

HER MAJESTY'S INSPECTORATES IN THE EDUCATION
AND POLICE SERVICES OF ENGLAND AND WALES:
COMPARATIVE PATTERNS OF CONFLICT AND ACCOMMODATION.

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Submitted in partial fulfilment
of the requirements for the degree of
DOCTOR OF PHILOSOPHY

THE UNIVERSITY OF LEICESTER

in collaboration with

NORTHAMPTON UNIVERSITY COLLEGE

2001.

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ABSTRACT

Her Majesty's Inspectorates in the Education and Police Services of England and Wales: Comparative Patterns of Conflict and Accommodation.

Bryan B. Wilson.

This research is an empirically based, comparative study of the inspectorates in two high profile areas of public concern, the education and police services and explores the realities and complexities of an increasingly politically favoured instrument, inspection, in regulation regimes. It uses case study methodology and data collected by semi-structured interviews and textual analysis of literature, and reports and other documents published by the two inspectorates and associated organisations.

The study has the aims of contextualising the role and place of the inspectorates and of establishing if they are an aid to the achievement of accountability; whether they are independent assessors; and whether any aid given could be extended to a wider population of "stakeholders". It seeks to identify ways that any benefits given could be increased and to relate the findings to other scholarship and draw out new insights, particularly those relating to the factors which determine the nature of the regime.

Considerably more conflict was revealed than might be expected within and between organisations commonly funded by the public purse. Four methods of resolving this were detected, "co-operation", "constraint", "collaboration" and "compromise". The inspectorates give definite assistance to the accountable parties by the information they provide but this is restricted by their being agents of Central Government control rather than independent assessors. Greater assistance would be given (including that offered to a wider population of stakeholders) if they were made truly independent.

Multiple factors were found to determine the punitive nature of regimes, by far the most important being Central Government's attitude and wishes. Intensive, rigorous inspection is seen as the favoured way ahead in the short term but its extensive use in the longer term is challenged, given an improvement in the line management of public services and the establishment and extension of the use and influence of credible Performance Indicators.

(100,000 words)

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Acknowledgements

I am most grateful to all the people who agreed to be interviewed for the study and for the frankness with which they spoke about their work. All were very busy people and it says much for the generosity of their natures that they were willing to give of their time and opinions so freely. The work was facilitated by offering anonymity and confidentiality to respondents (except the very senior politicians and officers of the two inspectorates who are identifiable by their titles alone) and to maintain this trust and avoid invidious discrimination it is not possible to name any of the individuals concerned. Nevertheless all concerned are thanked most sincerely for their participation.

I am also greatly indebted to my supervisors, Professor Christopher Winch, Dr Gordon Hughes and Dr Leslie Benson, for their help and guidance throughout the incubation stages of the study, in the development of ideas and for their comments on the many drafts in the writing process. Most of all I must thank them for their wisdom and unending patience in the face of a sometimes recalcitrant pupil.

Finally I thank my wife, Sheila, and my family for tolerating, nay encouraging, this obsessive use of retirement and for the unstinted and loving support given. I also thank my many friends for their interest and encouragement which helped me through what proved to be a fascinating study, "inspecting the inspectors".

SECTION ONE : INTRODUCTION AND BACKGROUND TO STUDY

CHAPTER ONE : INTRODUCTION

Introduction

There is a long tradition of Government using inspectorates as an integral part of regulatory regimes either to ensure that private organisations adhere to statutory requirements (e.g. the Factories, Health & Safety and Mines Inspectorates) or to check public organisations supplying services. Since the 1980s the appeal of inspectorates to various Government administrations and their use as a vehicle of evaluation, monitoring and control has increased. Inspection and the evidence it produces now enjoy more importance and a much higher status. New bodies with extended “inspection” powers have been introduced to replace other, long standing arrangements [e.g. the Audit Commission 1982, The Office of Standards in Education (OFSTED) 1992 and the Commission for Health Improvement 1998] and inspectorates with long histories have changed and intensified their arrangements [e.g. Her Majesty’s Inspectorate of Constabulary (HMIC)].

This trend has escalated under the Labour Administration since 1997. Increasingly “New Labour’s” modernisation programme for the public services calls for inspection to play a key role *“as an incentive to higher standards and as a means of determining appropriate levels of intervention”* (Blair 1998, p.16). A recent Government response to a Select Committee report (HC Paper 1999b, p.iii) claimed *“Inspection has a central place in the Government’s strategy for raising standards”*. There are a number of examples of the application of this philosophy. These include the requirement for the “Best Value Authorities” created by the Local Government Act 1999 to have their work inspected, publicised as a *“new, 300 strong army of Audit Commission inspectors who will establish whether local authorities, police forces and fire brigades are offering best value”* (Walker 2000). HMIC is increasing its numbers to allow for extended cover of racial issues in the police and will also undertake inspections of Basic Command Units (BCUs) and police training using “OFSTED type methods” (Travis 2000; Travis, Hopkins & Dodd 2000). A new inspectorate, the Adult Learning Inspectorate, to *“improve the quality of adult learning and work based training”*, has been created from mid 2000 (Guardian 2000). Developing the theme, the White Paper “Modernising Government” (Cabinet Office 1999) has proposed increased co-ordination of inspection functions and the development of a common set of inspection principles.

Inspection is thus a very much politically favoured device in public sector regulation whose use is being extended and one which receives much attention in the wider political world and in academic circles. In contrast, the actual way that inspectors work and reach their judgements is not well known and has received relatively little attention from empirical research. Until comparatively recently the methods used and standards applied were very much kept as “occupational secrets” and formed part of the considerable mystique which was part and parcel of the inspector’s approach and the deference they enjoyed. Whilst much sociological research has revealed that the rules and intentions of bureaucrats are often ameliorated by their recipients who adopt different interpretations and actions which to them, make sense of the world in which they live and the actions they are required to take, there has been little research which illuminates the situation relating to inspectors and the inspected in the public sector. This thesis redresses this imbalance by summarising the findings and conclusions which arise from a comparative study of the work of inspectorates in the education and police services. It updates available information on what is a rapidly changing scene and increases understanding by providing new insights into the reality of the inspectors’ work in a live, complex and contested situation. This is a reality which is not well known and one subject to many misapprehensions.

An examination confined to two services enables an in depth understanding to be obtained of the practices adopted. It is possible to study the impact on the disparate groups within the hierarchical structure of the organisations and to compare changes over time and establish explanations for differences in organisations which start from similar positions with similar procedures, endure similar pressures for change, but end with very different arrangements. It is argued that to be fully satisfactory, key explanatory factors should be capable of dealing with long term changes in the arrangements in a particular service in addition to explaining differences between services at one moment in time. The work is thus of considerable current importance and makes a substantial contribution to the field by giving transparency and understanding to this politically favoured method of assessment of the work of public services. As such it forms part of a much wider field of research which is concerned with public policy, governance and accountability.

A government, having decided to provide goods or services as public goods, needs information. On this it can base policy, ensure it is being followed in practice and satisfy interested parties that the decision making processes and supply are being undertaken in a

satisfactory way. Inspection is one of the methods which can give this information but it is not clear why inspection, of all those available (see Chapter Three), has such public sector appeal to politicians. Following an era when private sector practices have been imposed on public sector management as deliberate Government policy, inspection remains over and above the sector's direct organisational links in a way not generally found in the private sector. The latter normally relies on organisation hierarchies and strong line management, accompanied by some form of evaluation by the individual and their superiors, to give what it believes to be clear and effective lines of accountability. A possibility arises that the provision of inspectorates is an anachronism and a possible hindrance to the achievement of accountability. It may, however, serve a useful purpose, one which cannot be accomplished more efficiently by other arrangements. This study explains its popularity and establishes its usefulness.

One quirk in the arrangements is that successive governments have stressed the independent nature of the inspectorates and have adopted a number of devices, such as making positions Crown appointees or organising the bodies as separate agencies or non-Ministerial Departments, to demonstrate this independence. Political rhetoric on the subject is summarised by the Government's response to a 1999 Select Committee report: *"We believe that the independence of inspectors is an important safeguard to the community"* (HC 1999b, p.iii). Conversely the work of the inspectorates is seen by many of those inspected as being an integral part of central government direction and control. Independence from the service inspected is one thing, independence from Government is another and the political rhetoric is not clear. The question arises: in reality are the inspectorates independent assessors or agents of central government control? This introductory chapter explains the aims of the study; its rationale; and the structure of the thesis.

The Aims of the Research

The detailed objectives of the research are given in Chapter Two. In summary they are to explore the complex and contested realities of inspection in what are increasingly high profile areas of public concern, the education and police services. The research aims to make transparent and illuminate the arrangements in these services and, by a comparative empirical study, to give greater understanding of the realities of inspection regimes, suggesting possible reasons when practices diverge. The end product is intended to be an innovative contribution which will add to the information in the

public domain and give a better understanding of the practices adopted and the relationships engendered by this politically favoured method of achieving accountability.

The research has four overarching main aims and two associated subsidiary aims:

Main Aims

1. To establish how the inspectorates construe and execute their roles and the dynamics of their relationships and interactions with the organisations and individuals they evaluate; the tensions which arise and the conflict and accommodations which ensue;

Sub Aim 1.1 To identify areas where inspection practices in the two services converge or diverge and to suggest reasons for the latter.

2. To determine whether, or not, the use of inspectorates is an aid to achieving accountability in the two services concerned and, if so whose accountability, and to what ends; and whether this assistance could be extended to a wider population of stakeholders;

Sub Aim 2.1 To explore the 'effectiveness' of inspectorates from the point of view of different stakeholders:

3. To identify possible changes which would improve the assistance given to the achievement of accountability.
4. To relate findings to other scholarship and draw out new insights.

This is a developing area of empirical research in a rapidly changing scene which has been transformed, as is discussed later, by the introduction of market approaches and new methods of management. Increased emphasis in the new arrangements is placed on conceptions of 'economy', 'efficiency', 'effectiveness' and 'performance' when these, and methods of their evaluation, are contested ensuring that any overall assessments are themselves disputed.

The rationale for the research

A rationale for the research demands answers to the questions "Why research into inspectorates?" and "Why examine the inspectorates of the education and polices services in this context?"

The rationale for research into inspectorates

Inspectorates are, as already discussed, a part of the evaluatory and regulatory regimes for public services strongly favoured and employed by national politicians as part

of the processes which aid "accountability". The justification of inspectorates therefore depends, to a large extent, on a justification of the concept of accountability and evidence that inspection is an effective aid to its achievement

A brief justification of the concept of accountability suggests that under the political systems which control the economic and social life of countries such as England and Wales it is politicians who have the heavy responsibility, delegated by the citizenry, to decide what goods and services shall be provided at the latter's expense i.e. paid for by money raised through taxation; how they shall be provided; and how the processes involved will be regulated and controlled. The citizenry has a legitimate interest in how well the politicians perform, not only to gain assurance that the financial resources it provides are being expended wisely but also to help inform the decision it takes periodically on the people who should be allowed to govern the country. In turn, it is then in the interest of government to be able to show that it is facing up to its responsibilities and performing at a very high level, so demonstrating its competence and the competence of persons within it and its worthiness for an extended period of power, i.e. re-election. The way these requirements are met is by the application of the concepts of 'responsibility', 'accountability' and 'trust' as defined and discussed later in the thesis.

Changes in recent decades in both the problems of government and the perceptions of the citizenry make new research very relevant. It is a characteristic of current society that the political process of making choices of infinite ends from finite resources has become more difficult. The problems presented are very complex and demand intricate answers. National problems are exacerbated by the impact of the global economy and decisions taken by supra-national organisations. For more than a decade in Britain elected government has been withdrawing from the delivery of public services and old style government is being replaced by "governance", a more general term for providing direction to society. Much of this direction is being provided by an increasingly larger tier of quasi- governmental organisations "*made up of a variety of public, private and voluntary agencies entrusted with the delivery of policies of a strong but lean state*" (Greer & Hoggett 2000). The increased use of agencies might be said to have resulted in "more governance from a distance" or "governance by objective audit" (see Harden 1992, Rhodes & Dunleavy 1995, Power 1995 1997, Hoggett 1996, Clarke & Newman 1997) and to have caused problems of accountability.

The formal position appears clear. Ministers are accountable to Parliament for matters of policy and for the allocation of resources. They have delegated the responsibility for managerial and operating matters to the chief executives of agencies. In practice difficulties arise. Managers advise on policy: Ministers retain the right to interfere in management. The line between policy and operations is thus ill defined: attributing cause when things go wrong becomes difficult. One possible reason for this difficulty is that it is Ministers who decide the issues to be retained and those which are to be delegated: they decide the character of 'policy', 'management' and 'operations' (Flynn 1997, p.82). A suspicion is that this role is not performed well. As Flynn & Strehl (1996, p.266) suggest "*It is with some reluctance that politicians define their goals precisely enough for success or failure to be accurately reported*". Another view of the way that Ministers differentiate between operations and policy is the issue's political salience. If it is non-controversial Ministers appear to accept a matter as being "operational" but if there is media or political interest the suggestion is that it is regarded as policy (Smith 1998). A more sceptical belief is that politicians wish to accrue power but shrug off responsibility when things go wrong. In summary, it can be argued that the application of the concepts of 'responsibility', 'accountability' and 'trust' weakened towards the end of the 20th Century compared with earlier practice.

Concurrent with this, the moral expectation which arises in any democratic society that those in public service will give an account of what they have done and justify expenditure has, if anything, been strengthened. The difficulties faced in governance are compounded by a change in attitudes and relationships between the governed and those who govern. The population in the 21st Century is very different from that of the 18th and 19th Centuries (when the roots of present government systems were grown) or, indeed, from that of the 1950s (Giddens 1984, Bottoms & Wiles 1996). It can be argued that the majority of the current population is individually more prosperous despite serious continuing and perhaps worsening problems of the unemployed and underprivileged; better educated (compulsory schooling until age 16); better informed (radio, television, the internet, satellite communication); and has little respect for authority whether it be national, local, the church, the professions, trade unions or whatever. A consequence of these changes is a fall in deference afforded to those institutions and people thought to have authority in the past, especially those in the professions and in positions in public life.

The population is increasingly becoming accustomed to being wooed as 'customers' by politicians but is less confident about the abilities of public authorities. Ordinary citizens demonstrate more self-assurance when dealing with the latter and expect better treatment. One result is that those in authority in the services face increasing challenge on the results they achieve and the use they make of resources. As the Henley Centre for Forecasting summarised the position: *"Something very important is happening to the authority structure of our society. It is our view that deference to traditional authorities in Britain has now hit an all time low. Nowadays we no longer know our place. But does this imply the absence of any authorities at all? The answer is no. Whilst the authority of class, of the production side of life has declined, that of the consumption side has risen."* (Henley 1986). It is argued that this lessening of deference and increase in the authority of the consumer has continued since the comment was made and led to a challenge to those in authority which is intensified by the perceived non acceptance of responsibility by politicians. Whilst some commentators detect increased apathy in the electorate (Toynbee 2001) others, including the 1999 Commons Select Committee, perceive *"over recent years there has been a growing expectation on the part of the public that public services will be more directly answerable to those who use them"* (HC 1999a, p.x). Both points of view, although contradictory are accurate. An increased apathy on issues not seen to affect the individual directly can be detected, but this is associated with a very intense and active interest on issues and in services which have a direct impact. The latter situations have led to demands for greater participation in the establishment of aims and objectives: for more information, for better explanation to be given and possibly for increased involvement in the control exercised over results achieved and decisions taken

The counter tendency of "governance from a distance" noted earlier, whereby Central Government delegates its responsibilities to non-elected agencies, conflicts with the citizen's requirement for a closer relationship with National/Local Government and "involvement with governance", especially at local level. The gap between what the citizen expects and what she/he receives appears to have widened. The danger for social stability is that the trend will continue and the perceived deficiency will not be rectified. Freedman (1999) suggests that one 'iron law' of politics is that, when a body of opinion has no mainstream outlet, it finds another channel, external to the usual democratic processes and outside legal, peaceful debate if necessary. The "Countryside Alliance"

(1999) and “Petrol Tax” (2000) demonstrations/disputes reveal the ability of people of very diverse opinions to form allegiances behind simply expressed, but poorly defined, objectives and to mount effective protests in a way that captures the backing of public opinion with a consequential danger to existing democratic processes. Politicians, if they are wise, give cognisance to ‘grass roots’ opinion to avoid social unrest and do so in a way which emphasises the dangers of ad hoc approaches.

The importance of providing effective systems of accountability has thus intensified and, it is argued, could be an important factor in ensuring a sense of social stability and national coherence. Accountability is therefore seen as an important subject for investigation to make transparent the efficiency and effectiveness of the systems currently used in the public services and to identify the strengths and weaknesses of competing procedures, facilitating better informed arrangements in the future. It thus becomes an applied concept worthy of research to ensure yesterday’s methods are still appropriate for today and, in what is a rapidly changing world, that today’s methods are apposite for tomorrow. In this the work of inspectorates must be considered because they are a favoured instrument of national politicians and involve considerable public cost.

National inspectorates have been widely provided as part of the accountability process, in some services since the early 19th Century. Most inspectors have, up to very recent times, conducted their operations under a cloak of mystique. Little information on processes used or on the base that judgements are made was available to the inspected or the public and although this has improved in recent times, greater illumination and understanding is required. Legitimate questions arise as to whether inspectorates aid the process given an accepted need for accountability in the provision of public services so justifying the faith of national politicians. The appropriateness in the 21st Century of the inspectors’ processes and judgements and whether they add to the service’s ability to operate efficiently, effectively and economically and enhance its ability to give ‘value for money’ can be questioned. The way the inspectorate’s own work meets the rigorous requirements of these “yardsticks of performance” can also be challenged. This thesis examines and analyses the position in the inspectorates of two public services, education and police, and suggests answers as a contribution to the overall question of accountability in the public services.

Rationale for the use of the inspectorates of the education and police services

The research was grounded in the education and police services as they have marked initial similarities but some differences. Chief amongst the latter is the very different way the inspection systems of each service have developed despite great similarities in their histories and in the pressures they have had to face.

Both services are non-trading public services, delivering ‘products’ which for many, many years have been considered and provided as “public goods” or, at least, ‘semi-public goods’ (see Appendix “A” for definitions and discussion). Both services have similar historical roots being developed to cater for the aftermath of the Industrial Revolution. Both services have developed and progressed from being matters of local provision in the early 19th Century to the influential national services they have now become. It is argued that this progression was married, until the late 1970s, with very benevolent, “soft”, non punitive systems of evaluation, monitoring and control. Both, from the earliest days, introduced inspection as an assistance to Government regulation. Members of the inspection teams have traditionally been previous or current members of the occupation except for the concept of the lay inspector which both services have recently embraced.

There are two exceptions to the judgement of the “benevolent” nature of the regimes. In the education service during the period 1861 to 1892 the financial resources allocated to individual schools by the state depended on their receiving favourable reports after visits from national inspectors and this was seen as a very harsh regime (Dunford 1980). A similar regime might be said to have been introduced in the police service in 1964 when the central government grant to forces depended on their receiving an annual certificate of efficiency from the national police inspectorate. This was very much a formality with its true punitive aspects coming into question when the Derbyshire force, from 1991, failed for three years to receive such a certificate (HMCIC 1994) yet, to all intents and purposes, policing carried on very much as normal.

The environment for all public services has changed from that enjoyed after the Second World War when a ‘social democratic compact’ between the political parties accepted expenditure on public services as essential and as a consequence, irrespective of the party in power, did not question too strongly the use of resources or the economy, efficiency and effectiveness of that use (Mishra 1984, ch.1; Midwinter 1994, ch.7). There were voices within the parties who were concerned about such questions but the latter

only became the dominating voices when the Conservative Administration was elected in 1979. From then on the Government attitude to the public services became increasingly more stringent and the regulatory regime harsher, with the importation of management practices from the private sector, the use of markets and alternative suppliers, the call for economic/efficient/effective use of fewer resources and 'value for money' becoming a main objective. These developments have continued under the Labour Administration from 1997 and now appear to be an ongoing requirement for the public sector across most modern states.

Both the education and police services operate in an environment whereby they are regarded by the public as important public services and an interest is taken in their effectiveness. This is recognised and fuelled by the media which gives extensive coverage to developments often, in response to commercial pressures, in a provocative and contentious way. This enhances the view of the political parties who regard the services as important influences on the way that people cast their votes in elections and as consumers of large amounts of the public purse. The political parties also believe changes are necessary as part of the re-figuration and re-articulation of the relationship between the public, public services and the state.

As described later in the thesis the current regimes for both services have their roots in the financial management initiative taken by the Conservative Administration from 1983 when a more rigorous approach was adopted to the public services. Progressively increasing demands were made on the two services to improve their product using less resources. Private sector management practices were introduced in both services and performance indicators achieved a position of prominence. In the latter an attempt (which continues) was made to establish measurements of the efficiency, economy and effectiveness of what was being done and to establish the progress achieved. These have been published in a way which allows comparisons to be made although the make up of the measurements and the way they are publicised are criticised in both services. Both services have developed new vocabularies, dialogues and discourses in which economy, efficiency, effectiveness and 'value for money' feature strongly and these "indicators" have become a way of life. Both now talk in a very different language to that used (say) in earlier decades.

By the 1990s the education and police services had moved from a benign environment to one where their paymasters, the Government, became increasingly

concerned and demanding about their performance. Both services were required to change or have change imposed upon them.

The result is that despite both being to the forefront of political debate and attention in the past twenty years and, faced, over the past decade, with similar pressures to change in both the technical and management aspects of their roles, there has been a sharp divergence in the practices adopted. As described later in the thesis evaluative and regulatory systems of markedly different characteristics have been adopted in each service. These are said to satisfy Government requirements but have resulted in very different impacts and the fostering of differing attitudes, both internally in the organisation concerned and externally in the communities they serve. Why the similarities/differences between the two services? This research attempts to identify possible reasons.

The thesis is written with a belief that the objectives of “open government” and “transparent accountability” are important. Deficiencies in the achievement of these objectives are revealed by an examination of the information on the two inspectorates currently available in the public domain. The *modus operandi* of the school inspectors as indicated by the “Framework” and “Handbooks of Inspection” has been published and can be purchased by the interested public. A number of critiques of these have also been published as discussed and analysed later in this thesis. The methods and processes of the police inspectorate receive very minimal publicity and little has been written about them. The relationships engendered by both organisations and the light they throw on the resulting patterns of conflict, competition and accommodation which arise with the inspected, the accountable and other Government agencies have also received little empirical investigation. The thesis redresses this imbalance.

Patterns of conflict and accommodation

The thesis is about interpersonal relationships and relationships between groups and organisations. Inspection is an activity that engenders tensions. People normally do not like being observed when at work, especially when the judgements of the assessor carry considerable weight and can affect the future prospects of the person/group/organisation assessed. One result is that inspectors, as a species, are generally not popular people. Despite this it might be expected that levels of government and people charged with providing public services paid for and resourced by the public

purse will co-operate with each other to provide the best possible end results for the nation which finances them. Thus it might be suggested that relationships between levels, departments, superiors and subordinates, inspectors and the inspected and different inspection agencies should have co-operation as a major characteristic.

The reality is that levels of government are often at odds with one another and the quest for increased power and influence ensures that conflict, rather than co-operation, becomes a major characteristic. Providers of the service often do not like imposed changes and conflict arises between subordinates and those responsible for the imposition. In inspection the need to provide information, the act of observation and being observed, the judgements involved and the consequences are fertile areas for conflict. Inspection agencies need to make their mark, to demonstrate to their Government overlords that they have a beneficial impact on the services provided and improve the information produced about results. Where agency operations overlap there can again be conflict and competition arises in a struggle for areas of influence.

Thus the reality is an oft changing scene involving patterns of conflict and accommodation, competition and shifting alliances. The patterns which result from the work of inspectorates in the public sector have received little empirical attention and this thesis throws valuable light on the position so far as the education and police services' inspectorates are concerned.

Structure of the thesis

The research design adopted is described in Chapter Two. This chapter details the research objectives and methods and later discusses the constraints placed on the research such as the chosen scope of the study and its consequential limitations and the practical considerations of access, power dimensions and restricted resources. The framework by which data will be collected and analysed is described. Chapter Three examines the social environment within which public services must work. Initially the changes wrought by the introduction of "managerialism" and "new public management" are analysed, and key themes identified to guide the lines of enquiry to be followed in this research. Other key issues are then explored. The contested nature of accountability is analysed and the various methods available for assessment (the "tools or instruments of accountability") evaluated. In the latter emphasis is given to inspection as an evaluative and regulatory device and as the main focus of this research.

The case studies which form the major part of the investigation are described in Chapters Four to Nine: Chapters Four to Six deal with the education service and Chapters Seven to Nine cover the police service. A similar analysis of each service is undertaken to enable valid comparisons to be made. The first chapter in each of these sections explore the clarity of the aims and objectives set for each service and the methods adopted by its inspectorate to overcome any deficiency which might hamper their own work. The accountability arrangements for each service are then summarised.

The next chapters in each section analyse the characteristics of the two inspectorates under the headings of organisation and source of recruits; the gender make up; the expert/esoteric knowledge involved and the training given. The culture and environment in which the inspectors work is then considered. The final chapter in each section analyses the inspection process and methods used and examines the relationships established with those inspected and those in the accountability chain. The 'effectiveness' with which the inspectors undertake their duties is explored as is the 'accuracy' of their judgements and the 'assistance' they give to others charged with accountability for the service (including the possibility of serving a wider population of stakeholders).

Chapter Ten summarises the conclusions reached for each of the research aims and details the major analytical claims of the thesis. It identifies the major themes developed in the study, suggests possible explanations for the areas of convergence and divergence found and gives answers to the questions raised in the research design. It then explores the new theoretical insights obtained and relates the findings to other scholarship and speculates on the possible future for the services and their inspectorates.

CHAPTER TWO : RESEARCH DESIGN

This chapter describes the research design adopted for the project. Initially, it elaborates on the detail of the research aims given earlier and then describes the research methods adopted. Here, the data collection methods available and used are discussed and a rationale given for the interviews actually undertaken. The discussion continues with some reflections on the limitations of the methods adopted and on actual difficulties experienced. The scope and limitations of the study are then specified and the chosen framework for the collection and analysis of data and its rationale is described showing how it dovetails with existing scholarship.

Research Objectives

As described earlier the aim of the research is to make transparent and illuminate the realities of inspection regimes in the public sector by a comparative analysis of the inspectorates in the education and police services. In doing so greater understanding of the practices adopted and the relationships engendered in the two services will be achieved. The way that participants depart from the intentions of the bureaucrats who determine policy and the patterns of conflict, competition, compromise and accommodation that arise will be established. The study will specifically examine whether the use of inspectorates is an aid to 'achieving' accountability in the two services concerned; and, if so, whose accountability and to what ends; and whether such assistance could be extended to a wider population to meet the demand for greater citizenry participation in government discussed earlier. It will also examine the "efficiency" (as defined by the various interested parties) with which the inspectorates carry out the task. It will determine the areas where the practices converge or diverge; establish the reasons for difference; and suggest possible changes to improve the arrangements.

A full understanding of the education and police services was required as a background to the specific research on the inspectorates. This underpinning work had three basic objectives. Firstly, it sought to establish the organisation, structures and procedures adopted by the services; the size and characteristics of the service and its deliverers, its culture and the environment in which it works. Secondly, it sought to determine the changes which have occurred since the early 1980s and the political reasons behind those changes; the influence of the service on the changes; the impact these have

had on the management of the services: the way the changes have been received accepted in the service concerned; and their influence on the distribution of power between government, the services, and the community (in its various guises). Finally, it sought to understand what impact (and how) the consequent new ordering of power through the relationship of management and the state has on the services and the “delivery of accountability”.

The main body of the research, the work and impact of the inspectorates, seeks to establish:

Aim 1 - Contextualising the inspector's role

- a. the aims and objectives set for the service nationally and the way the inspectorate, for its own work, has overcome any deficiency/lack of clarity in these; and the environment in which it works;
- b. the accountability, managerial and evaluative framework of the service within which the inspectorate operates;
- c. the organisation and structures adopted by the inspectorates: the characteristics of the inspectors, the source of recruits, the gender makeup, the expert/esoteric knowledge involved and the training given; the culture and environment in which the inspectors work;
- d. the relationships established with the service and with those in the accountability chain: the impact of inspectorate activities on the service providers of the two organisations: the perception and reception of the Inspectorates: the influence the inspectorates have had on the changes which have occurred since the early 1980s;
- e. the process of inspection, its development and current inspection methods: the reporting process, how reports are received at senior, middle management and operative levels of the service: how the views and recommendations of the inspectorate are regarded by those responsible for national and local policy/action;
- f.. the accountability of the inspectors;
- g. the impact of the work of the other evaluatory bodies on the inspectorates; the relative importance given to the reports of these bodies by “the inspected”;
- h. how the actions of the inspectors and those inspected depart from the expectations of those defining the framework and rules under which

the inspectorates and providers of the service should work and to establish the patterns of conflict and accommodation which arise.

Aim 2 - The assistance given to accountability

- j. the assistance which the activities of the Inspectorates give i) to the various parties with direct responsibilities for providing the services in being accountable for that responsibility; ii) to those to whom an account is due in assessing the performance levels achieved and iii) in the solution of problems arising: whether this assistance could be extended to a wider population of “stakeholders”;
- k. if the inspectorates have become the extended arms of Government policy for the two services and, if so, is this at the expense of local determination and does it cut across the need for public participation in accountability in a democratic society;
- l. the impact of the regulatory system on power relations and its contribution to the new re-figuration of the relationship between the services, the public and the state in the a new approach to “governance” introduced in the late 20th Century;
- m. why inspectorates continue to be used in public sector despite their not being a common feature in the private sector (in a climate where successive governments have attempted to assimilate private sector practices into the public sector);

Subsidiary Aim 2.1 - Effectiveness

- n. the effectiveness with which the inspectorates undertake their duties (as defined by the various interested parties): are they a positive force for improvement?
- o. the accuracy of inspectors’ judgements. Are they sufficiently ‘reliable’, ‘valid’ and ‘consistent’ for the purpose they are intended? The representativeness of what is inspected;

The comparative and analytical methods used will establish the way the practices in the two services converge and diverge (Subsidiary Aim 1.1); and suggest ways in which the

arrangements can be improved (Aim 3). The findings will then be related to other scholarship and new insights suggested (Aim 4).

Research Methods.

The research reported in this thesis is an interpretative, empirical study using information from both primary and secondary sources in a qualitative, case study methodology. A qualitative method was chosen as it was considered not possible to quantify (in numerical form) the richness of the human behaviour to be explored. A number of approaches were used to give fuller understanding. Data were collected by:

- * interviews of serving and/or retired personnel of the inspecting bodies, the organisations inspected and other bodies which impinge on, or are affected by, the inspection process, followed by appropriate analysis of what is said and how it was said; and cross referencing any conclusions with other evidence;
- * reviews and analyses of existing literature;
- * reviews and textual analysis of reports and documents published by the two inspectorates and associated organisations to establish any ideological assumptions made and their coherence; their consistency with Government key objectives; and the impact of continuities and change in the knowledge traditions of the two inspectorates;
- * “grounded knowledge” - immersion in research such as this gives a great deal of specific “insider” knowledge which makes relevant a great deal of information received in every day life from many sources which might otherwise not be regarded as significant.

The research adopts a comparative, case study approach in that two services, as “case studies”, were examined under the same framework and a comparison made. It also examines the same organisational units at different levels and supplements this with relevant data from other geographical and organisationally disparate units.

No claim is made that the conclusions from the research interviews are representative. Although, as described later, various categories are identified of people who have an input and, perhaps, a different viewpoint, neither the structure, size or selection of the sample allows a claim of “representativeness” to be made. As noted later, some important ‘stakeholders’ have not been included because of difficulties of access.

Interviewees could be described as self selected, in that they were the ones who agreed to be interviewed although it must be said that very few (no more than three), who were invited to be interviewed refused to grant the facility. The recipients of requests for interviews are selected by a number of methods: from analysis of published directories, almanacs and local authority published minutes; from amongst people known to be employed in the service concerned (previous acquaintances); from people nominated by other interviewees; and from individuals met in every day life. Thus, although the sample is not selected by an accepted “random” method, it does involve a great deal of chance which will help to preclude bias. The numbers interviewed, in what are very large public services, may not be sufficient to generalise the conclusions beyond the immediate circumstances of the research. The conclusions from analysis of documentary evidence are representative and overall, the results can be described as ‘indicative’ as there is no reason to suppose that a truly representative sample of interviewees would express substantially different views.

Data from Interviews

The major method of obtaining data is by interview. This method is chosen as being the most efficient and effective of the alternatives available compared (say) with structured questionnaires (which, by their nature would be voluminous and not necessarily tap into all the shades of opinion which respondents possessed; and be time consuming for the respondents, a deterrent to participation) or “participant observation”, judged not feasible (as described later).

Different types of interviewing are available to the researcher from the structured to the focused (May 1993, p.91/96). The “structured” approach is when questions are formulated beforehand, written down and posed to the interviewee with no deviation, irrespective of the responses. The value of this method is in the preparation which should ensure all important areas are covered and for the later analysis which should be facilitated and proved reliable if all interviewees have been asked exactly the same questions in the same way. The disadvantages are that if the preparation is not adequate important areas will be missed and the approach does not really allow interesting and important diversions to be explored when previously unknown information is volunteered. At the other end of the continuum is the focused interview which is of an open ended character. This is a valuable approach which allows the important issues as uncovered by

the discussion to be fully explored but does not ensure that all important areas will arise. The evidence obtained from this type of interview will most likely have validity but is often difficult to analyse. Here there is the advantage of flexibility towards the respondent and, by asking questions in a more informal, relaxed atmosphere, more genuine and complete answers may be forthcoming (see McNeill 1990 and Oppenheim 1992 for fuller discussion). This approach is also open to “personal reactivity” [the inevitable changing of the situation brought about by the researcher’s presence (Sapsford 1996, p.74)] and “researcher bias” [influence by the interviewer which directs the interviewee to the answer the former expects] and puts a great deal of emphasis on the skills of the interviewer.

A compromise approach is the semi-structured interview where areas to be discussed are pre planned but time is allowed and the interview conducted in a way that enables interesting, unexpected areas to be explored. This sits between the focused and the structured interview and although the questions are normally specified the interviewer has freedom to probe beyond the answers given. This practice can often be seen as prejudicial to the aims of standardisation and comparability. It does, however, allow people to answer more in their own terms than the standardised interview permits but still provides a greater structure for comparability than the focused interview.

The approach adopted in this research is the semi-structured interview. The structured interview was considered to be too inhibiting: it was thought that the type of interviewee from the two services concerned would not respond well to the “imposed corset” which a totally structured approach would give and less information would result. Both services are seen as being resourced by intelligent, reflective people who have individual, if not idiosyncratic views, on their service which require to be ascertained if their view of the world is to be obtained with a degree of accuracy. Without knowing what these were beforehand it was considered that a too structured approach might result in valuable areas being left uncovered. It is “a view of the world” (the way interviewees made sense of the world in which they live) which is being sought here for as Madge (1953, p.149) reminds us “*no social scientist must fall into the trap of imagining that ‘truth’ can be obtained by compiling expert opinion*”. Experts can, at best, only give their view of the world, an opinion coloured by values, knowledge, experience and personal bias. In this they are no different from any other human.

Conversely the focused interview had the danger that the areas requiring probing would not be probed. The senior people in both services are powerful people, thought

being quite capable of taking control of an interview if allowed. The presence of a structure, whilst still allowing some freedom of topic and comment, gives considerable control to the interviewer and is therefore considered the best way ahead. The structure chosen also ensures that comparability analysis can be carried out and so overcomes one of the dangers of the approach. In the event "areas for questioning" were drawn up in advance and sent to the interviewee at the same time as the request for an interview was made. This prior indication of the questions is considered one reason behind the good access obtained.

In using interviews as the main method of obtaining data this research followed a long tradition in the social sciences. As a 1953 text book records "*to an increasing degree social science is demanding data which must be reported by individuals out of their own experience - attitudes, perceptions, expectations, anticipated behaviour*" (Cannell & Kahn 1953, p.327). The same authors then outline the dangers to the concepts of reliability and validity which arise: the involvement of the individual with the data reported leading to bias or memory bias; the question of respondent motivation [why did they agree to be interviewed: was this a perception of the respondent that the interviewer "will understand and accept the basic position"; to bring about a change which the respondent thinks desirable: or for the respondent's personal gratification? (p.330/337)]. Another 1953 text added to the dangers of false data given by the respondent (for whatever reason). These were distortions caused by the interviewer and errors in reporting by the interviewer (Madge 1953, p.275). The accuracy of these texts was underlined some 48 years later by this research experience. The problems of consistency and reliability remain as barriers to be overcome, the first step to success being interviewer awareness.

The major danger of interviews of which the interviewer must be aware is, as Mort (1996, p.197) notes, the two way nature of the interview transaction. Far from being an exercise in sociological neutrality with the researcher invisible it is a dialogue which has a reciprocal nature. The danger to be avoided is that the interaction, or the collision of personalities resulting from these encounters, may be seen as a significant part of the research outcome in its own right .

This is, in the main, a study of elites. Such research is often constrained by problems of gaining access. This was considered a major difficulty when the research was first initiated. The Home Office and the police were considered to be "closed worlds". Reiner (1991) gives an account of the difficulties he faced in obtaining access to chief

constables and Young (1991, p.26/41) had problems of gaining access, even as a past police superintendent. OFSTED was also considered not particularly forthcoming when information was sought. The debate between Wragg and Woodhead (Inst. of Education/Guardian debate, 4.2.97) was particularly acrimonious on the point of OFSTED's refusal to give information to the former.

It was thought that access lower down the services would be facilitated if Government Departmental involvement could be demonstrated. Letters were therefore sent to OFSTED and the Home Office requesting interviews. OFSTED's high ranking officials proved to be very amenable to being interviewed but the Home Office response was rather discouraging, although an interview which proved rather inconsequential was granted. Much better progress was made in the police service after contact was made with the then President of the Association of Chief Police Officers (ACPO) at a conference when his support for, and involvement with, the project was given unconditionally. He agreed to be interviewed and undoubtedly paved the way for interviews with other chief constables. From then on individuals in both services were targeted by personal letter and an excellent response received. The lesson for the apprentice researcher is that "faint heart never won an interview" and that a courteous, direct approach, with a good description of the project and the researcher, pays dividends.

The dangers of interviewing noted earlier were always in the forefront of the researcher's mind. This was especially so regarding the possibility of respondent bias, or the provision of false data. Interviewees may simply be untruthful or have severe difficulty in recalling events accurately. For example ten chief constables in this research gave assurances that the manipulation of statistics and performance indices as described by Young (1991) was no longer a problem. This was proved to be untrue after an investigation by Bedfordshire Police into the practices adopted by the Nottinghamshire Force (Davies 1999a) and the suspicion must be that it remains a problem in other forces also [it became the topic of a perhaps belated report one year later (HMCIC 2000c)]. This "untruthful" factor can never be totally overcome and emphasises the need for statements made to be challenged during the interview and for "triangulation", the cross referencing of one set of evidence to others from a different source. It was also possible for the interviewer to make an assessment of the plausibility of what was being said and of the willingness of the respondent to tell the truth without, it is hoped, forgetting the possibility that such assessments can be wrong. In the final judgement it may be a very

difficult question for the researcher, in face of conflicting claims, of “Who shall be believed?” and, at times, the only possible response is to put forward all the competing claims to allow readers to judge for themselves.

The openness of organisations, earlier considered to be “closed worlds”, raises questions for the researcher as to why there was openness and why the perceived policy had changed. The openness can come about through the adoption of a more open approach as a matter of policy, say by government or the organisation wanting to make the process more transparent. It can arise because an organisation believes that current adverse impressions and publicity need to be countered. It can be because the organisation believes so much knowledge of it is in the public domain that there is no point in refusing access: openness will at least ensure the true facts, or at least in this world of “spin doctors”, the version required by the organisation is the one imparted. It can also be a cynical response to instructions from a higher level which are not supported by the recipients, when the attitude is one of “game playing”: the manipulation of the process intending to divulge little whilst avoiding charges of non co-operation. For the individual, in addition to reacting to instructions from above, it can be a real desire to help the research; or to obtain ego gratification from describing how difficult the job is and how well it is being accomplished. A subjective judgement is that, as described below, all these approaches were from time to time detected in various interviews conducted as part of this research although a personal “desire to be helpful” was the overwhelming impression gained from interviewees.

Hughes (1996, p.73) also emphasises the impact of the power relationships which exist between the participants at interviews. The concern then was “*research carried out on the relatively powerless*”. This was not the case in the two services which were the subject of this research and the converse could easily have been the case: the powerful interviewee faced by the relatively powerless interviewer. Those interviewed here were, in the main, people of power, used to exercising authority in every day life, especially when individuals at the top of the hierarchies were concerned but also at lower levels in the work of the teacher or the constable. Indeed, it might be said that some research would be inhibited by an imbalance of perceived power. This was considered a non-inhibiting factor in the current study but is a danger of which the researcher and the assessors of the research must be aware.

Rather than being “oppressive exercises in power” the interviews in this research were on a much more friendly basis with the interviewer attempting to adopt a “neutral” approach: demonstrating that he understood and acknowledged the basic situation being described, without at any stage “going native” e.g. expressing total agreement with the views, attitudes and opinions being described. The attitudes of interviewees, especially those at the higher levels of the organisations, were those of people in comparatively ‘lonely’ positions (a situation which increased as one moved up the hierarchy of both services), mainly very interested in their work and able to articulate their thoughts, who welcomed the opportunity to talk about their duties, their approach and the problems they faced. Challenging questions did not appear to be resented. This does not ignore the fact that many of the interviewees had their personal agendas for the interviews. Those perceived included a genuine desire to help in the research: the correction of perceived bad publicity/ perceptions that the service concerned were thought to suffer: the iteration, via another channel, of complaints or concerns about the way the service was developing either nationally or more parochially in their part of it: possibly “the grinding of personal axes”: and in at least one case, an unwanted experience which the interviewee wished to terminate as soon as possible. These reactions appeared to depend more on the personalities of the interviewee than their position. For example one Home Office Civil Servant made it quite clear that his duty was to protect his Minister and that his approach to the interview was that if anything useful was obtained it would be a mistake on his part. In contrast, another Civil Servant from the same department could not have been more helpful or open.

The categories included for interview, the rationale for their inclusion and the planned and actual numbers of interviews by category is given at Appendix “B”. All interviewees participated as volunteers and an essential requirement for co-operation was that interviews were conducted on the basis of complete anonymity of interviewee and organisation concerned in the use of any information obtained (except, of course, where there was only one person who fitted a particular designation e.g. HM Chief Inspectors. In these few cases it was clearly understood that comment would be attributed.) It is considered that the creation of this kind of trust is essential for access and the honest exposition of views held.

Interviewer distortion and misreporting was avoided by each interview (except one) being tape recorded with the agreement of the interviewee with later transcription for

analysis. The analysis was undertaken to establish themes, areas of agreement and disagreement and to uncover the perceived reality of other people's worlds. It also allowed cross reference to other evidence and facilitated judgements on validity and reliability. The one exception was a civil servant who refused to allow the interview to be recorded and, in his case, notes were made during the interview as an aide memoire which were then later expanded from memory to fuller interview notes. The tape recorder did not appear to be an inhibiting factor except in one case, that of a chief constable. Whilst the recording was being made he was very officious and gave the impression of being one of the old school, a "robber baron" secure in his own fiefdom. The switching off of the recorder revealed a very different personality, one much more friendly and open, almost as though he had "flicked a personal switch". The researcher must therefore be sensitive to problems such as this which can have a big impact on the interview.

It will be seen later in the thesis that great emphasis is given to the views of the Police lay inspectors. This was because, in addition to their having total access to the organisation, both men had a long history of previous employment in the private sector at senior levels. They were thus able to offer an insight in to the inspectorate's practices which could not possibly be given by the inspectors from a police background. This contrasted with the evidence of the Regional Inspector (with a previous police background) who added little or nothing to the evidence given by HMCIC. Care was necessary, however, as both lay inspectors had a very evident agenda of their own, being very unhappy about the arrangements made for their replacement at the end of their contracts which, they considered, undervalued their contribution.

The Interview Matrix.

In setting up the research a matrix of interviews was established to include all the categories described in Appendix "B" and to enable triangulation of evidence in accordance with the need already noted. In practice it was found that life was much more complex and people did not necessarily fit only into discrete categories as initially visualised. A number of interviewees spanned a variety of different roles for example, one man was a county councillor, leader of a political party at county level, Chairman of the Police Authority and Chairman of two School Boards of Governors (one a secondary school and the other a "special educational needs" school). The OFSTED trainer had also been a Head Teacher, a LEA Inspector, a Teacher Trainer and an OFSTED Registered

Inspector before acting as an OFSTED trainer. Teachers and governors were also parents, as was at least one of the OFSTED Inspectors. Some OFSTED Inspectors inspected both Secondary and Primary Schools. Both of the Presidents of the ACPO were also chief constables. As the roles concerned often had a distinctive set of opinions it was not unusual to find that the same interviewee had a different attitude to topics depending upon which role she/he considered they were in at the time. These conflicting opinions existed in an individual and did not appear to cause concern to the person concerned. One suggestion could be that coping strategies adopted do demand the compartmentalising of roles.

As a preliminary to the main field study a pilot study of 28 interviews was undertaken across all the identified categories of interviewees with the objective of testing the research design for the major study and of confirming/extending the areas of research questioning. The evidence collected was integrated with that collected in the main study. In total 75 individuals were interviewed giving 92 “responses” in the 27 categories as shown in Appendix “B”. In the Education service these related to fifteen schools in five Local Education Authority areas and, in the Police service, twelve different Police Forces.

Data from Textual Analysis

Another major method used in obtaining data for the study is the critical analysis of secondary data to uncover underlying presuppositions i.e. books (autobiographical, biographical and academic commentaries), official reports and papers, magazines and academic journals, book reviews and newspapers. Although there has been controversy over the years in the Social Sciences as to the appropriateness of this source of data (Plummer 1990, p.149; Hodder 1994), its increased use in cultural studies and discourse analysis in other academic disciplines is taken as evidence of its acceptance for this research. In this study this source was particularly valuable for a newcomer to the services for historical information and opinions. This was especially so in the case of the police. As is noted later policemen tend to forget previous practice when new methods are introduced and the documents of the time were most useful in giving information as to “how it really was”. Similarly, a comparison of documents from different organisations revealed the way approaches, methods of analysis and reporting methods pioneered by one organisation spread to other organisations almost as hegemony.

The backcloth of controversy draws attention to the dangers of this source of information. Although documents tell us a great deal about the way in which events were constructed at the time and the reasons employed and also indicate areas for further research (May 1993, p.131) there can be three levels of meaning: what the author intended; what the audience (which now includes the researcher) construe; and internal meanings (the semiotics). Undoubtedly meaning does not reside in the text but in its writing and subsequent reading. New meanings can evolve from readings in different contexts (Hodder 1994). Texts are written to achieve some end: one which may not be the perceived obvious reason or in accord with conclusions reached by a reader who does not have the benefit of indigenous commentary. As in the consideration of interview evidence documents require interpretation and the possibility of multiple interpretation increases. One safeguard is to understand the conditions of production e.g. was this first hand or from secondary sources, solicited or unsolicited, edited or unedited, anonymous or signed. Other, more telling safeguards suggested by Hodder (1994) are the tests of coherence (parts of the argument do not contradict one another and the conclusions follow the premises); and correspondence between theory and data (the degree to which interpretations fit theories accepted in and outside the discipline). Additionally, Scott (1990) suggests tests of authenticity (is the evidence genuine and of unquestionable origin?); credibility (is the evidence free from error and distortion?); representativeness (is the evidence typical of its kind and, if not, is the extent of untypicality known?); and meaning (is the evidence clear and comprehensible?). Triangulation, the use of multiple sources of data collection e.g. evidence from one source is supported by other sources, is also a help in confirming understanding (Hodder 1994).

The information used in this research is mainly of the primary and/or “open published” variety with the added advantage in many cases of critiques being given from differing viewpoints. A sceptical approach is adopted: texts are approached critically and with suspicion. Texts are analysed to uncover themes and underlying suppositions, the main claims made, and to discover not only what was being said, but also (if possible) why it was said and to establish if what was said satisfied the tests of coherence, correspondence, authenticity, credibility, representativeness and meaning mentioned earlier. All the documents scrutinised are considered ‘authentic’ within a narrow definition of the word i.e. written by whom they are said to be written, but not necessarily accurate in content.

Particular attention is paid to the textual analysis of official reports issued on/by the two services, their controlling Ministries and associated organisations. The education inspectorate has only been issuing reports since 1993: reports by both the Chief Inspector and, in an increasing volume, OFSTED reports on individual school inspections and summary reports covering individual subjects. All the former and a sample of the latter (although, again, it would be difficult to claim that this was representative) are included. In the police service the Chief Inspector has been issuing reports for a long period and the reports issued since 1978 are analysed. The rationale behind this choice is that recent changes in the way Police Forces are judged to have commenced with the Government's 1983 "Financial Management Initiative": a process of change which has continued into the 1990s. Commencing analysis with the 1978 Report gives a yardstick against which the changes in later reports can be measured and a base for comparison established. Six recent thematic reports are also analysed to establish the investigating methods used and style of reporting and how these differ from the "Force" reports. The reports of regionally based HMIs on individual Forces have been published since 1991 and a sample of the latter are also analysed.

The fact that documents such as Government Departmental Reports are written for a purpose which can change from year to year is a source of difficulty for the researcher. The Departmental wish is to highlight some issues and disguise or conceal others. These change from year to year.. Thus the treatment of statistics and financial facts often varies from one year to another, with at times the variations being unexplained and not always readily evident: and with costs highlighted some years but not others. This makes the establishment of a continuous financial story very difficult for the outsider. A good example is given in the DfEE's Departmental Report 2000-01 to 2001-02 where OFSTED's gross running costs reduce from £34.55 millions in 1999/2000 to £13.5 millions in 2000/01 with the only explanation given: "*OFSTED's methods of classification of expenditure changed in 2000/01, running costs decreased to reflect this*" (DfEE 2000, Annex Ei). Another frustration is when a Government Committee decides to investigate the chosen area of research and provides in one report, a great deal of the evidence that the researcher has taken two and a half years to accrue. The House of Commons Select Committee for Education and Employment decided to examine the work of OFSTED towards the end of 1998 and reported in June 1999. One advantage was that the report provides valuable triangulation for the researcher's own findings.

The study, in part, has an historical base despite Goldthorpe's (1984) view that history sits uneasily alongside social science disciplines. History, like all social and natural sciences, is amenable to manipulation and reflective influences. The writer constructs social reality and versions of events but, in doing so, does not necessarily give a neutral opinion (May 1993). For this reason the writings of professional politicians (one of the sources of information here) are read with some scepticism, as self-justification or "post event rationalisation" often creeps in (McNeill 1990).

Data from Participant Observation

Data from "participant observation" might have been possible if inspections in both services had been observed personally. Such practice is not possible in the Police: even the lay inspectors in possession of the Royal Warrant have to receive "deep" security clearance and had to fight for involvement before they were allowed to participate in many aspects of the inspections. Presence at a school inspection could only have been possible by employing subterfuge and conduct unethical for a researcher. Some information and impressions were obtained during the visits to schools, Government Departments, police and Local Authority offices but this was not on any planned basis and, perhaps, should more accurately be included in the next category: "Data from 'grounded knowledge'".

Data from "grounded knowledge"

As already noted, immersion in research of this nature gives a tremendous focus and by one means or another a considerable file of specific knowledge on the subject is built. Every day information which will normally be thought to have little relevance becomes very important and the cause of deep reflection. This information can come from many sources: casual conversations, newspaper articles, radio and television programmes or the observation of every day occurrences. It is a method of collecting data and progressing research which is difficult to quantify and, perhaps, articulate but undoubtedly it is very beneficial and often points the way to areas for more formal research.

Scope and limitations of the Research

A major characteristic of the research was that it is conducted by one researcher only and constrained by the consequent limitations of time and resources available. This restricts the size of the sample used to obtain evidence and results in the opinions of some important “stakeholders” not being canvassed or included in this study e.g. children, youths, citizens (per se) and communities as stakeholders. It also has the disadvantage of not being sponsored by any notable body (other than the University College) which might have opened more doors for investigation. For example, one interviewee made it quite obvious that he gave little status to any researcher who was not sponsored by the London School of Economics.

In the area of Education the research is limited to primary and secondary schools. The arrangements for Further and Higher Education or in schools specialising in “Special Education Needs” are regarded as outside the scope of this study with the former having very different evaluation and regulatory systems and the latter requiring very specialised knowledge not possessed by the researcher. In 1999 OFSTED’s responsibilities were considerably widened in the fields of pre-school and further education. These extensions are too recent for sufficient evidence to accrue to justify inclusion in this research. Similarly, in the police, research is concentrated on the provincial police forces in England and Wales, with the arrangements for the Metropolitan Police, forces elsewhere in the UK and new bodies such as the National Criminal Investigation Service being considered “out of scope”. The Metropolitan Police is by far the largest force, has very specific problems of its own which would swamp the findings for the remainder of the country and not be, in any way, representative. Scotland has its own brand of law and a separate police inspectorate. National bodies have very different managerial systems. With such significant differences the excluded bodies are thought to require separate studies not possible here within the limited resources available.

Both services were subject to revised legislation during the research period. The impact of neither the Schools Standards and Framework Act 1998 nor the Crime and Disorder Act 1998, is fully covered in this thesis. These were enacted after the field work research had been completed and the short passage of time since has not allowed evidence to accrue. Passing reference to the Acts is made, however, where appropriate.

One area of failure in the research was in the attempt to obtain information on gender make up of the school inspectorate. Despite verbal and written requests to OFSTED for information none was forthcoming.

The framework for collection and analysis of data

There are very few empirically based, comparative studies of inspectorates in the public sector and none of these give a great deal of detail on the framework used to collect and analyse the data concerned. It was therefore necessary to develop a new framework aimed at identifying and obtaining the data required and providing the analysis which would enable valid conclusions to be drawn. At a very early stage it became clear that the search for knowledge and information had to range much wider than the parameters of the two services chosen as the subjects of the research. As essential background information it was necessary to study a wide range of subjects including the philosophies and theories of government, governance and human motivation; economic theories of private and public supply and demand of goods and services; and concepts of trust, responsibility and accountability. There was then the task of gaining a detailed knowledge of the objectives, accountability arrangements and methods of the two services concerned and of obtaining a detailed insight into the organisation, resourcing and methods employed by the two chosen inspectorates, both historically and currently.

The framework was constructed following extensive reading of the literature and an analysis of existing research into regulation and inspection.

Existing research into regulation and inspection

Assistance in establishing a framework was given by analysis of existing comparative studies. Three important contributions in this area are Henkel (1991), Hughes, Mears & Winch (1997) and Hood, James, Jones & Travers (1999).

Henkel (1991) is an empirical study which examines four public sector bodies by the case study method using textual analysis of official documents and semi-structured interviews of members from various levels of the service. The study shows how far Government attempts to control and change the public sector had been successful in the introduction of a new culture of management based on values of economy, efficiency and effectiveness and a higher profile given to evaluation. The bodies investigated were the Audit Commission, Management Consultants, the Social Services Inspectorate and the

Health Advisory Service. Her analysis gives a very good account of the changes from 1980. She also gives an interesting exposition of the characteristics of three evaluative machineries: inspection, peer review and audit. The presence of a number of 'machineries of evaluation' raises the question for this research as to why one particular 'machinery' is preferred to others.

Henkel examines developments and changes in evaluative objectives, knowledge base, methods and values. This account reveals the importance of history in the establishment of what changes/developments there have been and their underlying reasons. She then considers how clear and coherent were the assumptions on which the four bodies under scrutiny worked, how much convergence there was between them and how consistent they were with key government objectives. One insight is that there were clearly discernible "evaluative fashions" in each of the decades since 1960. The '60s espoused theories where it was thought that social scientists could help it solve social problems through generisable judgements about the impact of social programmes. In the '70s and '80s government wished to leave as much of this task as possible to the market. In the '90s evaluation is regarded as summative, delivering authoritative judgements and employed the language of economics as used in management theory and practice. Although she identified the latter change Henkel's analysis does not, of course, cover the 1990s.

These changes raise the possibility of lag: evaluative methods being out of step with government policy; a lack of clarity and of understanding; and of assumptions which conflicted either within the organisation or externally. Questions of "how coherent", "how clear" and "how well understood" must feature in the current research. The account also emphasises the possibility of the evaluative machinery being an instrument of government control, a possibility requiring close attention in such important areas as education and police and one of the main focuses of this research.

Henkel then examines the impact of evaluative methods and how they link with forms of authority, exchange relationships and power. Her conclusion is that there were some clear trends towards instrumentalism and managerial values and away from professional assumptions and modes of evaluation. The change in regulation/evaluation from professional to managerial approaches and the tensions involved are thus highlighted. These are important factors for the current research.

Henkel's study is of special interest in that it examined an inspectorate, albeit not one of the two services currently under examination and from a very different perspective from the one visualised in the current research.. Her study is very important, however, for indicating possible areas of investigation in this research. These include the need to examine the impact of, and changes in evaluation methods in any service studied; the way the introduction of any changes were assisted by the inspectorate concerned; and the impact of the change on the inspectorate itself. These are very important issues in the two services under review especially as initial indications are of an increase and acceleration in the amount and rate of change in the past 10/15 years.

Informed by Henkel's study the current research will be extended to provide answers to the a number of questions: "Is the balance between Inspectors' responsibilities to inform Central Government, to provide tools for management of units and to effect change themselves clear?"; "Is the issue of 'responsibility' clear between the parties concerned?"; "Are the criteria for evaluation standardised?"; "What were the continuities and change in the knowledge traditions within the two services concerned?"; "What influence did these have on the models and methods of evaluation adopted, what values did they endorse?"; "How internally coherent are the modes of operation/evaluation in the two services?"; "What impact did the systems of evaluation and regulation have on decided policy?" As an extension to this approach it is also important that where managerialism has different levels of acceptance, or the progress of its adoption and achievement of benefits differ, that the part played by the inspectorate is explored.

Hughes et al's (1997) analysis is not empirically based but is an important review of the various forms of inspection and regulation in the public services of education, policing and health. The paper describes the inspection regimes in place and it is, perhaps, very indicative of the speed of change in public services that the arrangements in at least one of the services, policing, have changed considerably from those described in a paper published as recently as July, 1997.

The analysis offers a typology which places inspection regimes along a continuum of non-punitive to punitive regimes. This suggests that the police service is subject to a regime which gives a mixture of central and local control (the dominant element being 'central' control) with the characteristics of advice and recommendation, advice and inspection (large units only) and the imposition of minimum standards. It thus features in a more central position on the continuum than education (teachers) which has central

government control with characteristics of full normative inspection (small units and individuals) which is placed at the punitive end of the continuum. It goes on to suggest that the factors which analysis should include are: the historical development of the service; the political profile of the service; the level of regulation - local or national; the mechanism of regulation - formal or informal; who inspects - professionals or others; the involvement of outsiders; the extent to which data on performance is in the public domain; and the punitive consequences at the level of the individual.

The analysis also suggests a range of variables which might be used to account for the vulnerability of different public sector organisations to external inspection and regulation. Variable 'A' was high/low public status; variable 'B' high/low levels of esoteric knowledge; variable 'C' collective/individualised modes of working; and variable 'D' high/low levels of public concern over individual competence. These variables will be re-examined in the current research in light of the importance given to them in this work

Services can be regarded as social institutions in their own right, capable of division into subgroups: the division of labour giving a stratified system. The subgroups are differentiated by the level of expertise required, similar interests, the relative power enjoyed and the social status each is given, resulting in social distance between the subgroups. The work of Hughes et al offers a valuable contribution to analysis and in dealing with only doctors, teachers and police officers from the three services draws attention to the care needed to ensure only homogeneous groups are being compared and not the services as a whole. Special attention is therefore paid in this research to identifying the subgroups in the services and in establishing whether, or not, they can be treated as homogeneous for the purposes of accountability.

Hood et al's (1999) analysis was the latest available as this thesis was written. It is an empirical study of regulation in five areas of the public sector: central government, local government, the prison and education services and the oversight given to UK activities by the European Union. Three themes suffuse the analysis. The first draws attention to the large enterprise that regulation has become. The second emphasises the increase in formality, complexity and specialisation in regulation over the last two decades. The third develops the findings of Black (1976), and Grobosky & Braithwaite (1986) that "*people vary in the degree to which they participate in one another's lives. This defines their intimacy or 'relational distance'*" and "*the greater the 'relational*

distance' between regulator and regulatee the greater the tendency to use formal sanctions" (p.60).

They develop the 'relational distance' hypothesis to identify four separate aspects. The "experience" sub-hypothesis suggests that regulatory formality can be expected to be higher in regulators scoring high on 'relational distance' in the sense of having a low proportion of staff with experience of working with the regulatee organisation. The "contact-frequency" sub-hypothesis suggests that regulatory formality can be expected to be inversely related to the frequency of contact between regulator and regulatee. A combination of high 'experience' and 'contact frequency' factors could influence the possibility of the "capture" of the regulator by the regulated. The "client -dispersal" sub-hypothesis suggests that regulatory formality can be expected to be higher where regulatory clients are located in many different policy sectors than where they are homogeneous. The "size" sub-hypothesis suggests that regulatory formality can be expected to be higher the larger the number of regulatee clients involved (p.62).

Applying the evidence of their research to the amplified hypothesis of "relational distance" they conclude that it appears to have an explanatory value in connection with central government's own (internal) regulation but gave no reliable patterns for central government/local government regulation. It could only be considered part-explanatory for the regulatory formality of the prison service and whilst seen as a central factor in the debate on the regulation of education since the 1970s its impact on day to day inspection was less certain.

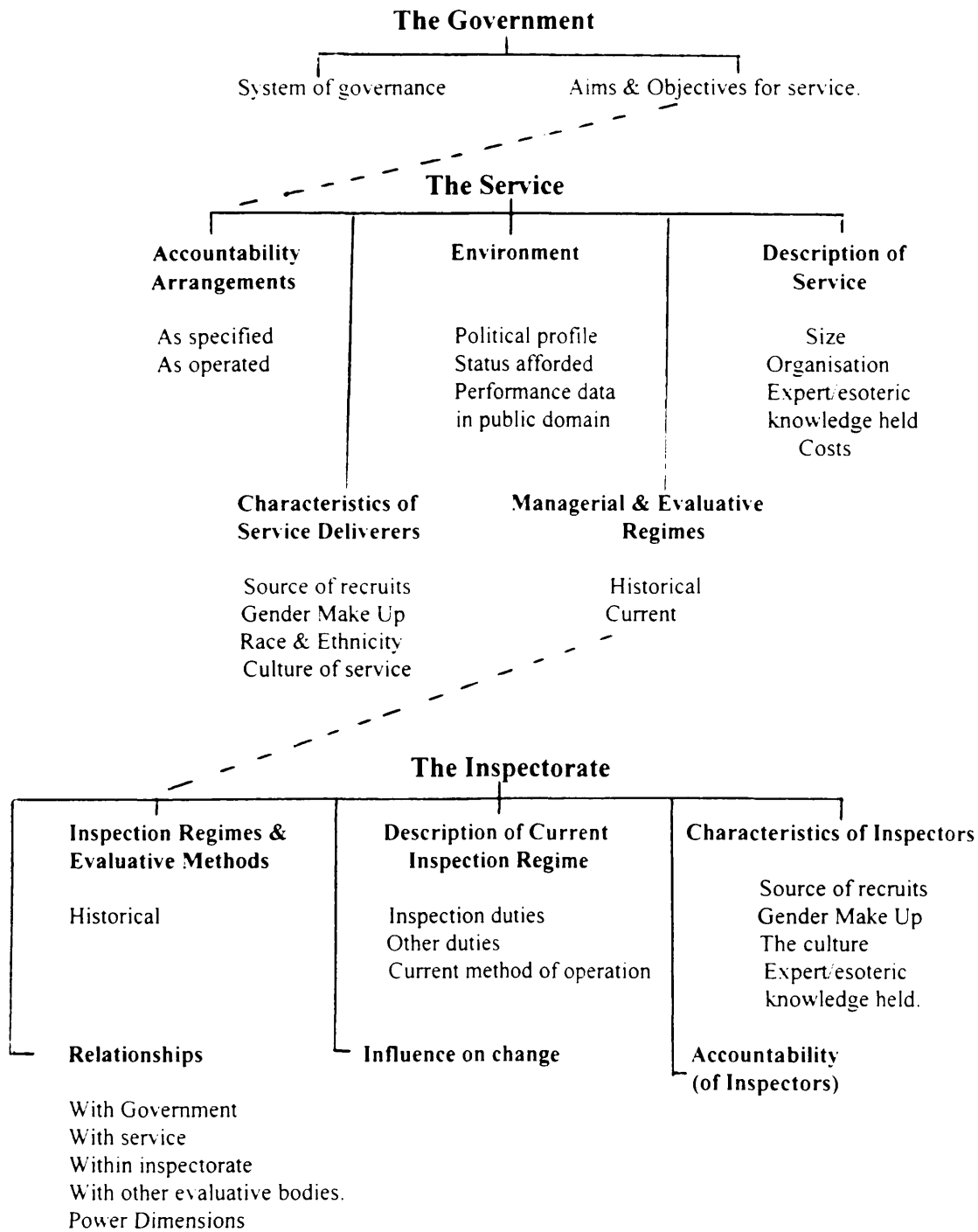
The concept of 'relational distance' could be a valuable aid in explaining differences in the two services under review in the current research. Each can be considered homogeneous as they are located in one policy sector so that the 'client dispersal' sub hypothesis is not relevant to either. The other three sub-hypotheses are relevant. The education service is clearly much larger than the police and, in Hood et al's research (p.64), HMCIC is rated "low" in relative formality and "medium" in regulatory staff without experience of the occupation compared with OFSTED's "medium" rating for informality and "high" rating for proportion of staff without experience. The current research will enable the concept (and these judgements) to be examined and its explanatory qualities assessed when the changes in the same organisation are considered over time. The relevance of the question "Do former poachers make the best gamekeepers?" can also be addressed for the two services.

The study also draws attention to the lack of regulation so far as the regulators themselves are concerned. It identifies three methods of regulation other than inspection: mutuality (where individuals work as a group to check each others work); competition (where promotion and “turf” are prizes to be competed for by regulators); and contrived randomness (the use of job placement, making tests at irregular, unpublicised intervals and varying the staff who do the checks) and hybrids where different methods are combined. The study concludes that there is a deficit in the use of each so far as the regulation of regulators is concerned. The relevance of this conclusion to the two inspectorates will be probed.

The chosen framework

The chosen framework which resulted from review, analysis and development of the literature of existing research studies is described in diagrammatic form at Figure 1 and explained more fully in the latter part of Appendix ‘B’. This framework was used to obtain the evidence, to direct the analysis and to develop the conclusions from the two case studies on which this thesis is based.

Figure 1: The Framework for Analysis



CHAPTER THREE : CONTEXTUALISING THE REGIMES FOR PROVISION AND REGULATION OF PUBLIC SERVICES

The exploration of individual public services and their inspectorates requires a contextualising, initial discussion of the influencing elements in the political and social environment which have an impact on the regimes for the services' provision and regulation. These elements are government and political interest; the changing nature of the public sector including the introduction of market disciplines, the impact of managerialism and new public management (as defined later); the contested nature of accountability; and the "instruments" available to assist its achievement.

Government/Political Interest

The first element to be explored is the enhanced government and political interest in the public services and how it connects with and explains the favoured position of inspection in current evaluation methods. The factors, constituting major themes which permeate the research, are a decline of deference; a struggle for power as politicians seek to enhance their own credibility; an emphasis on inspection and performance indicators as methods of controlling public services; and the movement to make inspection more rigorous, especially at the service deliverer level.

The decline in deference was described earlier in this thesis. Public services and the people delivering them do not enjoy the level of respect that they had (say) in the 1950s. This arises from the general fall in deference accorded authority positions by a population which, on the whole, is better educated and better informed than in previous eras. The fall in respect is intensified by well publicised perceived failures arising from the fallibility of the public services concerned. As more and more information on performance achievement perceived to be disappointing is placed in the public domain, so the legitimacy and status of the services suffers.

The very large political agenda that suffuses the research was described earlier and cannot be over emphasised. Politicians, responsible to the electorate for the service given, increasingly attempt to gain control of the services and so enhance their own credibility and prospects for re-election. There is then a struggle for power between the politicians at various levels and between them and the people charged with operating the service. The history suggests that the most apparent outward display of the struggle is between politicians at the centre, represented by the government of the day, and politicians at local

level, represented by the local authorities. The main area of contention in both services reviewed is the relative influence each of these two levels should enjoy and is exacerbated by a contempt in which many Members of Parliament of all political colours appear to hold their local counterparts. Walker (1998, p.4) sums up one example: *"Ministers are reluctant to trust their party colleagues in local government with money or functions or even with the unchaperoned exercise of common party purposes."* The evidence from the history of social services is that, over time, the centre has gradually taken/obtained more power and influence to the detriment of that enjoyed by the local level.

A second example of the power struggle results from differing political philosophies and is that between the "free marketeers" and others. This, as discussed later, challenges the services' existence as "public goods". In theory many services can and are provided as "private goods" alongside any public provision and one aspect of the political philosophies debated currently is whether the current conventions, regarding services as "public goods", is apposite for the 21st century.

Arising from the struggle for power a further major theme is the method by which the politicians will establish exactly what is being achieved in the services. Here, two methods, performance indicators and inspection, are clearly favoured and are explored later in this chapter. Performance indicators are based on the premise that it is possible to measure quantitatively most areas of human endeavour and much effort is expended in producing stand alone measurements which will indicate what is being achieved. However, experience reveals that this task is not easy and that not all effort is measurable in this way. Furthermore, people knowing that they are to be judged on the statistics produced, expend effort in their manipulation, rather than on improving the performance. Although seen to be a continuing factor which will be of increasing importance as credibility is improved, current performance indicators cannot be relied upon alone to have integrity or to give the full picture. Some supplementary method of checking becomes necessary, usually some form of inspection.

The fourth major theme therefore relates to inspection and underlines the way that this has been made more rigorous in recent years. As described later in the thesis, inspection has progressed in both the services under review from being an area of an inspector's expert judgement to a position where inspection standards are described in great detail by central government or its agents. The resulting "inspection protocols" or "framework for inspection" go some distance in ensuring the validity, reliability and

consistency of the judgements made but, because of the human judgement involved, cannot assure this completely and results can be criticised by those seeking standards closer to the scientific. The other development in some services has been to make the inspection extremely intensive and rigorous so far as the operational deliverer is concerned.

Quite clearly, therefore a chain has been created. A loss of public respect is followed by enhanced political interest with consequent efforts to improve control of the service by the introduction of performance indicators and rigorous inspection. The current research illuminates the advantages and disadvantages of this approach in two major services.

The changing nature of the public sector

The public sector has undergone immense changes since the 1970s. These include the introduction of market mechanisms and privatisation following the challenge to the provision of many services as ‘public goods’: the replacement of Ministerial control by regulation; and the introduction in the public sector of private sector managerial practices. As will be demonstrated the education and police services were amongst the services very much affected by these developments.

The introduction of Markets and Market Mechanisms

The introduction of markets and market mechanisms in the provision of public services was one of the important characteristics of the Thatcher Administrations 1979-90. In this the economics- based “Public Choice Theory” was very influential (Taylor, Gooby & Lawson 1993, Clarke, Cochrane & McLaughlin 1994). What follows is a very brief sketch of how this theory evolved (for fuller treatment see Stretton & Orchard 1994) from the earlier theories of ‘Public Goods’ and ‘Social Choice’.

Samuelson’s (1954) theory of public goods suggested that a free market system would give the best return for both individuals and the community. Individuals would be able to spend their incomes in the way they wished and thus maximise their own satisfactions. The choices revealed by these decisions would ensure that resources were allocated in the most efficient way as they were directed to meet the pattern of preferences and so the “hidden hand” of market mechanisms would ensure efficiency and effectiveness. The search for a method of establishing a society’s social preferences

resulted in economists suggesting that a formula might be constructed by the examination of individual preferences which could then be summated to give the requirements of a society as a whole. Buchanan (1949) as a proponent of the theory that individuals should seek nothing but individual gain in their political activity, argued for 'homo economicus' as the model citizen. This approach was then developed by Niskanen (1971) who modelled bureaucratic behaviour as government, the monopolistic demander, being serviced by the bureau/government department, a monopolistic supplier, in circumstances where the former does not know the true cost profile of the latter. This, he considered, created inefficiency unless the demander seeks alternative competitive tenders. Tullock (1967) developed the concept of 'rent seeking', the enjoyment of a higher price for goods (say by tariff protection or monopoly), when alternative goods are available elsewhere (e.g. by import). He emphasised the high costs of this approach, not only of those who succeeded in their endeavours, but also those who failed. His conclusion was this was an area of inefficiency far in excess of the normal method of calculating its value. Government, by departing from free trade principles, was merely enhancing 'social waste'.

These ideas were subject to many criticisms, too numerous to detail here, but are important as being amongst the social and public choice theories that guided government policy for some seventeen years and beyond after 1979. In summary, these propounded the belief that people mainly act to maximise their wealth in both their political and economic activities. In economic activity the currency is money; in political activity it is votes. Government is by nature inefficient: market failure alone is not justification for its intervention in the market which should depend on whether such action improves the situation. More emphasis on a free market economy coupled with less government action was indicated.

These conclusions were supported by the Thatcher Administrations which made the introduction of market mechanisms a major feature of the changes imposed on public service organisations. The choice was seen by government to be between two imperfect approaches: the 'political' process and the 'market' process. The alternatives were on a continuum "Maximum use of markets, minimum use of government (Capitalism)" to "Maximum use of government, minimum use of markets (Socialism)". Both approaches were considered necessary but the mix was deemed very important. The politicians believed the economists' expositions that the beneficial motivational consequences of

markets far outweighed any inefficiencies. Perhaps oversimplified, the belief was that the use of the market gave a better end result, measured in terms of the satisfaction of the population's needs, than did any system of central government planning. The market, in its earliest form, came in the form of privatisation and the introduction of competitive tendering followed by other approaches such as the construction of internal markets and contractualisation (Clarke, Cochrane & McLaughlin 1994, p.2; Walsh 1995, p.xi; Farnham & Horton 1996, p.13).

The consequence was that many public services from 1979 onwards introduced market and market surrogates into the provision of their services. The 1980/90s were characterised by the creation of markets, quasi markets, quasi competition and quasi customers. Quasi markets are systems set up in such a way that the provision of services is free at the point of delivery. No money changes hands between the final user and the provider. The state retains its role as financier of the services within the welfare state but the task of providing the service has been transferred to a variety of producers, including 'not for profit' organisations, private companies and state owned units, each separately managed (Bartlett, Propper, Wilson and Le Grand 1994, p.1). Quasi competition and quasi customers are created by having the relationship between members of the same organisation detailed by a contract in which quantity, quality and price of goods and services to be provided are specified and where the parties work within delegated budgets.

These were disliked and unwelcome changes for many of the public service providers and, in many cases, opposed. Thus an atmosphere of "State versus the Service" was generated in some services and became the environment in which new regulatory regimes were decided.

Managerialism and New Public Management

The increased emphasis placed on the role of management was another innovation in the public services creating a different climate in which inspectorates had to operate and which they had to embrace in their own operations. Managers have been given more authority and status coupled with the introduction of management practices and techniques new to the sector. The changes have been labelled, by various analysts, as 'managerialism' 'new public management', 'new management' and 'new wave management'. For simplicity, in this treatment, only two designations have been used.

‘Managerialism’ is used to label the early stages of change when the introduction of private sector practices was thought to be sufficient to bring about the changes desired. ‘New public management’ is used to cover the later stages and the developments after practical experience demonstrated that more, a new form of public sector management, was required.

The introduction of private sector practices was based on the assumption that better management would prove an effective solvent for a wide range of economic and social ills. The overwhelming impression held by many leading politicians was that *“public officials had, on the whole, a rather soft time and what they needed was the sharpness of private sector disciplines or the nearest parallels that could be devised”* (Pollitt 1993, p.51). The management techniques involved included a rational and systematic approach to planning; activity costing; devolved budgeting; performance indicators; staff appraisal schemes and merit pay (Pollitt 1993, p.vi). The need to clarify objectives, set targets and measure results against those objectives and targets became paramount.

The problem of government as defined by the 1979 Conservative Administration was that it was too big, too expensive and too inhibiting of individual enterprise (Pollitt 1993, p.48). The steps taken to rectify this included the introduction of an information system for Ministers (MINIS) and, in the early 1980s, a review to improve effectiveness of administrative procedures by an efficiency unit headed by Lord Rayner, a businessman brought in from the private sector (Gray & Jenkins 1985, p.116/122). The next development was the “Financial Management Initiative” launched in May, 1982: a review across central government concerned with clarifying objectives and, where possible, the measurement of outputs and performance. It attempted to give a clearer responsibility for costs and an improvement of financial information within departments. This was said to give a dramatic change in the awareness of the running cost implications of government activities (Gray & Jenkins 1985, p.71-186; Hogwood 1993, p.208).

It can be argued that these early steps were by nature, incremental. The Conservative Government was re-elected in 1983, 1987 and 1992 giving an extended time span of control to bring about changes. By 1987 and the second term in office of Margaret Thatcher’s administration the emphasis on ‘markets’ and ‘managerialism’ was said, by at least one leading commentator, to have become a dominant ideology (Pollitt 1993, p.vi). By this time the concept and introduction of ‘managerialism’ in the public sector had

intensified into what was seen as a new approach to management in the sector, referred to as “New Public Management”. The shift in emphasis from politics to markets, from welfare to enterprise and from state monopolies to ‘the enabling state’ allowed managerial ideas to take root. The approach differed from both administration and ‘managerialism’ by merging traditional public administration with the instrumental orientation of business management. It also involved the ‘marketisation’ of public services which placed new demands on management (Newman & Clarke 1994).

Pollitt (1993, p.180) identified four main themes in the Thatcher approach from 1987 which were then carried on by Major’s administration from 1990. There was a much bolder and larger scale use of market mechanisms for those parts in the public sector that could not be transferred directly into private ownership; an intensified organisational and spatial decentralisation of the management and production of services; a constant rhetorical emphasis on the need to improve service quality; and an equally relentless insistence that greater attention had to be given to the wishes of the individual service user/‘consumer’. These introduced markets and quasi-market mechanisms across huge and complex public services which had hitherto been regarded as unsuitable for the market treatment e.g. schools, universities, NHS Hospitals, GP Practices and in the field of community care. ‘Quality’ was emphasised. Although cost cutting, staff reductions and capital starvation had proved unpopular they continued and the approach was seen as an attempt to marry ‘Neo-Taylorism’ with culture management. The latter was to be accomplished by the introduction of organisational development; the development of ‘learning organisations’; an emphasis on innovation rather than adherence to rules and procedures; the development of information for programme management rather than for control of administration costs; and the introduction of ‘Human Resource Management’. The value structure underpinning the approach was seen as ‘quality’ and ‘consumer responsiveness’ sitting (perhaps uneasily) alongside a fierce and continuing concern with economy and efficiency (Pollitt 1993, p.179-189).

The changes begun by the Thatcher Governments inaugurated a period of ‘permanent revolution’ In this it embraced the managerialist changes already introduced and maintained the basic organisational structures but above all, tended to add to or intensify the processes of financial discipline and scrutiny/evaluation to which service providers are subjected. It adopted its own agenda of “reformed managerialism” which gave changes in performance management seeking a more rounded approach and which

reformed public sector markets combining “partnership” with competition (Bochel & Bochel, 1998; Deakin & Parry, 1998, Clarke et al, 2000, Cutler & Waine 2000). The position at the beginning of the 21st Century is that the regulation “industry” of UK Government has grown and now involves some 130 plus organisations (Hood et al 1999). “Regulation” here is defined as the use of public authority to set and apply rules and standards. This has been a growth with no overall rationalisation or consistent practice and with the regulators themselves being regulated patchily and often not exposed to the disciplines they imposed on those regulated. There has been an increase in “arm’s length oversight” with the regulators’ duties delegated to agencies of differing kinds (Hood et al 1999, p.3, 5, 21). i.e. “governance from a distance”.

The intentions behind the changes were fairly clear. A major aim of the Conservative Administrations from 1979 was to ‘modernise’ the public sector. Thatcher (1993, p.15) described this as the need to reverse the decline in the British economy and to ensure all policies could be accommodated within the government’s public expenditure plans with a major element being the shrinking of the public sector and making it more efficient by competition, privatisation and trade union reform (p.32/33). The reconstruction continued apace with the 1997 Labour Administration which proved just as enthusiastic as its predecessor in ‘modernising’ the UK as a major political task: *“redesigning the systems of provision, the forms of organisation control and direction and the relations between ‘leaders’, ‘staff’ and ‘customers’ involved in the production and delivery of public goods and services”* (Clarke et al, 2000).

The changes were opposed by commentators who saw them as being a smoke screen for the actual disinvestment, privatisation and exploitation of labour which occurred (see Johnson 1990 and Farnham & Horton 1996); or as the imposition of an ideology (see Pollitt 1993); or misjudged because private sector practices were inappropriate in the public sector (see Sorensen 1993, Eliassen & Kooiman 1993 and Flynn 1997). They were also opposed by many of the service providers who suffered cost cutting, staff reductions and capital starvation although, as will be seen later, this opposition was of varying intensity and conducted on different platforms.

The current position is, as Clarke et al (1994, p.229) argue, that all organisations, not just public sector ones, are striving to become “more business like”, implying the development of managerial competences as a way of surviving in the new climate and as a way of advancing interests and principles. The fundamental logic of ‘economy, efficiency

and effectiveness' and of 'value for money' is now widely accepted. Other forms of legitimization and justification (e.g. equity) have been marginalised. Tensions remain however: there is the struggle for power and authority within organisations; the question remains of where the boundary line should be drawn between public and private producers in a mixed economy; what should be the nature of accountability and representation in the new arrangements; the prioritization of 'needs' and interests and their connection with power and resources; and between versions of 'how to manage'.

The providers of some of the services were amongst the very vocal opponents of the new regime despite the evidence from the private sector, accepted by the Conservative Administrations since 1979 and to date by the current Labour Administration, that the adoption of these managerial practices has been beneficial. Government of two different parties have thus pressed for their adoption in the public sector as the solution to achieving better services at less cost for the community. They suggest that this action is also supported by the experience of employing the practices in the public sector.

This judgement is not accepted by opponents of the changes. Serious doubt arises on whether private sector practices are apposite for the public sector. The theories supporting 'Public Goods', 'Social Choice' and 'Public Choice' have been strongly criticised and doubt exists on the appropriateness of a market approach to the provision of services in the public sector. Here the user is often different from the purchasers of the service; and an imperfect market and inadequate communication can bring about a very adverse impact on those in need, often the most vulnerable in society. The appropriateness of capitalism, as a system of production for public services, especially welfare services, is also questioned with its emphasis on risk avoidance management. This is in an area where wrong forecasts can have a high cost in terms of human suffering (for example when insufficient hospital beds are available to deal with sickness and accidents or home care is not available for the sick and elderly). The claim for management legitimacy has its opponents, especially in its claim for "Management's right to manage." There is thus resistance on philosophical grounds.

On more pragmatic grounds the fit between practices designed initially to maximise profit and those required in the provision of public goods and social services is not an easy one for many opponents to accept. Many question whether enhanced efficiency (seen to be management's quest) is the same as producing a more effective service. In addition, life is not comfortable for those employed in the provision of the

services under the new regime. The close management direction, monitoring and control is less comfortable than a previous existence which allegedly allowed a greater amount of personal discretion. This bites particularly hard where the employees regard themselves as professionals who should be trusted or at best, subject only to the monitoring of their peers.

There is also a cost involved. The provision of expertise either in people or their training and the capture of information, its measurement and dissemination, involve considerable cost to meet the new demands which accrue from the delegation of financial management and the responsibility for results achieved.. These costs are seen as a top slicing off the resources available involving lost opportunity costs of the improvements which would result if the resources concerned were devoted to the provision of a better service. The costs/benefits equation may be difficult to establish especially if great store is placed on qualitative measures. The culture change involved in the introduction of new management practices can take years to permeate all levels of the organisation (Hunt 1986, p.129) involving, in that time, much refinement and tailoring of practices to meet the special needs of each service. Thus the early emerging results are not necessarily indicative of whether the change is beneficial or not but the tendency is to seek evidence and make judgements at too early a stage when the time span of judgement should be much longer.

With these doubts and misgivings it is surprising that the Conservative Administrations 1979 - 1997 and the Labour Administration 1997 onwards were able to introduce the changes described. With the conceptual and empirical foundation and cogency of the new measures under such challenge it would be reasonable to expect deep resistance on the political front, in addition to challenge from academics and service providers. However, the disillusionment with the current provision of public services was not confined to one shade of politics only, the political right. Some commentators suggest that much of the New Right criticism originated with the Left and with feminists, anti-racists and 'user' movements (Clarke et al. 1994, p.227). One example would be the critique of the Left, whose reassessment of principles following the Eastern Europe examples of "communism in practice" had involved injecting 'realism' into their thinking (Young & Matthews 1992, Lea & Young 1993). This 'realism' was a dissatisfaction with the way that public services were currently being managed and supplied and a realisation

that change was necessary. The Conservatives were thus able to forge what otherwise would have been “unlikely political alliances”.

The country is now faced with a fait accompli despite the opposing arguments: there is no going back to the ‘old organisational settlement’ of the post war period (Clarke & Newman 1997, p.141). A part of the consensus which has now emerged is an acceptance of the importance of ‘well managed organisations’ in making the new order work and in political terms the competition is between parties as to which can best manage British capitalism (p.143). The use of new managerial techniques such as those which aid planning and improve staff focus and commitment enjoy considerable support to the extent that they are now part of this new consensus. The problem remaining is to how to address the difficulties which emerge from the “new order” (p.146).

The impact of “markets” and “managerialism” on the work of the inspectorates

The work of the service concerned and its inspectorate (if provided) will be affected by any change brought about by the challenge that the service should not be treated as ‘public goods’. The introduction of ‘free market economy’ principles by methods such as privatisation and the introduction of markets, quasi markets and quasi customers will also have a major effect. There is also a considerable impact from the demands for new forms of management. The researcher must be alert to the consequences of these pressures.

The propriety and effectiveness of arrangements with external bodies for provision of services becomes a new area for checking by the appropriate organisation. Where there are competing agencies the actual choice made can be a source of contention and conflict. How such conflict is resolved may affect the workload and methods of working adopted e.g. moving to joint operations.

The inspectorates must become skilled in the inspection of the new management procedures and adopt them in the management of their own operations. The new emphasis on objectives is of great importance. This requires the clarification of objectives throughout the organisation and underlines the importance of services being set clear aims and objectives by the State and other external authorities: these are the commencing point for any service attempting to meet the nation’s needs. For this research, therefore, the question of whether clear aims and objectives have been set for the service concerned

becomes important as does the way, in any shortfall, that this been overcome by the inspectorate in setting its own objectives and in its work.

The new approach also requires the inspecting agency to establish objectives throughout its own organisation hierarchy: a possible further area of conflict if the inspectors have, up to that point, been regarded as autonomous individuals. This, and its impact, is explored in the two services under review.

The contested nature of “Accountability”

Inspectorates are seen as an aid to accountability. It is necessary to clarify the nature of this concept to establish the parameters of what is to be achieved if the arrangements and the inspectorates’ role within them are to be considered effective. A study quickly reveals the slippery nature of what Day & Klein (1987, p.32) suggest is a “chameleon” concept, one which is very difficult to define.

Relationships between individuals can be grounded on a number of differing bases such as love, family, friendship, citizenship, conventions, business or the law, each of which confer rights and impose obligations and have varying degrees of formality/informality. As summarized by Douglas (1992, p.132) : *“People are constantly checking up on each other, constantly monitoring the ongoing stream of communicative exchanges and accounts that make up daily life. Normally the process is unconscious and we do not really feel we are doing it. But accountability and account giving are part of what it is to be a rational individual”*. Trust is often the social cement which holds a relationship together as the social lubricant of many transactions. As Power (1997, p.2) suggests *“It is hard to imagine a society or even a group of people where nothing was trusted. The imperative ‘never trust, always check’ could not be a universalizable principle of social order”*. Trust releases us from the need for checking.

Unfortunately the past gives evidence of too much abuse of trust for it to be regarded as a sufficient safeguard. All levels of Government, the Armed Forces, the Church, the Police, industry and commerce, the City, the Trades Unions and other institutions have produced recent examples where behaviour has not been in accordance with requirements. The need for some form of monitoring as a safeguard is therefore strongly indicated. As one line manager of the researcher’s previous experience believed *“you don’t get what you expect, you get what you check!”*. As Power (1997, p.1) summarises: *“It is only when situations of doubt, conflict, mistrust and danger arise that*

accounts become objects of explicit checking.” The form this “check” should take is less clearly signposted.

‘Accountability’, the holding of people to account for their actions, is a concept which has been developed to fill this particular requirement along with the associated concepts of ‘responsibility’ and ‘stewardship’. They are concepts which have been the subject of wide debate and much writing over the years and there are differing opinions as to their nature and scope, especially when applied to the public sector. Mulgan (2000, p. 555) summarises the current situation thus: *“Accountability is a complex and chameleon term and is now a commonplace of the public administration literature. It has lost some of its former straightforwardness and has come to require constant clarification and increasingly complex categorization.”*

The nature and scope of accountability

A major reference used is Day & Klein (1987). They describe the career of the concept from the comparatively simple models of Athens and feudal times to the complex modern models of today. They delineate the dimensions of accountability and discuss the major problem of how to reconcile democracy with growing governmental complexity in modern societies. In this, they question the assumptions made by many about the modern democratic state. They emphasise the need to ensure that the necessary linkages are in position: that objectives are set by an acceptable political process; and to ascertain if performance measurement is a neutral process (for fuller discussion see Day & Klein 1987, ch.1/2). If there is not a complete chain of accountability from the top to the bottom of organisations the “answerability” and “liability” aspects of the arrangements may not be met, ascertaining who is at fault may be difficult with the responsibility for “answers” being lost between the unconnected links of the chain.

If the decisions of choice in publicly provided services, which involve infinite ends from finite resources, are not made by politicians the vacuum caused will be filled by others who do not have the legitimacy or responsibilities (amongst which is the important requirement of “being accountable”) of elected representatives and the democratic process will suffer. If performance measurement is not neutral it is serving someone’s ends, any bias will be to the benefit of some and the detriment of others. Accuracy and the resultant ability to take corrective action will be lost. Whilst answers to problems such as these are

outside the direct focus of this thesis they were found to be an essential part of the background information required before the specific research could commence.

“Accountability” begins with the division of work. When a person takes on the “responsibility” for a given section of work she/he becomes “liable” for the performance of that work. In this sense “responsibility” is the state or fact of being responsible; a duty, obligation or burden; and the power to act without superior authority or guidance. “Liable” is defined as being bound; being answerable for; under obligation to do (COD 1964) and in common use has overtones of the need to make some form of reparation or receive some punishment if actual performance is deemed wanting. The “answerable for” element in responsibility is the concept known as “accountability”. “Responsibility” and “accountability” can thus be seen as two sides of the same coin.

Accountability is the name given to the responsibility held, either by agreement or imposition, in the act of being accountable. “Accountable” is defined as “bound to give account”, “responsible for things, to persons, or absolutely” (COD 1964). “To account” is to answer for the discharge of a duty, or for conduct; to provide a reckoning; to give a satisfactory reason for, or to explain; to acknowledge responsibility for one’s actions. It is a special type of relationship between groups or individuals: between the accountable and those who hold them to account. It is thus a social and political process aimed at constructing an agreed language or currency of discourse about conduct and performance and the criteria which should be used in their assessment (Day & Klein 1987, p.2).

A review of the literature produces many different definitions of ‘accountability’ but Mulgan (2000, p.555) summarises the current state of academic thought on the subject by saying: *“One sense on which all are agreed is that associated with the process of being called ‘to account’ to some authority for one’s actions. This is the original or core sense of accountability”*. He goes on to suggest that accountability *“is external in that the account is given to some other person or body outside the person or body being held accountable. It involves social interaction and exchange, in that one side, that calling for the account, seeks answers and rectification, while the other side, that being held accountable, responds and accepts sanctions. It implies rights of authority in that those calling for an account are asserting rights of superior authority over those who are accountable, including the right to demand answers and to impose sanctions.”*

He then explains some of the difficulties currently arising which he believes stem from accountability being *“an ever expanding concept”*. These are its use to cover the

checks and balances by which democracies seek to control the actions of governments even when there is no interaction or exchange between them and the institutions that control them (accountability as 'control'). Its use to cover the extent to which governments pursue the wishes or needs of their citizens regardless of whether they are induced to do so through processes of authoritative exchange and control (accountability as 'responsiveness'). Its use as applied to public discussion between citizens on which democracies depend even when there is no suggestion of any authority or subordination between the parties involved in the accountability relationship (accountability as 'dialogue').

Some of the difficulty is explained by the difference of opinion in early academic debate as to the nature of accountability. Friedrich (1940) maintained it was a concept internal to the person, that which we now define as 'personal' or 'professional' accountability. Finer (1941) took issue with this and considered that accountability was external, that which we would now define as 'political' or 'managerial' accountability. Both parties can claim some accuracy but be accused of incompleteness under current academic beliefs which consider both aspects are integrated in any treatise on accountability.

'Personal' or 'professional' accountability is important and any discussion is underpinned by a moral dimension. This is based on individual responsibility and concern for the public interest and by concepts of mutual obligation and the keeping of promises, one intensified when payment for undertaking a duty or providing a service has been made (Winch 1996, p.2). However, the 'core of accountability', signifying external scrutiny, justification, sanctions and control is sufficiently distinct and important to warrant separate identification. There is thus both an internal and external element with the thesis concentrating on the latter whilst acknowledging the importance of the former. The inclusion of sanctions in the core of accountability is contestable on the grounds that it may appear to be beyond the notion of 'giving an account'. The 'calling to account' appears incomplete without some process of rectification. The practice in the private sector is that accountability should be inclusive of all the 'core' elements and, it can be argued, it is this which gives that sector the more focused approach to its duties. There is another view, however, which is discussed later.

An 'accountability' relationship may therefore be composed of some or all elements of information, participation, control and sanction. This requires any particular

relationship to have three components: “*accountable to whom*”, “*for what*” and “*to what extent*”. A preferred definition of accountability which results is: “*a description of the duty, moral and otherwise, owed by an individual or organisation to give to another individual, organisation, nation or nations, an account of their stewardship of a responsibility adopted, either voluntarily or imposed, by the individual or organisation concerned. In this the responsibility and the resources allocated to accomplish the task must be described; the person(s) or bodies to whom this accountability is owed, for what and to what extent, must be specified; and the rewards or sanctions, if any, which will prevail must be detailed*”. This definition is more comprehensive than others offered in circumstances where the issues can differ greatly from situation to situation and is adopted as the definitive version for this research when the accountability of the services and the inspectorates are examined.

The scope of accountability appropriate to the Public Sector

Establishing the nature and scope of accountability is not just a question of theoretical discussion. It has wide practical ramifications and is, perhaps, at the heart of what is seen to be current dissatisfaction over Ministerial accountability. The Dicey (1959) constitutional convention is that Ministers are accountable to Parliament for their actions and the work of their Departments. This is open to interpretation. One school of opinion suggests that everything should be treated as though it were an act of the Minister i.e. that she/he is “liable”. The Civil Service belief as pronounced by Lord Butler, a one time doyen of the service, is that “*to be accountable*” is not “*to be liable*”. His belief is that Ministers must give answers and explanations only (Barberis 1998). Others, who consider that Ministers are “liable” believe, as a consequence, that if Ministers are in default they should suffer sanctions, the ultimate being the loss of their positions (Dowding & Kang 1999). However, if the appropriate requirement is that Ministers have to provide answers and explanations only, it becomes clear that the number of issues which would lead to removal from office or resignation is drastically reduced and should possibly only relate to personal behaviour. The difference is thought quite telling and with the “Butler” approach it can be argued that the sharp edge which “liability” brings to accountability will always be missing.

In inter-personal relationships human motivation, the reason why people hold certain values and act in given ways, has a very large part to play but is a very complex

subject. There are a number of theories, all of which have their supporters and critics. For the purposes of this thesis it is sufficient to acknowledge that people have a plurality of interests with different points of view which are very often linked to the particular interests of their position in society. If a view of democracy is favoured which sees government by successive political elites strongly influenced by interest groups; and also government which, as a democratic requirement, is accountable to the electorate in its various forms and interests, an immediate tension is caused. It is impossible to conceive of interest groups without accepting that there will be a measure of difference in the aims, purposes and objectives sought. As Winch (1996, p.7) concludes, the management of the different interests by negotiation and compromise is a political process and very properly the role of politicians. The State is thus seen as being provided to act as arbiter and to provide the environment which will develop or educate individuals into the required social habits.

The consequential employment of politicians and bureaucrats suggests further need for safeguards as Dunleavy (1991) and Cope et al (1999, p.7) believe that politicians do not serve voters and bureaucrats do not serve politicians; instead they serve themselves and not some notion of the public interest. The end result is that politicians seek to make decisions which “buy” votes and ensure continuance in power; bureaucrats seek to increase the importance, size and budgets of their departments. These are contentious beliefs which would be hotly denied by the politicians and bureaucrats concerned but their possibility is sufficient to make checks mandatory. The provision and involvement of the State therefore underlines the requirement for regulation (what is expected and how it is to be achieved), evaluation (how well is it being achieved) and a measure of control (action to keep results ‘on line’ i.e. a system of governance).

A problem then arises: should the State and those in State service be held to account for their responsibilities and stewardship and if so, by whom and how. This analysis suggests that a society does need safe guards to protect itself from the otherwise unrestrained actions of its members and governors; that checks and balances are required to ensure that damage is not inflicted on the whole or part of the community by the action of individuals working from self interest.

This most certainly is the view of Simey (1994, p.237) who suggests “*Of those to whom responsibility is given, an account of their stewardship shall be required. It is a principle whose purpose is to govern the relationship between those who delegate*

authority and those who exercise it. " It is also the view of Winch & Gingell (1996, p.379) who, although writing of the position in education, express sentiments thought appropriate across the public service arena: *"Accountability is not an optional extra in a publicly funded education system, it is a moral requirement on those who raise and spend the money raised for educational purposes and it arises from a duty laid upon legislators and teachers to account for what they spend and also from such virtues as concern for others and honesty..... a reasonable expectation from teachers."*

These views are supported by the Committee on Standards in Public Life which reported in 1995 and articulated the principles which should underpin public life. These included accountability and openness as key in any conception of democratic government, whereby the holders of public office are accountable for their decisions and submit themselves to public scrutiny in all but the rarest cases in which the national interest demands otherwise (Burton & Duncan 1996, p.5). It is this thinking which led Barberis (1998) to conclude: *"Accountability is a characteristic of liberal democracy: part of the a broader system of checks and balances which are the bulwark against tyranny."*

It therefore appears axiomatic that in the public sector people authorised to exercise power on behalf of the community should explain and justify the use of that power; that those authorised to expend public resources on given ends should account for the achievement of those ends and for the expenditure of those resources. The provision of a public service involves the allocation of limited resources to demands which appear infinite. It is argued, therefore, that the public providing them should have some influence on the priorities decided in distributing the scarce resources. An effective system of accountability will ensure these requirements are met and moreover, any public service which is seen to be accountable will earn a high degree of public trust and co-operation, which in turn will aid it to become more effective (Newburn & Jones 1996, p.121).

When considering the comprehensive nature of chosen systems, the preferred definition given earlier requires a system which is inclusive of all the elements from establishing objectives: through receiving information on progress and amending plans; to applying appropriate rewards and sanctions. This definition envisages accountability as a very comprehensive process which goes far beyond some the arrangements indicated by various philosophies of governance. Much, therefore, depends on the philosophy adopted.

The importance of clear aims, purposes and objectives for the provision of a service cannot be over emphasised. Without them, deliverers of the service will be very unsure of the outcomes desired and a multiplicity of opinions, approaches and priorities may prevail giving a variety of outcomes with no assurance that any one approach meets actual requirements. Clear aims may legitimise provision as “public goods” rather than personal or investment goods, with consequent introduction of a system controlled, financed and resourced by the State. The provision of clear aims is also a prerequisite for an effective system of evaluation and control allowing judgements as to whether the aims are being met and whether resources are being effectively and economically used for the ends desired. Examining whether or not clear aims and objectives have been established for the services concerned is a major line of enquiry in this study.

“Machineries” of assessment : The instruments of accountability

As an important part of the complex tapestry which makes up the concept of accountability, the instruments of accountability are now considered: namely the “machineries” available for evaluation and assessment which provide the information on which decisions can be taken as to whether those to whom responsibility is delegated have fulfilled requirements. This section describes and discusses some of the methods available to the public sector, giving emphasis to “Inspection” as the main focus of this research and “Performance Indicators” as one the major innovations which managers and inspectors use in their work. Other methods include a strong hierarchical line management; audit; committees/commissions of review; peer group review ; research; advisory services; and systems which involve a mixture of these.

In any description of the “machineries” of assessment a number of approaches can be adopted. These can be based on whether the evaluation/assessment is concerned with ‘process’, ‘outcomes’ or both; whether it is ‘formative’ or ‘summative’; and the difference between certification as quality labelling and as a form of reporting (see definitions and descriptions below). In much of the literature various methods are “labelled” as though they were discrete entities. In reality the actual methods used often fuse one with another in a way which is difficult to disentangle and impossible to categorise under one label or another (as exemplified by the extension of “Audit”). In this respect the “machineries” can be regarded as “ideal types”: theoretical distinctions developed as an aid to understanding rather than describing actual practice.

The independent scrutiny of service provision can be given by agencies created for the specific purpose (such as the Audit Commission and OFSTED); by the combination of such agencies in specific projects; by organisations where evaluation is combined with other activities (e.g. the HE and FE Funding Councils); and inspecting bodies such as the Social Services and the Police inspectorates whose evaluative work can be said to extend further than just 'inspection' alone. Although it is possible to a limited degree to check "process" (the way an operation has been carried out) post hoc this does require the operation to be accurately documented and for documentation to illustrate the nuances of the interaction concerned. Where the operation involves social interactions it is most unlikely that documentation alone will demonstrate what occurred and post event interviews with the participants are unlikely to gain the full truth because of memory lapses, rationalisations or attempts to put self in a better light than is really justified. "Process" is thus something which can most accurately be checked by observation at the time of, or during, the operation: i.e. by inspection proper. Here, however, the difficulty arises because of the impact the observer has on the behaviour of the participants. It will only be to the extent that the participants act as they would normally that a sample of behaviour, which is what observation actually sees, is representative of normal behaviour.

In "summative" evaluation the evaluative body is expected to reach conclusive and objective judgements which it delivers to the clients or subjects of the evaluation. The evaluators do not involve themselves in the process of change. In this mode impartiality, externality and authority of expertise is important. "Summative" evaluation incorporates different degrees of prescription and can be subdivided into 'liberal' and 'prescriptive' modes. In the former there is much more discussion with the inspected on the findings which will evolve: the findings are the result of negotiation or argument (Henkel 1991, p.190).

In "formative" evaluation the evaluative body collaborates with the client to promote self-evaluation, development and learning. In this form the evaluative criteria and objectives for change are determined in collaboration or negotiation with the clients. Evaluators can be regarded as catalysts in change or be even more fully integrated in the process (Henkel 1991, p. 190). Henkel's suggestion is that the ranges of authority relationships between the evaluators and their clients are on a continuum of 'legal and coercive' to 'value based and normative' (Henkel 1991, p.223).

Power (1995, p.6) illustrates the way that the various forms of evaluation have become intermingled by distinguishing between certification and inspection as branches of audit. His differentiation depends on the clustering of characteristics. In certification he sees the overall emphasis as “giving comfort”. This demands a dependent and interactive relationship with the client; a primary focus on management systems from a knowledge base of general management; with the end product being a “label”. In inspection he sees the overall emphasis as “giving critique”. This demands an independent and active relationship with the client; a primary focus on service output from a specialist knowledge base; with the end product being a narrative.

He also suggests (1997, p.1) that methods of checking and verification are “*diverse, sometimes perverse, sometimes burdensome and always costly*”. This description has particular relevance to arrangements in the public sector. The diversity of methods available is not always recognised. One of the major impacts of the changes in management in the public sector described earlier has been the introduction of new measurement and evaluation techniques in organisations apparently previously wedded to ‘inspection’ or ‘peer group’ assessment only. Some methods, for example the introduction of ‘performance indicators’, can lead to manipulation and consequences the opposite of those intended. As such they can be described as ‘perverse’. All methods involve the use of time and resources which could be employed elsewhere. As such they are a ‘burden’ on those involved and can involve heavy actual costs and heavy opportunity costs.

The main methods of assessment pertinent to this research are “inspection” and “performance indicators”. As the latter are now a sizeable platform for the inspectors’ work they are discussed first.

Performance Indicators

One of the outcomes from the emphasis given by successive Governments to ‘performance management’ as part of the increasing managerialisation of the public sector is the proliferation of ‘performance indicators’. These are measurements of ‘outcomes’, often involving the measurement of inputs and outputs, in a way which will allow “performance to be assessed at a glance” and comparisons made, not only with the unit’s previous performance but also with the performance of other similar units. Performance indicators have developed from the spread of Audit and a wider adoption of the latter’s

approach which rests on the belief that it is quantification which is important, a legacy of Audit's historical background when it was restricted to financial issues only. Its techniques and measurements of financial efficiency have been extended to operational efficiency, using the same distinctive economic rationalism in its calculation (Clarke et al, 2000). These techniques offer, in theory, a system which can be used to inform operators and other interested parties. This delineates results that have been or are to be achieved and enables comparisons to be made with other operators or with results obtained in earlier periods. They thus become a major element in the expression of future plans and in the subsequent measurement of performance against those plans.

Performance indicators can be regarded as “dials”, as “tin openers” or as “alarm bells” (Carter, Klein & Day 1992). As “dials” they are seen as precise measures of inputs, outputs and outcomes based on a clear understanding of what good and bad performance entails. A sceptical view would question the use of “precise” and “clear understanding” here. Experience in many businesses questions whether all activities are capable of being measured in this way and whether such an understanding is always present. As “tin openers” they can “open a can of worms” in providing information which must be probed and not taken at face value. As such they provide questions rather than answers (for example “Length of Stay” in the NHS is an unsafe guide to quality as it conceals the possible dangerous element of those who leave “too early”) and as “Alarm Bells” they can give warnings that things are beginning to go wrong.

The problem of ‘performance indicators’ is in their construction: not all activity is capable of measurement in all its nuances. If incorrectly designed their establishment can lead to undesirable action: i.e. action of a particular type which “satisfies” (improves) the performance indicator whilst detracting from the action which would actually improve the quality of the desired outcome. They encourage “tunnel vision”, a concentration on one element to the detriment of others. Other dangers are that they require interpretation and are open to manipulation and can be used by operators to mislead and misinform those seeking information. They also place an emphasis on the measurement of inputs and outputs which can be costly and use valuable resources needed elsewhere, again to the detriment of desired ends.

Another major danger is that an organisation can be overwhelmed by the sheer number of the activities it deems should be measured. This usually arises in the early days of introduction of the technique in an organisation when it is thought every possible

activity should be measured. It continues when a question is asked which cannot be answered at the time and a measurement is then introduced and continued although no further external interest is shown in the particular issue. The end product is "information overload", with the organisation swamped in statistics with important items masked by the sheer weight of information on less relevant activities. The second stage in introducing indicators is then usually the task of refining and prioritising (i.e. emphasising the important and discarding the unimportant) the information required. The checking of outcomes can either be an "audit" function or an "inspection" function and this is an example when it is difficult to differentiate between the two. Both can incorporate the "performance indicator" approach: that is base their work/approach on prior divulged measurements.

As already described indicators are difficult to construct in a way which captures all the nuances of performance and human behaviour. As such they are often criticised by those whose performance is being measured and much time and effort is spent in discussing the indicators rather than improving the performance. The practice of manipulating indicators results in a belief that they alone are not an adequate method of ensuring accountability and are linked with another method, such as audit or inspection, to give those in power greater assurance that the information they are receiving is accurate.

Recent Government emphasis has been on "Best Value". This requires Local Authorities to use a range of tests of competitiveness including bench marking, joint ventures and voluntary competitive tendering to give assurance that they are obtaining the best value possible from the finance and resources used in their work. The annual performance plans which result are subject to inspection/audit each year, an example of the combination of "machineries" noted earlier.

Despite the criticisms the indications are that as more work is undertaken to make them credible and thus more acceptable to policy makers, managers and service deliverers, performance indicators, as a method of evaluation, will grow in favour, possibly taking the place of other methods. As part of this process the discipline with which they are produced and used will intensify making manipulation unattractive.

Inspection

Inspection, “*the gathering of evidence in order to make judgements about the quality of a service relative to accepted norms*” (Winch 1996, p.133), and its association with accountability, is the main focus of this research. Three concepts of inspection are possible. “*Inspection as evaluation*” is establishing how well objectives are being achieved. “*Inspection as discipline and control*” is a method of ensuring minimum standards, as a method of audit (control of control), as an aid to transparency and the establishment of norms against which judgements are made. “*Inspection as social action*” is communication (e.g. of best practice, and/or as a means of enforcing ends or minimum standards). All three concepts were found to have relevance in the two services under review.

Inspection is normally undertaken by inspectors (although most expositions of the role of managers today would include this aspect as one of the major requirements in undertaking the “control” function). “*To inspect*” is “*to look closely into*”, “*to examine officially*” (COD 1964). Inspection has a long history in its use to assess how well some duty is being performed. Visitations were a natural part of the 13th Century Church’s way of life and is a good example of how, before the spread of literacy, the face to face relationship or personal inspection of work done was the only way that assessments could be made. At that stage written reports would be the preserve of few but, increasingly over the centuries as literate skills spread, the written word was used to pass information.

As organisations increased in size, became geographically disparate and as technology improved, more information was exchanged by the written word with the letter/report being supplemented by the telegraph in the 19th Century and the telephone, radio, telex, fax, computer networks and satellite communication in the 20th Century. Inspection then became the tool of the first line supervisor controlling the output and methods of the operative and as an ad hoc, occasional check on what was happening at the work face by members of higher management or by owners.

Inspection was a much used method of assessing efficiency in the Military in the 18th and 19th Centuries. It was used at all levels of the organisation to check on the standards of lower ranks and culminated in the visit of a high ranking officer who, by this practice, could ensure that everything was brought up to standard for at least the day of the visit. This included liberal use of whitewash, the redrawing of lines and the repainting of premises and equipment (overtones of this remain in the current inspection regimes in the

education and police services as will be seen from the case studies used later in this thesis). The higher the level of the organisation the less that was expected to be found wrong and so, at the highest level, the inspection was a ceremonial occasion with strong social overtones.

The first Government Inspectors for industry were appointed under the Factory Act 1802 and involved local appointees. The 1833 Factory Act introduced inspectors as paid professionals and gave the four people appointed the responsibility of ensuring that which Parliament intended was, in fact, put into operation effectively.

There is a scarcity of analysis on the constitution of the art/science of the inspector. One analyst regards it as a form of intuition derived from training and experience (Winch 1996, p.141). It is usually undertaken by an expert, by someone regarded as an authority in judging the quality of that which is under examination. Green & Gilhooly (1992) suggest that the expert's superiority is based on knowledge rather than some basic capacity and that she/he becomes expert through extensive practice. This develops an ability to remember which is greater than that possessed by the average person: to employ different problem solving strategies; and to have better and more elaborated problem representation. Expertise, according to psychological research, involves the cognitive skills of memory; perceptual discrimination and acuity; vigilance and attention; reasoning; classification; analogy; structured logic; decision and choice; and communication (Smyth et al 1987; Eysenck & Keane 1990). Inspectors thus have authority (to inspect, from their owning organisation) and are authorities (as experts in their field).

Inspection as evaluation always involves judgement. The quality of what is being produced is an attribute which expresses its worth in relation to some goal or objective. Many goals and objectives are rarely one-dimensional: a number of the dimensions are difficult and sometimes impossible, to measure. This leads Irving & Cunningham (1993, p.21) to suggest that many of the judgements made always go beyond measurement and involve subjective, political or aesthetic assessments.

The inspector chooses which data, which interviews, which interpretation will be used. The intention is to look at the past with a view to the future, from a value position which results from a selection of what will be seen, and how it will be seen. It is not a neutral activity but one fraught with danger. If things are looked at in an inappropriate way, inadequate or misleading data may result, leading to wrong conclusions (Holt 1981,

p.146/147). There is no guarantee that the behaviour observed is typical of the normal, every day, behaviour. The mere presence of an observer can cause very different behaviour in all the participants in this social exchange. It is difficult to refute the claim that inspection is subjective, suffers from bias, is not verifiable and is difficult to communicate.

The analysis given above suggests that there should be grave doubts on inspectors' judgements on the basis of subjectivity, bias, validity, reliability and consistency. One hundred per cent accurate performance which would satisfy these criteria appears impossible because of the human element involved. If inspectors' judgements are flawed as analysis in accordance with these criteria suggests, what and whose purpose is being served? One conclusion which might be drawn is that whilst the flaws are acknowledged, it can be considered that the judgements and information obtained "*are sufficiently accurate for the purpose*". The impression gained is that this is a concept not sufficiently explored by critics of current public sector practices but one very much to the forefront in the private sector. In the latter the gathering of data is recognised to be an extremely time consuming and expensive operation, both being elements which the level of desired accuracy influences greatly. The more accurate the information is required to be, the longer it will take to compile and the more expensive that compilation will be. In these circumstances absolute or near absolute accurate data is hardly ever demanded: all that is required is for the information to be accurate and timely enough to enable good decisions to be made.

The evidence of the research literature is that the acceptability of inspectors' judgements is a bone of contention in some services yet not in others. Some services, but not all, conclude that the judgements made are "good enough for the purpose", that despite any theoretical shortcomings, the expertise of the inspector overcomes deficiencies. It is not clear why this should be: it maybe that some inspectors are more expert than others or that perceptions of accuracy achieved are false. The service's perceptions and expectations on accuracy will be explored in the current research.

Winch (1996, p.143) concludes a discussion of some of these issues from the point of view of the education inspectorate by suggesting a number of legitimate uses for an inspectorate all of which, it can be argued, can apply to any public sector inspectorate. These include public testing and examination so that overall standards and effectiveness can be assessed; a research arm to maintain a broad picture of standards without

necessarily having an advisory role: and the identification and help to organisations in difficulties. He also believes that inspectorates may exist to ensure minimum standards are maintained, possibly a necessary role if no other is required. Establishing which of these “legitimate uses” are encompassed in the way the two inspectorates under review construe their roles will be a feature of the current research.

Performance indicators are output driven, inspection is process driven. As such each method has drawbacks if used “stand alone”. A concentration on outcomes could cause poor performance to be overlooked where a unit has not made the best possible use of the quality of resources available but has matched or exceeded the achievement of others wrongly seen as comparators. An excellent looking process may be wrongly directed and not give the outcomes desired. A combination of both methods is possible (as in current practice) and appears to avoid these drawbacks and gives a very constructive, supportive relationship. Future accountability regimes will undoubtedly feature both these elements but the emphasis on each is expected to change. Increasingly performance indicators will take prominence, reducing but not eliminating the use of inspection.

Other methods of assessment

Alternative methods of assessment exist. One, “Line Management evaluation”, is the method most favoured by the private sector. This involves a hierarchical type organisational structure which has clear links from top to bottom. Any higher level in the structure has the duty of agreeing the objectives of the next lower level and of monitoring results, taking remedial action where necessary and applying rewards and sanctions as appropriate. Possible disadvantages for public sector use are the insufficient links between political and managerial accountability: objectives generated at a number of levels of the organisation which are often unclear (as opposed to clear, usually profit orientated, objectives generated at the top level only in the private sector); and the employment of professionals which militates against hierarchical forms of accountability (professionals usually being accountable to their peer group rather than “managed” from above”).

Another method is “Audit”, which has changed significantly over the past two decades. Historically it has long been a process of financial accounting but, whilst continuing with its historical role, it has now been extended to the evaluation of organisational performance such as organisational achievements, standards of

performance, service outputs and outcomes. In doing so it has extended the techniques and measurements of financial efficiency to operational efficiency, using the same distinctive economic rationalism to calculate efficiency (Clarke et al, 2000). The role of audit is essentially quantitative (Winch 1996, p.130). "*what is taking place*" assessments against pre-established bench marks and in current practice qualitative assessments, "*how well it is taking place*", are made under other systems.

Evaluation by Committee or Commissions is a favourite device of Government. In the Commission approach a number of people, probably experts in the field, are selected to examine a very specific problem under clear terms of reference and when their task is over and they have reported, they are disbanded. In the Committee approach, some existing committee and therefore not necessarily composed of experts in the field under scrutiny, examine the work of a particular Government department by questioning its officers and other interested parties. The committees have an extended life and can re-examine from time to time. The Select Committees of the House of Commons are perhaps the best example of this approach. However, reviews are not continuous and recommendations made may, or may not be accepted by Government.

Peer group review is described by Winch (1996, p.131) as the assessment of performances and standards rather than practices, with the aim of moderating and achieving consistent standards across an occupation. As the name implies it is a check undertaken by other practitioners in the field, considered to be equally expert and knowledgeable as members of the occupations/ departments under scrutiny. Scrutiny is by practitioners and leads to challenges of occupational self interest. Research, the intensive examination of given circumstances using a rigorous, systematic and consistent approach can provide the information necessary to judge the effectiveness and quality of any organisation or service (Winch 1996: 132). It is, however, extremely expensive, demands agreement on methodology and lacks timeliness. Advisory services give advice to practitioners to improve their performance. It thus requires the authority to decide what is good practice and make recommendations. It does not, however, make judgements on the performance of individuals or organisation although this role, seen as *Inspection*, can be and often is, integrated with the role of the adviser. In the strict definition of the term, therefore, advisory services offer only a limited view as an aid to achieving accountability and as Winch (1996, p.130) suggests, advisers can develop their own culture and

standards which detract from their role when it is expanded to encompass inspectorial duties.

Summary

This chapter analyses and explains the background factors which together form the framework within which public service inspectorates must operate. Emphasis is given to the very large political agenda that suffuses this work: an agenda which explains the trend towards the extended use of performance indicators and intensive, rigorous inspection. Recognition is accorded to the way the public sector has changed as a result of the emphasis given to the role of managers and management processes; by the importation of private sector practices; by the privatisation of formerly publicly provided services; and by the introduction of markets and market mechanisms to the sector. The concept of 'accountability' and its application in the public sector is examined with the conclusion drawn that open government demands very transparent and effective accountability systems. The instruments that can be used to achieve this purpose are discussed with emphasis being given to performance indicators and inspection as the currently politically favoured methods.

The preliminary discussion in this chapter raises many issues for the line of enquiry pursued in this thesis. The analysis suggests that there should be grave doubts on inspectors' judgements on the basis of subjectivity, bias, validity, reliability and consistency. If inspectors' judgements are flawed as analysis in accordance with these criteria suggests, what and whose purpose is being served?

One conclusion which might be drawn is that the judgements and information obtained "*are sufficiently accurate for the purpose*". If the conclusion is that the judgements are not good enough then it could be argued that inspection is a hindrance rather than an aid to policy making or accountability. Inaccurate information can lead to bad policies, to inappropriate action or complacency, suggesting that the service required is being delivered when it is not. Even when judgements are accurate the provision of inspectorates may have an adverse effect on the achievement of an efficient and effective service if it removes incentive from service deliverers to take appropriate, timely, remedial action. With these dangers in mind one of the major concerns of this research is in establishing the actual aid to the achievement of accountability which inspectorates offer in practice.

These issues and others discussed earlier in the thesis are examined in this empirically based, comparative study of the inspectorates in the education and police services. The evidence obtained and conclusions drawn are discussed in the next chapters.

SECTION TWO : EDUCATION

CHAPTER FOUR : CONTEXTUALISING THE SCHOOL INSPECTORATE (1): THE AIMS AND ACCOUNTABILITY OF THE EDUCATION SERVICE

The following six chapters detail the empirical findings from the case studies adopted for the focus of this research, the inspectorates of the education and police services. In these chapters the issues raised by the detailed research objectives given earlier in the thesis are examined with the aim of analysing and illuminating the practices and procedures currently adopted in what has been referred to in the past as “the black art of inspection”.

This chapter and the next two focus on the education service and its inspectorate. There is a growing body of research evidence available on the school inspection regime. An entire edition of the Cambridge Journal of Education (1995 Vol.25 No.1) was devoted to the system. This is in many ways descriptive and, in the main, unfavourable, especially Janet Maw’s analysis of the “Handbook and Framework for Inspection”. Ouston, Earley and Fidler (1996) collected a series of essays by ‘informed commentators’ on different aspects of the regime in its first two years of operation. This is also very descriptive and unfavourable in parts [see again Maw (p.22/32) on the “Handbook”]. Wilcox and Gray (1996) is also a study of the early days using the perspective of LEAs and schools as case studies.

Fitzgibbon & Stephenson (1996) examined OFSTED’s methodology and were very critical of what they saw as severe shortcomings in the methods employed. Amongst many other published papers Woods & Jeffrey (1998) examined the effects of the new regime on the inspectors and the inspected in a small number of London primary schools and discussed the coping strategies developed by each. Lee & Fitz (1997) summarised the history of change in school inspection and contrasted the HMI approach to that of OFSTED. Silcock & Wyness (1998) researched the beliefs of twelve inspectors and the coping strategies that they, and the teachers inspected, developed in light of the stress they faced. Richards (2001) makes a re-appraisal of inspection methods and criticises the precise nature of judgements made. These publications indicate the growing attention being given to what Wilcox & Gray (1996: ix) refer to as “*the educational equivalent of a revolution*”. The OFSTED regime was also the subject of an examination by the Education and Employment Select Committee of the House of Commons, reporting in June, 1999 (HC 1999a).

As already discussed, the aims and objectives set for a public service are a very important starting point for any research into the service. This chapter discusses the aims and objectives set nationally for the education service. Initially it poses the question “What is education for?” and traces the development of ideas on how this question should be answered, revealing a lack of definition and clarity in the current situation. This results in an executive agency, in this case the Government’s school inspection arm, the Office of Standards in Education (OFSTED), having to provide its own clarification as a base for its own work. How OFSTED have overcome this deficiency and its effect is then discussed. The accountability framework of the service in which the inspectorate operates is examined focusing on the reasons for Government discontent with the arrangements in the 1980s, the alternatives available and the changes introduced by the 1988 Education Reform Act. This created the environment for the new inspection system introduced by the 1992 Education (Schools) Act.

Purpose, Aims and Objectives

It is Government’s role to establish the purpose, aims and objectives for a country’s State financed education system especially when the political philosophy of the day determines education to be a “public good”: a service to be financed and perhaps delivered by the state. It has many points of view to consider including those of individuals and organisations with very differing requirements e.g. those being educated; the deliverers of the system; the providers of resources; the users of labour; and the community (both local and national). The discussion here considers the historical development of ideas on “purpose” and then analyses the current position. The picture which emerges is of an educational system which has developed without any clear aims: a legacy from its earliest days which has continued to the present time and results in a fundamental lack of clarity as to the purpose of education in the UK.

The approach to education has often reflected the values of the day. Plato, writing in 375 B.C., saw education as an integral and vital part of the wider subject of the well being of human society but also as a preparation for future roles (Nettleship 1969). Aristotle, writing slightly later in the period 335 to 323 B.C., suggested that education should be the preparation for the good life, one which had a high cultural and artistic content (Warrington 1959, Saunders & Sinclair 1990). Developments pre-17th Century saw Confucian China needing a stable bureaucracy and Judaism, Islam and Christianity a

priesthood. Schools of various types developed to cater for the requirements of the church and state and to give the literacy needed by management and commerce. However, up to the 19th Century, education in the UK was a private sector provision by religious or philanthropic associations, with little State involvement (Green 1990).

The 19th Century resulted in many changes and challenges which the education system was expected to meet and overcome. There was the continued industrialisation and urbanisation in the aftermath of the Industrial Revolution and increased competition in international trade and commerce. The education system was criticised for failing to educate either for traditional purposes or in response to the conditions of the new century. The pressure for change was tempered by the “anti-state interference” ideology held by the ruling elite which made it extremely reluctant to set up a state system. This contrasted greatly with developments overseas where Prussia, France and the USA, the country’s main trade competitors, had developed strong central systems: those of Prussia and France being “national” in character and that of the USA being a federal system based on geographic areas. The pressure for change was such, however, that a “nationalised” system was introduced in the UK by the Education Act, 1870 but this was a compromise with the private sector, continuing the involvement of the churches and an independent sector and one which did little to clarify the aims of what the system was supposed to achieve (see Green 1990 for fuller account).

The 20th Century brought further developments with, in the early part of the century, much of the content and monitoring of education being vested in new Local Authorities and afterwards, as described later in this chapter, being increasingly exercised by Central Government. The 1902 Act (Section 2) side-stepped the issue of determining aims and objectives and placed the responsibility on LEAs by specifying that “*The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education and to promote the general co-ordination of all forms of education.*” The hybrid situation of a so called “state system” which was never really prescribed or controlled by the State continued with the 1944 Act. The compromise with the church and other bodies continued as did the state’s inherited reluctance to provide an overarching series of aims or make detailed prescription, an omission which allowed the segments mainly “to go their own way”. The Act specified (Section 8) that LEAs were to provide primary and secondary education suitable to the requirements of junior and senior

pupils. Further, very unspecific guidance was given by a later part of Section 8 which indicated that the education should *"offer such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes and of the different periods for which they may be expected to remain at school including practical instruction and training appropriate to their respective needs"*.

The "compact" between the political parties which this Act represented continued until 1988, although voices, increasingly critical of the arrangements and its perceived outcomes, were raised by people of all shades of political persuasion from the early 1960s onward. These opinions came to ascendancy after 1979 when a Conservative Government was elected. The 1988 Education Reform Act resulted. It specified its aim as *"seeking to promote a curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society and prepares such pupils for the opportunities, responsibilities and experiences of adult life"* (The Education Reform Act 1988, Section 2). Despite the precision of the legal language used the general, non-specific terms of this aim leaves a great deal of scope for debate and differing opinions on what, how, when, where and by whom it should be achieved. However, for the first time, the Government of the day decided to introduce a "National Curriculum" which a sceptical view might assert involved the specification of the content of education without clear aims having been decided.

Various academics have attempted to fill the void.. A major problem in this is as identified by Winch (1996: 25). There are two prescriptive definitions of education: a liberal approach shared by most Educational Philosophers and Educationalists and an instrumental approach shared by others, mainly those receiving the service. The liberal conception values personal development as a desirable end in itself whereas instrumental definitions value education for the extrinsic purposes for which it may be used. A judgement of the first "National Curriculum" is that this described a liberal approach, an interesting development in light of the stated underlying reasons for change in the arrangements which come under an "instrumental" heading. Revisions of the National Curriculum in 1998 and 1999 placed emphasis on literacy and numeracy and were much more prescriptive in dictating what shall be taught and methods to be used. This, it is argued, tightened up requirements in the area of pedagogy, so enforcing more central control at the expense of the traditional professional/craft autonomy of the teacher. Primary school teacher 'H' (interviewed 2000) judged there to be both strengths and

weaknesses in the change: *"The new curriculum is much more prescriptive and concentrates on what are considered essential subjects such as literacy and numeracy. It cuts down the time available for creative activity and I don't like that but I must admit that I think it gives the child a better start in the essentials"*.

The liberal conception, being mainly adopted by deliverers of the service and those who influence pedagogy, is well developed. Instrumental views, many and varied in number, are favoured by children, parents, businessmen and politicians but have not received as much attention in the literature. It is, however, possible to identify and develop definitions which encapsulate these various interests.

Hill (1996: 205-211) suggests that the individual has an interest in securing education as it gives access to a range of ideas, symbols and beliefs which may loosely be regarded as culture and by opening up the possibility of religious and political participation. There is also an economic interest in obtaining knowledge and skill which will be beneficial in the competition for scarce employment opportunities.

The parent's interest is summarised by White (1960) and Peters (1966) as seeking *"cognitive capacities for the sake of the child's personal autonomy"*. A sceptical view suggests this is not always the ruling factor. Some parents, whilst expecting their children to make maximum progress, resist school pressure to impose high standards, discipline and increased work loads involving homework and the like. The industrialist's interest, as defined by Warnock (1988, p. 69-72) and Stretton & Orchard (1994, p.194/195) is for intelligent, fit, willing and honest managers and workers; and for research leading to new technology. This could be expanded to suggest the requirement is for a labour resource which has, or can acquire, the knowledge and skills to be/become effective in the particular industry or commerce concerned. A sceptical view, however, claims that what employers really want is a submissive, unqualified labour resource, prepared to work for very low wages.

The politicians', national and civic interests are defined by sociologists such as Durkheim (1956, 1961) and Collins (1986) who stress the integrative aspects for society and by Warnock (1988, p.69-72) who sees the state seeking individuals fit to administer its procedures and defend its boundaries. Thus we have Durkheim's definition (1956, p.71) which emphasises "preparation for life": *"Education is the influence exercised by adult generations on those that are not ready for social life. Its object is to arouse and develop in the child a certain number of physical, intellectual and moral states which are*

demanded of him by both the political society as a whole and the special milieu for which he is specifically destined. " Hill (1996, p.211) suggests that the state's claim to legitimacy may rest on the provision of a number of common, socially binding, aspects such as religion, language, currency, measurement and legal practices. Democratisation intensifies this need. Definitions can thus be expanded to suggest the need is for an education system which prepares the nation's children to take a full part in its civic and economic life to the extent that it ensures the future prosperity and progress of all its citizens.

Others with a legitimate interest in the service and the way it is delivered not covered by these definitions include the local community, whose requirements are schools which provide a good (possibly defined as liberal) education for the children of the locality; are part of the community; and enhance the attractiveness of living in the area by their achievements in scholastic, sporting and civic arenas. They also include the Churches, suppliers for profit of equipment and resources and other educational institutions. Their objectives are varied and can conflict.

Within these definitions there is much room for disagreement. For example, taking Durkheim's definition, different interpretations can be placed on the physical, intellectual and moral states concerned and how much weight, if any, should be accorded to individual, personal and possibly selfish requirements on one hand (education as a personal or investment good) and those of the "special milieu" and "political society as a whole" (education as a public good). Whose range of ideas, symbols and beliefs should be chosen in Hill's definition? What knowledge and which skills meet the varied requirements of the identified stakeholders? What happens when there is no consensus: whose views are those of influence? The purpose of education is thus a contested concept (Winch 1996, p.26); to some, an essentially contested concept, one which is intractable and possibly incapable of resolution (Mortimore & Stowe 1991, p.26).

A summary of the current purposes of education is given by Hamm (1989). He distinguishes three senses/uses of education: a sociological sense, an institutional sense, and a general enlightenment use. Education in the sociological sense is acculturation or socialisation, using legitimate means. In the institutional sense it refers to a person's development as a result of school or other educational institutions' influence. In the general enlightenment use it describes the particular kind of human development achievement of the mind characterised by knowledge and understanding which enables

the individual to enjoy such things as the arts, thought to contribute to “the good life”. Hamm identifies the primary purposes of education as the pursuit of general enlightenment; moral education; maintenance of the dominant culture; and the creation of new knowledge. He also identifies thirteen secondary purposes and eight unintended functions. The secondary purposes range from grading and screening children, socialisation and the acquisition of certain ideals, physical training and development, to the creation of new knowledge and the preparation for change and progress including social mobility. The unintended functions include the development of attitudes, decreasing unemployment and providing a baby sitting service.

The above summary would find supporters in whole or part but it is doubtful if there is agreement on the priorities to be adopted. As demonstrated, there are fundamentally different perspectives which are not easily reconcilable. The necessary clarification would require serious political debate requiring a cross political party consensus. This, as yet, has not been forthcoming. As a former Secretary of State for Education (interview 1999) explained: *“When you talk about education it inevitably, in the end, gets mixed up with class. So it’s always a difficult debate. And if you start to talk about elitism, which is perfectly possible to talk about in France, Germany, and in the USA, it is impossible here because people immediately translate it into class terms instead of attainment, achievement or excellence terms. So we have held ourselves back and I don’t know how long this is all going to go on but this equation has certainly gone on all my life. But another reason is that we have never decided in this country what we want from education. We don’t value the intelligent or the intellectual. They are usually a bit of a joke. Politicians must first of all grapple with that to say to themselves “What should the system be delivering?”*

Thus the first requirement for an effective accountability chain, clear aims and objectives, is missing for the education service. There is a lack of clarity especially in the minds of politicians resulting in political “double speak”. Whilst the reform process is driven by adverse political judgements on UK’s international competitiveness with the underlying cause of education failing the nation, the documents issued by the DfEE or OFSTED do not emphasise economic progress as a major aim of the service. A sceptical view claims that it is the politicians who are failing the nation but, as demonstrated, the uncertainty on aims permeates most levels of UK society and the politicians’ defence could be that they are merely reflecting this uncertainty.

The lack of clarity creates a vacuum which people fill with solutions which become a source of argument and dissent. One result is a continuing debate on pedagogy and a polarising of discussion between “traditional, class centred” methods and a “progressive, child centred” approach. The control of the curriculum has become a thorny problem and assessment/ evaluation/ regulatory methods have become more contentious. The issues involve arguments which use energy needed for improvements to the service and which have an adverse effect on the implementation of proposed changes and the effectiveness of what is done.

The lack of clear aims means that an organisation charged with inspecting the arrangements, must decide for itself what the system is trying to achieve as a very necessary platform for its own work. In OFSTED’s case the approach adopted was very much dictated by the general 1988 Act description that education had “spiritual, moral, cultural, mental and physical development aspects” and in most areas was geared to the implementation and teaching of the National Curriculum. The vehicles used were the “Frameworks for Inspection” and other handbooks which give direction to service providers and information provided on what would be considered an acceptable approach. In these documents programmes of study are detailed for each key stage and attainment targets are set for each (see later). In this way flesh was added to the insubstantial “bones” of the national aims and objectives and the traditional freedom of teachers on teaching methods eroded. The direction given is reinforced by inspections and inspection reports. A good report can only be gained (and possible dismissal/closure avoided) by teachers and schools conforming to the requirements of these documents. Richards (2001) suggests that in effect, inspectors cannot make genuinely independent judgements, the best possible is for them to follow the standards set by the curriculum planners which are themselves contentious and capable of interpretation.

It can be argued that the lack of clear national aims compromises the work of the inspectorate. The individual inspector is faced with the task of judging the levels attained in standards set in a liberal based curriculum with which she he may not agree, taught by methods which also may not be agreed, causing some dissonance which may, or may not, be satisfactorily resolved by the report given to the school. As much of OFSTED’s work is a summation of the work of all the individual inspectors, its own work will unknowingly be similarly compromised.

Accountability in the Education Service

A short history and brief outline of the accountability arrangements for the education service follows to illustrate the place of the inspectorate and to explore the reasons behind recent changes. Since the early 20th Century there have been three levels in the accountability chain: Government at the national, macro level; the Local Authority at meso level; and the school at micro level. As described later the inspectorate has a role which encompasses all these levels and has a substantial impact on the managerial and evaluative methods used.

The early regimes and evaluative methods are well described by Edmonds (1962), Blackie (1970), Clark (1976), Dunford (1980, 1998) and Lawton & Gordon (1987) and require no further embellishment here. The story they tell is of movement from schools locally controlled and financed by voluntary effort to increased central government influence and financing. The milestones they describe are: the early 19th Century when teachers were expected to run their schools, initially with an overseeing role of the local clergy or local “visitor”; the introduction of the first State finance and State inspectors from 1839; and the progressive increase in the inspectorate from then on until it was around 500 strong in 1987. Also described is the inspectorates’s fight for independence from the civil servants which culminated, in 1864, with it winning the right to be the only body which could amend its own reports; and the period 1862-92 when the Revised Code was in operation and school receipt of finance from the state depended totally on the report of the inspector. Apart from this period the inspectors had an overseeing inspection role, giving advice to teachers and Government alike.

This thesis takes the story on by describing the circumstances leading to the watershed represented by the enactment of the Education Reform Act, 1988 and the new inspection regime introduced by the 1992 Act.

The circumstances leading to the Education Reform Act, 1988

The “social democratic” compact between the political parties which had given stability to the arrangements became unevenly unsettled in the 1970s and finally broke down during the Conservative Administrations elected from 1979. The reasons for the breakdown were complex. The backcloth to the changes in the UK was the economic downturn in the 1970s with the collapse of the fixed exchange rates 1971/72 and the quadrupling of oil prices in 1973 bringing on a world recession: a recession which

undermined the policy regimes developed in the previous period of relative prosperity. In the UK people of all political persuasions questioned the quality of education given, relative to the apparent quality in other countries. The so called 'Black Papers' on education which appeared at the end of the 1960s, authored by supporters of the Conservative opposition, claimed that standards of numeracy and literacy had fallen significantly. The overall effect was a growing scepticism about the effectiveness and performance of schooling. There was a tension about comprehensive schooling, exacerbated by the movement towards comprehensives required by the Education Act 1976 and an anxiety about progressive teaching methods in primary schools encapsulated by the William Tyndale School "affair". A feeling grew that there was a mismatch between industrial needs and school performance: in Batteson's (1997) words "*there was all the ingredients of a moral panic*".

The ongoing debate was fuelled in 1976 by Prime Minister Callaghan's speech at Ruskin College. This enhanced the perception that teachers were not only failing in their duty to the young people in the schools but also "*Education was failing the nation*" (Gray & Wilcox 1995). The left "realists" were also unhappy with the management and direction of the schools. A new consensus was therefore created which called for more central control of the school curriculum; greater teacher accountability; and more direct subordination of secondary education to the perceived needs of the economy. The Labour Government's project became one of making more effective use of the money spent in the public sector including the £6 billions expended on schools (Chitty 1998) and this general approach continued after the Labour Administration's defeat in May, 1979.

The new Conservative Administration's opinion was summarised by Prime Minister Thatcher as concern about "*the lack of knowledge displayed by many children about our country and society and our history and culture*"; "*the ethos in classrooms and teacher training colleges remaining stubbornly left wing*"; and "*a deep rooted dissatisfaction with Britain's standard of education*" (Thatcher 1993, p.278, 306, 590). Despite this the Government did not adopt a radical agenda for education until its third period of administration, from 1987 onwards. Policies in the public education sector then became heavily featured and priority items in the Government's strategies.

The Education Reform Act, 1988

The Government's stated objectives were to break the power of the LEAs, traditionally thought to be directly responsible for running their own "systems" of education; and to erect or reinforce a hierarchical system of schooling subject to both market forces and more central control (Chitty 1998). To achieve these objectives the Education Reform Act 1988 and the Education (Schools) Act 1992 were enacted adopting, in part, three approaches which developments elsewhere in the world suggested might be advantageous. These were a continuation of public or state control with increased managerialist accountability; partnerships between teachers and their 'clients', passing control from Local Government to the school governing body; and the introduction of free market principles - a 'consumerist' approach introducing parent choice (Gruson & Kogan 1992, p.673). The end product was to be a "national" approach with a marked degree of conformity not previously found in the education system of England and Wales. One major change was the adoption of the uneasy relationship of "Neo-liberalism" thinking and traditional Conservative principles. The former introduced 'markets' and 'quasi' markets (as defined and discussed in Chapter Three) to the arrangements and the latter strong central control. Thus a strong, indeed strengthened, role for Central Government continued.

The resulting revised monitoring and regulatory systems involved a two pronged approach. The first "prong" of the approach was a hierarchical organisational structure established for the formal monitoring and regulation of the service. This gave central Government the role of overseeing the service on a national basis, through the Secretary of State for Education and Employment and his/her department. The Secretary of State answers to Parliament for her/his own actions and those of the Department by reports and statements to the House, answers to Members' questions and appearances before Select Committees of the House. The Department's financial affairs are subject to audit by the National Audit Office and other aspects can be investigated, and reported upon, by the Audit Commission. The Secretary of State's and the Department's monitoring of the schools is undertaken a) by holding the Local Authority responsible for some aspects and b) by inspections carried out by its independent school inspection arm, the Office for Standards in Education (OFSTED).

The second "prong" of the accountability arrangements reflected the impact of managerialism and is labelled "management by information". This resulted in the

introduction and publication of a series of performance measurements, inspection reports and 'comparative' league tables of such things as examination and test results and pupil attendance and exclusions. The accuracy and validity of the performance indicators produced and published to date is challenged by many in the service giving further grounds for dissension. The 1999 Select Committee, as an example, thought that more cognisance should be taken of the impact of "high pupil mobility" (HC1999a, para. 26).

Under the changes Central Government's role and authority was strengthened by its taking responsibility for curriculum and inspection from the LEA. A "National Curriculum" was introduced, divided into four key stages with the subjects included varying at each key stage. For each subject, at each key stage, programmes of study are established and attainment targets set for each. Eight levels of pupil performance are described for Key Stages 1 to 3 and assessed by standard attainment tests. Attainment at Key Stage 4 is by public examinations, usually the GCSE. A new regime of school inspection was introduced under OFSTED, together with special procedures for schools categorised after inspection as "failing".

The Citizen's Charter initiatives taken by Major's Conservative Administration and the increasing inclusion in statutes of clauses imposing consultation procedures on providers of public services have widened the circle of those involved. This approach has been continued by the current Labour Administration: for example the School Standards and Framework Act 1998 requires Local Authorities to have parent representation on Education Committees. The result is an uneasy and uneven amalgam of representative and participative democracy which a sceptical view regards as a move away from democratic control, involving the introduction of consumerism in the place of citizenship

The management and accountability of schools

Educational institutions in England and Wales have progressively been given greater freedom to run their own affairs in the way said best to meet the needs of parents, pupils and their local communities. The role of the LEAs in the planning of provision, in funding and quality control and as sources of advice and guidance to local institutions was emphasised but within this framework, many decisions were to be taken at the level of individual institutions (DfEE 1995, p. 24).

The method used was to change the management of schools. Schools which wished to do so were allowed to opt from the control of the Local Authority, to receive

grants direct from Central Government and to control their own destiny in finance and resources with the Board of Governors being the controlling body. By 1997 between 12% and 20% of schools (depending on the LEA) had decided to follow this path. Where schools remained under the aegis of the Local Authority, receiving its grants via that body, it had to take responsibility for its finances as school budgets were delegated under a "Local management of schools" (LMS) initiative and here again, the School Governors were given an enhanced role. The "managerialist" approach also gave the service a new vocabulary: one in which 'efficiency', 'economy', 'effectiveness', inputs, outputs and outcomes featured large and put an entirely new slant on requirements.

A corollary of the increased school autonomy was the need for greater accountability of those institutions to the communities they serve (DfEE 1995, p.24). The school's Governing Body, composed of local authority, parent and teachers' representatives, was held responsible for the running of the school with the detailed operation being the responsibility of the Head Teacher, answerable to the Governors. Monitoring was by the LEA and by the inspections of OFSTED teams.

The teachers are answerable to the head teacher who has the duty of assessing and evaluating the teaching standards reached and for arranging remedial and/or developmental action when this is required. Head teachers and teachers are employed by the LEA in non GMS schools and are subject to the conditions and disciplinary arrangements specified in their employment contracts. GMS schools employ their head teachers and teachers direct on conditions specified in their employment contracts.

The head teacher and teachers are also responsible to parents (and through them, children). This answerability is discharged by individual reports on each child sent to the parents, regular parent/teacher evenings when the child's progress can be discussed, an annual school report sent to each parent and a school brochure. Parents are involved in the OFSTED inspection process (as described later). Details of the school's examination successes and test results are published and another source of information is by media reports, although only contentious items are covered, often in a very provocative way.

Parent and teachers' representatives on governing bodies, when elected, are answerable to their respective electorates through votes in the ballot box. The DfEE has issued "new instruments for school governors", implemented from September, 1999 (DfEE 1999). They are responsible for links with the community but actions here vary from school to school. The community and the wider general public can gain information,

if it so wishes, from data in the public domain. Relationships with suppliers are governed by the terms of tendering and contract. The financial arrangements of the school are also subject to District Audit.

The DfEE held the Local Authority responsible for non-GMS schools in its area. The LEA were required to define each school budget and receive and allocate the central grant on behalf of the school (although, increasingly, when new funds are allocated the route is direct to schools from Government, bypassing the LEA). It had also to offer advisory and support services and intervene when a school is seen to be 'failing'. For GMS schools the central grant went direct to the school and the LEA role was confined to intervention when the school was deemed to be 'failing' and only to give advice and guidance when it was employed specifically to do so by the school. The LEA held the School Governors and the Head Teachers responsible for the efficient performance of their particular school and no longer having an inspection arm (except as a sub contractor of OFSTED) relied on close ties with the school's Governing Body (on which it had members), its advisory and support services to schools and data received from OFSTED (which included individual school inspection reports and information on national trends) to keep abreast of developments.

LEAs are subject to inspection by OFSTED whose reports are made available to the Local Authority. All LEAs are to be inspected by September, 2001. "Failing" LEAs suffer 'intervention' by the DfEE in the form of consultants or contractors employed specially for the task. 91 LEAs had been inspected by September, 2000 of which eighteen required intervention by the Secretary of State. 58 inspections were conducted in 1999/2000 of which thirteen were placed in the "good/very good" category; nine received critical reports "*requiring urgent action on many fronts*"; and nine were considered "unsatisfactory/poor or very poor" (HMCIS 2001). The LEA is also subject to local scrutiny through the Education Committee of the local authority concerned and the minutes of that committee are subject to the scrutiny of, and possible further debate in, the full council of the authority. The financial affairs of the LEA are subject to audit by the District Audit which also checks on the implementation of recommendations made in Audit Commission reports. Local Authority representatives, when elected councillors, are answerable to the local electorate in Council Elections and employees of the authority are responsible to the authority through their contract of employment.

The result of these formal changes was in accordance with the Government's avowed intention at the time: the rolling back of the frontiers of the state when the additional autonomy and responsibility was given to schools. However, this change has been accompanied by the centre taking on more influence for itself and the relocation of power is at the expense of the local community, as represented by the Local Authority. The designations of schools were again changed by the Schools Standards and Framework Act, 1998 which introduced "Community" schools (all county schools), "Foundation" schools (all GMS schools) and "Voluntary" schools (all voluntary aided or voluntarily controlled schools) in addition to "Special Community" and "Special Voluntary Schools" designed for those with special educational needs.. These are the accountability arrangements which the provision of an inspectorate is intended to aid and required changes in the latter which are analysed later.

Reaction to the changes

The reactions to the 1988 changes were very important as these had a great influence on the environment in which the inspectorates carry out their duties. The changes, especially those which introduced assessment, were met with great opposition, Phillips (1996, p.129) summary was *"The education establishment fought back with every weapon at its command. The Thatcher Government found itself embroiled in a tenaciously sustained and debilitating guerrilla war in which it was outgunned and outmanoeuvred at every turn"*. In this Phillips (from Departmental sources not available in the current research) suggests that the malcontents received huge assistance from the Department of Education and Science (*"a Ministry apart"*). She also blames the DES for pursuing, through the National Curriculum, the progressives campaign against factual knowledge, describing it as the Ministry with the strongest *'in house ideology'* and summarising with a most damning conclusion *"The history of education in the last four years has illustrated the awesome capacity of a relativist establishment to frustrate and even deform a set of founding objectives."* (Phillips 1996, p.139, 160, 336).

Without the benefit of Phillips's sources it is difficult to make a judgement on the accuracy of her summary. The only conclusion someone outside the service can draw is from an impression gained from media reports at the time. This supports Phillips's description "of great opposition" from the service although little was reported of the Department's part in events. The evidence from the current research is that at school level,

teachers did their best to make the proposals work. If Phillips is accurate in her assessment of the "Education establishment's opposition" it was assisted by the lack of clear aims for the service and demonstrates the power struggle which can result from a vacuum such as this. The reported reaction set the climate for the changes in the inspection system included in the Education (Schools) Act 1992. These resulted in the former non punitive system, with which the service appeared comfortable, being replaced by a punitive regime through which schools could be closed and teachers lose their jobs.

Why was there such a reaction? The neo- liberal approach, especially as applied to education, was thought to be very poorly based in theory and thus very open to challenge. There are a number of forms of neo-liberalism which take different paths to the final policy prescription: the free market. One of the most authoritative supporters of a free market approach to education in the UK is James Tooley. He puts forward a radical view that the State should have little or no role in providing education. This, he believes, should no longer be compulsory (except for a small minority who otherwise would not receive a minimum of education because of parental opposition, lack of parental resources or student recalcitrance). Instead, education should be provided by private suppliers meeting, in market conditions, the demands of individual parents who pay for the service they require for their children picked, cafeteria style, from a menu of curriculum subjects (for full discussion see Tooley 1993, 1995a, 1995b, 1996, 1998).

These ideas have been strongly attacked by Levitas (1986), Jonathan (1989), Ball (1990), Ransom (1993) and Winch (1996, 1998) on a variety of grounds amongst which is a belief that they would lead to far greater inequalities of opportunities within the education system. Questions are also raised as to whether education is really something which can be left to individual parent and pupil choice in a cafeteria type system. The benefits of education are only apparent in the long term and do not accrue directly to those providing the resources. Given the human propensity to discount future benefits and the opportunity costs involved Tooley underestimates the number of parents who will be either unwilling or unable, faced with the competing demands made on low incomes, to invest in education for their children.

Questions also arise on the ability of parents to obtain information on what is on offer in the market place; to choose between the competing claims of suppliers; and the attraction, in the 21st Century, of the alternative methods of schooling espoused by Tooley such as communal discussion groups, travelling lecturers and Sunday Schools in face of

competing entertainment such as television and cinema. Tooley also discounts the usefulness of information supplied by Government. The survey evidence from the current research is that this view is not shared by parents. All interviewed, without exception, value highly the information now provided following the 1988 and 1992 Acts.

These and other doubts about the neo-liberal approach gave the service apparent justification to question the appropriateness of what was being done. Whether or not the result was a too extreme a reaction is open to conjecture. There is a view outside the service that the reaction was intemperate and that a further mistake was made in conducting it on very public platforms. One suspicion is that the virulence of the reaction goaded Government into introducing the punitive inspection regime in 1992.

The 1988 changes undoubtedly signalled the Government's intention to introduce and emphasise evaluation of the service in the future. This would involve introduction of tests at key stages, the publication of test and examination results and "league tables" of results, and the development of other performance indices. A major change was the movement from a selective school inspection system to a mass, comprehensive system involving every school, every four years. This was a task clearly beyond the capabilities of the existing national inspectors, the HMIs, and required new inspection arrangements to be formulated. In analysing these, later chapters develop the history and then examine the arrangements from the point where a new inspection regime for schools and LEAs was introduced by the Education (Schools) Act, 1992. This divested the LEA of its inspection duties, placing the responsibility with a new body, The Office of Standards in Education (OFSTED).

CHAPTER FIVE : CONTEXTUALISING THE SCHOOL INSPECTORATE (2) : THE CHARACTERISTICS OF THE INSPECTORATE

The decision of the Government of the day to introduce a new inspection regime for schools was highlighted in the previous chapter. This, it decided, required an entirely new organisation and the Office of Standards in Education was established by the Education (Schools) Act, 1992 for the purpose. The discussion now turns to the organisation of this agency and the characteristics of the personnel employed, analyses the source of recruits, the gender makeup, the expert/esoteric knowledge involved and the training given. It then discusses the culture and environment in which the inspectors work. In this much of the information and analysis given on the selection and training of HMIs and school inspectors is considered particularly useful in that it has not appeared in the public domain before.

OFSTED is a non-ministerial Government Department: a department where the “director” [in this case Her Majesty’s Chief Inspector of Schools (HMCIS)] exercises certain powers not available to Ministers and has a defined statutory remit. The director, once appointed, performs several of his/her key functions independently of the Ministers. The particular organisation chosen here, compared to the alternatives available (the Ministerial Department, the Departmental Agency or the Non-departmental agency) demonstrates the Government’s desire to achieve inspection arrangements which would appear to the public as independent. In this, as described later, it appears to have been successful.

After some seven years of operation the DfEE signed a Public Service Agreement (DfEE 1999: 10) which sets out the aims and objectives for OFSTED, giving performance targets which have to be met. This is an example of the development of “managerialism” at the national, macro level, one which is to span the entire public sector. The aims and objectives are:

Aim : to help improve the quality and standards of education through independent inspection and advice.

Objective 1 : to deliver high quality inspection of schools, funded nursery education and LEAs providing independent assessment to help them raise educational standards;

Objective 2 : to provide high quality advice, based on inspection evidence to the Secretary of State for Education and Employment to assist in the formulation and evaluation of Government policies.

Performance Targets: in 1999-2000 20% of schools, 8000 Nursery Settings and 26 LEAs to be inspected; 91% of inspection reports reviewed to meet HMCIS's standard; target cost of contracted inspection to be £54 millions (compared with out-turn expected 1997-8 of £107 millions); inspections of initial teacher training to cover 200 secondary subjects and 40 primary subjects in the 1999 - 2000 Academic Year.

(DfEE 1999)

It was later reported that all targets for 1998/99 had been met or exceeded (DfEE 2000, p.22/23).

This statement of aims and objectives puts into sharp relief the problem of inspectors and of the people assessing their worth and emphasises the judgemental aspect of their work. What is/ will be the definition of "high quality" in these statements? Given no clear definition of what education is attempting to achieve it is surely impossible to determine the value of any action or of any recommended advice in assisting the attainment of improved educational standards. The performance targets relate in the main to the quantity and cost of inspections with HMCIS being seen as the sole arbiter of any question of quality.

Organisation and Source of Recruits

OFSTED is headed by HMCIS. In 1995/6 it employed some 514 people of which some 190 were designated as Her Majesty's Inspectors (HMIs). These, with their administrative colleagues, formed 13 teams, each with specific responsibilities. It is unusual for HMIs to carry out initial inspections of schools, but they undertake "second" inspections when the initial inspection has revealed a "failing" school, one requiring "special measures". In HMCIS's Annual Report for 1998/99 HMIs were shown as making 4550 visits to schools of which 1600 were to schools with serious weaknesses or requiring special measures and 450 were to Independent Schools (HMCIS 2000). They also inspect Local Education Authorities, train and/or assess potential inspectors, update inspection teams and undertake quality control of the latter's work.

When first established OFSTED had the objective of inspecting every school within four years. On the second cycle of inspections this has been extended to within six years. One of its first tasks was the development and publication of frameworks and handbooks for inspection as already noted to advise the schools of the future basis of inspection.

The current inspectorate is an "elite" comprised of expert and well experienced educationalists with one lay person, chosen for "non-school" management experience, on each inspection team. There are two levels, HMIs, thought to be "the cream" of the teaching profession by most of the teachers interviewed and certainly so by the HMI responsible for recruitment (interview with HMI 'C' 1999) and Registered and team inspectors, not so highly regarded, but having, as a minimum, previous experience as a deputy head teacher.

Under the OFSTED regime HMIs' positions are advertised and applications are sought from people with experience of senior management in primary, secondary and special schools and/or senior management experience in other educational settings. It is also suggested that it will be an advantage for candidates to have expertise in information technology, physical education and educational psychology and to have had experience of inspection as a Registered Inspector. Posts are initially offered on a three year, fixed term contract or as secondment. Secondees are appointed as Additional Inspectors, it not being possible to offer HMI status to employees of another organisation. For those on a fixed term basis there is the possibility, subject to satisfactory service, that the term could be extended or a transfer to permanent Civil Servant status arranged (Advertisement, Guardian Education 24.2.98).

The school inspection teams

The normal approach is for the actual inspections to be undertaken by ad hoc teams formed specially for the purpose of fulfilling a contract, awarded by OFSTED following a tendering process. The organisations which tender usually fall into one of two categories: private organisations based on the profit motive; and Local Education Authorities. Each team has members trained in inspection duties and approved by OFSTED and consist of a Registered Inspector, other inspectors and a lay inspector.

Registered and team inspectors' positions are advertised and experience as a head or deputy head teacher is required or some equivalent experience in a Local Education

Authority, University Education Department or College of Higher/Further Education. Lay inspectors are people who have had no involvement with the provision of education services but who have relevant management or professional experience and are judged to have business acumen. All members of inspection teams must undergo training and then be approved by OFSTED as satisfying its course assessments.

LEA contractors' teams were drawn from LEA existing inspecting/advisory staff who had satisfied the training requirements. Private contractors' teams were drawn mainly from a pool of retired teachers who had satisfied the training requirements. In both cases lay inspectors came from a list of approved personnel supplied by OFSTED compiled after national advertising, central selection and training. In 1999 there were 150 active contractors (HC 1999b, p.xxi).

When the contracting process fails to identify a contractor willing to undertake an inspection OFSTED itself forms a team of "additional inspectors" to undertake the task. The members of these teams are often existing heads and deputy heads and the time pressures imposed by the failure of the contracting process often creates difficulties with insufficient notice being given to the school or parents and the process being condensed. A second problem of this process is that it was perceived by some interviewees as the reason that inspectors, thought to have insufficient experience of the type of school in question or the subjects to be inspected, were still sent to inspect. It was this 'extraordinary procedure', a consequence of the pressure to complete the target number of inspections, which was seen to cause many of the problems in the first four year cycle of inspections, giving criticisms of the process. A recognition of this problem was given by the 1999 Select Committee (HC 1999a, para.52) which recommended that more care should be taken by OFSTED in matching the skills and experience of inspectors with the requirements of a particular school inspection.

Silcock & Wyness (1998) in their research into primary school inspectors' beliefs identified three types of inspector: a) sympathetic to the practical dilemmas of teachers while being out of sympathy with the number of the demands of educational reformers; b) even handed about practitioner dilemmas and the needs for reform; c) sympathetic to the demands of reformers while being more dismissive of the teachers' position. Silcock & Wyness argued that it was the inspectors' beliefs which are likely to determine their judgements during a school inspection and suggested that it was a matter of chance which school was inspected by which category of inspector. This research was based on

interviews with 12 inspectors from college lecturing, LEA or retired Head Teacher backgrounds: a sample not drawn on any scientific basis (Silcock & Wyness (1998: 108). The ten inspectors interviewed in the current study also came from these same three backgrounds and all gave the impression that they came into Silcock & Wyness's second category in that they appreciated teachers' difficulties but also fully accepted the need for change and for improvements to be made. In this they were very even handed. This research, therefore, confirms that there are a number of inspectors who fall into a category who are even handed when dealing with the tensions between practitioner dilemmas and demands of reformers but must be silent on the question of the existence of inspectors who fall into the other two categories.

The DfEE (1999, p.190) in its departmental report gave the numbers of Registered Inspectors as 2082 and Team Inspectors as 9964. A Times Educational Supplement report in January, 1999 gave slightly different figures and suggested that currently there were 2108 Registered Inspectors, only 1225 of which were active (Budge 1999). This indicates considerable wasted training costs.

The market for inspections is contracting with OFSTED planning a fall from the peak of 7840 inspections in 1997/8 to 4160 in 2001/2002 (DfEE 2000,p.170). A private contractor reported prices were down by a third in 1998, a decrease immediately passed on to the inspectors. From the actual inspector's point of view the contraction thus represents a fall in remuneration which could have an impact on the numbers and quality of people making themselves available for the work. Evidence given to the Select Committee investigation suggested initial payments per inspector of £275 - £300 per day in school, averaging at £10 per hour net of expenses for one day inspections and £14 per hour net of expenses for longer periods. By 1999 these rates were said to have fallen to £7 - £10 net, with lay inspectors earning only between £3 and £4 per hour net (HC 1999a, paras 39/42).

By 1998 some difficulties were already being experienced in resourcing teams, especially in science subjects and in music and the arts where it was thought specialists in this area did not stay at school long enough to gain the senior management experience required. The contractor was pessimistic about the source of future resources but this was discounted by the former HMCIS (interview 1998): *"I think it is likely that a number of competent head teachers will decide, say at the age of 50, that they would like a different kind of life for the next ten years or so and they will be a rich source of inspectors there."*

At the moment we do not have a recruitment crisis at all, we have enough inspectors.”

The 1999 Select Committee were less relaxed on this question than Woodhead and were concerned that the quest for economy would reduce the incentives for contractors’ staff, so threatening “quality” (HC 1999, para 35).

From January, 2000 OFSTED has introduced a roll of inspection team members. These are the people whom the Chief Inspector “*considers fit, competent and effective and are enrolled and able to act as a team member for inspections*” (DfEE 2000, p.170).

Gender make up

The last two studies of HMIs were conducted in 1991 and this revealed that of the 460 HMIs, 343 were male and 117 female (25% of the total). This was a 4% rise in the employment of females in the percentage male/female comparative index from the positions previously revealed in 1976 and 1986 (Hopes 1991; Williams, Reid & Rayner 1990). In 1991 there were 11 female inspectors out of 68 (16%) in Grade 5, and two out of seven (28.6%) chief inspectors (Dunford 1998, p.53). At least one previous HMCIS has been a woman.

A lack of more information here must be regarded as one of the failures of the research. A direct enquiry to OFSTED failed to elicit the relevant figures and gender details of current Registered and team inspectors.

The Culture

Interviewees reported that internally, OFSTED is a participative organisation with senior management attempting to foster good communications and team work. The staff meet regularly in their teams and “*an enormous team spirit*” is reported (interview with Senior Manager ‘A’ OFSTED 1996). The move of office from Elizabeth House (where the accommodation was described as “dire”) to the present location in Kingsway was said to have been a wonderful boost for staff morale. OFSTED was now regarded “*as a good place to work*” and “*staff enjoy what they are doing*” (interview with Senior Manager ‘A’, OFSTED, confirmed by informal conversations with Secretaries 1996, 1998).

Not all the existing HMIs welcomed the change of approach and methods of working brought about by the introduction of OFSTED and especially the particular direction of the former HMCIS, Woodhead. This is, perhaps, not surprising as the translation/ reorganisation of HMI into OFSTED had stripped the former “subject barons”

of their teams and had very much reduced some individual influence and status (Lee & Fitz 1997). It was claimed that one of the major tasks in setting up the organisation had been to change the attitudes of existing staff, not always with success. This had resulted in at least one high level resignation and as late as 1998 staff retirements were seen as being the catalyst of change. As the former HMCIS (interview 1998) summarised the position: *"There are one or two people who have left and to be honest with you it has been quite difficult because if there were an occasion where a significant number of HMIs were to say that they did not have confidence in what I was doing then my position would become untenable. So there is quite a balancing act here and it is particularly difficult in that a) many of them didn't want OFSTED and they don't like what they are having to do and b) they don't like what I am saying about education and therefore there is a degree of resentment. We are making new appointments as people retire and the culture is changing, I think for the better, but that has been one of the most difficult aspects of the job."*

LEA contracted inspection teams usually have the benefit of knowing and working with each other previously in their LEA and school duties. In comparison with the Private Contractors' teams the impression is of a more relaxed working style, with less urgency applied. Lay inspector 'G' (interviewed 1998), veteran of some 150 plus inspections, articulated the differences as: *"Private contractors have a lot more commercial acumen. For example, in pre-inspection work one LEA can make it last two days whereas the private contractor turns it round in much lesser time. In Private Contractors' teams many of the inspectors are retired people doing it to get more income for holidays etc. LEA inspectors are normally full time employees of the Council and they are just completely different. Private contractors probably meet in teams for the first time and it works well because you have to get on, you have to gel straight away. When I work for a LEA team they are people who have worked together for years. I am the outsider. I have worked for one LEA for five years and they still treat me as the outsider, they are very cliquish. They get together in huddles and I find that sad."*

It is natural to expect teams who know they can work together, especially in a pressurised situation such as the inspection with its emphasis on consensus and tight time schedules, to wish to work together regularly as a team. The danger in this is the development of team norms which reflect a bias. Private contractors' team members rarely work together and so it is unlikely that a long term team approach, detrimental to

fair judgements, may develop. LEA teams are more often composed of the same people but not to the extent that might have been expected: existing advisory and support duties mean that individual availability is limited. It was an unexpected finding, confirmed by both the administrators of teams in the LEA and private sectors and the Registered Inspectors themselves, that in neither the LEA nor the private contractors' arrangements did the Registered Inspector have much say in the composition of her/his team for an actual, forthcoming inspection. As Registered Inspector 'A' (interview 1996) summarised the position: *"I have no input into that (the selection of my team). I am given a team. What I do then is allocate the team to tasks within the inspection. So every time I have done an inspection I have done so with a different team"*

All teams are reported as being united in their interest in education and show an enthusiasm for, and a questioning approach to, their work. They also display a great deal of commitment. As such the impression was of excellent team work despite the pressures described earlier. Instances were reported of personalities who did not readily conform to the team requirements (because of their insensitivity, male chauvinism or rudeness) but it was suggested that they were quickly identified and denied future employment in this role. There were no problems reported on the basis of "differing ideologies held". Judgements made had to be supported by evidence in discussion with other team members and triangulated with other inspector's judgements, another observation being carried out when it was thought necessary. Registered Inspector 'A' (interview 1996) described the discussion: *"What tends to happen is that individual inspectors take responsibility for the areas they inspect and these are discussed within the team. So where there is conflicting evidence, we say 'OK, let's tease this one out. Why is it?'"*

Undoubtedly these judgements would have a base in the inspectors' beliefs about methods/ pedagogy but variations here were never directly mentioned as being the basis of difficulty in reaching consensus. In reporting this opinion reliance has necessarily to be placed on the interviewees' ability to differentiate between difficulties caused through personality clashes and those caused through other reasons. Registered Inspector 'A' (interview 1996) hinted at 'methods/pedagogy difficulties' when she explained the role of the Registered Inspector in this "discussion to reach consensus": *"What I think is reflected at least in some of the inspections are the preferences of the individual teams who are doing the inspection. For instance I have worked with teams where topic work approaches to the curriculum are not valued and the messages given in the report will*

indicate that, because the focus will be on the weak areas of topic work approaches which are happening in the school. The Registered Inspectors have to work hard to ensure that judgements are against criteria embedded in the documentation and not the personal preferences of inspectors."

Expert/esoteric knowledge involved and training given to recruits

As noted, there are two levels of inspector (the HMI and the Registered/team inspector) and the levels of knowledge held and training given is different:

HMI's

As described earlier recruits to HMI positions are seen by most as the elite of the education service: people who are well experienced in the management and administration of the service at senior levels in addition to their being experts in teaching a particular subject. The training given to new appointees under OFSTED arrangements differs little from the traditional, pre-OFSTED methods which was all carried on in-house. The first year of the HMI's service was and is regarded as a probation year. During this year induction training is given and the person concerned works with a mentor, a more experienced HMI, on a training programme the two have devised which involves experience with aspects of education and visits to institutions not formerly met in the probationer's experience. The differences now result from the change in the HMI organisation which is now "Divisional" rather than "subject" based. This results in the training having to go beyond the confines of the division to which the individual has been allocated and the Divisional Manager encompasses this by negotiation with other Divisional Managers (interview with HMI 'C' 1999). At the end of the year the individual's performance is appraised and decisions taken as to future employment. Few people are said to fail their probation (Dunford 1998: 49). This was confirmed by HMI 'C' who emphasised the rigour of the selection procedure, the elite nature of the appointees and the small number selected at any one time (citing two recent appointments from up to 1,000 applicants as an example).

Registered and team inspectors

The training of Registered and team inspectors has changed a number of times in the short history of OFSTED. In face of the pressurised programme to introduce the new

system of inspection the initial trainees for team inspector's positions were usually selected because they were existing LEA inspectors or people of eminence in the education world thought to have prior knowledge and experience of the education system: of inspecting; and of making evaluations. The emphasis in training was on ensuring that a good knowledge of the requirements of the "Framework for Inspection" handbook was obtained with each aspect of the inspection being covered consecutively in chronological order. The early training concentrated on this aspect to the exclusion of other issues, such as the approach to inspection or the making of assessments, as it was assumed that trainees, from their previous experience, had skills in this area. The early Registered Inspectors came from people who in completing this training, had impressed the Trainers (mainly HMIs) on their possible potential for the senior inspection positions. From 1993/4, when inspections had actually commenced, aspirant Registered Inspectors led a team accompanied by a HMI who assessed their suitability as the week progressed: a process described by the HMI 'C' (interview 1999) as "*cumbersome administratively and very expensive*". "Pass" rates in both categories are said to have been high, around 80% plus, with the failures largely occurring because writing skills were considered inadequate and in the main being people not employed at the "chalk face" (interview with HMI 'C' 1999).

As the inspection programme developed, the need for more inspectors of both types intensified and the candidates were less qualified by experience: Head teachers were included and those failing the course rose to about 70% of candidates, said to be mainly because they were less familiar with education in the wider sense. The team inspectors' programme was extended to cover the perceived deficiencies in trainees' experience such as inspection being a process which required interpersonal skills (the way people should be approached and rapport established without losing authority); the assimilation of the pre-inspection school documentation; and pressurised report writing. For the first time assessment of trainees was divorced from the training and the course became one for aspirant team inspectors based on a 100 hours distance learning package managed by the contractors, styled on the Open University approach and supported by weekend tutorials. Trainees who completed this course were then assessed by OFSTED in a special day at an Assessment Centre. Here they undertook the analysis and completion of the documents required in an inspection and were assessed on their work. This approach proved a success

and the success rate rose again to one nearer 70% passes. The most common cause for failure was the inability to write appropriate reports (interview with HMI 'C' 1999).

After 1995 candidates had to be practising team inspectors who had undertaken a minimum of two (and more usually six) school inspections covering a major or core subject and who had declared an interest in being a team leader. The training course was refreshed over the years to reflect the changes in the Framework and now, when sufficient inspectors have been appointed and recruitment is down to a trickle, the approach demands that each aspirant inspector carries out a mentored training programme, almost an apprenticeship, specified by OFSTED and managed by a contractor. Having obtained experience of the whole inspection process as a mentee they then provide a portfolio of their writing for assessment by OFSTED against criteria for clarity, compliance and length. If thought suitable, the applicant is asked to provide references: one from an contractor employer and another from a colleague inspector. The references are said to be demanding, basically answering through the questions asked, two overall queries: if this person is successful "Would you employ them?" and "Would you work with them?" If the references are suitable the candidate is then invited to attend for a training day when the responsibilities of a Registered Inspector and the practical aspects of school inspection, such as its planning and management and the establishment of good working school and team relationships are discussed.

Interested candidates are then invited to attend at an Assessment Centre when the assessment undertaken by OFSTED staff is based on performance in a group discussion, on five written assignments, in a structured interview and in making a presentation all geared to inspection material. A good level of success is reported with failures attributed to a lack of knowledge of the wider educational system, poor writing skills (convoluted expression) and poor verbal expression (HMI 'C' interview 1999). In 1998/99 there were 42 recruitment exercises and 61 staff were employed (DfEE 2000, p.173). OFSTED's September 1999 view was of a surplus of inspectors and, as a consequence, very little training was in progress, except in specialist subjects such as music and art (interview with HMI 'C' 1999).

There is some doubt if a candidate's ability to make assessments on classroom performance which conform with the trainer's or OFSTED assessors' judgements is a salient factor in the decision on the candidate's suitability to become an inspector. Some individuals who went through the training are convinced that it is. The conclusion

OFSTED propagates is that it relies on the professional expertise of its inspectors in making judgements. The OFSTED view, as reported by HMI 'C' (interview 1999), is that all the appointees to inspection positions are professionals capable of making the evaluations necessary and appointed on that very basis. This approach was confirmed by some trainees. For example Registered Inspector 'A' described her experience thus (interview 1998): *"I was a member of the very first training cohort, five days, September 1992. The idea of trying to get everyone to see the lesson in the same way or to come to similar conclusions wasn't a significant feature. That was not part of the training."*

There is also a widely held external perception (e.g. in schools) that certain methods of teaching are preferred, this was again denied with reference being made to *"the irritating success of the wrong method"*. The HMI admitted that in his early days *"I was really offended by the practice (adopted at some schools) but I have had to make the judgement that it was perfectly OK because of the outcomes. We look at the standards, quality and experience that the youngsters get so we don't have a template about the exact way of doing it"*. He accepted that with the number of inspectors now employed a guarantee could not be given that no instances of "bias" arise in individual inspectors.

The very strong OFSTED assertion about its approach is that, as a consequence to the emphasis given to outcomes, no attempt is made in the training to influence judgements except the weight given to the requirement for team consensus and the need to resolve differences by discussion within the team. Although part of the training programme is the observation and assessment of a video recording of a teaching episode in the classroom the OFSTED view is that this is to give the trainee some experience of completing the forms involved and not with the objective of bringing consistency into the evaluation process. The doubters who believe conformity to assessments is part of the pass/fail criteria invoke Mandy Rice Davies's *"They would say that, wouldn't they!"*, for any other response would reveal a concealed plan to further specific teaching methods and approaches and involve the failure of candidates for underhand motives. This is a difference of fact/opinion which has not been resolved by the evidence accruing from this study.

The OFSTED "official line" accepts that 100% consistency in inspection evaluations is not possible. The perception of teachers, that inspectors still differ in what they consider the appropriate way to do things and the emphasis placed on some of the requirements, is thus confirmed as accurate. The impact of this is discussed later.

An overall view of the current training is that it is very thorough in its coverage on the procedural side and, perhaps, veering towards the bureaucratic on the assessment of the suitability of people to be inspectors. The latter is an exceedingly thorough but expensive process, said by OFSTED to be retained as part of its emphasis that standards should not be diluted. The bureaucratic nature of the assessment process leads to a more sceptical view that the retention is in accord with "Public Choice Theory". This suggests that bureaucrats work to increase/retain their own influence and build up their departments which would have less power and need less resources if the process was simplified.

A great emphasis is placed on "human relations" and "interpersonal skills" in the training. To be effective the process does depend on the development of good working relationships with those inspected. Registered Inspector 'F' (interview 1998) summarised a typical approach: *"I try to engender a relationship which is constructive, as positive, as humane as you possibly can. Because generally they are terrified at the prospect. I get an insight on the pressures on the receiving end as my wife is a teacher and she was inspected. So we try to enter into a professional, constructive relationship which is not pally but is one which colleagues (teachers) involved can have confidence in"*.

Registered Inspector 'E' (interview 1998) summarised his approach as: *"I think the most important thing I try and achieve at the outset is to communicate that I would like this to be an improvement process for the school. That I would want them to get as much out of the week as a school experience that I get out of it as an inspector..... So that you will be able to say this department has grown, has moved on or has had some new insights into its work through the nature of the work conducted by its inspectors."*

Some of the evidence by which the general "by repute" belief of OFSTED as a extremely disliked organisation (discussed in the next chapter) is underpinned is based on anecdotes of insensitive, overbearing, arrogant and uncommunicative inspectors which were prevalent during the field study period. Interviewees recounted these stories but the events had never happened to them personally or to teachers they knew personally. They were always a reiteration of stories someone else had heard. The reported faults are no doubt true of some personnel in an inspectorate at one time some 12,000 strong which undertook some 6000/8000 inspections per year. It was the contention of OFSTED, inspection contractors and the inspectors themselves that such people were rapidly weeded out by the quality control procedures in force. It is recorded that 10 Registered

Inspectors and 8 Registered Nursery Inspectors were removed from the register in 1997/98 (DfEE 1999, p.190) but “reasons” are not given.

Other Duties

A recent innovation has been the award of honours to people employed in the Education service at school level. In a similar way to the police inspectorate, who have been involved in the process for the police service nominations for a long time, OFSTED is now involved in the nominating and vetting system for these awards.

It is not involved in appointments in other parts of the Education service and cannot claim, therefore, the involvement in the governance of the service that such duties give the police inspectorate. In 1999 it was given the responsibility for the inspection of the education provided by childminders, children’s homes and playgroups, previously the remit of the Social Services, and it was also given the task of inspecting establishments of Further Education. The 1999 extensions to its work do not feature in this research.

Costs

OFSTED’s costs since 1996/97 and estimates for the years 1999/2000 to 2001/02, at 1999/ 2000 out turn prices, are as shown in Table 1. OFSTED’s running costs in 1999/00 were £34.55 millions with the cost of inspection of schools being £57.45 millions, a total of £92 millions. The total schools expenditure by local and central government for 1999/2000 was estimated at £19,686 millions so the OFSTED costs represent 0.47% of that total. The estimated average direct cost per inspection in 1999/2000 was £11,947 or £19,1148 if indirect costs are included (DfEE 2000). The falling cost of school inspection can be seen from two perspectives. The view of the inspectors who form the inspection teams was discussed earlier. The OFSTED view, charged with ensuring efficiency and economy, is very different and the results are taken as indicative of excellent management of the market. As the former HMCIS (interview 1998) explained: *“We think, in regard to secondary inspections, the price is about rock bottom, but it is not us who determine price, it is the market. If they are, or their competitors are, and of course none of them will admit to this, putting in tender bids which are below what they should be they are not doing anyone any good in the long run. All I can say at the moment is that my responsibility is to the taxpayer and my job is to deliver the best possible inspection at the least possible cost. We believe we are getting*

Table 1 : Average Direct Costs of School Inspections (Columns A - C)
Total OFSTED Spend within Deptl. Exp. Limits (Column D)

	A No. of Contracted Inspections	B Cost. £m.	C Average Direct Cost (£).	D Admin & Insp Costs (£m)
1996/97	6513	93	14,280	122
1997/98	7,840	115.6	14,745	150
1998/99	4,520	78.5	17,370	110
1999/2000 Estimate	4,813	57.5	11,947	92
2000/2001 Planned	4,678	N/A	N/A	105
2001/2002 Planned	4,160	N/A	N/A	107

(All financial figures at 1999/2000 out turn prices.)

(DfEE 2000 : Annex A & Ei)

high quality inspections for good use of public money. If it seems we must pay more we will pay more but at the moment the bids that are coming in from the contractors allow us to let the jobs at the price we are letting them at."

Additional costs are, of course, incurred by the process. These are the hidden costs expended at school and local authority level preparing for the inspection which, together with the reported actual costs, represents a considerable expenditure on inspection and prevents the use of this money elsewhere in the education system or on other public services. The opinion of most of the interviewees seen at school level was that more benefit would have accrued from a spend in other areas of education where their perception is that the system is under funded.

Summary

Over the years Governments have insufficiently defined the aims and objectives they set for the country's education service. This vacuum has been filled by OFSTED in the direction given to service providers by its "Frameworks for Inspection" and other

handbooks: a direction which is reinforced by inspections and inspection reports. A good report can only be gained (and possible dismissal/closure avoided) by teachers and schools conforming to the requirements of these documents.

The inspectorate forms a link between the national level of policy makers and the local providers of the service. The HMIs form the elite core of the arrangements, developing the handbooks, monitoring their implementation, training the personnel actually undertaking the school inspections and compiling national summaries and conclusions from the results of the individual inspections. They only become involved in inspections when a school is deemed to be failing following a lower level of inspection.

Like HMIs the actual school inspectors must have had a background in education with experience at least at Deputy Head level. The one exception is the lay inspector provided in every team who is qualified by previous “management/business” experience. Unlike the HMIs, who have permanent appointments, the school inspectors are employed on a casual basis only.

Although the estimated cost of school inspection in the year 1999/2000 is less than half that incurred in the peak expenditure year (1997/98), at £57.5 millions it still represents considerable expenditure. As such it will remain a tempting target for Treasury officials seeking reductions in public expenditure and be resented by service deliverers who would prefer alternative use of the finance and a barrier to their acceptance of the regime.

CHAPTER SIX : THE PROCESS OF SCHOOL INSPECTION

This chapter continues the findings of the study by focusing on the inspection process adopted in the education service. Initially it discusses the development of the process and the current inspection and reporting methods adopted. It then goes on to explore the relationships established by the inspectorate with the service and with those in the accountability chain. The effectiveness with which the inspectors undertake their duties is analysed as is the accuracy of their judgements and the assistance they give to those charged with accountability for the service, including the possibility of serving a wider population of “stakeholders”.

The aim of the chapter is to illuminate the practices and procedures adopted and to clarify and give greater understanding of the reactions of those whose contribution is affected by the work of the inspectors in a regime which falls far short of universal acceptance and is in receipt of a great deal of criticism. The reaction of service deliverers is much more complex than a study of Teaching Union pronouncements and media reports would suggest and here the new approach, which separates “by repute” from “by experience” opinions and “process” from “outcome” issues, is thought valuable in clarifying the nature of this reaction.

The reasons for change

As noted, a new system of school inspection was introduced by the provisions of the Education (Schools) Act 1992. As previous chapters conclude, this became inevitable when the Government decided that a comprehensive, mass system of inspection should replace the former selective system. The existing HMIs could not cope. The inspection force had to be considerably augmented. Why did the Government decide on this approach: the replacement of a fairly benign system undertaken by permanent inspectors to one which was extremely punitive using “casual” inspectors?

Gray (1997) suggests that two surveys conducted by HMIs in 1978 (Primary Schools) and 1979 (Secondary Schools) set the tone for the 1980s. The 1978 survey concentrated on the match between “actual” achievements compared with “what the pupils were considered to be capable of” and the 1979 Survey on what was “provided by teachers” and the “pupil response” to that approach. These surveys heralded the growth of interest in the 1980s in ‘school effectiveness’, where “effective” differed from “good” by

the requirement in the former for known, explicit criteria. The emphasis given to pupil progress increased the interest in performance indicators, thought at the time to be an alternative to inspection if they could be used effectively. Early experience underlined the difficulty of measuring outcomes although the raw figures which were developed exposed very low levels of achievement and indicated failure and a lack of flexibility in the service. There was thus a political need to gain a better picture and a strengthened inspection system was seen as the key.

The Conservative Government of the day was disenchanted with the Department of Education. Baker and Shephard as former Secretaries of State, were less than complimentary. Baker (1993, p.168) claimed that the Department had "*the strongest in-house ideology*" and considered that its allegiances with the "Educational establishment" (defined by him as teacher unions, university departments of education, teacher trainers and LEAs) protected the latter from any threats that the Minister might pose. Shephard (interview 1999) referred to the Department as "*the remotest of all the Government Departments*" and thought an efficient inspectorate was essential as the "eyes and ears" on what was happening in the classroom, in schools and at LEAs; to inform on the implementation of current policy; and to give the base of "facts" for future policy decision making. The current inspectorate was thought to be totally inadequate and incapable of serving the requirements of the new approach to education. The politicians' judgement was summarised by Mrs Shephard (interview 1999): "*The weakness always was that a) the work that they (the HMI) did was not regular enough and b) they did not have the task of following up - they insisted that any follow up should be by the school or the LEA. So they were not accountable at all. So to change the system, where the thing is regular, where the reports are made public, where what needs to be done is clearly laid out and discussed with the staff, the head and the governors and the wider community seems to me absolutely the right way to go.*"

A number of interviewees, for example one who had been a member of the CBI Education Committee and a leading figure in the Institute of Directors, thought this was married to a belief of politicians that the relationship between HMIs, LEAs and the schools was far too cosy. They disliked the fact that educationalists were talking to educationalists, almost to the exclusion of everyone else. Some LEAs did not invoke inspection procedures as part of their adoption of "progressive methods" which eschewed any hint of assessment or competition: others were not very thorough in the inspections

made. The normal inspection cycle for schools in those LEAs which did inspect often varied between once in eight to once in fifteen years. Overall there was a belief that LEAs did not know what their schools were achieving, especially the primary schools.

The call was for a common and consistent framework and criteria to be applied (thought to be lacking in the arrangements then applying) as an integral part of a new regime designed to raise educational standards. The aim was to make public and transparent what was happening in the system and what now counted as a well run school. As Henkel (1991, p.39.65) notes, up to this point the service had been adept at repelling invaders, being very sensitive to encroachment and articulate in its defences. This time, however, it was handicapped in that the new 'instrumental' approach revealed a virtual absence of any criteria of effectiveness developed within the service itself. The selected solution to the problem of "cosy relationships" was the adoption of an inspection regime by "casual" inspectors, employed for a contracted inspection only, with the major condition for team members that they must not have had, in any way, a close affinity with the school to be inspected.

The establishment of the powerful organisation that OFSTED has now become, was a political accident (Thomas 1998: 426). The original intention of the Conservative Administration was to allow schools to choose their own inspectors but this proposal was defeated in the House of Lords during the Committee stage in 1992. The Government then put forward compromise proposals which were accepted and became enshrined in the legislation and gave OFSTED the duty of selecting subcontractors' inspection teams after a tendering process (Thomas 1998: 422). Thus a powerful, dominant body was created.

Current Inspection Method

The school inspection cycle was initially four years but was extended to six years for the second cycle which commenced in September, 1997 for Secondary Schools and in September, 1998 for Primary Schools. Each inspection was intended to be fully comprehensive and follows a standard pattern governed by "The Framework for Inspection", a publication developed by OFSTED in 1993, available to all concerned: one which articulated the criteria and procedure for inspection for the first time to those outside the HMI circle. From January, 2000 a differentiated system was introduced : short inspections for the most effective schools and full inspection for others, reflecting the Government's intention that intervention should be in inverse proportion to success and

the interval between inspections was varied to between two and six years. The "Framework" has been amended on a number of occasions since 1993: changes designed to rectify problems found in implementation such as a different approach required in the *modus operandi* and to give the greater clarification needed in some of the criteria.

Previously any manual for school inspections had been a closely guarded secret by the HMIs and a contributory factor in school improvement was the new school awareness of the criteria by which they were to be judged which could be used as a guide to action pre-inspection. The document is also considered by OFSTED, inspectors and school personnel as an excellent guide for the management of schools. Team Inspector/Teacher Trainer 'B' (interview 1996) summed up her initial views and later response as: *"I think most of us (trainee inspectors) probably come fairly sceptical about the handbook - it is not the most exciting thing to read - but ended up thinking it was a very thorough evaluative tool. If you are sitting there as a Head Teacher (or an ex-Head Teacher as I have been) you couldn't help thinking that this was very useful for taking my school forward."*

Registered Inspector 'D' (interview 1998) confirmed this opinion: *"The framework is probably the best management guide to school ever written. It is not just an inspection guide but a management guide and the school should use it as the predictive framework against which they are going to be inspected and also as a quality assurance framework"* Registered Inspector 'E' (interview 1998), with a LEA background, developed this theme: *"I think, and I am sure my colleagues would agree, that the major strength of the OFSTED process is the agreed framework. For the first time we have a really good management development document."* The document also received praise from the 1999 Select Committee (HC 1999a, para 17)]

Pre inspection

The inspection process commences with an assessment made by OFSTED of the number of inspectors, specialisms and inspection days required for the inspection, decisions mainly governed by the size of school. This is then incorporated in a tendering process which results in a contract being awarded to a contractor to provide a team for the inspection. The organisations who can tender are those who have been approved by OFSTED after an inspection and subsequently, on their meeting quality control measures. OFSTED also adopt a quota system which ensures no one contractor gains too great a

share of the market and uses the process to drive down prices. an approach justified by HMCIS (as described earlier) as being in line with the requirement to make best use of public money.

The contractor then forms the team in accordance with the contract terms and details of the team's composition, including curricula vitae, are sent to the school. The inspection process commences with the school providing statistical and background information to the team. The Registered Inspector visits the school and agrees a programme of work including the timing of Parents' Questionnaires and Governors' and Parents' Meetings with the inspectors. The team obtains the views of parents by means of the questionnaire and the Parents' Meeting. The latter can be a difficult occasion which some Registered Inspectors manage better than others. Often parents were very supportive of the school and believed that the inspectors were unduly inviting criticism and, on the other hand, some schools believed that individual parents with particular "axes to grind" had been allowed to dominate the proceedings (interviews with parents & teachers 1997/98).

The Inspection proper

The inspection proper commences with the team visiting the school and observing classroom and playground activities, examining pupils' work and observing their behaviour. The detailed planning of the delivery of the curriculum is examined including the teaching plans for the lessons observed and the policy documents which are required to cover all aspects of the school's work. The classroom observation is an extremely intensive process for the teacher. This is especially so for the teachers in small rural primary schools who can find themselves under the scrutiny of a variety of inspectors throughout the full three or four days of the normal inspection. It was a claim from inspectors (various interviews 1998) that they do try to make their classroom presence as unobtrusive as possible and teacher interview comment indicated that the majority were successful in this endeavour.

Inspectors make their assessments against the guidance given in handbooks which incorporate "The Framework for Inspection". The approach embodies the concept that schools are organisations within a specific 'context' and can be described in terms of identifiable 'outcomes' related to 'contributory factors'. It embodies an ambitious attempt to operationalise the formation of judgements about schools and to make this process

transparent (Gilroy & Wilcox 1997). Not everyone involved agrees that it is possible to “capture” a school and its complex nuances in this way. The “contexts” can vary greatly and be influenced by many factors; outcomes can be difficult to describe and measure; and contributory factors may be many and varied both in number and effect. Operationalising and standardising the formation of judgements can thus be very difficult tasks in which a number of critics (e.g. Maw and Fitzgibbon) suggest OFSTED has not had success.

‘Outcomes’ are judged by main criteria which in turn are assessed by a number of sub-criteria. The structure of the schedule to be completed is:

- * Context - the characteristics of the school

- * Outcomes

- Attainment and progress) Educational
- Attitudes, behaviour and personal development) Standards
- Attendance) achieved.

- * Contributory Factors

- Provision
 - Teaching
 - Curriculum and assessment
 - Pupils’ spiritual, moral, social and cultural development
 - Support, guidance and pupils’ welfare
 - Partnership with parents and the community
- Management
 - Leadership and management
 - Staffing, accommodation and learning resources

The efficiency of the school.

Maw (1996) calculates that inspectors are required to make approximately 600 judgement recording statements for a primary school inspection and nearer 1000 for a secondary school inspection. These statistics illustrate the large number of factors to be taken into account and the importance of the expertise of the inspector in the process.

The “Guidance Handbooks” emphasise the need for the systematic collection of evidence and describe the areas on which a report is required. They provide an check list/reminder of the latter which should avoid mistakes and omissions and ensure a comprehensive approach. The requirement for measurable criteria is emphasised and the tone is generally exhortatory: specifying what a good inspection will consist of, what it should be. Unfortunately the tone and all the words cannot disguise the fact that most

areas of assessment depend finally on the individual judgement of the inspector concerned. No matter how much description is given the end product depends only on that individual judgement, which, as a consequence can be idiosyncratic and most unlikely to be value neutral. There will thus always be a possibility of alternative interpretations of the same school. This finding confirms the earlier judgements of Maw (1995, 1996) and Bowring-Carr (1996). Richards (2001) is also critical that the judgements made are more precise and definite than the connection between teaching and learning and inspection process really allows.

An example of these “drawbacks” is given by analysing what is perhaps the most contentious section of the Handbook, that which relates to teaching and which, as an outcome, gives a grading of each teacher observed. The guidance for this ‘operation’, *“the assessment of the quality of teaching and its contribution to pupils’ attainment and progress”*, takes eight pages in the Handbook (p.70/77) and is said (p.70) to be undertaken from three perspectives:

- a) the overall strengths and weaknesses in teaching pupils in each key stage, in the sixth form and in the different subjects or areas of learning inspected;*
- b) factors which account for effective and ineffective teaching;*
- c) the extent to which teaching meets the needs of all pupils, paying particular attention to any pupils who have special educational needs or for whom English is an additional language.*

The judgements are to be based on the extent to which teachers satisfy eight factors. These are having a secure knowledge and understanding of the subject or areas they teach; setting high expectations so that pupils are challenged to deepen their knowledge and understanding; planning effectively; employing methods and organisation strategies which match curricular objectives and the needs of the pupils; the management of pupils and the achievement of high standards of discipline; the effective use of time and resources; the thorough and constructive assessment of pupils’ work which is then used to inform teaching; and the effective use of homework as a tool of reinforcement (p.70).

The detail the Handbook uses can be illustrated by an examination of the requirements for the first of these factors, “knowledge and understanding of the subject taught”, which exemplify the whole. The width of this encompasses National Curriculum Subject Orders, the relevant RE syllabus, course and examination requirements and for

vocational courses knowledge and experience of general vocational requirements, core skills, assessment methods and the relevant industrial, commercial or services sector. Evidence is to be obtained by observation of teaching supplemented by the Teacher's CV qualifications, a study of the teacher's planning, and discussion with the teacher concerned (p.71).

The Handbook then suggests that teachers' subject knowledge can be judged on competence in teaching; their competence in planning activities and implementing those plans; the skill with which they ask questions and provide explanations; their perceptiveness in marking and responding to pupils' work; and the ability demonstrated to draw on a range of contexts and resources to make the subject matter comprehensible to pupils (p.71). The Handbook specifically states "*the choice of teaching methods and organisational strategies is a matter for the school and the teacher's discretion*" (p.73) but the question raised against most of these descriptions is "What is the yardstick of acceptable performance against which the observed performance has to be compared?" In an occupation which is riven by differing views on pedagogy, this becomes very important especially when, despite the OFSTED disclaimer, the teachers interviewed were convinced that the former HMCIS believed the answer to the problem of improving school performance was the adoption of "traditional" teaching methods (HMCIS 1994, 1998, 1999). It is not surprising that the teachers who value and employ "progressive" methods believed themselves to be at a disadvantage under this regime.

An analysis suggests that despite its eight pages of description, the inspection relies on inspectors' judgements and whilst it assists validity and reliability, it does not assure that these criteria are met. The eight pages mention inspector's "judgements" or synonymous words 19 times: six "judge", four "evaluate", three "assess", two "identify" and four "consider". There is ample scope for one inspector to differ from another.

The situation is exacerbated by the requirement to categorise judgements on a scale of 1 to 7. Guidance given is that a category of "0" means there is insufficient evidence to grade; Category "2" registers "very good/well above average"; category "4" is "satisfactory/about average"; and category 6 is "poor/well below average". The intermediate markings are used to give further shading and evidence to the Select Committee (HC 1999a) suggests: Category 1 is "Excellent"; Category 3 is "good"; Category 5 is "unsatisfactory"; and Category 7 is for those judged "very poor" When reporting back to the Head Teacher the Registered Inspector only reports against three

broad bands: points 1 & 2 “Excellent/very good”; points 3 & 4 “Good/satisfactory”; and points 5 to 7 “Unsatisfactory/poor/very poor”. Teachers are now offered oral feedback on the lessons observed and a written report grading them in one of the three bands.

Each lesson seen has to be graded for teaching observed, pupils’ response, pupils’ achievement related to normal standards and progress made by the pupils during the observed lesson. The grading of the teacher and of the lessons they give is regarded as of paramount importance by the teacher and as a judgement on them. Understandably, inspection is regarded by them as an inspection of the teacher with the other aspects not being given anything like the same importance in their minds.

A judgement, again on a seven point scale, must also be made on the school for ‘Value for Money’ based on criteria for contextual factors, outcomes, provision and expenditure, finally giving an overall assessment of the ‘value for money’ represented by the school performance. This can be argued as being the end expression of the quality of the “new public management” applied and an indication of how sound “the stewardship of the public purse” has been.

Explanations of the grading given to other aspects of school assessment were given in the HMCIS’s report for 1997/98 (see Table 2):

Table 2 : Gradings in School Assessments

<u>Area</u>	<u>Grading:</u>		
	<u>1 -3</u>	<u>4</u>	<u>5 -7</u>
Pupils’ attainment & pupils’ progress	Excellent, very good or good progress	Satisfactory	Progress is unsatisfactory poor or very poor. Most pupils under achieve.
Other features	Strengths which promote high standards.	Neither strengths nor weakness. A “sound” standard.	Weaknesses promoting low standards.

(HMCIS 1998, Annex 2)

Goldstein (Inst. of Education lecture, 1996) suggested there is an “*inherent uncertainty principle*” which limits social measurement and this increases with the

number of categories given as the measurement scale. He concludes that most social measurement is “fuzzy” and believes the work of OFSTED is devalued because no uncertainty emerges in its pronouncements. His opinion supports that of Richards (2001) mentioned earlier. The difficulty of expressing qualitative judgements in quantitative terms was probed in the interviews with inspectors. A response (Registered Inspector ‘A’ interview 1996) typical of most, was: *“To start with you feel very insecure, but the more you do it, the more you get used to jumping in at the deep end and making those judgements. And sometimes it is glaringly obvious and you feel very happy with it, those are the nice judgements to make. ‘This is definitely a good lesson’ or ‘This is definitely not’. But it is in the middle where you could rationalise it in a number of ways. And I think it is where, the inspection being condensed, makes it manageable both for the schools and for the inspection teams. It condenses it and puts a lot of pressure but it does mean you cannot afford to do or think about anything else but the inspection during the week and that sort of saturation actually does mean everything is at your finger tips.”*

Team Inspector ‘B’ (interview 1996) confirmed this assessment: *“I have not found it terribly, terribly difficult.....on your final day you do a profile of recorded judgements, every single subject and every single aspect in the quality frame in the Handbook and you have to grade them 1 to 7. You number crunch them in the computer and you come up with an average figure which acts as a kind of triangulation on the judgement you’ve made in the lesson or the judgement you have made on seeing the children’s work.”* The OFSTED Trainer ‘H’ (interviewed 1999) described the procedure when he was working as a Team Inspector: *“In the team meeting I would say ‘I saw this lesson this afternoon and this is what I saw and talked through with a couple of colleagues and said I think this is about a ‘3’, what do you think?’ and we will discuss that.”*

The questions which arise from this analysis are: are the standards described generally accepted; are the meanings of the criteria unambiguous; is the application of the criteria a straightforward process? The reaction to the regime (which is described later) suggests that the answer is resoundingly in the negative and this is the basis of much opposition. A paradox must be that for many in the system the application gives acceptable results on the question of reliability and validity which, in turn enhances the overall acceptance of the inspectors’ work. As Registered Inspector ‘A’ (interview 1996) explains: *“It is the emphasis on reliability and validity which is actually putting emphasis*

on the Framework because it is quite descriptive. It does not just identify areas but different aspects and issues within areas which need to be inspected and there is a heavy emphasis on the attainment of students with reference to national norms so you are looking at levels of the national curriculum and the progress pupils have made. I think it (the process) gives a very good bird's eye view of the school and that surprised me actually because I wasn't expecting that when I went in. I now think it gives you a lot of insight into a school. I actually think that having inspected the school I have known more about the school than schools I have actually worked in, sometimes for several years."

Lay Inspector "G's" judgement (interview 1998) was: *"I must say when I first went into inspection I didn't think it (assessing the school) was possible. I was quite defensive for the schools - but I found it actually does point out some strengths and weaknesses in four days which teachers can work on and it does endorse, for the best teachers, that they are good and actually the ones who are very good are very modest souls. And the ones who are very bad, well a lot of them, actually, have got out of teaching and I think that has to be very good."*

As indicated earlier the Inspectors discuss their findings together each day and arrive at a consensus on their judgements. This includes the grading of individual teacher performance and the performance of the school by subject and overall. The situation was summarised by Team Inspector 'B' (interview 1996): *"You are in schools by 8.0 a.m. and often not leaving before 9.0 p.m. and you are still taking documents home. It is a phenomenally pressurised time because you are expected to make a judgement about a school on the basis of two or three very short stays and you know that judgement could effect materially the future well being of that school. So there is an enormous responsibility on you to get it right so that every muscle, every tendon is strained at its full stretch to ensure you are doing the job to the best of your ability."*

The pressurised, tight time scheduled decision making process of the inspectors was explored in the research interviews specifically on the nature/basis of the consensus reached. The inspectors were unanimous in the opinion that although initially, different views may emerge, consensus was only reached after considerable discussion when all the varying views were fully explored and, if necessary, by further checks/observations being carried out. Team inspector 'B' described one such case when there was a difference of opinion about the efficiency of the Head: *"We (the Inspection team) were coming at the judgement from different perspectives and that took a long time to resolve. We resolved it*

by discussion” Here one inspector was very influenced by the amount of money the acting Head had raised whilst another “marked her down” because the money had not yet been specifically allocated to projects. A resolution became easier when it transpired in the discussion that the non allocation resulted from a wish to allow the money to be allocated by the new permanent Head who would arrive shortly..

The reporting process

Initially the teacher gradings were not divulged to the schools and the inspectors were not allowed to discuss their findings with school personnel before the draft report had been prepared. This was a source of great criticism from teachers who would have liked the opportunity to discuss the problems seen and receive advice on their solution and the evidence is that some inspectors did take it upon themselves to talk in a limited way to teachers about the lessons observed. Current amendments to the procedure give the requirement for inspectors to test their developing hypotheses with the school personnel and to seek the head teacher’s opinion if they intend to grade any teacher within the top two or bottom two grades. These changes have enabled a greater dialogue between the inspectors and the inspected: one which has been welcomed and often extended beyond the parameters which OFSTED might expect. This may well be an example of the inspectors’ coping strategies in line with the Woods & Jeffrey (1998, p.549) research findings: in satisfying the need to give feedback even though they are not statutorily required to do so inspectors also overcome their own isolation by creating empathy (p.554). It is also a good example of how possible conflict is ameliorated by an accommodation (acquiescence of both parties in “collaboration”) to adopt a procedure beyond that desired by the policy makers.

At the end of the physical inspection period the Registered Inspector outlines the findings to the head teacher and then, with the help of her/his team, prepares the draft report of their findings which she/he subsequently discusses with the head teacher and the governors and amends for correction to facts and sometimes to the opinions expressed. The report is then published, a summary prepared for parents and the head teacher and governors report on the action plan they have adopted based on the report’s “Items for Action” within forty days of receiving the report. OFSTED bases its advice to Government and publications on the state of the nation’s education service on summaries prepared from these reports.

A school identified by Inspectors as failing to give its pupils an acceptable level of education is subject to 'special measures'. These involved the Governors, unaided, formulating an action plan for improvement which, with the LEA's comments, must be submitted to the Secretary of State. One complaint made by Governors interviewed was that little feedback was given on the quality of the action plan. On approval the plan must be implemented and follow up inspections provide monitoring. If the Secretary of State is not satisfied with the plan, or the follow up inspections reveal that insufficient progress is being made, he/she may move to close the school or transfer its management to an Education Association (a group appointed by the Secretary of State to replace the governing body of the school). Thus, from the school's point of view there was no further guidance given between "an acceptable action plan" and the perceived draconian measure of closure or the transfer of management to outsiders. This "gap" is now filled by the LEA under the provisions of the School Standards and Framework Act, 1998. Regulations issued under this act require the LEA to take "interventionist" action when a school is deemed to be failing as described later.

The inspection process now, in 2001, is somewhat different from the process first introduced by OFSTED and the changes result from OFSTED listening to, and taking remedial action on, some of the comments of its critics. When asked if he saw any radical changes in the process in the future the former HMCIS (interview 1998) responded: *"I don't at this point in time envisage any radical changes. No, I think the basic approach in principle, is right. It is just a matter of tuning it in terms of details and ensuring that every single inspection delivers the high quality service and product that schools have the right to expect."*

The representativeness of what is inspected?

One of the outsider's greatest doubts in considering the validity of any inspection arrangements is in the representativeness of the inspected practice compared to normal, every day practice. The impact of observation on performance is a well researched, psychological phenomena. Given notice, there is a marked degree of preparation for the inspection: things are changed so that approaches are very different from the normal, non-observed situation. The tendency is for the inspected to want to give the best possible impression of their own and their unit's performance and achievements.

This factor is very evident in school inspection. In the past, long periods of notice of up to twelve months of an inspection were given. This was usually used by the school to bring its policies and procedures up to date, often writing them for the very first time. Individual departments and teachers ensure their teaching schedules and lesson plans are updated and comprehensive. It was acknowledged by the inspectors and school representatives seen that under existing notice periods an incredible amount of work is done in the previous months before inspection. Teachers and head teachers reported that the notice of inspection stimulates a great deal of self-reflection, self-evaluation and review; long standing development projects achieve completion; there is a general updating process.

As Deputy Head Teacher 'A' (interview 1996) described it: *"There was a lot of extra paperwork. Things we had not previously written down. Schemes of work were really honed up. We knew we did it but we had not written it down properly. Silly little things like labelling trays of equipment, looking at stock cupboards, getting rid of old stock. At a very early stage our Teacher in charge of the inspection preparation had drawn up a check list, and the check list was everything, month by month leading up to the inspection, which we had to do. So as a senior management team we sat down and established an action plan, the what, the when and who by. We then met regularly to see if we had met those targets and if not, what are we going to do about it?"* Teacher 'F' (interview 1997) at another school described the preparation stage: *"We had an advisor come in and say 'This is what to expect, this is what they want, this is what they may ask you' and then they spoke to the curriculum co-ordinators in more detail. We then spoke endlessly at Staff Meetings on how we were going to approach things. Little things like not jumping up when the bell rings. Apart from that it was down to us in our classrooms."*

Teacher 'G' (interview 1997), from another LEA area, described her experience: *"We went to a meeting with the LEA Adviser who told us, blow by blow, what would happen. We got a lot of input and advice on the way to present ourselves in the best light we could. I have in my file written tips on a good lesson and what they would expect a good lesson to be. We then had a mini inspection by the LEA and were given verbal feedback followed by an official letter to each teacher telling us what they thought of our lessons and how we had done."*

Some cases were also reported of refurbishment and repainting. At least one LEA carried out two “mock”, pre inspections at its schools and assisted in the necessary remedial action which these revealed. Some schools adopted elaborate plans to “manage” the inspection team, others “just let it happen”. Teachers reported that under inspection they adopted more formal, less risky, teaching strategies taking a secure route through the lesson. They were also aware of the currently favoured fashion in teaching (currently perceived to be an emphasis on ‘traditional’ teaching methods) and made sure they demonstrated this in their teaching. Pupils were usually better behaved than normal, except for the more unruly, who were even more badly behaved. One conclusion can be that what is seen by the school inspectors is not representative of normal practice and the validity of the inspection process can be questioned: it may not assess (as it claims to assess) the normal, every day level of teaching and learning achieved at the school.

A converse opinion was offered by the inspectors and some LEA representatives. There was a great deal of support from the inspectors for the view that no school could keep up a pretence over a full week of inspection. In addition, pupils’ previous workbooks were examined which, it was thought, gave a very good indication of the normal standards achieved. Pupils’ behaviour in the playground, towards each other and towards the teachers was, it was thought, a further good indication of normal practice. The inspectors and the LEA representatives also thought that school performance was a solid “cake” of teaching practice and pupil learning which is difficult to change in the short term and that the changes made before the inspection are the “icing” on that particular cake: an “icing” which it is easy for the inspectors to penetrate and discern the “cake”, the real performance, underneath. Thus, although the artificiality of the inspection is acknowledged, it is not thought to be sufficient overall to invalidate the inspection process. Moreover, a large majority of the school representatives believed that the inspection process resulted in an accurate assessment of the school’s strengths and weaknesses. The period of pre inspection notice to schools is to be reduced to between six and ten weeks (HC 1999a, para. 66) a change aimed at reducing the period of stress for teachers and giving less time for unnecessary preparation.

It is argued that inspection (or the prospect of inspection) leads to school improvement to the extent that preparations are necessary. Some are not necessary; heads and teachers make the occasion extremely stressful by over preparing. This was noted by the 1999 Select Committee (HC 1999a, paras. 69/73) who applauded OFSTED’s attempts

to persuade schools to avoid over preparation and asked it to provide additional guidance by the provision of "*exemplary material or a good practice guide*" (para.73).

However, even with this degree of notice and opportunity "to put their house in order", a number of schools still 'fail' the inspection [in the period 1993 - 1999 approximately 3% of schools were made subject to special measures. By 1999, 829 schools remained open, 60 were closed and 236 had improved and were no longer subject to the "special measures" discipline (DfEE 1999)].

The issue is, of course, complicated by the "failing school" (OFSTED judgement) said to be obtaining "good results" (examination and test results). This can come about because "good results" are by definition, outcomes only. The OFSTED system assesses more outcomes than those measured, for example, by the Standard Attainment Tests or public examinations and takes some account of "process" as well as "outcomes" (although it is clear from the remarks of the HMI quoted earlier "outcomes" are the overall, ruling factor). It is also believed, by OFSTED particularly, that some "good" examination results often cloud the perception of some complacent schools, labelled "coasting schools", who should be achieving even better results given the quality of their intake (Smithers 1998a). An interesting recent development is the "*passing of an OFSTED inspection with flying colours*" by a Yorkshire school considered to be "*failing the government's three yardsticks in the key target areas of GCSE passes, attendance and exclusions*" (Davies 1999b). No doubt this will be interpreted differently: being taken by OFSTED's supporters as justification of its methods and by opponents as further evidence that the system is flawed.

These difficulties point to the tension between "outcomes" and "process" as two areas of judgement which arises because of the imprecision of most measurements and the difficulty of capturing all the nuances of an operation. Whilst generally, a good process should not overcome poor outcomes in the emphases given in judging performance, the deficiency may be caused by contextual issues, catered for and mediated by the chosen process. A poor process which still results in good outcomes can be criticised as possibly undermining even better outcomes. Areas of improvement may be ignored if performance is judged by outcomes only and so justifies an examination of process (best accomplished by some form of inspection) and outcomes, compared to a system which relied solely (say) on performance indicators. This belief appears to be a ruling factor in the new public

service evaluation/regulatory regimes and possibly explains the popularity of inspection for recent administrations.

OFSTED inspections have been heavily criticised by such as Maw (1995, 1996) and Fitzgibbon & Stephenson (1996), on the basis that the statistical content and analysis is inept and that reliability, validity and consistency can all be strongly questioned. The OFSTED approach to validity and consistency was that 100% perfection was not possible because of the human element in the judgements required. OFSTED's Director of Inspection (interview 1996) expressed his organisation's aim in this as: *"I do accept fully the principle that we should be able to show that judgements are consistent or have a degree of consistency which is acceptable rather than a degree of inconsistency which is unacceptable."* He considered the reviews it conducted on its procedures and the changes made to date had achieved an acceptable level and the quality control procedures adopted would ensure this standard was maintained and further improved (the further "fine tuning" mentioned by the former HMCIS when interviewed).

The current research failed to find evidence of widespread dissatisfaction within service deliverers and revealed little evidence to support those, such as FitzGibbon & Stephenson (1996), who are critical of the reliability/ validity of the new regime and by Richards (2001) on the undue precision of the reports. The conclusion of this research is that although the critics have good grounds for their criticisms of the procedure's reliability, validity, consistency and precision, results are produced which are acceptable to those most intimately involved (the actual teachers at the location concerned). A great majority of the teachers interviewed in this survey thought the inspection accurately summed up their school in all its strengths and weaknesses. As such it can be argued that they are "accurate enough for the purpose". This is an outcome perhaps given too little weight by those opposed to the regime.

The written reports

School Inspection Reports

The reports of Registered Inspectors must conform to a layout as prescribed by OFSTED. The impression gained from the interviews with Registered Inspectors is that amongst the information bank provided for them by OFSTED is detail of acceptable phrases which can be used to describe aspects of the school work and inspection results. These form part of the memory of the computers provided and are used to compile the

report. A sceptical view might suggest that this practice is a further example of insidious central control. The end result is very subdued language using terms such as “satisfactory” and “sound”, far removed from the hyperbole of the language found today in much of the general public’s reading matter e.g. the popular press. These are terms, however, which are defined in the “Handbook for Inspections” and the definitions are repeated in HMCIS’s 1994/95 Report (Annex 3). Unfortunately both these documents are unlikely to be read by parents or the general public, or possibly by teachers or governors, and the likelihood of misunderstandings is high. The general belief from the first cycle of inspection reports was that the reports, even for good schools, were couched in language which demotivated the majority of the readership. The 1999 Select Committee accepted governors’ comments that “*the formulaic language used and excessive use of jargon*” in inspection reports often obscured judgements made by inspectors and recommended that OFSTED continued in its efforts to improve the clarity and usefulness of inspection reports (HC 1999a, para. 107).

Despite the mandatory requirements controlling the composition of inspectors’ reports, methods of recording between teams do differ, especially on the way they record the time at the school, the number of observations made and the number of samples inspected. This makes analysis difficult and conclusions tentative. The norm appeared to be that the work of six pupils in each school year is examined in detail in addition to classroom observation but there were some interesting variations on all these measurements, some of which may arise from different methods of recording adopted by teams.

“Areas for action” identified in the first round of inspection covered almost every aspect of school work and culture following closely the areas highlighted for reporting by OFSTED. Most schools judged to be satisfactory had their areas for action usually centred on the management of the school emphasising the need for strategic plans, financial controls or an appropriate organisation. Weaknesses in the teaching of a subject as a whole are identified but not individual weak teachers. The impression from reports of the first inspection cycle was, almost irrespective of the relative excellence of the school, that the system required “areas for action” to be identified. In the second cycle of inspection some reports, for schools assessed as “very good”, gave no “areas for action”.

Reports of HMCIS

HMCIS reports annually to the Secretary of State and the report is laid before Parliament and then published by the Stationary Office. All reports are issued for a purpose and addressed to a particular audience and the stated purpose audience of this report was outlined in the covering letter to the Secretary of State which accompanied the 1997/98 Report (HMCIS 1998): *“I hope the report will be of interest to parents, teachers, head teachers, governors and policy makers as well as contributing to the public debate on standards and quality of education.”*

Examination of the reports since 1993/94 indicate other purposes might be suggested. The 1993/94 report was one obviously where “the stall was being set out”. After some 900 secondary school examinations in the year there are few statistics and the general tenor is of school and teacher failure. Thereafter there are examples of support for initiatives taken by Government which a sceptical view might suggest as examples of the HMCIS’s political awareness e.g. schools to be accountable to the local community; the need for a national curriculum: welcome to the LMS initiative (HMCIS 1994); problems of literacy and numeracy (HMCIS 1996). There are descriptions of failures in school/teacher performance phrased in a way which is presumably designed to gain attention and destroy complacency. Here HMCIS is obviously a man who prefers to call a glass “half empty” rather than “half full” e.g. emphasis of “substantial under achievement” in between one out of eight and one out of fourteen schools in the Key Stages; one out of six head teachers (primary) and one out of ten (secondary) not providing proper educational leadership (HMCIS 1998); under achievement in one out of ten schools; an attack on head teachers (HMCIS 1999) and researchers in the education field (HMCIS 2000). Since 1996 there has been some celebration of “success” at school level with the inclusion of lists of schools assessed as “excellent” (HMCIS 1996 to 2001 inclusive); those which have been removed from “special measures” (HMCIS 2000); and note of the upward trend in examination and test results and the proportion of good teaching found (HMCIS 1999, 2001). There is also information on the judgements of OFSTED e.g. descriptions of the qualities of good teachers and good head teachers (HMCIS 1996, 1999); explanation of OFSTED grading (HMCIS 1996, 1998); and a possible justification of the OFSTED inspection process by a description of the progress made in four years (HMCIS 1999). Some content was obviously designed to correct misunderstandings of the legal position e.g. the explanation of OFSTED’s monitoring role

and the legal responsibilities of Registered Inspectors (HMCIS 1994). The report for 2000/2001 is much more congratulatory in tone about school achievements and perhaps reflects the different approach of the new acting HMCIS (HMCIS 2001).

HMCIS's annual report is supplemented by other OFSTED publications which, for example, give greater detail on the national position subject by subject. These summarise the findings from all the school inspection reports and present a monumental if not impossible task for any individual researcher wishing to check the accuracy of what is reported. The suspicion must be that these summaries and the conclusions drawn from them must be taken at face value by most of the recipients, so demonstrating the power of the holder of information, especially the information which results from aggregation.

The inter-organisational/intra-institutional dimensions of OFSTED and School Inspectors.

With Ministers and Government

OFSTED was established in September, 1992 as a non ministerial Government Department. As such, it is an example of the approach ("governance at a distance" in practice) whereby work is delegated to a subaltern organisation in a way that removes central direction from a Minister. In practice the arrangements are a little different from that statement of theory. The Office must acknowledge the proper role of Parliament in deciding the nature of Acts and Regulations and has to take proper cognisance of, and work within, Government policies and any directions given. In this respect the Secretary of State does have powers to direct OFSTED to do certain things and the latter has to respond to her/his requests. Conversely, OFSTED determines which schools are to be inspected and is the final arbiter of advice material. It is responsible for its publications and their content: especially what is published and when and how it is published; a freedom very much cherished. It is independent in the way it organises itself although it must work within broad Civil Service rules. It regards these independences as important and substantial

The head of OFSTED, Her Majesty's Chief Inspector of Schools, sees his line of reporting as being to the Prime Minister rather to the Secretary of State for Employment and Education and considers this a deliberate act of Parliament designed to protect OFSTED's and HMIs' independence. This is reflected in the location of OFSTED's offices, which are away from the Department of Education and Employment and the

impression gained from interviews is that the relationship with that department is much more an “arm’s length” one than with some of the other Government Inspectorates and their Ministerial Departments and that the choice of location is designed to enhance that fact. As the former HMCIS (interview 1998) explained: *“I think it (location of the OFSTED offices at the DfEE Offices) is better not to be. The closely integrated network was how it used to be before OFSTED was physically separated from the DfEE and I think better that we are independent because we are meant to come to whatever judgements we think right about the impact of DfEE decisions. Now if we had been part of that decision making process then that objectivity is damaged.”*

Despite this, HMCIS is appraised annually by the Permanent Secretary who decides the amount, if any, to be paid as a personal bonus. The Chief Inspector sees the Prime Minister three times per year, once per term, and obviously works closely with the Secretary of State, seeing her/him approximately once per month and the Minister responsible for School standards, twice per month. At these meetings the topic of the moment is discussed but the ongoing agenda is *“The Standards’ Crusade”* (HMCIS interview 1998). Recent elements have included the inspection of teacher training, the national literacy and numeracy strategies and a review of the national curriculum. The staff of OFSTED are also in contact and discussion with Departmental staff but, relative to the relationships seen elsewhere e.g. the police inspectorate, this has much more independent and remote overtones. The reasons for this are open to conjecture but it will be remembered that OFSTED (unlike the police inspectorate) is of very recent origin and was conceived at a time when the Department of Education did not rank high in the opinions of its political masters (interview, former Secretary of State, 1999). It is not beyond the bounds of possibility and in keeping with the impression gained of Woodhead’s political expertise that this was recognised by the former HMCIS and an “arms length relationship” was seen as the politically advantageous stance to adopt.

With the Education Service

A number of people interviewed described the HMI of pre 1992 days as “a God like creature”, very remote, very, very knowledgeable and experienced, whose personal demeanour and expertise and enthusiasm for their work placed him/her on some kind of pedestal and as someone who was afforded a great deal of deference. They were thought to be very influential, especially in applied pedagogy and to have helped shape the

educational fashions of the day. A different assessment is now given of the current HMIs. Whilst most HMIs are still respected for their expertise the same degree of deference and trust is not evident. Some HMIs were strongly criticised, mainly on the effectiveness of their personal administration and others because the rulings they gave were later contradicted by the OFSTED Head Office.

OFSTED makes it clear that one of the primary responsibilities it places on its inspectors, especially the Registered Inspector, is the establishment of a good working relationship with those inspected (interview with OFSTED Director of Inspection 1996). Part of the research was aimed at establishing the success or otherwise of the inspection teams in achieving this. Discussing relationships is always difficult because individual personalities play a large part in the interpersonal relationships forged between any two groups and from the evidence of the survey this is very true of the relationship between OFSTED and the schools and between OFSTED and the LEAs despite the impression given by the media that it is always the fault of the inspector. Against this background the relationships that have been achieved “in general” are clearly at two levels, those of “by repute” and those of “by experience”. It is interesting that both, though contradictory, can exist in the beliefs of the same person.

“By repute” relationships

“By repute” OFSTED and its inspection teams are feared but not respected by the bodies it inspects. The service is awash with anecdotal stories (some authenticated) of poor inspections, misleading and harmful judgements and experiences which have caused severe mental stress, sometimes leading to mental breakdown of teachers. Pronouncements from OFSTED are seen to denigrate teachers and their roles, giving the public an enhanced impression of a service which is failing children and the nation. As such it is difficult not to conclude from the widespread publicity given to the opponents of the regime that OFSTED is clearly resented by the profession, its methods and conclusions contested and future questioned.

This reputation and opinion stem from a number of factors. As noted earlier the likelihood of a teacher being inspected at HMI level under the old system was exceedingly remote. LEA inspections did not end with publicity being given to the results and was combined with advice, guidance and support from someone in what was usually an ongoing relationship. The new arrangements represented a swingeing change and it is

normal reaction for change to be suspected, feared as being “for the worse” and resisted. In this the Education Service was no different. It was suspicious of the intentions of the new system introduced against a background of “*you are failing the nation*”. As a consequence the Teaching Unions were not supportive. The new regime met with a great deal of resistance and adverse comment. A climate was engendered in the service and continues where it is not fashionable to give vocal support to OFSTED or its methods. In its early days the new inspection regime had to find its feet. As such it tended to be bureaucratic, officious and “stand offish” in its approach, with the initial training emphasising the individual, legal responsibility of inspectors for the consequences of any ill founded judgements they made. The end product was that OFSTED and its operations became “demonised”, mainly by comment in the media, with the adverse publicity being believed both initially and since by the education service as ‘a generality’. Woodhead, as HMCIS, was under particular attack (see Aitkenhead 1998, 1999, Bright 1998, Alderson 1999 and Smithers 1999b for examples of media comment.)

Despite these attacks Woodhead’s contract was extended in 1999 and the duties of his organisation and sphere of influence were increased in that year with responsibilities being given for the inspection of pre-school and further education. He was said (interview with former Secretary of State 1999) to continue to enjoy the full backing of both the Prime Minister and the current Secretary of State. When asked for his views on the relationship he and OFSTED had with the schools Woodhead (interview 1998) said: “*I am more optimistic about the mass of teachers than media reports would indicate. I visit two or three schools per week and talk at two or three conferences per week and I actually think the mood in the profession has changed and there is greater acceptance firstly, that the profession must be accountable and secondly, that OFSTED inspections, whatever the representations in terms of the TES newspapers such as the Times and the Guardian, is fair. Inspectors go in and do a decent job. What I do think is that there is a relatively small number of people who, for whatever reason, partly personal and partly professional, want to characterise OFSTED as demonic. It includes some Professors of Education. So there are a number of people of that order who I believe have a disproportionate loudness in the media and I don’t believe those people are teachers generally. I don’t think the battle is won with teachers but we are moving in the right direction*”.

When asked if his public image caused him concern and whether he was going to do anything about it he replied: *"No it doesn't worry me. It doesn't worry me personally in that I don't lose sleep over it and worry about what people think of me. Obviously it is a worry in the sense the image can get in the way of the communication of the real message and that's why, as I said, I do an awful lot of school visits and talking at conferences and obviously, I don't win everyone over but, by and large, people say to me when they have met me they get a different impression than the one given by the media."*

The 1999 Select Committee dwelt for some time on the problem of divorcing the work of OFSTED from the style adopted by HMCIS (HC 1999a, paras 214/227) and concluded that this was very difficult. After hearing evidence it was sufficiently confident that there was some problem to recommend that the HMCIS should encourage the formation of a consensus about the importance of OFSTED's work across a wide field; that any pronouncements he makes should clearly be backed by evidence from inspections; and that in carrying out his role he should be concerned to improve morale and promote confidence in the teaching profession (para. 227).

Earlier in the research there was some evidence that he was changing attitudes. Head Teacher 'G' (interview 1998) said: *"I have actually heard Chris Woodhead three times in person and I have never disagreed with a thing he has said.....all this flak he gets. I think he speaks the truth"*. Woodhead also received support from other levels of the Education hierarchy. For example, Bell (1999), then a Local Authority Director of Education, made the plea for schools *'to get real'* and embrace inspection. He believed that constant carping about OFSTED fuelled suspicion that teachers will not accept scrutiny. He concluded *"a bit of paranoia about inspection never did anyone harm. But when it becomes a collective state of mind, then we should be worried."* It therefore came as some surprise to outsiders when Woodhead resigned in November, 2000 with still some two years of his contract left to run. The choice of a permanent successor is to be deferred until after the next election.

The conflict engendered by the former HMCIS arising from the perception that he was denigrating teachers is an example of one form where little action was taken, perhaps as the end result, an attack on complacency, was one desired by the authorities (in this case Government). Despite the Select Committee's recommendation Woodhead continued to make controversial statements. As noted above there was some accommodation, in that some of the formerly aggrieved people were accepting the judgements made, for the rest

conflict was allowed to continue as it was seen to be serving a purpose, the destruction of complacency.

Meanwhile *"the collective state of mind"*, 'by repute', stays mainly unaltered. The view of OFSTED is of an organisation feared but not respected by the service suppliers. As Registered Inspector 'F' put it *"It is still a difficult thing to own up to (the fact that you are an OFSTED Inspector) if you are in a social gathering, especially if there are a high proportion of teachers about!"*

"By experience" relationships

In contrast, schools' experience of being inspected has resulted, in part, in some different conclusions. In the absence of generally accepted yardsticks the opinions of heads and teachers were canvassed on the question as to whether inspection findings were accurate. Teachers' opinions need to be treated with caution as they may be clouded by deference to the inspectors or relief that the inspection is over and acceptable results (from their viewpoint) have been achieved. However, the teachers interviewed did give the impression of knowing their school and of being able to identify the poor teachers. The evidence from the interviews was that the individual inspection teams are usually respected on arrival, forge good relationships with the inspected, are thought to make a good and accurate assessment of the school's strengths and weaknesses and submit a report which is judged fair but, in only some cases, a good basis for action which would lead to school development and improvement. They then usually leave the school with their reputation enhanced. This finding, which results from fourteen out of fifteen schools in this survey from five different LEA areas, a 93% 'satisfaction' rating, tallied with OFSTED's Director of Training's (1996 interview) report of 90% plus 'satisfaction' expressed by an internal (OFSTED) survey of all schools after inspection.

The new resourcing arrangements led to two problems. The first was that in a minority of cases the school or individuals within it had previous knowledge or experience of the inspector. When this was a good experience it enhanced the inspection team's reputation and facilitated the team's entry to the school and acceptance of their findings. However, in a number of reported instances the previous experience was judged to be poor and coloured both the initial acceptance of the team and later acceptance of that inspector's work. Interestingly, the experience of the inspection always confirmed previous impressions, never altered them for the better and such judgements were

reserved for the individual and were not seen to cloud the inspection team's findings. The second difficulty was that the pool of people from whom the team were drawn had often left positions in the schools /LEAs under early retirement arrangements and were looked upon by existing teachers as people who could not do the job in current conditions. As such they were considered "yesterday's men and women", often with outdated approaches to teaching having never been concerned in a practical sense with the National Curriculum and recent school and teaching administrative developments.

Against this background it was perhaps surprising that some teams received the respect they did. When there was no previous knowledge of the individuals concerned except, perhaps, for sketchy curricula vitae received beforehand, the in-school personnel accorded teams considerable respect. Registered Inspector 'A' (interview 1996) confirmed this view: *"I think you go in with automatic status and you carry with that status a fair amount of power and with that power there is an awful lot of threat. It is a respect, but its not a respect of what you know and can do but it is respect for the role and the power that is carried with it, because of the consequences, of course, of a school being labelled as ineffective"*. The approach of teachers affording respect to inspectors may thus be considered the best and safest strategy in what is seen as a high risk situation perhaps also in the hope of a reciprocal ("I like and respect you because you like and respect me") attitude from the Inspectors.

Teachers generally, believed that the inspection accurately described their schools' strengths and weaknesses: *"It was an accurate report"* (Interview with Head Teacher 'C' 1997); *"Generally I thought the inspection was fair - except for the one subject, PE which I considered to be unfair"*. (Interview with Teacher 'A' 1997); *"Yes, I think they accurately identified the strengths and weakness of the school. I have been able to build on the recommendations the Inspector made on humanities."* (Interview with Teacher 'B' 1997); *"Yes, it summed up the school well and captured our strengths and weaknesses."* (Interview with Teacher 'C' 1997); *"Yes it confirmed many of our own thoughts and assessments. For example it honed in on our weaknesses in Technology which are our next criteria."* (Interview with Teacher 'G' 1997).

All surveys can be thought to be tainted by their association with the body providing the funding and are capable of different interpretations. The current research findings of teacher satisfaction with the accuracy of inspections are confirmed by one interpretation of a 1999 MORI survey of heads and chairs of School governing bodies (for

OFSTED) of 2041 schools from which 1260 responses were received, but at least one other interpretation is possible. Thus the confirmatory view is that 36% of respondents “strongly believed” and 44% “believed” that the inspection report reflected the strengths and weaknesses of the school (Dean & Rafferty 1999). The journalists did not give the breakdown or responses of the residual 20% which would fall in the “Neutral - neither satisfied nor dissatisfied/ believe or disbelieve”, “Fairly dissatisfied/ Disbelieve”; or “Strongly dissatisfied/strongly disbelieve” categories. A more sceptical view, based on this 20%, suggests that the survey gives an indication of the failure of those introducing the inspection regime to achieve the acceptance of those inspected. This latter view is supported by a separate NUT survey of 1250 Union members (number of responses not given), when the respondents were said to be evenly divided on the question as to whether “the final judgements (of the inspectors) were fair and reasonable” (Rafferty 1999). It is also supported by a survey by the Association of Teachers and Lecturers which revealed lower satisfaction rates: 13% very satisfied, 40% Fairly Satisfied, 28% Neutral, 13% Fairly dissatisfied and 7% Very dissatisfied (HC 1999a, para .80). Certainly, the not inconsiderable numbers unable to give positive support to the system should cause concern.

On this evidence there is a difference between the acceptability of OFSTED inspections between Head Teachers/Chairs of Governors on one hand and teachers on the other. This may be in accordance with Ball’s (1994, p.58) perception of a division in attitudes now present in schools. He suggests head teachers are now, as managers, orientated to the budget, the market, entrepreneurial activities and the drive for efficiency. Teachers, he suggests, are orientated to the National Curriculum, teaching and learning, student needs and student effectiveness. It is a difference not revealed by the current study where heads and teachers held very similar attitudes and opinions. If Ball’s perception is accurate the division represents a considerable change in school culture, one which will signify future conflict and perhaps interfere with the very strong teamwork detected in the current study.

In the MORI poll 64% “strongly agreed” and 23% “tended to agree” that Registered Inspectors built a good relationship with the schools inspected and 31% “strongly agreed” and 41% “tended to agree” that they respected the professional knowledge and competence of the inspecting team (Dean & Rafferty 1999). Other categories of responses were not reported by the journalists concerned. Although all the

polls reported in this section have a high response which might, at least in one view, be taken as “finding the system satisfactory” the size of the number either neutral or dissatisfied indicates the degree to which the authorities have failed to gain the inspected’s acceptance of the regime. This is a failure which caused a great deal of conflict with effort (particularly that of the Teaching Unions) aimed at opposing the system rather being applied to other areas of service improvement.

The occasions when individuals are not respected in this role, as noted earlier, usually occurs when there is previous working knowledge which is unfavourable. This “baggage” is difficult to overcome and perhaps can be taken to be based on deeper knowledge than that possible to obtain of an individual conducting an inspection over a few days.

The lay inspectors were also initially viewed with suspicion. Being employed on the basis that they had an expertise not normally demanded of teachers, they were viewed as “loose cannons”, possibly arrogant and overbearing, and their coming was regarded with some trepidation. After experience most teachers (and the team members themselves) believe the Lay Inspector brings a new dimension to the inspection (often a parental viewpoint) and their contribution is welcomed and valued. “Additional inspectors”, despite the actual problems noted earlier that they may bring to an inspection, were more respected as existing heads and deputies than those who had left these positions, say on retirement or redundancy. Here the relationship was believed by the school staff to be a “dialogue between professionals of equal standing” and their experience of teaching under the national curriculum, not possessed by many of the retired returnees, placed them higher in “expertise respected” terms than their colleagues.

The two opinions of the inspection regime, the ‘generality’ and the “specific”, exist side by side in the same individuals. This, in part, results from the fact that although teachers express ‘satisfaction’ with their own inspection this is against the criteria of personal relationships established and the perceived fairness of the inspectors’ assessments of the school overall and of its individual teachers. Some rationalise the contradictions by likening the experience to the “hard/soft” systems of interrogation said to be adopted by some police officers where one officer adopts a very hard line and another is much more sympathetic. In school inspection, the hard nosed approach of OFSTED (in the shape of the former HMCIS) is seen by a number of the teachers

interviewed to be softened by the human approach of the inspection teams.

Relationships with other evaluative bodies

The Audit Commission has been the main evaluative body across the public sector for the past fifteen or so years. The Commission has undertaken few studies to date in the education service perhaps indicating that initially, education was not seen as an area where “reputations could be made” or joint reviews were seen as more difficult than (say) those conducted in the police or social services. Now that the Commission is well established it is clearly considering studies in the service but the actual areas of investigation and composition of teams is still under discussion between OFSTED and the Commission (interview with Commission representative 1998). From comment made by the former HMCIS and this representative (detail given accompanied by a request for confidentiality) the relationship between the two organisations is still very much in the development stage with tensions and overtones of distrust evident and “competition for the same turf” being a major factor. From hints given in interviews one of the major disputed factors appears to be the question as to which organisation would control any joint investigation. Despite this, it will be surprising if the Commission does not achieve a closer relationship with the education service in the next decade. As an example the Local Government Act 1999 (Section 25c) makes it a statutory requirement for the HMCIS to co-operate with the “Best Value” inspection teams which will be under the auspices of the Commission.

Power dimensions/influence on change

Despite its reputation as an independent body OFSTED can be seen as a powerful enforcement arm of Government not only ensuring that broad policy is followed in the schools but also (if it so wishes) making pronouncements and changes to practice in minute detail of school and classroom work. The route appears well defined. The politicians’ wishes are translated into missions, objectives and instructions by the Civil Servants of the DfEE. Some are then issued direct to the LEAs and the schools; others are incorporated into the inspection process by OFSTED. This requires inclusion in the “Framework for Inspection” or, more insidiously, in the “socialisation” given during training and in quality control procedures of the inspectors. As such OFSTED is a powerful tool of Government. Its presence allows, on one hand, for a Government to

claim that it is giving schools more autonomy and independence (e.g. the GMS, LMS and current “Foundation school” initiatives) whilst at the same time it is strengthening central control. As such it is a good example of the movement discussed earlier whereby the use of assessment/ evaluative organisations such as OFSTED allow Government to appear to distance itself from the act of governance whilst in reality it is taking much more control and having much more influence over school operations without also taking responsibility for that control and those operations.

HMIs are seen as very powerful individuals both by members of inspection teams and the schools. As such they clearly are in a position of ascendancy in the business they conduct; in the training and quality control of the inspection teams; in the advice and guidance they give; and in their relationships with schools. However, as already noted, they do not enjoy the deference accorded to the “God like creatures” perceived to be the HMIs pre 1992.

The Registered and team inspectors, as visiting experts with judgmental ability over those visited, are also in very superior positions when the power relations between them and the schools are considered. This is most keenly felt in the small rural Primary School where the head teacher is often overawed by the visiting presence. These head teachers find it much more difficult to achieve a balanced working relationship with the inspection team or to challenge its findings. A more equal relationship exists at the large Primary or Secondary Schools where the head teacher is usually of a stature not to be cowed by the visitors. From the interview evidence a much greater challenge to the inspectors is detected at these schools, both in the working relationship established and the acceptance of judgements.

Inspectors, from the earliest days, were influential in the changes which occurred in the education service. The travelling inspectors’ main role in the early 19th Century was in the spread of good practice and increasingly they were men who were listened to and whose advice was taken. This role was changed greatly during the thirty years at the end of the 19th century when they were adjudicators of the grants that schools received from the state and when their influence was punitively based: only those who conformed to the inspector’s wishes received finance. Dunford (1998, p.11) suggests that this role radically changed the schools’ perception of the inspectors from that of “*friendly adviser*” to “*terror inspiring oppressor*” and that it was many years before relationships were restored. With the resumption of the more traditional inspection powers at the turn of the

century influence again rested on the perceived expertise of the inspectors. They again became influential in a way not often perceived by those outside the service, but one which directed teaching fashions and the adopted pedagogy of the day. Perhaps the outstanding examples of this were the clear views on learning of Holmes, the Chief Inspector 1905 - 1911 (Dunford 1998, p.90) and the alleged championing of 'progressive' teaching methods post 1940 (Fitz & Lee 1996, p.17; Dunford 1998, p.16)

They appear to have had little direct influence in the reconstruction of education brought about by the 1944 Education Act. In the 1950/early 60s they continued with the administrative burden taken on during the Second World War of contributing to the school rebuilding programme and were criticised for dealing too much with the physical side of schools rather than teaching matters (Dunford 1998, p.332/330). In the 1960s the "advice to Government" function suffered as too little inspection was being undertaken (Dunford 1998, p.35). Thus, during the 1970/80s they lost the confidence of their masters, the Government of the day, notably Margaret Thatcher when she was Secretary of State (Dunford 1998, p.82, 152) and doubts arose as to their future. They were not influential in the restructuring of the 1988 Education Reform Act. However, Fitz & Lee (1996, p.16) see the work of two HMI surveys, in 1978 and 1979, "*creating the professional climate for change*". The inspectorate was not involved in the policy change which resulted in OFSTED and it is claimed (interview former HMCIS 1998) that a minority of the existing HMIs did not like and resisted the subsequent changes in inspection regimes and the consequent changes in their relationships with the service. Currently the influence of OFSTED and its inspection teams is seen to be very high and to be punitively based. A number of inspection team members attempt to ameliorate the punitive aspects by extending the advisory aspects of their role rather further than envisaged by the OFSTED Head Office.

It is not clear what influence OFSTED, as an organisation, has on emerging policies from Government. The former HMCIS claimed that he, and his senior officers, are part of the networking carried on in the DfEE whilst, at the same time, he emphasised the independence of his organisation aided by its location away from the DfEE offices. A sceptical view might be that he owed his position to his ready embrace of politicians' beliefs on such issues as pedagogy [see Alexander's (1997) version of Woodhead's influence on the "Three Wise Men's Report"] and that OFSTED appears to be driven more by Government wishes than the HMIs of yore ever were.

Patterns of conflict and accommodation

A review of the relationships established as a consequence of the introduction of a new school inspection system reveals continuing conflict in some cases and four different levels of resolution.

Undoubtedly the inspection, as a process, is a situation which engenders conflict at school level. Initially conflict arose because the service deliverers did not like the new regime being imposed upon them. An example of full acquiescence was given by school personnel who, despite this dislike, co-operated fully with the new inspectors. A different slant was given to the arrangements by the continued opposition, on behalf of the teachers, voiced by their professional/craft associations, the teaching unions. This is an example of “accommodation” by acquiescence of one of the parties yet with opposition continuing. Another method of resolving conflict followed the initial lack of feedback on individual performance given to teachers. This was an element strongly disliked by teachers and the interview evidence is that inspectors reacted by giving feedback despite instructions to the contrary. This is an example of the instructions of higher authority being ignored and an “accommodation” being reached by the acquiescence of both parties. The instructions have, as noted, now been amended by the authorities with a fourth method of resolving conflict, a compromise solution, which allows more feedback to be given..

Conflict also arose (which still continues) when OFSTED were expected to co-operate with the Audit Commission. This is an example of the practical effect of having more than one publicly funded evaluating body in the field. In theory Government can expect there to be co-operation: instead there is distrust, competition for “turf” and non co-operation. In this case an “accommodation” has not, as yet been achieved, except where Government has legislated for it specifically to happen: an example of one of the dangers faced by publicly financed bodies “at war” with each other, their attitude may force their masters to impose co-operation on them.

These examples underline the view that politicians and bureaucrats are unwise if they expect public service deliverers and other parties paid for by the public purse to give their undivided co-operation in achieving desired ends.

The accountability of inspectors

In theory, Crown appointments, of which perhaps Judges are the best example and Her Majesty’s Inspectors of Schools a lesser one, are selected for their expertise and

employed to exercise their judgement on behalf of the Crown. As such, they cannot be directed on what they do or how they do it. The relationship is thus one of trust where it is expected that the appointee will exercise his/her expertise in the best possible way to arrive at impeccable judgements and so give excellent service to the Crown. It is not an accountable relationship in that the theoretical base suggests the expertise involved is almost unique and direction is impossible. Thus (again in theory) there is no way that the requirements for accountability, as outlined in the definition given earlier in the thesis, can be met. There is no ability to establish the standard of performance achieved and even if an opinion was that performance was poor, no superior could take remedial action. In practice the positions are not as autonomous as the theory postulates. Even Judges, as recent experience has proved, can be persuaded to resign if the prevailing opinion, usually needing to be strongly held by their peer group, is that their expertise and judgements are seriously at fault. Such cases are extremely rare with the degree of fault having to be not only serious but also transparent. Lesser cases of incompetence are much more difficult to deal with and are usually tolerated, as exemplified by the continuation in office of some very, very eccentric and idiosyncratic Judges in the past.

HMCIS is a Crown appointment. The position is therefore accountable but remotely so, to the Prime Minister. Woodhead was initially employed on a five year contract with a renewal for a further four years given in 1999. His belief expressed in 1998 was that if there had been a consensus that he was not doing the job expected and this was considered serious enough for him to leave the post, he would receive payment in lieu of the unexpired portion of the contract (interview with HMCIC 1998). The circumstances of his resignation in November, 2000 have not been revealed to the general public and there is much conjecture that resignation was imposed on him following his very public dispute with the Chairman of the House of Commons Select Committee which is said to have been "a dispute too far" for the Prime Minister and the Secretary of State (Woodward 2000). This is denied by Woodhead who claims that both begged him to stay (Sunday Telegraph 5.11.00). The indications are that the expected "compensation" has been paid.

The financial aspects of OFSTED's work are subject to audit by the National Audit Office as are all Government Departments. The "policy" aspects of its work are not audited although there has been some debate in Government and Civil Service circles, not yet finalised, as to whether the Audit Commission, with its more extensive remit, should

take a look at the organisation's work. HMCIS is the official 'accounting officer' for the organisation and as such has to appear before the House of Commons Select Committee and answer its questions from time to time. As already noted, he also has to submit an Annual Report which is laid before Parliament each year and which is published as a "House of Commons Paper". This is not the subject of a Commons debate.

The OFSTED HMIs are also employed on a contractual basis as Crown appointments but, as a safeguard against incompetence, the initial period of employment is for three years, with the possible opportunity only thereafter of transfer to a permanent status equivalent to that of the Civil Service. The HMIs are directed in their duties by the HMCIS but it is clear that he faces difficulties in terminating the employment of those he considers unsatisfactory, evidenced by the continuing presence of some members of the team whom the former HMCIS perceived to have attitudinal problems relating to the new regime (Woodhead interview, 27.4.98).

It is made clear to all team inspectors by OFSTED that they are individually, personally responsible for any Civil Actions by aggrieved persons which may result from their work or judgements. LEA employees who act as inspectors are bound by their employment contracts to the Local Authority and accountable in the way required by those contracts. Non employees used by LEA Contractors and members of Private Contractors' inspection teams are employed on an ad hoc basis for the term of a specific inspection contract. The continuation of any inspector on the OFSTED approved lists depends on their satisfying the OFSTED quality control procedures which involve reports from the schools, other team members and observation by HMIs. The LEAs interviewed had extensive quality control procedures of their own as they viewed inspection as a valuable source of income and continued employment for their people. The Private Contractor had less extensive procedures but was as intensely concerned about quality as her entire business in inspection, advisory and support services, depended in her view, on the reputation of the people she employed.

The question of OFSTED's accountability obviously troubled the Select Committee (1999a, paras 177/213) which concluded that the "*accountability mechanisms were not sufficiently robust*". It then recommended a number of changes including the establishment of a board of commissioners, or a supervisory or advisory board; regular debates in Parliament on HMCIS's Annual Report; the introduction of quinquennial reviews by the Ministerial Department; and an advisory role for Parliament in the

appointment of HMCIS. The Government did not look kindly on this suggestion that MPs and their committees should have an increase in power and influence and its response was that it “*believes that arrangements by which OFSTED is accountable to Parliament are adequate and appropriate*” and that they had no plans to give Parliament a role in the appointment of HMCIS, to introduce quinquennial reviews or a Board of Commissioners (HC 1999b, p.xv/xvii). This is one example of the differences which arise between the various levels of politicians when disputing influence, in this case because of the nature of politics, a conflict not requiring resolution or “accommodation” until sufficient support can be obtained by those seeking change.

Does OFSTED work?

The lack of clear aims and objectives for education and the action which has to be taken to fill this particular vacuum by bodies such as OFSTED in establishing their own objectives has already been discussed. A judgement of the regime as an aid to accountability then demands answers to the questions “Is OFSTED providing information and checking the aspects which the various parties want it to provide information and check?” and “Is OFSTED seen as an assistance to accountable parties in satisfying their accountability?” Does it aid the introduction of improvements to service performance? Evidence thought appropriate on the first two questions can be taken from the views of the parties concerned. These are the people in the existing accountability chain with an extension to a wider group of possible “stakeholders”. Opinions have been obtained by interview during the study and from the results of published opinion surveys. Evidence on the last question is more open to conjecture and opinion and here the views of parties are supplemented by “evidence” from the performance indicators published for the service.

The answers given depend greatly on the viewpoint of the party concerned. The possible objectives of “stakeholders” were suggested earlier against a backdrop of there being no authoritative overarching aims and objectives provided by the state. Individual objectives were therefore possible which lacked clarity, were capable of variation over a short period and conflicted with the objectives of other stakeholders. The lack of clear overarching aims and objectives brings doubt that any of the stakeholders are really capable of judging OFSTED’s performance and again underlines the need for a more authoritative version. The performance indicators developed for/by the service are not

accepted universally and are themselves a subject of contention. Against this scenario possible answers are explored below.

Parties in the existing accountability chain

Government and Ministers have an active interest in information which will help them to decide future policy and to inform them on the implementation and achievements of current policy. Is OFSTED measuring what Government and Ministers want to be measured? As ultimately the Ministers have the power to change anything they wish, the presumption must be that OFSTED is measuring what they require measuring or changes would already have demanded. In this the Government is very much influenced by its advisers, the Department for Education and Employment and, perhaps to a much lesser extent, by comment from the service.

At the Ministerial level of accountability, it is believed by OFSTED as the supplying agent, that the information it gives is an essential requirement for Government. It is very confident that the 25% sample of schools inspected each year in the first four year cycle and the 16.6% of schools inspected each year thereafter ensures that accurate information on the current position can be given to the Prime Minister, the Secretary of State for Education and Employment and to the DfEE: and that the advice and guidance given to these individuals/bodies is equally sound. It provides the Secretary of State with information she/he can use in giving an account of her/his stewardship to Parliament and enables her/him to establish appropriate strategies and policies for the nation. In its view, its position as a non ministerial Government Department ensures it has a substantial degree of independence and this, it believes, gives its reports and conclusions a credibility it would otherwise not have. As summarised by the Director of Inspections (interview 1996): *"Anyone can give advice to the Government, the Minister. If you want personal advice OFSTED has no more right to give it than any other person in the street. Our contribution to any discussion is that our advice stems directly from the evidence of inspection and nothing else.....the strong HMI tenet is that personal views are not allowed to distort or interpret, in any way, the inspection evidence."*

The former Secretary of State for Education (interview 1999) supported this view of its usefulness: *"The Inspectorate gave me an enormous amount of assistance. I have always felt that it is an extraordinary thing that we have national expectations of a system of education but of which the delivery was localised. I have had a lot to do with French*

education in my time and have always felt comparatively that it was strange to have a number of examination boards, 130 LEAs all with different systems and which at one time, had 15 different arrangements for transfer. In terms of delivery, however, I have always thought you get the best out of very, very localised delivery right down to the school - the school with some support in place. So you can imagine I was very enthusiastic about a national inspectorate that would see to it the test, curriculum standards were being delivered across the board nationally for it was absurd that children's chances should be blighted according to where they lived."

The current Government's satisfaction with OFSTED's operations is emphasised by the tone of its response to the 1999 Select Committee's report on that organisation. In the response very little change was considered necessary or agreed (HC 1999b). The Select Committee's report gave Government an opportunity to review arrangements which have been both controversial and contentious. Its decision to make little or no change is taken as an indication that these types of arrangements will become the template for inspection in other public services: that rigorous observation of the service deliverer, with the "naming" and "shaming" of those whose performance is considered lacking, will become the order of the day.

Are OFSTED measuring the things that Local Authorities require to be measured? Councillors usually rely on their Local Education Authority for advice and it is at this level that doubts begin to emerge. The general concern of the LEA is that the schools in its area should be fairly judged in the context they exist and, like others in the service, raise questions about the quality of current performance indices, the appropriateness of test and examination results as "indicators" and the need for better measures to determine "added value". OFSTED believes that as an "independent body", its reports on the LEA and those of its inspecting subcontractors help Local Authorities to account for their stewardship in a credible way. This position was supported by the Local Authority representatives seen, both councillors and officers. A Vice-Chair of a County Education Committee when asked if the inspection of the LEA and schools was beneficial said: "*Most definitely 'Yes!' Overall we consider an OFSTED report most helpful.*" An LEA official said: "*Yes. Because I think that to have an externally moderated creative look at a school is of value and, of course this is on the basis of a national inspection rather than a local one.*"

Major doubts arise at school level on the appropriateness of the measurements taken. This is also accompanied by severe doubts about the methods and results of the inspection regime. In forming judgements on the inspection system from the school point of view it is important to distinguish between the OFSTED “process” and its “outcomes”. Failure to do so can result in apparently different conclusions from research and opinion surveys of the occupation.

School level judgements on the process

The ‘process’ is not liked. Without a dissenting voice all the service providers thought it was a monolithic process described by both Deputy Head Teacher ‘A’ and Chairman of Governors ‘A’ (from a different school and LEA area) as “*taking a sledgehammer to crack a nut*”. Head Teacher ‘A’ described the paperwork involved as “*onerous and horrendous, absolutely horrendous!*” Governor ‘C’ spoke of “*loads of bumf - paper, paper, paper. Is it all necessary?*” Governor ‘B’ suggested that her school staff had been absolutely exhausted by the process and it had taken the school almost a year to regain its vitality. The costs involved were also considered excessive and all interviewed expressed a belief that the same money expended in other areas of education would promote greater improvements. A very tight consensus emerged that the same or better results could be obtained by different, less costly processes.

The ‘process’ was also disliked because it induced high levels of stress in those being inspected with one report suggesting that the deaths of four teachers had been linked by inquests to OFSTED inspections (Clare 2000). Working under observation is usually a stressful prospect, worsened in this case, by “the repute” of the Inspection regime. The stressful aspects of OFSTED inspections has been reported often in the press [for example Batley (1996), Richards (1997), Hall (1997), Dobson (1997) and Smithers (1998b, 1999a)]. This study confirmed that stress is a problem. One Governor’s impression was that the inspectors’ coming was viewed with terror by the teachers at her school. Head Teacher ‘E’ (interview 1998) commented: “*Inspection doesn’t get better from the teacher’s viewpoint, because it’s stressful, because anytime you have someone coming in to look at how well you are doing the job and they are looking with a fine tooth comb then it is going to stress you out.*”

Teacher comment varied from “*we were all terribly stressed by the time they (the inspectors) arrived because I don’t think it is a good thing to know a year in advance*”

(Teacher 'G') through "I found the prospect very daunting, a regression to my days as a student, very daunting indeed" (Teacher 'A') to "I am near the end of my career and I very much wanted to do well. Here was someone who was going to tell me, for the first time in 29 years of teaching, if I was a good teacher. I don't think I could have survived if someone told me I didn't do well - I would have been absolutely devastated. I knew it would be stressful but I couldn't run away from it" (Teacher 'E').

A number of respondents saw stress in their colleagues which they would not admit to themselves "I was a little apprehensive but not too bothered. Some of my colleagues were very apprehensive" (Primary School Teacher 'B'); "It didn't bother me because I had been in industry and you are used to people coming and looking at you, so I didn't find it intimidating at all. Some of the older staff were very worried. They considered it intrusive, being watched and being criticised. It was a stress experience for lots of them." (Primary School Teacher 'F', different school). The effects of this were felt outside the school, an Inspector's impression of his teacher wife was noted earlier and the husbands of two teachers suggested "*domestic life had been hell*" for the year before the inspection. In a MORI survey (Dean & Rafferty 1999) three out of ten respondents thought the experience was worse than expected, one out of ten said they were "pleasantly surprised". 89% thought the process put more pressure on staff; 76% thought it meant the staff had to work excessive hours (other categories of response not reported by the journalists).

The study confirmed the findings of Woods & Jeffrey (1998, p.563) in the coping strategies used: those of distancing (bonding with colleagues and use of humour) whilst at the same time engaging extensively with the process (over commitment, over planning, enhanced levels of work) to satisfy corporate pressures and faith and commitment to work; the staging of performances (putting on an act) and other strategic measures (strategically complying, appropriating parts of the process). All these "strategies" could be detected behind teacher responses in the current research. The over commitment, is perhaps, the justification for the OFSTED opinion that teachers often brought stress on themselves by unnecessary work done in advance (Smithers 1999a). This opinion was supported by the 1999 Select Committee (HC 1999a, paras 74/79) which expressed the hope that "*as schools gain more experience of inspection, the process will become a standard part of the life of the school, rather than something which is perceived as a threat*" (para.79). However, in the 1998 NUT Survey mentioned earlier fewer than one

out of ten Head Teachers think that the time and stress of the OFSTED process is justified by the final report.

Teachers also dislike the 'process' because of the divorce of 'inspection' from the 'advice, guidance and support' functions. This was particularly intense in the early days of OFSTED inspections when close feedback and discussion of this nature was expressly forbidden under the regulations for inspection. It has been ameliorated partly by the change which now requires inspectors to discuss and test emerging hypotheses with school personnel but still does not satisfy most teachers who wish for a continuing relationship.

School level judgements on 'outcomes'

As already described the schools see one of the 'outcomes', the inspection report, as being accurate in its identification of school strengths and weaknesses. They are less sure of the actual achievement of "school improvement" which is the stated purpose of inspection. Only a small number were very sure that improvement resulted. Supportive comments (all from representatives of different schools/ organisations) were: *"I have been to a couple of re-inspections where school weaknesses had been indicated and addressed, standards had improved amazingly"* (Lay Inspector 'G' interview 1998); *"It is useful because it gives an outside judgement of schools which will be known inside. Its an extra weapon that the Head can use to force through change which otherwise would be resisted."* (Governor 'A' interview 1996); *"If the inspection hadn't happened we wouldn't have done some of the things we have done. I know it had a beneficial effect"* (Governor 'C' interview 1997); *"I welcome OFSTED because there has been too much complacency. OFSTED has shaken them up"* (Parent 'A' interview 1998); *"It made us take a long hard look at ourselves. We have tightened things up"* (Teacher 'B' interview 1997); and *"On the whole I would say the school is a better school"* (Teacher 'C' interview 1997).

These remarks have to be contrasted with the comment of those (all connected with different schools) who could see little or no benefit whatsoever: *"I believe the inspection will have very little long term impact on the school"* (Governor 'B' interview 1997); *"I don't think the school will be a better school because it has been inspected"* (Governor 'E' interview 1997); *"The school is tidier. Everything is labelled properly but no, it is not a better place because of the inspection"* (Deputy Head Teacher interview 'A'

1996); and Head Teacher 'E' (interview 1997): *"No, my school is not a better school because it was inspected. If they had found something I wasn't aware of first of all I would have chastised myself for not knowing and secondly I would have said they were worth the money. As it was I would rather have had the money they cost to spend on the school."*

Others gave only half hearted support: for example a Registered Inspector 'A' (interview 1996): *"I think it (the OFSTED inspection regime) is better than nothing. So whilst I don't think it is particularly effective or efficient process, I actually think it does bring about changes in schools which otherwise may not have changed. Schools which have become very complacent and insular in their approach suddenly, when an OFSTED inspection is on the horizon, start to pull their socks up."* Team Inspector 'A' (interview 1996) said: *"I think it helps identify what their (the school's) priorities have to be in the coming year but I think teachers could do that without an inspection of the monstrous cart horse that we have been talking about."* Teacher 'A' (interview 1997) opined: *"It made us do jobs which had been outstanding for some time but it didn't give us any surprises"*. Teacher 'D' (interview 1997) suggested: *"Superficially the school seems a more professional place, the staff look more professional, i's have been dotted and t's crossed but in the actual quality of one to one with the pupil I wouldn't say there has been any difference and in the actual classroom experience, no!"*

In the MORI Survey of heads and chairs 22% of respondents tended to agree and 8% strongly agreed that they receive no benefit from the 'professional dialogue' with the inspectors. Only 27% of respondents believed inspection was the way to raise standards and only 15% saw it as a help in improving teaching (Dean & Rafferty 1999) [other categories of response were not reported by the journalists.] The comparison of the results of the MORI survey and the ATL survey of all teachers revealed interesting differences. Only 35% of respondents to MORI (ATL 14%) thought the benefits of inspection outweighed the detrimental effects. 37 % (ATL 33%) were neutral, seeing a balance between benefits and detrimental effects, and 27% (ATL 52%) said that the detrimental effects outweighed the benefits (HC 1999a: para 80). The differences here, between heads and chairs on one hand and teachers on the other, can be argued as a result of how the relationships (especially the issues of relative power) are perceived: heads and chairs generally see the relationship as one between professionals, of equals; teachers see

it as an inspection of the teacher with them very much in the subordinate role to the all powerful inspector.

With this in mind it is difficult to understand why the 1999 Select Committee differentiated most strongly in its report (HC 1999a, para.90) between the inspection of schools and the inspection of teachers. It claims "*OFSTED inspects schools, not teachers*". Whilst it is true that the OFSTED process judges facets much wider than the observation and grading of teachers and lessons, these are still an integral part (perhaps not surprisingly perceived by the teachers as the most important and most contentious part, as they may lose their jobs as a result of adverse OFSTED grading). One can well understand the reaction of disbelief by teachers at the very fine distinction drawn between school and teacher here and consider it to have little practical application.

The absence of a consensus on teaching methods is seen as a disruptive factor and results in a regime which appears to favour a traditional pedagogy: one which is more to the extreme of the teaching methods continuum and at variance with current classroom practice which, at its best, occupies a more central point on the "traditional/progressive" continuum (see Alexander 1997, Mortimore 1998). The current evaluative regime also concentrates almost entirely on the connection between teaching and learning, ignoring other possible reasons for performance differences. Examples are given by Maden (1998) who suggests that a better appreciation is needed of disadvantage and how it can be measured: the impact made by teacher turnover and length of service; the impact of pupil turnover; and teaching by subject specialists as opposed to generalists. These tensions add to the opposition within the service to the regime. It could therefore be argued that a welcome development would be for the energy now being put to opposing the regime to be concentrated into measures to improve educational standards. This requires the support of the service deliverers who are currently distracted by the debate and the publicity given to failing teachers, comment thought to be grossly unfair to the majority. Major requirements are for greater agreement in the service on teaching methods and for attention being given to other issues which impinge on teaching and learning. This focus would assist in the removal of present perceived injustices and aid a greater acceptability of the evaluative regime.

Thus, at this level, opinions are very mixed although all, as a generality, would wish to see improved yardsticks if measurement has to be introduced. A great deal of the opposition to the terms of the 1988 Act was based on the introduction of evaluation into a

service which formerly had been left “to go its own way” and some service deliverers still resist any form of scrutiny.

Assistance in discharging accountability

OFSTED believed that the reports of its inspecting sub contractors helped Governors and Schools (Head Teachers and Teachers) to account for their stewardship. It also thought they filled a very beneficial function of providing a report to parents which the latter find very valuable. This was confirmed by the Governors seen who also emphasised the benefit which came from the clarification of their purpose and role as highlighted by the reports. As Chairman of Governors ‘A’ put it: *“I think what is useful in the OFSTED arrangements is that it gives an outside judgement on schools that may be known inside.....It throws the spotlight on the Governors. It says ‘What are you, the Governors, going to do about these weaknesses?’ I think responsibility, accountability, is thrown into the searchlight.”*

Head teachers, in the main, also found the reports helpful in giving an independent view of school achievements for external consumption. They especially welcomed the reassurance given in the confirmation of their assessments of their teachers and from a further view on the development plans of the school but were concerned about the cost. As summarised by Head Teacher ‘E’: *“It helps me discharge my accountability but it is a hell of a waste of money! We have to stand the cost of all those reports going out and I would really doubt that it really told our parents anything they didn't already know”*. Teachers were less committed to “accountability benefits”, most believed they were fully accountable under the previous regime and were trusted to do their jobs as teachers. As Teacher ‘B’ responded when asked if he thought the inspection helped the process of accountability: *“Yes, but it's about the past. In too many schools it will be a question of ‘That's over, let's carry on.’ This school is better in that it has taken on the suggestions from the Inspector's report and assessment recording as well and acted on them. It's tighter as I said earlier. I don't think it has increased my feeling of accountability, of being accountable. I felt accountable anyway, I was trusted to do my job as a teacher.”*

Other parties are very interested in the service as recipients, concerned that those responsible for delivery of the service are delivering a quality product with excellent end results (as they see them) i.e. that those accountable are discharging that accountability.

Others who could have a voice if a wider system of participation was adopted (e.g. suppliers of equipment and resources for profit) may be regarded as more peripheral.

Children's interests and opinions on whom is best fitted to express them can be very diverse and be based on a mixture of instrumental ("education to get me the best job") or developmental ("education to prepare me for the 'good life'") objectives. As noted earlier in the thesis the views of children were considered outside the scope of this study. However it is assumed that the work of the inspectors will be regarded as helpful if it improves the methods and standard of teaching and if their reports to Government bring about curriculum changes seen as desirable. Parents' interests are also diverse but for the purpose of this exercise are taken as a desire to maximise the development and potential of their children. Parents on the whole (except those with close links with the service as teachers or spouses of teachers, when the reactions were more like those of the teachers themselves) accepted the measurements provided at face value and admitted to being influenced by them. Some inspectors had serious doubts about the understanding by parents of the reports and consequently, their value. Conversely all parents canvassed thought them very valuable indeed. As parent 'A' put it: *"It is a good school we knew that, that is why we moved here. It had a very good report previously and that encouraged us. It would certainly change my views if a school got a bad report."*

Other "stakeholders", in the main, have insufficient interest or time to delve further and usually defer to what they see as the expertise of the inspectors. Employers can be a little more sophisticated in their regard for performance measurement than parents but, like the latter, often tend to accept the evidence at face value. The OFSTED measurements and reports are also accepted very much at face value by the local community. The nation's interest is safeguarded by Government or if in default, the latter loses power to another political party. As such, the Government requirements already described, prevail. Other organisations have varied and often conflicting interests and their acceptance of the appropriateness of OFSTED measurements and reports for their purposes is likely to depend on their understanding of the detail of educational issues.

Value for money

Whilst being generally supportive of the assistance given to the discharge of accountability by the inspection regime a large number of the LEA and School representatives seen were very doubtful if the regime offered good value for money.

Concern about the expenditure involved was expressed in every interview at this level. Some thought the process of accountability had been given too much emphasis. As Team Inspector 'A' saw it: *"The process of accountability has gone too far and I think the business of accountability through OFSTED and through league tables has put head teachers and teachers in very, very difficult dilemmas and both teachers and children are losing out in the process because they are forced by the market forces' culture to be competitive with schools and that indicator of competitiveness is the league table. It means that children who will depress the league table schools are not going to get the attention or resources or they're going to be a liability or get excluded with only two hours per day teaching as is their legal requirement."*

A contrary view could be that, in face of the demands for more participation by citizens in government, that the accountability process "has not gone far enough". As discussed later the possible requirement for national stability and social coherence may require the number of parties in the arrangements to be extended, for more "stakeholders" to be identified and included.

The evidence of Performance Indicators

As a service education was criticised for not producing criteria of effectiveness (Henkel 1991, p. 39.65). The extreme view, expressed by one of its sternest critics, Phillips (1996, p.63) is most scathing *"one of the hallmarks of the new orthodoxy is the refusal to accept evidence as having any validity. In its place have come ideology, prejudice and propaganda."* As already noted, the lack of accepted performance measurement can be one explanation for the continued use of inspection for evaluation purposes. However, the lack of such measurement pre-1990 and the current absence of a consensus on how the service should be judged make it very difficult to evaluate the trend of performance and the impact OFSTED has had on results achieved since its inception.

The traditional way of judging the performance of the service is by examination results achieved. HMCIS reports that the proportion of pupils gaining five or more A* to C GCSE grades has risen from 41.2% in 1995 to 47.4% in 2000; the average points score over the same period of A level students has risen from 15.9 to 18.2 : although critics argue these are the result of easier questions and/or more relaxed marking standards. The results obtained at Key Stage tests are also improving if those in 2000 are compared with 1996: the proportion of 11 year old pupils reaching Level 4 and above in English has risen

from 57% to 75% and in mathematics from 54% to 72%. OFSTED reports that many more schools and teachers are achieving its “satisfactory” or better standard (in 2000 teaching was judged unsatisfactory in about one in 20 lessons compared with one in five lessons in 1994/5); that attendance is improving; and rates of exclusion are decreasing (HMCIS 1999, 2000, 2001). Despite the fact that all the indicators used are under challenge by one source or another it can be argued that a *prima facie* case exists that the service is now achieving better results than it did (say) in the 1980s. What is still open to conjecture in circumstances where so many other elements are concerned is the part OFSTED has played in this improvement.

It is argued that the future judgement of schools will increasingly be influenced by performance indicators. There is still much work to be done in establishing credible indicators, possibly a valid task for the inspectorate. “Value Added”, the difference a school makes, is one area thought particularly useful. This will demand an acceptable series of measurements for the ‘abilities’ of a new intake which can be re-measured at intervals as the intake progresses, with the difference being an indication of what the school has achieved. Such an approach requires a consensus on the areas to be measured and the way they will be measured. This will not be an easy task. The “Value Added” approach would clearly identify the “coasting” school, the school with good outputs (e.g. examination results) but one which is adding little value because of the excellence of its intakes.

Conclusion

The findings of the Education element are now partially related to the research aims, an exercise concluded in Chapter Ten. The first aim requires the inspector’s role to be placed in context. The comparison of the inspection regime before and after 1992 reveals that in the education service there has been the movement away from professional assumptions and modes of evaluation to one which gives increased emphasis to managerial approaches and instrumentalism as noted by Henkel (1991, p.234). Although the judgements made can still be considered professionally based (i.e. to do with the professional expertise of the inspector) the increased use of performance indicators to give the inspectors pre-inspection information and the direction given by the frameworks and other inspection handbooks is an application of management procedures. A review of OFSTED’s approach reveals that it encompasses all the concepts of inspection suggested by Winch (1996, p.133). It is an evaluatory process, establishing how well objectives are

being achieved; it ensures minimum standards are achieved, is an aid to transparency and establishes norms against which judgements are made and is therefore a vehicle of control and discipline; and it is a vehicle of communication and social action emphasising best practice (but not by direct advice) and is the means of enforcing ends.

The overall relationship between the service and the inspection regime is one of some unease. The service did not like the changes imposed by the Education Reform Act 1988 and there was a great deal of highly vocalised opposition. This set the scene for further opposition when the then inspection regime, in practice rather benign, was replaced in 1992 by new arrangements which are considered extremely punitive. Under this regime publicity ensures that the institution concerned is “shamed” as a failing school and faces special measures which can lead to closure. The teacher can be blamed and lose her/his job. One consequence was the creation of a “general” climate in which OFSTED is feared and not respected. Despite this, ‘inspection’, as a method of assessment/evaluation, appears universally accepted by the service.

In the specific, inspection teams are generally respected for their expertise and judgement and a majority of school personnel believe their reports accurately identify a school’s strengths and weaknesses. There are, however, very severe criticisms of the current system, especially in the process, which is considered monolithic and bureaucratic.

The second study aim requires an assessment to be made of the assistance given by the inspectorate to the current, and possibly extended, number of accountable bodies. The study evidence is that school governors and those outside the schools, parents, LEAs, OFSTED and Government, believe that the new regime of inspection has assisted accountability in making the process more transparent. Teachers are less sure that the process helps the discharge of their accountability. They also have significant doubts as to whether the present regime actually brings about its declared aim, that of school improvement.

Despite the drawbacks, the evidence of this study is that the system works to a limited extent: in the opinion of the service deliverers the inspectors accurately establish a school’s strengths and weaknesses. One paradox is that although it is undoubtedly an enforcement arm of central government OFSTED is not perceived as such by stakeholders who are not involved in the delivery of the service such as parents, the local community and others on the periphery. These groups look upon the education inspectorate as independent assessors. Despite the origins of inspectors as mainly members of the

occupation and, as discussed earlier, the close association of OFSTED with Government. the independence of the assessment was continually emphasised in the interviews. The study evidence is that this independence is a myth. Inspection is clearly part of the Government's regulatory system ensuring that its wishes are paramount in the way the service operates and develops and can accurately be described as the Government's enforcement arm.

In the light of the very disparate opinions noted above it is very difficult to make an overall judgement as to whether the system of inspection achieves its aims as described earlier in the thesis and is fit for the purpose. The overall conclusion of this discussion is that only partial achievement of DfEE's aims and objectives for OFSTED (as described earlier in the thesis) is obtained. Although government appear satisfied that school improvement is being furthered (the major aim) an aspect which should raise most concern is the strong doubt about this expressed by many of the service deliverers interviewed, most of whom were otherwise apparently quite amenable to the regime. The "quality" of the inspection (DfEE objective one) appears satisfactory to government in both process and outcomes whereas service deliverers dislike the process and are critical of some of the outcomes whilst, on the whole, being content with the accuracy of the reports. Whilst teachers would like more advice and guidance on an ongoing basis, Government express satisfaction about the advice it receives (DfEE objective two) If other DfEE's objectives are considered, such as the assistance given to accountability in a public service as discussed in this thesis, again only partial success can be reported. The arrangements are thought capable of improvement. With these deficiencies the system cannot be considered fully fit for its purpose. Further changes appear necessary, especially if the full co-operation and respect of the service is to be obtained.

The third aim requires improvements to the arrangements to be identified. The teachers are very conscious of the costs involved and are extremely doubtful if the regime represents 'good value for money'. They believe the purposes of inspection could be achieved more effectively and economically in other ways. They also perceive a serious deficiency in the system caused by the lack of involvement of inspection teams in the solution of problems found and are critical of the heavy costs involved overall. It is difficult to visualise an inspection regime having long term success in face of so much opposition from the service inspected and it could be argued that the need to gain the

support and respect of the service is the greatest failure which can be laid at the door of OFSTED.

The outlook for change is not good. The Government, by re-appointing Woodhead as the Chief Inspector in 1999 at a much enhanced salary, the extension of his organisation's responsibilities and in its response to the 1999 Select Committee report, signalled its overall satisfaction with the current regime. This is not surprising in light of the power the national inspection system gives it in regulation of the service. Much will depend on the personality of the individual selected eventually to succeed Woodhead. In the interim, vocal opposition to the regime will undoubtedly continue although a concern will be that this will be centred only on the "parochial" concerns of the service rather than the wider issues raised by the impact of the current arrangements as part of the "new governance" of the country such as the effect on democracy and accountability. The barometer of the regulatory regime continues to register "stormy"!

SECTION THREE : POLICE

CHAPTER SEVEN - CONTEXTUALISING THE HMIC (1) : THE AIMS AND ACCOUNTABILITY OF THE POLICE SERVICE

The discussion now turns to the police service and its inspectorate. The next three chapters provide an empirically based analysis of the shifting nature of the regime of inspection in a service which has undergone considerable change in the last decade. Establishing the peculiarities of the service and the characteristics and culture of the inspectorate by “inspecting the inspectors” proved to be a fascinating study which provides detailed, updated information on the service and its inspectorate.

This chapter establishes the framework within which the inspectorate has to work by examining the nationally established aims and objectives for the police and the accountability arrangements in being in the service since 1964 when a new approach was introduced by legislation. Initially answers are explored, in a complex situation, to the simple question “What are the public police for?” As deficiencies in the guidance given by politicians are detected the reaction of the inspectorate is then analysed. The chapter goes on to discuss the development of the accountability framework of the service and to summarise the current arrangements.

Purpose, Aims and Objectives

Unlike the arrangements for the education service the problem for the police service is not in the establishment of aims and objectives: it is more of a problem of prioritising multiple and, at times, competing aims. Thus, although there appears to be a greater relative consensus on objectives for the police, difficulty arises because of differing ideas about priorities. The end result, like the education service, is a lack of clear direction as to the aims the service should have. The publication of a new, very detailed and comprehensive definition of purpose, aims and objectives in 1999 (see later) may clarify the situation but a more likely outcome is an intensification of the “priorities” problem because of the sheer multitude of objectives given.

The Police Act 1964 was a watershed statute for the police, establishing the structure and division of responsibility for police accountability in England and Wales. The Act was preceded by the Royal Commission, 1962 and was based on the latter’s description of the constable’s duties. These were specified as the maintenance of law and order and the protection of persons and property; the maintenance of public order; the detection and prevention of crime; and the prosecution of offenders against the peace. The

latter requirement was removed with the Police & Criminal Evidence Act 1984 which introduced the Crown Prosecution Service (CPS). A further Royal Commission in 1981 repeated the 1962 description; one which was adopted by later enquiries and commissions. a situation summarised by an independent Police Foundation/Policy Studies Institute enquiry in 1996: *"During the first half of the 1990s there were a series of major enquiries into the police. Each of them - the Royal Commission on Criminal Justice, the Sheehy Inquiry into Police Remuneration and Rewards, the internal Home Office Review and subsequent White Paper on Police Reform, and the Review of Police Core and Ancillary Tasks - assumed that the role and responsibilities of the police were well known and subject to overall consensus."* (Police Foundation/Policy Studies Institute 1996, p.3). Following its review the Police Foundation/PSI enquiry concluded that such a consensus did not, in fact, exist. The problem was, despite a commonly held view that the police were there to detect (and possibly prevent crime), every time there was a large scale emergency which excited public opinion, or one when the service failed to operate to minimum standards, the politicians foregrounded such events to be the top priority of the list of police objectives.

There was a substantial amount of evidence in the public domain to support this conclusion. It included Scarman's recommendation that the aim of maintaining public tranquillity should take precedence when this conflicted with the aims of law enforcement (Scarman 1981). The 1994 White Paper suggested that fighting crime should be the priority for police officers and did not mention "the Queen's Peace". The Sheehy Report (1993) named the four main aims of policing (presumably in order of priority) as: to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen's peace; and to protect, help and reassure the community. After the Hillsborough football disaster (1989), the clear priority became the preservation of human life, with the South Yorkshire Police being castigated for dealing with the emergency as a "keeping the peace" situation. The evidence is that the various aspects of crime fighting, emergency service and social service are entwined in any list of aims and objectives and that there is no lasting consensus on which is paramount when they conflict.

A possible priority order for the purposes, aims and objectives of the police which could have been assumed from this evidence and experience after Hillsborough was the preservation of human life; the preservation of public tranquillity (the "Queen's peace"); the prevention of crime; the pursuit and bringing to justice (with the CPS) of those who

break the law; and the protection of, and giving assistance and reassurance to, the community. However, successive Governments from 1993 to 1999 conducted themselves in a way that suggested they wished to reform the police and return to an old fashioned and narrowly circumscribed, crime fighting or law enforcement role with crime reduction to the fore. The 1994 White Paper was written in this vein. It conceptualised the police role as primarily one of catching criminals (Reiner 1997) and supported what he describes as the “rational deterrence model” (Reiner 1992, p.252). This was based on a theory that *“properly organised policing can have a significant impact on crime levels, deterring crime in the first place by uniform patrol, and detecting criminals efficiently after the event if crimes do occur”* (Reiner 1997, p.1037). As he points out, such a belief/theory was at variance with the evidence of all the research undertaken in the UK and abroad (see Reiner 1992, 1997 for fuller discussion) but it remained as the cornerstone of the “National Policing Objectives” which have been established by successive Home Secretaries since authorised by the Police & Magistrates’ Court Act 1994. For example three of the five objectives set each year from 1994/95 to 1997/98 related to crime detection and crime prevention and one of the others related to “high visibility policing” which again, has some “crime prevention” overtones. Each of the three objectives set for 1999/2000 related to crime detection or crime prevention.

The rationality of the Government approach was also questioned by what the police actually did. A 1993 ACPO survey estimates that in a full 24 hour period only 18% of calls for help are about crime which take up about 30% of police time. The residual 70% consists of reassuring the public; giving authoritative advice on a wide range of issues; taking control of and regulating problematic personal and inter personal situations; dispute management; and dealing with miscellaneous social problems, the latter a historical imposition (McLaughlin & Muncie 1996, p.53). There was thus a reality of police work which put its purpose much wider than a narrow concept of “catching criminals.”

The “unreality” of Government thinking is supported by the culture of the police themselves. From the interview evidence of the current study the Police, in their informal “pecking order”, put thief taking and detection of crime as “the real police work” and give membership of the CID the highest status followed sequentially by operational control, uniformed operations, desk jobs, crime prevention, traffic and civilian work. Popular culture, the beliefs of the citizen, with their pressure for visible patrolmen on the beat, also

support this unreality. As Reiner (1992, p.252) summarised the scene *"They (police and popular culture) exaggerate the extent to which policing is concerned with serious criminal offences and overestimate the capacity of the police to deal with criminality and deterrence."*

New overarching aims and objectives for the police service were introduced in 1999 (HMCIC 1999, Appendix 'B'):

"Statement of Purpose."

To help secure a safe and just society in which the rights and responsibilities of individuals, families and communities are properly balanced.

Aims.

Promote safety and reduce disorder.

Reduce crime and the fear of crime.

Contribute to delivering justice in a way which secures and maintains public confidence in the rule of law.

Objectives.

Keep order (and restore order where necessary) and reduce antisocial behaviour.

Reconcile conflicting rights and freedoms of the public.

Improve safety and reassurance of the public especially those at risk of harm.

Contribute to improving road safety and the reduction of casualties.

Disrupt organised and international crime.

Prevent terrorism.

Reduce criminality and contribute to reducing the causes of criminality.

Detect offenders and contribute to bringing them to justice speedily and effectively.

Provide high quality, timely evidence contributing to fairly conducted prosecutions.

Deal with suspects fairly.

Help to meet the needs of victims and witnesses.

Deal speedily and transparently with police wrongdoing."

These objectives do cover a very wide area of responsibilities and a more detailed list is, with some reservations, a welcome development for accountability purposes

compared with the lack of clarity which went before. It overcomes a possible disadvantage of limited national objectives currently seen by some as unhelpful as the needs of communities in the various areas are so different e.g. rural versus urban, large city versus small town, inner city versus outer suburbs. It could increase the opportunity for local decision making. The comprehensive nature will demand priorities to be established when objectives conflict in the day to day situation or at force and local level. This task then falls to either the chief constable, her/his Divisional Commanders or the police authority and would be a welcome increase in local autonomy and possible improvement in the appropriateness of the service delivered. A multitude rather than few objectives becomes a benefit giving, as a by product, a valuable opportunity for local democracy providing that the local police involve the police authority and do not take unjustified influence to themselves by claiming that the problems are "operational". In view of the perceived movement towards greater national control it is doubtful if increased local democracy was an objective of Government and the danger is that central government will attempt to impose priorities which are not appropriate in a majority of local circumstance. This could lead to scapegoating and a further escape from responsibility of those at national level when things go wrong. The new approach will require a significant response from the service and signals more change from the year 2000 onwards.

The new approach recognises that many other agencies affect success in these areas and requires the police to co-operate with them in problem resolution and is a practical illustration of the move from police to 'pluralised policing'. The intention is to establish performance indicators and performance standards for each of the objectives and to monitor performance accordingly.

The position is further complicated by the debate on the comparative roles of public and private policing and the positioning of the boundary between the two. One result of the re-emergence and support for "Public Choice" theories in the 1970/80s (discussed earlier) was a challenge to the provision of police as a "public good". The end result was a movement of the existing boundary between "public" and "private" provision to favour the latter. The Government policy noted earlier of privatising services formerly undertaken by the police was accompanied by private organisations, such as the owners of shopping malls, arranging for the policing of their space and operations to be undertaken by private security firms. These movements were accelerated by a public and business

community perception that the police were not achieving the required results in the solution of crime and its prevention and by a police response, in face of criticism and additional responsibilities, to request ever more resources . The private security market was estimated to be worth £4.42 bn in 1996 and growing by amounts in excess of 4% annually (Key Note 1997). The debate continues fuelled by the suggestion of at least one Chief Constable that more of the current duties may be privatised in the future (Steele 1998) and by comment in HMCIC's report for 1999/2000. Under the 'Best Value' heading he suggested that action should challenge all areas of policing "*whether we should continue with an activity or there are other/better ways of providing it. Some authorities are adopting a radical approach which may lead some traditional areas of policing being seen in a new light*" (HMCIC 2000: 7). This debate adds further to the confusion about what should be the duties of the "public" police. Perhaps the greatest indication of the change in current attitudes in this area is an advertisement which appeared in the Lancashire Evening Telegraph (1.12.2000) seeking a private security firm to guard the county police H.Q. at Preston.

This perceived lack of clarity in what the service had to achieve did not appear to trouble the HMIC either in its inspection duties or the establishment of its own objectives. It operated as though there is no problem. The evidence of the HMCIC's and Regional Inspectors' reports (see later) and from interviews is that the difficulty about priorities was not considered important. The inspectorate, before the adoption in the 1990s of a more strategic approach based on centrally determined objectives (as discussed later), conducted itself as though policing was an all embracing task with all elements capable of achievement at any given time. The inspectorate identified the weaknesses in the way each force carried out the total policing task and made the eradication of those weaknesses a priority for the year ahead. Emphases here were decided by individual inspectors. The task given to forces to be accomplished in the next year was often extremely heavy, involving organisational, operational and culture change involving the transformation of attitudes. Its achievement involved a focus on activities not always in accord with the perception of local priorities.

The movement to a more centrally determined approach in the 1990s further confused the situation. The total policing task is still regarded as being fully achievable whilst individual elements within it are given special attention. The inspectorate's reports (especially those of the "Thematic" variety) deal with individual subjects as though they

were and are the number one priority. A sceptical view would regard the actual selection of topics to be covered in this way as being those politically fashionable, often displaying a reactive rather than creative or pro active approach to policing problems. The lack of central influence on the introduction of information technology in forces in the 1980s and the belated reports on racial discrimination and manipulation of statistics are seen as evidence supporting this criticism. The situation was further confused with the introduction of the Home Secretary's national objectives in 1994. The achievement of these is checked by the inspectorate on top of, rather than instead of, existing priorities.

In summary, the police inspectorate has overcome the problem of priorities and consequential lack of clarity in the objectives of the service by adopting a stance which ignores that there is a problem. In doing so they have added to the confusion rather than assisting its clarification.

Police Accountability & Management

As a preliminary step, a brief outline is now given of the accountability and management arrangements for the police service to illustrate the place of the inspectorate. As in education there are three levels in the accountability chain: the Government at the macro national level; the Police Authority, a mixture of local authority representatives, magistrates and independents at the meso level; and the police force at operator level, the micro level.

The history of the police is well chronicled by Critchley (1967), Whitaker (1964, 1979) and Jefferson & Grimshaw (1984) with commentaries by Emsley (1994), Loveday (1994), Newburn (1995), Newburn & Jones (1996), Reiner (1991, 1992, 1993, 1997) and Uglow (1988). Although the stories they tell are contested and differing interpretations are given, a common theme emerges of the erosion of the influence of local people on policing (which was almost total at the beginning of the 19th Century) and a consequential increase in the influence of Central Government. This was a conflict first fought in Parliament in the early 19th Century and one which continues into the 21st Century with temporary settlements evolving along the way. It can be argued, however, that in this struggle Central Government emerged from every contest with greater influence, no matter how the change was explained or sign posted.

The modern service seen in the 21st Century has evolved through a series of stages with significant changes from the 19th Century settlement (which included the

establishment of a national police inspectorate in 1856) occurring in the 1920s, the 1960s and, as an ongoing process, since 1983. From the earliest years there was recognition of the need for the constable to use discretion in the way he undertook his duties as it was impossible to define the exact action to be taken in the multifarious incidents with which he was faced. This doctrine of constable independence where “*the constable is not the servant of anyone, save of the law itself*” (Denning 1968) had, by the 1950s, attained a position of eminence in police thinking not imagined in the early 20th Century (Lustgarten 1986, p.43). It use justified a belief that the chief constable was autonomous in police operational matters despite many critics of the arrangement. As will be discussed later this doctrine still has a major role in police accountability and a considerable impact on the relationships between the chief constable, the police authority and the inspectorate.

The developments in earlier years are well chronicled by the authors mentioned earlier despite the different interpretations placed on events and for this thesis the story of the service is taken forward from the Police Act 1964 which introduced a tripartite system of accountability. The reasons for the changes wrought by that Act emerged from the period 1955 - 1964. Newburn’s (1995) “decade of transition”. Noted events included a rise in crime and the development of a youth culture which was associated with a decline in deference and a general inclination to question authority. There was a growth in the adversarial contact between the police and the country’s middle class with the spread of car ownership and possibility of traffic offences; the rise in political dissent leading to civil disobedience and protest demonstrations; and involvement in deviant activities such as drug taking (Reiner 1992, p.219). The way the police responded to these pressures resulted in wide spread criticism fuelled by well publicised disputes between police authorities and chief constables. These were then exacerbated by perceived short comings in police practices in the wake of high profile cases of miscarriages of justice (Rose 1996) which raised concern about the means of controlling and the accountability of the police. This was made the subject of enquiry by a Royal Commission which reported in 1962, finding that although there was a case for central control, a “central/local” partnership was preferred. The move towards more centralisation should therefore have been stemmed by the subsequent legislation, but as will be seen, this was not to be.

The Police Act 1964.

The Police Act, 1964 established a three legged system of responsibility and accountability involving the Home Secretary, the chief constable and a local police authority consisting of members of the Local Authority and magistrates. Put simply, the Home Secretary was responsible for supplying some of the finance and for the strategy and the policy framework of policing; the chief constable was responsible for police operations reporting to the police authority 'ex post facto'; and the police authority had to provide, pay, equip and house the force, give advice and guidance to the chief constable on local problems, appoint, discipline and remove senior officers (subject to the Home Secretary's consent) and foster good relations with the public (Critchley 1967, 1978).

A superficial appraisal suggests that an honest attempt had been made to equalise power amongst the parties. Indeed Reiner (1991, p.249) interpreted the arrangements as Parliament's attempt to create a "transparent stewardship" whereby the police were not immediately controlled but were stewards of the power delegated to them. The safeguard would be that whatever they did would be open to Home Secretary and police authority scrutiny, as representatives of the public. Critchley was more eulogistic. He thought (1967, p. 296) that the 1964 Act had achieved a magnificent purpose: "*out of the prolonged clash and compromise between local and central interests the country now possessed a flexible police structure matched to its current challenges*" but as Secretary to the 1961/2 Commission can be considered to be less than impartial when judging its work. It can be argued that experience of implementation of the arrangements reveals his confidence to be misplaced and that Reiner's criticisms of the arrangements, as noted later, are more appropriate

1983 -1990

The management and control of the police service was not affected by statutes in the same way as the 1988 and 1992 Acts impacted on the education service. The overwhelming influence on the regulatory regime from 1983 was the changed emphasis on the role of managers and the introduction of new management procedures. Legislative emphasis on the police was on the technical aspects of its duties required by the Police and Criminal Evidence Act, 1984 and Public Order Act 1986. These codified the powers of the police to investigate crime and gave safeguards over their exercise and clarified

police powers in another important area, public order: changes which took up much of the service's attention.

The impact of the Conservative Administration's imposition of "managerialism" on public services resulted in very different trajectories fortunes for each depending on the "priority for treatment" adopted by the Government and the willingness of the service to make change. As has already been noted education, as a service, was mainly left to Thatcher's third administration until serious action was taken (two statutes). The police "enjoyed" an earlier priority but maintained something of a privileged status as reform swept through the public sector (Savage et al 1997, p.56). This was because the Conservative Party, whilst regarding itself as the party of law and order, was more concerned about legislation clarifying police procedures than problems of organisation and regulatory change.

"Managerialism" surfaced in the police service in 1983 with the issue of Home Office Circular 114/83 which applied the Government's "Financial Management Initiative". This introduced 'policing by objectives' and 'value for money' disciplines emphasising the need for economy, efficiency, effectiveness, excellence and enterprise in delivering the service but had little immediate impact (Savage & Nash 1994).

Control of the police was, like education, a two-pronged approach by performance indices and by inspection. What happened next is a subject to some contention. The police view, as reported by the two lay HMIs (interviews 1998) from what their police colleagues had told them, was that the senior police ranks initially resisted the imposition of performance indices and managerialism but then, sensing this was a battle they were unlikely to win, adopted the concepts "*as their own and really motored*". However, other commentators suggest a different story. They claim "*a series of unprecedented official investigations into police effectiveness and efficiency evaluated, assessed, measured and quantified virtually every aspect of the organisation.....The Audit Commission, the National Audit Office and the Sheehy Commission established that the police were administered rather than managed and was a mock 'bureaucracy' where the glossy image of managerialism, rather than structures and processes was maintained*" (McLaughlin & Muncie 1996, p.97/98). It cannot be denied that the investigations noted actually took place and the difference in opinion may be explained by the police ability to expunge from its collective memory past events, an ability which is very useful when legislation produces new policing procedures. What can be said is that Baker (in the late 1980s) and

Clarke (in the early 1990s) as Home Secretaries intensified the pressure on the police (Savage et al 1997, p.56) but, with the exception of the recommendations of the Sheehy Report (1993), any controversy did not really enter the public domain and in this, the service was very different from education. What followed was "*a steady tightening of financial and managerial accountability*" (Reiner 1993, p.5) for as more became known of the "achievements" of the service so fallibilities and inefficiencies were uncovered and the demand for more information and improved results intensified, to an extent not known before in the service.

Police work was greatly changed by investigations of the Audit Commission, the body created in 1982 to extend the financial audit function brief formerly held by the District Audit Service to one which promoted the economy, efficiency and effectiveness in the management of local government and public services (Savage et al 1997, p.57). It published some nineteen reports dealing with a wide variety of police duties between 1988 and 1998, peaking at four reports each year in 1990 and 1996. Its impact was not confined to the reports alone. The way it carried out its investigations with a management/financial slant was thought by some to be more searching and "professional" than the modus operandi of the HMIC (interviews 1997/8 with chief constables 'B', 'C', and 'J', Police Authority Chair 'C') and, as will be discussed later, caused the inspectorate to fear for its future and subsequently revise its own methods.

The statutory arrangements for accountability changed twice in the period. The Police and Criminal Evidence Act 1984 (s.106) required police authorities, after consultation with the chief constable as to what is appropriate, to make arrangements to obtain the views of people in the locality on matters concerning area policing and for obtaining their co-operation in crime prevention. This resulted in the establishment of Police Consultative Committees and other "partnerships against crime" later subject to criticism as ill-conceived and poorly executed attempts to divert attention away from the crucial question of the need for local control of policing through the process of democratic accountability and for changing the model of police accountability to stewardship (Hughes 1994, p.255, 260). The Local Government Act 1985 abolished metropolitan authorities and replaced their committees with joint boards, comprised of councillors and magistrates nominated from the metropolitan districts.

A further difficulty was that the financial accounting and, as a consequence, the financial accountability of the police, was undertaken on each force's behalf by the Local

Authority, from whom the force also drew a number of its other services. One result was that the emphasis of the police was on the management of the technical policing, not on costs or working within budgets. Often information on the force's financial results was only given to the chief constable six months after the event (interviews with chief constables 1997/98). Thus, by the end of the 1980s the "struggle" for power and influence had clearly resulted in a situation which was heavily weighted in favour of Central Government. The chief constable was the most powerful participant at local level, supported by the Home Office in most areas of contention, with the police authority judged a very poor "third" in the arrangements when relative power and influence was the consideration.

The 1990s

The police authority position in the tripartite arrangement of management and accountability introduced by the Police Act 1964 is now, in retrospect, seen as very unsatisfactory and was reported as such by all the police authority interviewees during the current study. Their view was that they were the very lesser partners in the arrangement and that, over the years, increasing influence had been exerted by the Home Office or taken by the chief constable (usually with Home Office support in any dispute) to the detriment of the police authority. The latter's view was that they were the local democratically elected accountable body in the arrangement which should have equal or more power than the other two parties. There was no one central organisation which allowed police authorities to meet nationally for the exchange of information and views in the way allowed to chief constables by the Association of Chief Police Officers (ACPO) as described later: the Metropolitan Local Authorities' central association being divorced from the County Local Authorities' central association. Most saw the period as a time whereby there was a very definite move towards central control and one where they were at a severe disadvantage compared with the chief constables when consultation with the Home Office was necessary.

This opinion was duly confirmed by the Audit Commission (1990). It reported: *"The balance has now tilted so far towards the centre that the role of the local authorities in the tripartite structure has been significantly diminished. Accountability is blurred and financial and management incentives are out of step."* Reiner (1991, p.36) supported this view in his critical summary of the outcome of the 1964 Act which contrasted greatly with

the Critchley opinion quoted earlier. Reiner considered that the much vaunted tripartite structure was asymmetrical and that in clashes between police authorities and chief constables or central government, the result was the defeat of the police authority. Often conflict did not surface and was not resolved because the "professional" perspective of the chief constable was accepted. The relationship between the police authorities and the chief constables was clearly unbalanced and this, in Reiner's view, had been blessed by the courts with its doctrine of constabulary independence. This had been used by some chief constables to avoid questions by their police authorities on matters deemed by the former "operational", a categorisation contested by the authority.. The situation was such, in his opinion, that overt nationalisation would ratify and legitimate rather than transform the status quo. Change was again indicated and subsequently introduced by the Police & Magistrates' Courts Act 1994.

This Act changed the composition of the police authority from the 1964 requirements to nine members from the relevant local authorities, five independent members and three magistrates. It gave the police authority the responsibility, with the close co-operation of the chief constable, to develop plans each year which detailed the local policing priorities to be followed and to publish these to the community. It introduced fixed term contracts for chief constables and authorised the Home Secretary to set national objectives for police forces.

The arrangements for funding were also changed. Under the 1994 Act each police authority receive a cash limited grant from the Home Office and are able to impose a precept on local authorities which is met from the revenue support grant, non-domestic rates and council tax. The police authority and the chief constable decide how this finance is to be allocated amongst the elements of the police service and with the Home Office influence over complements and capital expenditure being removed have apparently, as a consequence, much more freedom. However the Home Office has a much greater control than formerly over the total spending of a force. The Act also empowered the Home Secretary to instruct police authorities about measures which should be introduced to improve effectiveness and efficiency and to impose a minimum budget if a force receives an adverse report from the police inspectorate (Newburn & Jones 1996 , p.124- 126).

The Police Act 1996 consolidated the Police Act 1964, the Police & Criminal Evidence Act 1984 Part IX, and the Police & Magistrates' Courts Act 1994 into one, definitive, statutory statement of the structure of police governance as it currently exists.

An official view was that the main objective of these Acts was to establish the tripartite arrangement on a firmer footing with clearer lines of accountability and to provide a framework to enable the service to operate in accordance with modern management principles (HMCIC 1995, p.6). However the initial proposals in the Bill leading to the 1994 Act went much further and revealed a Government wish to take much more power to the centre. The original proposals would have given the Home Secretary the authority to appoint the chairpersons and independent members of police authorities but these proposals were overturned during the Parliamentary debates. Even now, the revised arrangements allow Home Secretary involvement and influence at many stages of the appointment procedure (Reiner 1997, p.1031). Central government thus emerged from this change in a strengthened position (with, at best, some redistribution of influence between the police authority and the chief constable). Despite this, the unsuccessful proposals in the Police Bill are taken as evidence of a central government unquenched desire for even more influence, one which should cause concern to opponents of a national police force.

The emphasis on management systems, procedures and controls intensified in 1992. This increased the power of managers to the detriment of the influence of “professionals”, a consequence inherent in the “managerialism” described earlier in the thesis. The work of the Audit Commission was extended to specify lists of performance indicators which local authorities and public services were required to report annually so tightening central government control by a covert method. By 1993 twenty such indicators had been developed for the police covering five key areas: call management; traffic management; public order management/public reassurance; community policing management; and resources/costs (Weatheritt 1993, p.36). These were in addition to indices which the police had developed for themselves. This contrasts with the position in the education service which, untroubled at this time by the Audit Commission, had “appropriate” indicators developed by its inspectorate, OFSTED. As described later, the police service then decided to tackle the problem of the integrity with which they produced performance measurement and other statistics: an initiative which, on the evidence now available, enjoyed only very limited success.

Thus, in the first five years of the decade, a superabundance of measurements had been produced to the extent that lower ranks, who were (and are) sceptical of the concept of indices, were complaining of “information overload” (Chief Constable ‘J’, Civilian

Officer 'B', Divisional Superintendent 'B', Police Inspectors 'B' & 'C', Sergeant 'F' and Constable 'E', interviews 1998). This also intensified another problem. The police have always been adept at "*telling people what they want to hear*" (Divisional Superintendent 'A', interview 1997) and "*expert in performance statistics' manipulation*" (Chief Constable 'D' interview 1997). The practice of manipulating statistics grew (see Young 1991 for fuller account). As reported by Superintendent 'B' (interview 1998): "*I think what you had was almost institutionalised and accepted massaging of figures.*" This contrasts greatly with the position seen in the education service. Whereas that service was criticised for having little information on outputs and outcomes as described earlier, the police give the impression of always being key information brokers and creators of data and 'facts'. These, unfortunately, are now seen as revealing other than the true position and not being of relevance to the real problems of the day (see comment made on HMCIC reports). The criticism of forces that there is now "*a proliferation of targets*" is such that the HMCIC found it necessary to defend the approach in his report for 1999/2000 (HMCIC 2000, p.2).

The Sheehy Report 1993 was a major influence on the police which recommended, inter alia, a "flattening" of the organisation by the reduction of the number of ranks; evaluation of roles by a simple matrix for pay purposes; introduction of performance appraisal and measurement; changes in sick pay, overtime and public holiday working payments; a removal of tenure of office and the introduction of fixed term service contracts. This united all the police staff representative bodies in opposition and caused such discontent within the service that the Government announced that it would not implement its recommendations. Despite this, examination of the arrangements at the turn of the century suggests that most have now been introduced (Savage et al 1997, p.57). The suspicion is that this was with the connivance of the ACPO group of senior officers who saw the recommendations as giving them further "managerial" freedom and the increased "top down" control they desired (McLaughlin & Murji 1995).

The current accountability arrangements

Accountability for the police service is split between the Home Secretary, and the police authority and chief constable of the force concerned. The Home Secretary, supported by the Home Office, controls most of the financial resources allocated to the service and in setting strategy and advising forces on best methods, exerts considerable

influence. He is accountable to Parliament and, through Members of Parliament, to the electorate. According to a former Home Office Minister who was interviewed the issues which receive the most Ministerial attention are those which are the cause of, or likely to cause, public concern or are the subject of MP's questions.

The chief constable has three strands to her/his accountability. There is a political accountability to the Home Secretary for the achievement of key objectives and compliance with a framework of national policy. There is also a political/management accountability to the police authority for the delivery of local policing services and achieving the objectives of the force strategy and annual policing plan. Lastly, there is legal accountability to the law for the operational decisions on which they assert independence. Thus as Williams (1998) points out, the result is the unusual position of two parts of the accountability being to persons and one part being to a principle. In this they are not unique for the latter accountability is similar to "clinical judgement" in medicine or "academic freedom" in academic circles.

The chief constables' influence cannot be fully understood without some description of the role of ACPO. This is a national body, partially funded by Government, of which all senior police officers (chief, deputy and assistant chief constables) are members and HMIC "ex officio" members. It is a body extensively consulted by Government on policing policy and acts as a very convenient national interface for "explaining" the police to the public. It was initially a negotiating body with Government on Senior Officers' pay and conditions of service but these duties have now been segregated and given to another body formed for the purpose. Whereas members were formerly not bound by ACPO decisions they now agree to conform unless individual representations are made to the President. Savage et al (1997, p.69) are very generous of their treatment of this evolution into "*a corporate and consensual organisation*" and appear to ignore the external threat which arguably was the cause. This voluntary surrender of some of the previous (and still) strongly prized autonomy on police "operational" issues came about, according to a number of the chief constables interviewed, following representations by Hurd (then Home Secretary) that he could do little in negotiations with other countries and the European Union if he was faced with 43 different opinions at home. There was also a realisation that a lack of consensus on policies resulted in the Home Secretary being given *carte blanche*. As a consequence the

chief constables altered their approach and ACPO has since been much more influential in its talks with Government.

Undoubtedly there is a close inter-relatedness of the work of the inspectorate and the ACPO. For example HMCIC's report (1991) drew attention to the work of the ACPO in setting standards for policing and establishing a corporate statement of common purpose and the inspectorate's intention to monitor these in the future. A sceptical view of this closeness suggests it to be more of an alliance when the perceived 'professional' interests are threatened, so allowing a number of occasions and levels for the same response to be given to any proposal for change (for or against). Cope & Goodship (1999, p.11) suggest that this had developed to a stage whereby the inspectorate could be said to have been 'professionally captured' by ACPO, that is under the latter's control to a significant degree. The current position is discussed later.

The middle ranks of police "managers", the superintendents, are represented by the Police Superintendents' Association and the rank and file by the Police Federation. These bodies take part in talks with Government and often express opinions on policing trends to the media but are judged to be less influential than ACPO which, to much of the media and the public, is regarded as "the voice of the police".

The police authority can be said to be responsible ultimately for the delivery of policing services in its local area, within the broad national framework. It is accountable to the community in that it has to make an annual report but, as a non-elected body, the sanctions available to the community, if the authority is not considered to be doing its job, are limited. The local authority representatives are elected as councillors to the local council and nominated by their peer councillors to act as members of the authority. Technically, therefore, they cannot claim to have been "elected" by the community to the position but presumably an elector disaffected by work done on the authority could reflect this in her/his vote at council elections. The independent members and the magistrates have no such links with the community. The Police Authorities' position has been strengthened by the formation of the Association of Police Authorities, which gives authorities the ability to consult other police authorities on a national basis.

The service deliverer's accountability to law is multifaceted. The constable has in-built discretion as discussed earlier. He/she does not adhere mechanically to the rule of law but has discretion limited only by the common law doctrine referred to as "constabulary independence" (see Reiner 1997, p.1008/1034 for fuller account). Chief

Constables are responsible for torts committed by constables (Police Act 1964, s.64) and in serious complaints which allege misconduct the Director of Prosecutions may recommend prosecution. A civil action can be brought for damages in cases of wrongful arrest, trespass or assault. A writ of habeus corpus can be brought for illegal detention and judges have the discretion to exclude evidence obtained in violation of the due process of law. This accountability applies to every member of the force, irrespective of rank.

In theory the police are subject to a strong line management structure (based on its military antecedents) with well documented disciplinary arrangements. Ranks below assistant chief constable are subject to disciplinary proceedings administered by their chief constable [Police Act 1964, s.33(2)e & 33(3)]; chief and assistant chief constables are subject to disciplinary proceedings applied jointly by the Police Authority and the Home Secretary [Police Act 1964, s.5]. These procedures can all involve sanctions which range from warnings as to future conduct to loss of employment. All disciplinary arrangements are open to criticism and the implementation of the procedures in the police is no different, having received a great deal of criticism over the years when officers leave the service under the ill health arrangements and avoid discipline; the length of time taken for the procedures to be completed; and some outcomes of “not guilty” or “no punishment” when the public perception is one of guilt. The more serious complaints and events are investigated by an independent body, the Police Complaints Authority [PACE: s.83], using police seconded for the purpose to conduct the actual investigation but this also is the cause of much complaint on the grounds that an independent, non police investigation is preferable and is rumoured to be an area for future early change.

Financial/managerial accountability is achieved by line management action checked and reinforced by force and police authority audit by the District Audit, ad hoc investigations by the Audit Commission and Home Office audit by the National Audit Office. The forces are inspected regularly by HM Inspectorate whose reports are made available to the Home Secretary, the police authority, the chief constable and to the public. A new development from 1999 is the inspection of police authorities by HMIC on the “value for money” aspects of their work. This was after the period of field research so comment is necessarily limited. However it may well be a development which causes contention on where the line between “value for money” and other aspects of the authority’s work should be drawn. The possibility of conflict cannot be ignored if, as

seems likely, the Police Authority take exception to the inspectorate delving into issues which the Authority believes are none of its concern.

The implementation of these arrangements and their effect in practice is outside the scope of this thesis but it is clear that the accountability arrangements which the inspectorate are supposed to assist are flawed. It can be argued that a link is missing; that of a strong line of accountability from top to bottom of the service i.e. from the Home Secretary to the service deliverer, the Police Constable. A judgement on the arrangements which have applied since the Police & Magistrates' Courts Act 1994 is that the tripartite arrangements are still asymmetrical. Central government is the major influence (although the Home Secretaries of the last Conservative Administrations obviously craved for more) and the Labour Administration to date shows little inclination to make changes, retaining most of what the previous administrations put in place. Chief constables also remain very influential despite having police authority influence on local policing plans imposed on them and voluntarily relinquishing some of their autonomy to decisions of the ACPO.

The service's size and organisation allows the ACPO to represent it in consultation with Government and other regulatory bodies (such as the Audit Commission) and act as the public interface in "explaining" the service to the community although the other police representative bodies, the Federation and Superintendents' Association, would undoubtedly claim this influence is too great compared with their own. The "poor relations" of the arrangements, it can be argued, remain the local police authority which for information depends greatly on the other two parties and which, in the changes to date, has not yet been placed in a position where it can exert a major influence. The judgement from this evidence is that the trend is still towards central control and it is difficult to argue with Reiner's (1991) conclusion that we have, indeed, to all intents and purposes, a 'de facto' national police force.

Summary

This has been a period of rapid transition for the police service. Having come to terms with the changes in the technical aspects of their duties imposed by PACE Act 1984 and the Public Order Act 1986, the late 1980/early 1990s were occupied to a large extent in coping with the managerial changes demanded by the Government's new approach to the public services described in earlier chapters. After initial resistance when little progress was made but where opposition was conducted only in a way that did not register

too strongly with the public (unlike the very public platforms adopted by the education service) and, perhaps, only after intensive examination by outside bodies, the senior officer levels of the service accepted that it was in their own interest to adopt the changed requirements "*as their own*". From then on progress in establishing the new requirements was swift (interview with HMIC 'C' 1998). One succinct description of the change was given by a Home Office Civil Servant 'B' (interview 1998) who said: "*The police now realise it is not enough for them to say they are giving good value for money: they have to prove it.*" Meanwhile the struggle between the parties to have influence, to gain or retain power, which at the very least commenced with the early 19th Century debates leading to the County and Borough Police Act 1856, continues. This then is the environment and the managerial framework within which the inspectorate must work.

CHAPTER EIGHT : CONTEXTUALISING HMIC (2) :THE CHARACTERISTICS OF HER MAJESTY'S INSPECTORATE OF CONSTABULARY

Having analysed the accountability and management framework for the service within which HMIC must work the discussion now turns to the inspectorate and towards a sociology of a group which undoubtedly forms an elite . In answering the question “What is the nature of the species?” this chapter analyses the characteristics of the police inspectorate by examining “the source of recruits”, “the gender makeup”, “the expert/esoteric knowledge involved” and “the training given”. The culture of the inspectorate and the environment in which it works are also examined showing the link with the audit culture and ‘qualitocracy’ now developing in the country. As noted earlier, the police inspectorate is very much a “virgin” area for research and it has experienced and is experiencing a period of considerable change. Much of the information given, analysis and conclusions reached are therefore new with the treatment of lay inspectors; the impact of the Audit Commission; the training given to members of the inspectorate; and the role of the inspectors as “gatekeepers” to the ‘ACPO elite’; being considered especially valuable.

Organisation and Source of Recruits

The Police Inspectorate is a small organisation with headquarters located at the Home Office. England & Wales is now divided into four regions, all of which have a Regional Inspector who is located in a regional office and who inspects a cluster of forces. The regional boundaries have been realigned to match those of the Government Regional Offices and those of the ACPO. This is a change in the year 2000 from the previous arrangements which gave five regions and five regional inspectors. The Regional Inspectors are supported by Staff Officers, between three and five in number, recruited on a secondment basis from the forces. They are also assisted, as a group, by two Assistant Inspectors, new appointments working “from home” but regarded as Headquarters staff, with the initial duties of inspecting “racial issues” (HMCIC 1999d). This contrasts with the position in the Education service where the people who undertake the inspections are, in the main, employed on a casual basis.

At the Home Office, the Chief Inspector (HMCIC) is supported by seven Assistant Inspectors (including the two described earlier) of which five have a background of

non-police work, a Staff Officer and specialist staff including civil servants (HMCIC 1998b, p.1). A full time HMI from a non police background took up appointment in 2000 to oversee police training. The two full time Assistant Inspectors with the police background are recruited from the Forces at Assistant Chief Constable level. Some retire in post, others return to an ACPO position in a force. Staff Officers are chosen from forces and are people of the rank of Inspector or higher. They serve under secondment, given the temporary ranks of Chief Inspector or Superintendent, and, after a tour of duty, often return to a force with that promotion confirmed. This is one of the routes taken by police “high fliers”: some, for example, have served a previous period of secondment with the Home Office. As a consequence, it can be said that both types are very experienced in policing with the Assistant Inspector being well versed in police management and the Staff Officer perhaps less so. The appointment to, or secondment with, the inspectorate was seen as a valuable stepping stone in career terms and an opportunity for the appointee to make their mark. As members of the HMI they considered themselves having an “edge” over their peer group in the Forces and over the people inspected.

The positions of Her Majesty’s Inspectors of Constabulary, as officers of the Crown with the same constitutional status as the school HMIs, are usually not advertised but are appointed by nomination from the pool of very senior police officers. This contrasts with the practice in education where the positions are advertised. The HMI thus form a very influential and powerful occupational elite very close to, but apart from the chief officers of the service who themselves form an exclusive elite. This “apartness” yet “togetherness” can be such as to suggest that in the overall, distinct elite group of the police service the HMI form an inner circle.

Some chiefs make it known informally that they are interested in becoming a HMI but a belief in the field is that many suggest non-interest as a protection of their vanity in case they are not approached. Favoured people are asked, initially informally, if they are interested in being appointed to the position. A recommendation for appointment is then made by the Prime Minister to the Queen with the main influence being the Home Secretary who in turn is influenced by the Director of the Home Office Police Policy Directorate and HMCIC. The positions are seen as either a stepping stone to the very highest positions in the police hierarchy such as the Commissioner or Deputy Commissioner of the Metropolitan Police, or as the pinnacle of an outstanding Police career, the last position before retirement. Social scientists in the past have likened the

positions as a "*House of Lords for the police*", a resting place for Chief Constables after distinguished careers or a convenient escape route for less successful ones (Reiner 1992, p.242/3). This is not the opinion of some current chief constables and their supporting staff, recent appointments are seen as being from amongst the best of the chief constable group. The change was summarised by long serving chief constable 'D' (interview 1998) "*I think the inspectorate now, across the board, are now much, much brighter, more professional, more probing and more demanding than they were. The inspections are painful because we are being inspected by bright people who have a very good overview of what is happening in the country.*"

In 1993 two HMICs were appointed from non police backgrounds. This was explained as being the result of a review by the HMIs in 1992 of the action needed to meet the police reform programme then being formulated by the Home Office. There was a realisation that the existing inspectors had little knowledge of the private sector management practices which were expected to be introduced and it was decided to bring in two senior people from outside industry to advise. HMCIC (interview 1998) suggested that the two men were to be "*the proxy intelligent customers of the Citizens' Charter*" to provide 'public interface' i.e. to provide at first hand "a citizen/user's view" of policing and emerging police policy. As stated earlier, these two men were regarded as very important informants for this research as their industrial management experience gave them a breadth of vision not possessed by the career policeman. Their openness also contrasted with the more "closed" approach of the inspector from a police background who tended to be much more guarded in his comments. This was not a criticism that could be made of the HMCIC and, in consequence his comments and those of the Lay Inspectors might be thought to dominate the findings.

The initial appointments for lay inspectors were for three years and in the words of the Chief Inspector, the appointees were found to have "*the skills to be able to contextualise policy and so were allowed to move into aspects of finance and technology*". This disguised an internal power struggle (as reported by the two appointees when interviewed) and, after initial difficulties when attempts were made by the other HMICs to restrict the area of their personal inspections, they encompassed the full inspection duties of a HMIC. This initial restrictive attitude of the police HMIs is suggested as the first hint of 'professional closure': "if we must have them we will restrict what they do!" The introduction of inspection protocols which gave detailed guidance on

how inspections should be conducted (as described in a later chapter), with the consistency they bring, was claimed by the two people concerned as the major benefit the lay HMICs brought to the efficiency/effectiveness of the inspectorate.

When the time came for re-appointment of the lay inspectors it was decided, contrary to the initial appointees' recommendations, to replace them with two part time appointments, at assistant inspector level, without the Royal Warrant. The retirees reported their opinion that this decision involved a number of retrograde steps. Although it appeared arcane, the Royal Warrant was very much respected in the Police Forces and helped their acceptability by the service. They deemed it an essential aspect of their ability to encompass the full duties of a HMI that they had the same official, statutory duties and responsibilities as the other HMIs. They considered the part time basis to be a step back and queried whether any new appointee would have the time needed to master the more complex aspects of policing. The other change was that the new appointments were not given the assistance of specified Staff Officers as were the initial appointees. Again, the two lay HMICs consider this assistance as essential for an outsider to gain quickly the necessary knowledge of policing. A more "invisible" limitation on the assistant inspector level is that they do not receive "deep security vetting" and, as a consequence, are prevented from looking at some aspects of policing.

By the end of the field research period two appointments at assistant level had been made: one person with experience of local government and the other from private industry. The introduction of lay inspectors and the continuation of the practice with the employment of lay Assistant Inspectors may be interpreted as an "opening up" of the service to the "chill winds" of private sector practice and was regarded by the ex Police Minister (interview 1998) as "*an initiative which gave value for money*". The part time arrangement was said to allow more people and possibly different skills to be employed as and when required. A more sceptical view is that the initial appointments were imposed by the political thought of the day (and not really at the initiative of the service). In 2000, judged to be the first opportunity, the situation was being returned, albeit by an intermediate step, towards a position whereby HMI appointments will again be the sole bailiwick of full time police officers. This could be taken as an outstanding example of "professional closure", where an occupational group restrict entry to, and membership of, a group by one means or another. Such a view follows a belief in the managerial ranks of the provincial forces that the HMIC is politically astute and skilled in the art of "what is

politically possible". The position by April, 2000 was that a specialist trainer from a non police background was shortly to take up duties and there were five Assistant Inspectors from outside the service: two as described above, two to concentrate on race issues as described earlier and one on secondment from the Audit Commission (see later).

The provision of an elite power group with a much more restricted view of inspection compared to the education service inspectorate raises the question as to why 'the Public Choice' critique of bureaucracy (which suggests that bureaucrats work in their self interest which they see as extending their sphere of influence) has not applied in the police service inspectorate to date. Why does this small elite not control a large army of inspectors in the manner of OFSTED and undertake intensive inspection of the street service deliverer?

One reason could be the "we have always done it this way" syndrome, maintaining the military tradition, especially as the political expertise of the police inspectorate has, to date, avoided the confrontation suggested by some (as described earlier) as the cause of the punitive arrangements which now apply in education. Another reason could be the wish of Government not to upset a powerful public service, proven to be useful allies of government in the earlier miners' disputes: a service which might be said to be now under attack from other sections of the community. A further reason could be the difficulty of observing abuse and wrong practice in a street situation (even the Audit Commission did not attempt this in its investigation into "patrol") compared with the same role in the classroom. Another could be in the wish to maintain the 'small group eliteness' of the current arrangements which have great acceptability to senior levels of the service with the attractive career opportunities offered to its top people; the absence of punitive sanctions; and the low inspection intensiveness for the service deliverer (the ordinary constable); and the relatively small cost incurred. It may also be part of the wider "central government regulation" movement which has led to the suggestion that the UK has a de facto national police force. In this, it could be argued that the forces represent a hierarchy which only require the control (and therefore inspection) of chief constables. Under this conception the Regional Inspectors might be likened in their duties to the monitoring and control function of Regional Managing Directors in the private sector. This reasoning, however, may now be history. As is discussed later in the thesis, the inspectorate is to augment its numbers by superintendents seconded from forces to undertake inspections of Basic Command Units (HMCIC 2000, p.61) to give more intensive coverage, a possible

precursor of intensive inspection of all the lower ranks which will require a considerably augmented force of inspectors.

Gender Make Up

All the police HMIs to date have been male. At least one assistant inspector in the past was female and one of the recently appointed part time, lay assistant inspectors is female. In effect, the position of HMIC is very much a male preserve and remains one still to be entered by women as they attempt to achieve promotion to the highest positions in the police service. As there are now a number of women chief constables the possibility of such an appointment is no longer remote and would be a further step in the removal of sexual discrimination in the service. The position contrasts with the Education service where a number of HMIs have been and are women including one previous Chief Inspector.

The Culture

HMIC is a "small, cohesive, elitist" organisation (Hughes et al 1997). The duties are such that the Regional and HMCIC's teams have to work closely together and communication of a high order is essential. HMCIC's staff meet with the Regional Inspectors at a meeting held monthly and are in regular contact with the Regional staff. The HMCIC's staff also have a very close working relationship with the other Home Office Departments, with informal consultation facilitated by their being in the same building. Formal responses to policy proposals are routed via HMCIC. The impression formed from the interviews was of a well motivated team (and sub-teams) who consider themselves to be very influential.

The interview evidence (from the HMIs and longer serving chief constables) was that the individual inspectors prized their autonomy as Officers of the Crown very highly indeed and up to the 1990s each inspector carried out his duties in a way and with an emphasis which he saw fit. Some of this autonomy has been relinquished since the early 1990s with the introduction discussed later of "Inspection Guidance Manuals", "Inspection Protocols" and the acceptance of strategic direction from the HMCIC which details the areas to be inspected and the process to be followed by Regional Inspectors: all areas where they formerly had freedom. This is a change (interviews with chief constables 'F', 'G', 'H' & 'J', Superintendents 'B' & 'C', Inspector 'B' 1997/98) which

could be seen as a defensive mechanism against the inroads of the Audit Commission, thought at the time to be a real threat to the inspectorate's future existence.

The "defence" view was confirmed by the Audit Commission representative (interview 1998) who described the appointment of the current HMCIC: *"The Chief Inspector is a man who knows the Commission well, he is a very good friend of the Commission. He was an adviser to us for a number of years and when he was appointed he said to me, quite amicably and in a matter of fact sort of way, now that I am in charge I am going to steal your thunder. I am going to have my people doing thematic reviews and quite unashamedly. I am going to steal your methodology and put you out of business. I said 'Good luck to you, I welcome the challenge!'"* The approach subsequently adopted, the style of thematic reports (described later), the lack of "solo" Audit Commission involvement in police matters and the increased numbers of "joint reviews" since suggests that HMCIC has enjoyed a measure of success in this intention. This conversational exchange also illustrates the competition for "turf" between different regulatory agencies and the conflict that arises. As will be demonstrated the accommodation reached involved a neutralisation of the threat (the HMCIC staking out his ground for the five years ahead), co-operation between the competing agencies (a number of joint reports or one agency "proof reading" the other agency's reports) and possibly by a "withdrawal" of one, the Audit Commission, when it then appreciated that there were no further "areas of easy pickings" in the police. The co-operation between agencies reached its current pinnacle in HMIC's report "Calling Time on Crime" (HMCIC 2000b) when HMIC, OFSTED, the Audit Commission and the Local Government Association (including use of their logos) are shown as contributors.

The change that the current HMCIC has brought to the inspectorate is described by chief constable 'G' (interview 1998): *"He (HMCIC) has looked at the process. He has set parameters. He has looked again at the timing of inspections. He has looked again at thematics and the benefits of thematics and where they take us..... He has brought to the inspectorate those management principles which I think they need."*

The attraction of the position of HMIC was said by some chief constables interviewed to be two fold. The first is that the position is respected by the police service as being a "special accolade" and therefore the appointment gives a great deal of ego satisfaction. Secondly, the position can be very financially attractive. Undoubtedly appointees regard themselves as applying great expertise at a professional level, as being

very experienced in policing at the highest levels and thus most definitely amongst the cream of the policing service.

Expert/esoteric knowledge involved and training given

Although rank and file policing can be regarded as a “craft” (Holdaway 1983), the view promulgated by the service elite of senior officers is that policing, especially in its higher echelons, is a very complex operation requiring very specialised knowledge and skills. This view emerges regularly when the ‘professionalism’ of the police is being called to account and featured strongly when the question of lay inspectors was being considered, crystallising in the question “*How can anyone, who is not a policeman, comment on the great professional expertise with which the police operate?*” (Interview with lay HMI ‘B’ 1998). In this respect the occupation is a good example of Johnson’s (1972, p.41) dictum on professions “*of the emergence of specialised occupational skills in a differentiated society which, while creating social dependence also create relationships of social distance.*”

It is difficult to quantify the level of expert/esoteric knowledge required in policing and so to decide the levels required by a successful inspector. Undoubtedly the service view of its knowledge/skills is true of some of the aspects but not all. Johnson (1972, p.42) also emphasises that the power relationship existing between practitioner and client may be such as to enable the practitioner to increase social distance and his own autonomy and control over practice by engaging in a process of ‘mystification’. A mystique was undoubtedly attached to law up to the 1980s/1990s which covered all police duties. It was a mystique supported, until the appointment of lay inspectors in 1993, by Government which accepted that only trained and experienced policemen could inspect police forces: an acceptance successfully challenged by the wide range of inspecting duties undertaken by the two appointees and the police work undertaken by the Audit Commission. It is a mystique which rested on the high degree of public support negotiated by the police in the 1950s which has since been eroded, perhaps as police operations became more transparent and which has also been affected by “*the fundamental change in contemporary society*”, labelled variously as ‘late’ or ‘post modernity’, “*the complex set of cultural, social and economic developments which are seen as fundamentally transforming the modern world*” (Reiner 1997, p.1038). The social structure is seen as fragmenting, leading to a much larger “underclass” or “police property group”. As a consequence the ‘mystique’ is

fading and causes the future of the police to be more problematic than it would otherwise have been with possible fragmentation into specialisms accompanied by increased privatisation with the police becoming a more 'mundane' public service (see Reiner 1997, p.1034-39 for fuller discussion).

An analysis of the knowledge and skill required suggests that the HMIC needs to have a good knowledge of the "craft" of policing as practised by the lower ranks. This includes certain aspects of the law, especially the criminal law and "Public Order" and "Road Traffic" Acts. A good knowledge is required of the legislation governing legal processes leading to arrest and subsequent charge and knowledge and skill in the best processes and procedures used to prevent and detect crime: in Public Order situations; in emergencies; and to resolve disputes between individuals which may disturb the peace or lead to criminal acts. In addition the HMIC needs to understand the duties of the police manager, usually an ex craftsman. The knowledge and skills involved include supervisory, leadership and management skills and significant interpersonal skills.

Although it may be dangerous to rely on an "outsider" who may be following a particular agenda (the promotion of the 'lay' as opposed to the 'inside professional'), the response given by lay HMIC 'C' (interview 1998) when asked to articulate these skills was particularly interesting: *"Policing, like most things, is not that complex and someone who comes with a wide experience of other organisations and of handling people - it doesn't matter whether it is business, local government or whatever - can get into that. There are indeed some aspects of policing which are very complex and very professional but most of it is not. As Dr Johnson said 'I may not be able to make a table but damn fine recognise a bad one when I see it' - its that sort of philosophy. So I am in the position that there is no part of policing that I cannot inspect and assess."* This, he thought, was a reflection of the emphasis now being placed on how resources and events were managed rather than on the technical aspects of policing.

On this evidence it might be suggested that to meet the demands of the service in the 21st Century, although a high level experience of policing is required in at least some of the inspectors so that a 'professional' judgement can be made on the more complex technical issues, this must be backed by knowledge and experience of management at a high level in a series of organisations. The recent reduction in the status and employment conditions of the lay element in the inspectorate suggests that this view is not fully accepted by the Home Office/HMCIC. They must believe that either the "policing

techniques” element of the job are much more important than the managerial element, so demanding the continued use of experienced policemen or that the pool of police talent from which selection is now made is better qualified managerially than were the thief takers of the bygone age and can encompass the new management practices. The latter belief is supported by the analysis of qualifications held by provincial force personnel at ACPO level (Table 3):

Table 3 : Analysis of Academic and Professional Qualifications held by Chief Constables, Deputy Chief Constables and Assistant Chief Constables in Provincial Police Forces.

Total Positions : 156	
First Degree	93 (including 25 Law Degrees)
Master's Degree	32
PhD	7
Professional Qualifications:	
Management (inc. MBA)	20
Secretarial	1
Accountancy	1
Personnel	1
Psychology	2

(Source: P & CA 1997.)

The HMICs in 1997 also reflected this image of the modern senior police officer. Of the seven in position five had first degrees including two Law Degrees, three had Masters' degrees and three had a professional qualification in management. Of the two Assistant Inspectors in position one had a Law Degree and a qualification in management. The qualifications of Staff Officers are not shown in the Almanac (P & CA 1997).

Contrasted with the training given to HMIS, little formal training was given to the HMIC on appointment up to the year 2000. During this period the appointee was usually well socialised into police ways by his previous substantial experience in the forces which included a period in command of his own force. It was expected that the new appointee would arrive and take up the reins of office almost immediately with induction limited to discussions with his own staff, the HMCIC and his staff and individually, with the chief constables of the forces in his region. There was then the continuing factor of a Staff

Officer and help (if required) from the central inspectorate staff to ensure that the administrative instructions in force were followed. Within the administration instructions the inspector had a great deal of freedom on how he visualised and implemented his role: a freedom that has been eroded, as already described, when inspectors gave up some of their autonomy in the late 1980s/early 1990s to allow central direction with the adoption of a 'strategic' approach to inspections and inspection protocols.

"Training by integration" was also given to Assistant Inspectors and Staff Officers. They were joining an established organisation after extended socialisation in a force and were expected to become *au fait* with the duties by a mixture of being directed by the HMI, shown/told by existing members of the staff and by "picking up" the job as they went along. This was no different from the usual practice in the private sector where managers are expected to take up the reins without training, with their capacity to do so unquestioned "otherwise they would not have been appointed!"

HMCIC now reports that all new members of his staff "*have the benefit of an induction course*" and attend twice yearly conferences (HMCIC 1999d, p.6).

Costs

Details of the Inspectorate's costs were not recorded in the HMCIC's Annual Report until 1998, the latter being a development possibly in answer to the reported criticism made in a LSE consultancy study (unpublished) for the Home Office that "*there was a lack of transparency of the costs of inspection*" (HMCIC 1998b). In his report for 1998/99 HMCIC reported that the costs of the inspectorate were £5.37 millions (an increase of £100,000 over 1997/98) which represented 0.08% of the total expenditure on policing. This percentage was maintained in 1999/2000 (HMCIC 2000). 37% (1997/98: 52%) of the 1998/99 expenditure was on seconded officers, 35.5% (1997/98: 27.5%) on pay running costs, 18.6% (1997/98: 19.5%) on non-pay running costs with income and capital expenditure being accounted for separately in 1998/99 (HMCIC 1998b, 1999d). The significant differences in the relative percentages between the two years is not explained. By activity, in 1997/98, 57% went to inspections, 17% to "corporate activities", 15% to providing advice, 8% to administration and 3% to the database (HMCIC 1998b, p.1).

These costs can be contrasted with those of the Education service. As noted the latter service is three times larger than the Police service if measured by people employed. 2.7 times larger if measured by overall costs (the comparison being with Central & Local Government expenditure on under five, primary and secondary education) [DfEE 2000. Annex Biii; HMCIC 1999d. p.2) but the costs of the Education inspectorate are twenty times larger than those of the Police inspectorate. Education inspectorate expenditure is 0.61% of education expenditure. police inspectorate expenditure is 0.08% of total police expenditure (comparisons for 1998/99).. The difference is thought to reflect the relative intensiveness of the two systems of inspection (intensive in education, extensive in the police).

Other Duties : HMCIC and Police Governance

In addition to its inspection duties the HMCIC's organisation gives advice to Ministers and Civil Servants on policing matters. A very clear distinction is made between policy and policing. with according to HMCIC, the civil service being very jealous of its role as policy advisers. The HMCIC's organisation acts as professional policing advisers. HMCIC sees the Home Secretary, at least once or more per week and the other Home Office Ministers almost as regularly. When the area under consideration affects policing the inspectorate is called upon for advice, often written. It sees all papers passing through the Home Office Police Directorate and makes comment (interview with HMCIC 1998).

HMIC are part of the vetting arrangements for honours and gallantry awards proposed for members of the police service This is of much longer standing than the recent arrangements for education and the HMCIC looks on it as a significant part of his duties and an important element in the reward system for the service (an importance not yet attained in the education service). As lay HMCIC 'B' saw it (interview 1998): *"The Government service generally is very keen on gongs because, traditionally, it is the only thing you get. The police service is no different. They are an important source of morale. My view is there is a little distortion of priorities - they are an important part of the motivational system but too much attention is paid to them. The police have a bit of a chip on their shoulders because they don't think they get their fair share."* In this the service can be said to have a very "public service" or "militaristic" ethos very different from that of the education service or OFSTED, although this may change with the

approach to “honours as reward and recognition” for the education service adopted by the Labour administration.

HMIC also plays an important role in the promotion process for police officers moving into ACPO positions. This must be regarded as a key function in a hierarchical organisation headed by a distinct elite. Each year relevant personnel are placed into one of three categories by the Inspectorate: ready for promotion now; ready for promotion soon; or not ready for promotion. The individual categorisation is discussed informally as a body by the inspectors at one of their regular monthly meetings, with this topic said by HMIs to take place on an evening, perhaps after dinner (the “smoke filled room” syndrome) when all non inspectors have left. Lay Inspector ‘B’ (interview 1998) described the process: *“There is another session which HMIs have on their own which was looking at the list of potential chief constables where they are given a rating and there is a great deal of discussion around the table. The Regional HMI will say ‘I think ‘x’ ought to go up from S1 to S2 because he has this sort of experience and I saw him and he clearly has get a grip of his function’ and other HMIs who knew ‘x’ would express an opinion. After a while we (the lay HMIs) could make as much contribution as anyone because we were going round the country, not just confined to a region.”*

Positions to be filled are now advertised and HMCIC and his staff assist the Police Directorate in establishing a short list from the applicants. Members of this short list are then seen by the Regional Inspector and a written report compiled which is communicated to the Selection Board of the police authority concerned. The HMI is also on hand to help the authority in its selection task in any way it wishes. According to the chief officers interviewed during the survey a welcome, recent departure is for the contents of the written report to be made known to the individual concerned although there is still some suspicion that the HMI will still influence opinions by verbal comments to the Selection Panel which will never be recorded. The inspectorate’s influence on promotion prospects is well known by those affected. When asked if this influenced his relationships with the HMI, Deputy Chief Constable ‘C’ (interview 1997) said: *“Of course it does. It has got to. All the time I am an aspiring Chief Constable it must. When I am a chief constable, maybe not. It all depends on whether I see another job ahead or this one as the pinnacle of my career. Of course it has an influence - you are not going to say everything in such an open and honest way if you know the individual is going to have an influence to say whether you get on the short list or not which is the power they do have.”* Chief constable

'F' (interview 1998) said: *"I am wary of the inspectorate, they can make or break people's careers. All right, I have got to a stage and a place where it doesn't matter so much but they make and break people's careers because of what they say and some of what they say is not open."*

The HMI involvement was generally welcomed with some reservations by chief constables. A typical comment was: *"They know who is on the circuit. There are a smaller number of inspectors than chief constables and therefore they talk to each other and that may not be in the best interests of equality of opportunities. It might not involve much more than coffee time gossip but they are in possession of an overall picture. Any of us see only a regional pattern of the people we know, sometimes it is just a local pattern. And they can also advise on questions of principle, on Home Office policy. So in the selection of chiefs, deputies and assistants I think they have a role to play."* (Chief constable 'D' interview 1998). Inspectors thus have an influential role as "gatekeepers" to membership of the select police 'elite' which appointment to an ACPO post bestows and, as such, play a significant role in the governance of the police. The education inspectorate has no similar function so far as headships of schools are concerned but, as already described, it has a major role in the selection and training of HMIs in the service, the very different 'elite' group for education.

The HMCIC's office also deals with all requests for international aid co-ordinating the provision of resources from the individual UK forces. British police officers regularly serve under secondment in many parts of the globe.

Each of the Regional Inspectors has a specialist responsibility and sits as an "ex-officio", invited member of the appropriate ACPO Committee. The closeness of inspectors and ACPO is again emphasised and as discussed later the facility is regarded by chief constables and the HMIs as giving opportunities to influence each other. A sceptical view would see these as bonding arrangements for an elite ensuring and allowing a united front to be displayed to outsiders. The danger here is that the HMIC's views may wrongly be subsumed by the views of the serving senior officers giving "regulatee capture" of the inspectorate in terms of Savage et al (1997, p.69/70) as discussed later.

Summary

Unlike the education service, inspections of forces are undertaken by permanent, not casual staff with the inspection teams being better known by the inspected than may

be the case in education. It is also argued that the involvement of the inspectorate in promotion issues adds to the imbalance in power relation between the inspectors and the inspected in the police, a situation which does not arise in education.

The foregoing discussion also emphasises a major difference between the police inspectorate and that of the education service. The HMIC is clearly a *de facto* part of the inner circle of the very distinct police elite. This contrasts with the OFSTED position which, as a matter of policy (interview with former HMCIS 1998), keeps itself very distant from the DfEE and the rest of the educational establishment.

CHAPTER NINE : THE PROCESS OF POLICE INSPECTION

This chapter charts the changes and analyses the methods of the police inspectorate as they evolved in the period after the Police Act 1964 and, from the analysis, critiques the reporting process and the accountability of the inspectors. An evaluation is then given of the assistance the inspectorate gives to the parties concerned in discharging their accountability and of the efficiency of the inspectorate. Much less has been written about the police inspectorate than its education counterpart and as a consequence, a more detailed analysis is given of the inspection methods than in the discussion on the school inspectorate. The description of inspection methods up to and beyond 2000; the analysis of the approach adopted; and the insight given on the relationships engendered between the inspectorate and chief constables and with the Audit Commission have received little publicity and are particularly informative. This proved to be a period of considerable change for the service: one outcome is that some previous research conclusions are challenged. Throughout the chapter a comparison is drawn when appropriate to the arrangements in the education service.

The inspectorate's methods pre 1964

The inspectorate came into being following the Police Act 1856 which empowered the Crown to appoint three inspectors of constabulary to assess the efficiency of all forces except the Metropolitan Police Force (Jefferson & Grimshaw 1984, p.2). Their reports had to be laid before Parliament and a grant of 25% of the amount needed to pay and clothe the men was to be paid to those forces certified by the inspectors as efficient (Critchley 1967, p.115). The first inspectors appointed came from an Army background and the impression gained is that inspections followed Army practice at the highest level and were not very rigorous. One chief constable suggested that HMIC, broadly speaking, was a cosmetic exercise, especially if the inspector was a previous chief of the force concerned (Reiner 1991, p.47). Little is now known of the way the inspectors went about their duties or the basis on which they made their judgements.

The 1964 Act and the inspectorate

By the terms of the 1964 Act the inspectorate continued and the HMCIC was supported by one inspector in each of five regions. The Regional Inspectors inspected 42

of the forces then in being, including the City of London but excluding the Metropolitan Police. The HMIC was given no statutory powers, only statutory duties. This makes their purpose much more specific. Instead of having general powers which they can legitimately apply as they see fit, the legitimacy of what they do is ruled by its appropriateness to the achievement of the statutory duties and in theory influence, not direction or sanctions, is what they bring to bear. These duties were set out in Section 38 of the 1964 Act: to inspect and report on all police forces and their efficiency; to undertake other duties as from time to time the Secretary of State directs; and to make an annual report to Parliament. The 'constructive' side of the inspectorate's work was expanded and included dealing with the problems of co-operation between neighbouring forces; promotion of co-ordinating machinery; and the development of services best handled on the basis of a district as opposed to within a single force

Very little has been written about the way the Inspectors worked; a current HMI ('D' interview 1998) described the inspection of those days as "*very much a black art*". It is a matter of speculation why this should be compared, for example, to the amount written and known about school inspection, including accounts of their experiences by former HMIs. The opinion in the mid 1990s when this research commenced was that the police were very "closed" organisations which did not welcome an outsider's intrusion. Although experience of undertaking the study belies this opinion the impression gained is that this does represent a conscious change in approach from that of earlier decades when, it is suspected, the ruling thought was that it was better if the public did not know too much about the inner workings of the police. A sceptical view might claim that this previous lack of transparency helped the police maintain its mystique and aura of legitimacy.

Three long serving officers interviewed in the current research had recollections of their early days "*I remember the old type inspections vaguely. I didn't know what it was all about but we were all sat in a big room and they opened all the books. And we have some marvellous photographs of HMI looking at a Frogman. He's got all his kit on - a mask and all that stuff. As though the inspector knows the difference between a good Frogman and a bad Frogman! They really are classics, people with bikes, polished cars and all the rest of it.*" (Interview chief constable 'J' 1998). "*My first inspection was when I was a cadet. We all had to gather on a Sunday - that day was picked to get the majority of us there - and we were all drawn up and inspected, Army style*" (Interview constable

‘D’ 1998). *“It was like the Gestapo coming in. Everybody was jumping around, the building was all cleaned up and there was a definite culture. You were very careful of what you said - it was very military based. Mostly only managers would talk to HMIs because there was a culture of we mustn’t say anything wrong because we will be blown out of the water.”* (Interview Inspector ‘C’ 1998).

The veil of secrecy was lifted a little when the then HMCIC gave evidence to a Royal Commission in 1979. He amplified the Section 38 duties and described a very close circle of working arrangements with colleagues of the Home Office Police Directorates at both formal and informal discussions. According to his evidence the HMCIC carried out an annual inspection of every force and advised the Secretary of State on discipline, appeals, awards for gallantry, administration and finance (Royal Commission 1981).

With the Government’s application of its “Financial Management Initiative” to the police service in 1983 the inspectorate’s annual inspection of each force was enhanced and it was given the role of examining forces for ‘value for money’ achieved and management philosophy adopted. Its revised role was to inspect and report to the Secretary of State on the efficiency of all police forces: to certify forces for efficiency on which an Exchequer Grant of 51% of expenditure depended; to carry out such other duties for furthering police efficiency as the Secretary of State may from time to time direct; to convey policy concerns to forces and police service views back to the Home Office; and identify and disseminate good policing practice (Weatheritt 1993, p.29). The end result was that the inspectorate thereafter adopted a more assertive and demanding approach in their annual inspections (Leishman & Savage 1993, p.29).

The development of the inspection process in the 1990s

As already described there is no one “watershed” date from which the police arrangements can be said to have changed as there was in education. The change which commenced in the early 1980s continued and accelerated in the 1990s as the higher echelons of the service decided to take ownership of central Government requirements for the management of the service and the development of performance indices. In this the inspectorate played a major role, undoubtedly influenced by the work of the Audit Commission as described later. In his report for 1990 the then HMCIC set out the aims of the inspectorate:

1. *To provide effective and reliable assurance on the quality and efficiency of policing throughout England and Wales to the Home Secretary, police authorities, chief police officers and members of the public.*
2. *To provide a respected and confidential source of advice to chief constables throughout England and Wales and to promote positive change in the Police Service.*
3. *To provide early warning of trends in major issues concerning the police.*
4. *To act as the focus for the career development of the future senior managers of the Police Service.*

He also gave an indication of how the inspectorate exercised influence. He noted that good practice, as observed during the inspection of individual forces, was circulated to Chief Officers nationally through the HMIC's "Directory of Good Practice" which, by 1990, covered 150 items over a wide range of activities (HMCIC 1991).

The "veil of secrecy", said to cloud the inspectorate's operations, was partly lifted from 1990 when, as part of the Conservative Administration's "Citizen's Charter" initiative, the inspection reports on individual forces were published. These gave more information on the nature of inspections. An analysis of various Regional Inspectors' reports of the period indicates that from 1990 there were two types of inspection: the "Primary" inspection which attempted to be a comprehensive, in depth review of the total force; and the "Intermediate" inspection designed to look at specific aspects in depth. In 1994 the approach was again amended to give three main types of inspection: the "Primary", undertaken every three years, a full inspection of the force; the "Performance Review", undertaken every year, which concentrated on force policing plans and adequacy of the force structure; and the "Thematic" inspection, an ad hoc inspection which concentrated on specific aspects across a number of forces. Interviewees from forces suggested that the differentiation between "Primary" and "Performance Review" inspections did not work in practice. A lack of discipline in the inspectors in confining themselves to given issues resulted in the "Performance Review" covering wider and wider areas of police work and grew to be very similar to the "Primary Inspection". A feeling of being "over inspected" was generated in the forces (interviews with chief

constables 'B', 'D' and 'E' 1997/8). At this stage the inspectors were still exercising their autonomy on where the emphases were placed in their inspections.

The Chief Inspector's report for 1990 (HMCIC 1991) drew attention to the work of ACPO in setting standards for policing and establishing a corporate statement of common purpose. He said that the inspectorate would evaluate and assess the commitment of forces to this strategy including their plans for implementation and the effect of resources devoted to the strategy. In September, 1991 guidelines were issued to Chief Officers on the way the ACPO's strategic document would be evaluated giving some 45 performance indices, some of which were subdivided. In February, 1992 guidance was issued on police organisation dealing specifically with Basic Control Units (BCUs) [HMCIC 1994].

HMIC issued a revised "Directory of Good Practice" in late 1993 and a comprehensive set of performance indicators was introduced. The guidance manual for inspections was reissued in the same year and the inspection extended to cover local Policing Plans and progress with the Home Secretary's annual key objectives by the provisions of the P&MC Act 1994. The new guidance was more detailed than its predecessors, with the requirements more clearly articulated. This commenced the process whereby some consistency and more validity and reliability was brought into inspections across the forces, curtailing the previous discretion of the inspector and, as a by-product, injecting more centralisation into the system. However the individual judgement of the inspector was still required and the process continued to be capable of criticism from those seeking a more academic or scientific approach. At some stage after 1993 the practice of issuing the "Directory of Good Practice" was discontinued. From 1994 the inspectorate took over the responsibility for the inspection of the Metropolitan Police Force.

"Managerialism" gained further enhancement with O'Dowd's appointment as HMCIC in 1996. For the first time a strategic management approach concentrating on the strategy needed to achieve specified objectives was adopted by the inspectorate, one which detailed the areas of work to be encompassed in the following five years. The use of performance indices was intensified and new protocols for the inspection process were developed. This was married to the consensual approach adopted by chief constables and their association, the ACPO, described elsewhere in the thesis, which gave the inspectorate and the Home Office even more influence over forces throughout the country.

By 1999 central government was extremely influential leaving chief constables (to a lesser extent) and police authorities (to a major extent) in subordinate positions.

The further revision of the "Performance Review Inspection Guidance Manual", described later in this chapter, was issued in April, 1997 and concentrated on "*protocols*" which "*constituted the heart of the inspection process covering the principal areas of service delivery*". These consisted of detailed instructions on how the inspection should be carried out. They standardised the approach to be adopted by the inspectors and were a further curtailment of the inspectors' ability to inspect areas as he saw fit. However, as in any inspection process, the emphasis given and the assessment which followed (still involving judgement) remained the inspector's prerogative. The establishment of protocols gave considerable power to their author, the HMCIC, who for the first time, was able to exert much more control over the actual methods employed by the inspectors and so aided to process of "managerialisation".

A comprehensive review of the regime was conducted by the new HMCIC in 1996/97 and would have resulted in a new "Inspection Guidance Manual" being introduced in April, 1998 but this was postponed in face of the Labour Administration's Comprehensive Spending Review which, at the time, was thought might have a great impact on the Inspectorate. The new proposed manual was even more "performance indicator orientated" and placed greater emphasis on "thematic" inspections of particular aspects across a range of forces as the preferred way ahead: a change, seen as the implementation of HMCIC's stated intention to steal the clothes of the Audit Commission. Again the specified requirements become more detailed, further reducing the individual inspector's freedom of approach to the inspection process and again resulting in a reduction in personal autonomy enjoyed pre 1990, giving the centre more influence.

The impression gained from interviewing serving police officers was that up to 1993 the HMIs were autonomous in the way they conducted inspections and this resulted in marked variations taking one inspector with another. This raised very serious questions on the validity, reliability and consistency of inspections. Lay HMI 'C' (interview 1988) summarised the position as he found it on appointment in 1993 and since as follows: "*We didn't have inspection protocols then. It takes you back to independence, accountability and all those other big words. HMIs interpreted this initially and right up to my time (1993) as meaning they had independence, not only in terms of the judgements they made*

but also in what they considered was important and what standards should apply, what areas should be looked at, in what depth and also generally how the inspection should be conducted. And so, as you went around, you found officers working in totally different ways. You have some fairly strong personalities too. Your traditional HMI thought he was answerable to no one except perhaps God, and even God might have to move over sometimes. So tell them how to run their office? Who are you to do that? They are people with very big reputations.”

His judgement was confirmed by lay HMI ‘B’ (interview 1998): *“Oh yes there have been tremendous difficulties (in the way HMI carried out their duties). They didn’t realise until we came aboard with our national remit. We worked with all the Regional Inspectors, we showed up what the differences were and a lot of the work my colleague did bringing together more consistent reporting, resulted in a more consistent pattern of inspection”*. When asked why the HMCIC would not be aware of these inconsistencies, he said: *“Because his previous existence would be as a chief constable. Chief constables then and certainly now are very locally based - so they are aware of what the inspector did to them. When he became a HMI he would have inspected a number of forces and may, but not necessarily, become aware that perhaps he was doing it in a way which was different to the way the previous inspector had inspected those forces. When he becomes HMCIC he has still not seen how others inspect. My colleague and I were the first people to see what happened nationally and be able to draw detailed comparisons between different inspectors and how they inspected. We were able to put some consistencies there which were helpful. But there are still some differences now - there will be some inspectors who are hot on one aspect of policy and others less so.”* HMCIC acted on this information and introduced the detailed inspection ‘protocols’ described later to remove some of the inconsistencies but, as indicated by the lay HMI’s last remark, it is clear that judgement and emphasis still remain as the individual inspector’s prerogative.

Twenty three forces were inspected in the year to March, 2000 which resulted in 132 recommendations. Of these 95% have been accepted by the forces concerned of which 59% are noted as having been fully implemented and 41% partially achieved (HMCIC 2000: 16). These statistics vividly illustrate the influence the inspectorate has on the service.

Constructing the Method of Inspection

The inspection methods used from April 1997 to April 2000 are covered in some detail here as they throw considerable light on processes not greatly publicised in the past. Although the emphases on what is inspected after April, 2000 will change it is unlikely that the method of implementation will vary greatly from the practice detailed here. This was governed by the "Performance Review Inspection Guidance Manual" issued by HMCIC in April, 1997. This sets out the HMIC principles for the inspection of forces; the framework for performance review inspections and guidance on the conduct of inspection; and the performance criteria to be used in examining force performance. The principles for the inspection emphasise the formal purpose of the inspection "to discharge HM Inspectors' statutory duty to report to the Home Secretary on the efficiency and effectiveness of forces". They also stress the underlying aim "to support chief constables in improving the quality of policing services to the public and in raising the professional standards of officers and staff". The independent assessment of the quality and standards of the force given by the published inspection reports to inform the Home Secretary, the chief constable, the police authority, the local community and the public at large is also noted.

The manual calls for HMIC and their staff "to carry out their work with professionalism, integrity and courtesy, causing the minimum of disruption to the policing task; to evaluate performance objectively; to report honestly and fairly; to communicate clearly and frankly; and to respect the confidentiality of personal information received during the inspection." It emphasises that the inspection process depends on the quality of the evidence gathered and calls for judgements which are:

- "objective" - based on sound and sufficient evidence and informed by specified quantitative and qualitative indicators;*
- "reliable" - based on consistent evaluation using the performance criteria in the inspection manual, and the documentation and data provided;*
- "sustainable" - draws upon initiatives or practice which have either stood the test of time or, in appropriate cases, been subject to successful evaluation;*
- "valid" - in that they accurately reflect the performance of the force;*
- "comprehensive" - in that they cover those aspects of force performance set out in the inspection protocols; and*

“corporate” - in that conclusions reflect the overall view of the inspection team and are consistent with HMIC standards.

(HMIC, 1997b: para.2.9)

The procedure signalled here can be seen to follow the “what works/ evidence led” policy and practice which is a major feature of Labour’s “Modernising government” project (Goldblatt & Lewis 1998) and which now is “de rigeur” for regulation in the public sector. Undoubtedly there are many benefits from a performance indicator driven, evidence led approach in policy making which ensures policies are based on facts not just opinions and allows the effectiveness of action to be checked.

For the police service it places a considerable burden on the inspector who presumably, can now be asked to justify his judgements in a very detailed way compared to the previous possible response: “That’s my judgement!”. It also places a great deal of power in the hands of the centre being the people who will be called upon to adjudicate if any particular force raises a complaint. It is difficult for the outsider not to be sceptical when faced with fine words such as these. One can only say: “Yes, of course!” but are they really written as a reminder to inspectors of the principles they should bear in mind when inspecting and as assurance to the forces that these are the principles which will apply? Or is it a “defence” document, to avoid or repulse any attack on methods and processes that may be made in the future or, even more sceptically, the kind of words expected these days from a “managerialised” public sector organisation but which, in practice, have little impact on day to day behaviour? Field research in 1997 and early 1998 did not allow the necessary evidence for judgements to be made on arrangements only introduced in April, 1997.

The manual then (para. 2.10/2.11) uses further “fine words” in underlining the ‘search for improvement’ (*“to develop the force and promote continuous improvement to the highest point commensurate with the efficient utilisation of resources”*) and the importance of all judgements made to be evidence based. This latter point illustrates the police fixation with “evidence” and by evidence they mean the type of information equivalent to that now required across the criminal justice system. As discussed in relation to inspection in education the aim appears to be a search for accuracy which is not only spurious but very expensive. An omission, thought crucial by the researcher, is that at no stage does “accuracy good enough for the purpose” appear to enter into the considerations (although the words appear in relation to data provided by the force pre inspection) and

the suspicion must be that “grey areas” are not brought to light and discussed because the evidence is not considered “hard” enough. The final requirement is that judgements should be capable of ‘audit’ (para.2.13). Here, the suspicion is that as Power (1995, p. 18) suggests, *“the audit process is serving public accountability not by contributing to transparency and dialogue but by giving an abbreviated account, a certificate, which signals comfort”*.

The manual then details the five stages of the process. Stage 1 is the information gathering stage when the force supplies a number of specified key documents and the chief officer provides a brief written commentary on the progress made with previous inspection recommendations, operational issues affecting the force, and any items of good practice and value for money initiatives undertaken by the force since the last inspection. This task involves considerable work for the force and adds to the hidden costs of the process. It is justified as providing a proper base for inspection provided the charge of “over inspection” mentioned earlier is not proven, otherwise it is unduly onerous. A letter is also sent to other statutory and voluntary agencies ranging from the Chairman of the police authority, through bodies such as the Local Government Departments, Crown Prosecution Service and the like, to local racial equality groups, local MPs and a formal notice to staff, all inviting comments on relationships and force performance.

Stage 2 of the process is the enhanced analysis of performance. Here the lead staff officer examines the documents received from the force, the chief constable’s commentary and any responses from the agencies whilst the inspection support manager undertakes a statistical analysis of the statistical data available, assessing force performance against trends and against national and family group comparators. They then compile a briefing document which provides the framework for the briefing meeting which is Stage 3.

The briefing document is presented by the lead staff officer at the inspection team briefing meeting, chaired by the HMI. The document and the subsequent discussion determines the focus of the inspection and the size and composition of the inspection team and the timetable and agenda to be followed. The lead staff officer then liaises with the force and arranges the timetable, may give the force a copy of the statistical analysis, and seeks any clarifying information required. This process has been increasingly systematised and ensures that the inspection team possess the information they need to undertake a

rigorous inspection one, from the force viewpoint, which is much more demanding and allows a increased degree of intervention by the inspectors.

Stage 4 is the inspection proper. The HMI is expected to lead the inspection and see all the Chief Officers personally and meet the Police Authority at some stage in the programme: other interviews will be as allocated to team members. There is a daily debriefing at the end of each day with team members providing the lead staff officer with brief summaries of evidence. The HMI decides any changes in priorities resulting from these sessions. At the end of the formal programme the HMI provides a feedback to the chief constable and the police authority. Chief constable 'D' (interview 1998) spoke of the negotiating element in this meeting when he tried to influence the final report, not always with success. Much here depends on the personalities of the players and the "baggage" they bring to the encounter. The whole team then meets within three days after the inspection and in a debriefing session chaired by the senior inspector, confirm the final conclusions and recommendations arising from the inspection and agree the content of the report.

Stage 5 is the Inspection Report. The lead staff officer is responsible for the initial drafting of the report for the consideration of the HMI. A draft copy of the report is then sent to the chief officer and the clerk of the police authority for comments on factual accuracy. Once these have been received the HMI agrees amendments, the lead staff officer completes the report. After consultation with the Home Secretary's private office the report is published. Although the manual is not explicit as to why this consultation is necessary Section 21 of the P&MC Act 1994 authorises the Home Secretary to edit reports if the content is thought to jeopardise national security or the safety of any individual and contrasts with the position in education where only the HMIs are allowed to amend reports. The report is expected to be published within a maximum of nine weeks from the end of the formal inspection.

This review of the process suggests that it only facilitates a rigorous examination of force management practices as a detailed inspection is not, as yet, undertaken on BCUs or the individual constable, unlike the OFSTED practice in education. Despite this, a marked degree of intervention by the centre is possible on force practices. Inspection can thus be judged to make possible effective influence, control and regulation by the centre. Whether this is achieved in practice is very much a product of the personalities, histories

and judgements of the individuals involved and could be extended if the lower levels of the organisation were rigorously inspected and the possibility of this is discussed later.

The inspection manual then details the protocols under which judgements will be made and gives a diagnostic model for each which directs that stated key questions be posed in each area. The areas (with the number of key questions in each given in brackets) are “planning and performance review” (24), “call management” (54), “crime management” (111), “traffic management” (62), “public order management” (82), “police and community relation/ partnership” (69) and “management of financial and human resources” (74).. Each major area is divided into sub-areas. For example the “planning” area is divided into “planning process” (6 questions), “consultation” (6), “scope and coverage” (5), “partnership” (3) and “monitoring performance” (4). Examples of key questions are: *“Is there a clear statement of force mission and values?”*; *“How effectively was public consultation carried out through PCCG meetings and other representative groups?”*; *“Is the concept of partnership integral to meeting the objectives in the plans?”*; and *“How effective are the processes adopted for reviewing performance on a regular basis?”* A total of some 476 key decisions are thus required involving a number of “sub judgements” before a final assessment can be given. This suggests that the police inspector’s position is equally as judgmental as the school inspector, given Maw’s estimate of the judgements the latter has to make as noted earlier in the thesis. This arouses suspicion that the process is not, in any way, more valid, reliable or consistent than school inspection and yet, because of the “comfort” of its relationship it does not face opposition from the police service on these grounds.

The interface of the inspectors with the officers who actually deliver the service, face to face with the public, is usually restricted to group discussions with a number of officers brought together specially for the purpose although unusually, there were some reports of inspectors riding in traffic vehicles. The group discussions, from comments made at the interviews, were good examples of the varying agendas people can have in set piece, interpersonal exchanges. Practices differ, but in some forces it is usual for a senior police officer of the force to be present. When questioned the senior officers concerned could see very little wrong with their presence and did not, in any way, consider that it stultified discussion. The benefit, they said, was that they could immediately correct any misapprehensions created in the mind of the Inspector by the “other ranks” comments. Conversely the “other ranks” concerned all said that on these occasions they were very

wary and guarded in what they said. It was an occasion judged as “risky” and one to escape without creating trouble for oneself or the force. Despite this HMI ‘B’ confessed to be astounded by the frankness of some critical comment made on these occasions. Here the people concerned were usually of long service and at Sergeant level, and the attitude seemed to be “I have taken this through channels and got nowhere so now I will try you!” Those of Police Inspector rank often saw themselves trapped between the games the Chief Officer and the HMI were playing with each other and as being the foil whereby each scored points off the other. The benefit the HMI obtained from these interchanges must, therefore, be of variable quality and the comprehensive nature of the inspection questioned because of a lack of observation of “the constable in action.”

The contrast with the education service is great. In the police, despite the changes which have made it more rigorous and focused, it remains an inspection of forces and not individuals within it. The impact on the individual is in direct proportion to their position in the organisation resulting in minimal impact on the public interface deliverer. In education the impact of the OFSTED inspection is extremely intensive and stressful on the “chalk face” deliverer. The police process is a non punitive system compared with the system in the education service where teachers can lose their jobs and schools be closed. Standards appear to be applied with reasonableness, taking into account known difficulties. In education inspection standards are judged by some of those inspected to be applied against a doctrine of perfection: 100% efficiency being demanded 100% of the time in teacher and school performance. The end product is that the police service appears comfortable with its inspection regime, the education service very much less so.

Inspection after April, 2000

Changes are signalled for implementation from April, 2000. A new statement of purpose for the inspectorate was published in HMCIC’s report for 1998/99 which was then amended in the 1999/2000 report *“to promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland through thorough inspection of police organisations and functions to ensure agreed standards are achieved and maintained; good practice is spread; and performance is improved. Also to provide advice and support to the tripartite partners and play an important role in the development of future leaders.”* (HMCIC 2000a, p.viii). In a separate statement the inspectorate’s values were described *“We will fulfil our remit in a professional, objective and impartial manner. We*

will be firm but constructive and communicate clearly and frankly. We will approach our tasks with the utmost integrity and respect the personal confidentiality of discussions held during the course of inspections.” It is a matter of conjecture whether the changes in the words used between the 1999 and 2000 reports are significant or just HMCIC responding to the tyranny of needing new words for yet another annual report. Northern Ireland has been added to the area of responsibility and more words have been added. “*Inspection*” has been qualified by specifying that it is of “*police organisations and functions*” and the aim has been spelled out in the five factors described whereas the 1999 version was silent on these points. The statement of values amplifies the “*maintaining independence and the highest professional standards*” given in the 1999 version (HMCIC 1999d: vi; 2000a: viii). To the outsider the aim of “achieving and maintaining agreed standards” is public recognition of the managerialist approach where everything is measured and targets set in addition to making it quite clear that the inspectorate accept this specific role from those suggested by Winch. The inclusion of “respect of confidentiality” in a public document has never been thought necessary before (although it appears in the 1997 Inspection Protocol document) and could arouse suspicion that some failure in this area has motivated its inclusion.

Further change was signalled in the 1999 Report on the approach to inspections: “*HMIC is currently developing a standards based diagnostic model for inspection which is underpinned by the rationale of risk assessment - this will lead to a tighter focus on areas of vulnerability in forces. Some forces will not be visited so regularly but, as a safeguard, no force will remain uninspected for more than three years*” (HMCIC 1999d, p.viii). The 2000 Report noted that this was to be introduced from April, 2000 and that the model “*would help target inspection to the areas of greatest need and throw the inspection spotlight on results*” and “*focus attention where it is really necessary*” (HMCIC 2000a, p.6, 61). The intention was to analyse, assess and score forces’ performance against a number of protocols (statements of good practice in operational and organisational activities). Differentiated inspection was to be introduced: the high performers would not be inspected; the low performers would be inspected rigorously. This suggests that even more emphasis will be placed in the future on performance indicators to identify those areas of policing where it is considered (by the centre) that the risk of things going wrong is high. From one view this is a welcome development if it means that only the important areas of policing are to be under scrutiny instead of all areas

being given the same priority as in the past. However, another view can see it as the method by which the centre increases its ability to direct a force to focus in certain areas which, of course, may not conform to the priorities seen at local level. .

The inspectorate is currently developing a model for the inspection of Basic Command Units (BCUs) to be introduced from April, 2001. It is intended that every BCU will be inspected over a five year period (HMCIC 2000a, p.6). Performance data is to be gathered on a BCU basis as *“comparison of BCUs of different forces provides a more realistic comparison from which the whole service can learn best practice”* (HMCIC 1999d, p.8, 27). It does, however, appear that the inspection will be of Divisional Commanders (similar to the way previous inspection was one of the chief constable) rather than an intensive inspection of operations at this level including the work of the police constable. The HMCIC (2000a, p.6) introduces it with the words *“Good leadership at superintendent level plays a key role in delivering results. I hope BCU commanders will benefit from the process.”* This is rather less activity at BCU level than indicated in the Travis (2000) report which suggested “OFSTED style inspections” (which, of course, are very intensive on the lowest level service deliverer). The actual inspections will be conducted by superintendents seconded from forces on a short term basis.

It is also the intention to introduce a joint activity by the non-police Assistant Inspectors and the District Auditors who will form teams to examine the evolution and production of community safety plans under the Crime & Disorder Act at BCU level. 370 BCUs are to be visited over the next three years with the Assistant Inspectors “dip sampling” over a number of visits. Efficiency plans are also included in the annual local policing plans and these were “assessed” by the inspectorate in 1999/2000 and all forces had achieved the 2% year on year efficiency gain required by Government targets for the year (HMCIC 2000a: 20). The need to audit these plans is now an ongoing responsibility of the inspectorate.

The inspectorate must also audit and inspect “Best Value” in police forces following the Local Government Act 1999. This involves activity analysis linking the deployment of resources to the achievement of performance outcomes to produce activity costings and create benchmark data for the purpose of comparison. The aim is to measure the input of resources against measurable outcomes by developing a comparative statistical model which will link the overall cost of policing in each force to a basket of

performance indicators. The model will then be used to determine the relative efficiency of each police authority and force (HMCIC 2000a, p.47/48). Underpinning this work is the Government's "Best Value" target for public services which requires each "Best Value" authority to reach the performance levels within five years of the top achieving 25% of authorities in the base year (Audit Commission 2000, p.5).

The HMCIC (2000a, p.61) summarises the changes thus: "*Up to now inspection has tended to cover all areas of policing activity, delivering a stock service regardless of performance. The new way of working will allow us to reduce the burden on forces, target our activity more effectively and optimise our resources.*" However, the continued lack of effective inspection of the police constable must leave the inspectorate open to criticism although its absence, despite contrary publicity, suggests that effective intensive inspection at this level may be impossible anyway.

The Reporting Process

As already noted there has been a requirement since 1990 for the reports on the inspection of individual forces to be published. All reports are published by the HMCIC's office and now appear on the Internet (web site www.homeoffice.gov.uk/hmic).

"Thematic reports" published after specific areas of policing have been examined in depth across a number of forces have been an increasing factor since 1998 and will feature more strongly in the approach from 2000 (HMCIC interview 1998; and report 2000a, p.54). These are also published on the Internet, but are otherwise only available "on request" and as the Internet still has relatively limited use (and this particular web site is not well publicised) the result could be information less easily available to the public domain. HMCIC submits a report to Parliament each year based on the evidence revealed by force inspections and this is also published.

Force Inspection Reports

In this part of the research the reports of the inspections of seven forces were reviewed, covering four of the seven inspection regions, for the years 1991 - 1995 as available. The sizes of these forces were amongst the large, medium and small sized organisations and, in this respect, could be considered representative of forces in England and Wales.

Inspection reports now have the following structure:

An Executive Summary.

Introduction - detailing the inspection methodology, the inspection team, background to the force/policing environment, and detailing major changes to the force, problems experienced over the past year.

Strategy and Planning - focusing on the planning process, consultation, scope and coverage of plans, and monitoring of performance against objectives and targets.

Analysis of performance - subdivided into key service areas, a brief overview of performance, both good and bad. Recommendations and clear advice is given.

Performance Data - a range of performance data, with commentary, is given in accordance with the predetermined format.

Additional Issues - a description of any additional issues which merit inclusion in the report.

Summary of Recommendations.

An analysis of a sample of reports gives the impression of thorough inspection within the limited scope already described (there being little direct observation of the constable "at work"). According to HMCIC and other HMIs the inspections follow the priorities as indicated by the Home Secretary's annual objectives or others as sign posted in the previous year's HMCIC's Annual Report. This is confirmed by the evidence of the published reports. HMCIC's influence has become increasingly overt in very recent years with the adoption of a more systematic approach to inspection through the adoption of "guidance manuals" and "inspection protocols" as already described.

The recommendations made represent a considerable workload for the force concerned. A wide range of issues is covered, often involving organisation and culture change and strategic planning in addition to operational issues. Each report gives details of the progress against the recommendations made following the previous inspection. Recommendations not actioned are subject to special explanation or increasingly stronger language is used in their iteration, usually over no more than three years. As in HMCIC's reports the language used is such as to emphasise the "chief constable's autonomy" and the outwardly "advisory nature" of the inspectorate and contrasts greatly with the

OFSTED approach. Thus phrases such as "*Organisations should be reviewed....*", "*Consideration should be given....*", "*Attention should be given...*" are used.

HMI 'B' summarised the situation (interview 1998): "*Yes, there are a series of codes which are used. So there will be things in there 'It is noted that the force plan to do.....' or 'The force is commended for thinking about.....' and the code means 'Right you said you were going to do it. if we come back and check, either at the six months' mark or in twelve months' time, then we will crucify you.' Then we will say 'It is unfortunate that the force having committed itself, hasn't delivered' and so on. When you read those reports knowledgeably there are actually some very brutal things in there but they are perceived by the service and not necessarily perceived outside that.*"

The reports are found in some public libraries in the force area but practice differs greatly. Some libraries have the reports for the past few years on open view; others retain the last report only; others keep the documents in a store room and allow reference only "by special request." The documents are thought to be influential and of interest to those intimately concerned with policing in an area and to pressure groups but not to many others. It is doubtful if they are referred to by many members of the general public whose knowledge of them is usually limited to those elements thought worthy of comment by the local press.

Thematic Reports

Fifteen thematic reports have been published since 1997. Each report generates between seven and twenty five recommendations; produces a checklist for use as a force management aid; and gives hundreds of examples of good practice. As thematic reports were seen to be important in illustrating the future approach and the "borrowing" of Audit Commission methods, five were analysed for this section of the thesis: "*Winning the race. Policing Plural Communities*" (1997); "*Beating Crime*" (1998); "*Winning the race. Policing Plural Communities Revisited*" (1999); "*Police Integrity*" (1999); and "*Managing Learning*" (1999). These reports were also compared with the first Audit Commission's report on policing (1988) so that conclusions and influence on content and layout could be determined.

The practice of issuing "general" reports, covering one policing aspect, is of some years' standing but the reports now issued are very different to their predecessors reflecting the influence of the Audit Commission's approach. The current content and

layout is very close to the style adopted by the Audit Commission's (1988) report "Administrative Support for Operational Police Officers" and other reports since. Current thematic reports adopt the Audit Commission's approach of having a "catchy", often "punning" title; make ample use of diagrams such as pie charts; show recommendations in diagrammatic form; bring key phrases out of the text and highlight them in separate "boxes"; and highlight good practice. Overall they reveal investigations, like those of the Audit Commission, which are aimed at establishing the practices and approaches that "work" with the total being evidence led. This is an approach and style which is now de rigueur for the public sector. For example a very cursory examination of the reports of the Social Services Inspectorate reveal a similar approach.

In the HMIC version the research underpinning the thematic report is described. draws on social science and will be familiar to an academic researcher, using many of the techniques she/he will use. The style and content of the research and of the report, although tailored to meet the needs of the subject, is now much more "management" orientated and as described, close to the analytical style of Audit Commission reports (as promised by the HMCIC and at times the result of a joint investigation with that organisation). Terms of reference and the scope of the investigation are clearly stated. There is much emphasis on the setting of objectives; of the use of performance measurement; of the need for leadership and management; and for the monitoring and evaluation of results. The end product is usually a "recommended approach" which finds a great deal of support and acceptance in the forces. For example chief constable 'C' (interview 1997) concluded *"in a thematic they get a detailed view, a far more focused view."* Chief constable 'F' (interview 1998) was more forthcoming: *"I like the thematics. I welcome those. I am not experienced in certain of the thematic areas. Those doing the research are."*

Chief constable 'H' (interview 1998) also saw benefits in the 'thematic' approach as to him, it was the approach which best enabled HMIC to manage the two very differing roles of "watchdog" and "consultant". Early reports treat examples of good and bad practice without attribution to a force but the 1999 report, the revisited "Winning the race: policing plural communities" (HMCIC 1999a), broke new ground by naming the Forces concerned. This is possibly an example of the "escape from the service's capture" of the inspectorate as described later and yet another example of strengthening central

control in a changed power relationship in a “We are still friends but have no doubt who is in charge” approach.

It is interesting to note the future emphasis that HMCIC places on “thematic reports” so far as the advisory function/influence of the inspectorate is concerned (discussed more fully later) . Undoubtedly this is seen in the service as the quickest and best way of spreading good practice as observed in other forces and has an acceptability that a report from “an expert” would not have. The downside from a sceptical viewpoint is that such reports add to the ability of HMCIC and HMI, as the enforcing arm of the Home Office, to direct how policing should be carried out throughout the country and enhances central government control. A further downside to the ‘thematic’ approach is that each theme is dealt with separately and is described as though it was the most important police priority of the time. This may be acceptable when the report describes “standard police work” e.g. making current practice more efficient, effective and economic, but is less so if it describes some new initiative. In the latter case the police authority and the chief constable have to determine priorities within their resources and, of course, this leaves them wide open to criticism and blame when these resources cannot meet all the demands made and the force’s priorities do not allow prominence to be given to the requirements of the report. Blanket demands from the centre in such cases can be criticised as the latter wielding “power without responsibility”, a possible drawback of a ‘de facto national police force’ approach.

HMCIC’s Reports

As already noted there has been a major ‘sea change’ in the management of the Police Service which can be said to have started with the Government’s ‘Financial Management Initiative’ in 1983 and has continued ever since. This is only partially reflected in the HMCIC’s reports. An examination of the HMCICs’ reports since 1979 (a period chosen to give a base comparison with 1983) shows little change in the content and style of the reports up to 1990. The five Chief Inspectors employed in the period stamped little originality on their contribution. Reports were in the typical “Government report style” of the day, using single spacing and paragraph numbering and making no use of photographs. The structure adopted did not vary in the period: each year the following sections were found:

- introduction and review of the year.
- manpower and resources.
- training and promotion.
- crime and custodial matters.
- scientific, technical and computer services.
- traffic
- preventative policing and community relations.
- public order.
- commendations, complaints and discipline.
- welfare, sports and miscellaneous activities.

There was comprehensive coverage of most aspects of policing backed by statistical data but with sport, welfare and miscellaneous funds and clubs enjoying as much emphasis as the policing problems of the day and allotted more space than such issues as "The use of women constables". In reading the reports there is little evidence that there was any real wish to involve the general public in an intelligent discussion of the policing problems of the day. This appeared to be recognised by one HMCIC (Crane) who in his report for 1980 commented "*Annual reports by successive HMCIC have of necessity embodied much statistical comment and generally prosaic commentary*". It is difficult, with experience of developments in the period since, to understand the "*necessity*" which brought this about.

The report for 1990 shows a marked change in structure and content. It was much shorter, with three sections: "Review of the year", "Main areas of police activity" and "Conclusions". The style adopted was much glossier. Photographs were used, the content was double spaced and sections, not paragraphs, were numbered. This style has been used since but by 1994 the size of the reports had begun to grow again. The 1994/95 report had the following sections:

- the work of the inspectorate,
- structure and management of forces,
- the policing task,
- the measurement and comparison of performance,
- the use of technology,
- manpower planning and development.

This report gives the impression of being more attuned to (and more forthcoming about) the underlying policing issues of the day. It is much sharper in its comment and appears more meaningful, undoubtedly reflecting the influence of the adoption of performance indices by the service and the example given by the work and reports of the Audit Commission, which by then had made significant inroads in its investigations of policing work.

In total the reports give a reminder of some of the issues which have shaped the country's social history in the period. Noted therein is a significant increase in crime, especially violent crime; problems of drugs and acid house parties; and public disorder involving lethal missiles and petrol bombs. Significant changes in policing are noted: the impact of new legislation; changes in evidence gathering techniques and prosecution processes; the introduction of new technology; and the push for 'value for money' since 1983; and, in total, reflecting the many changes in management practices and procedures over the period. The vision of the future as indicated by HMCIC's reports and other sources is discussed later in the thesis.

The inter-organisational/intra-institutional dimensions of HMIC

The efficiency and acceptance of an inspectorate's work depends greatly on the relationships which are created not only with the service inspected and within the inspectorate itself but also with its political masters and other public service evaluative bodies. Relationships are a product of individual personalities, group dynamics and events all of which are subject to change. Thus the norm is of shifting alliances and degrees of conflict and co-operation over time. This section describes the relationships currently "enjoyed" by the HMIC.

With Ministers and the Home Office

On the evidence of the interviews and written reports the HMIC enjoys a close, collusive and good personal relationship with Government Ministers and civil servants. HMCIC reports to the Home Secretary and sees him on average, once per week or more, depending on the issues which are current. He also sees the Home Office Minister of State (one of the subordinate Ministers who assist the Home Secretary, each of which have a special responsibility, in this particular case, "the police") at least once per week who, when a former occupant of the post was interviewed, described the HMIC as "a

wonderful resource which is there to be used by Ministers". Items discussed with him were appointment policy, Selection Boards, policy on police culture and current press items especially discrimination cases. The two also discussed funding matters and emerging legislation.

There has been little research undertaken on relationships within the Home Office. The research evidence from interviews is that generally the inspectorate have a very good, close knit relationship with the civil servants in the Home Office and are involved in commenting upon all policy papers circulated in the department. This is a task mainly performed by HMCIC and his support staff and does not involve the regional people. There are, however, overtones of competition. It was clear that the ex-Minister interviewed saw the inspectorate as an excellent check on what the Civil Service was advising, and the Civil Service as a check on the inspectorate's advice and it was evident that both parties recognised the fact. Any conflict here is kept very much "under cover" with the "accommodation" being that both parties are keen to emphasise the other's role (Civil Service in advising on policy; HMCIC advising on policing). The strong suspicion must be, however, that within this gentlemanly approach, if one party can steal a march on the other by invading their "territory", they will. There is also an opinion that the intellectual relationship between the HMCIC and police officers on one hand and civil servants on the other has changed. At the very least the "contest" now is said by chief constables and at least one civil servant interviewed to be much more between intellectual equals with possibly, the police representatives being more "street wise".

The past few years in the Home Office are also a good example of how the abilities and standing of different individuals can have an impact on relationships and influence and the shifting nature of the allocation of power. Much depends on the nature and beliefs of the Home Secretary, the Director of the Police Directorate, other influential civil servants and HMCIC. The previous Director of the Police Policy Directorate was described by interviewees as a long serving occupant of the post, extremely capable and a man of considerable influence and power. When he retired and the new appointee was settling into the post other players in the Home Office, of whom the HMCIC was one, moved in and gained more influence with the Home Secretary (who, when Michael Howard was appointed, was said by interviewees to distrust civil servants anyway). A previous HMCIC was said by ACPO President 'A' to be extremely influential in the Home Office circles because of his political astuteness but was less well versed in the 'art'

of management. His lack of a strategic approach to inspection was said by some chief constables interviewed to have allowed the Audit Commission “*to ride roughshod over police inspectorate territory*”.

The current HMCIC inherited no strategic plans for his department and, as an early task, stipulated the inspection areas for five years ahead (interview with HMCIC 1998). He also adopted a co-operative stance with the Audit Commission. Although this was seen by other observers (chief constables interviewed) as “making an effective stake for territory” it was also motivated by a fear that the Commission would take over the duties of the inspectorate. Investigations since, when the Audit Commission was involved have, in the main, been joint affairs. This was in advance of the general cult of partnerships across the public sector and the ‘modernisation’ project of ‘New Labour’ so once again, the police inspectorate can claim to have been in the van of an “evaluatory development”. This is an end, if not the motivations, desired by the politicians. In this the former HMCIS (in the education field) appeared to be lagging behind and one of the points of great interest is how the new HMCIS’s relationship with the Audit Commission will develop.

With the Police Service : a case of ‘Regulatory Capture’?

Cope et al (1999, p.21) suggest that the police inspectorate fall into the “regulatory capture model” of relationships in their continuum of regulatory regime models (as described earlier in the thesis). This is a relationship where the regulated (the police service) control the regulators (the inspectorate). Symptoms of such a relationship are when the inspectors look only at what the inspected wish, in a manner approved by the latter and when the inspected influence, for their own benefit, reports issued. This can be done in an open way or one which is more covert, including and enmeshing the inspectors in their arrangements in a surreptitious way. A “captured” arrangement may well have been the scene before 1995 but is not an apt description of the inspectorate (as an entity) led by the current HMCIC. On the evidence of this study the strategic approach he piloted and the adoption of inspection protocols has increased the political power of the inspectorate to the extent that it is now judged to be in a dominant position so far as the service is concerned.

Perhaps one reason for Cope et al’s (1999) belief of “regulatee capture” of the inspectorate is its close working relationship with the ACPO (for fuller account see Savage, Cope & Charman 1997). Undoubtedly this is an extremely close relationship

very different from the “arms length” approach with its service adopted by OFSTED. Despite no longer being policemen, the HMIC can be identified with the members of the ACPO as forming the small professional “power elite” of the service. HMIs sit by invitation on ACPO’s Committees and this may, at one time, be part of the influence the service brought to bear on the inspectorate to the extent that “capture” could be suggested. The judgement from undertaking this study is that this is no longer possible. Although the relationship remains close with, for example, acknowledgements to ACPO co-operation being given in the thematic reports seen (HMCIC 1997c, 1998a, 1999a, 1999b, 1999c) the current position is well described by past ACPO President ‘B’: *“They (the inspectors) are all life members of ACPO anyway but it is not that which allows them to come to committees. They don’t come to the Chief Constables’ Council but they are invited to come to most of the committees. They could be expelled and I have known them being asked to leave for certain subjects but that’s quite rare. But we are pretty close together and there wouldn’t be much that the HMCIC and ACPO President would not be talking about if we saw problems coming. We may still have a different view of things but we are not likely to take each other by surprise.”* This then is a relationship in which conflict could arise but one in which both parties recognise the benefits to each of co-operation.

It is clear that the main relationship of the HMIC with the forces it inspects is with the “ACPO group”: that is the small group of senior officers in each force from chief to assistant chief constable level. This relationship depends on a number of factors and is no way as straightforward as the organisation structure would suggest. The inspectorate posts are considered by people outside the higher echelons of the service as the cream of the police, only available to those senior policemen who have demonstrated their worth over a period. As such, they enjoy general respect as people who have a very definite position in the hierarchy as warranted officers of the Queen and as people of experience who are experts in policing. With the higher echelons of the service the situation is more complex. The claimed autonomy of chief constables in police operations is a factor: the theoretical situation is of the operating expert advising the autonomous operator, which itself can cause tensions.

Both parties, the chiefs and the HMIC, work within a culture in which the chiefs are overtly recognised as being autonomous in police operating matters and that any comment of the HMIs is of an advisory nature only. All written documents are phrased to maintain this overt impression. The ability to give advice is stressed as a main plank in

the HMIC's duties (noted as 'collegial' by Reiner 1991, p.227). However many of the chiefs interviewed challenged the nature of this provision of advice and, as an example, denied ever seeking advice from their inspector. They thus restricted his influence to the recommendations made in the inspection reports. Conversely, Regional Inspector 'D' (interview 1998) claimed that he was in regular contact with the chief constables of his cluster of forces when issues were freely discussed and advice given. There is a clear contradiction of evidence here but it may be that both parties sincerely believe that the position, as they describe it, is accurate. The conclusion drawn is that both are describing the reality of their existence as they understand it. It is a difference in perception caused by the importance to the chief constable of his autonomy on one hand and the importance of the advisory function to the inspector on the other. This causes each to emphasise that which is important to them and to ignore or give little weight to contrary evidence.

These generalities are, however, overlaid by other considerations. The first, as expressed by a majority of the chief constables interviewed, is that much depends on the experience the inspector has actually had. The highest respect is paid to the men who have been in charge of the larger forces, such as Greater Manchester and West Midlands. It is a quirk of the appointment as inspector that this is often not attractive to men who are in charge of the larger forces, leaving the appointees as being from the smaller forces. This produces tensions when such an inspector inspects a larger force and colours the relationship between the inspector and the chief constable. A number of chief constables from the larger forces and of the highest possible reputation, who had still some way to go in their careers, were appointed as inspectors in the late 1980s and early 1990s. This is still a source of some amazement to some existing chiefs interviewed currently. An explanation proffered was that, at the time, it was thought that there were to be more imposed force amalgamations and that the people concerned would then move to be the chiefs of these "super forces" but then ideas changed and the amalgamations did not happen, leaving these appointees isolated, away from main stream policing. The second major influence is the personal relationships that exist between the chief constable and the HMI, especially if this has its roots when they were both serving police officers. Anecdotes were recounted by interviewees of examples of old scores being settled, or favourable treatment being given by inspectors in carrying out their duties. Perhaps the greatest impact perceived by the onlooker is where a force is being inspected

by its immediate previous chief: in these cases the sceptical view is that the force is unlikely to receive a critical report.

The inspectorate of the late 1990s was and is very much a child of its sponsoring Minister and Government department and, as such, was and is an integral part of the enhanced central regulation, the 'new governance', of public services. It would be a very brave (and perhaps foolish) person indeed who suggested to the current HMCIC that his organisation "had been captured" by the service in the way suggested by Cope et al (1999) as being the case in earlier periods. A "distancing" of the inspectorate from the forces is detected in the HMCIC's report for 1999/2000 (HMCIC 2000, p.1): *"the service had not responded effectively to the opportunity provided by our thematic inspection of community and race relations 'Winning the race (1997)'" and the synergy between the findings of our follow up to that thematic 'Winning the race revisited (1999)' and aspects of the MacPherson recommendations was remarkable"*. No doubt the more sceptical voices in the forces will point out that a thematic report in 1997 was a little late in the detection of a malpractice of very long standing.

As a consequence of their personal and business relationship with the chiefs, HMCIC and Regional Inspectors also act as a lubricant when contentious issues arise. Having the ear of the Home Secretary and other Home Office Ministers, of civil servants and of senior officers in the forces, they can often (by additional explanation, appeals for reasonableness, or minor adjustments) but not always, ease in the introduction of some new practice or smooth over some difficulty. This is a very covert ability and, whilst being confirmed by the inspectors interviewed, was a possibility denied by Home Office Civil Servant 'A' (interview 1998).

The end result of these relationship issues was that the links between forces and the Home Secretary varied greatly on the experience, contacts and belief about "what worked" for the individuals concerned. When asked how the chief constable would ensure the Home Secretary received early information on some occurrence which might cause the latter embarrassment (instancing the arrest of one of the latter's family) various routes were suggested, ranging via the Regional Inspector, HMCIC or members of his staff, Home Office Staff, the Head of the Police Policy Directorate, the Permanent Secretary or the Under Secretary. Emphasis was always given that this advice would be "for information only" and would in no way influence the operational decision taken. The relationship is thus one where conflict could easily arise but which is avoided by a mutual

wish on the part of both parties not to bring the issue to a head and the consequential adoption of conventions which hide the real practicalities of the situation.

The above summary relates to the relationships with the 'ACPO group' at force level which is the most frequent and intense level of contact. Relationships with the lower ranks of the service are dogged by suspicion and the belief of the lower ranks that this is a risk situation in which they are very vulnerable to later sanctions from their superior officers. Constable 'D' (interview 1998) said of his experience of meeting the HMI *"I was guarded. It wouldn't have mattered to me what they were like, not even if they had been the friendliest people on earth, I would have been guarded."* Another constable ('E' interview 1998) reported her colleagues' reaction *"I think they are asked to be totally honest but I think they are quite wary because anyone's wary if they are checking up on you and your job."* Typical of the reaction was this response from Sergeant 'F' (interview 1998) when asked to describe the relationship: *"There wasn't one. It was very much a them and us - with them up there and us down here. There was a healthy respect for them - we didn't want them to catch us out."*

Thus, comparing the arrangements with those of the education service, it appears that the people actually undertaking the inspections in the police are more eminent in the service and are given more status by it than those undertaking inspections and the status accorded in the education service. It is doubtful if the HMIs in the latter service are as well known generally within the service as are their police counterparts because of size and organisation differences. The police inspectorate undertake a wider range of duties than the education inspectors. They have considerable influence in career development and promotion to the higher echelons of the service and, to some extent, can be regarded as gatekeepers to the 'occupational power elite' which heads the service. Although both Chief Inspectors are well regarded in political circles the former HMCIS had the much higher public profile.

A second relationship with each force is with its police authority. This tends to be much less complex than with the relationship with the "professional" policeman. It is a relationship which is usually quite formal marked by a tendency to over obsequiousness on the part of Conservative chairpersons and great suspicion on the part of Labour and Liberal Democrat chair people. A prevailing thought is that the inspectorate is but an extension of "the chief constables' club" or, at least, of the police service. It is doubtful if

the inspectorate's claim to independence would be fully supported by the police authorities throughout the country (interviews with police authority personnel 1997/980).

Within the inspectorate

All the inspectors are warranted officers of the Crown and, as such, should enjoy a relationship of trust with their political masters. They are appointed because of their expertise and expected to exercise their judgement in what ever way they see fit for the benefit of the Crown. The HMCIC is thus not "in charge": he is *primus inter pares*. This was very evident up to the 1990s when inspectors carried out their inspections in an idiosyncratic manner, very much as they wished, at best within a very broad framework set by the Home Office and HMCIC.

This has now changed. The current HMCIC has, as already noted, adopted a very strategic approach to inspection and, with the agreement of the other HMIs, has specified the priorities (the police areas to be inspected, usually by a thematic approach) to be followed for the five year period ahead. He has also developed a 'protocol' approach to inspection which, as already described, gives the forces (and the HMI concerned) clear direction on the way inspections will be conducted and the emphases to be given. This approach can be interpreted as the HMIs giving up some of their warranted autonomy and the favoured reason (proffered by many interviewees at all levels of the service) was the threat to their existence offered by the work of the Audit Commission. The latter conducted nineteen investigations into policing in the period 1988 - 1999 and were perceived to be so successful in the acceptance of their recommendations that the question was being asked "Do we really need a Police Inspectorate?"

It is an interesting point of conjecture as to whether the intensification of managerialism, which O'Dowd's approach exemplifies, would have been possible without the perceived threat to the inspectors' future. Would they have been prepared to give up their autonomy on approach and emphasis in inspections? It is at least arguable that without this threat considerable conflict would have ensued between this "*primus inter pares*" and his cohorts and illustrates the value of external threats in the avoidance of conflict which make the "accommodation" of co-operation possible.

HMCIC now clearly directs the inspectorate which works as a very close knit organisation, meeting regularly (at least once monthly) to discuss emerging issues, to determine inspection operating policy and to talk about 'good practice' seen in force

inspections. The meetings are attended by a wide range of junior staff and civil servants but there are also “closed” sessions restricted to HMIs when the more confidential aspects are discussed. Thus the police inspectorate, being much smaller is also much more tightly knit than the education inspectorate.

With other evaluative departments

The National Audit Office audits 30 accounts in the law and order field.. The NAO was rarely mentioned by interviewees and is not seen as having any special relationship with, or impact on, the police especially at force level. In comparison the Audit Commission was mentioned many times by interviewees. It was seen at various times as being the inspectorate’s competitor and a real threat to its continued existence; as a source of advice and guidance with its report recommendations being favoured over those of HMIC; as a force in evaluation which had compelled HMIC to update its methods; and as a worthwhile associate of HMIC in investigations, adding to the expertise applied and producing recommendations which gave enhanced benefits to the police service.

These different views are a good description of the changing relationships the Commission has enjoyed with the service and HMIC. There is no doubt that initially the Commission were looked upon with a great deal of suspicion by HMIC and the service, as “outsiders daring to investigate the police”. The HMIC concern was enhanced when some chief constables made it known that they preferred the Audit Commission’s reports as being more useful than those of the inspectorate (chief constable ‘B’ interview 1997). A feeling of competition arose which was intensified by a police belief that the some recommendations were only made feasible by HMIC amendments made during the draft stage for which the Audit Commission received all the credit (ACPO President ‘A’ interview 1997).

Over the period the relationship appears to have changed, with each of the parties being more trusting of the other and appreciating the contribution each could make. This developed into a scene whereby a joint approach between the Commission, HMIC and ACPO was adopted and proved very successful, evidenced by the acceptance and subsequent implementation by the forces of the recommendations made. As the then President of ACPO (interview 1997) summarised the position: “*The Audit Commission are interpreting their remit in the broadest sense in recent years. So if you look at the*

work they have done they have done it as a joint exercise with the police service. So the report 'Tackling Crime Effectively' eventually led to a jointly produced handbook from HMIC, from ACPO and from the Audit Commission, which is now in daily use. So the role there is evolving and as it is moving into practical issues it is becoming a joint approach. The Audit Commission has done a major study on patrol, which again has resulted in a Handbook produced by the HMIC, the Commission and ourselves. So there is a triumvirate approach there and I think it is very valuable and instructive because you get joint ownership of it."

The relationship between the Audit Commission and the police is such as to cause Savage et al (1997: 61/68) to give the Audit Commission the major credit for the changes and 'improvements' which occurred in the management of the service in the late 1980s and the early 1990s. The current research confirms this judgement as the Audit Commission's influence is now seen as informing chief constables' approach "Showing them the way ahead" in applying what were quite foreign, private sector practices to the service and in imposing a more rigorous approach by the service's own inspectorate.

The Audit Commission/HMIC relationship now is judged, at least overtly, to be good with the Audit Commission recording in its 1995 annual report that "*the Police have always been amongst the Commission's most enthusiastic partners, showing a great willingness to analyse what they do and a readiness for change*" (Audit Commission 1995, p.6). The Commission's representative (interview 1998) said that this experience had shown the way ahead and that it was likely future investigations into Government services would be by joint approaches by the different inspecting agencies. Other evidence is the acknowledgement by HMCIC of the Audit Commission's role as proof readers in the inspectorate's report "Beating Crime" (HMCIC 1998a) and the comment in HMCIC's report 1998/99: "*The mutual professional respect between HMIC and the Audit Commission continues to prosper and leads to reciprocal benefits as evidenced by jointly working through inspection and audit approach for Best Value*" (HMCIC 1999d, p.ix). A further development of the relationship is signalled in HMCIC's (2000, p.61) report with the secondment of the Audit Commission's Head of Local Government Investigations to HMIC as an Assistant Inspector. This contrasts with the former HMCIS/Audit Office relationship which, as already described was still in its very formative, perhaps adversarial, stages being engaged in preliminary competitive fencing to establish position and "turf".

The history of the relationship between HMIC and the Audit Commission is a very good case study of how initial outright conflict between the parties can, over time, result in a number of differing “accommodations”, ending in co-operation. The results then achieved, according to the two parties, give greater penetration of problems and are more practical in the solutions postulated, so easing their acceptability to the service. It is also a matter of conjecture whether the bureaucrats, in a knowledge of the conflict which will arise, deliberately put one assessment agency against another to ensure that the arrangements of a possibly otherwise intransigent organisation are updated and made more efficient. This is certainly one view possible of the way the relationship between the HMIC and the Audit Commission has evolved.

It is difficult now to establish how much the Audit Commission’s early agenda was informed by HMIC. The Commission’s representative (interview 1998) suggested that its agenda was set very much by its Controller and, in the early days, it was deemed very important for it to make its mark. As such, early investigations were concentrated on those areas where it was considered substantial benefits could be obtained. Although not stated, the inference from the nineteen investigations conducted in the police service is that it was regarded as such an area by the Audit Commission.

In his 1998/99 report HMCIC welcomed the formation of the Inspection Forum, made up of the Heads of the inspectorates involved in improving local services under the “Best Value” initiative (HMCIC 1999d, p.ix). This, a sceptical view might suggest, is a further good example of “political astuteness” exhibited by the HMCIC and to be very different from the position of the former HMCIS who appears to have had co-operation imposed on him by special mention in the Local Government Act (Section 25c).

Power dimensions/influence on change

The members of HMIC were traditionally seen as powerful individuals with the government grants to individual forces, from their inception, depending on a certificate from the inspecting officer. Up to the 1950s this was a powerful influence for central Government with forces taking only a further year to satisfy HMI when initially failing to achieve a certificate of competence. There was much consternation therefore, when in the most recent example, the Derbyshire Force in the years 1991-94, failed to be awarded the certificate of competence, and yet to all intents and purposes policing continued unaffected. A sceptical review of the circumstances from a reading of the inspection

reports for the period suggests much political activity resulting in an agreement between the force and the HMIC/Home Office that the County Council should be seen as the scapegoat (breaking the initial alliance between the force and the Police Authority). Certificates were granted thereafter.

Despite this HMIC are seen, if only grudgingly so by some of the forces' "ACPO group" personnel interviewed, to have power and influence. This, depending on the individual, is based on personal experience and expertise, possession of the Royal Warrant and access to Government Ministers and top Civil Servants. One view of the sanctions in the arrangement is given by chief constable "F" (interview 1998): *"I think if I am going to fight the inspectorate the likelihood is that someone is going to stuff me with a difficult recommendation. Because that's people."* As already described this description of the power relationship would be contested by the chiefs of the largest forces who would contend that they are equal, if not superior, to any inspector including the HMCIC if he had not had charge of a large force.

Reiner (1997, p.1038) sees the police as "a symbol of consensual and legitimate order" and, as such a stabilising force in the country. It is argued that the inspectorate help the service to maintain this position by its astuteness in matters political and by "sniffing out" the changes required by political masters and influencing the service in their adoption. There was complete agreement by all interviewees from the service that HMIC were a major influence on change in the service. This has always been facilitated by the recommendations in its reports which are normally implemented by the next inspection or, failing that, by no later than two years on. These recommendations are influenced by good practice as seen as the inspectors move around their cluster of forces or as described by other HMIs at the monthly meetings. This advice used to be reinforced by the now withdrawn, annually distributed, "Manual of Good Practice" with the need being met currently and overtaken by the "thematic" report approach.

The ability of the inspectorate to spread "good practice" was mentioned and valued by almost every force interviewee. The advice given here had an acceptability which seemed to stem from the receiver's perception that it was advice based on "it has been seen done better elsewhere" rather than "I am more expert than you". Often the link was between the research staff employed by the force and the Regional Inspector's support staff.

As described, the inspectorate is seen as the eyes and ears of the Government and the Home Office and as the enforcing arm of Government policy. It is thus very influential in ensuring that the updated requirements of Government and the Home Office are implemented: a very good example being its scrutiny of the implementation of the Home Secretary's Annual Objectives. It is also able, by having the ears of Government and of the civil service, to feed in ideas and possible solutions to problems and by managing the promotion system for future chief constables to have a big influence on police appointments. In addition to being an enforcing arm it also participates, as already described, in the formulation of policing policy by commenting upon the work and recommendations of the civil service. As noted inspectors also sit by invitation on the various ACPO Committees and can be said to have an influence on operational issues in these discussions.

The picture that thus emerges is of a highly influential group which inputs into the formation of policy and then, to a considerable extent, ensures its implementation. It is an influence which has tentacles in every level of the service: from Government and the Home Office to the ACPO, police authorities, individual chief officers and the forces. It also gives the impression of being very politically aware and politically astute. All the recent changes in its organisation and approach appear to have been self developed or result from its closeness to Home Office officials and follow an acute awareness of the way the "political wind" is blowing and a ready adoption and integration of other evaluatory organisations' practices when these are seen to suit their masters, the Government. There was a period during the last HMCIC's reign when it might be said that this astuteness was lacking and the inspectorate underestimated the impact that the Audit Commission could make. Undoubtedly the lessons of that experience have been learned and it is difficult to see a similar mistake being made in the future.

Thus both OFSTED and HMIC are seen as having an outstanding influence on change. Both ensure that issues they raise go to the top of the service agenda at the level inspected. Both have embarked on the development of their evaluative methodologies: analysing systems and operations at practice level and attempting to make quantitative that which formerly was only qualitative. The greatest difference in duties is that the HMIC has a statutory duty to provide advice and guidance to the forces whereas school inspectors are, in the main, officially precluded from giving this although the restriction is often ignored in practice. An interesting quirk here is that the lack of such advice is a

main source of teacher complaint about the present regime whereas the personal advice and guidance of the HMIC is almost totally rejected by the chief constables. Advice from inspectors on good practice seen elsewhere in other forces will be accepted but not that which stems from the personal expertise of the inspector concerned.

Accountability of the Inspectorate

The theoretical basis of an appointment to an HMI's position has already been described as one which is a position of trust, appointed by the Crown to exercise specialist expertise and judgement to best effect. In this the position is the same as that of HMI for Schools: the theory is that direction and accountability is impossible because no one else is empowered to judge whether the duties are being undertaken satisfactorily, or do anything about it if someone suggests that this is not so.

In practice the employment position is a little different. The positions are contractual ones for a given period only. The inspectorate must work within the framework provided by Parliament in its statutes and regulations. HMCIC reports to the Home Secretary and must respond to his directions but the parameters of such directions will be limited. Dismissal can occur if the holder of a post is guilty of an impeachable offence. Failing this, if there is a Government consensus that the job is not being done well, contracts will not be renewed, or terminated with compensation being paid to the job holder. These are, however, extreme measures and are not a regular feature in practice. The sharp edge of accountability is missing and inspectors can still be considered very much "a protected species". As such, as with the education inspectorate, this does not meet the requirements of the definition of accountability given earlier in the thesis. It can therefore be concluded that, like the judgement of the Select Committee on HMIS described earlier, the accountability procedures covering HMIC are not robust enough and need further attention.

Thus the Police inspectorate in general and the HMIS are seen as less accountable than the individuals undertaking the school inspection. As the latter are employed on a "per inspection" basis it is very easy for them to lose future inspection employment opportunities if their performance/conduct is considered to be lacking.

The financial aspects of the inspectorate's work as part of the Home Office are audited by the National Audit Office and the Permanent Secretary, as the department's Accounting Officer, must attend meetings of the Commons Public Accounts Select

Committee to account for his stewardship. The Home Affairs Select Committee can also call on the Home Secretary or any member of his Department, including the inspectorate, to give evidence on any issue.

Does HMIC 'work'?

The value of the inspectorate depends on the normality of what is inspected in relation to every day work, the accuracy of assessments made and the perceived benefits which accrue to the various parties. Chief amongst the latter must be the assistance given to the parties in the achievement and discharge of their accountability. The inspectorate should also have a valuable role to play if the categories included in the arrangements are increased.

Opinions as to whether the inspectors saw the police service as delivered normally on a day to day basis differed with the level of officer questioned. Chief officers down to Superintendent level were adamant that no special steps other than the preparation of the inspection documentation were taken to ready the force for inspection and believed that that the force, as seen, was in accordance with its normal practice. Divisional commanders admitted to walking round stations to ensure that there was nothing obviously "out of order" and ensuring the rectification of that which was but stressed the limited amount of change that could be wrought here. As Superintendent 'A' (interview 1997) summarised the position: *"I would tend, a day or two before the inspection, to go around the station to ensure there were no embarrassing things like stupid pin up calendars on the wall and that sort of thing, go round the perimeters on site, make sure everything was thereabouts. But I would not have people leaping up or down, sort of standing to attention and that sort of thing. The work of the police station would go on as normal but I would make sure I wasn't digging holes for myself."*

Inspectors and sergeants reported that they were very much on their guard and watchful and took special steps to ensure that their particular responsibility would be found in good order. Inspector 'C' (interview 1998) contrasted the experience with that of earlier days: *"In the early days it was like the Gestapo coming in. That has changed to some degree because the HMIs are now less formal but there is still a stigma attached to HMIs. Everyone is standing to attention and everyone's in uniform."*

Sergeant 'F' (interview 1998) went further: *"There was a certain amount of tidying up. When you know you are going to be inspected you caught up with your filing systems and all the other bits and pieces you had to do. You made sure everything, as far as you were able, was in absolutely good order before they came."* Constables also reported things differently: *"Everyone knows that an inspection is due - so all the records are changed to what they should be - you know they are only going back a few months - everything matches, everything works. Everyone knows that it is going to happen because no job can be done if all the rules are adhered to strictly. It just cannot happen - especially in our job where you have late finishes and early starts, you cannot afford to waste an hour every night, everyone does it (not completing records) - and if there were a sneak audit everyone would be in trouble. So what happens when they know the inspectorate is coming in, all the station inspectors run around like mad, pulling records, changing things around, new sheets go in until everything's 'hunky dory'. And the HMI come in and say 'That's great!' and off they go. They're happy, we're happy, no one gets into trouble and the job gets done."* (Constable 'A', interview 1997). He was supported by Constable 'D' (interview 1998): *"The inspector will never see it as it really is. I don't mean that in a bad way. I don't think it is practical for him to see it as it really is. The staff officer comes round first anyway. When a HMI comes round you've got a Deputy Chief or an ACPO rank would come round first. They would concentrate on going through the registers to ensure there weren't any glaring errors and also tidiness of the offices and things like that which in the hurly burly of every day life we neglect. Then the staff officer comes round and he'll see a little bit more like it really is and then finally, when the HMI comes round there has been a lot of tidying up. To be honest, that's the way it goes."*

These variations in opinion are seen as an example where each level has its own construction of reality and a different approach to the way they make sense of their own particular world. The impression gained is, as one would expect, of some work performed to ensure that the best operational face is shown to the HMIC which is only seen as "additional" and perhaps "special" as you move down the ranks. The police organisation (as do the schools) takes steps to present the best possible face for inspection and this practice can cause the process to be criticised on the basis that it affects inspection findings. Individual force reviews as now known may soon be a thing of the past. The

emphasis now being placed on thematic reviews and BCU benchmarking is such as to suggest that performance reviews may soon be considered redundant.

As already recorded the main HMIC process currently can be said to be focused on the control of chief constables (or more specifically, force senior management). As such the opinions of the latter are given prominence here. When asked whether it was thought that the inspection process gave an accurate assessment of the force chief constables' opinions were, in general positive. Overall they exhibited a very human response: if inspection reports were good - *"Wonderful!"*; if critical - *"Well they were only here for a short time!"* Beneath these general opinions were some tensions. For example chief constable 'D's' response (interview 1998) was: *"It depends on a number of issues. It depends on the open mindedness of the staff officer who comes on behalf of the busy HMI and very often it is the staff officer's agenda that drives the inspection. If for example, a staff officer has a bee in his bonnet about service level agreements you'll find you get a lot of questions from the HMI about service level agreements. If the HMI's staff officer takes a certain impression - and we have had one example of a staff officer who just wouldn't listen who formed the impression that 'x' applied rather than 'y', and feeds into the inspector 'x' than you have a devil of a job to talk 'x' out of the report. So its a painful process but the personalities involved can make it easier."*

Another chief constable ('A', interview 1997) said: *"Sometimes the information given in the report, taken out of context with what's happening in the force, can give a false impression to the public. Certainly some of the comments and remarks, certainly in the past have not been based on an in depth examination. They have been a fairly superficial impression and that's unfair to the force."* Chief constable 'E' (interview 1998) differentiated between types of inspection: *"It is only a snapshot but there are thematics as well as the general inspection and those thematics will go quite deeply into certain aspects of policing or the delivery of policing services"* This suggests that a future of "thematic" inspections is now well accepted by force senior officers in addition to being the way ahead seen by HMIC.

When asked if inspections were worthwhile and improved the force, chief constables reflected all shades of opinion but these were mainly positive. Chief 'D' (interview 1998) was particularly supportive: *"I get an objective view of the issues so that we, as managers, can be reassured and secondly we are brought good practice which has been identified in other forces and shown how that good practice can impact on us. It is a*

painful process and I cannot imagine a chief who doesn't feel the pain of a modern inspection. And because of the pain there is a gain, if we listen carefully to what the HMI says, and if the HMI plays his part properly, then there is a real gain, not only for the chief and for his force and through them, the public " Chief constable 'E' (interview 1998) articulated the benefits as: *"They shake the tree. They stop your complacency. They charge in with a fresh look. I don't accept all that they say but it gives comfort or discomfort from the eye of a third person because there is no one else who comes in and turns up the stones. "* Chief constable 'A' (interview 1997) adopted a more middle way. He said: *"I have to take their reports into account but you apply your professional judgement to it because the ultimate authority is mine. So I have to take it into account, to think it through, to examine it and report what I am going to do about it. Yes, of course it has a lot of weight but it is not decisive. "* Another, chief constable 'B', expressing a minority opinion, said *"Not particularly, I don't know that it was particularly useful, in fact in many ways it was a nuisance. "* (interview 1997).

The different reactions at chief constable level appear to reflect the vulnerability felt by a minority of individuals. Inspection is very much an inspection of the chief and adverse comment on the process and its results usually came from those newly appointed or those who have had particularly bad experiences with the inspectorate in the past (interviews with chief constables 1997/98). A usual response was that the inspection reports were an assurance to themselves that the force was being operated efficiently and should be a source of comfort to the police authority and the general public. This assurance and the spread of good practice were given as the two benefits that forces obtained from the inspection regime. However the perceived quality of the assurance was one area where relationships between the inspector and the chief, as already described, had an impact. The view was put over with more conviction by chiefs who obviously had a respect for, and enjoyed a good relationship with their HMI, less so when this was missing.

The police generally, from comment made by interviewees, believe that the general public are unable to differentiate between the police force and the inspectorate and believe that the latter is not seen as independent. This fact, they believe, militates against the assurance the public should receive from inspection reports. The wearing of uniforms by inspectors is seen as a contributing factor (Oliver 1997, p.84). He goes on to suggest that if independence and impartiality of the service is important in the government's view.

then the wearing of uniforms is an anachronism which should be abolished "*as it serves no useful purpose*".

The positive reactions to inspection as an aid to improvement were shared by one of the lower ranks. Constable 'D', of thirty years' service (interview 1998), said: "*Its got to be (an aid to improvement). I have met various HMIs over my time and I don't particularly enjoy it. But the bottom line is every now and then you have to take stock of what you are doing. So in that respect, in my service, if we had not had a HMI we would have just dropped - its just human nature. In that respect I think it is worthwhile.*"

The more typical response of the other five interviewees at this level was a tendency to be rather cynical about the whole inspection process: it was something of a trial to be endured; a dangerous situation where the personal objective was to escape without creating problems for oneself; and ideally, one to be avoided. As mentioned elsewhere, they of all the service, saw it as a very artificial situation when the best possible face (unlike the true working situation) was displayed to the HMI. Police Inspector 'C' (interview 1998) who had made a recent presentation to the HMI gave an honest, if very jaundiced view: "*When I had my session both the HMI and his Staff Officer were present and so was my Chief Constable, Deputy Chief and Assistant Chief. You are very much 'piggy in the middle'. With the HMI culture, and it is still there, its more of an inspection, a cultural thing. They are trying to impose themselves on each force and each chief constable. There is a bit of power politics. It's more that they are going to find something and they are going to try to beat the chief constable up, and the chief constable's not having this, he is going to fight back, strike out and step back. So there's defensiveness, there's a position to uphold, there's status, there's who has the most power.*"

The practical restrictions the HMIs put on their work were well explained by Superintendent 'C': "*They see hardly anything of the work of the detective or the constable. They do talk to people further down but the probing ones come to us. I don't think the lower ranks are bothered about the inspection at all. It hasn't a great impact on their lives, it may result in some policy changes coming out thereafter although they don't necessarily associate policy changes with the inspection or the HMI. Its a safety valve for some of them if they feel desperately aggrieved, there is a facility for them to see the HMI if they so wish.*" This approach is in great contrast to the OFSTED intensive observation of the class room service deliverer in education and must raise doubts about the true thoroughness of the inspection process. The approach adopted raises considerable doubts

as to whether two legitimate aims of inspection, the assessment of overall standards and effectiveness and the ensuring of minimum standards, can be achieved. In the latter case the lack of attention paid to the constable ensures that those abuses in the use of power which are the source of many public complaints continue. Standards of behaviour are below the minimum required.

In summary, the situation appears to be that within the proviso mentioned above, the chief constable and the force receive assurance that they are operating efficiently and are given information on developments in good policing practice for force implementation and further development. Members of the ACPO group, Divisional Officers and Other Ranks may, by their proximity and relationships with the HMIs and their Staff Officers during the inspection process, be able to impress and “make their mark” and so enhance their promotion prospects in a system where the HMIs have a great influence on who receives preference. The other ranks see inspection as an occasion of some danger if they are being personally interviewed but, otherwise exhibit considerable indifference about the process

In assessing the assistance that they give to the achievement of accountability the inspectorate see themselves as a great help to the accountable triumvirate (the Home Secretary, the Police Authority and the chief constable) in meeting, and in being seen to meet, its accountability. The inspectorate stress its independent view which it feels should be a comfort to Parliament and the community when it reports and an assurance to the parties that the police service is operating efficiently. It also believes its advice and guidance assists the service to be more efficient and affords the discharge of accountability at a higher level than would otherwise be the case. In this HMIC see themselves similar to that of the education service inspectorate. They provide information which should give the users and deliverers assurance or point to areas for improvement.

The ex Police Minister considered the inspectorate as a tremendous help to him in demonstrating his accountability to Parliament and through Members of Parliament, to the electorate. He was most eulogistic in his comments about the inspectorate and its work and could conceive of no better arrangements: *“Yes it did, absolutely (help with the demonstration of accountability). I think it would be very bad for this country if we did not have HMI in its present form. I cannot see how it can be radically changed. I would not like to see its powers diminished, in any way.”* (Interview 1998). He thought the inspectorate were carrying out their duties in an excellent manner and could not conceive

of any better method in theory or practice of ensuring the accountability of the police service. He said he used HMCIC as a neutral, independent sounding board when it came to policy changes or the development of his ideas. He considered the inspectorate as the major force in achieving change in the forces. The way they had persuaded the forces to accept change in itself justified the cost of the inspectorate. Overall, therefore, the judgement is that the Home Secretary and his department have the greatest ability to direct what the inspectorate do and receive the greatest value in information obtained and in the enforcement of their wishes.

Police Authority opinion on the assistance given by the HMI in the authority's discharge of its responsibilities was split very much on political party lines. All members seen accepted that the HMI's reports were a helpful source of information to them and were also valuable as part of the information given to the public which could be taken as an independent view of the force's and so the authority's work. Members of Conservative Party affiliation tended to be more receptive of the HMI as an expert, less critical of the *modus operandi* adopted and the value of the regime than the equivalent Labour or Liberal Democrat Party affiliated member. In the latter cases the members were very wary of the cosy, "members of an elite family" relationship they saw as existing between the chief and the HMI. Thus they would have been happier with a more independent approach which, they thought, would result from the authority being able to demand that the inspector examine certain areas of the force and then receive a report on those aspects direct.

The HMI and possibly the force would argue that this would be "change for sixpence" in that the current arrangements allow the authority to make an input into the inspection but such a revised arrangement would be stronger than the current one. Currently, although authorities can request the inspector to look at specified areas, any action then taken is at the inspector's discretion and any comment is included in the inspector's general report. A stronger ability to direct would allow the authority to have a feeling of greater ownership of the inspection process than they have currently. It was interesting to note (as an indication of the service's *modus operandi*) that although the facility of police authorities to ask HMI to look at specific issues is a recent innovation the HMI give no such indication and speak of it as though it is a practice with a long history. Lay HMI 'B' commented that this was a difficulty he had faced on coming into the service: when practices changed previous memory appears to be expunged and the impression given is "we have always done it this way".

It was also noted that there is no facility as yet for police authorities, as a group (say through the aegis of the Association of Police Authorities) to meet HMIC in a similar way as the latter meet with the Police Federation, the Superintendents' Association, the ACPO and the Home Office Police Departments. This, it was thought, placed the police authorities at a disadvantage to the other elements in the service. A judgement of the practical situation is that the police authority obtains useful information and can request that certain areas be looked at but cannot direct the inspector and might have more confidence in the inspection process if the inspector was not perceived as being a part of "the Senior Police Officers' Club".

Overall effectiveness

There are a number of disquieting circumstances coming to light which cast doubt on the effectiveness of the inspectorate. Perhaps the most revealing has been the inability of the inspectorate to detect the severe manipulation of statistics and performance indices in the service: manipulation to the extent that if it had occurred elsewhere the police would have referred to it as fraud (see Young 1991: Ch.5 for fuller account). The general view of all interviewees was that the new approach to data gathering, involving computers and civilian staff ("with no axe to grind"), had removed much of the opportunity for manipulation. An assurance was given by almost every interviewee during the research that the practice of manipulating statistics such as performance indices had ceased: "*We have put a lot of work in putting into place systems to ensure that the figures you are given are verifiable*" (chief constable 'D'); "*The culture has changed now. My force's figures are, I think, as good as you'll get in terms of integrity and it has caused us some pain*" (chief constable 'E'); "*I think there is a more ethical approach to data at the top level. This is filtering through to all levels*" (Civilian officer 'B' interview 1998); "*We don't cook the books here*" (Superintendent 'D' interview 1998). Unfortunately, this confidence has been found to be misplaced. The 1999 report of the Bedfordshire Police on the gross manipulation of statistics detected in the Nottingham Force revealed an ongoing practice which clearly, was prevalent in other forces.. Manipulation of statistics undoubtedly continues and the integrity of information is still extremely suspect. Newspaper reports pointed out, with some evident enjoyment, that the practice had not been detected by the inspectorate (Davies 1999a).

In a similar way, since taking over responsibility for inspecting the Metropolitan Police, the assistance given by the inspectorate in the fight against police corruption there and elsewhere is muted (Campbell 1998a, 1998b). Examination of Regional Inspector's reports over the years reveal a great deal of money wasted by each force by the insular approach to the development of information technology, initiatives which were often commended by the inspector concerned. At no stage before the mid 1990s did there appear to be any realisation that this was a problem which would benefit from a national approach. The inspectorate also appear unable to detect the conditions which nurtured cases of sex discrimination before they became tribunal cases and the subject of national press publicity (for example Wainwright 1998). Despite having issued a number of reports on equal opportunities and racial discrimination it also appears less able to detect the kind of wrongful force practices in these areas which have led to the findings of the McPherson Tribunal, as but one example (Pallister 1998a 1998b, Travis 1999, Hopkins 1999). The efficiency of the inspectorate must therefore be open to question, especially in the rigour in which it observes practice generally and the police constable "in action" specifically.

"Covert" benefits

The inspectorate also brought benefits to the force ACPO group and other ranks in the shape of alliances, possibly sometimes as the unknowing partner. Mention has already been made of the other ranks who, failing other redress, "bend the ear" of the HMI and examples of other similar uses of the HMI were forthcoming in the research. As reported by chief constable 'F' (interview 1998): *"There are occasions when I say to the HMI, 'Put in a recommendation about this because it will make my Police Authority take notice and see why I am trying to do it.'"* Chief constable 'H' (interview 1998) made a different point: *"They are there in case of trouble. If the tripartite system breaks down and its more likely to break down between the chief and the police authority, and things are going wrong and there's discipline in the air, not because of wrongdoing but because of management type stuff and there are problems and everyone has fallen out and whatever. Then the HMI can come in and grease the wheels as an honest broker and people can see him as such."* Interestingly, there were no instances reported of police authorities using the HMI in the reverse direction, to implant ideas or iron out difficulties with the chief.

Perhaps this “discrepancy” arises because in practice the police authority does not perceive the HMI to be “its inspector”, or for “its use”.

A wider constituency?

As discussed elsewhere a theme running through this thesis is that the accountability process will be extended to identify and include more “stakeholders” in the arrangements. A revised list for the police could be suggested as: those in receipt of the service (the individual as a citizen/member of a community, a victim or alleged wrongdoer; the local community as a generality and as a mixture of groups with special interests; the nation); those providing the service (the ACPO group, Divisional Officers, other ranks, civilian officers); the providers of the framework and resources (the Police Authority; the Home Secretary and the Home Office); and other interested parties (other security organisations/agents; other social agencies; suppliers of equipment and resources for profit).

Such an extension of “stakeholders” increases the possible number of participants in the struggle for influence in which, for satisfaction of the parties, each must be convinced that they have been allowed to have a voice and that opinions voiced have had a fair hearing. An essential basis for a new successful relationship is accurate and comprehensive information for all and, failing any better alternative in the management and regulation of the activity concerned, this is one area where an inspectorate is ideally placed to be of assistance. Another area is in the factual establishment of whether the organisation under inspection is actually implementing decided policy and is doing so in a lawful, just, fair and even handed manner. If this cannot be accomplished with any degree of confidence via normal line management evaluatory methods an independent body is required, with no one stakeholder gaining greater advantage or influence from its work than any other.

An assessment of how well the HMIC meets the needs of the providers of the service and the providers of the framework and resources has already been given. Under the current arrangements it can be seen that the reports of HMIC are a valuable addition to the information in the public domain and have the ability to inform the stakeholders identified with the service. As demonstrated, their usefulness is not equal across all categories. The needs of the other members of a wider constituency, basically the receivers of the service and suppliers, are now considered.

There must be serious doubt that the general public in all its guises (individuals, local community, interest group or citizens) are aware of the existence of Inspection Reports on police forces. Librarians report little demand for their reference and, in any case, library policy on receipt, retention and display appears to vary from area to area. Only contentious items are reported in the media. A similar comment could be made on the police authority's and chief constable's comments on inspection reports and on the police authority's Annual Report and Policing Plan. One safeguard is that they can be obtained if a determined effort is made and so are available to interest groups to whom the majority of the population appear to have delegated all action necessary to maintain democracy. Interest groups can therefore be well informed.

Interest groups in the community, if recognised as worthy by the HMIC, will be asked for their comments before each inspection and such comments may influence the course of the inspection. The nation, and all groups within it, will benefit from any work done by the inspectorate in establishing appropriate measurements for judging the service's performance. Other than this, except as recipients of information which they may or may not avail themselves, the other categories obtain little benefit from the inspectorate.

The main requirement of the alleged wrongdoer is that she/he is dealt with strictly in accordance with the due processes of the law and that there are no abuses of police authority whilst these processes are being carried out. The inspection process appears of little benefit in evaluating the quality of achievement here as much of the work of the individual constable is not inspected and the documentation available only covers part of the time taken by the total process. Dipstick checks (which are undertaken) can therefore be considered of limited use. The inspectorate is not formally involved in the process when an individual makes a complaint against police treatment [except for general post event checks the quality of which the PCA representative (interview 1997) thought very uneven and the more serious cases are dealt with by the Police Complaints Authority when little use is made of HMIC].

Other organisations with an interest include other security organisations/agents, other social agencies and the suppliers of equipment and resources for profit. Their general requirement is to be dealt with in accord with the acknowledged terms of the relationship (as specified) and, very importantly, to receive respect for their contribution. This is often not given with the police officer's traditional contempt for "the civilian",

especially the civilian perceived to be dabbling in police matters e.g. the private investigator or security manager. The inspectorate could be of assistance here in checking that the practical arrangements do meet these requirements.

When considering the benefits of an inspectorate to “stakeholders” overall it can be argued that the HMIC would be considered more useful if it was clearly more independent of the forces and the Home Office. This independence would be facilitated and the HMIC’s work considered more beneficial if the various stakeholders had a greater say and direction in what was inspected and received direct reports back of findings. As already demonstrated these criteria are clearly not met. The major obstacle to be overcome, therefore, is the question of “Whose inspectorate?”. Currently the HMIC are described as an “independent” unit and many devices are adopted to give this impression, such as appointment by the Queen’s Warrant; ability to give advice only, not direction, to police forces; and the “advisory” nature of reports and recommendations. However this is quickly seen to be a facade. HMCIC reports to the Home Secretary; experience has also revealed the inspectorate to be a powerful and influential arm of Government enforcement. The current answer to the question posed is clearly “Central Government’s inspectorate!”. Even in the eyes of the police (from opinions expressed in interviews with chief constables) it is thought that the public do not see the HMIC as independent but as part of the police. Thus in the struggle for influence central government is seen as having an unfair advantage and as such, information provided by the inspectorate will always be looked upon with some suspicion and perhaps jaundice by other stakeholders.

Conclusion

The findings of the police element of this study can now be partially related to the research aims. The first study aim requires the inspector’s role to be placed into context. This review of the HMIC’s approach reveals that like OFSTED, it encompasses all the concepts of inspection suggested by Winch (1996, p.133) as detailed earlier in the thesis. It is an evaluatory process, establishing how well objectives are being achieved. It ensures minimum standards are achieved, is an aid to transparency and establishes the norms against which judgements are made; and is therefore a vehicle of control and discipline. It is a vehicle of communication and social action, giving advice on best practice and being a means of enforcing ends. The impression gained is of a more liberal approach within a

summative stance than in the education service as the inspection reports of forces result from discussions between Inspectors, their Staff Officers and service deliverers, from chief constables to fairly well down the organisation structure.

Relationships engendered over a period give good examples of the shifting nature of power and influence and the changing patterns of conflict and accommodation. Some settlements continue (e.g. the advisory nature of the HMI/chief constable relationship) and others change (e.g. HMIs giving up autonomy to the HMCIC, chief constables relinquishing autonomy to ACPO). The impact of external threat as a motivator of change (e.g. the perceived threat of the Audit Commission on the future of HMIC) is also well illustrated. The relationship with the Audit Commission has developed further than the equivalent relationship in education. It has passed through a number of stages which involved initial conflict leading to eventual co-operation.

Is the police inspectorate achieving its aims and objectives and is it fit for the purpose? As in education a difficulty is experienced in making an overall judgement as the issues are not clear cut. It is argued that the lack of a rigorous inspection of the street level deliverer militates against the achievement of the inspectorate's statutory duty *"to report to the Secretary of State on the efficiency and effectiveness of police forces in England & Wales"* and the full achievement of the Inspectorate's own objectives *"to support chief constables in improving the quality of policing services to the public and in raising the professional standards of officers and staff"* and *"give an independent assessment of the quality and standards of individual forces"* to chief constables, police authorities, local communities and the public at large. As already noted, the efficiency of the inspectorate could also be improved as a number of malpractices have not been uncovered until they have attained the status of national scandals. Similarly, as discussed in this thesis, other objectives such as the assistance given to the accountability of a public service, could also be improved in the quality of their achievement. As such, the regime cannot be considered as fit for its purpose. Again, as in Education, further change appears necessary.

The second research aim requires an assessment to be made of the assistance given to the current accountable bodies (and possibly a wider population). Inspection in the police service is now more closely directed from the centre than ever before with the development of inspection protocols and the close integration of performance indicators as the base of inspection work. This is judged to have given even more power and

influence to Central Government and aided the movement towards “arms length governance”, seen to offer some risk to local democracy and the accountability of the service.

The inspectorate are valued as a source of information by many of the stakeholders, a benefit which could also extend to others if the number of categories of stakeholders was increased. However, the lack of true independence from Central Government and the inability of other stakeholders to direct the inspectors to specific areas of investigation and demand a specific report back is seen as a limiting factor on this usefulness.

The third study aim requires improvements to the arrangements to be identified. The emphasis on performance indicators in the present stage of their development is a concern, especially in light of the manipulation of data which still appears endemic in the service. A member of a police authority who has had extensive experience of management at senior levels in the private sector expressed an opinion which could be suggested as a necessary course of action for all organisations introducing this type of measurement: *“I have always been very suspicious of all forms of performance indicators. One of my worries was that they could be fiddled. So I think one of the essentials when introducing every set of performance indicators is to sit down and work out how someone would seek to abuse them. With every indicator you have to say how it can be corrupted and then be on your guard.”* (Interview 1997). His opinion was this had not been undertaken in the police service and, because of it, performance indicators were of less benefit than they might otherwise be.

Despite the increased central direction, inspection in the police service can be criticised for its lack of involvement with the street level service deliverer. The police constable is relatively untouched by the inspection process and its comprehensive nature is lacking in consequence. This contrasts greatly with the practice in education where inspection is at its most intensive at teacher level. However the movement towards more intensive coverage of the Basic Command Unit level may eventually presage the introduction of “OFSTED type” intensive inspection of the constable (if, despite the doubts of this researcher, it proves possible).

In the next chapter the comparative elements of the study will be addressed and the conclusions finalised in relation to the Research Aims. The perceived flaws in the arrangements will be addressed and proactive suggestions made as to the way forward.

SECTION FOUR : CONCLUSIONS

CHAPTER TEN : CONCLUSIONS FROM THE ANALYSIS

This chapter draws conclusions from the evidence accrued from an examination of the education and police services and their inspectorates using the framework for collection and analysis of data described in Chapter Two. The research approach adopted establishes the part played by each of the two service inspectorates in the regulatory regimes of their service. This updates and makes considerable additions to the information previously available. It illuminates practices which have undergone considerable change in the 1990s and makes transparent procedures which have been concealed in the past and subject to only limited research and little of a comparative nature. It thus highlights current shortcomings and enables suggestions to be made for improvements which would increase the public accountability of services.

Up to this point the thesis has made a significant contribution from an empirical base in the analysis it gives of the selection and training of the inspectors; the treatment of lay inspectors; and of the inspection methods used in both services. It supplies analysis of police inspection which has not, in the past, received the same academic attention or publicity as the inspection of its sister service, education. It analyses and clarifies the complex relationships engendered by the regimes and the strategies used to reduce conflict. New research approaches used include the separation of “by repute” and “by experience” opinions and “process” issues from “outcomes” in school inspection; and, in the police, by a close analysis of the complex “HMI/chief constable” and “Inspectorate/Audit Commission” relationships. The thesis now goes on to draw conclusions from a comparative review of the findings.

In this chapter the conclusions reached for each of the aims of the thesis are given and the role of service inspectorates in a more participatory form of democracy discussed. The two services are compared and possible reasons are advanced for the areas of convergence/divergence which arise in their inspection and evaluatory regimes. The differences are explored so giving greater understanding and clarification of, and adding to, previous explanations. The conclusions confirm some previous research findings whilst challenging others. Whilst the continuation of inspection for the two services in the short term is supported the conclusions challenge its extensive use in the longer term. The chapter ends with some speculation on the future of the services and of inspectorates.

The aims of the thesis : some conclusions

The first aim of the study was to establish the nature of the inspector's role and the environment in which she/he was expected to work in the two services concerned. This context is detailed in Chapters Three to Nine. The first issue arising from a review of these chapters is the acute political nature of the provision of public services with strong themes emerging which explain the connection between public interest and inspection. These are a decline of deference; a struggle for power as politicians seek to enhance their own credibility; an emphasis on inspection and performance indicators as methods of controlling public services; and the movement to make inspection more rigorous, especially at the service deliverer level.

Both services have suffered a decline in deference. They and the people delivering the service no longer enjoy the level of respect that they enjoyed 50 years ago. Education has been accused of failing the nation and currently the police, after a long period of political favour, is being exposed to accusations of failure as the equation between more resources and less crime fails to materialise. As more and more information on performance achievement perceived to be disappointing is placed in the public domain, so the legitimacy of the services suffers.

Politicians, responsible to the electorate for the service given, increasingly attempt to gain control of the services and so enhance their own credibility and prospects for re-election but also deny operational responsibility when it suits them. Both the education and police services have a regime involving three major "players". The main area of contention in both services reviewed is the relative influence the national level and local level should exercise. The evidence in Chapters Four and Seven suggest that the main common area of contention is, in the education service, between the central government and the local authority/LEA, and in the police service between central government and the local police authority. The evidence is that over time the centre has gradually taken/obtained more power and influence to the detriment of that enjoyed by the local level.

As described in Chapters Four and Seven the practical results of the arrangements in the two services then diverge when the influence of the third member of the triumvirate is considered. In the education service the influence enjoyed by the school (governors, head teacher and teachers) causes less vocalised problems than that of the force (chief constable) level in the police service. Police authority/chief constable disputes are

manifold. In recent changes central government has taken to itself more power in both services whilst giving increased influence to schools in one and (debatably) to police authorities in the other. The judgement on the current arrangements are that the “alliances”, if they can be accurately named as such, are between central government and the schools on one hand and between the central government and the chief constable on the other. The increased influence of the police authority which resulted from the 1994 Act is contrary to this finding but the evidence is that this resulted from parliamentary processes rather than the wish of central government. The government’s original proposals would have packed police authorities with the Home Secretary’s “place men women” and allowed him to select the chairperson so, in effect, increasing central control whilst diminishing the influence of the chief constable. These arrangements were overthrown in the parliamentary process leading to the Act but left the proposed police authorities’ duties almost untouched, giving them more influence. Despite this, in both sets of arrangements, the local authority is still seen as the “poor” relation.

A second example of the political power struggle in public services, affecting services to different degrees, is described in Chapter Three. This results from differing political philosophies and is the struggle between the “free marketeers” and others where the former challenge a service’s existence as “public goods”. In theory both services under review can be (and are in part) provided as “private goods”. One aspect of political philosophies debated currently is whether the current conventions, regarding both as “public goods”, is apposite for the 21st century. The impact of this on the two services has been different. In the police service, although there has been extensive debate since the 1980s (see Shearing & Stenning 1983 and South 1983 for early arguments and Johnston 1996, Shearing 1996, Newburn & Jones 1997 for more recent treatments), it could be argued that the attack has only been on the peripheries of policing and that the core roles are still accepted as being appropriate for state provision. The discussion centres on where the boundary between private and public sector provision of other aspects of policing should lie, with the pressure being for the extension of the element of private provision. The challenge is one which is being taken seriously, instanced by the example of a chief constable raising the question of the private provision of area policing in recent police forums (Steele 1998) and HMCIC making reference to “radical approaches” to the traditional methods of supplying police services in his 1999/2000 report (HMCIC 2000, p.7).

A greater challenge is raised in the education service where free marketeers such as Tooley (1993, 1995a, 1995b, 1996, 1998) believe the total service would be provided more efficiently by the private sector with the state's role being restricted to providing resources to the very small minority (in their perception) who are unable to take advantage of free market arrangements. The difference between the approach in the two services is thought to be caused by the nation's continued belief that public protection means co-operation and the delegation of powers of coercion (to a police service). Similar considerations of co-operation and delegation do not apply in the education service. In both services the debate continues. Overall, the conclusion is that the two services will remain a battleground on which the struggle for power and influence will continue to be hard fought.

Arising from the struggle for power a further major theme arising from the study is the method by which those charged with establishing policy and operating the services will establish exactly what is being achieved. Here, two methods, performance indicators and inspection, as described in Chapter Three, are clearly favoured and are prime factors in the evaluatory regimes of both services. However, experience has revealed that the establishment of appropriate performance indicators is not an easy task. As outlined in Chapter Six those currently used in education are subject to some criticism and enjoy far less than universal acceptance whilst, as noted in Chapter Nine, the large number of indicators used in the police service has led to charges of "information overload". In the latter service there is also evidence of severe manipulation of the figures and little reliance can be placed on their integrity. In both services a supplementary method of checking is considered necessary, with inspection being favoured.

The fourth major theme therefore relates to inspection and underlines the way that this has been made more rigorous in recent years, especially at the micro-level (the service deliverer). In both services under review, as described in Chapters Four, Six, Seven and Nine, inspection has progressed from being an area of an individual inspector's expert judgement to a position where what is to be inspected is described in great detail as are, to some extent, the standards to be attained. The resulting "inspection protocols" or "frameworks for inspection" go some distance in ensuring the validity, reliability and consistency of the judgements made but, because of the human element involved, cannot completely assure this and results can be criticised by those seeking standards closer to the scientific. The other development has been to make the inspection extremely intensive

and rigorous so far as the classroom teacher is concerned, a development which in April, 2000 is signalled as being applied to the police with “OFSTED type inspections of basic command units”, a possibility discussed later.

Quite clearly, therefore a chain has been created. A loss of public respect is followed by enhanced political interest with consequent efforts to improve control of the service by the introduction of performance indicators and rigorous micro level inspection. Whether this is the most appropriate approach is explored later in this chapter.

As an aid to the contextualisation of the arrangements and as a precursor to making suggestions for possible improvements to the arrangement (Aim 3) the analysis enables a comparison to be made of the arrangements in the two services and allows areas of convergence and divergence to be established (Sub Aim 1.1).

The developments since 1983 (chosen as the watershed for public services following the adoption of the then Government’s “Financial Management Initiative”) have resulted in marked changes in both the education and police inspectorates. The inspection of schools changed dramatically but at a late stage, as described in Section Two. In 1992 the inspection responsibility was taken from the LEAs and instead, a new organisation, OFSTED, was established, headed by HMCIS and incorporating the existing HMIs. This had the task of formulating new standards for school inspection and of employing sub contractors and training their staff to undertake the actual inspections, carrying out quality control and taking remedial action where necessary. The role of giving advice to central government remained with HMCIS. Although a superficial look suggests that that HMIC has changed very little, being mainly of the same status, number, structure and at the same locations as before, as described in Section Three, a closer examination reveals greater change. Two full time lay inspectors were appointed. A much more strategic approach to inspection was adopted involving a change in methodology and publication to the forces of the protocols which are used. This was based on the Audit Commission’s perceived very successful approach and involved the Regional Inspectors voluntarily relinquishing some of their autonomy in the inspection process. At the end of the field research period an approach involving the examination of one aspect of policing over a number of forces (the thematic approach) was being favoured compared with the traditional practice, the general inspection of one force.

The outcome of these changes is the most significant difference between the two services, as analysed in Sections Two and Three. Whilst they represent a further

movement in both services from professional assumptions and modes of evaluation to managerial approaches and instrumentalism the methods employed are very different. As concluded in Chapter Six, the impact of the OFSTED inspection is extremely intensive and stressful on the classroom teacher and on the individual school. It is also extremely punitive. Teachers have lost their jobs and schools have been closed following adverse reports. Its impact can be said to be inversely proportional to the position of the individual in the school hierarchy, it being extremely intensive for those in the classroom, less so for the Head and even less so for the Governors. Inspection standards are judged by those inspected to be applied with little flexibility. It is a process which is therefore very uncomfortable for the organisation under scrutiny.

In contrast, as analysed in Chapter Nine, whilst the inspection of the police has become more rigorous and focused, it remains an inspection of forces and not of individuals within it. The impact of the inspection on the latter is in proportion to their position in the organisation hierarchy resulting in the impact on the street policeman being minimal. It is also relatively non punitive. Whilst undoubtedly inspection results are very influential and regarded as such, people are not known to lose their jobs or forces to be disbanded because of adverse inspection reports. Inspection standards appear to be applied with reasonableness, taking into account known difficulties, and the process is deemed relatively comfortable for the inspected organisation. Some of the issues which trouble the public in the way the constable carries out day to day duties are the abuse of authority, illegal use of force and racial and sexual discrimination. All have an impact on the individual interpersonal relationships engendered in constables' encounters with civilians but are not subject to direct HMI scrutiny during normal inspection (despite thematic reports issued on "Equal opportunities" and "Winning the Race"). The inspection of the police is by a permanent body of inspectors; that of schools by people mainly employed on a casual basis

Both inspectorates encompass the full range of "legitimate uses" as described by Winch (1998, p.141-143). Both are "summative" with the education arrangements being more "prescriptive" and the police arrangements "liberal" as defined by Henkel (1991, p.190), the latter involving much more discussion with the various organisation levels of the inspected before reports are submitted.

As a result of the Government initiatives (described earlier in Chapter Three as "managerialism" and "new public management") both services have had to adopt a new

vocabulary of management terms and regimes where 'efficiency', 'effectiveness', 'economy' and 'value for money' feature large. Both, as illustrated in Chapters Four and Seven, have had to assume new management and measurement techniques putting greater emphasis on the clarification of objectives, long and short term planning and performance management featuring the establishment of performance indices. Quasi markets have been introduced into the education service supposedly to improve parent choice and a number of police activities have been privatised either by outsourcing or civilianisation. Both services, therefore, have had to meet considerable change in light of the Government 'market' and 'managerial' initiatives. In both services the evidence is that the inspectorates were and are very influential in the change process. Both inspectorates tailor their approach to support the government initiatives emphasising the importance of management and "free market" initiatives and requirements in their publications and in the emphasis they place during inspection. The inspected soon appreciate that "a good report" depends on conformity in these issues.

As demonstrated in Chapter Nine the police inspectorate undertake a wider range of duties than the education inspectors. They have considerable influence in career development and promotion within the higher echelons of the service and, to some extent, can be regarded as gatekeepers to the 'occupational power elite' which heads the service. The closeness of their relationship with the service enables them to act as lubricants in the solution of particularly knotty problems. The greatest difference in duties is that the police inspectorate have the statutory duty to provide advice and guidance to the forces whereas the OFSTED inspectors are, in the main, officially precluded from this (although the restriction is often ignored in practice).

The HMIC has proved very adept at recognising the need for change and in making early change to meet the wishes of its political masters and in doing so, has demonstrated a political awareness of a very high order. The pre OFSTED HMIS did not display this degree of political acumen, suggested as one of the reasons why it had so little influence in the substantial changes made to the inspection process by the 1992 Act. This was remedied by Woodhead when HMCIS and both inspectorates are now seen as maintaining excellent relationships at central government level.

As analysed in Chapters Five and Eight the culture of the two inspectorates is very different. The police inspectorate is much smaller and more tightly knit than the education inspectorate. HMIC gives the impression of being a high powered gentleman's

club. HMIS very much less so. Both chief inspectors were very well regarded in political circles with the HMCIS, when Woodhead was in post, enjoying a much higher public profile. As demonstrated in Chapter Nine the police inspectorate now enjoy a good relationship with other evaluative departments such as the National Audit Office and the Audit Commission. The impression gained during interviews was that there were tensions between OFSTED and the Audit Commission and that the two organisations were still engaged in preliminary competitive fencing to establish position and "turf".

As discussed in Chapters Six and Nine the ease with which external bodies can consult the service differs greatly in the two services under review. The police service's organisation and size has enabled it to form a very influential elite body of its chief executive officers, the ACPO, which can act for it in consultation with Government. ACPO is also a very convenient body to represent the police to the public. HMIC has a very close relationship with this body leading to challenges in the past that it was under ACPO control. This may have been the case but the current evidence is that, although a close association continues, there is no question now of ACPO "ownership" of the inspectorate. Other "spokesbodies" for the service and often disparate voices to those of the ACPO are the Police Federation representing the other ranks (almost the equivalent of a Trade Union) and the Superintendents' Association, representing "Middle Management". The education service has no similar body to the ACPO and is thus judged to be at a disadvantage when consultation with other bodies is required, especially Government although it is difficult to see without organisational change (e.g. the grouping of a number of schools under a "Super Head" or the election of "a representative Head" on a LEA geographical basis) how a similar representative body would be possible. In lieu, the Teaching Unions are looked upon as "spokesbodies" by the media.

The acceptability of the regimes differ in both services. The evidence of Chapters Nine is that the police service, as represented by the senior ranks, after initial opposition to the changes voiced internally have, in the 1990s, strongly embrace the need to change and have taken initiatives and made considerable progress in meeting the demands of their political masters. As a result they can claim that change is a service led operation, perhaps taking credit for the work of other bodies such as the Audit Commission. The lower ranks' derogatory image of most higher management issues (Reiner 1997, p.1018) extends to this area and a considerable cynicism is displayed. For this reason it would be unwise for the observer to claim total service acceptance. The evidence of Chapter Six is

that the education service, at school level, has done its best to encompass the imposed changes whilst voicing opposition in a very public way through its Unions and academic associates. The judgement is that the police service is comfortable with its regime whilst the education service has considerable doubts about its arrangements, especially the school inspection element. There is thus a close relationship between “comfort” and the “punitive nature of the arrangements”. The greater the danger perceived from inspection by the individual the more discomfort that individual feels.

The police “comfort” may be changing. The introduction of “Total Quality Assessment” by some forces has demonstrated to force members that a less adversarial approach to the one adopted by HMIC is possible which will achieve the same ends of force improvement in a more participative and acceptable manner and achieve better overall results as a partnership between those involved. As reported by Police Inspector ‘B’ (interview 1998) *“We have just gone down the line of ‘Total Quality’ and that is a way of inspecting but it is not confrontational ‘We are here to find something wrong’. It is done in a much more facilitative and structured manner but just as accurately. It is more about helping the Divisions to identify the areas of their strengths and the areas where they need to improve then giving it back to the Divisions, involving them as owners of the process, rather than just coming along and turning over things and saying ‘This is what you have got wrong.’”* It is only in these forces that the need for an inspectorate is challenged. In others there is general acceptance that an inspectorate is necessary. In education, although the current regime is disliked mainly on the basis of cost and bureaucracy, the need for some form of inspection is generally accepted.

As concluded in Chapters Six and Eight both inspectorates are now very influential in the changes wrought in the services. Both ensure that issues they raise go to the top of the service agenda at the level inspected. Strong evidence exists that the inspectorates are enforcement arms of their Secretaries of State and Ministerial Departments. For example writing of his thoughts after the issue of the Government 1993 White Paper, Oliver (1997, p.84) as a chief constable wrote: *“There remains within the service a vague unease that the inspectors were becoming more and more the ‘creatures of the Home Secretary’ and some would add irreverently ‘in his own image’. The notion of their independence was being challenged and instead of their fulfilling a truly independent and impartial role they were perceived as the Secretary of State’s enforcers to the detriment of the independence of the chief constables.”* It is argued that

similar sentiments can be expressed on the influence of OFSTED. As LEA Deputy Director of Education "A" (interview 1997) reported *"What is worth bearing in mind is that Her Majesty's Inspectorate (pre 1992) was clearly independent, a well rooted part of the educational scene since Victorian times. This has been changed by the creation of OFSTED. So HMI, which was independent, is now the equivalent of a Government QUANGO."* The inspectorates are enforcement arms of government and as such are an integral part of the regulatory system forming the basis of a 'new governance'.

As explained in the account of the way the inspection processes have changed over time (Chapters Six and Nine) both inspectorates have embarked on the development of their evaluative methodologies: analysing systems and operations at practice levels and attempting to make quantitative that which formerly was only qualitative. In this both are following the "what works/evidence led" approach pioneered by the Audit Commission and much favoured now by Government for evaluation purposes across the public sector. The revised methods can still be criticised in both services as not meeting the validity, reliability and consistency requirements of statistical theory but despite the deficiencies, may meet these criteria sufficiently for inspection purposes. The police inspectorate in general and the OFSTED HMIs are seen as being less accountable than the individuals undertaking the actual school inspection. As the latter are employed on a "per inspection" basis it is very easy for them to lose future inspection employment opportunities if their performance/ conduct is considered to be lacking. .

The conclusion of the discussion and analysis in Sections Two and Three is that the two evaluative and monitoring regimes whilst having similarities are now very different. They are both the same in that they make extensive use of inspectorates designed to be part of the service developmental process. The school inspectorate is expected to do this by pointing out what is wrong and not offering solutions, leaving the latter to the service deliverers. The police inspectorate perform this function but offer advice and guidance also and are credited with the spread of good practice. Both regimes can be seen to be very influential and as being a strong enforcement and regulation arm of central government whilst the police inspectorate maintains the pretence of being advisory only. Both inspectorates report to central government and are expected to discover the truth about what is happening in the service as "objective reality". Both see themselves as reaching objective judgements about fact and value, based on evidence. Both make qualitative judgements and work on the assumption that their professional judgement

makes good any deficiency which fact alone does not resolve. The two regimes differ in that one is extremely punitive, the other markedly less so. One is extremely intensively focused on the individual interface service deliverer, the other concentrates on a much larger organisation unit and has relatively little impact on the lower level of the organisation. The reasons behind these areas of convergence and divergence are now explored.

As demonstrated in Chapters Six and Nine an area of convergence is that change occurred in both services from the late 1980s onwards. Both, from similar starting points and similar histories, were faced with a change from a benign, nonpunitive regime of evaluation and monitoring to one of great government and public interest. The cause of this was an alteration in the political environment in which the services were working, brought about by the country's economic situation and a change in the dominant political philosophies which guided government. From being relatively uninterested in how much public money was being spent and the way it was being spent (as part of a generally accepted philosophy "spending money on public and welfare goods is a good thing") the public and the media commenced to take a great interest which then caused the Government to make changes.

The use of expensive inspectorates was continued by both services. This is a practice not usually adopted in the private sector, and is somewhat surprising in the light of the support given by the Conservative Administrations 1979 - 95 to the introduction of private sector managerial practices. It also surprised chief constable 'C' (interviewed 1998) who opined "*You would not invent them if they were not there.*" The reason for their continuation resides in aspects of power and the way their provision enhances central government power.

Given no inspectorate an alternative method of communication and control would be necessary. Here an integration with the line management function of the service, as a practice which works elsewhere, might be indicated. However, as discussed later, deficiencies noted during the research but outside the scope of this thesis suggest that the two services' line management functions are not yet equipped to undertake this role. National politicians have a suspicion and contempt for local politicians which, in its way, is surprising as the same electoral procedures are responsible for the emergence of both breeds. This results in a general reluctance to delegate power and was most marked in the Conservative Administrations of the 1980s which had parties of a different political

persuasion in charge of the larger metropolitan bodies whom they accused of working to negate central policies. The continued adoption of additional instruments of control gives substantially increased costs and is surprising when the measure of control already obtained by the central government's ability to control the purse strings is considered, an ability undoubtedly used to maximum effect.

The greatest area of divergence found in the analysis in Sections Two and Three is that, despite starting from similar backgrounds, one service finished with an extremely punitive and intensive monitoring and regulatory regime whilst the other continued with a relatively non punitive regime. This could be the result of Government focusing on outcomes and adopting a stance of "If it is working - giving us the outcomes we want - don't meddle with it!" Here the perception that education was failing the nation might be thought to legitimise imposed change, the lack of a similar charge in relation to the police (despite disappointing achievements) to legitimise leaving the service to go its own way. Another commonly believed reason for this difference is that whilst the higher echelons of the police service either handled resistance to change internally and in a manner acceptable to government or managed public relations well to gain public acceptance of their point of view, the education service's resistance was articulated in a non acceptable, very vocal way on a very public stage and proved less popular with the public. The introduction of a punitive regime is then suggested as a disgruntled government paying off scores. The timing of change (changes to the service 1988; resistance 1988 onwards; punitive inspection introduced 1992) supports this hypothesis but suggests that government determines policy through spite. As this is perhaps doubtful it is as well to look for other possible reasons.

From the analysis size is not a factor. Both services employ a large number of people and consume large amounts of the public purse. The education service is three times larger than the police service if measured by people employed and two and a half times larger if measured by public expenditure. One logic would suggest that because of the difficulty of the task the larger service, education, would be the one which receives the less intensive treatment but this is clearly not the case.

The police, being resourced more by males (generally considered to be more aggressive than females), with a military structure background (compared with education's religious roots) and as sole legatees with the Armed Forces of the state's monopoly of legitimate force, might be thought to be the more in need of punitive

regulation and strict control to safeguard against the abuse of power. The factual situation is that it is the education service which is more punitively controlled.

Other reasons must therefore be sought. One possibility could be the relative power and status enjoyed by the two services, with those considered more powerful and of higher status being afforded “kid glove” treatment by the politicians (cited as an important factor by Day & Klein 1987, Hughes et al 1997 and Cope & Goodship 1999). However, in this analysis the slightly higher status afforded the police is not sufficient to explain the difference in the treatment they receive. The police are considered the more powerful and in this analysis, the more powerful of the services has the least punitive regime which would be in accord with a hypothesis suggesting “gentle” treatment. Again, however, the relative difference in power held is not of sufficient magnitude to justify the great difference in the punitive nature of the two regimes.

The regimes to be applied are decided by government and involve political choice. A very much over simplified definition of politics is Bismarck’s “the art of the possible” (ODQ 1979, p.84) and it is in this definition that a credible reason may lie. It can be argued that in the consideration of “what is possible” the wise politician considers consequences and politicians, advised by the civil service, will not risk losing the goodwill of an organisation which proved itself a powerful ally in such areas as the industrial relations disputes of the 1980s. The Government therefore continued a relatively non punitive regime for the police service. The education service, although useful to the country, only gives long term benefits and, in the interests of maximising Government power, a punitive regime could be introduced with little fear of the short term consequences. Similar reasoning may be behind the fact that the education service alone was accused of failing the nation when the evidence of rising crime and public disorder would appear to suggest a similar charge could have been, but was not, raised against the police service by the government of the day.

A further factor arising from the characteristics of the service is the relative political astuteness or naiveté of those employed within it. As described in Chapters Seven and Nine the elite echelons of the police service, after a slow start when first faced with the need for change, give the impression that both its chief officers and the members of its inspectorate were very politically astute with impressive antennae for establishing which way the political wind was blowing. They also demonstrated a marked capacity for learning from, and adopting the methodology of others, perceived to be politically and

operationally successful. Thus the chief constables have relinquished some of their prized “operational autonomy” to the ACPO and conform to decisions taken by that body. They also accept operational objectives being set by the Home Secretary: an act which has also decreased this autonomy. A further impression gained was that most (but not all) of the changes were developed by the service or facilitated for all parties by the co-operation of the service elite. In this, the often dissenting voice of the Police Federation had little impact. For example the implementation of the Sheehy recommendations, despite Federation opposition, is explained by McLaughlin & Murji (1995) as being with the connivance of senior officers who saw its provisions as furthering the influence of managers in the service. The agenda for change may have been informed by others but the senior officers made sure little criticism could be levelled at the service thereafter for lack of action or co-operation. This may be the reason that the inspectorate survived almost unscathed from this period of change despite the attentions of the Audit Commission which, at one time to many observers, threatened its very existence. Instead of being adversarial, the inspectorate co-operated with the Audit Commission and as demonstrated in Chapter Nine, could be seen to have adopted the latter’s methodology in its own examinations of forces by the middle 1990s.

A contrary impression is gained from the education service. As described in Chapters Four and Six the inspectorate was not politically aware and ploughed its particular furrow, oblivious to the outside world. It, and some others in the service, obviously alienated Margaret Thatcher when she was Secretary of State for Education in the early 1970s and reaped the consequences when she came in to power 1979 onwards. The changes in the Education Act 1988 and subsequently were imposed from outside the service, with little consultation or influence from within. The service (or members within it) still resist change and vocally oppose the current regime but give co-operation at school level.

An end product of these factors is that the upper echelons of the police service have restructured their arrangements to facilitate consultation and networking with government. The ACPO produces committees and officers able to speak with authority on behalf of the service. Through this structure the service can be consulted on change by government and be represented to the public. Helping to underpin the arrangements are the Police Federation and the Superintendents’ Association but neither of these attain the authority in the public’s eyes as is achieved by the ACPO. Despite a myriad of

organisations and committees no similar structure currently exists in the education service and leaves a problem as articulated by the former Secretary of State for Education (interview 1999): *"How do you get to teachers, how do you speak to them if you are Secretary of State. You can, of course use the union on occasion to deliver messages and you use the media to try and get over the point you are making. Those are the only ways - you are not going to visit 25,000 schools - and even if you could, you wouldn't necessarily see all the teachers - so its pretty imperfect. A 'Dear Teacher' letter from the Secretary of State doesn't go down very well, its pretty tedious for them. I found it quite a problem"*. The void is filled to some limited extent by the Teaching Unions, with their General Secretaries being regarded as "leaders" of the profession by the media.

The position may change following the establishment of a General Teaching Council from September, 2000: the implementation of a Labour Party initiative promised in its 1997 Election Manifesto. This, it is hoped *"will do for teachers what the Law Society already does for solicitors and the General Medical Council does for Doctors"* (Smithers 1999c). Propagated by government as an independent voice for teachers, the council will have a dual regulatory and promotional role. It will be responsible for drawing up a code of professional conduct for teachers and for dealing with individuals who breach the code. It will take the role of advising the Secretary of State, local authorities and schools on the recruitment and supply of new teachers, initial training and induction and professional development and hopefully, improve the status and public reputation of teachers. The success of this body will depend on the perception of its independence and a demonstration of its ability to deal with a possibly obdurate government proving to possibly recalcitrant members of the occupation "that it has teeth".

Very great differences are detected in the current attitudes of the two inspectorates. As demonstrated in Sections Two and Three the police inspectorate is a very close, integral part of the Home Office and much involved in the policy and politics of current affairs whereas OFSTED, in its Kingsway eyrie, is much more remote from government. The latter location was thought by the former HMCIS to enhance its independence, but it is a matter of conjecture how it will fare without his political skills now that he has left office. From this evidence, it is suggested that the political astuteness and awareness of the service's senior management and inspectorate members and their willingness to accept

or otherwise face the consequences of change has a large bearing on the regulatory regime imposed.

The inspectorate's "closeness" to Government and to its service has a bearing on its "usefulness" as perceived by Government and, as a consequence, the likelihood of its survival. In this, as described in Chapter Eight, the police inspectorate can be seen to be considered the most "useful" i.e. giving benefits to Government, of the two inspectorates having a large role in the service's promotion arrangements and acting as a lubricant to ease problems, duties not encompassed by the education inspectorate. On this particular criterion the police inspectorate is thought to be the most likely of the two inspectorates to survive, a belief enhanced by the possible ephemeral nature of current school inspection. The costs involved in the latter may be seen by future Administrations as a very tempting area of saving when school performance is deemed to have improved to the required level. The trend is towards inspection by teams of mixed specialisms rather than those composed only of specialists in the technical operations or from the profession/craft concerned. Both inspectorates are at risk in such a scenario with, perhaps, the police inspectorate being a favoured candidate for early change, the Audit Commission having already demonstrated the benefits of external scrutiny.

The analysis of the two services and their inspectorates in Sections Two and Three reveal many instances where tensions arise in public sector arrangements when one view could be that only co-operation should result. These lead to conflict which may continue or be resolved by "accommodations": settlements sometimes temporary and often shifting, whereby acquiescence by one or both parties allows working arrangements to continue.

Four differing types of accommodation which resolved conflict (to some extent) and allowed/enabled the arrangements to 'work' were detected in the relationships formed in the two services and their inspectorates. These stances are labelled for convenience "co-operation", "containment", "collaboration" and "compromise". Failing the achievement of one of these four accommodations conflict results in continued opposition and non co-operation. The service given suffers until resolved by sanctions imposed by higher authority (when this is possible) or changes in the arrangements are made to suit those in opposition. In the latter case conflict may thus bring about the change desired by those opposed to the regime but risks the associated major danger that continuing conflict will result in an even more rigorous regime being introduced.

“Co-operation” occurs when those opposed to change, whilst not agreeing with it, give their full co-operation in bringing it about. This removes any ill effects that could accrue from continued conflict but has a danger that the differences between the parties remain as continuing sores under the surface and affect future work and relationships. “Containment” is defined as those situations when co-operation in bringing about the desired change is given by those opposed to it but is accompanied by continued opposition. In this situation it is thought possible, but less likely, that arrangements may be changed and the limited opposition may sour relationships causing continuing problems. Conflict may also be resolved by “compromise”, the amendment of the arrangements by both parties. If this is with the approval of the policy/decision makers or results in them “turning a blind eye”, then few problems may result; if it is without this approval future problems may arise. In the latter case service providers can be said “to conspire” or “collaborate” with others to depart from the laid down arrangements, in their view “to make the arrangements work”.

Examples of all these devices were found in this study (Chapters Six and Nine) and on this evidence it is argued that such shifting relationships are more likely to be the norm in public services than the outright co-operation which common payment from the public purse might indicate. Thus conflict was found to be continuing in the relationship between OFSTED and the Audit Commission with no evidence of their working together to date. ‘Containment’ was found in the relationships between Home Office Staff and HMIC with constrained co-operation being offered but with competition being just under the surface at all times. Similarly, this heading could be used to describe the relationship between teachers and OFSTED inspectors where co-operation was offered within the schools whilst opposition continued to be voiced by the Teaching Unions.

‘Collaboration’, the deliberate perversion of the directions or wishes of policy makers, was also detected in the relationship between teachers and school inspectors whereby more extensive dialogue about inspection results and the possible solution of problems than the legislators desired was given to make sense of the arrangements in the terms of the participants or “to make them work”. This then led to ‘compromise’, with the legislators changing the arrangements to legitimise the practice. Another ‘compromise’ saw chief constables relinquish much prized operational autonomy to the ACPO, and HMIs allow the HMCIC to dictate the methods and emphases of inspection in the face of threats to their future. All the elements, from conflict to co-operation can be detected in

the history of the relationship of the Audit Commission and HMIC which suggests that the career of many relationships may have similar shifts and changes over time.

Evaluatory bodies obviously compete for turf and influence and have relationships which shift and change before co-operation is secured leading to the conjecture that bureaucrats deliberately place evaluatory bodies in competition to “improve” one or both of them. All this activity is carried on under an overall umbrella whereby national politicians and their advisers joust with local politicians for influence and power. As such the evidence should dispel any residual beliefs there may be that agencies funded by public money can, de facto, be expected to co-operate one with another for the public good.

The second aim sought to establish if inspectorates are an aid to the achievement of accountability and, if so, whose accountability and to what ends. The evidence from Chapters Six and Nine is that, with some reservations, they are indeed an aid to the achievement of accountability, mainly through the information they supply. The inspectorates, in many of the recipients’ perception, provide valuable and credible information to the parties held to be responsible/accountable and to the service users which currently they believe cannot be produced in any other way. This gives a view on the efficiency in which the service is being delivered, highlights areas of excellence and poor performance and makes transparent that which otherwise would be concealed. This reassures those involved; pinpoints areas for action; and assists in policy formulation. From this comes a belief that, through inspection, the service provided in the future will be ‘better’ (almost no matter how defined) than it was in the past. In short, achieving accountability requires good communication and inspectorates are seen as having the potential of offering this by those accountable. Some doubts and reservations arise. These come from the accountable parties’ perceived doubts, as described in Chapters Six and Nine, about the effectiveness of the inspection system and the independence or otherwise of its operations.

Overall the belief (as reported in Chapters Six and Nine) is that the increased information in the public domain and more opportunities for consultation/participation given by the changes made over the recent years has improved the accountability aspects of these two public services. In this the two inspectorates have been a great help. Force inspections help to assure the Home Secretary, chief constables and police authorities that they are discharging their responsibilities and aids their task of holding others in the system accountable for their contribution. The inspection reports help the public to be

informed and so hold the various parties accountable. However, it is only possible for the parties below the Home Secretary (who must be seen as the main influence), to suggest areas for examination for the inspectors to what they, the parties, consider is a very limited extent.

A similar position exists in the education service: the Secretary of State, LEAs and schools are given assurance by the inspections and aid their task of holding others responsible for their contributions. The public are similarly informed and parents especially welcome what they see as an independent judgement of school performance. In both services what is reported is a negotiation between the inspectors and the inspected but more so with the police. Both inspections culminate in discussions, between the head teacher and the lead inspector, or between the chief constable and the Regional Inspector and between Staff Officers and officers lower down the force. The reports depend on these discussions and the strength of the relative personalities and their arguments.

The impact of the regulatory system on power relations was examined to determine whose ends are being served. Here the conclusion is that the arrangements, whilst continuing practices which have a long history, contribute to the new approach to governance, that is “governance from a distance”, in accordance with the trends noted by Hoggett (1996), Hood et al (1999) and Cope & Goodship (1999). It is possible in both services to adduce evidence (Chapters Four and Seven) which suggests that the current inspection practices are a continuation and development of practices which have a long history. As a generality governments have favoured inspection as a “instrument and method of control” since the turn of the 18th Century. Inspectorates do offer central government many benefits. They act as the eyes and ears in the field when otherwise, central government and its advisers would be very remote. They explain the current situation, report on problems and their solutions and advise on future policy. They also report on the implementation of current policy. They are directed and controlled from the centre and have their appointments, rewards and punishments decided centrally, so having a marked degree of self interest in satisfying central requirements. They are also the link between the centre and the field, clarifying and explaining requirements, using their good offices and contacts to iron out problems before they become serious and wielding perceived power to ensure policy and government direction is implemented exactly as the central policy makers desire. They are thus an extended arm of government.

Governments are unlikely to admit this. The most they may do is as in Prime Minister Blair's (1998, p.16) statement: *"In all areas, monitoring and inspection are playing a key role, as an incentive to higher standards and as a means of determining appropriate levels of intervention"*. He speaks of this as though inspection was a restricted tool of good government, the inspectorate's efforts being confined to informing government when to intervene *"where performance indicators or inspector's reports show there is serious or persistent failure in the delivery of services"* (p.17). This "sales pitch" ignores all the other possibilities for central influence and control provided by an inspectorate which perhaps would not be so attractive to the electorate.

This influence is extensive in both the education and police inspectorates. The evidence of Chapters Six and Nine is that both have a great effect on the way that central government policy is introduced and implemented; that they are the government's eyes and ears in the field; and as such that they are major elements in central government's ability to control. The evidence of both interviews and documents is that despite statutory provisions, conventions and operational practices that suggest otherwise that they are, for all practical purposes, not independent but under the close direction of central government. It is argued that it is in their own interests for them to be perceived to be at the forefront in supporting and assisting government initiatives. This, as noted in the short histories given of the inspectorates, represents a considerable change from the position before the 1980s when inspection was generally a matter of individual inspector's judgement as to what should be inspected and what emphases should be given. The introduction over the last 15 or so years of "Frameworks for Inspection" and "Inspection protocols" represent a major central government interference in the role and autonomy of the inspectors. As such inspectorates are now, along with the introduction of "managerialism", a major factor in the current perceived movement towards "governance from a distance" as described earlier. An alternative to much of inspection, performance indices, is not yet favoured because of the unsatisfactory nature of many so far developed. In this vacuum inspectorates allow government to take greater control of what is happening "on the ground", to exert greater influence than otherwise would be possible, whilst at the same time continuing theoretical conventions which enables it to escape responsibility and accountability. The paradox is that they facilitate decentralisation of management whilst facilitating centralisation of power. In short, they facilitate power without responsibility.

This realignment of the relationship the state with its institutional and organisational forms is described as “fragmentation” by a number of commentators (Sayer & Walker 1992, ch.5; Hoggett 1996) which suggests a “splitting away from the centre”. This is an apt description of part of the change but it ignores the associated, very obvious, movement towards central control. For this reason Clarke & Newman’s (1997, p.24/25) use of the description “dispersal” is supported from the empirical evidence of this research. There has been this two way movement of power in the two services although the second, the movement to the centre, is seen as very much stronger than the power delegated. The two services are therefore good examples of the “*striking changes*” (Clarke & Newman 1997, p.30) in the way that state power now works in the public sector compared to the former professional and bureaucratic locations of power. A key finding, therefore, is that inspectorates are clearly, on the evidence of this research, not independent assessors but are government agencies of regulation.

This relocation of the important power is at the expense of the other parties in the accountability arrangements, notably at the expense of local determination and one which could cut across the possibility of greater public participation in accountability in a democratic society. Less opportunities exist for other levels of the service or citizenry to take initiatives when greater direction is imposed from the centre. Currently local decisions are constrained by the fact that central government, by a mixture of methods, supplies (and controls) some 80% of the finance required to operate the services. But this level of control is not sufficient in itself in central government opinion. In the police service (Chapters Seven and Eight) the centre now issues national policing objectives, has a big influence on what is considered “best practice” and has a huge influence in the senior appointments made in the service. In the education service (Chapters Four and Five) the government now provides the inspection service, specifies the subjects which will be taught and is influencing the methodology of teaching used by direction given in the National Curriculum. In both services the implementation of these “constraints” on local initiative is facilitated by the two inspectorates. This democratic deficit will require attention if local democracy is important and the need will intensify if the pressure for local participation in governance grows, a likely event, being fuelled by every malpractice revealed. As their part in this rectification process, the inspectorates must change, become more independent, or another method of providing information, in giving assurance, will eventually be developed.

The research questions why inspection features so large in the evaluatory and monitoring regimes of the two services and is reported by the Government representatives seen as crucial in providing information for policy formation. A close analysis of the arrangements does indicate use of the other “instruments of accountability” described earlier in Chapter Three but these have drawbacks. The main other “instrument” used is Audit, with the arrangements at every level being subject to regular independent auditing by bodies such as the District Auditors or the National Audit Office. These scrutinies are usually financially based but as this does not offer a comprehensive review other aspects of the management of the service are increasingly coming into their ambit. Special exercises are also conducted on an ad hoc basis by the Audit Commission (whose remit has recently been extended to conduct “Value for Money” audits across the public services). These external scrutinies supplement the operations of internal auditors or of Audit Committees resourced by members of the organisation concerned.

Both services, from time to time, are subject to special examination by committees set up by central government in the form of Royal Commissions and the like. These are expensive and “one off”, not providing the ongoing evaluation necessary. The education service’s teacher appraisal system makes great, but unsatisfactory, use of peer group review; an “instrument” not generally used in the police service. Both services, on an ad hoc basis, have employed academics to undertake special research on aspects of the service (also an expensive, discontinuous approach) and many researchers have also taken it upon themselves, often backed by external finance, to investigate specific elements of the services and their operations. Advisory services can be purchased from whatever source by schools and are often provided by the LEA; the police service often uses consultants for this purpose.

Both services have an organisation structure which provides direct line management but the question of its current effectiveness is well outside the focus of this thesis. However, comment made in the interviews undertaken in both services suggest that both suffer from poor human resource procedures with the appraisal systems and disciplinary procedures coming under particular severe criticism. On this evidence line management is not yet in a position to replace inspection in the evaluatory regime.

As a consequence it is argued that inspection will still be a major element in the regulatory system of the future. The reason it continues and is politically favoured is, as demonstrated earlier, that it offers great benefits for central government. It is thus difficult

to foresee the circumstances which will motivate Government, as the final decision maker on change, to introduce new arrangements which would result in its losing those benefits and the influence they give. Perhaps the only possibility will be if the citizen's demand for participation in governance described earlier becomes so strong that it cannot be rejected, coupled with a strengthening of the line management procedures in both services to ensure they fill the gaps in information flows and in a way that the integrity of the information provided is assured.

As already demonstrated in Sections Two and Three inspection, as a concept, is also accepted by service deliverers in both services as being a legitimate integral part of their service's evaluatory and monitoring regime. It must be accepted, however, that consideration of such aspects is not an every day concern of the normal "run of the mill" service deliverer. Members of the education service do not like their current inspection regime: they consider it unwieldy and costly. This does not alienate them from the concept. Very few doubts are voiced in the police service about the legitimacy of inspection either in general or specifically about the current arrangements but this may be because it causes few ripples and little concern. This is perhaps not surprising, especially at the lower levels, when the impact on the constable is minimal. Thus inspection, as a generality, has an acceptance in the services which other "instruments of accountability" may not. "Acceptability" is deemed important if a regime is to operate successfully.

Undoubtedly inspection reports do provide information in the current system which supplements that provided by the management regimes. The amount provided by the latter has increased substantially over the last five years with the development of performance indices and other measures of performance. The benefits of a wider based audit have also been demonstrated by the work of the Audit Commission in the police service, especially in co-operation with those skilled in the technical aspects of the service. There are thus other forces moving against the preferment of "pure" inspection which may signal change in the future.

The research also questions whether the inspectorates' work would be useful if extended to a wider population of 'stakeholders'. Accountability arrangements can be said to be information flows to and from those identified as having a role/stake which, in some cases, lead to action. As already discussed in Chapters Six and Nine the existing arrangements for those currently held to be accountable are capable of improvement. They are not transparent and clear: there is a democratic deficit. It is not surprising,

therefore, to find that the existing arrangements would not be sufficient for the needs of the larger group which would result from the wider participation involving more people, the identified “stakeholders”. The quality of information flows is all important. These, it is argued, should have the objective of equally informing all stakeholders and make it easier to be “an active citizen”.

As a subsidiary to the second aim the research examined the ‘effectiveness’ of the inspectorates and questioned whether they achieve the ends which are expected. Here comprehensiveness, reliability and validity of results, accuracy of reporting and standardisation of evaluation criteria are important elements.

As noted in Chapter Three, “inspection”, as a instrument of accountability, is suspect because of the human element involved in the judgements made. By academic and scientific standards this raises serious questions about the basis of inspection findings, especially on their validity, reliability and consistency. The inspectorates, by introducing “inspection frameworks” or “inspection protocols”, have changed their approach to improve these factors to some extent but human judgement remains a large factor. The changes in the police arrangements are accepted by the service as meeting threats to HMIC’s continued existence (a defence supported by the upper echelons if only because a continued inspectorate provides interesting opportunities for senior appointments); and the outcomes from its work continue to be less than punitive. In contrast the new education inspectorate is constantly challenged, especially on the lack of scientific standards, its unwarranted precision and for its punitive nature but this is part of the more general opposition to the regime when “any stick is good enough for the purpose of beating OFSTED!” and the notion of “accurate enough for the purpose” is not applied by the very vocal critics of the highly punitive regime.

The accuracy of the inspection findings and the standardisation of the criteria of evaluation was questioned. The evidence of Chapters Six and Nine is that greater standardisation has been facilitated by the issue of “Handbooks of Inspection” and “Inspection Protocols”. These have improved the consistency of inspection findings whilst still not satisfying those, such as Fitzgibbon in the education service, who believe scientific or academic levels of standardisation are required and possible.

Both inspectorates are thought by the people inspected to be accurate in their reporting (i.e. describe the organisation’s strengths and weaknesses as the inspected know them). As emphasised in Chapter Nine the police inspection is an inspection of the chief

constable and the force whilst it is shown in Chapter Six that education inspection focuses heavily on, and is intensive and stress inducing on the basic level deliverer, the teacher. As such, the police inspection can and should be criticised for its incomplete nature with large areas of the work not being rigorously scrutinised. This, it is argued, negates the inspectorate's ability to assess standards and effectiveness or to ensure minimum standards.

In assessing comprehensiveness (a deficiency here being taken as evidence of ineffectiveness) the evidence of Chapter Nine is that in the police service, events not inspection, have revealed a number of malpractices such as corruption, tampering with evidence, cruelty to animals and the conditions within forces which nurture racial and sexual discrimination. The failure to identify these practices by inspection and to initiate action which would have corrected them at an early stage must cause great doubts to arise about the inspectorate's ability to identify and deal with the service's real problems. The effectiveness of inspection can therefore be called into question. In contrast, the comprehensive nature and effectiveness of the education inspectorate, as analysed in Chapter Six, is not called into question and only a relatively small minority of individual school inspection assessments have been questioned. The former Secretary of State was quite eulogistic about the quality of the evidence she was receiving from OFSTED at the end of the first four year cycle of inspections and considered that future policy would be all the better informed because of its efforts.

As a summary to this section the question of inspection as a possible anachronism, a hindrance to the achievement of accountability, can be addressed. From the evidence of Sections Two and Three inspection cannot currently be considered an anachronism. At a minimum it provides the mechanism whereby those held accountable for the delivery of public services are provided with information which enables them to undertake their roles more efficiently and it also makes the results of their efforts, the way they undertake their roles, much more transparent to users and other interested parties. It is therefore a major assistance to the achievement of accountability in the current circumstances of a paucity of information from other sources.

There is another side, however: the provision of inspectorates can militate against efficient arrangements. Its presence is used as a reason for line management inaction or prevents the adoption of a more comprehensive management style exemplified by "Total Quality Management". Some head teachers do not take action in their school until they

obtain the backing of an inspector's report and unnecessary work and expense is incurred in preparing for the inspectors' visits. In the police service, the remaining independence and current emphases of a particular inspector can result in attention being paid to areas not considered a priority by central or local authorities. Examples were also reported in the interviews where the HMIC aligned himself with the Chief Constable to frustrate local police authority initiatives and further weaken the "democratic" influence in the arrangements. Inspection is an additional expense using finance for which the services could legitimately find alternative and beneficial uses. As already demonstrated it could also be more efficient in its operation, giving better satisfaction to the people to whom it provides information and, in the police, in the rigour in which it inspects all levels of service provision. Despite these "failings", it is difficult to visualise the present benefits being achieved currently in any other way.

Aim 3 sought to establish methods by which the arrangements could be improved. For both services a major improvement would accrue from a definitive decision on aims and objectives and the priorities to be followed if these conflict so allowing full attention to be focused on what is to be achieved. This is especially important in education where uncertainty clouds the quality of achievement and takes up unnecessary time in debate and misdirected effort. However, if Mrs Shephard's opinion as a former Secretary of State is valued (interview 1998), a suitable response from politicians is unlikely.

Government demand for information is a movable feast and in both services the position can change rapidly if some question is posed for which no information is available. Within this qualification the education inspectorate is giving Government the information it requires. In the police service the recent expressed intention of introducing "OFSTED type" inspections of basic command units (although it now appears that the actual inspections will not be as intensive) suggests that Government believes greater scrutiny is necessary. The evidence in Chapters Six and Nine suggests that other levels in the accountability arrangements believe that there is room for improvement and ask that they be given some greater influence on the direction of the inspectors' scrutiny of the organisation with which they are concerned.

As already identified, with the current deficiencies perceived in the line management of both the education and police services, the service inspectorates have a crucial role to play in the provision of information in at least the short term. This will be enhanced and extended if participation in the arrangements is extended. One requirement

will be for communications to be written in non-coded language, with meaning clear to all readership. It will also be essential that all reports are published and readily available.

With the inclusion of stakeholders who might be said to be much more remote “from the action” than existing participants the perceived independence of the inspectorate becomes even more important. It is argued that, beyond the provision of information, under the current arrangements an inspectorate can only serve one mistress/master. Both inspectorates are seen as enforcement arms of central government but currently do not undertake a similar role for anyone else in the accountability chain. In the police service (Chapter Seven) they are clearly seen as an arm of central government by other parties in the service (such as police authorities and some chief constables) and as members of the police force by members of the public. A similar situation arises in the education service (Chapter Four) except, as noted, by parents and the public who do consider the inspectors to be independent. This contrasts greatly with the rhetoric of politicians who constantly emphasise the independent nature of inspectorates (Chapter One). In this there is a measure of interpretation. The politicians may mean “independence from the service” whereas other parties, with their traditional suspicion of government and knowledge of inspectors’ abilities as instruments of control, may desire a total independence which would include independence from central government. Greater trust in the use of an inspectorate would result if each group of stakeholders was able to direct the inspectorate in the issues they, the stakeholders, wished to be examined and for them to receive a specific report back after the inspection.

The bias towards central government requirements raises doubts when the balance between inspectorates’ responsibilities to inform central government, to provide tools for the management of units and to effect change themselves is considered. Whilst both inspectorates can be said to be effective in all these areas the heavy emphasis given currently to central government requirements in both services interferes with the acceptability of inspectors’ findings lower down the accountability chain. Findings are always likely to be considered suspect when those making recommendations/reporting are believed to be the agents of central government. This, it is argued, enhances the requirement that the inspectorates should be truly independent. The new role, as envisaged, requires a new relationship with central government: one which removes any current closeness in both organisation structure and physical location terms. In the police

service the doubt about independence will also continue for as long as the organisation continues to be resourced, in the main, from “professional” police officers.

One way this independence could be achieved would be for the duties to be given to the Audit Commission which, rightly or wrongly, appears to enjoy a reputation of independence. Another is by the inspectorates becoming separate Commissions or Agencies controlled by Boards of Governors with operations directed by a “chief executive” type (as is the Audit Commission). It would then be resourced as is the Audit Commission by a cross section of “experts” with a few, but not a majority, of “occupational” experts. Their location would be elsewhere than their Ministerial Departments. A stance similar to the one adopted by the Health & Safety Executive, which has no inhibitions in criticising or reaching conclusions which displease government, is necessary. Woodhead (2001) himself stresses this need: *“We need an independent inspectorate that is prepared to challenge the interests of the education establishment and the wilder fantasies of the politicians.”* One can but say “Amen” to that but underline the fact that Woodhead’s OFSTED did not achieve this status.

In education (Chapter Six), a much better “face to face” debrief of individual teachers on inspectors’ observations and assessments would be very beneficial and improve the system’s acceptability. A detailed brief of strengths and weaknesses observed, together with suggestions of remedies for the latter would be very welcome (according to teacher interviewees). School teachers are unhappy at the divorce of “advice” from inspection and would wish to see those who discover a weakness having a role to play in its resolution. Chief constables (Chapter Nine) are very happy with the current arrangements which include the facility of inspectorate advice on good practice or the resolution of problems. In practice, however, because of the peculiar personal relationship between the inspector and the chief constable, the acceptability of that advice depends greatly on the guise in which it is offered.

Perhaps the greatest improvement that can be suggested is a reduction in the need for such high levels of inspection in the future. It is argued that a less expensive, more efficient method would be to integrate a great deal of current inspection with a service’s line management function. This would result in others in the accountability chains obtaining their assurance not from inspectors’ reports but from control information provided by the service’s line management, checked as appropriate by audit. Such a system would be far less costly than the existing regimes and overall, it is argued, produce

greater efficiency and effectiveness as deliverers become more committed and managers become “champions” of new methods seeking efficiency and effectiveness. It would also release financial resources to be used elsewhere in the service. This approach demands a development in the appropriateness and accuracy of performance indicators used. The downside of this suggestion is, of course, that the manipulation of control information may continue: that Line Management would be dishonest. This could be overcome by a very much reduced, unannounced, “dipstick” level of inspection and by sharper accountability where the sanctions for wrongdoing were severe and very transparent. The inspection of statutory requirements, such as Health & Safety and Public Health, would need to continue.

However it is very evident that the current line managements of the services are not yet ready to accept this task. The professionalism with which the duties are undertaken needs to be maintained and improved but there is also a need for a considerable change of attitude throughout the services. This will require managers to take ownership of performance and to obtain the participation of service delivers in setting detailed objectives and in gaining commitment for their achievement; for a considerable improvement in management techniques and procedures; and for the development of acceptable ways in which performance and the quality of the service will be measured. This is not an easy task but one well worthwhile with, perhaps, the most difficult aspect being the creation of trust in other accountable people, service users and other interested parties, that the information provided has integrity.

Finally, the accountability arrangements for the HMIs and the inspectorates themselves need to be made more robust so that they include all the elements of performance assessment and rewards/sanctions that are now considered appropriate for all public services. As a minimum, perhaps, they should be subject to regular examination by the Audit Commission.

Aim 4 requires that new insights be drawn from the research and that the relationship between these findings and those of other scholarship be explored. From the current study it is possible to suggest some possible “indicative” findings which, although requiring testing by research in other services, may be put forward with a degree of confidence as being applicable to all.

One important difference between regulatory regimes in given public services which requires explanation is when one is found to be punitive and the next not so. This study identifies the important variables in the circumstances which, it is argued, decide whether the regime is punitive or not. In differentiating between punitive and non punitive, the former is taken to include those circumstances where "rewards" are withheld from an organisation, such as appropriate resources, or salary and wage increases for its workers, in addition to sanctions such as closure of the organisation or dismissal of employees within it.

The overall finding is that it is in a combination of factors, not just one alone, which determines the regulatory regime of a public service. The first and most important variable which has the major impact is Government attitude to public services. This must be coupled with public opinion, for if the public are concerned and interested, so will be the Government. If the Government has a benign attitude towards its public services in the philosophy "spending money on public services is a good thing" then it is extremely unlikely that punitive regimes will be in existence for any of its public services. This is seen as the explanation for the relatively benign regimes in UK public services 1945-1979 and for the change which introduced some punitive regimes after 1979. The importance of Government attitude and public opinion emphasised here confirms the findings of Hughes et al (1997).

The next important variable is the relative political power of the service concerned. This results from a mixture of the perceived status of the occupation in the public's eye and the damage it is thought it can cause through any retaliatory measures. The expert/esoteric knowledge possessed by practitioners appears to feature largely as a main determinant of the status afforded them by the public: they respect knowledge and intellect. It also colours public opinion of the service and may not, therefore, be required to be regarded as a variable on its own but rather as a sub variant of "public opinion concern". Again, the conclusions here confirm the opinions of Hughes et al (1997). It is difficult to differentiate between actual expert/esoteric knowledge held by practitioners and the perceived mystique of the occupation as regarded by outsiders. If it is thought that there is something very special (and secret) about an occupation and the way it goes about its work it is likely to enjoy a higher status in the public eye than other occupations which may claim, for example, more academic rigour in their training and

esoteric knowledge involved in their work. The emphasis on “status” here confirms the work of Day & Klein (1987).

The “damage” that the occupation can do depends on its ability to ‘hurt’ the government of the day, either politically or economically. This depends on it having methods available to apply this ability and the willingness of its members to actually use those methods. The circumstances which test this ability are only likely to occur when the Government is concerned about the performance and cost of its public services, emphasising the combination of factors referred to earlier. The ability, or otherwise, to withdraw labour does not appear to be a telling factor. Teachers can do this legally but not the police. A more significant factor on Government’s willingness to alienate a service appears to be its perceived “usefulness”, especially short term usefulness. Thus a service such as the police with its ability to deploy legitimate force quickly will always be thought more useful (as demonstrated by the aid given to Government in the miners’ disputes in the early 1980s) than a service such as education, which only bestows long term benefits for the country.

Another important variable is the political awareness of the people or the “opinion formers” employed in the service concerned. If they are politically astute, have well developed antennae and are aware of the way the political masters are thinking, and are prepared to use that information to meet change they are likely to be left more to their own devices and to initiate their own arrangements. As such the regime installed is likely to be less punitive than one which is imposed. A significant difference between the police and education services revealed by the research (Chapters Six and Nine) was the firm impression gained of the political awareness of the higher echelons of the police service, and certainly of its inspectorate and the relative political naiveté of the education service, especially its former inspectorate. A result is the police service has a non punitive regime with an inspectorate which, whilst adopting changed methodology, is to all external appearances relatively untouched whereas the education service has a very punitive regime with an inspectorate which is transformed.

In summary, therefore, Government attitude is thought to be the most important variable. This is influenced by:

- its philosophy of what goods and services should be provided as “public goods”;

- its view of the economic performance of the country and whether the provision of services as “public goods” can be afforded, or the country’s “need to tighten its collective belt:”
- its view of the benefits the service gives in “assisting” Government with short term benefits given far greater weight than those of a long term nature;
- the deference shown to professionals in the service - do they require management like any other resource or can they be relied upon to regulate themselves;
- whether citizens are concerned about the quality of service being received;
- the impact on the electorate of any action taken. Will it win or lose votes?

Other variables do not, on this evidence, offer such an impact. Size and organisational structure, which might be thought to have a great bearing on the basis that the larger and more complex an organisation the more difficult it is to evaluate and control, does not have impact on the evidence of this research. Education offers the larger and more complex organisation but its regime is more intensive and punitive.

‘Managerialism’, reported as an important factor by both Henkel (1991) and Clarke & Newman (1997), has had a heavy but similar impact on both education and the police. It has resulted in a very different approach from former practice to the provision of the service and the vocabulary used. The similarity of impact suggests it is not an explanatory factor for the current differences in the regimes of the two services. Day & Klein’s (1987: 64) ‘institutional factors’ (whether the services are run by directly elected representatives of the people) and ‘service characteristics’ (the differences in complexity, heterogeneity and uncertainty), important for an understanding of the service, are also not sufficiently different in the two services under review to be explanatory.

Hood et al’s (1999) hypothesis that “relational distance”, the distance the regulators are from the regulated in professional and social backgrounds, determined the formality, rule orientation and rigorous nature of the regulatory regime is challenged by the conclusions of this research. This theory postulated that the greater the distance the regulators were from the regulated, the more formal and increasingly rule bound they tended to be. This approach may offer explanatory prospects when a number of service regimes are compared at the same time but does not explain changes in the same service over time. As practised in the two services now reviewed relationships are more complex than this. The police service, where the “social distance” between the regulators and

regulated over time has not changed, is now faced with a more formal, rigorous and rule bound ("protocols") process of inspection, likely to become more intensive if reports of the adoption of "OFSTED type" inspections of BCU comes to fruition. In the education service, where inspection is undertaken by the same people as before (the LEA staff) or people of a more similar "social distance" (existing or ex teachers) to the regulated and less by "the god like creatures" of yore (the HMIs) an extremely formal, rigorous, rule bound and punitive system has been introduced. "Social distance" does not provide an adequate explanation for these changes over time.

The existence and work of a competitive alternative evaluatory organisation may explain changes over time. The research indicates that the inroads that the Audit Commission made into police territory from 1988 had a greater impact on the subsequent methodology adopted by the HMIC and methods adopted by the police service than possibly any other influence. This confirms the findings of Savage et al (1997).

The research also questions the belief of Savage et al (1997: 69/70) repeated in Cope & Goodship (1999: 11)) that the police inspectorate/ police service relationship is an example of "regulatee capture", whereby the service has, in practice, become the "masters" of the inspectors. That may have been the case when that research was undertaken but it is argued that the current scene is an outstanding example of Cope & Goodship's (1999) "regulatory control" model and the "sponsor dominant" variant, where the sponsor, the Government, is definitely "in charge", possibly a result of the changes since the early 1990s. The ACPO continue to be very influential with Government and enjoys a close relationship with the inspectorate but a "close" relationship need not (and in this case is considered not to be) a "captured" relationship. A similar conclusion is drawn on the relationship between the education service and its inspectorate where the regime most definitely conforms to the "regulatory control" model.

The future

At the end of a period of research such as this it is possible to speculate on the future of the services examined and of their regulatory regimes. The emphasis in their future will be in giving 'value for money' using measurements decided as appropriate by the Government of the day and in co-operative working with other agencies. The driving force will be the need to become efficient and make financial savings and both services, as large consumers of the public purse, will be under fierce scrutiny. Of the services the

police are seen to be most vulnerable. Many of their current operations will be privatised with private policing being paid for by those who can afford it. There will be two tier policing with the police accrediting and co-ordinating private security guards, park keepers, car park attendants, night club doormen and others to provide visible patrols and a presence to reduce the fear of crime. This movement should be reflected in an extension into policing of regulation to prevent abuse, rather just regulation of the public police, but is an approach discounted by government in its proposals for policing Northern Ireland.. There is also a considerable opportunity for savings arising from regionalisation: the amalgamation of individual forces into regional forces, with a consequential reduction in the number of Headquarters and senior staff needed.

The future may hold further developments of the 'regulatory state' where the sole major factor in the type of regime adopted will be central government wishes. This is already identified in this research as the single, most important factor in the arrangements now in being. A very compulsive argument is that the variations now found are the result of historical accidents which survive because of questions of political timing and governmental priorities rather than more subtle variables. The very great advantages to central government in terms of power conferred of a centrally controlled, public service inspectorate overseeing a very rigorous and punitive regulatory regime are such as to suggest that no administration, no matter of what political colour, will move easily to any other arrangement.

One possibility which cannot be ignored is that the education service arrangements are the blue print for the future. Central government in believing that intensive, punitive arrangements are the way forward in its development of the regulatory state may be merely biding its time, possibly waiting for a suitable "excuse" (such as the opposition to evaluation in the education service) before introducing similar arrangements in all the public services. In this it will be aided by the alleged "improvements" in performance that the arrangements bring. It is a regime that appears to bring improved results and undoubtedly enhances the control and influence of central government [a prospect which in practice if not theory appears to appeal to all governments, irrespective of political colour and as summed up by Samson (1999): "*By the way, has anyone else noticed the habit of British governments to act as if they are ruling an occupied country?*"]. The possible extension of "OFSTED type" inspections to the police service at BCU level is a further indication that this is seen by Government as the way ahead.

What are the safeguards against such an attack on a “balanced” democracy, defined as one where local opinion has an equal voice with those at national level? The first must be the political process itself: a measure of centralisation was overturned in the processes leading to the 1992 Education (Schools) Act despite government wishes. This, of course, must be fuelled by public opinion which must believe that local involvement matters and articulate that concern until national politicians take notice. The other safeguard comes from an unlikely source, the Treasury. The demands made on all central government departments and agencies for themselves to reduce their costs (which include the inspectorates) could mean that neither the departments nor the agencies have the resources to undertake the intensive inspection processes necessary. The move from a four year to a six year cycle of school inspections may be an example of the effect of this pressure whilst the impact of the cost reductions required in the future from the police inspectorate (said to be 4%, year on year) has yet to be revealed.

The success of ‘joint teams’ (and their extension to inspect “Best Value” plans) is one indication that the era of the service inspectorate may be coming to an end. Whilst recognition is given to professionalism/expert knowledge of the service concerned both inspectorates are increasingly being driven by a managerialist agenda and their replacement by a more general inspecting body with only one or two “technical experts” from the service being inspected is indicated. The police inspectorate is seen as more vulnerable in the mid term from this approach than the education inspectorate. The police/Audit Commission relationship has developed further than other Commission/public service relationships and co-operation is now the order of the day. In the mid term, therefore, it may be taken as a possible general way ahead. The recent secondment of a member of the Commission’s staff as an Assistant Inspector is a good indication of this and of a possible “next stage”: the way that Audit Commission practices are fully integrated into service inspectorates. It could, however, be the equivalent of the “Trojan Horse” and the method by which the Commission obtains the necessary information which will eventually allow it to assimilate police inspection duties into its own organisation.

As to the immediate future, Government has indicated its intention to introduce HMIC inspections of basic command units based on the “OFSTED style.” Present indications are that this will involve a rigorous inspection of the management of BCUs and may examine the procedural aspects of a constable’s duties. It is doubtful, however,

if the proposals will combat the abuses of constable power which most concern the public as mentioned earlier in this chapter. Current description of intentions do not suggest that the constable is to be subject to intensive inspection (HMCIC 2000). This reinforces doubts as to whether it is possible to inspect the constable in the way the teacher is currently inspected. Surely any constable who has proclivities to adopt these abuses will amend her/his behaviour if under the observation of an inspector. It is therefore unlikely that the inspection will detect the abuses or be as intensive on the deliverer as is the classroom inspection of teachers, hence the need for more effective management of the constable.

The HMCIC's role as it impacts on police authorities will also change. Hughes et al (1997) suggest that the latter's involvement with policing plans may bring a more interventionist and possibly conflictual relationship than the rather distant role previously detected by Dickie & Hughes (1997). This is still a possibility enhanced by the new authority given HMCIC to inspect authorities on "Best Value" aspects (Local Government Act 1999) but as argued, a more beneficial result would be achieved by a truly independent inspectorate which, together with other interested stakeholders, the police authority could use "as its own".

In education, with its intensive inspection of the individual teacher, the position is harder to forecast. The heavy costs involved in the current inspection regime will make it an attractive field for cost reduction in the future. One assessment is that the current inspectorate, in their inspection of individual teachers, are merely filling a void created by school management which should be taking much more positive interest and action in the skills demonstrated and overall performance of their teachers. A more satisfactory solution could result from school management energetically pursuing this role so giving the benefits of a continuing process of advice, guidance and support (compared to the "one off", little advice, given by the current regime). A stronger application by the school to its development/improvement role would then allow any checks to be of a "dipstick" nature and undertaken by an audit team as forecast for the police but containing individuals with teaching skills/experience.

Irrespective of its nature, increased and accelerated change is indicated for all the public services including the two under review. A continuing need is for better public accountability requiring greater transparency of methods and achievements and increased stakeholder participation in decisions taken. The insights provided by this empirical

research, which highlight current shortcomings and suggest improvements for the future.
is one man's contribution to the solution of that problem.

APPENDICES

PUBLIC GOODS

The thesis is concerned with public goods, that is goods paid for and perhaps supplied by public enterprise and specifically, in this study, public goods as represented by two services, education and the police. As such it is necessary to clarify the nature of public goods and to emphasise that it is a concept subject to political philosophy and so, depending on the ruling philosophy of the day, one which is subject to change.

In supplying the goods and services required by a population three methods of production are possible: by private enterprise; by public enterprise; and by households and voluntary efforts. Determining which goods should be supplied (and paid for) by public enterprise depends greatly on the ruling ideas of the day. A country raises its revenue by the taxation of its population and generally speaking, the belief is that levels of taxation and its uses are a considerable influence on the way in which the electorate casts its votes. Political parties wishing to retain or gain power must therefore give this careful consideration and only incur public expenditure in those areas where they believe the electorate will think the contribution to the "public good" has been greater than it would have been if an alternative method had been used.

The definition of "public good" and the way contributions to it are measured depends greatly on the philosophies held by the various ruling parties and makes the concept difficult to articulate. The academic discipline of Economics simplifies the problem by considering how the user/consumer can be charged for the privilege. Economic definitions include *"goods and services distributed by the state free to its citizens being indivisible benefits shared by everyone equally. No private entrepreneur could provide and sell such goods and services on an individual basis"* (Gilpin 1986, p.192) and *"goods and services whose benefits are indivisibly spread among an entire community whether or not particular individuals desire to consume them"* (Samuelson & Nordhaus 1992, p.311). Thus the categorisation of goods and services as "Public Goods" can be determined by how they are consumed or how they are supplied. Examples quoted which are said to fit these definitions are external defence, police, maintenance of law and order, regulation of industry, overseas representation, tax collection and civil defence (Gilpin 1986, p.192). Others include lighthouses, streets and street lighting.

“Public” goods are distinguished from “private goods” for which the economic definition is *“goods and services which can be divided up and provided separately by different individuals with no external benefits or costs to others”* (Samuelson & Nordhaus 1992, p.311) and here the general consensus is that the cost of provision should be borne by the user. “Private goods” can be divided into “personal goods” (those goods which yield an immediate benefit to the owner/ user) and “investment goods” (those goods which will yield a future benefit to the owner/user) [Stretton & Orchard 1994, p.54].

Even these relatively simple definitions are open to challenge. In theory all goods could be supplied by private enterprise but in practice, the problem of “who pays” and the avoidance of “free loading” (the enjoyment of a facility without payment) gives support to the initial economic definition. However, even this has to be treated with care. For example Johnston (1992) suggests that a differentiation must be made between ‘police’ and ‘policing’, contending that the concept of police arose from the private provision of ‘policing’ and arrangements since have not removed the latter entirely.

However, more goods and services are in fact provided as public goods than are legitimised by these definitions following the notion that ‘the benefits to the public’ (as defined by the ruling political party of the day) would be furthered if additional goods and services were paid for and perhaps supplied by the state. These the economists label as “merit goods”: goods and services *“which the state believes individuals should consume in greater quantities than they otherwise would if left to their own devices”* (Gilpin 1986, p.150). Examples given include hospital services, personal social services, employment services and the arts. A further complication is that some goods and services have elements of public and private benefit inextricably mixed. These are, on occasions, referred to as “semi public goods”: a prime example here would be education. “Semi public goods” are provided free or at greatly reduced prices by means of state subsidies. Thus the wider definition of public goods is the responsibility of the politician, to be answered by the ruling party of the day: a definition which can and does change from time to time. The concept of “public goods” is thus, in total, not easy to define.

The “household/voluntary” method of production has been estimated to provide between 33% and 45% of the total requirements (Stretton & Orchard 1994, p.184) resulting in a considerable shortfall to be provided by the other methods. A considerable slice of the economy is therefore determined by the ruling political philosophy of the day. The changing fashions in this area in the UK are illustrated by the introduction, extension

or discussion of museum admission charges, road and bridge tolls, private policing and charges for health and dental treatments. All would have been considered unthinkable under some of the earlier ruling philosophies.

In 1998/99 the UK spent an estimated £287.2 billions (33.9% of its GDP of £847.2 billions) on the provision of public services (HM Treasury 1999). In 1978/79, the first year of the Thatcher Administration the spend (expressed in 1998/99 values) was £209.28 billions an increase in 1998/99 of 37.23%. Education, in all its guises, received 28.9% more money whilst the “Law & Order” function [with Flynn’s (1997: 14) estimate that 56% of the total amount under this heading went to the police] received a massive 108.07% increase. This was by far the largest percentage increase given to any public service in the period and perhaps justifies the opinion that “Law & Order”, in all its ramifications, was the favoured service of the Conservative Administrations 1979-97.

APPENDIX “B”

Research Design

This appendix supplements the information given in Chapter Two - “Research Design” by describing the categories which were included in the sample for interview and detailing the interview matrix adopted. It also describes the framework chosen for the analysis and collection of data and the rationale behind it.

A : Categories of Interviewees

It was important that the opinions of all interested parties at every level of the service (within the constraints/limitations placed on the research as described in Chapter Two) should be canvassed. Membership of the sample and the rationale for their selection is given below:

Education.

The Policy Makers - National Political and Administrative; LEAs - The views of Ministers, Civil Servants, Local Authorities and LEAs (policy level) on the impact/assistance of the inspectors on/to their work is important.

The inspectors - HMI and other officers of OFSTED. Registered Inspectors. Inspection Team Members including Lay Members and Inspection Subcontractors (Private and LEA). Trainers of Inspectors. - The views of the Inspectorate at its various levels on its work and its values, strengths and weaknesses was sought.

The Inspection teams were expected to divide between “secondary” and “primary” school teams but, in practice, this was not always found to be the case. A view from the Inspection subcontractors on the arrangements for providing inspection teams was also canvassed (both LEA and “Private” Contractors).

The inspected - Head Teachers and Teachers. - For this purpose schools were categorised “Primary” which included “Lower Schools” and “Secondary” which included “Middle” and “Upper” Schools.

Others accountable - School Governors and LEA - Governors were divided into “Chairs” and “Members”. As they are themselves accountable and hold others accountable a view was obtained on the assistance of inspectors in both these aspects.

Other “stake holders”. - This category was restricted to Parents in light of research resource limitations.

Police.

The Policy Makers - National Political and Ministerial; Police Authorities.

The Inspectors - Her Majesty's Inspectorate of Constabulary and its

Administration - Were divided into "ex Police" and "Lay" and differentiated

between those based at the Home Office and those based in the Regions.

The inspected - Police Forces (Senior Officers, Middle Management defined for this purpose as the ranks of Superintendent and Chief Inspector where the latter rank still exists) and "Operatives" (defined for this purpose as the ranks of

Inspector and below) - The size of Forces varies considerably and size may have a

bearing on opinions so, for this purpose, three categories, 'Large', 'Medium' and 'Small' based on manpower employed, was adopted.

The Accountable - Police Authorities - Was subdivided into 'Chair' and

'Members', elected representatives (Labour, Conservative, Liberal Democrat),

Magistrate and Independent members.

Other "involved organisations".

The Audit Commission: the Police Complaints Authority (for the Police) - The

Audit Commission has undertaken reviews of aspects of both services and the

Police Complaints Authority has an important role with the Police Service. Both

were considered to offer the opportunity to obtain another perspective that would give a further check ('triangulation') of research findings.

B: Matrix of Planned and Actual Interviews

Within the limited resources available it was appreciated that the sample of people interviewed could not be considered representative. However, the sample construction and method of choice, as described in Chapter Two, was aimed at allowing some generalisation of findings on the basis that different results would not be expected to result from a larger sample.

	Minimum Number Planned	Actual Number Interviewed
<u>Education</u>		
Ministerial/Departmental level	2	1
OFSTED - HMI or senior officer Level	2	3

		Planned	Actual
	Registered Inspector (Primary)	2) 6
	Registered Inspector (Secondary)	2)
	Inspection Team Member (Primary)	2) 4
	Inspection Team Member (Secondary)	2)
	Lay Inspector	2	1
	Trainer		2
Schools	Head Teachers (Primary)	4	4
	Head Teacher (Secondary)	2	2
	Teachers	6	7
	(3 from each school type)		
	Governors	6	5
	(1 from each Head Teacher School)		
	Parents	4	8
	(2 from each school type)		
LEA	Advice, Support and Policy.	2	3
	Inspection Subcontractor	2	2

Education Sub Total 48

Police.

Home Office	Minister	1	1
	Civil Servants	1	3
Inspectorate	Inspectors (one Lay)	2	4
	Home Office	2	3
Forces	Chief Officers	6	10
	(2 Large. 2 Medium. 2 Small Forces)		
	BCU Commanders	4	4
	(2 from each of two forces)		
	Other ranks	6	8
	(3 from each of two forces)		
	Police Authorities	4	4
	(from different forces but inc. two forces above)		
	Civilian Support	2	3
Police Complaints Authority		1	1
ACPO		1	2

Police Sub total 43.

Other Bodies

Audit Commission	1	1
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Total Number of Interviews : 71 (*) 92 (*)

[N.B. (*) Includes 28 interviews conducted as part of Pilot Study.]

C. The framework chosen for the collection and analysis of data

The framework under which data were collected and analysed in this research is shown in diagrammatic form at Figure 1. This appendix amplifies that detail. The framework evolved from a review of the literature; a study of existing research and the selection and development of approaches thought beneficial from previous studies; and internal thought processes. The framework is in three, inter connected sections, Government; the service; and the inspectorate.

1. Government

System of governance

The accountability requirements which stem from that system of governance

Aims and objectives set for the service

In considering accountability requirements in any regime a view must be taken on the nature of governance. This research was conducted on the basis suggested by Giddens (1994: 105/106) that democracy offers the only tenable option. Democracy demands a system of accountability: that individuals given responsibility for carrying out duties on behalf of fellow citizens have to answer to those citizens for their conduct/performance. That simple statement begs a number of questions, chief amongst which are "How much democracy?" and "How much of an 'answer'?" These questions recognise that the form of democracy can be either direct or representative and that 'the answer' can be information only, through a series of other possibilities, finishing with sanctions being applied by those to whom the account is being given. The first question to be addressed in research of this type as part of a framework is "What type of governance and, if democracy is chosen, how much democracy?"

In this research it was recognised that the UK was moving away from a system of representative democracy to one nearer the direct representation end of the democratic continuum by making the arrangements more participative for the citizen. It was therefore decided to examine the arrangements against a 'stakeholder' concept of democracy, not in any belief that the communitarianism ideal would be realised in the near future and so overtake or threaten representative democracy, but that more participation for the citizen would result if accountability arrangements recognised those who have a 'stake' and catered for their requirements.

Theoretical Concepts: Politics; philosophies and theories of Government and Governance. psychological theories of human motivation; economic theories of private and public supply of goods and services; concepts of trust, responsibility and accountability.

Key questions : *What system of governance is adopted; what accountability arrangements stem from that system? Are there clear aims and objectives for the service with continuous linkages? How did the aims/objectives evolve? Are objectives set by an acceptable political process?*

2. The Service

2.1 Accountability arrangements for the service - the theory.

Accountability arrangements - as operated

Describes and ensures a clear understanding is obtained of what the theoretical arrangements for accountability in the service are, and what they are designed to do.

Identifies the degree to which the service is controlled by directly elected representatives; the balance between local and national systems; and how much "outsiders" are involved .

Indicates whether the theory [as determined above] actually works in practice. Identifies strengths and weaknesses of the arrangements.

Key questions: *What are the arrangements as laid down, as operated? Are arrangements coherent and clear? Are they understood at all levels? How is any shortfall in clarity of given aims/objectives overcome? Are there clear accountability linkages? Do methods used identify organisation and individual responsibility? Are the arrangements accepted by the service? Are the criteria for evaluation standardised? What are the continuities and change in the knowledge traditions; what impact have they on the evaluation system? What values did they endorse? Are they coherent internally? What impact has the chosen system on adopted policy?*

Theoretical concepts : Management principles and practices.

2.2 The Environment in which the service operates and Public Relations

Political profile and public concern.

Status afforded the Service.

Performance data in the Public domain.

Theoretical concepts : Sociological theories of class, elite groups and the distribution of power.

An important primary consideration - describes the attitude of Government, fuelled by and fuelling public opinion which in turn is conditioned by the status given to the service and perceptions of the power dimensions it has. The latter two factors may also contribute to the ability of the service deliverers to make their efforts invisible to outsiders.

Key questions: *Has there been a challenge to provision of service as "public goods"? What is the environment in which the service works: government and public attitudes; status given? How much do "outsiders" know about service's performance?*

2.3 Description of the service

Size

Organisation

Expert/esoteric knowledge involved

Costs

Subgroups

Gives an indication of the size of the accountability "problem" and how difficult it may be to establish an effective solution. Demonstrates whether the service can be regarded as a homogeneous group or whether there are subgroups within it which do not have the characteristics of the main group. Identifies whether there is a need to harness various skills; the number of different products involved; and the uncertainty between means and ends.

2.4 Characteristics of Service Deliverers

Source of recruits

Gender make up

Race and ethnicity.

Culture of organisation

Describes the type of people who work in the service and the internal environment ("the culture") in which they work. The latter, from this research, is considered to have a bearing on the type of regulatory regime in being.

Key questions: *What is the make up of the human resource: what impact has this on its work?*

2.5 Managerial Regimes and Evaluative Methods

Historical Regimes

Current Regime

Ensures a clear understanding is obtained of the regime in being. Historical aspects may explain why regime is as it is - continuities and change.

Key questions : *What has been the impact of privatisation: of markets? What is the system of regulation, monitoring and evaluation? How effective? How have the demands for new forms of management been met, been accepted; what is the result? Has a new vocabulary resulted?*

3. The Inspectorate

3.1 Inspection Regimes and Evaluative Methods

Historical Aspects

Current Inspection Regime.

Inspection duties

Other duties

Current method of operation

Ensures a clear understanding is achieved of the arrangements in being. Historical aspects may indicate why arrangements are as they are - continuities and change.

Ensures a good understanding is obtained of how Inspectors go about their duties and possibly why they have adopted this modus operandi.

Key questions: *Are the criteria for evaluation standardised? How comprehensive are the findings? How effective in achieving its purpose? Is the balance between responsibilities to inform central government, to provide tools for management of units and to affect change itself clear?*

3.2 Characteristics of Inspectors

Source of recruits

Gender make up

The culture

Expert/esoteric knowledge held.

Describes the type of people employed in the Inspectorate and the environment in which they work. Establishes the "elite" nature of the organisation (if any).

Key questions: *What is the make up of the human resource: how does this impact on the way the inspectorate does its work and its acceptability to the service and the public?*

3.3 Relationships

With Government

With the service
Within the inspectorate
With other evaluative bodies
Power dimensions

*Are these important factors in organisation's survival and acceptability of reports?
Indicates whether reports are formative or summative. Establishes the degree of
resistance to the regime from the service and whether there is competition for "turf" from
other bodies.*

Key questions: *What are the relationships: how does power influence impact?*

3.4 Influence on change

*An important factor in the reputation enjoyed and perceived usefulness of the
organisation.*

Key question: *What part is played by the inspectorate in introducing and implementing
change?*

3.5 Accountability aspects

Accountability of Inspectors

Assistance to achievement of accountability in the service

*Establishes independence or otherwise and who received benefits from organisation's
existence.*

Key questions: *Accountable to whom? How effective? Are they an aid? If so, to whom
and to what ends? Could assistance be improved? Are they independent assessors or
agents of Government control? Are their provision examples of new governance or
merely development/continuation of practices with a long history? At whose expense is
any increase in central power and influence?*

4. Overall

Key questions: *Why does inspection feature so largely in Government approach to
evaluation and regulation? Why this "tool of evaluation" rather than any other? Is it an
anachronism? Could the arrangements cater for a wider constituency of "stakeholders"?*

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