


Inspector conduct – what will Ofsted do about it?

 12 December 2023

A senior coroner's verdict that an [Ofsted inspection](#) contributed to Ruth Perry's death made headlines last week and adds a further and important limb to the ongoing debate about Ofsted.

The consequences stemming from the inspection of Caversham Primary School are tragic and the inquest's findings should be shocking. Yet, regrettably, the coroner's description of that inspection will ring true with too many school leaders and staff.

“...lacked fairness, respect and sensitivity”

The coroner confirmed that the inspection had "lacked fairness, respect and sensitivity" and was at times "rude and intimidating". Too often we have heard from schools and trusts that this has also been their experience, with inspectors leaving staff upset, shaken, scared and angry.

Simplicity at the cost of fairness

Questions are being asked about what this verdict means for Ofsted. The debate about single word overall judgements is certainly reignited. Our [recent survey of school leaders](#) published in November identified that 70% of school leaders agreed that single word judgements equated to simplicity at the cost of fairness. This concern was seemingly echoed by the senior coroner in this inquest, with particular reference to the welfare of teachers.

Leaders also wait expectantly as the current Chief Inspector has promised, following the verdict, that Ofsted will “do more” and given it is just a matter of weeks before a new chief inspector takes the helm.

Action to prevent inspections of this nature occurring in the first place is of course vital but there is also a relevant question to be asked about remedy. Specifically, if a school does find itself the victim of an unfair, insensitive and intimidating inspection: what is Ofsted going to do about it?

Complaints reform

Last month, [Ofsted published the outcome of its consultation](#) on reform to its complaints procedure. It has committed, on a phased basis starting in January 2024, to various changes to its complaints process. These changes include introducing prescribed check-in points during inspection and the opportunity to speak with an independent senior inspector the day after an inspection visit.

However, one (amongst many) of the questions the coroner's findings prompts is whether this reform adequately addresses how Ofsted deals with concerns about inspector conduct.

We previously [commented on this](#) to some degree in the context of Ofsted's consultation and those observations about matters of conduct, justification and the need for transparency still stand.

“...unlikely Ofsted would have responded in any valuable way”

Caversham Primary School did not raise a formal complaint about inspector conduct following their November 2022 inspection. Yet if they had, our experience suggests that it would have been highly unlikely that Ofsted would have responded to those concerns in any valuable way.

Indeed, as was established during the inquest, Ofsted failed to carry out any internal review of that inspection despite the unthinkable consequences and the subsequent public fall-out. The report was published, and remains so to this day, and Ofsted's comments in the months that followed Ruth Perry's death suggest they considered the inspection to have been conducted perfectly fairly.

Repeated frustration for schools and trusts

It is a repeated frustration for schools and trusts that if they complain about the behaviour of an inspector, Ofsted will typically do nothing to address those concerns beyond stating that they will be dealt with as part of their internal performance management arrangements.

Of course, action under internal performance arrangements may well be necessary and it would not be appropriate for information relating to those arrangements to be shared with the complainant school. However, in the meantime, the report is published and Ofsted is content to consider it as final.

The school receives no conclusion from Ofsted as to whether its concerns have been upheld or otherwise. The inspection findings ultimately published in the public domain often remain in line with the views of the inspector(s) whose conduct has been the subject of the complaint because, unsurprisingly, the evidence base supports those views.

Limited investigation

Additionally jarring for schools is that Ofsted's investigation into any alleged poor conduct appears to be extremely limited, often referring to little more than the fact that the inspector in question does not agree with the school's allegations. Under the current procedure, the school is required to set out its concerns in a word-limited online complaint form but is not contacted any further to assist investigations.

It is not difficult to see what kind of culture this lack of redress creates. It essentially condones poor standards of conduct, fails to acknowledge the balance of power during inspection and undermines the impact such behaviour so often has on both inspection outcomes and staff welfare.

“Mythical creature”

That there will be no more inspections which give rise to complaints about inspector conduct is of course the dream. That, as a result of reform, there will be significantly fewer is hopefully the reality.

Either way, a crucial element to rebuilding trust in the inspectorate is school leaders having confidence that when an inspection isn't conducted as expected, Ofsted genuinely listen and act meaningfully in response.

If that doesn't happen, the new measures introduced from January will be akin to measures that the coroner in Ruth Perry's inquest termed a “mythical creature”.

Contact



Katie Michelin

Partner

katie.michelon@brownejacobson.com

+44 (0)115 976 6189

Related expertise