

Independent learning review for Ofsted by Dame Christine Gilbert

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Introduction

This independent learning review was commissioned by His Majesty's Chief Inspector (HMCI) and the Chair of Ofsted in April 2024. It is one of a number of initiatives following the tragic suicide of Ruth Perry in January 2023. This sent shock waves through Ofsted and the wider education community. The strong and significant reaction included many personal responses to a deeply sad tragedy but it also shone a light on a climate of fear and frustration around school inspection, which had been building for years. This climate had the consequence of weakening trust in Ofsted, which was increasingly seen by many as defensive and unwilling to respond constructively to criticism. It also had an impact on leader and staff well-being in schools, and thereby contributed to the recruitment and retention crisis evident across the sector.

An inspection system is only as good as the difference it makes. Almost everyone who participated in the review agreed that inspection could be a force for good and that a high-quality and trusted inspectorate should add value and be a strength of the education system. They also emphasised that this would require radical change.

The tragedy of Ruth Perry's suicide and the determination of her family to bring this to public attention has led to this review and generated a widespread call for such meaningful change. There is now general acceptance across the education sector, supported by many of the public, that this is a watershed moment for Ofsted and school inspection that must lead to reform.

Reform is needed to develop an approach to accountability that lessens the unnecessary pressures associated with inspection and supports school leaders in shaping development that improve the lives of children and learners. This change would not lessen Ofsted's role as champion for children and young people but should support it. The Big Listen is a first step on that path of significant change and it reinforces Ofsted's commitment across all remits to serve the interests of users. However, the proof of Ofsted's determination to change will be in its actions. It needs to act in response to a number of very hard messages to effect real and sustainable change, and its progress in doing so needs to be closely monitored.

In terms of its own accountabilities, it is clear that Ofsted has a professional obligation to do more to:

- monitor and review – with greater openness, transparency and less defensiveness – the effectiveness and impact of its own practice at individual, organisational and whole-system levels

- use the outcomes of self-reflection and review to develop the skills, understanding and expertise of individuals and teams in rigorous, empathetic evidence-based scrutiny
- ensure that inspection promotes improvement in the public services inspected or regulated.

This review identifies a number of recommendations that, if implemented, would make Ofsted's own accountabilities more transparent while also reforming Ofsted's approach to school inspection.

The context for Ofsted

The Coroner's 'Prevention of future deaths report' was highly critical, and reached a verdict of 'suicide, contributed to by an Ofsted inspection carried out in November 2022.'¹ She found that 'parts of the Ofsted inspection were conducted in a manner which lacked fairness, respect and sensitivity.' The Education Select Committee also produced a critical report which indicated 'that Ofsted has lost trust and credibility among many in the teaching profession'.² Both reports made recommendations that Ofsted has addressed in a range of actions, which it is monitoring closely to ensure implementation.

The Coroner's Report specifically recommended that Ofsted carry out a learning review. Ofsted had already used the learning from the tragedy to establish some changes to its approach but felt the extent of the Coroner's criticism required a more independent view, which is why this review was commissioned.

The review focuses on Ofsted's commitments and actions in response to the tragedy. In doing so, it makes recommendations to help develop an inspection regime that can both report 'without fear or favour' and also support school leaders and staff to improve their schools.

It is important to recognise that the context was already challenging for Ofsted before Ruth Perry's suicide. Like many other public sector bodies, Ofsted has seen large budget cuts but with an increase in remit too. Ofsted reported in March 2024 that its budget was 29% lower in real terms than in 2009/10.³ This has had serious consequences for staff as they have experienced a diminution in their conditions and support, including the quality of their professional management and development. In the current year, Ofsted is working to address a large projected budget shortfall and

¹ 'Ruth Perry: Prevention of future deaths report', Courts and Tribunals Judiciary, December 2023.

² 'Ofsted's work with schools: full report', House of Commons Education Committee, January 2024.

³ 'Ofsted's work with schools: Ofsted response to the Committee's First Report', UK Parliament, March 2024.

it is hard to see how it can manage this and still complete the volume of inspections required by government. Given the current pressures on public finances, it is unlikely that additional funding for inspection could be prioritised. Consequently, the emphasis has to be about what can be done well within limited resources.

Nor did the storm of criticism Ofsted faced come out of a vacuum. School inspection has been subject to criticism from unions, representative bodies and the education press for many years. This is an area of education policy that has long been a political battleground, particularly given the 'high stakes' nature of the wider public accountability system for schools.

This review heard from many sources that the growing fear of inspection was intensified by the previous government's decision to issue an academy order for a maintained school that is judged 'inadequate' (or sometimes 'requires improvement' twice in a row) or to remove the school from its trust if it is already in one. It is worth noting that the then-HMCI, Amanda Spielman, argued strongly against this decision but she failed to dissuade the government.

The landscape in which Ofsted carries out school inspections has also become more complex, with the growth of academy chains and the weakening of the responsibilities of local authorities for education.

Life in schools has also become pressurised, with challenges including:

- budget pressures
- the continuing legacy of the pandemic
- volatility in school rolls
- staffing challenges
- increases in special educational needs and children's mental health difficulties
- the negative impacts of social media.

Ofsted also has to balance its different roles as regulator and inspection body, particularly in the highly sensitive areas of children's safeguarding. Furthermore, the role of HMCI has a far higher profile, and is arguably subject to far more media scrutiny, than heads of other regulatory and inspection bodies.

Inspection also creates a power imbalance between the inspector and the inspected, which is widened by the grading system. This needs to be acknowledged and allowed for in training and practice. As Sinead McBrearty, CEO at Education Support, a charity that works to improve the health and well-being of everyone working in the education sector, told this review: 'There is an asymmetry of power in the relationship and the high-stakes fallout from inspection creates more psychological and emotional pressure than another type of audit or review might.'

This review's purpose and framing

As well as more general learning for Ofsted that would support improvement, this review was also asked to consider whether Ofsted's internal policies and processes for responding to serious incidents needed to be revised and to consider:

- the actions Ofsted took in response to hearing about the tragic death of Ruth Perry
- Ofsted's communications, engagement with stakeholders and information sharing within Ofsted (including with the Ofsted Board) regarding the incident
- the support Ofsted offered to staff, including inspectors, and how its approach was informed by clearly defined policies.

Sir Martyn Oliver, the current HMCI, was keen to receive recommendations that would 'complement the findings from our Big Listen and help us build an Ofsted that is trusted by the professionals we inspect and regulate, as well as the children, parents and carers we are here to serve'.

The terms of reference for this review explicitly excluded the judgements or policies relating to the inspection of Caversham Primary School, where Ruth Perry was headteacher.⁴ It rather considers how Ofsted has responded to the tragedy, its aftermath and the ensuing public criticism, and on what more could be done.

This review is also conscious of the dangers of considering Ruth Perry's death as a single tragedy. It accepts the arguments put forward by her family, in particular her sister, Julia Waters, and by many others in the education sector, that it must represent a watershed moment for school inspection leading to significant reform.

As the then government's response to the Select Committee identified:

'While Ofsted must always be a champion for children, especially the disadvantaged and the vulnerable, both Ofsted and the DfE must continually strive to make sure that the focus on accountability is balanced with support for school leaders, and that we look for every opportunity to reduce unnecessary pressures associated with inspection'.⁵

⁴ ['Independent reviewer of Ofsted's response to the death of Ruth Perry: terms of reference'](#), Ofsted, April 2024.

⁵ ['Ofsted's work with schools: Government response'](#), House of Commons Education Committee, April 2024.

Methodology and structure

As a 'learning review', this exercise has followed a number of principles common to models of learning, particularly in the social care sector, including:

- making the process as inclusive and transparent as possible
- involving staff in and beyond the organisation
- looking at whole systems rather than just individual actions
- emphasising learning and organisational accountability not culpability
- recognising what has worked well as well as what went wrong.

The review was carried out between May and August 2024. It considered relevant documentation from Ofsted itself and much beyond, and carried out interviews with both current and former senior leaders in Ofsted and all Board members. An invitation went to Ofsted staff to submit confidential comments or join focus groups and meetings were held with the FDA, the trade union which represents managers and professionals in public life.

Discussions were also held with headteachers and many others in the education world including the Association of School and College Leaders (ASCL), the Confederation of School Trusts (CST), the DfE, Education Support, Headrest, the National Association of Head Teachers (NAHT), the National Governance Association (NGA) and Ofqual. A meeting was held with Ruth Perry's family and her sister, Julia Waters, kept in touch with the review throughout the course of its work, including providing information and organising meetings to meet relevant groups. The review also met with the authors of Reading Council's 'Independent learning review'.⁶

The review held a number of focus groups with His Majesty's Inspectors (HMIs) and administrative, professional and technical (APT) staff across Ofsted's remits. Participants were invited to focus on:

- the key features of the immediate learning from the tragedy
- whether there are any significant omissions
- how that learning has been embedded across the organisation
- how Ofsted can ensure that the learning will be sustained.

Over 100 staff chose to respond in various ways to the request for confidential comments, most of which presented reflections on Ofsted's culture, capacity or the pressure on inspectors. The internal focus groups were notable for the impressive

⁶ 'Independent learning review', Reading Borough Council, July 2024.

willingness from all participants to engage with the learning review and to contribute openly and honestly, with many constructive suggestions for improvement. It is clear that Ofsted staff have a strong commitment to Ofsted's mission. The review was also impressed with HMIs' commitment to inspection as a tool for helping to improve children's life chances and heard excellent examples of Ofsted's positive impact through both their inspection and regulatory roles.

It is important to mention that, while the review places an emphasis on Ofsted's school inspection remit, because the crisis arose in this area, the range of Ofsted's work is far broader than this. Ofsted inspects services providing education and skills for learners of all ages. It also inspects and regulates services that care for children and young people. Expenditure on school inspection represents only 39% of Ofsted's total budget yet the review heard from staff that it can seem as though the other functions are subsidiary to the work it does in schools. The review does not want to reinforce that approach and takes the view that the organisation should value all areas of its work equally.

This report analyses and evaluates the learning from the review under the following headings:

- [Communication and serious incident management](#)
- [Changes in inspection and associated processes, including the complaints process](#)
- [Organisational structure, management and support for staff](#)
- [Accountability, governance and oversight](#)
- [The public accountability framework.](#)

It concludes with 14 [recommendations](#) for Ofsted.

Communication and serious incident management

The actions Ofsted took in response to the death of Ruth Perry

A serious or critical incident is challenging for any organisation. Judging the right approach, particularly in communicating with the media and external stakeholders, is difficult, and this review has the benefit of hindsight. The key lesson from case studies on critical incidents is that communication must be timely, with no sense of delaying or withholding. There must also be transparency, with openness about what has gone wrong, demonstrating empathy with those affected. Whatever is communicated needs to be based on strategic and operational decision-making as well as being owned throughout the whole organisation.

In January 2023, Ofsted was informed of Ruth Perry's death by Reading Council. The immediate response was to carry out a full review of the evidence base of the inspection of Caversham Primary School. This is normal procedure for an inspection that was contested or problematic in some way. Initially, the issue was primarily dealt with at Regional Director level. The early discussions included consideration of how to communicate about the death to the HMI who led the inspection of Caversham Primary School. Communication with the inspector was rightly seen to require very sensitive handling and was managed well. There were also discussions about when to publish the inspection report. Senior managers in Ofsted then met, with legal and communications professional input, to agree next steps, as the level of media interest became apparent.

With hindsight, it would have been helpful for the National Director, Education, to have taken the leading role in undertaking the review of evidence and the immediate learning from the inspection rather than the region. This would have given some objective reassurance and could have reduced some of the criticism of Ofsted 'marking its own work'. **This review advises that the National Directors, supported by other senior leaders, are seen to play a leading and authoritative role as the guardian of inspection standards and practice in any future serious or critical incident.** The changed process now established by Ofsted means that, in future, there would be some interrogation beyond the region and the National Director would be able to function as final arbiter.

There was no attempt by Ofsted in the early months of 2023 to contact the school or Ruth Perry's family. There seems to have been no understanding in Ofsted at this point that Ruth Perry's death was directly linked to the inspection itself. This lack of understanding is disputed, particularly by Ruth Perry's family. It would have been a positive show of empathy for a personal letter of condolence to have been sent to the family in January 2023. It would also have been constructive to contact the leadership of Caversham Primary School and to provide a named Ofsted contact with whom they could communicate if they wished. As noted later, effective communications with stakeholders, as well as internally with staff, should be an important element of Ofsted's approach to serious incidents.

With the benefit of hindsight, Ofsted's initial approach looks primarily defensive. An Ofsted Board member, reflecting the views of many on the Board, described Ofsted's approach as appearing to start from the premise that Ofsted had done nothing wrong and just needed to provide the evidence to demonstrate that.

Knowing that the BBC was going to cover the story on 17 March 2023, the decision was taken on 16 March 2023 to pause inspections in Reading. On the day that the BBC published its article and broadcast the story, a message went to all staff but many told this review that they first heard of the tragedy from the media. Some

interpreted this as demonstrating a lack of trust as they were used to dealing with confidential information under embargo.

The message on 16 March informed all staff of the tragic death and the likely press coverage. It told them that 'Each of the inspectors involved has worked with probity and sensitivity.' Some HMIs told this review that, before the inquest, they thought that organisational accountability meant no inspector could be individually criticised. In addition, they were given the impression that Ofsted had done nothing wrong in this case. When Ofsted released a press statement on 24 March, it expressed deepest sympathy and condolences for Ruth Perry's family, friends and colleagues.⁷ However, the statement also seemed to imply that Ofsted had little to learn from the tragedy:

'We will keep our focus on how inspections feel for school staff and on how we can further improve the way we work with schools. I am always pleased when we hear from schools that their inspection 'felt done with, not done to'. That is the kind of feedback I want to hear in every case.'

Apart from the Chair, most Ofsted Board members also heard of the tragedy and its connection to the Ofsted inspection from the media.

Looking back, Ofsted's initial response appears defensive and complacent rather than reflective and self-critical. This lack of awareness served to make the Coroner's findings all the more shocking for Ofsted. It increased the damage to its reputation, not only externally where stakeholders could perceive this defensiveness from media coverage, but also internally where both staff and the Board could see the difference between the Coroner's judgements and what they had been told. However, it has led to a changing approach to communications within Ofsted, including inviting feedback and criticism to support improved practice.

Response to the Coroner's 'Prevention of future deaths report' and the Education Select Committee's Report

Ofsted responded swiftly to the findings of the Coroner, published on 12 December 2023 and of the Education Select Committee, published on 29 January 2024.⁸ If this kind of self-critical approach, with more openness to the need for self-reflection and learning, had been adopted at the beginning of 2023, this might have appeared as less of a 'handbrake turn'. The changes that followed could then have been more

⁷ ['A statement from Ofsted's Chief Inspector'](#), Ofsted, March 2023.

⁸ ['Ofsted's work with schools: full report'](#), House of Commons Education Committee, January 2024; and ['Ruth Perry: Prevention of future deaths report'](#), Courts and Tribunals Judiciary, December 2023.

proactive, and could have been developed with greater staff and stakeholder involvement, but again this is with the benefit of hindsight.

Ofsted formulated very detailed plans to respond to each of the recommendations of the Coroner's and Select Committee's reports. These have been closely monitored and nearly all actions have been completed within the agreed timescales. **This review recommends that these actions continue with the same sense of urgency. It also recommends that the outstanding actions and any other improvement and development initiatives (including those arising from the [Big Listen](#)) are integrated into a single, overarching improvement and development plan. This top-level plan should be owned by HMCI, Ofsted's staff and the Board.** For transparency, the plan, and regular monitoring reports, should be published on Ofsted's website. This would encourage a more consistent and proactive improvement approach going forward.

Ofsted's approach to crisis management and communications

How would it have been possible to avoid this defensiveness when Ofsted rightly values the integrity of its processes so highly? In crisis situations, legal advice tends to warn against sounding contrite or admitting possible error. This often leads to public sector bodies making bland and defensive-sounding statements in such situations. Challenged by such a crisis, those making decisions must always try to suffuse process with humanity. They need to query routine responses and apply common sense, compassion and empathy. They should consider how any organisational response to tragedy or crisis would be perceived by family and friends, colleagues, or the wider public.

This review found that the Ofsted Board had little or no involvement in determining the strategy for dealing with the crisis and communicating to the media and stakeholders. It was clear that the Board did not have a sufficient early understanding of the scope of the Ruth Perry tragedy, with most first hearing about it from the media rather than from Ofsted. Although the Board was then regularly briefed and updated, they were not engaged in how Ofsted's leadership was responding. As a result, they were not able to bring their 'non-Ofsted' external views to challenge the inevitable 'groupthink'. The important role of the Board in steering Ofsted's reform is outlined in the '[Accountability, governance and oversight](#)' section below.

Internal communications and support for staff

Staff gave this review many examples of when they heard about important changes to Ofsted through the media and where communication to staff had been unclear. In particular, they cited the changes this year to Section 8 inspections and the pause on

school inspections. More generally, they said that, in the regions, they 'did not know what was going on in the national projects' and 'were emailed after national press releases had gone out'. However, the review heard too of confidential information shared with staff being leaked to the media. In large organisations, it is often difficult to get the balance right between the need to know and managing confidentiality. But consideration of ways of involving staff as early as possible is now always a key part of Ofsted's communications processes.

The review heard about variation in communications between regions and from senior manager to senior manager. Some staff cited the successful use of group communications such as WhatsApp to keep them informed. Others talked of a 'complete disconnect between senior managers and what happens on the ground'. Across all eight of its regions, Ofsted needs to establish a shared approach to communication. This approach needs to make sure key messages are communicated but it also needs to enable staff to feel engaged.

As part of The Big Listen, staff were able to make submissions to an internal survey. This review considered some of the responses. Those responses, like the contributions to this review's focus groups, were very thoughtful and made positive proposals for change. Some of the proposals made are also reflected in this review's recommendations. **It is important that the changes following the Big Listen are implemented in ways that show explicitly how staff have been listened to. The 'upward communication' that has been enabled by the Big Listen needs to be built into Ofsted's culture and future ways of working.**

Future approach to serious incidents

Ofsted responded to the Coroner's comments about the lack of a learning review by commissioning this review. Ofsted staff have also produced a draft document setting out a procedure for reviews of serious non-safeguarding incidents to ensure lessons are learnt and translate into future learning. This is a helpful base for future action. The new procedure clearly builds on the wealth of knowledge of how to carry out learning reviews built up in the children's social care sector and indeed, across Ofsted through the leadership and work of its Safeguarding Group. As leaders are aware, continuous improvement, reflection and a learning approach to practice are deeply embedded in Ofsted's social care and regulatory work. Ofsted is right to use this expertise to help extend confidence and support in developing that approach across all areas of its work.

Organisations and authorities in the social care sector have moved towards learning more rapidly following a critical incident. This is built on the understanding that learning is separate from legal or other processes around culpability, which can often be slow and bureaucratic. The draft procedure builds on Ofsted's own experience of

carrying out safeguarding and learning reviews led by its internal Safeguarding Group. These are carried out regularly and the learning and subsequent actions are reported to Ofsted's Executive Committee. These reviews have led to changes in training, for example of 'closed cultures', and have identified necessary changes to IT systems.

The new draft procedure seeks to apply the safeguarding approach to serious non-safeguarding incidents. It sets out the process for identifying a potentially serious incident, and a process for a speedy investigation and for identifying learning. It defines serious incidents as:

'...adverse events or near misses, where the consequences to Ofsted, members of staff **and** [this review would suggest it should be '**or**'] its stakeholders are so significant or the potential for learning is so great, that a heightened level of response is justified. Serious incidents can extend beyond incidents which affect children and their families directly and include incidents which may impact the quality or integrity of inspection and regulation or Ofsted's ability to deliver its statutory responsibilities or incidents that pose a significant risk of reputational damage in the wider community.'

This definition is a helpfully broad one and the procedure sets out clearly the process for quickly commissioning a learning review. However, for the procedure to be implemented effectively, it will need to sit within a wider approach to responding to critical or serious incidents. Some suggested additional requirements are set out below.

Firstly, all Ofsted staff, especially those out in the field, need to see the potential in an incident to meet the criteria above. They also need to feel empowered and enabled to identify and escalate problems, ahead of any complaints from stakeholders. Where appropriate, they need to be able to admit to inevitable human error when it occurs. It is important that inspectors (and all staff up to and including HMCI) are never placed beyond human fallibility, moving away from the discourse that 'inspectors are never wrong'.

Secondly, potential incidents need to be discussed immediately with senior managers. This discussion needs to take place with the right balance of empathy towards the stakeholders involved as well as staff.

Thirdly, this needs to feed into responses to stakeholders and the media and a communications strategy that emphasises transparency, empathy and learning, with a culture of self-criticism and self-awareness.

Ofsted's procedure could also usefully include some tools for stakeholder and risk analysis. While confidential matters need to be kept on a 'need to know' basis, it is

important that there is enough internal challenge to avoid a 'stock Ofsted response'. This is where the input of the Ofsted Board would be particularly helpful. There should also be consideration of an agreed process of internal communications, preferably at team level, to avoid staff first hearing important news from the media.

This review recommends that a senior leadership development session is held, involving Board members and the executive team, to work through a range of critical and serious incident scenarios. This session should include input from experts on crisis communications. The learning can then be used to broaden the procedure.

Consultation – the Big Listen

A laudable part of Ofsted's response to the Coroner's and Select Committee's reports was the launch of the [Big Listen](#) in March 2024. This has been welcomed by school leaders and the schools sector, although there is also a current of cynicism about whether it will lead to fundamental change.

The Big Listen involved externally commissioned research with the sectors, the public and care-experienced young people. It also involved HMCI and others from Ofsted attending stakeholder events, both in person and online. At the close of the public consultation in May 2023, there had been more than 20,000 responses.

The externally commissioned research is an important and very encouraging indication that Ofsted is determined to be less defensive and is willing to hear hard messages. The research involved surveys and focus groups with leaders and staff from the schools, early years, further education and skills, social care and teacher development sectors, along with those subject to inspections of local authority children's services (ILACS) and area special educational needs and disabilities (SEND) inspections.

Generally, responses from schools were more negative than from others. The headline findings from providers will not be a surprise to the school sector:

- Ofsted's culture creates feelings of stress, anxiety and apprehension among leaders and staff.
- Providers think judgements and reports are descriptive whereas they want advice on how to improve.
- Providers want a collaborative inspectorate that knows about their setting and is considerate of context on inspection and in reporting.
- Providers want consistency between inspections.

Importantly, the research also involved parents and carers as well as the general public, as it is crucial that they also have confidence in inspections.

Independent research is an excellent element of the Big Listen but the proof of Ofsted's determination to change will be in its actions. It needs to act in response to a number of very hard messages to effect sustainable change. **This review recommends that a programme of review and evaluation by external and independent research organisations is built into Ofsted's plans for reform, particularly of school inspection, at key stages. Rather than just annual surveys, research should be nuanced in timing and approach to support decision-making.** For example, the impact of changes to the complaints procedure should be a feature of the external research programme – in the coming year – with regular, perhaps quarterly, collection of data from different groups. The findings from this independent and specialist research will provide important reassurance of Ofsted's determination to change, as well as of its progress in key areas.

Changes in inspection and associated processes

Changes to school inspection

Following the Coroner's and the Education Select Committee's reports, there have been changes to school inspection. Ofsted has produced action plans covering the recommendations in both reports, which are subject to 'challenge sessions' with the Board. This review looked beyond these plans to see how they fitted into a wider approach to improvement and learning in Ofsted. **The key recommendation is that an overarching improvement plan is developed, which incorporates the response to external recommendations but also represents changes driven from within Ofsted, understood by Ofsted staff and owned by the Board.**

The changes that have been made to inspection, some of which were planned for some time, include:

- faster reinspection for schools that 'fail' inspection on grounds of ineffective safeguarding
- greater clarity over what constitutes effective safeguarding and the establishment of a 'hub' helpline to advise
- a new policy on pausing inspections and clarifications on deferral
- changes to who can be present on calls and at meetings
- clarifications on sharing provisional inspection outcomes
- changes to the expectations of inspectors' conduct
- changes to the 'script' in key meetings about the inspection to take greater account of the welfare and needs of the school leaders

- changes to Section 8 or ungraded inspections, which will use learning walks instead of deep dives, from September 2024.

These changes have generally been smoothly implemented and well received by schools. Most informal feedback shows that school leaders are noticing a difference in approach. It is hard to measure this impact as feedback from schools on their Ofsted inspections through survey data was very positive before these changes: 92% of schools inspected in 2022 to 2023 strongly agreed or agreed that their inspection would help them to improve their provision further.

There is an obvious mismatch between the satisfaction suggested by these responses and those reflected in the externally commissioned research for the Big Listen. It therefore seems important to commission an independent research company to collect and present periodic analyses of the surveys that schools are invited to complete after inspection. This will be recognised as an important change by the sector. It will also signal Ofsted's commitment to being more open and transparent, and less defensive. **This review therefore recommends that rather than being managed by Ofsted itself, the administration of post-inspection school surveys is commissioned from a third-party independent organisation, with surveys returned directly to that.**

Changes to both the deferral and pause policies have been much welcomed by the sector. HMIs this review spoke to also welcomed the greater clarity on deferral as they felt there had previously been some inconsistency. They did say, though, that taking on board so many changes at once had been challenging. HMIs were also mostly positive about the updated school inspection handbook, saying that the protocols were generally clearer. However, some now found the education inspection framework 'over-crowded'.

HMIs also referred to changes of emphasis that were not enshrined in written guidance. One example was a greater reliance on published data. There seemed to be some confusion about this, with HMIs second-guessing what was now expected. This underlines the need for more effective internal communication processes within Ofsted and for good professional development to support staff in implementing the changes.

Given the terms of reference for this review, it has not focused on the validity of the evidence base that underpins inspection judgements. This does, however, need to be kept under ongoing and formal review, not least to ensure fairness and consistency. While acknowledging the importance of pupil voice, the ASCL expressed concerns that too great an emphasis is often placed on the views of a small group of pupils. Similarly, Ruth Perry's family pointed to the dangers of inspectors responding to vexatious complaints from very small numbers of parents.

Headteachers raised these issues numerous times with the review. The importance of always triangulating evidence cannot be underestimated.

Safeguarding

The change of approach on safeguarding has been particularly important and followed engagement with the sector. The changes included a return visit within three months for schools with safeguarding judged as ineffective, as well as a much clearer definition of the requirements around safeguarding. This work has also led to plans to be more proactive in supporting schools with this area of work, including the development of a single central record compliance checklist for schools.

In Caversham Primary School's case, the inspection seven months later resulted in a judgement of good. Alongside this, the threat of forced academisation, which was widely recognised as one of Ruth Perry's fears as a consequence of an inadequate judgement, has been reduced. The Secretary of State still has a legal duty to issue an academy order if a maintained school is judged inadequate. However, if a school is reinspected and the safeguarding issues have been addressed effectively, the process of intervention will now not proceed.

For inspectors, a 'hub' has been put in place that fields all the calls from inspectors regarding safeguarding. This is designed to support a nationally consistent approach. Inspectors are required to call the hub during an inspection if they are minded to judge safeguarding as ineffective. Some inspectors talked to this review about their concerns around the impact of additional scrutiny of decision making in this area. **Ofsted will need to ensure that this does not cause inspectors to avoid making the right decisions in the interest of keeping children safe.**

The complaints system

Changes have also been made to the complaints process for school inspections. These have been well received but there remains a strong feeling that there is far more to do. The system was under fire before the Ruth Perry tragedy and this criticism has continued. For example, in an NAHT survey, 95% of respondents disagreed with the statement that 'Ofsted deals with complaints about the accuracy of inspection judgements effectively.'⁹ A highly respected CEO of a strong multi-academy trust described his experience of Ofsted's complaints process as 'the most demeaning experience, Kafkaesque in its bureaucracy, with no opportunity at any point to talk to a human being'.

⁹ 'Rethinking school inspection', NAHT, January 2024.

Under the new arrangements, school leaders are given a telephone number at Ofsted that they can call during an inspection or on the next working day. They will then be able to speak to a senior inspector about any unresolved issues. It is now also possible for school leaders to make a complaint when they receive the draft report, rather than having to wait for the final report.

To inject greater distance and more obvious objectivity into the complaints process, regional teams no longer investigate their own complaints. This includes looking at the evidence base underpinning judgements. Complainants can also now go straight to an independent adjudicator for a review of how their complaint was handled. Ofsted is also piloting complaints panels, made up of people from the sectors concerned. The panels periodically review a random selection of complaints to see what can be learnt from them. All of this is appreciated externally, although there remains a view that Ofsted could do more to counter the criticism that it is marking its own work. For example, the Confederation of School Trusts argues that there should be scope to allow for an appeal after stage two with the power to re-open the judgement. **This review recommends that Ofsted continues to focus on improving the complaints procedure. There should be a focus on embedding an element of independent external oversight with the power to re-open inspection judgements.**

Some HMIs spoke to the review about the impact of these new arrangements. They reported incidents of senior leaders of inspected providers using them to exert pressure. Some suggested it would help if there was additional on-site quality assurance from senior inspectors when issues emerge. It will be important to keep these arrangements under review to protect the integrity and fairness of the inspection regime.

In its response to the Education Select Committee's report, the DfE recognised the value of an independent element within Ofsted's complaints process.¹⁰ It committed to continuing to work with Ofsted to find ways of increasing independent involvement. In its six-monthly progress review, the Select Committee should be sure to keep progress on this aspect under scrutiny.

¹⁰ 'Ofsted's work with schools: Government response', UK Parliament, April 2024.

Organisational structure, management and support for staff

This review found, especially from staff responses and comments, that the learning from Ruth Perry's death was determined, and in some ways constrained, by Ofsted's organisational structure and culture.

The regional structure

Ofsted staff talked to this review at length about the impact of Ofsted's regional structure on the organisation's decision-making, communications and ways of working.

Ofsted introduced its regional structure in 2013 to enhance oversight and effectiveness. This structure includes eight Regional Directors, each supported by Senior His Majesty's Inspectors (SHMIs), HMIs and regulatory inspectors for early years and social care in their respective regions. This change aimed to provide more localised, focused support and scrutiny across different areas of England. It has enabled a sense of identity and mutual support within regional teams. However, this review heard much about some of the negative consequences of the structure. Regions were deliberately set up to be in competition with each other, particularly in Ofsted's drive to complete the required volume of inspections.

Inspectors identified significant differences in style and culture as well as in the operation of terms and conditions. The review heard many examples of managerial variability, such as different approaches to leave arrangements, inspection scheduling, admin days and 'time off in lieu' for travel or extended hours.

While it is good that Ofsted acknowledges the importance of place, locality and context, the emphasis on eight separate spheres of operation has led to some differences in approach. It also resulted in greater inconsistency across Ofsted. This is seen both internally and externally. It is also more expensive to establish eight regional bases rather than three or four.

Led by the Deputy Chief Inspector, a number of positive initiatives have been established to extend learning from school inspections and to ensure greater consistency across regions. For example, consistency panels have been recently set up for each of Ofsted's education inspection remits, taking learning from established early years and social care arrangements to develop stronger national oversight. This review heard detailed and reflective discussions at these new consistency meetings of critical inspection judgements, deferrals, pauses and decisions to gather additional evidence.

Again, drawing on practice in its social care and early years regulatory work, Ofsted is also implementing new 'hubs' to manage aspects of its inspection and regulatory work centrally, rather than regionally. A quality assurance hub has operated effectively across Ofsted's early years regulatory work for some time and its social care work has had longstanding consistency panels for inspection and mechanisms for overseeing regulatory decisions within and across regions. These positive changes in education work are all welcome but the feedback to the review suggests that the changes will need to be kept under review to ensure that they are having the desired impact.

Some respondents to this review also stressed the importance of ensuring that the National Director, Education, and the National Director, Regulation and Social Care, are more equally empowered and resourced to provide a national view of quality, consistency and professional standards. Having these posts absolutely central to decisions about quality assurance, moderation of inspection judgements and complaints would help ensure that there is a visible, senior and authoritative voice on these matters across all remits. From the discussions held as part of this review, this already appears to be more the case in the early years and social care remits. This is perhaps because each of Ofsted's Regional Directors has an education or HMI background and the early years and social care work is accepted as highly specialist. Ofsted may also want to consider the extent to which its senior management roles are filled by internal candidates and what more it could do to help encourage fresh thinking and external leadership experience as part of its top team. There should be an internal drive for Ofsted to operate as a unified organisation to help ensure a more holistic approach to learning and development. This should also address inconsistencies in practice. This drive should use the experience and insights from all staff in its different areas of work to learn proactively and collectively.

Organisational culture

The learning generated from the tragedy of Ruth Perry's suicide can only be realised if it is rooted in an organisational culture that looks to achieve its objectives and improve its performance through the effective management and development of its staff.

In December 2022, Ofsted commissioned a report by Martin Tiplady OBE on organisational culture in its social care teams. This recommended a refresh of Ofsted's values and behaviours. It identified Ofsted as 'an orderly, disciplined and formulaic organisation that speaks with authority.' It found a positive camaraderie among staff but it also found a nervousness about challenging managers or the organisation more widely. It reported that leaders need to build a culture in which

challenge is seen as a sign of a healthy organisation, willing to learn and change in response.

The Tiplady report also found a lack of performance management, both in terms of addressing poor performance and in terms of positive career development. It strongly recommended strengthening the role and capabilities of middle managers. This review was told that performance management was patchy, with staff themselves expressing concerns that poor performance was not always dealt with effectively. Most HMIs spoken to as part of this review reported receiving no feedback, either good or bad, on their performance on inspections since passing their probationary year. They did not even see any evaluation forms submitted from schools they had inspected. To function effectively, organisations need to have regular conversations with members of staff about their work. Yet professional development conversations do not seem to be a routine experience for many school inspectors. **This review recommends that there is a greater emphasis on managing and supporting the performance of inspectors so everyone is clear about what is expected of them, how well they are doing and what support they might need to do better.**

Work has recently been completed on a new set of organisational values. A process was undertaken to discuss culture and values with staff in the organisation. The overall strapline is 'putting children and learners first'. This is underpinned with four values expected for the behaviour of all staff :

- professional
- courteous
- respectful
- empathetic.

This is a sound set of values, but this review also recommends an emphasis on transparency and Ofsted's own accountability. There needs to be a willingness to challenge, internally as well as externally, when people are not working in line with these values. The actual wording of the values is, however, less important than how they are built into the organisation to make them a reality. This is mainly through effective leadership and management and clear communication, as well as through challenging behaviour that sits outside these values.

Inspectors highlighted that they were often dealing with stressful situations and needed time with their managers to discuss their experiences. However, the review heard that the regularity of one-to-one meetings varies considerably between regions. Some spoke of excellent support. For example, one HMI said she could talk to her line manager at any time and found great support in her team: 'Camaraderie

supported me through headship and I have that now in my region'. Others found their managers did not have time for meetings.

Protected time needs to be found for individuals to review their work, and it is also crucial in dealing with those inspectors who do not display the desired behaviours. The review heard that, at times, there had been a reluctance to address conduct issues when they were raised, with people 'getting away with being unpleasant'. It is vital that the appropriate behaviours are reinforced through recruitment, induction and line management to support professional and personal development. Inspectors must be aware that there are consequences to failing to meet the new standards.

As part of this review, engagement sessions were also held with members of staff working in Ofsted's inspection and regulatory support teams. While they do not carry out inspection and regulatory visits, staff attending these sessions handle calls from providers and the public, process childcare and children's social care applications, contact leaders about their inspections and manage complaints. If Ofsted's culture is to become more inclusive, this sort of staff engagement needs to be built into the routine way Ofsted works. The discussions added real value and insights to this learning review.

The staff who joined the sessions all recognised the impact of the tragic death of Ruth Perry. They were pleased to have the opportunity to reflect on the lessons that could be learned.

Some members of Ofsted staff reported that they felt the internal response and communications had initially been too focused on inspectors, and the schools remit in particular. While that was understandable at first, they said more could have been done to take account of the support needed for staff across the organisation. They also thought there were opportunities for learning that could be missed by not thinking in a cross-remit way. The review endorses that view.

Staff in some of the inspection support teams noted changes to the template letters and scripts used during inspection that had been made over the last year. While they thought these were an improvement, some thought more could still be done to reduce any unnecessary 'friction' in the process. They gave the example of Ofsted sending information in letters attached to emails. This may appear overly formal and also makes it more difficult for providers to immediately identify what they need to do in what can be highly pressured situations.

Reflecting on what needed to be done to embed change, some attendees argued that Ofsted needs to have more of a 'customer focus' and that this could be done without compromising inspections. They wondered whether Ofsted also needs to reconsider some of its key performance indicators and the way they drive priorities. For example, they thought the understandable emphasis on meeting inspection

volume targets and timely report publication, could be balanced by an equal focus on KPIs relating to customer satisfaction. **This review recommends that Ofsted uses the experience and insights from all staff in its different areas of work to learn proactively and collectively to improve its processes and practice.**

Mental health training

One of the main programmes of change following the Coroner's and Education Select Committee's reports has been the training of Ofsted's inspection workforce and most senior leaders in mental health awareness. On 8 January 2024, a half-day webinar was held for all inspection staff. There was then an additional half day, more in-depth training, which the inspection workforce had to complete by 31 March 2024. This was reinforced at a 2024 Spring conference and is also now part of the training for new inspectors.

The half-day training had the stated aim of 'developing [inspectors'] awareness around mental health' and to help them 'recognise signs of distress and anxiety in others and enable [them] to reflect on [their] own mental health and maintaining well-being'. More than 3,500 members of the inspection workforce went through the training. The evaluations completed were positive, with participants saying their knowledge and confidence had increased. They were positive too about the quality of the trainers. This review found that many inspectors generally welcomed the training and could identify where it had changed their practice. Examples of feedback include:

'We all like to think that we are good with people and look out for one another but in the past the organisation has not been explicit about it. Now it is at the forefront. But the messages have to be regular and clear.'

'It gives us permission to make [leaders' well-being] a priority ... People have been acting with compassion and empathy but have been dealing with this informally – but it is now an expected part of inspection.'

However, some HMIs spoken to for this review did question whether the training added much to the knowledge, skills and experience they had already developed in recent years. It is also important to recognise the importance of mental health training for all staff. Some frontline support staff told this review that they would have also appreciated this training as they often deal with providers on calls in what can be stressful situations.

Although there is still some cynicism, schools report noticing differences. A headteacher who recently shadowed an inspection while training as an inspector recognised the difference from her previous experience of being inspected:

‘There was so much more emphasis on the well-being of the school leaders. It created a much better atmosphere from the start’.

Some school HMIs reported to the review that they identified a positive shift by the organisation towards valuing staff who could interact with senior staff in schools with warmth and empathy rather than (as they perceived the previous approach) the ability to be tough and hard-hitting. One HMI summed up, ‘There is a new culture and permission to be more human in written and verbal communications.’

Some inspectors commented that, when completing their evaluation of training like this, they understood that their submission was not anonymised. Worryingly, they were therefore reluctant to make any critical comments. They did not seem to know about the proposed ‘roadmap’ for further mental health training. They were also anxious that the training should be part of a ‘sustainable approach’. Some suggested annual refreshers in the same way schools are required to do for safeguarding training.

The advice from Education Support is that training for inspectors would ideally include:

- an overview of mental health, well-being and stress
- the state of the education workforce currently in terms of stress, anxiety, depression, burnout and loneliness. This is critical context for inspectors but also for other Ofsted staff in routine contact and regular engagement with schools
- what we know about how leaders show up at inspection. There are very specific dynamics at play in the inspection window and the actual inspection. Inspectors can be made aware of the range of responses they may need to be ready for and strategies for various scenarios. In particular, understanding the detail of the stress cycle is important for inspectors to understand
- specific tools and models to support inspectors to build appropriate relationships during inspection. These should be considerate of the power dynamics, trust, empathy and feedback
- how to carry out difficult conversations with care
- personal worldviews, beliefs and biases that we hold individually, organisationally and across the profession and how they can help or hinder our practice
- learning and strategies for staying well personally as an inspector – this should draw from other contexts and from peers.

This last point is of crucial importance and identified by many inspectors as a current need.

Education Support emphasised that work on mental health awareness would be even more powerful and effective if it were linked to parallel reflection and learning by Ofsted's leaders, particularly if Ofsted's leadership were to consider their own organisational culture in relation to power, empathy and feedback. This would also provide strong support for the changes needed, as outlined above, in organisational culture. More specifically, Education Support advised that leadership engagement with staff is important about the feedback that Ofsted has received from the sector and the public since Ruth Perry's death and now through this review and the responses from the Big Listen.

Education Support describes the need for an explicit process for sense-making and accommodation of diverse perspectives. They believe this would support a more open approach to mental health and well-being for the whole organisation. In particular, they recommend thoughtful engagement with the dilemmas the inspectorate faces, such as 'how do we hold the tension between making tough judgement calls and taking care of those we work with/inspect'? Education Support suggests this sort of engagement would yield important insights that can be shared with inspectors who will hold those same dilemmas at a local level.

The review recommends that the work to roll out mental health training in 2024 be built on and expanded with more sophisticated training, regularly refreshed. This training should be very specifically designed to reflect the unique power dynamic of inspection, with specific models and tools to support inspectors to build appropriate relationships during inspection.

Inspector workloads

Inspectors and some senior leaders told this review that they thought the efforts to learn from these events and give school inspections a more 'human face' are undermined by the significant budget cuts the organisation has faced over the last decade and the pressure to complete the volume of required inspections. The review heard the phrase 'volume trumps quality' from inspectors, time and time again. Ofsted reported in its 2024 response to the Select Committee that its budget was 29% lower in real terms than in 2009/10.¹¹ There is some recognition of these pressures in the Labour Party's manifesto, which earmarked a £45 million budget increase to support Ofsted reform in its fiscal plan.

¹¹ ['Ofsted's response to the Education Select Committee'](#), Ofsted, March 2024.

The review heard about inspectors working 10-hour days in school on day one of an inspection, with additional hours of writing up and preparation, taking the day up to 13 or 14 hours. This 10-hour day for inspectors inevitably leads to school leaders being in school well before the inspectors arrive at 8am and often two hours after they leave – so a long, stressful day for school leaders too.

Inspectors' evening work usually takes place in their hotel, with the accommodation standard having gone down due to the spending constraints. This quote is typical of many comments from inspectors heard by the review:

'I was in a 'pub with rooms' this week, which did not serve breakfast, had no fridge or air con, I could not open the windows and there were no staff in the premises overnight, leaving me feeling vulnerable.'

Inspectors and support staff from other remits noted how they have more space to work constructively with the institutions inspected. Inspectors of local authority children's services told this review of the value of ongoing discussions with local authorities between inspections. While ILACS inspections are still pressurised, there is more time and space for discussion and liaison during and around the inspection, compared with school inspection which is very intense and short. HMIs also spoke positively about initial teacher education inspections having a better pace. The inspections of independent schools have an additional day, which enables the lead inspector to build a relationship with school leaders before the deep dives.

The review also heard many times about the value, in ILACS inspections, of having quality assurance on site for part of the inspection. They are then able to pick up any problems and can speak to both inspectors and local authority leaders face to face. This last feature is viewed positively by local authorities.

HMIs were positive about the pilots for the new approach for Section 8 ungraded inspections. They thought these would help them to better understand schools. Some likened the new approach to that for monitoring visits of schools that were being brokered and that they said were very effective. They said the new approach allowed them more time to build a relationship with a school. This enabled the HMI to 'get under the skin of a school' and have a real opportunity to support, and even inspire, change.

This review recommends that Ofsted advises the DfE and government of the dangers of chasing volume at the expense of inspection quality. Inspection processes and reports should support improvement by being useful and meaningful to those subject to inspection, to parents and the public.

Professional learning and development

Across all areas of Ofsted's work, it is the quality of an inspection – essentially the wisdom and skill of individual inspectors – that ensures the greatest impact on change and improvement. The learning from this review is a reminder that the essence of good inspection is respect and productive engagement between inspectors and those inspected. This is traditionally described by HMIs as 'doing good as you go'. High-quality professional learning and development and support for inspectors are fundamental to this approach.

Such support is more important than ever if Ofsted is to turn its plans for reform into reality. It is clear from individual HMIs and group comments to this review that the widespread criticism of Ofsted over the last couple of years has had an impact on morale. Some current HMIs reported no longer telling people they met that they worked for Ofsted and were worried about being on social media for fear of personal vilification. They had received some advice on personal safety from their managers following the tragedy and some had sought individual help. However, there is strong pride in doing the job of HMI:

'Despite all the negatives, I love my job. I think it is incredibly important and I feel privileged to do it. The feedback we get for most inspections is very positive and I know we have a positive impact on the safety, lives, futures and education of so many children and young people.'

Nevertheless, the danger is that low morale puts further pressure on retention and the quality of inspection. This remains an issue for Ofsted, with the average length of service of HMIs sitting at just between two to four years. Retention is a challenge when the external market, particularly from multi-academy trusts, is so much more competitive. However, this review also heard from current and former HMIs, and from the FDA, that that leadership and management are not consistently strong across all regions and this hinders the development of a consistently positive and supportive culture.

Many serving and some former HMIs are clear that both the quantity and quality of induction and professional development have diminished significantly, principally because of budget reductions. The review heard concerns from schools themselves and related member organisations about the lack of expertise among some HMI. This focused not only on inspectors' experience in the age group they were inspecting but also on style and approach. Some newer HMIs were described as having less confidence in leading and managing an inspection. The FDA was particularly critical about the quality and depth of induction for new inspectors and highlighted the variability and inconsistency across regions.

Well before the establishment of Ofsted itself in 1992, there was a strong tradition of training and developing a new HMI by having them work alongside a more experienced colleague for a sustained period of time. The latter would have been trained for what was, in effect, a coaching and mentoring role. This one-year induction programme enabled new HMIs to grow in skills, knowledge and confidence while being observed and supported 'at the chalkface'. The relationship between the two HMIs often endured way beyond the induction year and proved a long-term source of professional support. This approach was universally perceived as a first-class induction to the role of HMI and was frequently described as a 'Rolls Royce' model. It is clear that this approach is no longer affordable, but it is crucial that Ofsted prioritises support for 'on the job' induction. This should include resourcing an HMI 'shadowing' or 'buddy system' that provides coaching support and guidance.

One of the ways in which Ofsted is addressing these concerns is by encouraging experienced and successful contracted inspectors to apply for HMI jobs. This is a constructive way of recruiting people who already have some experience and expertise.

Ofsted also has plans to launch the Ofsted Academy to improve its approach to learning and development. This commitment to better induction, training, learning, development and good practice is both important and positive. However, it is difficult to see how it will achieve the necessary changes within current budgetary constraints. It is absolutely crucial that both inspectors and staff are fully engaged in the design of the new approach and that their views during the first round of implementation are used formatively to improve what follows.

Learning from inspection has to be a two-way process. It is right that those inspected are open to learning from inspection. It is also important that inspectors are given the opportunity to learn from those they inspect about what could be done to inspect more effectively. Fundamentally, Ofsted must also ask 'What difference is inspection making?' and 'Could we make more of a difference if we did things differently?' Governments should ask this question of inspection too.

Accountability, governance and oversight

This review looked at how the governance of Ofsted works. This is crucial to understanding how it dealt with the tragic death of Ruth Perry and its aftermath and how it might ensure that learning is embedded in the future to support the reform of Ofsted.

Ofsted's legislative background

Ofsted is a non-ministerial government department created by the [Education and Inspections Act 2006](#). The DfE works with 18 agencies and public bodies, two of which (Ofsted and Ofqual) are classified in this way. Generally, this classification is for organisations responsible for matters for which direct political oversight is judged unnecessary or inappropriate. The Cabinet Office guidance clarifies: ¹²

'The guiding principle underlying the framework is that the classification of an arm's length body (ALB) should be determined by the degree of freedom that body needs from ministerial control to do its work'.

The Ofsted Board's functions derive from the 2006 legislation. The then Secretary of State for Education and Skills, Alan Johnson, clearly envisaged a strong role for Ofsted's Board but this seems to have got lost over time. In response to a question in the House of Commons, he emphasised the importance of good governance:

'The Education and Inspections Bill which is currently before Parliament will make provision for an expansion of Ofsted's remit, creating a single inspectorate for Education, Children's Services and Skills. The new Ofsted board is the centrepiece of the robust modernised governance arrangements the enlarged inspectorate needs to support and hold the Chief Inspector to account in delivering the responsibilities of the office. The board will be responsible for determining the strategic priorities for the Chief Inspector, setting the strategic objectives and targets relating to these priorities and securing that the Chief Inspector's functions are performed efficiently and effectively.'¹³

However, the 'Board' itself is not referred to explicitly in the 2006 Act. Instead, the 'Office' refers to the group that comprises the Chair, HMCI and between five and 10 other Board members. As described in the legislation, the Office performs its functions on behalf of the Crown.

Considering the scale and impact of Ofsted's work, the Board's role appears curiously limited, apparently leaving some of Ofsted's most critical activities outside of its control, unless HMCI chooses to let it have some control. This degree of autonomy and entitlement for HMCI does not make for effective governance.

¹² [Public bodies guidance: 'The Public Bodies Handbook: part one'](#), Cabinet Office, February 2013.

¹³ [New Ofsted Board: Volume 447: debated on Wednesday 7 June 2006](#), UK Parliament.

In essence, the legislation provides that:

- the Board has specific functions relating to the setting of HMCI's strategic priorities, strategic objectives and targets and for the monitoring of HMCI's performance
- HMCI, a member of the Board, has an autonomous role in the leadership and operation of Ofsted.

This means a number of conventional governance arrangements do not apply:

- HMCI (essentially, Ofsted's 'CEO') is not appointed by and cannot be dismissed by the Board
- while the Board has a statutory role in monitoring HMCI's performance, HMCI is not wholly accountable to the Board
- the Board's functions are tightly ring-fenced under the legislation so that it does not, for example, have any control over Ofsted's budget and resources.

The Act does provide [at clause 116\(2\)](#) for the Board 'to have such other functions in connection with the performance of HMCI's functions as may be assigned to it by the Secretary of State.'

Ofsted's governance framework and the role of the Board

In line with other agencies and public bodies, Ofsted has produced a corporate governance framework that seeks to clarify responsibilities.¹⁴ These frameworks are intended to represent practical governance arrangements that have been worked out to overlay the legislative framework. However, a review of changes made to these arrangements since the 'new' Ofsted was established in 2006, suggests these are personality-dependent, largely determined by successive HMCIs, and hence inherently fragile.

A Board effectiveness review by Dr Long in 2022 found a common belief across senior leaders in Ofsted that there is only a 'limited role for the Board'. This understanding is due, in large part, to each HMCI deciding how they want the Board to discharge its responsibilities. It cannot be right that every HMCI has the freedom to determine the range of the Board's decision-making. The common focus for each HMCI should be on demonstrating a sense of responsibility, a willingness to be accountable and an attitude of service.

¹⁴ 'Ofsted's corporate governance framework', Ofsted, February 2014 (updated March 2023).

A comparison with Ofqual, as the only other non-ministerial department sponsored by the DfE, may be helpful here. Ofqual's governance framework indicates a very different approach.¹⁵ It has an emphasis on the collective responsibility of the Board and a long list of matters reserved to the Board for decision. Most of these matters are not reserved to the Ofsted Board, but it seems to this review that many could be. For example, both HMCI and the Chief Regulator at Ofqual are designated as Accounting Officers by HM Treasury. This means that each has a direct and personal fiduciary duty to Parliament, but Ofqual's governance framework sets out explicitly how this can be made to work at Board level.

The diversity of perspectives within the current Board represents a considerable strength for Ofsted that could be much better used. It is clear that the Chair of the Board brings a depth of understanding about what good corporate governance should look like and has made efforts to strengthen current arrangements. Board members bring a very strong and broad mix of knowledge, skills and expertise together with a working commitment to give time and attention to the work of the Board. They understand well that their focus is on strategy, performance and assurance rather than on operational matters. However, all perceive their experience on the Ofsted Board as very different from their experience on other boards. Several described the Ofsted model as being much more akin to an advisory board than they had anticipated.

There is consensus from current Board members that the role of the Board should be more than advisory and that this would be helpful in effecting change and reform. The Board, supported by the DfE, should therefore ensure that Ofsted's governance framework is revised. It should give a stronger base for establishing the high standards of governance that will be needed to ensure that the learning from this review is embedded, kept under review and sustained.

This review recommends that Ofsted should revise its governance framework to strengthen the role of the Board. This should be done with the aim of providing both support and constructive challenge to Ofsted in its learning and reform.

Strengthening governance

The Education Select Committee has already indicated that it expects HMCI to report to it on a six-monthly basis on Ofsted's progress in addressing the seven areas of concern set out in the Coroner's report. The oversight of the Ofsted Board should extend beyond these seven areas, important though they are. Ofsted must

¹⁵ 'Our governance', Ofqual, April 2010 (updated December 2022).

review its corporate governance framework to take more responsibility for ensuring that its culture, as experienced both internally and externally, reflects its new values. Time again, during discussions with people both inside and outside Ofsted, this review heard Ofsted described as defensive and unwilling to respond constructively to criticism. The Select Committee report also records this perception of Ofsted.

This review recommends that the Board’s approach to oversight should ensure that it is safe for people both inside and outside the organisation to say and do the right thing. It should promote a culture of openness, dialogue and active communication, both internally and externally. This entails engaging with a series of processes and metrics that give the Board a clear line of sight to those experiencing school inspection and also to those seeing the outcomes from it such as parents, the public and indeed the government.

This interface can give useful first-hand insight of what is happening on the ground and whether that lines up with what is heard at Board meetings. The Board should also engage with those responsible for undertaking inspection. The approach includes instituting checks and balances, relating to HMCI and the senior leadership of Ofsted, which incorporate a focus on values and organisational culture. This will enable the Board to give assurance that learning is not a one-off activity but is sustained and is being well embedded across Ofsted and helping the organisation to do its job better.

If Ofsted’s obvious determination to learn from the tragedy of Ruth Perry’s death is to be fully realised and sustained, the Board must ensure that the culture of the organisation is more open. People should be able to ask questions, disagree, complain or raise difficult issues. It will not be possible to secure agreement on everything, but it will shift the tone and style of engagement. More specifically, as indicated above, the role and engagement of the Board must be given more attention in the design and implementation of Ofsted’s approach to managing serious incidents. Given the importance of this tragedy, it would be useful for the leadership of Ofsted to review how this might have been handled differently.

The opportunity now to ensure sustainable learning is to harness the strengths of each Board member. This should allow the Board to become bigger than the sum of its parts and play a crucial role in ensuring a culture that prevents a tragedy like this from ever happening again.

The public accountability framework

There is a danger that the current focus on reform of Ofsted and inspection diverts attention from a wider debate about improving the broader public accountability system we have in this country. Most schools are publicly funded and so governments are rightly expected to account for the quality of education they

provide. They do that primarily by establishing public accountability systems. English schools have far more autonomy than in most other countries. It is therefore understandable that our public accountability system has focused on the simplicity of results, league tables and inspection. These give an important, albeit narrow, view of schools' purposes and, as we have seen in inspection, the accountability system has reached a crisis point and to focus on just the reform of Ofsted is too narrow. There has been growing criticism of the system for many years, including from employers and parents.

The most hostile perception of our current system is that it is based on a centralised regime of data, tests and inspection, set by government and invariably, negative, mechanistic and stressful. The model is generally described as 'high-stakes accountability', with sanctions or rewards for those being assessed or judged. There is a need to re-balance this accountability model. We need one that not only gives account at school level, without many of the current pressures, but also supports improvements to the system by contributing to leaders', teachers' and schools' professionalism. This should be more supportive of their work and result in greater ownership of the accountability system.

This review recommends that the new government initiates a debate about the essential elements of a public accountability system as part of its planning for a school report card. A school report card should ensure that clear information is provided to government, parents and the public. But it must also ensure that school evaluation is a dynamic and inclusive process, involving pupils, parents, staff and other key players in the local and wider community. There should be a focus on building professionalism and better practice, including perhaps the responsibilities of parents themselves within the system. Consideration of the role lateral shared accountability could play, as embedded, for example, in collective moral purpose and professional networks, across trusts, local authorities and other local and regional partnerships, would be part of this. An annual school report to parents and the local community would not replace inspection but would reduce its primacy in the current system. It has the potential for providing parents and the community with a broader and more balanced account of a school's achievements.

The review's recommendations

This review makes 14 recommendations.

1. Ofsted's actions following the reports of both the Coroner and the Education Select Committee should continue with a sense of urgency. The outstanding actions and other improvement and development initiatives (including those arising from the Big Listen) should be integrated into a single, overarching improvement and development plan which is owned by HMCI, staff and the

Board. This top-level plan and regular monitoring reports should be published for transparency on Ofsted's website.

2. The changes following Ofsted's consultation and engagement exercise, the Big Listen, should be implemented in a way that shows explicitly that staff have been listened to. The 'upward communication' that has been enabled by the Big Listen needs to be built into Ofsted's culture and ways of working in the future.
3. Ofsted should organise a senior leadership development session, involving Board members and the executive team, to work through a range of critical and serious incident scenarios. This session should include input from experts on crisis communications. The learning can then be used to broaden the procedure. The National Directors, supported by other senior leaders, should play a leading and authoritative role as the guardian of inspection standards and practice in any future critical or serious incident.
4. A programme of external review and evaluation, undertaken by an independent research organisation, should be built into Ofsted's plans for reform, particularly of school inspection, at key stages of implementation. Rather than just annual surveys, research will need to be nuanced in timing and approach to support decision-making. As part of this transparent approach, rather than being returned directly by the school to Ofsted, post-inspection surveys should be administered through a third-party, independent organisation.
5. Ofsted should ensure that the changed approach to safeguarding does not shift the balance to the point where it causes inspectors to avoid making the right decisions in the interest of keeping children safe.
6. Ofsted should continue to improve its complaints procedure, with a focus on embedding an element of independent external oversight with the power to re-open inspection judgements.
7. There should be an internal drive for Ofsted to operate as a unified organisation to help ensure a more holistic approach to learning and development. This should also address inconsistencies in practice. This drive should use the experience and insights from all staff in its different areas of work to learn proactively and collectively.
8. Ofsted should place a greater emphasis on managing and supporting the performance of inspectors so that everyone is clear about what is expected of them, how well they are doing and what support might be needed to do better.
9. Ofsted should review its key performance indicators and the way it drives priorities. For example, the emphasis on meeting inspection volume and

timeliness targets should be balanced by an equal focus on key performance indicators relating to stakeholders' satisfaction with the inspection process.

- 10.** Ofsted's work to roll out mental health training in 2024 should now be built on with more sophisticated training, regularly refreshed. This should be specifically designed to reflect the unique power dynamic of inspection, with specific models and tools to support inspectors to build appropriate relationships during inspection.
- 11.** Ofsted should advise the DfE and the new government of the dangers associated with chasing school inspection volume at the expense of inspection quality. Ofsted's processes and reports should support improvement by being useful and meaningful to those subject to inspection, to parents and to the public.
- 12.** Learning from inspection has to be a two-way process. Listening hard to internal and external feedback, both inspectors and support staff should be fully engaged in the design of Ofsted's new approach to professional learning and development. Their views on the first phase of implementation should be used formatively to improve what follows.
- 13.** Ofsted should review its governance framework to strengthen the role of the Board with the aim of establishing constructive challenge to support Ofsted in its learning and reform, by:
 - ensuring that it is safe for people both inside and outside the organisation to say and do the right thing, promoting a culture of openness, dialogue and active communication
 - engaging with processes and metrics that give the Board a clear line of sight not only to those experiencing inspection but to those seeing the outcomes such as parents, the public and the government
 - harnessing the strengths of each Board member so that the Board becomes bigger than the sum of its parts, and plays a crucial role in ensuring a culture that prevents a tragedy like this from ever happening again.
- 14.** As part of its planning for a school report card, the government should initiate a debate about the essential elements of the wider public accountability system, of which Ofsted is a part. This system should not only provide clear information to government, parents and the public but also ensure that school evaluation is a dynamic and inclusive process that builds confidence, professionalism and better practice.