

Report to Her Majesty's Chief Inspector following an investigation into allegations of inspection irregularities in three Norfolk schools

Introduction

This report sets out the findings of an internal investigation and review commissioned by Her Majesty's Chief Inspector, Sir Michael Wilshaw, into the circumstances surrounding the inspection of three schools in Norfolk and the wider handling and sharing of information by Ofsted about inspection schedules.

The internal investigation and review commenced on 19 August 2014 and was led by Sir Robin Boshier, Ofsted's Director of Quality and Training. The investigation was commissioned following publication of an article in *The Observer* newspaper on Sunday 17 August 2014 that alleged that three schools in Norfolk had been given unauthorised advanced notice of their forthcoming inspection dates. The schools named in the article were:

- Ormiston Victory Academy, Norwich (section 5 inspection on 14 and 15 May 2013)
- Thetford Academy (special measures monitoring inspection on 1 July 2014).
- Great Yarmouth Primary Academy (section 5 inspection on 13 and 14 May 2014).

Investigation and review summary

Main finding

The investigation team found no evidence to substantiate the allegations that the three schools in question had improperly received prior notification of the dates of their Ofsted inspections in order to put them at an unfair advantage.

Secondary finding

As a result of a lapse in information sharing procedures, the then chair of governors of Great Yarmouth Primary Academy, Dame Rachel de Souza (who is also chief



executive officer of the multi-academy Inspiration Trust to which Great Yarmouth Primary Academy school belongs), was mistakenly given sight of a schedule that included the planned inspection date of that school during her training to become a seconded Ofsted inspector. The date of the inspection was changed after this error was identified.

Background

On 17 August 2014, *The Observer* carried an article that claimed that three academies in Norfolk, each overseen at the time by Dame Rachel de Souza (chief executive of Inspiration Trust), knew about impending visits by Ofsted inspectors up to two weeks before they were formally notified by the lead inspector. The article appeared to be based on claims from a number of unnamed and, for the most part, not directly quoted sources (referred to by *The Observer* as 'whistleblowers'). The article implied that the advanced warning had allowed the academies in question to prepare lesson plans and other materials to present the schools in 'as positive light as possible' and, in the case of one school, to draft in teachers especially to 'perform in front of inspectors'.

In the light of the 'serious nature of the concerns raised' by *The Observer* (subsequently reported by other media outlets in Norfolk), Her Majesty's Chief Inspector, Sir Michael Wilshaw, commissioned Sir Robin Boshier, Ofsted's Director of Quality and Training, to carry out an investigation into the allegations.

Under the Terms of Reference, Sir Robin was asked to consider:

- whether or not any advance notice was given of the dates of inspection in these three cases: Great Yarmouth Primary, Ormiston Academy and Thetford Academy
- whether the processes in place to protect our inspection schedule information are sufficiently robust and are being followed at all times
- any lessons that can be learned to ensure that, as Ofsted seeks to engage more current practitioners in the inspection process, the integrity of inspection scheduling information is protected.

During late August and the first half of September 2014, Sir Robin's investigation team carried out a total of 39 interviews with relevant parties and visited all three academies in question. Among those interviewed were:

- senior leaders (principals and assistant principals), teachers and non-teaching staff, and students from each of the three schools
- a parent of a pupil who attended Ormiston Victory Academy
- headteacher representatives in Norfolk
- Her Majesty's Inspectors (HMI) and Additional Inspectors who inspected the schools in question

- scheduling leads from Ofsted's four contracted inspection service providers (ISPs)
- Ofsted's Regional Director for the East of England region (which includes Norfolk) and two Senior HMI from the East of England region
- full-time and part-time seconded inspectors from the East of England pilot group, including the chief executive of the Inspiration Trust, Dame Rachel de Souza
- Senior HMI from other regions overseeing the recruitment and training of seconded inspectors.

Findings

Main finding

Having conducted an extensive programme of interviews and examined all the available evidence pertinent to the investigation, the review team found no evidence to substantiate the main allegations contained in *The Observer* article and other subsequent media reports.

Many of those interviewed as part of the investigation reported that it was the habit and practice of the schools in question to maintain a high level of preparedness throughout the 'inspection window' during which a visit by Ofsted was due or expected.

Testimonies from school leaders, staff and students almost universally recalled a high degree of 'Ofsted readiness' as much as a year or more before the inspection actually took place. In all three schools, the Ofsted framework was being used by the senior leadership team as a driver and main reference point for school improvement. Some interviewees told the investigation team that the prospect of an imminent Ofsted inspection was used as a lever to engender a high degree of preparedness among staff at all times.

A number of HMI interviewed testified that, in their experience, such a heightened and prolonged state of preparedness for Ofsted inspections was not particularly unusual or confined to a certain group of schools or academies. It would, in any event, not be regarded by them as a clear indication that the school must have known the specific timing of the inspection prior to them being formally notified (usually half a day before inspectors arrive at the school).

A number of interviewees also said that the academies in question had been able to calculate or predict with a fairly high degree of accuracy the narrowing window in which their next inspection was likely to fall. This contributed to a perception among a number of people associated or familiar with the schools – including some interviewees – that school leaders were acting on prior knowledge.

HMI confirmed that, under Ofsted's current regulations and scheduling arrangements, this was not necessarily unusual or a sign of impropriety. Depending

on the type of inspection due and how long schools and academies are into the academic term, the likely window for inspection can sometimes be narrow. For example:

- Schools that have gained academy status will normally receive an initial inspection in their fifth term following their conversion.
- Schools in special measures will receive a monitoring visit from an HMI at least once a term to assess progress. If the last monitoring visit had occurred towards the end of the previous term, a return visit would not normally take place at the start of the new term, as the school would have had little time to implement any improvement programme.
- An inspection team will sometimes communicate to a school in special measures the areas they plan to focus on during their next monitoring visit and this could have a bearing on the exact timing of the inspection.
- Inspections subject to the usual half-day notice period will not fall on a Monday.

A number of these factors were relevant to the particular circumstances surrounding the three Norfolk schools at the centre of the allegations.

Thetford Academy was in special measures. In the monitoring visit prior to the inspection that took place on 1 July 2014, the lead inspector made it known that the inspection team would focus on the academy's sixth form during their next inspection in the summer term. As half term had already passed, the study leave period given to sixth form students before examinations meant that the window for this visit had narrowed to only a few weeks.

In the case of **Ormiston Victory Academy**, which was due a full inspection under Section 5 of the Education Act 2005 following academy conversion, interviewees said the school had been able to estimate the likely timing by looking at the inspection pattern of the previous year. The school predicted (correctly as it transpired) that the full inspection would fall within two weeks of a similar inspection of its sister school Ormiston Venture, as had occurred in 2012 when both schools received an earlier monitoring visit.

Great Yarmouth Primary Academy hadn't received an inspection visit by Ofsted during its fifth term following conversion to an academy. The window for the first section 5 inspection of such an academy is either the fifth or sixth term as it has to take place in the second year of operation. As a result, the school was on a particularly high state of readiness when inspectors did arrive in May.

Drafting in of teachers

In the case of Ormiston Victory Academy, the investigation found that a supply teacher who had not taught at the school before was used on the day of the inspection. However, a number of interviewees explained that the teacher in question had been brought in to replace another supply teacher, who had been

taken ill, at short notice. The investigation team found no evidence to support the allegation that the temporary member of staff had been recruited specially for the inspection.

Complaint by a parent regarding Ormiston Victory Academy

The investigation team re-examined the handling of a complaint received by Ofsted in May 2013 from a parent whose daughter was a pupil at Ormiston Victory Academy. The particular aspect of the complaint relevant to the investigation was that, according to the complainant, his daughter had been told by a teacher at the school on Thursday 9 May that an Ofsted inspection was very likely the following week – as indeed happened. The parent expressed concern that notice of the inspection had been ‘leaked’ ahead of when it should have been, ‘giving the school the opportunity to prepare and present itself favourably, potentially leading to an inaccurate report and unfair comparison with schools which receive no such notice.’

In his response letter of 4 July 2013 to the complainant, the Senior HMI from Ofsted’s National Complaints Team said that, following an investigation, he was unable to uphold the complaint as the investigating officer had found no evidence of a breach in confidentiality and was satisfied that the academy had not had advance notice of the inspection. The Senior HMI wrote that academy leaders would ‘have been aware of the timescales Ofsted has for inspecting academies, and so would have known that the inspection was likely to take place at some point in the summer term.’ This explanation accords with the conclusion reached separately by Sir Robin Boshier (see below).

The investigation team’s conclusions

Most inspection types are currently constrained by legislative or policy requirements to fall within a specific ‘inspection window’. This information is in the public domain and generally well understood by the sector.

Nevertheless, the practice of remaining on a high state of inspection readiness over a sustained period, combined with the use of Ofsted frameworks as an improvement lever and the ability of schools to sometimes pinpoint the likely window for their next inspection, undoubtedly created a perception among some people in Norfolk that these academies had prior knowledge of when inspectors would arrive. Aside from the parent who complained to Ofsted at the time of the Ormiston inspection, it appears from the interviews conducted that this perception was more prevalent among the wider headteacher and schools community in the county – including among some ex-employees of the three academies – than within the schools themselves.

However, beyond hearsay, the investigation could not find any clear and reliable evidence to back this perception up or the rumours circulating that these schools were being afforded preferential treatment by the inspectorate.

Secondary finding

During the course of the review, investigators found that an extract from an inspection schedule was emailed in error to two part-time seconded inspectors working for Ofsted, one of whom was the chair of governors of Great Yarmouth Primary Academy, a school named on the schedule with the planned date of its next inspection.

Seconded inspectors

Over the last few years, Ofsted has taken positive steps to include in its workforce a much larger number of seconded practitioners currently serving in schools. The principle behind this is that it is mutually beneficial: Ofsted benefits from the professional expertise of those currently running good or outstanding schools; and these leaders in turn are able to share their insight and knowledge of Ofsted's frameworks gained through first-hand experience of carrying out inspections.

Unlike the majority of Additional Inspectors, who are contracted to carry out school inspection work on behalf of Ofsted by one of the three school inspection service providers (ISPs), these seconded inspectors are contracted directly by Ofsted.

Since the scheme was introduced in 2013, Ofsted has been recruiting and training:

- full-time seconded inspectors – these are serving heads or deputy heads who are on secondment to Ofsted for a year and working full-time on inspection;
- part-time seconded inspectors – these are usually serving heads or executive heads recruited by Ofsted to carry out inspections on a part-time basis (between 10 and 25 inspection days a year) while continuing to run their existing institutions for the rest of the time.

The recruitment, training and deployment of both types of seconded inspectors have been piloted in a number of Ofsted regions, including the East of England, over the past 12 months.

The inspection planning process and access to the inspector work programme

Ofsted's inspection schedule, known as the inspector work programme, is produced by the Inspection Planning Team on a bespoke secure IT system. Three work programmes are created each year, one for each scheduling period: spring; summer and autumn.

Access to these programmes is restricted and only granted on a 'need to know' basis to named individuals by the Information Services team. Among those who currently have access are HMI, the full-time seconded inspectors and those Ofsted support and administrative staff who require details of the scheduling information to undertake their roles, for example inspection support team members who require this information to book overnight accommodation for HMI.

Part-time seconded inspectors, like their counterparts working as Additional Inspectors for the three ISPs, do not have access to the work programme. They only receive details of the inspections that they will undertake on behalf of Ofsted and these are shared with them by their regional SHMI.

All those who undertake inspection activity on behalf of Ofsted and those employees with authorised access to the inspector work programme are required to sign the Official Secrets Act and are contractually bound by the rules around confidentiality and conflicts of interest. These rules are regularly re-enforced through guidance and training.

In addition, an examination of the security measures in place to mitigate the risk of inspection scheduling information being shared with anyone without authorised access led the investigation team to conclude that the system is generally robust.

For example, if details of inspections need to be shared in writing between ISPs and the Inspection Planning Team, then only the inspection number is stated in the email; the name of the institution is not indicated.

How the information handling lapse occurred

Dame Rachel de Souza joined Ofsted as a part-time seconded inspector on 1 April 2014. The investigation team established that, on 4 April 2014, Dame Rachel de Souza and a second part-time seconded inspector were mistakenly included among the recipients of a group email sent to a group of new inspectors by their trainer, a Senior HMI. This email contained details of a number of planned school inspections (including names and dates) beyond those that the two seconded inspectors were due to be involved in themselves. This went against the agreed policy on access to scheduling information. Among the schools listed in this email was Great Yarmouth Primary Academy, of which Dame Rachel de Souza was chair of governors and chief executive of its sponsoring body. No other school named in the email gave rise to a potential conflict of interest.

When the regional team realised that the email had been sent in error to the two part-time seconded inspectors, the Great Yarmouth Primary Academy inspection was rescheduled to another date.

When interviewed as part of the investigation, Dame Rachel de Souza said that she had not passed on the information she had mistakenly been sent about the Great Yarmouth Primary Academy inspection to anyone at the academy. The investigation team could find no evidence during the course of their interviews and investigation that cast doubt on this assertion.

The investigation team concluded that this error stemmed from the fact that, in April this year, the operational processes around recruiting and deploying seconded inspectors were still in their infancy. In the case of the East of England region, it was evident that these processes had not been developed with sufficient rigour to ensure that they fully complied with the established rules around confidentiality and access to scheduling information.

To ascertain the extent to which the information lapse in the East of England was an isolated case or one that highlighted a more widespread systematic issue, the review team interviewed Senior HMI in charge of running the other seconded inspector pilot programmes.

They found that systems and processes were generally better developed in each of the other regions. These regions also had a sharper emphasis on creating a culture of confidentiality among the seconded inspector cohorts. Greater care and attention had been given to preventing any possible conflict of interest and to ensuring that the relevant training was delivered at the appropriate point in the induction programme than was the case with the East of England programme.

Specific examples of good practice encountered included:

- limiting seconded inspectors to section 8 monitoring inspection visits (schools in special measures or that have been judged as requires improvement already know that they will be visited by Ofsted on a regular basis)
- developing bespoke conflict of interest forms for seconded inspectors and ensuring that they are signed and completed by the new seconded inspectors before they undertake any work for Ofsted.

Actions and recommendations

In the light of the findings set out above, Ofsted has this week conducted a new unannounced inspection of Great Yarmouth Primary Academy to mitigate any possible risk that the academy could have been placed at an advantage at the time of its previous inspection earlier in the year. The decision to order another full inspection was taken by Her Majesty's Chief Inspector in order to maintain public confidence in the integrity of the inspection process.

In addition, Sir Robin Boshier recommends that Ofsted examines what further measures may be necessary to ensure that current processes around confidentiality and preventing conflicts of interest are as robust as possible, particularly those governing access to inspection scheduling information. This includes incorporating the best practice across the country into every regional team in terms of the training and deployment of serving school practitioners.

Ofsted recognises that the importance of having watertight systems and processes in place has taken on even greater importance following the decision to bring the contracting and management of all Additional Inspectors in-house from September 2015, when the current ISP contracts expire.

Sir Robin also recommends that, as part of the wider set of reforms to education inspection currently under consideration, Ofsted looks at where it could adopt a more flexible, risk-based (and therefore less predictable) approach to the timing of certain types of inspection, particularly post-academy conversion inspections.