

## **PROTOCOL**

### **REGIONAL/NATIONAL INSPECTION SERVICES**

#### **CONFLICTS OF INTEREST – CORPORATE CONNECTION**

##### **Introduction and Purpose**

The appointment of Regional and National Inspection Service Providers, who will be closely involved in the delivery of inspection and inspection services with Ofsted, gives rise to the potential for conflict of interest at two levels:

- between individual inspectors and their inspection work; and
- between inspection providers, their education sector work and their inspection work – referred to here as corporate connection.

In the past a number of factors prevented the corporate connection: the number and spread of inspection contractors allowed for individual cases to be managed (eg CEA were not assigned S10 inspections in Islington while they were delivering school improvement services there); the centrally managed allocation process also supported a case by case managed solution. In addition, whilst contractors had the contractual and practical delivery responsibility, the Registered Inspector (RgI) had the legal responsibility under S10 of the School Inspections Act 1996, and the emphasis of avoiding connection was with the RgI.

As part of the evaluation criteria for the RISPs / NISPs centred on the strength of the bidder as a corporate partner, specifically including a sound and proven track record in the delivery of major people-dependent services in the education sector, the successful tenderers are inevitably involved in initiatives across education.

##### **Principles**

This protocol therefore seeks to:

- protect the integrity of the inspection process for individual inspections;
- allow the inspection providers to continue their corporate business;
- protect the reputation of Ofsted and of the Providers.

No action should be taken before, during or after an inspection which might impair or appear to impair the objectivity of the inspection or report, thereby leading to legitimate complaint and consequent reputational damage to Ofsted or the RISP / NISP.

It follows that:

- RISPs / NISPs should not undertake inspection of schools or colleges with which they have significant connection through, for example, activities in support of school or college improvement;
- Inspectors should not use their position on an inspection to offer services or resources in respect of issues arising out of that inspection. RISPs /NISPs are required to have arrangements in place to enforce this requirement;
- RISPs / NISPs must declare any potential conflict of interest and seek the support of the RDM / DM in resolving it;
- RISPs / NISPs must have arrangements in place to ensure that inspectors do not inspect in any institution in which they have worked within a five year period or with which they have a significant personal connection;
- RISPs /NISPs should not use their relationship with Ofsted as a means of promoting their services to schools, colleges or other bodies. Where a RISP / NISP is bidding for business as part of their corporate strategy, and is required to provide references based on their work for Ofsted, applications for references should be directed to Ofsted (Contract Management Division).

There can be no objection to RISPs providing any services whatever to schools outside their sub-region, though it should at all times be clear that these services are not provided on behalf of, or accredited by, Ofsted. It cannot be assumed, however, that services offered outside the sub-region are not accessed by schools within it. Courses, for example about self-evaluation, provided in one sub-region may be attended by staff from schools from an adjoining, or other, sub-region.

Within their sub-region, RISPs are in a powerful position and will wish to avoid accusations of abusing that position. RISPs may, in addition to their work as providers of inspection, also:

- act as providers of education and care;
- provide management support for schools or groups of schools;
- provide support at LEA level;
- provide support for governors;
- supply teachers or consultants;
- provide Continuous Professional Development;
- provide services such as Connexions.

Clearly, many of these could constitute a significant connection in the sense that the provision entails a large degree of ownership by the management of the institution. It would not, however, be tenable to require that RISPs

undertake no services in support of schools in the sub-region they inspect. Some training and certain elements of infrastructure support for schools cause no particular problems. Moreover, some RISPs have existing contracts to provide school improvement services within their designated sub-region or responsibility for the delivery of all, or most, education services for a council. It is also unreasonable to expect RISPs not to pursue new commercial opportunities within their sub-region.

The relationship with Ofsted is recognised by RISPs and NISPs as a significant undertaking, and as such would feature as a matter of course in materials, presentations or background relating to the companies. The description should be limited to a statement of fact; RISPs/NISPs should ensure that their relationship with Ofsted is at no time used to imply that services offered are endorsed, accredited or subject to Quality Assurance by Ofsted in any way. No use of the 'Ofsted' logo may be made in any material or publication without the express, written permission of Ofsted. Where a RISP/NISP is bidding for business as part of their corporate strategy, and is required to provide references based on their work for Ofsted, applications for reference should be directed to Ofsted (Contract Management Division)

This Protocol recognises that conflicts may arise and also recognises that each RISP / NISP will arrange their inspection work in discrete corporate divisions or trading arms, so that inspections form part of the corporate business of the RISP / NISP but are not directly under the control of the division or trading arm offering services to schools. Line Management chains will ensure that there is no overlap between the work.

The Protocol requires that RISPs / NISPs make this Protocol available to schools and other bodies, via the RISP or NISP website as well as information about the other areas of work being delivered in the sub-region, and details of the divisional and line management structures in place to manage potential conflicts.

A copy of this protocol will be lodged on the Ofsted website.