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Analysing neoliberal discourse in Ofsted's Education Inspection Framework (EIF) through a Foucauldian lens

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ABSTRACT

This paper performs a critical examination of the Ofsted Education Inspection Framework (EIF), which was accompanied by an Inspection Handbook for Further Education and Skills, and argues that this policy document reinforces the neoliberal project in education. Drawing on concepts from Michel Foucault's analysis of the nature and effects of marketisation and surveillance in education, this analysis reveals how these mechanics influence the ultimate meaning of teaching and learning in Further Education (FE). I use Foucault's analytical tools, archaeology and genealogy to critique the Framework as a neoliberal form of disciplinary power, particularly the methods used to scrutinise pedagogical operations in FE colleges, and the particular types of knowledge considered beneficial *vis-à-vis* meeting the regulatory demands of the agency, as well as providing a means for understanding the discourses of standardisation and accountability. The Ofsted inspection paradigm, I argue, could be viewed as a specific technology of power pertaining to an economic rationality that seeks disciplined institutions that produce disciplined and responsible consumers for a cost-transaction society. My thesis is that the new EIF intensifies the significance of business-like standardisation that fails to adopt a relational perspective in terms of valuing education for the sake of cultivating intellectual participation.

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Introduction

The 2019 EIF significantly alters the 'truth regime' (Foucault 2000, 131) of quality in education that existed before this policy was introduced. This framework is quasi-academic, as it provides an overview of research to justify its formulae that reduces colleges with similar features to various distinct categories. The use of research is pivotal in understanding Ofsted's power to redefine the discourse of quality in teaching and learning spaces. Unlike those using previous frameworks, EIF inspectors do not utilise the internal performance data of schools and colleges for current students as evidence during an inspection; instead,

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inspectors are expected to gather direct evidence on the quality of education (Ofsted 2019b). This is a substantial shift that can be viewed in relation to Foucault's discussion of disciplinary power, a mechanic corresponding to the neoliberal ideals of accountability and transparency.

The scope of this paper is relatively moderate although two critical issues which emerge from this Framework are raised. Firstly, the EIF constructs a common sense, by emphasising that the role of FE colleges is to manufacture, on a large scale, compliant and skilled workers as opposed to exploring students' emancipatory, political and aesthetic potential. Thus, a neoliberal logic is transplanted into educational practices by defining the purpose of learning according to a lexis of employability and skills. Secondly, the policy goes on to enforce this common sense through disciplinary technologies of observation and confession, particularly by classifying educational organisations and assigning seemingly rational labels such as 'outstanding', 'good', 'requires improvement' or 'inadequate'.

The paper is organised as follows: first, I begin with a brief introduction and history of Further Education and Ofsted in the UK. I then provide a short descriptive account of neoliberalism, what it entails and how some of its central ideas are used to define contemporary educational discourse. In the next section, Foucault's concept of archaeology is used to explore the origins of the knowledge in the EIF and the embedded rationality which seeks to link the discourse of improvement to the economy. This archaeological analysis helps to develop an understanding of the EIF as 'the statement', (Foucault 1972, 99) wherein truth can be understood as discursive, rather than objective and self-evident. The final section of this article offers a Foucauldian analysis of the foundational rationality of assessing educational practices based on neoliberal assumptions, resulting in the pronouncement of a regime of disciplinary judgments used to assign colleges to distinct categories. Thus, I seek to explain the ways in which Foucault's concept of genealogy facilitates an analysis of the 'regime of truth' (Foucault 1977, 23) alongside the emergence of a generalised structure of thought that overlooks the ecological differences in different teaching and learning contexts. A specific rationality manifests itself in the exercise of power and knowledge over FE colleges. This rationality produces a discourse of quality and improvement maintained by the technologies of the self.

The FE sector and Ofsted: a brief history and introduction

The Further Education sector in the UK provides a route to Higher Education or employment, to those who do not achieve the required results in school or are without desired formal qualifications. The genesis of the sector in England occurred during the Victorian period, wherein technical education was provided for the working class through localised organisations established by various philanthropists and industrialists. Local Education Authorities (LEAs) were first

introduced in the 1902 Education Act, and these LEAs continued to operate and oversee schools and Further Education colleges throughout the post-war period. The 1944 Education Act placed a statutory duty upon all LEAs to secure 'adequate' provision for further education and by 1947 there were 680 'major establishments' of FE maintained by LEAs—double the 1938 figure (Simmons 2014, 57–60). Although the first Her Majesty's Inspectors (HMIs) of schools were appointed in the late 1830s, it was not until the mid-1950s that HMIs became responsible for inspecting FE providers and reporting on their effective use of financial resources (DES 1970, 19). Thus, the inspection of English FE colleges' utilisation of financial resources began before the emergence of neoliberalism as the dominant economic rationality in the English education system; however, attempts to regulate all educational practices according to pro-market policies arguably did not begin to emerge until the late 1950s, and intensified from the 1970s onwards.

The Institute of Economic Affairs, a right-wing think-tank created in 1955, is rooted in neoliberalism. The Institute, in the 70s, 'worked tirelessly to persuade the Conservative Party to abandon the post-war welfare consensus and embrace social and educational policies based on nineteenth-century free-market anti-statism' (Chitty 2009, 47). Indeed, from the 1960s, government interventions sought to link the economic requirements of the country to FE, and enormous pressure was placed on LEAs to meet targets set by the national government, which also announced the establishment of 30 polytechnics as part of 'A Plan for Polytechnics and Other Colleges' (DES 1966). James Callaghan, then Labour Prime Minister, started the 'Great Debate' in his speech at Ruskin College in 1976. He expressed his concerns about a disconnect between the aims of public education and those of industry and mentioned the need for a core curriculum to meet the needs of employers. Therefore, it is important to note that it has not just been Conservative but also Labour governments that have propelled education policy in a neoliberal direction. Further Education became the subject of further neoliberal policies when Mrs Thatcher became Prime Minister in 1979. The 1980 Education Act and the 1988 Education Reform Act in England and Wales introduced policies that involved the limitation of LEA control, business-like accountability and the introduction of a funding formula based on recruitment and market-oriented competition between schools and FE colleges.

The 1992 and 1996 Schools Inspection and Education Acts dealt severe blows to the power of LEAs to inspect schools. Kenneth Clarke, the then Secretary of State for Education, set up a body that agreed by contract to pay private companies to carry out inspections. Indeed, this was none other than the Office for Standards in Education (Exley and Ball 2014). The move towards managerialism in the 1980s and 1990s resulted in new market-driven conditions that demanded educational organisations be more accountable and cost effective (Avis 1996). The 2000 Learning and Skills Act bestowed upon Ofsted the

official authority to inspect FE colleges and school Sixth Forms. Ofsted, as a non-ministerial government body, inspects schools and colleges and provides an overall rating in the reports published after inspections. These ratings could assign schools and colleges to any of the following categories: 'outstanding', 'good', 'requires improvement', or 'inadequate'.

As Stephen Ball argues, 'education policy, education reforms are no longer simply a battleground of ideas, they are a financial sector, increasingly infused by and driven by the logic of profit' (2012, 27). In the context of globalisation, commercialised market forces behave towards 'FE as the answer to perceived skill shortages and as the solution to questions of economic competitiveness and social inclusion' (Simmons 2010. See also Ainley 1999). For this reason, FE colleges are now working in close partnership with private businesses and offer courses that respond to the skills demanded by these enterprises (see Gatsby 2013; FE White Paper 2021). Colleges are 'not evaluated for whether students become liberally educated citizens but whether they become economically productive workers' (Hursh 2001, 2). In this context, FE policies are designed to promote an increasingly marketised conception of the sector, targeted towards producing a skilled workforce rather than developing the critical thinking that enables students to make political judgements utilising the moral principles of a democratic society.

The above changes have all contributed to the relatively low status of Further Education compared to schools and universities (see Daley, Orr, and Petrie 2015). This situation is not significantly different from the standing of vocational education in other developed countries. For example, in Australia, the reduction in public providers' funding is a consequence of the marketisation of vocational education and this situation has made it difficult for providers to achieve traditional, social objectives (Wheelahan 2016). Vocational education is viewed as a 'second, poor or last resort choice for school students' due to its low standing (Billet, Choy, and Hodge 2020, 292). In Denmark, a minority of students enrol on vocational courses, as the sector lacks the prestige of more general secondary education (Aarkrog 2020). Similarly, vocational schools in Israel are mainly comprised of learners from lower social classes (Barak and Shoshana 2020). These examples highlight the low status and esteem of vocational routes internationally, a position which is arguably the result of, or supported by, government policies in the English context as well (Young and Hordern 2020).

Before providing an explicit account of how the EIF is informed by neoliberal logic, it is important to explore the origins of neoliberalism, its underlying rationale and its ascendancy in the English education system.

Neoliberalism in the interpretation of education policies

Foucault, in his lectures at the Collège de France during 1978 and 1979, discussed the development of two versions of neoliberal ideas after the Second World War – *Ordoliberalen* in Germany, referred to as the Freiberg School by Foucault and Human Capital Theory in America (Foucault 1997; Olssen 2006; Lemke 2001). The Freiberg School economists believed in the state using its machinery to maintain and manipulate the market rather than adopting a laissez-faire approach. *Ordoliberalen* argued that governments should create conditions for markets to exist with effective competition. Apart from encouraging competition, according to Foucault, this concept entailed universalising ‘the entrepreneurial form [...] based on an equal inequality for all’ (Lemke 2001, 195). This pertained to the overall aim of increasing ‘competitive forms throughout society so that social and work relations in general assume the market form, i.e. exhibit competition, obey laws of supply and demand’ (Olssen 2006, 218).

An additional focus of Foucault’s lectures was the Chicago School of Human Capital theorists in the US who, like the Freiberg School, were also in favour of economic freedom but supported the exercise of caution vis-à-vis the uncontrolled development of bureaucratic mechanics. Therefore, these theorists supported the strengthening of the market to the point at which it is no longer dependent on the state. In fact, furthermore, the state should abide by the laws defined by the markets. ‘In doing this, the neoliberals in the US extend economic criteria into spheres which are not economic and market exchange relations now govern all areas of voluntary exchange amongst individuals. In this model, the social and political spheres become redefined as economic domains’ (ibid., 219). Foucault opines that the American neoliberals viewed the market as ‘une sorte de tribunal économique permanent’ (a kind of permanent economic tribunal) (Foucault, quoted in Lemke 2001, 198). In other words, it is the market that establishes the government’s conduct, rules, and procedures within areas of activity that are essentially non-economic. The key distinction between different forms of modern neoliberalism lies in the extent to which governments should intervene in the market and its strategies around investment, surplus value, commercial exchanges and rules for competition.

The core values of neoliberalism, such as individual liberty, rights to property and business, competition, equality of opportunity, accountability, audits, autonomy, compliance, and the way these concepts are managed in everyday life are self-evident in modern-day experiences. ‘Neoliberalism is ‘out there’ and ‘in here’ (Peck 2013, 141) and that includes the scene of FE policy making.

Neoliberalism, FE and the EIF

Since LEAs were replaced as regulators of post-compulsory education, Ofsted has remained one of the key stakeholders in defining and regulating teaching and learning practices in schools and Further Education. Colleges now compete for students, who are seen as consumers, and sources of income, just as in any other business. Most principals are now known as Chief Executive Officers and their roles increasingly involve financial and performance management (Daley, Orr, and Petrie 2015). Education, like everything else, has been inextricably linked to economic growth. Education policies promote ‘a “skills agenda” for learners of all ages’ who are encouraged to opt in to ‘more applied subjects useful for big business rather than less useful subjects in the arts, humanities and social sciences’ (Exley and Ball 2014, 4). The ideological essence of the EIF lies in its allegiance towards neoliberalism, a position which is clearly articulated in the Framework itself.

The 2019 Education Inspection Framework (EIF)

The EIF is the first document since 2015 to outline new guidelines for inspections, and it provides a model for all inspections carried out from September 2019. With regard to quality of education, there are three parameters by which a provider is able to demonstrate the effectiveness of its operation – ‘Intent’, ‘Implementation’ and ‘Impact’. These factors are associated with curriculum planning, execution and their outcomes for students, respectively. The Education Inspection Framework is accompanied by the ‘Further Education and Skills Handbook’ which sets out FE ‘inspection judgements that inspectors will make and on which they will report’ (Ofsted 2019b, 3).

This article employs Michel Foucault’s archaeology and genealogy as analytical tools with which to critically examine the political–economic rationality embedded in the EIF and the Handbook.

Archaeology and genealogy

Foucault’s archaeology involves exploring the historicity of knowledges described in policies, and analysing discursive rules. These rules define the ‘real’, (Foucault 1972, 96) what may be considered false and what receives official sanction. The focus of analysis is discourse, as well as practices informed by specific modes of thought – Foucault terms these ‘epistemes’ (ibid., 191). Foucault’s turn to genealogy marks a shift from the interpretation of epistemes in their historical context towards the analysis of the historical nexus between knowledge, power and subjectivity. The purpose of this approach is to examine the emergence of new knowledges and power, as well as how they came into being. In other words, genealogy contextualises the development and

transformation of theoretical knowledge (*savoir*) by situating it alongside broader power relations and historical events. In this methodological approach, Foucault rejects the notion of self-evidence outright (Foucault 1984, 1987).

Drawing on these concepts, in the next section I outline the historical context and political assertions that form the foundation of the Framework, and led to the construction of the specific knowledge exemplified in this policy document. It is important to examine the language that underpins the skills agenda, as such 'discourse' (Foucault 1972, 107) constitutes a significant element of an inspection process that places economic rationality at the heart of teaching and learning practices.

Quality of education: the underlying rationale

For Foucault, each 'educational system is a political means of maintaining or of modifying the appropriation of discourse, with the knowledge and power it carries with it' (Foucault [1971]1996, 351). Thus, educational institutions are primarily concerned with the construction of knowledge, who defines knowledge, how knowledge should be understood, and what counts as knowledge and what does not. The appropriation of common sense in FE is informed by neoliberal business conceptions which leads to the emergence of new discourses within teaching and learning spaces.

Almost a year before the EIF was introduced, Damian Hinds, the then Education Secretary, blamed lack of productivity for the state of the UK economy and outlined implications for public services in a speech at Battersea Power Station. Hinds stated:

We can't guarantee young people that a qualification is a clear path to a job unless we're working side by side with the people who have the vacancies, and the skills needs. That's why we're putting employers at the heart of every reform we're making to technical education

(Hinds 2018)

Attempting to examine 'what was silently articulated beyond the text' of this speech has priority over uncovering its intended meaning (Foucault 1981, 58). Indeed, articulating the origins and development of the logic embedded within the EIF helps us determine its genealogy, and reveals the obscured technologies of power-knowledge crucial to its dominance (Foucault 1977). For example, the overt linkage of Further Education to employability and employability skills functions to overshadow the significance of abstract knowledge as well as core education values such as intellectual independence, imagination and selflessness (Olssen, Codd, and O'Neil 2004). A genealogical method enables the examination of how the emergence of the EIF is linked with the financial sector.

Hinds' solution to the productivity gap included changing the direction of the education system, as contemporary vocational and technical education was not significantly connected with skilled employment. Furthermore, Hinds stressed that the delivery of a 'modern industrial strategy' and moving people into technical jobs is the 'core purpose' of Further Education colleges (Hinds 2018). Employers are the key stakeholders in this process. From a neoliberal perspective, this appears to be a rational argument that is also in line with vocational trends in some other countries. For example, a move towards a competency-based curriculum in Australia has organised curriculum goals and purposes according to the demands of the job market (Wheelahan, Buchanan, and Yu 2015).

Neoliberal meaning in the description of knowledge and skills

The Ofsted criteria for judging the quality of teaching, learning and assessment centralises teaching practices that develop learners' employability skills and deliver learning that meets business needs. Phrases such as 'employers' needs', 'asset to the business', 'skills', 'industries and training' are some of the keywords in the grade descriptors explained in the document (see Ofsted 2019a, 2019b). While the policy also refers to developing learners' 'knowledge', the crucial focus is that the aforementioned commercial vocabulary redefines knowledge as competences that can be continuously adapted to meet the needs of the market (Olssen 2006). The notion of skill has long been a crucial factor in FE policy making (Gleeson 1990; Green 1998; Hodgson and Spours 2008; Bathmaker 2013), however, in the 2019 EIF – along with skills and employment – the word 'knowledge' is ubiquitously mentioned throughout the 'quality of education' section. For example, it is stated that curricula and teaching should enable learners 'to build and secure knowledge, skills and behaviour' or 'should provide knowledge for the future' (Ofsted 2019b, 39–40).

The question is, as Bathmaker points out, '[w]hat is meant by "knowledge" in vocational education qualifications and who decides?' (Bathmaker 2013, 87). As seen in the previous section, vocational education involves providing a second chance to learners who were failed by schools or sixth forms; therefore, 'knowledge' essentially relates to work-readiness or progression to Higher Education. The neoliberal version of knowledge entails preparing learners for roles required by the economy.

In Foucault's genealogy, the denotative meaning of 'knowledge' is not as significant as its political origins and implications. Definitions in the true are informed by what is prohibited, allowed and promoted by institutions, while also adhering to the requirements of the definition of such knowledge. In Foucault's work, the phrase 'in the true' is linked to a process by which each discursive field distinguishes between true or false statements and power effects are attached to what counts as true (Foucault, quoted in Rainbow

1991). In the above example, therefore, the actual discussion on what constitutes knowledge is not as important as the analysis of rules that dictate the discussion; in other words, 'how it becomes possible to say (or know) certain things?' (Bacchi and Bonham 2014, 180). For Foucault, "rules" are *sets of relationships*, "a complex group of relations that *function as a rule*" [emphasis in original] (Foucault, quoted in Bacchi and Bonham 2014, 180). In this context, these relationships can be established through a juxtaposition of Hinds' speech in 2018 and the introduction of the EIF in 2019.

Here, the 'rules' indicate that developing students' knowledge means making them ready for employment. This is quite evident in this new policy, wherein the word 'knowledge' is – by all appearances – synonymous with the word 'skills'. For example, the criterion in the Handbook directs colleges to use assessments that enable learners to 'embed and use knowledge fluently and show that they are competent in their application of skills' (Ofsted 2019a, 40). However, at times, the document does refer to skills without even alluding to knowledge: 'Inspectors [. . .] will focus on what learners have learned, and the skills they have gained and can apply' (ibid., 41).

Ofsted's description of how the 'quality of education' will be judged, through 'Intent', 'Implementation' and 'Impact' is imbued with a familiar 'skills' mantra. It would appear that the only appropriate definition of knowledge and skills is one that is work-related. In the grade descriptors for 'quality of education', a college would be considered 'outstanding' if its curriculum is 'planned and sequenced towards *cumulatively sufficient knowledge and skills for future learning and employment*', and it would be deemed 'good' if its curriculum is 'ambitious [and] appropriately *relevant to local and regional employment and training priorities*' [emphasis added] (Ofsted 2019a, 43).

Central to this emphasis on skills and knowledge is the idea of promoting and improving basic employability skills. This description is accompanied by a total neglect of the importance of theoretical and abstract knowledge, which are in fact examples of 'powerful' knowledge. As Young highlights: '[p]owerful knowledge provides more reliable explanations and new ways of thinking about the world and acquiring it and can provide learners with a language for engaging in political, moral and other kinds of debates' (Young 2008, 14). Although vocational knowledge ought to help learners acquire job-related skills, it should not be the sole aim of education at the forefront of curricula (ibid). Education policymaking is a significantly political matter, and its analysis is no longer confined to groups such as statisticians and government officials. Contemporary policy analysis considers social contexts and structures and their links to historical context, as well as contemporary political rhetoric (Olssen, Codd, and O'Neil 2004). In Ofsted's view, if 'the provider's curriculum intent is strong', it will contribute to an outstanding 'quality of education' grade (Ofsted 2019a, 43). The definition of 'strong' here is not clear, however since the inspection framework in its contemporary form is fixated upon employability, it

would be reasonable to assume that the quality of education is reduced to embedding work-related knowledge within the application of skills that can be measured and reported.

Combining individuals' self-interest with what strengthens the economy is a process which, as Olssen et al point out, 'involves the importation into education of instrumentalist values, grounded on such motives as the self-interest of the individual and concepts such as [...] opportunism and bounded rationality or rent-seeking behaviour' (Olssen, Codd, and O'Neil 2004, 192). It is one of the strategies that work to create 'self-serving' and 'competitive' learners that are 'likely to be dishonest' and create *McDonaldised institutions* that are efficient and controlled rather than structured on the basis of veracity and 'interpersonal trust' (ibid.).

The notion of McDonaldisation involves the way in which the principles of the fast-food chain, such as efficiency, predictability and calculability, have influenced the society in which we live (Ritzer 2011). In other words, the McDonaldisation of education defines an institutional culture whereby the vision of the purpose and value of education will be judged upon its capacity to combine labour and capital and increase economic productivity, an objective suggested by Damian Hinds in his Battersea speech.

Knowledge formation

Considered through the lens of a Foucauldian theorisation of knowledge as archaeology, the EIF can be analysed as 'the statement' (Foucault 1972, 99) in terms of how its production, distribution and development are one aspect of a broader regime of truth. Since the EIF is the first Ofsted framework that draws on research to justify its inspection judgements, it establishes a powerful matrix of interventions into matters of theory and pedagogy. Nonetheless, the scope of research reviewed by Ofsted is rather limited as it mainly draws on studies 'done in schools and early year settings, rather than in FE'. . Secondly, the EIF only utilises evidence that is directly linked to inspection judgment and criteria (Ofsted 2019c, 3). O'Leary was one of the few who called into question the 'legitimacy and currency' of the EIF for FE as it did not engage 'with evidence from FE research' (O'Leary, quoted in Exley 2019). Certainly, providing an overview of research to support inspection judgment is a helpful process. However, the use of partial evidence – a substantial portion of which is not directly linked to FE – suggests that the existing regime of truth serves to develop a specific process while using research to provide evidence that can support its pre-determined judgements.

In this sense, this policy has reinforced its tools of inspection, and for that reason it is significantly different from previous frameworks. However, the focus on the need for colleges to operate as engines for economic productivity means that this document is less effective in terms of its pedagogical orientation than a

policy that might offer a more holistic view of potential educational improvements. For example, a comparison with the document 'A Basis for Choice' (ABC), produced by the Further Education Curriculum Review and Development Unit in 1979, enables us to identify the potential for policy frameworks to be more relevant to vocational education and to focus exclusively on vocational education as these may generate meaningful conversations about teaching and learning theories. ABC outlined how a different approach to curriculum design and teaching processes, such as discovery methods and experiential learning, could help FE 'integrate a core of general education into vocational education', and achieve a range of social, economic, and environmental, as well as political, objectives (James et al. 2007, 54). Unlike the EIF, wherein the curriculum intent must be informed by the needs of the market, ABC argued that curriculum content should be linked to student needs, and proposed that non-measurable achievements should also be recorded as forms of assessment (ibid.).

It is in this way that examining EIF as 'a statement' enables the reader to scrutinise 'the true' within policy discourse, the rules used in the construction of that truth, and the pedagogical authority attributed to Ofsted through the use of selective research. This archaeological analysis could go even further, suggesting that Ofsted's use of research to support its judgements serves to strengthen its commitment to neoliberalism because the overarching agenda fails to extend beyond employability. This approach is at odds with the one taken in ABC, which incorporated a more holistic perspective of the transformational aspects of pedagogy.

The focus on the way in which the EIF uses research and evidence to support its criteria allows us to question and redescribe 'the true' articulated in this document. As Foucault articulates: '[what] people accept as truth, as evidence, some themes which have been built up at a certain moment during history, and that this so-called evidence can be criticized and destroyed' (Foucault, quoted in Martin, Gutman, and Hutton 1988, 9). This critique can be facilitated by examining the effects and functions of statements, instead of describing the meaning of a text. The core purpose of FE providers, in Ofsted's view, seems to be embedded within the economy. The key effect of such a policy is that it creates a set of guidelines for FE colleges to follow, thus aligning their function with market trends, rather than prioritising social, moral, ethical and political commitments.

Indeed, Ofsted is just one component of a broader disciplinary mechanism which forces us to think within defined discursive possibilities shaped by neoliberal modes of thought. In that sense, the EIF is but one of the products of a powerful structure of thought which shapes the entire education system. The educational disciplinary *dispositif* imposes itself onto the discourse of quality produced in the EIF. This underpinning logic allows the knowledge of business to determine approaches to education, thus enabling Ofsted to frame its own intent, as presented in the EIF. Indeed, Ofsted policy adumbrates the

idea of education for the sake of employment, bringing its plan of action in line with the contemporary neoliberal discourse that dominates the whole of society. As Foucault highlights: 'practices are nevertheless not something that the individual invents by himself. They are patterns that [are] imposed upon him by his culture, his society and his social group' (Foucault 1991, 11). We need to understand the word individual in the broader sense of 'the body' and view Ofsted as a truth regime operating within the broader apparatus of a neoliberal system of government that seeks to define the conditions of possibility for all areas of human life, including education. The genealogy of the EIF as a programme for controlling institutions through descriptions of outstanding and inadequate practices exemplifies 'the formation of special knowledge, the strengthening of controls', which are often taken for granted. A genealogical approach thus reveals how a regime of power-knowledge operates by altering the meaning of quality in education and re-evaluating how experiences of pedagogy are constructed 'in accordance with [...] major strategies of knowledge and power' (Foucault 1978, 105–106).

The current system of governance that creates the truth supporting Ofsted judgements is based on the techniques of disciplinary power and it gains its intellectual legitimacy from dominant political discourses of our time. Here, the authoritarian discourse is neoliberalism. Disciplinary power operates by gathering information about individuals and organisations, and subsequently evaluating that information according to its own truth, which is predefined in discourse and produced in and distributed through policies. It is the discussion of this issue to which I turn in the next section.

Disciplinary power and politics of accountability

The shift from sovereign power to disciplinary power redefined the art of governance in eighteenth-century Western Europe. After replacing a sovereign ruler, the state needed 'free' bodies that could be governed by establishing certain ideas and practices as sensible and by influencing public perceptions of 'the rational' and 'the sane', as well as what types of behaviour would be deemed unreasonable, inadequate or mad (Olssen, Codd, and O'Neil 2004, 19). Disciplinary power uses technologies of observation, surveillance, and confession to produce a body that is easy to influence, persuade and control (Foucault 1998). This results in the emergence of regulatory regimes that measure and shape an individual's behaviour by employing these technologies in factories, colleges, and prisons, thus regulating the conduct of workers, teachers and prisoners among others (Harman 2007).

The ‘truth’ of placing ‘bodies’ into categories: grading

During their visits, inspectors reduce college performance vis-à-vis four key criteria (quality of education, behaviour and attitude, personal development, leadership and management) to a fixed phenomenon which can be graded on a scale of one to four. A college with grade 1 is regarded as ‘outstanding’, grade 2 is seen as ‘good’, grades 3 and 4 will be deemed ‘requires improvement’ and ‘inadequate’, respectively. The EIF states

Inspectors will use all the available evidence to evaluate [...] a provider’s overall effectiveness, inspectors will consider whether the standard of education, [...] is good or outstanding. If it is not at least good, inspectors will consider whether it requires improvement or is inadequate

(Ofsted 2019a, 9).

The information acquired during inspections is used to assign these labels in reports, a process which can be viewed as the exertion of disciplinary power. The reports construct a ‘common sense’ through an interpretation – of ‘outstanding’ and ‘inadequate’ – constructed upon normalising language. Similarly, Foucault’s work reflects a concern with the way in which judgements are valorised as true, as well as the effects of truth in terms of how it is interpreted: ‘[i]t is always possible one could speak the truth in a void; one would only be in the true, however, if one obeyed the rules of some discursive “police” which would have to be reactivated every time one spoke’ (Foucault 1972, 224).

This perspective involves examining the system that supports and controls the policy statements in terms of their production and ordering. In this context, FE colleges are persistently obliged to define their practices according to Ofsted definitions, which can include or exclude them from the status of being in the true. The principles that determine these regulatory judgements are financial, and embed Further Education within an increasingly competitive environment established by the instrumentalisation and economisation of education (Avis 2009). This apparatus, furthermore, is based on the assumption that ranking institutions will increase the quality of teaching and learning.

The truth of using a grading system in an educational context is problematic in many ways. How on earth can the delivery of any provision not require improvement? Even in outstanding areas, there is still room for improvement (Ball 2015). Bourdieu would see such grading systems as ‘acts of categorisation; the etymology of the word “category” from *catagorein* means publicly accusing, even insulting’ (Bourdieu 2014, 11). Grading practices have financial and social implications, and the label ‘inadequate’ exemplifies how an organisation can be treated with subliminal contempt that does not resolve any problems; in fact, it leads to more problems by creating further inequality as a result of the financial implications for a college that is graded as ‘inadequate’.

Foucault views these acts of categorisation as a *sine qua non* of contemporary systems of government, and argues that observation, examination and normalisation are the key techniques of disciplinary power. Since these are not neutral practices, they work through a norm that helps classify, endorse and exclude individuals: '[n]ormalising judgment serves to create a distinction between "good-bad", "normal-abnormal", operating through rewards as well as punishments' (Foucault, quoted in Edwards 2002, 361). When inspectors detail the evidence gathered during their visit, the inspection report constitutes a 'truth' that seeks to divide bodies (at individual and organisational levels) into categories. This report then constructs them as particular kinds of subjects: 'outstanding', 'good', 'requires improvement', 'inadequate', 'red', 'amber', 'green' and so on. A Foucauldian perspective of these labels reveals that they should no longer be viewed as objective descriptions of reality. Rather, they constitute particular subjectivities (ways of being) that are discursively constituted (created using language) through the exercise of disciplinary power (Ninnes and Burnett 2003). This is why the EIF is as much a political document as pedagogical.

Another important issue linked with grading is the use of the economic principles of accountability and transparency, as well as the notion of freedom, which rationalises this style of governance for key stakeholders. Foucault argues that power 'is tolerable only on a condition that it mask[s] the substantial part of itself. Its success is proportional to its ability to hide its own mechanism' (Foucault 1998, 86). The exercise of power in this context is masked by the notions of accountability and transparency. The ethos articulated in Hind's speech and its manifestation in the EIF highlight that accountability and transparency remain within the constraints established by neoliberal political discourse. 'Being transparent in response to a market and being transparent in response to institutional obligations to the public' are two completely different concerns (Jankowski and Provezis 2014, 484). Since it is 'the economic rationality approach pushing for transparency' at the centre of the existing political arena, colleges 'will continue to alter their practices and regulate themselves within a discourse which does not honour the social contract and requires them to be reactive to changing accountability demands' (ibid.).

Additionally, such categorisations are linked with the use of business-oriented reductionism in the assessment of educational practices. A core assumption of a neoliberal logic, that educational practices are embodiments of Ofsted evaluations, should be problematised, particularly when these pedagogical processes are inherently fluid, incidental, non-linear and taking place in a complex and transversal environment. The use of quality improvement agendas enables the observation and assessment of these practices in terms of their McDonaldised efficiency, calculability and predictability. This approach requires a homogeneity of practices, all communicating one simple message which results in the pronouncement of a regime of disciplinary judgements. In addition, we have seen that an award of 'outstanding' signifies that the college acts

in compliance with the most recent inspection framework, which can be quite limiting in its scope. For example, it is bound to punish all forms of non-compliance, even where they may emerge from local and/or contextual requirements.

The remainder of this article will explore how Ofsted's treatment of all institutions in the same fashion can be understood as a practice of exclusion, wherein it becomes impossible to realise that approaches could vary according to different local contexts.

The genealogy of power-knowledge

The case of Summerhill School is a good example through which to understand an audit culture that overlooks and, at times, outright ignores local contexts. Ofsted inspected the school in 1999 and issued a Notice of Compliance with 'a list of alleged inadequacies' (Stronach 2005, 1). Summerhill appealed against the verdict; the case was heard by a Tribunal in 2000. The school argued that Ofsted did not consider the school's philosophy and values, and incorrectly evaluated their practices according to fixed criteria. Ofsted moreover ignored parents' feedback, which showed 100% approval for the school, and disregarded pupils' views about their learning outside the classroom. Summerhill won the case and 'lodged an official complaint to Ofsted about the quality of its inspection' (ibid, 10). The complaint was upheld based on their own evidence and the findings of an independent inquiry. Ofsted dismissed the complaint, stating that they 'stand by the grades given' (Stronach 2005, 10). It was discovered that the school had been placed on Ofsted's 'to be watched' (TBW) list prior to the inspection.

This case draws attention to two important points. The first is related to the possibility of challenging contemporary common sense through 'critically informed, oppositional micro-politics' and considering 'the power-relations that (quite literally) constitute education, on Foucault's own terms, as being creative, "enabling" and positive' (Leask 2012, 57). Thus, the case of Summerhill School enables consideration of strategies of refusal of and resistance to the proposed subjectivities constructed by authoritative discourses. 'Maybe the target nowadays is not to discover what we are but to refuse what we are' (Foucault 1982, 785). The refusal in this sense constitutes reimagining our own existence and reconstructing a taken-for-granted identity. Summerhill School made its own existence imaginable through an act of radical conduct. This non-compliance highlights the importance of local practices and arrangements that denaturalise any fixed criteria that attempt to use predetermined knowledge to define and assess the performance of any given institution in a particular social milieu. The case undermines Ofsted's tools of knowability and highlights that the modern regulatory apparatus is not as natural and self-evident as it may initially seem.

The second point pertains to the understanding of the gestalt of disciplinary power in relation to the production of knowledge in modern times. We can juxtapose the Summerhill School case with Ofsted's own elaboration of its primary role in the EIF: 'Ofsted exists to be a force for improvement through intelligent, responsible and focussed inspection and regulation [. . .] The primary purpose of inspection under this framework is to bring about improvement in education provision' (Ofsted 2019a, 5). This discourse represents improvement as a desirable objective for all educational organisations. A framework which is based on research should enable colleges to comply with a message that encourages them to formulate strategies to improve their practices and dispositions. The EIF gains its significance because of this discourse of improvement, a narrative which has a specific meaning inscribed alongside the generalisability across educational practices in all settings. It would be hard to dispute the desirability of improvement from a Modernist perspective. Indeed, it is stated that, through the use of 'evidence' and 'research', the 'valid' and 'reliable' judgements focus on 'key strengths, from which other providers can learn intelligently, and areas of weakness, from which the provider should seek to improve. Our inspections act as a trigger to others to take action' (Ofsted 2019a, 5–6). This form of power is productive rather than oppressive; it produces knowledge and desire. Power in this sense is a strategy that establishes the terms of the relationship between colleges and Ofsted. The language of improvement and phrases such as 'inspections as a trigger' encourage the bringing of practices in line with the EIF, and failure to do so could result in the evaluation of practices as either 'inadequate' or 'require improvement'. Therefore, this statement establishes a criterion of admissibility for educational practices, and limits for institutional inclusion and exclusion. It is in this sense that technologies of power produce supposedly objective knowledge to subtly subjugate colleges by turning them into objects of knowledge. This controlling form of knowledge is not neutral, as it constitutes the deployment of a particular perspective to classify FE providers and schools. For Foucault, knowledge and power are inseparable:

Knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true. All knowledge, once applied in the real world, has effects, and in that sense at least, 'becomes true. Knowledge, once used to regulate the conduct of others, entails constraint, regulation and the disciplining of practice. Thus, there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations

(Foucault 1977, 27).

In other words, knowledge is a mode of power and is produced through observation practices. Ofsted, as one aspect of a broader disciplinary mechanism, produces power effects by providing standards and guidelines according to

which colleges shape their practices, which are then evaluated by inspectors and which define their new subjectivities. Any deviance leads to disciplinary strategies, such as being included in the 'TBW' list or becoming subject to FE commissioners' frequent monitoring visits. It is important to note that conformity, on the other hand, is not achieved through coercion but through the creation of desire. Ofsted has acquired a reputation as a prestigious department of the UK government and the inclusion of research in its new policy has further reinforced that conception. By constructing definitions of 'outstanding' and 'inadequate' practices, Ofsted has endorsed its standards and generated the desire to conform to this new framework. The power to create reality and identify normality as well as deviance creates a pressure to conform to the specifications drawn up for all colleges, regardless of their context.

This approach disadvantages some institutions owing to their demographics, as the 'behaviours and attitudes' of FE learners in a deprived part of London are judged according to the same criteria that are used to assess a grammar school in a prosperous suburb. For example, a college in an economically disadvantaged area, in which the majority of learners are adults with childcare responsibilities, is likely to have different attendance and punctuality figures than a Sixth Form college or an academy with middle-class adolescents. This also places organisations such as Summerhill at a considerable disadvantage due to their distinct aims and teaching practices.

It is worth mentioning that Summerhill School, which is now a private fee-paying school, could only afford to lodge an appeal to the tribunal owing to its considerable financial resources and well educated, wealthy parent group, who fully supported its democratic governance and an unconventionally progressive model of education. A significant majority of institutions would not be in a position to challenge an unfavourable Ofsted judgment even if they were able to provide contrary evidence.

Technologies of the self

Ofsted further maintains its authority outside of its inspection process by producing regulations that result in the creation of a desire to achieve an 'outstanding' or 'good' status. The use of observations, audits and standardisation as technologies of power helps classify individuals and organisations into categories, which impacts on how these organisations and individuals perceive themselves and their roles, and adjust their behaviour. Thus, Foucauldian 'Technologies of the Self' become a relevant consideration: colleges engage in self-disciplining through the use of mock inspections, quality reviews and internal observations schemes (Foucault 1998). Furthermore, colleges are compelled to self-regulate their conduct when they discuss their own audit reports, and the extent to which their practices conform to the EIF, in SLT (Senior Leadership Team) meetings. The management in the college are obliged to

confess any deviations in their SARs (Self-Assessment Reports), which Ofsted expects each organisation to produce on a yearly basis. 'Inspectors will use [the college] self-assessment reports [...] to assess risk, monitor standards and plan for inspection' (Ofsted 2019b, 26). Self-assessments therefore are a key component in the inspection process as they contribute to the judgements made in the final Ofsted report. Self-assessments can be viewed as a process that involves making colleges more modern, accountable, effective and transparent while also 'serv[ing] to facilitate the development of a regime of truth' (Avis 2009, 111). Self-assessment, as a performance management tool, reveals the strategies of improvement and aligns teaching practices with the common sense constructed by the discourse of quality in the EIF.

The Ofsted Framework draws our attention to a subtle apparatus of biopower which functions on a micro-level by determining and manipulating the desire to achieve the perfection which accompanies an 'outstanding' evaluation. This discourse of quality strengthens the EIF, as it establishes a desirable academic character and reinforces its dominance by providing an overview of research. It extends the neoliberal conception of 'responsibilisation' (Rose and Miller 2008, 205) by installing an ideology of institutional responsibility and irresponsibility, providing generic expectations that the colleges must now strive to fulfil, and emphasising institutional obligations to maintain 'outstanding' practices through self-regulation.

The type of institutional reflection encouraged through SAR exemplifies a technology of the self, and serves to shape organisational operations according to a rationality based on consumerism which does not focus on factors emanating from local social relations. As Avis highlights:

The concern is to enhance performance without engaging in a critique or in reflection around the social relations in which work is placed. It is through this silence that the quality debate becomes appropriated by a conservative logic [...] quality represents a particular manifestation of the new managerialism in education

(Avis 1996, 109).

The EIF contributes to the efforts of Ofsted to cultivate a reputation as a fair and transparent body, as reflected in the internalisation of the discourse articulated in local Quality Improvement Action Plans (QIAPs) and SARs at the college level (Beighton 2012). Foucault (1977) reminds us that knowledge is never neutral, as it dictates power relations. In this sense, knowledge manufactures the definitions of normality in order to produce the type of FE colleges that are economically viable and meet the needs of the market. Self-disciplining is nurtured through a range of technologies of surveillance deployed by the colleges themselves. The gaze of power is internalised and critiques internal documentation and quality interventions that mirror the EIF guidelines. In this sense, the EIF buttresses neoliberalist individualism, and places responsibility on

colleges to improve their grades. A grade 3 or 4 would mean that a particular college is not sufficiently dedicated. As noted above, this regime of truth and objectivity simply exposes colleges to their local conditions and diverts attention away from the range of social, economic and political challenges a college may be facing at a particular point in time. The expectation is that all colleges must embody the Ofsted pedagogical ideal that is driven by a skills shortage in the market, rather than particular skills needed in specific occupations (Avis 2009). This is crucial: here, the construction of 'common-sense' is defined by finance. This priority is clearly communicated, and policy makers make no apologies for it.

Conclusion

This paper has drawn attention to the neoliberal discourse of 'business-like' standardisation in the EIF. Neoliberalism has extended market principles into the educational arena; thus, government policymakers have constructed conditions wherein the role of FE colleges is reduced to manufacturing compliant, skilled workers.

Each discourse has its own language and politics of truth; hence, the language used in policies is never neutral or transparent. Foucault's analysis of the mechanics of disciplinary power is particularly useful for interrogating an institutionalised 'common-sense' that produces binary oppositions such as 'outstanding' and 'inadequate' – the so-called objective labels that contribute to the creation of new inequalities. Understanding the use of neoliberalism as an instrumental rationality provides avenues for further discussion and investigation into some theoretical and practical concerns related to a specific common sense and the kinds of knowledge that are valued in this policy. This should be explored further, particularly by drawing attention to other ways of reading this policy and examining a range of possibilities for researching and discussing the intellectual ironies and political agendas in this key document.

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