

Better Inspection for All

UCU is the largest trade union and professional association for academics, lecturers, trainers, researchers and academic-related staff working in further and higher education throughout the UK.

The impact of the Common Inspection Framework is largely debated within the union. Whilst we quite naturally share the ambition of excellence in the sector, there is wide scale dissatisfaction with the current target-driven and snapshot approach to inspection. This caused our membership to pass a motion at congress in May 2014 calling for the abolition of Ofsted in order to '*end an inspection regime that is driving all sectors of education through a 'toxic' target-driven culture*'. UCU is in favour of a developmental and supportive approach to inspection. This consultation response is provided in the context of the above-mentioned congress motion whilst noting the need to respond to potential changes to the context in which our members work.

We are grateful for the opportunity to respond.

Q1. Do you agree or disagree with the introduction of a new common inspection framework for maintained schools, academies, further education and skills providers, non-association independent schools and registered early years settings from September 2015.

Neither agree nor disagree.

In principle, the idea of a common inspection framework could make it simpler for stakeholders to have an overall understanding of Ofsted's interpretation of inspection outcomes. Our agreement with the introduction of a new common inspection framework for all sectors, will be dependent upon the detail of that framework. The individual inspection handbooks which might underpin a new common inspection framework will need to accurately reflect the context and mission of institutions. This will ultimately determine whether or not the range of providers accept the proposed changes. Ofsted will need to take steps to ensure that those who use inspection reports for comparative purposes have an overall understanding of the context and mission differences of the range of institutions, otherwise this could result in inappropriate comparisons.

UCU is critical of OFSTED's approach toward further education (FE) and believe there are serious flaws in the way that it inspects colleges under the current inspection framework. It appears to lack any empathy or understanding of FE and its mission or how to inspect it. This has typically led to less favourable outcomes for FE, Adult and Community Education (ACE) and sixth form college providers. Our members report concerns that a common inspection framework across all types of provider could exacerbate the perceived lack of understanding of the sector. Whilst Ofsted has previously stated that it does not look at the financial stability of institutions, we would

like to see recognition that differing levels of funding between types of providers place a severe limitation of what is possible. The funding cuts in FE and ACE mean that a level playing field across providers is a myth.

In accordance with the current framework which sees schools have ungraded lesson observations we would like to see the same across all inspections including FE and ACE.

The range of provision that Ofsted inspects in the further education and skills sector is diverse: 14-16 full and part-time provision, 16-19 study programmes, traineeships, 19+ learning programmes, apprenticeships, employability programmes and community learning. These programmes vary widely, and inspection will look different in each of these. It is for this reason, that although out of the scope of this consultation, UCU would like to state that it is categorically against the concept of moving to no-notice inspections. No-notice inspections mean that inspectors could potentially arrive on site when the principal or curriculum lead are absent, or where none of the relevant provision is taking place on site, or on the particular day. Under a no-notice inspection framework, principals would have to spend an inordinate and inappropriate amount of time working to ensure that all staff might be able to support the inspection process in their absence, compromising professionalism and the time staff are able to spend focussing on their main roles.

All inspectors should have relevant experience of the sector that they are inspecting. The foreword to the consultation states that Her Majesty's Inspectors will lead the great majority of inspections. We welcome this, but would like to add that in order to support greater coherence and confidence, all inspections should be undertaken by the inspectorate. Inspections should not be led by outsourced organisations at any time.

Q2. Do you agree or disagree with the proposed 'effectiveness of leadership and management' judgment (paragraphs 19-20)?

Disagree.

UCU believes that the effectiveness of leadership and management plays an important role in the way a college performs, however we have a number of concerns about the way in which this judgment will be evaluated. We disagree with the blunt employment of a four-point scale to judge this and each of the other proposed elements. A narrative approach would be welcomed here as this would support readers of the reports to have a much better understanding of the context and judgments and avoid the potential pitfalls of a graded judgment.

UCU is concerned that Ofsted is proposing to make a judgement on the effectiveness of leadership and management by evaluating the extent to which teaching and learning is improved through 'rigorous performance management'. We fear that as currently phrased, the judgment does not place an appropriate emphasis on creating an environment where the professional lecturer is respected and trusted to take responsibility for their development through reflection on their own professional practice.

When lesson observations are skilfully and carefully handled they can be a useful and meaningful tool for reflecting and improving professional teaching practice in further

education. Organisational responses to Ofsted lesson observations, however, have led to a sharp rise in imposed punitive and draconian changes to internal lesson observation policies. These tactics do not improve the quality of teaching, learning or assessment. There are serious limitations as to how representative and accurate lesson observations used as a form of assessment can be of a lecturer's professional practice. In many cases, lesson observations are employed as the only method of assessing overall professional practice with an automatic link to capability rendering the use of such observation techniques as a developmental tool flawed, and all too often impossible.

Whilst we recognise that lesson observation has never been put forward by Ofsted as a performance management tool, this is clearly a response to Ofsted inspection methodology, and UCU feels strongly that Ofsted should challenge the use of these ineffective, and detrimental methodologies wherever they exist. Our academic research *Developing a National Framework for the Effective Use of Lesson Observation in Further Education*¹ is the largest to date to contribute to the debate about what 'rigorous performance management' might look like.

A breadth, depth and relevance of the curriculum feature is welcome in the face of lack of scrutiny of curricula in free schools and academies. We again refer to the financial context in which FE and ACE operate. The severity of funding cuts has no doubt placed limitations on what is possible and achievable. Curricula in the sector are limited by government funding. The severity of the cuts inevitably force providers to tailor provision in a way that maximises funding and secures financial viability. The same points apply to careers advice. The new reference to 'influencing improvement in other local and national providers' (paragraph 19) is an interesting one. Collaboration is an important feature of the improvement model, however, if Ofsted is to assess this it must do so with an awareness that funding methodologies increasingly foster a spirit of competition rather than collaboration.

We believe the proposal for the subjective concept of promoting 'fundamentally British values' is flawed and should be removed. The judgement of an institution's ability to narrow any gaps in achievement between different groups of children and learners is an important, but difficult one. It is right for the sector to have a role here, indeed, in its very nature the FE and skills sector serves some of the most disadvantaged individuals in society but the expectation that the sector can somewhat miraculously improve outcomes for these individuals is flawed. Colleges work in the context among other things, deeply engrained societal inequalities, underinvestment in good quality early years provision for all, and a non-ringfenced budget. The sector has been able to respond to these challenges by providing additional support to learners. As an example, each year, some 50% of learners do not achieve a grade C or above in English and maths, the majority of these learners go on to study at a college. In 2011/12, 40% of learners who took a GCSE in mathematics often as a repeat attained a grade C or above and the corresponding figure for GCSE English was 33%. This is a feat to be commended, particularly as colleges are only just receiving the resources to attract English and maths teachers. Ongoing budgetary instability does, however,

¹ <http://www.ucu.org.uk/index.cfm?articleid=7105>

threaten the sector's capacity to innovate in this area.

In paragraph 19 an additional bullet point should be inserted.

- actively promote the knowledge, skills, attitudes and values necessary to shape a sustainable future.

We do not accept an argument that ESD is *assumed* to be present in the curriculum. Similar assumptions are not made for equality and diversity and they are identified in a separate paragraph (bullet point 6).

Successive UN reports show that sustainable development and climate change are the biggest challenges facing the planet. It would seem appropriate to ensure that education provision reflects these challenges. However, the document makes no reference to a role for the sector. Education for Sustainable Development (ESD) is a vital component that should be included in the new framework.

As currently phrased this judgment fails to recognise that not all institutions will be in a position to be influencing improvement, and may be drawing from the leadership and management expertise of other organisation. As currently worded, this judgment risks doubly penalising institutions who have been judged to be at the 'inadequate' or 'requires improvement' phases of the improvement process.

Q3. Do you agree or disagree with the proposed 'quality of teaching, learning and assessment' judgement (paragraph 21)?

Neither agree nor disagree.

Our attitude to the appropriateness of making this judgement depends on the methodology adopted during the inspections which we raise at question 11.

Judgments on quality should not be based on graded lesson observations. Graded lesson observations should be removed and assigned neither formally nor verbally.

We are concerned that the elements in this section read as more aspirational than readily achievable in the current funding context. There is also a sense that teachers are being tasked with dealing with the wealth of challenges brought about long-standing societal inequality and government policy which is outside the control of teachers and their learners.

The reference to 'British society' here, is again too narrow.

Q4. Do you agree or disagree with the proposed 'personal development, behaviour and welfare' judgement (paragraphs 22-23)?

Disagree

We welcome an emphasis on the wider benefits to children and learners wellbeing. However, this section is a clear example of where a common inspection framework can fail to support meaningful comparisons across different types of provision. FE and ACE is often tasked with supporting learners that are facing more challenges than the typical learner in other types of provision and therefore comparisons would not be like with like.

Funding cuts have inevitably impacted colleges' and ACE providers ability to address the wider wellbeing issues that are covered by this element putting colleges at a disadvantage when compared to other providers. We welcome the statement that there might be differentiation across the sectors.

The broader extra-curricular offer that does most to address this element is no longer funded in FE so it is unfair to make a judgement on something that colleges are not adequately funded to provide.

We believe the reference to the contribution children and learners can make to wider society is sufficient. The inclusion of the phrase 'life in Britain today' is unnecessary.

Furthermore, we feel the use of the proposed four point scale to judge this element is a blunt instrument and can lead readers of the reports to not fully appreciate the context of those judgements. A narrative approach would avoid the potential pitfalls of a graded judgement. This would allow a greater opportunity for the meaningful expression of staff voice so that teachers can feedback their concerns without the fear that it could result in a limiting grade or any other punitive action.

Unclear as to the rationale for 'additional considerations'. Should be judged as part of the overall judgment on personal development.

Q5. Do you agree or disagree with the proposed 'outcomes for children and learners' judgment (paragraph 24)?

Disagree.

UCU has always highlighted our concerns about the over prioritisation of headline figures rather than distance travelled. The framing of the way in which this judgement will be made is too narrow in its focus on published performance data and attainment. Both of these features are relevant and so the wording here should be 'and' not 'or'. We are unsure of why points 25-27 are additional rather than integral.

In particular for some of FE's learners who face the biggest challenges their very real and most valuable progress and achievements are not captured in standard measures of performance and outcomes. There appears to be no recognition that there are any valid learning outcomes that do not involve moving into either employment or further study.

Q6. Do you agree or disagree with the specific additional judgements proposed for the common inspection framework (paragraphs 28-31)?

Neither agree nor disagree.

There are already concerns about the ability of Ofsted to gain a valid impression over the breadth of colleges programmes therefore it is hard to see how truly meaningful judgements can be made about the quality of entire programmes of provision with such a small and arbitrary sample inspected. We welcome the proposal not to provide a grade for individual subjects in FE and believe that no grades should be given for individual observed lessons either.

Q7. Do you agree or disagree that Ofsted should continue to report on the

curriculum as part of the judgement on leadership and management?

Agree.

We can see the benefit of this proposal, particularly in the context of academies and free schools being exempted from the National Curriculum.

Judgements should be seen in the context of funding cuts and mechanisms to provide funding incentives which necessarily drive some curriculum choices within tight budgets.

However, we feel the use of the proposed four point scale to judge this element is a blunt instrument and can lead readers of the reports to not fully appreciate the context of those judgements. A narrative approach would avoid the potential pitfalls of a graded judgement.

Q9. Do you agree or disagree with the proposals for short inspections of good further education and skills providers?

Neither agree nor disagree.

UCU believes that less inspection will support providers to self-improve as they will spend less of their energies in preparation and anticipation of a snap-shot inspection. In this respect, there appears to be some sense in taking a lighter touch to inspections of colleges and providers already found to be good and who show no reasons for concern that this has changed.

In so far as the proposal would mean that some lecturers would be subjected to the stress of an inspection less often this is welcomed. We do, however, have some concerns about how meaningful judgements made in a shorter, smaller and therefore less representative inspection would be. It is also possible that the high-stakes nature of any Ofsted visit could result in the same nature of highly charged preparation that currently takes place. If pursued we would like to see consultation with the sector on the impact of these.

Q11. Are there specific changes to the way that inspectors gather evidence that you think could make our judgments more reliable and robust

In addition to the non-grading of lesson observations, we believe that inspectors must have relevant experience of the sector and the type of provision. This is important for the reliability and credibility of any judgements, and is an area where the sector has had cause for complaint in the past.

UCU believes that lecturers should be trusted with their own continuous professional development and supported with the resources and time to work with peers to reflect on their practice as professionals.