non-domestic premises
* adoption and fostering agencies
* residential schools, family centres and homes for children
* all state maintained schools
* some independent schools
* pupil referral units
* the Children and Family Courts Advisory Service (Cafcass)
* the quality of services and outcomes for children and young people in each local authority
* further education
* Initial Teacher Training
* publicly funded adult skills and employment based training
* learning in prisons, the secure estate and probation.

Three items are worth noting here. Since 2009, OFSTED has responsibility for inspecting and regulating a range of services to Children and Families. This reflects two policy decisions: first that, at local authority level, social care or social work services to Children and Families would benefit from integration
with schooling (to promote joined-up government’ and to minimise failures to intervene effectively in cases of suspected child abuse. Second, the system of social care inspection previously established was viewed as ineffective and too split between services for Children and Families and services for Adults (older people, people with physical and/or mental health problems). As a result the inspection of social care was divided and folded into two other organisations – OFSTED and the (newly created) Care Quality Commission which incorporated the business of the Commission for Social Care Inspection, the Healthcare Commission, and the Mental Health Act Commission (March 2009). Third, OFSTED inspects the training of teachers as well as the practice of teaching.

The original conception of inspection was that every primary or secondary school in England (approximately 24,000) would be inspected every four years: current views (after 2009 changes) suggest refining the regime and concentrating effort on those schools deemed to be most in need of support and/or intervention (known as being placed ‘in special measures’). This is described as developing a framework of ‘proportionate assessment’. Since its beginning, the scale of the inspection (and now inspection and regulation) work was addressed by sub-contracting the provision of inspectors to external organisations. The current inspection providing partners are:

**CfBT Education Trust**
Inspection of maintained and independent schools, learning and skills and initial teacher education in the north of England.

**Serco Education and Children’s Services**
Inspection of maintained and independent schools, learning and skills and initial teacher education in the Midlands.

**Tribal Group**
Inspection of maintained and independent schools, learning and skills and initial teacher education in the south of England. Some elements of early years inspection and regulation from September 2010 in the south of England.

**Prospects Services**
Some elements of early years inspection and regulation from September 2010 in the north of England and the Midlands.

All schools anticipating inspection are currently required to complete a self-evaluation form. OFSTED articulated self-evaluation as an integral part of the process of school improvement (but see Plowright, 2007, on the tensions of dual purpose):

Rigorous self-evaluation is at the heart of effective school improvement. The online self-evaluation form (SEF) introduced alongside the Framework for the inspection of schools helps schools to be sharply evaluative. The SEF mirrors the evaluation schedule used by inspectors so that schools can make the best use of the grade descriptors and

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3 The recent (2011) Select Committee report on Ofsted, however, recommends abandoning the requirement for self evaluation as a part of the inspection process, while suggesting that it would be expected that all schools conduct regular self evaluation as part of normal good practice.
guidance it contains. Crucially, schools can readily identify what they need to do to step up a grade.

The SEF is used by inspectors before the inspection to help identify where they might need to focus their efforts. The accuracy and clarity of the school’s evaluation also helps to inform the inspectors’ initial view of the quality of leadership and management and the school’s capacity to improve.


The Inspection itself is composed of several different elements: pre-distributed and collected questionnaires to a sample of parents/carers and pupils (and since 2009, school staff, although this is a voluntary exercise); on-site observation over two days of the school and lessons; interviews with the head teacher and other staff at the school, and members of the school governing board. During the onsite inspection, the inspection team (led by a Registered Inspector, accompanied by at least one other Inspector) engages in ‘generic evidence gathering’:

Generic evidence gathering activities involve: lesson observations; analysis of pupils’ work; scrutiny of school records and documentation; analysis of parents’, pupils’ and, where relevant, staff questionnaires; discussion with staff, pupils, governors and, where appropriate, the school’s partners. While some staff interviews are important to provide context, the main focus should be on observing lessons and gathering other first-hand evidence. (Conducting Schools Inspection: 17)

But the observation of lessons is a focus of specific attention::

The most important source of evidence is the classroom observation of teaching and the impact it is having on learning. Observations provide direct evidence for most judgements and thus enable accurate evaluation of the outcomes for pupils, the effectiveness of provision, leadership and management and the school’s capacity for improvement. Inspectors should note that there is an expectation that a major focus of the inspection reports will relate to features of pupils’ learning and the impact of teaching. (Conducting School Inspections: 19)

In both types of observation, inspectors are required to complete evidence forms, detailing their observations as a resource for subsequent discussion, comparison and judgement (see attached pdf copy of form). The Inspection team feed back their initial judgements at the end of the second/final day of the visit, before preparing a written report summarising their observations and judgements which is sent to the school (which is required to pass on its substance to parents) and is made public via the OFSTED website. Although inspectors are encouraged to involve the head teacher and other senior staff in the process of inspection, it is made very clear that this is not in any negotiating capacity vis-à-vis the judgements and outcomes.
Inspections are subject to an extensive series of protocols, and the possibility of an evaluation by HMI to assess the process of inspection. Inspectors are also subject to a code of conduct:

**Inspectors' code of conduct**
Inspectors should:
- evaluate objectively, be impartial and inspect without fear or favour
- evaluate provision in line with frameworks, national standards or requirements
- base all evaluations on clear and robust evidence
- have no connection with the provider which could undermine their objectivity
- report honestly and clearly, ensuring that judgements are fair and reliable
- carry out their work with integrity, treating all those they meet with courtesy,
- respect and sensitivity
- endeavour to minimise the stress on those involved in the inspection
- act in the best interests and well-being of service users
- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly
- respect the confidentiality of information, particularly about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues. (*Conducting School Inspections*: 35-36)

Schools, subjects and specific lessons may be judged and graded in the composition of a final judgement (dominated by criteria of pupils' achievement).

**A legacy of controversy**

OFSTED has been surrounded by controversy since its creation, as a specific organisation with particular practices and as part of the rise of an audit culture; evaluative state and more. The controversies centre on rather different issues: methodological, organizational and political.

The practice of inspection – especially on OFSTED’s almost industrial scale (described by Field et al. as ‘the bureaucratised, pressurised and subcontracted system of school inspection’, 1998: 126) – has been controversial in terms of its methodology. There are recurrent questions about the consistency of judgement between inspections and inspectors, despite the attempted standardization by handbook and training (see, for example, Penn (2002) or Sinkinson and Jones (2001) for specific examples). There are other discussions about the validity or reliability of the criteria in use that range from concrete instances of how criteria are being used to more abstract discussions about the criteria and their intellectual formation (e.g., Gilroy and Wilcox, 1997). As Field et al. further note ‘The process is standardised and therefore presented as objective and fair’ (1998: 127). But, methodologically speaking, neither standardisation nor independence and
impartiality guarantee reliable and comparable outcomes (see also Smith, 2000). OFSTED, like other evaluation agencies in this period, has made a virtue of 'constant revolution' in the methods and practices of their process, responding to critics, learning from experience, and avoiding games playing.

The perverse organisational effects of inspection have been much discussed. The OFSTED practice is seen as time consuming, expensive and corrosive of trust and professional culture. Many studies point to the dislocation and distraction associated with being inspected. Some studies suggest that the impact of inspection on school performance may be neutral or even negative, with some studies reporting lowered examination performance in the 12 months following an inspection (e.g., Shaw et al, 2003; Rosenthal, 2004). Perhaps more importantly, several studies also point to the performative character of the inspection process, with recurrent (school staff) use of metaphors such as 'jumping through hoops' and 'papering over the cracks' (Plowright, 2007: 384); or Case et al.’s reporting of nominal compliance and the ‘performance’ of accountability and good teaching on a ‘stage managed’ basis (2000: 615-7). They conclude that everyone – including OFSTED – have a need to ‘show you’re working’ (see also Clarke, 2005).

But there is another question about how OFSTED represents the beneficiaries of inspection: naming users, pupils, parents/carers, for example:

   We want to raise aspirations and contribute to the long term achievement of ambitious standards and better life chances for service users. Their educational, economic and social well-being will in turn promote England's national success.  
   http://www.ofsted.gov.uk/Ofsted-home/About-us

Or

   We seek to promote improvement in the services we inspect and regulate, and ensure that they focus on the interests of the children and young people, parents and carers, adult learners and employers who use them. We also encourage services to provide value for money.

   Ofsted puts children and learners first. We prize our independence and we report impartially.  
   (Ofsted: who we are and what we do: 2)

Although OFSTED run a programme of consultations (and do questionnaire surveys associated with inspections), it is not entirely clear how they establish these ‘interests’, nor how they might reconcile potentially conflicting interests (a well established problem in services for children and families where there may be conflicting interests). More generally, this evokes what Daniel Miller (2005) has called the ‘virtual consumer’, in whose name a variety of organisation claim to speak. We might come back to this problem of ventriloquism.

Other critics of OFSTED have challenged its philosophical foundations (Gilroy and Wilcox, 1997); its anti-democratic tendency (Fielding, 2001); its capacity to formulate uncontested orthodoxies, not least on school governance
(Creese, 1999); and its function as a system of disciplinary power and knowledge (Case et al., 2000). The recent Select Committee (2011) selectively investigated some of these controversies before concluding that a streamlined and differentiated inspection process (of a non-collaborative kind) was essential to school improvement; while a reformed Ofsted (losing its social care responsibilities) was essential to the business of inspecting schools.

**Differentiating Inspection**

We suggest that these different formations and trajectories point to importance differences in inspection as a mode of governing at a distance. There are significant divergences in:

1. *organisational arrangements* (the Inspectorate in Scotland versus the creation and enlargement of Ofsted as an agency, and its subcontracting structure);

2. the *location of inspection in the institutional architecture of government* (relationships to the departments of education; involvement in the policy process; and the proliferation of inspection functions in Ofsted under New Labour);

3. *processes of professional formation* (the maintenance of a professionalized inspectorate in Scotland; the sub-contracting of inspection in England);

4. the *conduct of inspection* (Scottish emphasis on self-evaluation and collaboration; contrasted with the 'external' distance of Ofsted inspection and the proposed abandonment of self-evaluation);

5. the *model of relationships in inspection and the implied forms of power and authority* (the greater commitment to producing/soliciting evaluative selves in Scotland contrasted to the antagonistic mistrust model that has dominated both the practice and perception of Ofsted).

Although both the Scottish and English models are recognisably ways of governing through ‘inspection’, their differences are significant. It is worth reflecting on what these differences might do to conceptions of ‘governing at a distance’. We have already indicated that paying attention to the different modes of governing that are combined in such ‘governing’ is important. Gathering performance data, conducting audits and carrying out inspections involve different devices and techniques; construct different relationships and generate different forms of knowledge (and power). Such modes are combined in particular governance architectures or assemblages (including complexly overlapping and intersecting jurisdictional spaces: the local, the (multi) national and the European, for example).

However, looking comparatively at inspection regimes may also illuminate the ‘distance’ part of governing at a distance. The ‘distance’ in the original concept of governing at a distance refers to the metaphorical ‘arm’s length’
between government and its local agents – but this metaphor may need more attention (see the discussion of spatial formations of power in Allen, 2003). Here, we want to sketch three preliminary observations about the distances that may be in play in these modes of governing at a distance.

First, we might point to the perception of short social, governmental and political distances associated with the ‘small society’ imaginary that characterises Scottish political culture (and is often remarked on in other policy studies). The Inspectorate, policy makers, and senior teachers occupy a partially shared milieu that implies a reduced social distance (and demands its negotiation as a shared space). In contrast, England is perceived as a larger society with greater degrees of social and organisational distance between inspectors, policy makers, and senior professionals in the field. It also implies greater organisational distance between types of inspector (the directly employed and the sub-contracted, employed by ‘partner’ agencies).

Second, there is an issue about ‘professional distance’ and forms of power. Both regimes involve the commitment to self-evaluation as form of ‘soft power’, involving the expectation of creating individual and collective selves that will monitor, manage and develop themselves (Lawn; Lawn and Ozga). However, the Scottish regime has a more developed version of this model in the central role given to self evaluation and in the accompanying ‘short’ professional distance between inspectors and inspected that attempts to combine self-evaluation, inspectorial judgement and a commitment to a more partnership model of improvement and development. By contrast, Ofsted has practised a more ‘distant’ model of inspectorial judgement and continues to eschew calls for a more collaborative, partnership-like or developmental model of inspection (see also the Select Committee, 2011). The shared experience and knowledge of professionalised inspection is less visible and less emphasised in the English regime (and is sometimes a cause for concern about whether inspectors’ experience is sufficiently relevant and current).

Third, the two inspection regimes here make visible different understandings of geo-political distance. Inspection in England seems to be inscribed in two very different ‘distance’ registers: on the one hand, the national register involves no distance between the centre (of central government) and the local (the place of the school). Indeed, proposed reforms in the Education White Paper of 2010 aim to reduce any political or governmental distance between the Secretary of State for Education and the local school by further eroding ‘intermediating’ agencies such as local authorities. On the other hand, the nation is framed in a geo-political imaginary of competitive globalization – in which the nation is at risk. In contrast, the Scottish regime is located in a very different geo-political framing. It is, above all, marked by its distance from England/London/Whitehall: it is a different place, with a different education system and a different approach to inspection (Ozga, 2005). And whilst it shares some of the globalization/national competitiveness framing, the Scottish model is also located in another set of distances – distances shortened by processes of exchange, collaboration and mutual learning, particularly within the European educational space (Lawn, 2011; Ozga et al, 2011).
In these ways, exploring the different inspection regimes of England and Scotland helps to expand our understanding of what ‘governing at a distance’ might imply. It is clear that both governing and distance might repay some more careful attention.

**Postscript: Reforming Inspection (again)**

Conducting research into contemporary governance processes and practices is always a high risk activity, since these objects of inquiry are neither solid nor stable. Our current project examines school inspection in three national settings: Sweden, Scotland and England. Sweden has reinvented school inspection, with a new agency (SSI: Statens skolinspektion) being created in 2008. The Scottish inspectorate is currently being reformed through a merger between HMI Scotland and Learning and Teaching Scotland to create a new agency – Education Scotland – that will become operational in July 2011. Meanwhile Ofsted has just been reviewed by the Hoouse of Commons Select Committee on Education (2011) which recommended separating its education and social care functions. The White Paper on Education (December 2010) had already proposed changing the focus and conduct of inspection to a more differentiated process (focusing on underperforming schools) and one that was narrowed to the core functions of teaching and learning (and pupil behaviour).

Inspection – and the wider field of governing at a distance – remains unsettled and changeable, caught up in the processes of ‘hyperactive’ policy making and management identified by Pollitt and Op de Beeck (2010). But they are part of the research object, not a distraction from it: they are part of the work of governing.

**References:**


