



Education Committee

Oral evidence: [Accountability hearings](#), HC 262

Tuesday 10 November 2020

Ordered by the House of Commons to be published on 10 November 2020.

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Members present: Robert Halfon (Chair); Apsana Begum; Dawn Butler; Jonathan Gullis; Tom Hunt; Dr Caroline Johnson; Kim Johnson; David Johnston; Ian Mearns; David Simmonds; Christian Wakeford.

Questions 417 - 515

Witnesses

I: Amanda Spielman, Her Majesty's Chief Inspector, Ofsted; and Yvette Stanley, National Director, Regulation and Social Care, Ofsted.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Amanda Spielman and Yvette Stanley.

Q417 **Chair:** Good morning, everyone. We are very pleased to have Ofsted here today addressing our Committee. For the benefit of the tape and those who are watching on the internet, could you kindly give your names and your position, and also if you are happy for us to address you with first names or whether you would like your full address.

Amanda Spielman: I am very happy to be addressed by my first name. I am Amanda Spielman, and I am the Ofsted Chief Inspector.

Yvette Stanley: Yvette Stanley, happy to be “Yvette”. I am the National Director for Regulation and Social Care at Ofsted.

Q418 **Chair:** Thank you. Amanda, you published a report today. For the benefit of those watching, can you set out the key conclusions, as we have only heard what has been in the media?

Amanda Spielman: We published a set of reports on early years, schools, further education, and children with special educational needs and disabilities. They reflect the findings from getting on for 1,000 visits by our inspectors to all kinds of providers.

The headlines have been caught this morning by the findings around younger children in particular. In the absence of nursery provision, many children have gone backwards, losing language, losing communication skills, losing vocabulary and losing numbers. It was also things like forgetting how to use a knife and fork and, in some cases, coming back in nappies when they had been potty trained six months ago. Flowing through into schools, children have been going backwards in some cases in reading and writing, from the most basic things like holding a pencil correctly all the way through to sustained writing, the kind that requires stamina and concentration. Children have lost fitness—months of inactivity have led to a very clear deterioration in children’s physical fitness; and there is worsening mental health, especially for children with known mental health problems, showing through in things like eating disorders and self-harm. More children are not returning to school, with parents saying they are being electively home educated, with about half of schools now saying they are seeing significantly more children being taken out of school. In the main, though not exclusively, parents are citing fears around Covid as the reason, although there will be other reasons, of course. It is all the way through to further education, seeing things like apprentices losing placements and getting furloughed. Colleges have had to do more things remotely and join up provision in different places, so perhaps they have been a little bit further ahead.

When we reported a month ago from the very first visits we made, there was perhaps a greater spirit of optimism. My providers have been



working with children for half a term and they are really seeing what the effects have been. It is showing up more clearly the pressure on schools, colleges and nurseries, providers of every kind. There is pressure on leaders themselves who are having to work exceptionally hard. There are problems for all staff, including around staff absence and cover, difficulties in coping with rapidly shifting guidance and difficulties in coping financially with budgets that are set up for something fundamentally different from what schools are now doing. The loss of support services like speech and language therapy is affecting particular children with special educational needs.

It is a very big test of school, college and nursery resilience at the moment, no question about it.

It is adding up to a tough picture where some children have thrived but a substantial proportion have not; some have done very badly. For a very large proportion of children, perhaps the hope had been essentially that children's lives could be put on pause without too much harm but I think we are seeing that the educational, social and developmental consequences of that have been very significant for a lot of our children.

Q419 **Chair:** Thank you. You will be aware of the survey of 900 heads in England in May by The Key, suggesting that 700,000 state school pupils were not being set any work by their schools, despite the individual efforts of many schools and many great teachers and support staff. Another study by UCL Institute of Education said one in five pupils in the UK, around 2.3 million, had either done no work or less than an hour a day at home during the second half of April.

You told our Committee on 27 April when you came, "We won't be asking for evidence of what you set children". There would be no, "prove that you set children meaningful work." Did you, at any point during the lockdown, recommend to the Department for Education that Ofsted take a more proactive role in scrutinising the quality of learning during the lockdown? When these surveys were published, especially the UCL one, what discussions did you have with the Department for Education?

Amanda Spielman: I think at that hearing back in April, I talked about the importance of getting out some explicit expectations about what schools should be providing. It was clear that normal curriculum expectations had been suspended for children in and out of school. I said to you, I said in other public fora and I said to the Department, to civil servants and Ministers, how important it was that those were put in place because it is impossible for Ofsted to make judgments where there are no expectations. If we did that, we would be making policy.

Q420 **Chair:** Did you ask for extra powers or whether you could work with the schools to support them, not necessarily in an inspector role, to ensure that children kept learning as much as possible during the lockdown?

Amanda Spielman: I offered the Department for Education all the support it could use as part of the wider emergency support



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arrangements as soon as it became clear we were not going to be inspecting in the normal way through the summer term, which must have been late March or early April. I worked out how our organisation needed to be split up to have enough capacity for the continuing regulatory work we do in children's homes and early years, plus a bit of capacity for emergency inspection.

Q421 **Chair:** When the 2.3 million kids not learning came out, what did you do specifically then? You must have been horrified by the figures. Did you go back to the Department for Education, see the Education Secretary and say, "Actually this is what we are going to do to work with the schools to help"? This survey came out halfway, as I remember it, through the lockdown.

Amanda Spielman: We repeatedly offered more assistance in working with the sector through whatever structure and mechanisms the Department wanted to work.

Q422 **Chair:** In October, Nick Gibb, the Schools Minister, told the Committee, "the quality of education will be assessed when inspections resume in January. They will be looking at both in-class teaching and remote education, and they will be assessing that through the normal Ofsted inspections." In your interview on Sky on 3 May, you, Amanda, said Ofsted did not have a mandate to look at the remote work that schools were setting.

Was there really nothing in the Government's framework or guidance to schools, or that you could do to assess and work with schools closely, to ensure that learning happened?

Amanda Spielman: I would have liked the opportunity to work more closely with schools. As I have said, there was no expectation set for schools against which we could draw any conclusions about who was meeting requirements and who was not. That was why I kept coming back in public saying how urgently it was needed. However, it was not until September that expectations were put in place.

Q423 **Chair:** Are you saying you went to the Government and said you needed more capacity or extra powers to work with schools? How did the Government respond?

Amanda Spielman: I did not frame it in terms of Ofsted. I framed it in terms of the first phase being to get some expectations. I offered Ofsted capacity more broadly, inspectors and admin staff, to put those into whatever structures Government wanted to use to work with schools. We are tiny compared with the school sector. We have I think just under 200 school inspectors. Our schools work with mainstream schools is only about a quarter of our work, early years is another quarter and social care is another quarter.

Q424 **Chair:** Why did you not say, "Look, whatever happens I need to get into the schools because millions of kids are not learning anything" and make



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that case forcefully in public as well as privately? If you did, what did the Minister say in response to you?

Amanda Spielman: I said this publicly as well as privately. I said to this Committee and I said in other media interviews about the importance of getting these expectations in place in schools so that all children had the level of education they should. I did not put it in terms of, "Ofsted should have these powers".

Chair: Why not?

Amanda Spielman: Because I was looking at it in the national context and what the first step is to getting the right provision for children. At that stage, the anxiety in various quarters about Ofsted visits was such I thought it was better to talk about how we get this right for children by having clear expectations against which everybody in the system can act, not just inspectors.

Q425 **Chair:** Clearly it did not work because millions of children were not learning anything during the lockdown, or hardly anything at all.

Amanda Spielman: There are two different things there. One is about where not enough was provided for various reasons, which I am sure you want to come on to talk about, and one around the inherent limitations of remote learning and the fact that many, many children simply learn much less that way no matter how much support and help is provided. I think it is important we do not conflate both of those.

Q426 **Chair:** Do you not think you should have done more in the way the Children's Commissioner did? I know she has a completely different role from you, I get that obviously, but done more to insist that Ofsted would work with those schools that were not able to provide learning for one reason or another to the millions of children who were not learning? Do you not think you should have done more?

Amanda Spielman: We threw ourselves into contributing to the efforts to support children and to see the whole education and care system, not just schools narrowly, through the crisis. Just about half of our staff were deployed with—

Q427 **Chair:** I am going to come on to deployment in a minute. The fact is millions of children were not learning anything under your watch, in essence. You may have gone to the Department and said, "We need to do a little bit more here and there" but the fact is it happened. If I had known that had been going on, I would have thought, "Actually this is a national emergency, we need to resolve this", especially after the UCL study that came out.

Amanda Spielman: It was a very difficult situation. Those expectations were suspended by Government. The root cause is that the expectation was that education—

Q428 **Chair:** You have a leadership role.



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Amanda Spielman: Which I am not going to apologise for. I talked comprehensively, publicly and privately, about the importance of getting these expectations in place for children.

Q429 **Chair:** What does “expectations” mean; what expectations? What does that mean in practice?

Amanda Spielman: It means providing for children working remotely so that they can make progress against the curriculum, so they have structured work. It is not just activities to fill time, but the kind of work that helps them move forward, which means when they come back, they are further ahead than they were, and they have the motivation and satisfaction that comes from learning something. Many schools have managed to do that, at least to some extent. Many schools have really thrown themselves into the logistical challenges of getting equipment, materials and learning resources into the hands of children to do that.

Q430 **Chair:** What has changed at the moment to allow you to conduct visits to include looking at things like home learning? What has changed from the beginning of the lockdown?

Amanda Spielman: A few things. The guidance for schools on what they should be offering that makes explicit that where children cannot be in school what should happen. First, schools should be re-establishing teaching a curriculum—the full national curriculum expectations; they are expected to be working towards those by next summer; secondly, a clear expectation around remote learning; and, thirdly, permission from the Secretary of State to go into schools. Our visits having been suspended under emergency legislation, I could not unilaterally decide to go back in.

Q431 **Chair:** No, but you could have gone to the Secretary of State at the beginning and asked for these things to happen, particularly the first and second that you just mentioned.

Amanda Spielman: I believe by really pressing for explicit expectations, I was working for the first—

Q432 **Chair:** Why did you not ask for this directive? The expectation thing, I still do not quite understand what it means. Why did you not just go to the Secretary of State and say, “There is going to be a problem”, especially after the UCL study came out, “we need this directive now”?

Amanda Spielman: I chose to push for a clear, explicit, requirement for what schools should provide that everybody in the system can work to. A directive saying, “Ofsted will come and visit you” would have been worthless without some expectations against which we can judge, it would have been the cart before the horse.

Q433 **Chair:** I do not think it was the cart before the horse. It seems to me, with the report you have done today, it is a bit like acting after the horse has bolted from the stables. You are setting out what has happened to these kids in a very important way, but perhaps things would have



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happened differently if you had had more of a proactive role.

You said to our Committee on 27 April, “We have a considerable number of people who are less than fully occupied at the moment”. How many Ofsted employees were deployed to other organisations during the lockdown and how many were under-occupied during this time? If you set out, to remind those watching, the number of employees that you have as well, please.

Amanda Spielman: We have around 700 employees. Around 700 were redeployed externally and I think our external redeployments added up to about a quarter of all the redeployments across Government, although many organisations had their work significantly disrupted. About a quarter of our staff on our estimate were needed for continuing regulatory and emergency inspection. Many other staff were involved in emergency support work from within Ofsted. This might be a good point at which to bring Yvette in to explain how—

Q434 **Chair:** How many were under-occupied during this time, during the lockdown?

Amanda Spielman: It is not a question I can answer precisely.

Q435 **Chair:** Roughly, there must be a rough figure. How many?

Amanda Spielman: It is something I would have to write to you about, a small minority.

Q436 **Chair:** Given there was so much need during the lockdown, for example safeguarding concerns—some of the reasons teachers were worried about online learning were understandably because of safeguarding issues—why did you not utilise every Ofsted employee who could be redeployed to work with schools to solve these kinds of problems and, as I say, act as a candid friend?

Amanda Spielman: I made that offer to the Department for Education, to be part of the wider working with schools. Because we are very small, we have just over one inspector per local authority, I cannot singlehandedly set up a national service to support schools. I offered everything I had beyond the quarter that was needed.

Q437 **Chair:** How did Ministers respond to your offer?

Amanda Spielman: I made the offer to the Permanent Secretary.

Q438 **Chair:** How did the Permanent Secretary respond?

Amanda Spielman: This was the previous Permanent Secretary.

Chair: Yes, I get it. How did the Permanent Secretary respond?

Amanda Spielman: What it translated into was a number of individual secondments and loans to the Department for Education. I think I had about 50 staff working for the Department for Education. We had about 150 with local authorities. We had people working on virtual schools. We



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had people working for the school advice line co-ordinated by Star Academies. We had about 150 people with local authorities, mainly working on the children's social care side. We had everybody out who we could find constructive working opportunities for.

Q439 **Chair:** Inspections are going to start next year, are they more monitoring than inspections?

Amanda Spielman: The visits we are doing at the moment are collaborative visits, they are not evidence-gathering sessions beyond the evidence that comes from leaders talking about what they are doing, how they have gone about it and what the challenges have been.

Q440 **Chair:** Surely if you do not introduce some sort of scrutiny in January next year, you might let down a generation of learners, particularly those who have fallen behind. What minimum level of scrutiny do you need to ensure that standards are maintained across the board?

Amanda Spielman: I do believe it is very important for children, for parents and Government that school inspections start again in the new year. It has to be at the right time and in the right way; we have to be able to do it safely. We are discussing with Ministers at the moment and thinking really carefully how it can be done safely and sensibly in a gradual way but with a really clear focus on how well children are learning, whether it is in the classroom or remotely.

Q441 **Chair:** You are going to inspect out-of-school learning this time around?

Amanda Spielman: Yes, we look at how the curriculum is delivered so, of course, it will encompass remote learning. It is one method of teaching a curriculum and in a world where that is being used, of course we must look at that. The existing framework would encompass that, we do not have to make a new framework to do that.

Chair: I still do not understand why all this could not have been done during the lockdown but we have gone over that. I think what you are doing is right now but I do not understand why it could not have been done over the past six months.

Q442 **Ian Mearns:** In answer to Rob's questions when you were talking about your report, Chief Inspector, you mentioned highlighting the regression in some children. You have given some very graphic examples, particularly with younger children not being able to hold a knife and fork appropriately or returning to school in nappies when they had been potty trained. From the evidence you have gathered, how widespread was that and how concerned should we be about it? I am not trying to diminish that at all but I am trying to get a feel for how widespread that evidence is.

Amanda Spielman: This is not a quantitative study in the sense of collecting numbers in every nursery; it is from talking to more than 900 leaders. We have pulled out the themes that came across most often; these are the things that really surfaced widely across the board. What it



is telling us is that whereas we might have hoped that essentially lockdown would put some children on pause, the reality for a substantial proportion of children has been significantly worse than that. Whereas in normal times most children are making good progress and we are concerned about a relatively small minority, who can often be identified through the kinds of categorising labels we often use in talking about education, the picture has flipped and most children have suffered at least to some extent, not just the usual disadvantaged categories.

The report we wrote in September was based on the first couple of weeks of visits. I think the picture was a bit rosier then, perhaps partly the euphoria that so many people felt just at getting back into school and nursery, and partly people had not really had time to assess and work out quite where children were. I think that is coming through more clearly now.

Q443 Ian Mearns: Have you done any assessment of which children or what types of children have had the biggest negative impact as a result of this? For instance, from the evidence you have gathered has it exacerbated already existing levels of disadvantage among some groups?

Amanda Spielman: It is certainly disproportionately affecting children who we recognise as disadvantaged, but I think it is showing that there are other dimensions that we do not normally take account of. The Chair has already drawn our attention to school level variability and that schools have varied enormously in how much they offered remotely, which is completely unacceptable for many children.

The other important dimensions have been around parent support. Of course, parents have to keep households going. At the most basic level, they have to work and make sure there is income coming in. Parents have had to queue at supermarkets and look after younger children. Therefore, even with the best will in the world, many parents have really struggled to provide the kind of support at home that children need to keep up with the curriculum.

At the other end of the spectrum, some children with special needs and some children in care homes, for example, have actually done very well during lockdown with a lot of adult attention and a calmer and quieter environment.

It does not line up neatly saying, "Disadvantaged have done badly and others done well". It is a more complicated picture.

Q444 Ian Mearns: The thing is, you are the Chief Inspector for schools and for children's services in England. Have you been able to pick up any evidence about what has been happening in the devolved Administrations? I know you have no responsibility there but in terms of a learning process, have you been able to do a compare and contrast?

Amanda Spielman: Yes, I do talk to my counterparts in the devolved Administrations and we also talk to our counterparts across Europe. In



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fact, we had a seminar with the Inspectorates of 20 or 30 countries across Europe yesterday. It transpired that it did not appear there was anybody out in front on this who had cracked how we look at remote learning really effectively or who had a very tight handle on learning loss and where. This international sharing is a very useful context, seeing how people are getting to grips with the challenges.

Some of the messages about lost learning and the difficulties of remote learning come across very strongly internationally. There was a study published recently from the Netherlands where children were out of school for eight weeks but back in school in the latter part of the summer term and did the normal end of primary tests. Their finding was that essentially children were about eight weeks behind where they would normally be, so on average the effort that had been put into remote learning did not appear to have contributed to children's learning and gaps had widened.

Q445 Ian Mearns: Given that you have gathered this evidence in September and October and you have actually highlighted this regression in many children across the country, is that in itself not a sign that as the Chief Inspector of Ofsted you should have acted and got involved earlier in order to do some preventive work? Was that not obviously going to happen?

Amanda Spielman: This is something I talked to you about in April. This is where the Inspectorate has a function only of inspection and why I offered our capacity to wider Government for the emergency support efforts. It is why I had 150 people in local authorities who had executive responsibilities. It is why we put everybody we could in places where they could contribute as much as possible.

Q446 Ian Mearns: That really calls into question Ofsted's role as a measurer and not an improver.

Amanda Spielman: It does indeed highlight that. Many Inspectorates in other countries, which have slightly different and slightly broader roles, did get deployed for school liaison and school support work of various kinds. I have to say that in designing the interim visits we are doing this autumn, we thought very much, to use the Chair's word—did you say "critical friend"?

Chair: Candid friend or critical friend, yes.

Amanda Spielman: That is what we have been endeavouring to create through the interim visits. The feedback from those says that people are finding that professional dialogue really valuable and that is helping them stand back and think about how they are approaching the challenges, what they have been focusing on and what they should be focusing on. Going through that conversation in itself has been valuable.

Q447 Ian Mearns: I think "critical friend" was a term first coined after the 1988 Act; it was the role of school governors as critical friends.



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Also, Chief Inspector, you have known for a while you would be coming before the Committee today. Is it just a complete coincidence that you published your report this morning or yesterday?

Chair: It would have been nice to have published it perhaps a few days ago so we would have had time to go through it and question you on it, given you knew you were coming. Anyone would think there was a particular reason for doing it on this particular morning.

Amanda Spielman: We set up this project months ago with monthly reporting. I think when the Clerk offered the dates, the other dates that were offered were before these were published and we thought we could be as informative as possible if—

Chair: To publish them on the day you are coming before Committee, before we have time to go through them.

Amanda Spielman: I believe you were provided with the reports ahead of this meeting.

Chair: Not much time at all.

Amanda Spielman: We have been working to very tight deadlines because there was a clear demand from—

Q448 **Chair:** If they had been published on Thursday or Friday, that would have made a huge difference, would it?

Amanda Spielman: My staff have been working to extremely tight deadlines to get these reports out as fast as possible.

Q449 **Tom Hunt:** If it is the case that the regular, or at least semi-regular, inspections kick off in January and one of your inspectors goes into a school and finds at that particular moment in time in a school largely pupils are back, things are going fairly well and so on but it becomes quite obvious during that inspection that during the time the pupils were not at that school there were serious deficiencies in terms of online learning and the way in which those pupils were supported, to what extent would that be taken into account in any Ofsted judgment? I understand in a sense the two are connected, so if the school in question perhaps did not do as well as it needed to have done when pupils were not in school, that would follow through potentially in terms of where the pupils are at in their development, bearing in mind to some extent a lot of that would be out of the hands of the school with the nature of the closures themselves.

To what extent will the Ofsted judgments take into account potential deficiencies in the support provided to pupils during the lockdown, even if now they are back they are doing pretty well?

Amanda Spielman: First, no decisions have yet been taken. Our inspections were suspended by the Secretary of State under the emergency legislation so it is essentially for the Secretary of State to decide when we can restart inspection and on what basis, doing what



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kind of work. Therefore please do not take anything at this point as an announcement of any kind of decision.

One of the important principles of inspection is that we are reporting on schools as we find them. We do not go back and say, "Let us look at everything that has happened since your last inspection". We look at the quality of education, the systems and the structures as they are operating when we visit. As I said to this Committee previously, we would not be doing a retrospective, "How would your summer have stacked up if the current DfE guidance had been in place?" However, we will, of course, be seeing where children are struggling more than elsewhere and that will prompt us to look really hard at how schools are lining up the curriculum to make sure children get from what might be quite low starting points to the kind of expectations that we rightly have for all children.

Q450 Tom Hunt: It sounds like if a school was not effective in providing the support it should have provided during school closures one way or another, it will probably end up filtering through into Ofsted judgments because of where kids are at in that school compared with other schools.

Amanda Spielman: It is part of the picture. I am very reluctant to say it will filter through, which would be to prejudge inspection as it will operate when it resumes. There will be much discussion and consultation about how best to take account of school circumstances. We know schools have not all been equally affected. We know that schools in the north of England are currently much more severely affected by disruption to staff and pupils than schools in the south of England. There is a really difficult balancing act here to make sure that we expect of schools everything that they can and should be able to marshal with what is at their disposal in the context they are working in, without holding them responsible for things they cannot reasonably be expected to do.

Q451 David Johnston: Amanda, you may feel you have covered the two questions I have, which is okay because I have another two instead, so I will check anyway.

The first is what key insights have you taken from your September visits and how do you think they will they shape your inspections going forward? You may feel you have said all you want to on that one but I will give you the opportunity to say anything else.

Amanda Spielman: I think it has reinforced the message that looking at what is being taught, how it is being sequenced, how people are making sure there is clarity about the essential framework, what needs to be emphasised and what the steps are that will take children from A to B all the way through to Z are really understood by all staff. It is thinking about what are the things that are lovely to do but when the rubber hits the road, these are the things we must make sure our children have. That kind of clarity of thought and seeing that translating through with good planning, good execution and, of course, in the context of



continuing Covid constraints that are making it hard for people to do some of the things they would normally do. The curriculum is likely to be compromised for a while yet by having to work with bubbles, with social distancing and all the other constraints.

Q452 David Johnston: The other question, which I also think you have touched on, is that schools volunteered for autumn visits, so to what extent do you think those visits have reflected the full experience of schools and colleges?

Amanda Spielman: We piloted the visits for a week or two at the very beginning to refine the model. Not all the visits since then have been to volunteers; they have simply been identified as visits in the normal way. We made sure we selected a sample of schools across the country, across the range of different previous inspection outcomes with a slight disproportion, I think, in favour of schools with lower previous inspection judgments. It was important to look right across the range so schools were notified, as they would be for inspection, of a visit with the opportunity to ask for a deferral but in fact remarkably few—I think less than 2%—asked for deferral of a visit; most people welcomed the opportunity.

Q453 David Johnston: Somewhat to my surprise, I have had schools in my constituency—I will not name those schools—and schools in other parts of the country that have said they would quite like a full inspection as soon as possible because they are living on an old Ofsted judgment that may be three, four or five years ago and does not reflect all the improvement they think they have made since then. They have been asking me whether they can request a full inspection if they would like one, given that to accommodate one of these lighter-touch visits they are going to have to prepare anyway, they have to divert senior leadership and other time to be ready for that and it is not the thing they really need.

Amanda Spielman: I have heard this as well from a number of quarters; this message is heard loud and clear. In planning for inspection restart, I very much recognise that is entirely a legitimate concern.

Q454 David Johnston: Could we have a situation in which, only if a school wants it, it might be able to request a full inspection from you at this time?

Amanda Spielman: At the moment, routine inspection is suspended by the Secretary of State and that would count as routine inspection. We can only do emergency inspections. As soon as inspection resumes, as soon as we are able to do full inspections, there is a provision in the legislation that permits any school to request an inspection. It is not literally book an inspection on a certain date, but it is letting us know that a school believes it is ready and would like to be, and then we are able to plan it into our schedule relatively early. Therefore that mechanism already exists.

Q455 David Johnston: The other thing I have heard, which you may also have



heard, is that some schools have said rather than have one of these light-touch visits at the moment, what would be more valuable would be if they could borrow some of your inspectors to help them with school improvement at this time. I wondered what you thought about that.

Amanda Spielman: We heard various suggestions that we should be in schools. We followed up on all the requests and suggestions that came through and, slightly to our surprise, they did not translate into an actual desire to have an inspector. Requests from local government and from other services very much did translate through, which is why we had so many staff out doing that work. We went where the demand actually was.

Q456 **David Johnston:** Can they still make those requests now?

Amanda Spielman: Clearly, we are planning for a return to inspection next year and we have a full programme of interim visits through the autumn so we do not have a clear slug of inspector availability in the way we did. However, we are still seconding staff where we have capacity and have received urgent requests from others for our expertise. We are very much open to that.

Q457 **Kim Johnson:** Good morning, panel. Ofsted has, we have heard, completed 121 pilot inspections during September and we know that high numbers of pupils did not receive the education they deserve during lockdown. Can you tell the Committee what discussions Ofsted has had with schools on how they intend to use their catch-up funding, if indeed they have received it?

Amanda Spielman: I believe that catch-up funding has been discussed in the context of the interim visits. I think I am right in remembering from the reports that most schools are at a fairly early stage of working out what they are going to do with it. They are typically putting it into one-to-one and small group support. I talked to one primary school last week, for example, which had arranged an outside tutor to come in to work with a few of the children who they had identified as needing the most help.

Q458 **Kim Johnson:** Given we all understand that there is a widening of the education attainment gap, would you say that schools are operating quickly enough in terms of trying to reduce that gap currently with that catch-up funding?

Amanda Spielman: I do not think we are in a position to judge that yet because we are only working with this interim visit approach, which has shown us what leaders tell us. I am concerned it is still at an early stage. I know quite a lot has been published by the Education Endowment Foundation, for example, about the best use. It may also be showing us the logistical difficulties for schools that have so much on their plates to manage at the moment with staff down, coping with Covid restrictions and changing guidance. They are working incredibly hard, and organising a whole cadre of external tutors is another significant management task. It would be wonderful if it were all done on day one, but I also



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understand that it takes time because, remember, it has to be high quality and it has to be properly integrated with the curriculum. You cannot just put a small ad in the local paper and say, "We would like 20 tutors to start next week, please". You have to find the right people, you have to work out what it is you want them to do and you have to have them trained to link in with staff who have to manage that. It is not a small undertaking in many cases.

Q459 Kim Johnson: Thank you. The report that has been discussed recently talks about the regression of some children, particularly disadvantaged children. I would like to know whether Ofsted has provided any form of action plan to those schools in terms of how to redress that level of regression.

Amanda Spielman: No. That would be stepping right outside Ofsted's responsibilities, to start providing direction or action plans for schools. We publish reports like this to provide insights on the greatest challenges because we find that seeing that context helps people to think about how they measure up against what is coming for others, where the areas are that they perhaps need to work on, and it also provides insight for policy makers and those responsible for schools in MATs, local government and central Government to help them prioritise and focus and make sure that the most urgent things get the most attention and the most resource.

Q460 Kim Johnson: When routine inspections resume in January, will the inspectors take into account the closures and the changes to assessments when reaching judgment on the quality of education?

Amanda Spielman: The results from last year, for example, which came through the calculated grade model, will not be included, are not being published and will not be available to inspectors. The new inspection model that we put in place a year ago also has shifted the focus to put less weight on results relative to the quality of what lies underneath the results. We look from first principles at how the curriculum has been built and is being carried through, how the school knows whether children are making progress against that curriculum. It is a flexible model that I think will adapt well to the very unusual period that schools have been through.

Q461 Kim Johnson: How will full inspections assess the quality of remote as well as in-person learning, and will those schools deemed outstanding still be exempt from inspections?

Amanda Spielman: On the second part, I can tell you hot off the press that the regulation that removed the outstanding exemption has come into force. I think it was finally published today so that process is complete. When we resume inspection, outstanding schools will be in the scope of inspection, which I have to say I am delighted about because it is something I have been pressing for ever since I started this job. I think it is so important for many parents and for schools themselves. Many heads have told me it is actually quite uncomfortable coming into a



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school that has an outstanding label but where you know, at the point you come in, it is not properly deserved because it sets a false expectation for you about what your starting point is and what you should expect to achieve.

In talking about that I have now forgotten the first half of your question for which I have to apologise, please forgive me.

Kim Johnson: It was about whether remote learning will be assessed in the same way as in-person learning.

Chair: Can I ask you, Amanda, very, very gently, to be as concise as you can because we have a lot to get through?

Amanda Spielman: Sure. A big piece of the inspection framework is about the curriculum, how it is constructed and how it is delivered, taught. That will simply encompass remote learning. We are doing a lot of work through the autumn through what we gather from the interim visits, through surveys of parents and schools to supplement that and through visits to a number of schools that we believe have set up particularly good remote-learning models to draw from that as clear a picture as we can to inform how we should look at it, what conversations we should want to have with schools, what will flush out the right—

Q462 **Chair:** Have you put in plans to train inspectors to be able to inspect schools remotely or in a hybrid way?

Amanda Spielman: Sorry, to inspect schools remotely?

Chair: What plans have you put in place to train your inspectors to be able to inspect schools remotely or in a hybrid way?

Amanda Spielman: We are already working in that way in some of our social care work.

Yvette, do you want to explain where we are doing some hybrid work?

Q463 **Chair:** How are you training your inspectors, in essence?

Amanda Spielman: I think perhaps I will let Yvette talk about that in the social care context.

Chair: OK, but I was asking in terms of schools. What are you doing in terms of schools?

Amanda Spielman: For whatever we put in place we design thorough and careful inspector training that all inspectors go through before they start applying the model. That is why I thought how we train social care inspectors to apply hybrid models in that context might be valuable for the Committee in understanding how we go about it.

Yvette Stanley: I will be brief, Chair. Across the whole range of regulatory activities, registration and on interviewing the leadership teams in terms of children's homes or local authorities, we have been



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operating a hybrid system throughout lockdown so that we can have those conversations. Our worry is it does not give us the deeper level of assurance that feet on the ground and line of sight do. However, we have worked across the whole spectrum from doing it all remotely to a combination of onsite and remote so staff can use the technology. As indeed local authorities and schools are increasingly providing virtually, we can do aspects of inspection and regulation virtually.

Chair: Before I bring in Apsana, I had missed Christian. Christian, are you there?

Q464 **Christian Wakeford:** Thank you, Chair. My question is very much in regard to home schooling and education. If more parents are choosing to home educate their children in the light of the pandemic, bearing in mind that there is no register so there is no full understanding of how many children are home educated, how can the quality of the education they receive at home be assured?

Amanda Spielman: Home education, the invisibility of children and the complete lack of understanding of how many parents are in a position to do it well with the right support when they need it, has been a concern of mine for years. I think we submitted last Friday a response on your call for evidence about that.

We have been pushing for a long time for a basic registration requirement in the first instance so that we simply know which children are being home educated, where that is and who the adult is who is taking responsibility; we do not even know that at the moment. We can see the numbers, from the estimates that are made by ADCS and others, are going up and up. Whereas 30 or 40 years ago, it might have been overwhelmingly committed home-schooling parents, dedicated to it with the capacity and resource—of course there is still quite a slice of those—we have more children who we know have been squeezed out of school by the back door, we have more children whose parents are deeply frustrated and feel their children have not had the SEND provision they need and have taken their children out of school in despair, but what they really need is the right school place, and we have some parents who, frankly, want to keep their children out of sight. It has grown so fast and getting some kind of handle to make sure, without being intrusive where the state should not be intrusive, we have some level of assurance that children are getting educated, is a real national priority from my point of view.

Q465 **Christian Wakeford:** You touched briefly on the SEN aspect. Obviously one thing we have discussed previously in Committee, and what I have done previously in my councillor role, was trying to highlight the concern of off-rolling because a school cannot cope or understand a child's complex needs. Through the auspices of Ofsted, what are you doing to try to prevent off-rolling from happening further?

In regards to the home education we all went through during lockdown—I



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say this as a father of a young daughter myself—it was incredibly tough. However, one of the biggest issues was a general lack of guidance from the centre. What is being done via your officers to help feed into the Department a basic standard as to what children should be learning at home, whether it is formal home education or more education by demand because of self-isolation?

Amanda Spielman: First, congratulations on coping with the experience of being—

Christian Wakeford: I did not say I coped.

Amanda Spielman: We made off-rolling a big piece of our inspections quite some time ago, as soon as it became clear that it was a significant problem. We have had some very tough inspection conversations. We have reported on a number of schools where we found it had been happening. We found it is something that is difficult to establish because you are trying to get to reasons, not just to the fact of a child coming off the school roll. We have made very clear from what we have said that this is something we regard as unacceptable and is very much taken into account in how we judge leadership and management.

When inspections are suspended, that lever and push in the system is gone. We can talk about it, but without the lever behind it at the moment I simply do not have any sense of quite how serious the problem is and, of course, it is going to be mixed up at the moment with other children not returning to education for various reasons. It is a muddy picture.

Sorry, what was the last piece that you came on to there?

Q466 **Christian Wakeford:** The Chair has gone through some of the statistics as to how little education some children had and some of that was down to guidance from the centre. What has Ofsted's role been to make sure that there is pertinent guidance to hopefully mitigate the lack of education moving forward in future lockdowns or the need for children to self-isolate?

Amanda Spielman: It takes us back in part to the answers I have given already, which I will not repeat. We pushed for this clarity about what schools should be offering from very early on and I am glad that there is now much greater clarity.

We are working on a series of curriculum reviews that we will publish over the next year or so, which are giving insight into how schools are thinking about curriculum. We regularly advise DfE on the guidance actually on all remits, not just in schools. We provide constructive input into guidance using our inspectors' experience of having worked in every kind of educational and care institution to make sure that guidance is workable, realistic and practical, and will help move things forward and not create unnecessary work for people.

Q467 **Chair:** How many schools did your inspectors contact during lockdown to



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offer support or help or to find out what kind of learning was going on for the children who were at home?

Amanda Spielman: During lockdown we were doing emergency visits and following up on complaints.

Q468 **Chair:** How many schools did your inspectors contact to help them with learning at home or any safeguarding issues they were worried about?

Amanda Spielman: We were not making unsolicited offers of help. I can write to you about the number—

Q469 **Chair:** Why not? That is not down to expectations, as you described, from the Department for Education. Why not? Would that not have been a very useful role that Ofsted could have played during this national emergency?

Amanda Spielman: I think I said I approached it systemically because it is clear that Ofsted is a very small organisation in the context of the educational landscape. We have roughly one inspector per local authority. If I had said to inspectors, "Go and find a school or two you like and offer them a bit of help" it would have been very patchy compared with what I believed we—

Q470 **Chair:** Just because you could not do every school does not mean you could not have done or helped or worked with any school, or rang up academy super heads or local authorities to find out which schools needed help.

Amanda Spielman: We were extraordinarily conscious of the need not to put burdens on schools—

Chair: No, I am not asking you to put a burden on them, I understand there were not going to be inspections. What I am asking about is that you could have called local authorities, school academy heads, super heads, at least some of them, to offer help with safeguarding, to find out what blended learning was going on or if none at all.

Amanda Spielman: This is the REACT work. I think you need to let Yvette explain about the REACT work and how we did this.

Q471 **Chair:** You were saying you did not do it a moment ago.

Amanda Spielman: You asked me whether we rang up individual schools.

Q472 **Chair:** You are saying you could not because there are too many schools and you did not have the capacity. I am saying you could have rung super heads of academies, you could have rung some local authorities and you could have even rung some schools, even if not all.

Amanda Spielman: I am going to ask Yvette to explain the REACT work and the model through which we were interacting.



Yvette Stanley: The DfE took a national and regional leadership role through its regional schools commissioners and brought colleagues together from across the DfE—so SEN, social care, schools, early years—with Ofsted colleagues and we co-ordinated our contacts with schools, with MATs and with local authorities through that. That resulted in the deployment of staff into local authorities, into children’s homes and into some schools, albeit very small numbers. It was a conduit for establishing the intelligent asks—what information do we need from schools, from local authorities and from MATs—and also co-ordinating the offer out, for example in the allocation and distribution of the IT, the laptops for children, through to tracking individual children, vulnerable children and getting—

Q473 **Chair:** As you said, you did a very small number of schools and you were concentrating on local authorities and children in care, is that right?

Yvette Stanley: Because in the wider REACT, other colleagues had the connections into MATs and individual schools. The RSCs had that expertise and we added value in terms of the vulnerable children, but we also did some work for them.

Chair: I think you could have added a massive amount of value if you had had a sustained programme, contacting as much as possible—while it would not have been possible to do every school—super heads and local authorities specifically to work with schools and to offer them help, not inspections but to offer help and support.

Q474 **Apsana Begum:** My question is related to inspections but is really about league tables. My understanding is that league tables and performance tables are still going ahead in terms of publishing for next year. In light of everything we have discussed today, do you think that is appropriate and do you think it would be a fair way of approaching the challenges in the education system right now? Given the fact we know so many SEND children have missed out on learning, we know that some of those schools that have high numbers of SEND children are disadvantaged in those performance tables. What is your approach on that for next year?

Amanda Spielman: I am not aware that any decisions have been made by the Department for Education on that for next year. Whatever decisions are taken, the critical thing here is that any testing programme is used well and that any results from it are used with a proper understanding of how they should be interpreted and used and what cannot be concluded from them. As you say, there will have been an immense amount of disruption and very variable levels of disruption in different parts of the country and nobody will be able to look at any kind of test or exam results over the next couple of years and say there should be a smooth series with everything going up and nothing deviating.

Everybody who is part of the system of school accountability is going to have to look responsibly and intelligently at information of all kinds that



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flows through, to really think about what it is that can be concluded and what should not be concluded from it.

Q475 **Apsana Begum:** In terms of the inspections for January, how much of that is taking into account the loss of learning for SEND children?

Amanda Spielman: For SEND children did you say or for some children?

Apsana Begum: Yes, SEND children.

Amanda Spielman: We have not published any decision about inspections from January yet. As I have explained on other questions, every inspection has to take account of the context and look at the starting points and opportunities schools have had. Where schools have simply had the opportunity to teach less than they normally would, clearly we have to factor that in.

It is going to be an exceptional challenge for our inspectors getting properly underneath what has happened in different situations, and understanding whether schools have organised and done all the things that they should have done in a sensible and proportionate way.

Q476 **Tom Hunt:** From April, Ofsted will be assuming responsibility for inspecting degree apprenticeships. How confident are you that your inspectors have the expertise and the skills necessary to carry out this role?

Amanda Spielman: I am very confident there. We already inspect apprenticeships up to level 5. We have a well developed model for doing this. When the Apprenticeship Levy prompted a big expansion in the world of apprenticeships two or three years ago, one of the things I did was to put in place early new provider monitoring visits for apprenticeships to make sure we understood what was happening.

Of course, apprenticeships change slightly in their character depending on the age and experience of the people who are going through them. Apprenticeships for 16 year-olds look and feel a bit different from apprenticeships at levels 6 and 7, but the principles of what is a good apprenticeship, what are the pieces that come together to make that vocational formation and that development of the rounded person that a good apprenticeship does, that applies at all ages.

We are well accustomed to working in universities. We already inspect initial teacher education. In fact, some levels 6 and 7 sit outside that world, but—

#**Chair:** Okay. Be as precise as you possibly can.

Q477 **Tom Hunt:** There is a degree of anxiety within the sector about this change. One of the concerns that some of the providers have, about for example nursing qualifications—they are already held to account by the Royal College of Nursing—and midwifery, and there is a slight concern that this will add a level of bureaucracy and confusion to the situation.



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Obviously I appreciate that Ofsted already has a role in inspecting slightly lower level apprenticeships. Of course, degree apprenticeships are in themselves quite unique and quite different.

I would very much hope that you take on board those points because I look at the University of Suffolk, which is in my constituency, which has a very good reputation for nursing qualifications and also degree apprenticeships in the tech sector and so on. I would hope that you take on board their concerns and hopefully those anxieties can be addressed.

Amanda Spielman: We are very much working with the sector to discuss these things but, just to be clear, it is a shift of responsibility for inspection from the Office for Students to Ofsted. It is not the introduction of something for the first time; it is a change in who does it.

Yes, I very much recognise that some apprenticeships, especially at higher levels, are essentially part of a professional training programme where there is a long-established professional body through which the training model is carried out and which has various quality assurance mechanisms, so I understand that we are dealing with some significant players with a great deal of quality here. It is not a blank sheet of paper.

Q478 **Tom Hunt:** Acknowledging that there is already, particularly for nursing qualifications, the Nursing and Midwifery Council, I would not want anything to be overly burdensome obviously. We need to ensure that the quality is high and the higher education environment, the degree apprenticeship environment is unique and very different from a lot of what Ofsted has been used to, although I do appreciate the work you have been doing with the teacher training and the slightly lower level apprenticeships. It is just making sure that you are aware of those. There is a certain degree of anxiety in the sector from various figures but I am hopeful that those concerns can be resolved. Thank you very much for your response.

Q479 **David Simmonds:** Can I ask both of you, Amanda and Yvette, what you think are the key issues facing children's social care services as we head into the next phase of Covid?

Amanda Spielman: It has been a really tough time, but given that Yvette is our Director for Social Care, I should let her have the chance to answer this one.

Yvette Stanley: Local authorities, as David Simmonds will absolutely know, have that co-ordinating role within the emergency response. They are also delivering a very important range of social care services to highly vulnerable children. Much of the service is around that, so we all know it is a multiagency partnership that keeps children safe and enables them to thrive, but the disruption of health services that Amanda alluded to in terms of SEN, the disruption to schools, has meant that referrals went to worryingly low levels in some places and are picking up now.



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At times we have been worried about very low level of referrals and hidden harm and what is happening to children, and I draw the Committee's attention to Amanda's thoughts around babies, which we have been very worried about. We are also worried about adolescents and mental health.

The disruption to those services impacted on referrals and now we are seeing referrals rise. At a time when in many places the rates of sickness are slightly higher than they were in the lockdown, social workers are now dealing with a significant increase in referrals and at the same time are still worried that some of those services are partly disrupted.

They have issues with placement sufficiency, which again I know the Committee has been aware of in the past and we have been talking about for a number of years, which is why we prioritised our regulatory staff, and registering children's homes. I am pleased to say we had a 3% increase in the places compared to a similar period last year compared to lockdown.

Therefore, placement sufficiency, the fact that care leavers rightly, with the flex regulations, aren't leaving care but that means there is huge pressure on supported lodgings and care leavers' real worries around employment for them and social isolation.

All the issues for vulnerable children and young adults are hot at the minute for local authorities, pressure on services and pressure on work, and yet they are still managing that emergency response as well.

Q480 David Simmonds: Regarding the policy response emerges from that, are there any things the Committee should be thinking about? You particularly mentioned things like children staying in the care system and what the long term impact will be.

Yvette Stanley: There was a long list of issues that we wanted to explore through the care review. Recent months have made some of them more acute. How long will we support those vulnerable children, now young adults, whose opportunities for employment have been disrupted, who perhaps may be needing mental health services for longer? I know the Committee has previously been very aware of what has been described as a possible cliff edge, both for child and adolescent mental health but some child to adult social care services for disabled children.

We need to have a plan for the next five years around how we support those that have been impacted so acutely into more resilience and sufficiency for the future.

Q481 David Simmonds: Is that almost like a capture programme equivalent to care services over and above what is happening with the education sector?



Yvette Stanley: I think so indeed, and the advice that I have certainly been giving to the DfE as part of our REACT work is that for some of these groups—they are not homogenous, are they? Those children with very complex SEN who have not had respite, who have not had therapeutic intervention, whose parents are under acute stress, we need a different response there to deal with young people in the care system who are just about to leave but who have mental health needs. We need resistance, resilience and rebuilding for particular groups, albeit small groups, but their issues are probably very specific to them.

Q482 **David Simmonds:** A very specific question: one of the things the Committee noted was the significant increase in the legal costs that Ofsted has been incurring. I know you have been quite active in the field of tackling unregistered schools, but would you be willing to share with us the reasons why those legal costs have been rising?

Yvette Stanley: We have over the last two years undertaken more regulatory work and pushed things through the system. Even in lockdown, we cancelled a number of children's homes and we are finding that providers are more litigious than they were historically. Our costs in supporting our work for ICSA have also been quite substantial as well. Tribunal work, litigation generally and ICSA would probably be, off the top of my head, the three issues. We could always come back to you with a written response with colleagues who are closer to the detail.

David Simmonds: Thank you.

Q483 **Ian Mearns:** You have had a success with the capacity and capability to inspect outstanding schools and you have previously suggested that underperforming schools can be supported by a strong Multi Academy Trust. How are you tackling underperforming Multi Academy Trusts and are you looking forward to having a similar victory with the capacity to inspect MATs?

Amanda Spielman: Yes. This is one of the frustrations of the suspension of routine inspection. It is not just the written inspections that we have had to put on hold but also work like the summary evaluations that we have been doing of MATs. We had a small but really good programme and plans to increase that to start looking at more MATs at a MAT level to get a sense of the strength of their model. Of course, that is all on hold at the moment.

The wider point I have made, and will continue to make, is that inspection needs to fit sectors as they actually operate. If people are operating in multilayered structures like MATs or like chains of nurseries or chains of children's homes, accountability needs to be able to look at the multiple levels in the system to ask the right questions at the right level. Otherwise, you end up working inefficiently by asking questions of people who are not in a position to even know the answers.

I do believe we will need to carry on working overtime to a more developed model that properly reflects the system as it actually operates.



Q484 **Ian Mearns:** Obviously some Multi Academy Trusts have as much revenue going through them and have as many schools as some education authorities. It seems to me that it is a sort of problem in the system that you do not have the power to properly inspect what is going on.

Amanda Spielman: Yes, you are right. Some of them have hundreds of millions going through. There are financial and some governance controls that are operated by EFSA in conjunction with Regional Schools Commissioners, but there is a piece that—particularly given how much of the educational decision making now sits at the centre or regional level in many MATs—at the moment is very hard to get a handle on.

Q485 **Ian Mearns:** Can I take you back to the question of outstanding schools now that you have the power to inspect them? How long might it have been since an outstanding school was actually inspected by Ofsted?

Amanda Spielman: The longest is 12 or even 13 years, I think, because it was suspended—was it—back in 2011 and some outstanding schools had not been inspected for four years at that point. I think we are talking about up to 13 years ago.

Q486 **Ian Mearns:** I am sure that is a problem that you are delighted to have overcome. In the intervening period, if an outstanding school or a school with an outstanding tag on it had come to Ofsted and said, “Look, we haven’t been inspected for quite some time. We would like to give some reassurance to everybody out there that things are perfectly okay within our establishment. Would you come and inspect us on a voluntary basis?” Has that happened?

Amanda Spielman: I cannot answer off the top of my head. I would have to find out. We did have the funding and the power to inspect a small proportion of outstanding schools on a risk assessed basis, so we did not leave them entirely. Where we had reason, either from outcomes or from notifications, or intelligence received from other sources, to believe that a school was likely to have slipped we did go back in and inspect. In recent years we were finding that a very large proportion of the schools that we inspected on that risk assessed basis had indeed declined since the judgment. It will help everybody, parents and schools alike, to get back to a position where judgments are all reasonably up to date and give a realistic view of the kind of quality that a school is offering.

Ian Mearns: Just for the record, Chair, I should declare an interest as a member of a Multi Academy Trust board now.

Q487 **David Simmonds:** On the schools topic, has the pause in inspections created a bit of a blind spot with what is happening around unregistered schools?

Amanda Spielman: Our unregistered school team has been continuing working. We have continued to follow up on notifications. Early on there were some concerns about some unregistered schools clearly operating,



not just operating as unregistered provision but carrying on in the face of lockdown regulations. My team has been occupied. We have another case that is coming back for prosecution. It is a small but live strand of our work.

Ian Mearns: In January 2021, which is only a couple of months away, it will be three years since the introduction of the Baker clause. Of course the Baker clause, having come into effect in 2018, stipulates that schools must ensure that a range of education and training providers have access to pupils from year 8 to year 13 so that they can be informed about the technical education and apprenticeship opportunities.

That is an important aspect of the Government's aspiration in terms of the overall skills and training agenda. What levels of compliance with the Baker clause are you actually finding in schools? I know there has been a hiatus due to the fact that we have had the pandemic this year but it is an important facet to the Government's overall training and skills agenda. How much focus are you putting on compliance with the Baker clause?

Amanda Spielman: It is a part of the inspection of every school. I believe it is a relatively small proportion where we have found non-compliance, but I would have to write to the Committee with the statistics on that.

Q488 **Ian Mearns:** It is vital. In other inquiries, we have had so much evidence imparted to us. Young people who have come out of schools and gone into training are telling us on a regular basis that they did not have any access to impartial, independent careers advice and guidance, so access to any other providers, including FE colleges. It is vital and I would ask you to ratchet it up a bit in terms of its importance in inspections.

Amanda Spielman: You are absolutely right, it is extremely important and in going back into inspection we need to make sure it gets the attention it deserves. Thank you.

Q489 **Ian Mearns:** Is there anything in particular you can think of that you would want to do in order to make sure that compliance is more rigorously adhered to?

Amanda Spielman: I hope that—

Q490 **Chair:** Can I just come in on that? Are there specific examples of schools being pulled up for not providing objective advice and is there anything more that the DfE could do within the scope of existing legislation to hold schools to account on the Baker clause?

Amanda Spielman: I believe that we have reported on examples but I can include that in what we write in response to Ian's question.

Is there scope? I think the statutory requirement is very clear. I think embedding it in inspection gives it teeth. I do not think anybody



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contemplated inspections stopping at that point. Obviously, the lever is not fully functional. Clearly, schools and colleges have a particularly tough time at the moment making sure that, despite the disruptions to education, every child gets onto the right pathway, September just gone, September next year. Not just that they get onto the right pathway, but that they get the help they need because, no matter how much we might wish it were otherwise, some are going to have missed stuff that they actually need.

If you are going on to do a next stage course with significant maths or physics content, say, if you have not been taught the relevant bits, you have to learn them, so part of it is making sure that children have the opportunity to be taught and—

Q491 **Chair:** Could you strengthen the focus on careers advice in the inspection framework?

Amanda Spielman: It is absolutely explicit and clear already. It is one of a very small number of things that we report on in their own right, so I think it is already particularly strong.

Q492 **Ian Mearns:** I am sorry, Chief Inspector; I really do not feel it is strong. The evidence that we are getting from a range of different people shows that it isn't, because of the experience of young people.

Amanda Spielman: It would be very helpful if they could write to me about where they believe it is not happening. Could I ask you to encourage people to do that? It would be—

Q493 **Chair:** Do you have the figures at hand for schools compliance with the Baker clause?

Amanda Spielman: No, I don't.

Chair: If you could possibly write to us because it seems to me that a significant number are not following the clause and existing measures have not worked.

Q494 **Ian Mearns:** I think it is not the fact that it is not happening at all but that there is an element of lip service. It is being seen to be doing something but not entirely the right thing. I do think it is important, first, to make sure that youngsters are getting to the right destination but, secondly, to make sure that the Government's overall agenda of skills and training has some chance, that youngsters are given access to impartial careers advice, education and guidance.

Amanda Spielman: It is absolutely important and I would like to make sure that inspection gives it the space it deserves. I do believe it was fully reflected in the current inspection framework.

Chair: Perhaps you could write to us with the figures but, also, to set out what you are trying to do to ensure proper compliance, as Ian has emphasised.



Q495 **Christian Wakeford:** Given the flexibility that schools now have on teaching relationship and sex education during the academic year, how is Ofsted going to ensure that the approach is not only fair and equitable but compassionate in regards to those with a faith that might have a bit more of a conservative view about what is being taught?

Chair: I just stress small 'c' conservative.

Christian Wakeford: Absolutely, Chair.

Amanda Spielman: First, it is very helpful that DfE has issued some explicit guidance. I think it is something that schools have needed for a long time, as these issues have become more contested, as with the huge growth in variation of opinion over the last 50 years as we have become a more diverse society. This is something that was once quite straightforward. For schools to decide themselves has become difficult, complicated and in some cases it is an absolute minefield, so I welcome the clarity of having guidance. It is helpful for us and it means we can make sure that our own guidance to inspectors on how to inspect ties in very explicitly and clearly with the new guidance.

As to compassion, it is something fundamental to Ofsted and to how Ofsted inspectors think. The "Doing good as we go" motto is embedded in my staff. Individually and collectively, in the work that my policy teams do with faith groups, we absolutely do our utmost to make sure that we take account of what people tell us and that we approach things sensibly and constructively. There is, nevertheless, in some contexts a clear tension between the law and what faith groups would require. We do everything we can to minimise unnecessary tension but I cannot, as Ofsted myself, say that there will never be any clash between what the law requires and what a small minority of faith schools would like. It is very difficult. We are as constructive as we can be.

Chair: Christian?

Christian Wakeford: Nothing further to add, Chair.

Q496 **Chair:** I have had an email from a successful faith school. I will just read it out to you, Amanda. "With the new RSE curriculum now in force, there remains concern among faith groups and parents that schools may go further than the guidance issued by the DfE because they feel they will perform better in an inspection by doing so. Can you confirm that schools will follow the DfE guidance, consult with parents and decide on the basis that certain topics are not age appropriate in certain years or that they will not cover non-compulsory context in terms of certain relationships in primary school and will categorically not suffer detrimentally in an inspection?" How would you respond to that school? They have had a good inspection from you but I am not going to name them.

Amanda Spielman: It is absolutely right that there is a default expectation in the DfE guidance that schools are by default expected to cover the content, but in the context of primary schools, they may, after



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proper consultation with parents, decide that they are not going to teach certain aspects. That is in primary schools only.

It remains for each school to decide how to do it. Once we go back to routine inspection—we have not yet inspected under the new guidance. It was originally going to come in this September. It is now I think coming in in April, so the work that we do in the spring term would essentially be looking at readiness for implementation of the new guidance.

From the start of the summer term, if a school is failing to follow the new RSE guidance, inspectors will consider this in the personal development judgment and for any impact on leadership and management. We would also take into account on inspection any concerns that are raised by parents about age appropriateness.

Q497 Chair: Thank you. Going back to inspection, in your annual report 2019-20, you say, "Having dealt with the short-term impacts of the crisis early on, management have now also considered in detail what it means in terms of the risks that Ofsted may face longer term. We have not seen any evidence that the risk highlighted above has materialised." Can you explain what risks you mean?

Amanda Spielman: Without a reference to a particular page, I am sorry, but out of context I cannot immediately—

Q498 Chair: That is fine. If you just email us afterwards or write to us, that would be helpful.

Obviously, the DfE has announced that performance tables are not going to be published in 2020. You use performance data among other indicators to identify where there is a dip in performance and that often triggers inspections. Given that the absence of performance data may make it more difficult for Ofsted to make these informed decisions about inspection, how are you going to base your decision in terms of inspecting schools?

Amanda Spielman: We have risk assessment models that draw information from a number of sources, one of which is performance table data. Other strands of data collection from schools are taken into account in that and of course notifications from various sources and complaints from parents. We receive something over 1,000 complaints about schools a month, which also inform our choices of where to inspect. We will make sure that we make full use of all the information that is available to us.

Q499 Chair: If I can go back to the Nick Gibb quote that I mentioned to you earlier, to reiterate, he said Ofsted "will be looking at both in-class teaching and remote education, and they will be assessing that through the normal Ofsted inspections". Can I try to understand again why you could not have done this in the first six-month lockdown?

Amanda Spielman: Remote learning is one way of delivering a curriculum. It is not a separate thing from teaching a curriculum. If you



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have suspended the expectation that a school teaches any particular curriculum in any particular order, that applies whether it is in a classroom or remotely, which is why, as I explained earlier, I put so much emphasis on pushing DfE to get those expectations explicit and out there back in the summer term. We now have had them from the autumn.

The pieces have to be in place in order to go back and look at it but it would be wrong to think about remote learning as a completely separate activity that schools do when they cannot do anything else. We have a curriculum that we want children to master in mathematics, in English and in other subjects. What schools do remotely is another way of making that happen and it has to tie in. At the moment, we have a mixture. We have many schools that have some classes in a given year that are working remotely and some that are in school. We have classes where smaller bubbles of children are not there. We have individuals absent. We are working in a complicated hybrid model.

One of the things that comes out from our work and from others is the importance of coherence between what is being offered to children out of school and what children are offered in school. You cannot say, "Let's look at the remote bit completely separately". It is looking at the totality of the curriculum.

Q500 Chair: Okay. This is my last question on this, but what Nick Gibb said talks about both learnings and I am still not clear why this could not have been done during the lockdown. I will move on, though, because we have done this a fair bit.

Can I ask you about the Careers & Enterprise Company? We know that one in five schools do not meet any of the eight Gatsby Benchmarks. On average, schools meet just three of the benchmarks. My previous Committee, before 2019, expressed reservations about the role the Careers & Enterprise Company has.

You scrutinise heavily the National Careers Service, which has a lot of other scrutiny as well. Do you think it would be a good thing for the Careers & Enterprise Company to be scrutinised more transparently, and do you think that Ofsted should inspect the quality provision funded by the CEC and that there should be an independent review on the Careers & Enterprise Company's impact?

Amanda Spielman: Did you say that we scrutinise the National Careers Service? I don't believe so. You caught me by surprise with the—

Q501 Chair: As I understand it, the National Careers Service is scrutinised by Ofsted. I may be wrong on that. It isn't? Okay.

Amanda Spielman: Yes.

Q502 Chair: Do you think you should scrutinise the CEC?



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Amanda Spielman: I know very little about the CEC and its current profile of work. I would be happy to have discussions with the Department for Education if it felt it was appropriate to have the CEC scrutinised and scrutinised by us, but I simply cannot offer a comment on an organisation I know almost nothing about.

Q503 **Chair:** Thank you. You have introduced monitoring visits on apprenticeships for new training providers to address concerns about quality. Your visits have shown that many new providers are not making sufficient progress, so between February 2018 and 31 March 2020, 540 apprenticeship providers had visits; 21.5% of these have made insufficient progress in at least one of the three areas inspectors looked at. Do you agree that 24 months is too long to wait to find out if new providers are struggling to deliver and would you support shortening this threshold perhaps to 12 months to allow the training providers to bed in?

Amanda Spielman: Our monitoring visits very often happen much earlier than 24 months. We set an expectation that lets us risk assess. Some providers are completely new start-ups where it is not obvious where the skills and expertise to run a good apprenticeship programme come from. Others are set up by extremely experienced education providers with a lot of history, a lot of relevant sector knowledge who are extending in one direction. To use our resource well, I think it is right and sensible that we apply some flexibility, but I absolutely take your point that, especially for people with little obvious expertise and credibility, early is much better. I think the profile of our visits shows that this is not something that we are doing rigidly at 23.5 months. We are creating a little bit of flexibility to visit early, but visit at a sensible point.

Q504 **Chair:** Thank you. Could I ask you about your role of your committee on the Ofqual board relating to exams? Do you think exams should take place next year with the delay, as the Government have said, or do you think there will need to be a change as there has been in Wales, as I understand it?

Amanda Spielman: It is very important, before making sudden drastic changes in how a system works, to think about how it will go down at the receiving end with children and parents. One of the messages that came across really strongly from young people themselves last summer, in the face of the calculated grades model, was how much they resented not having the chance to show what they could do for themselves. There were many, many who believed that they could do better than their teachers had suggested that they could. Taking away the opportunity of young people's own agency in demonstrating what they can do is something that we should think very carefully about before doing.

We also know that many, many schools strongly believe and fear that, with so much of the structure and motivation for young people having been designed around exam specifications, to say at this point, "Well, we won't do that", a large proportion of older children simply would not return to school for the rest of the academic year. If you pull out



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something that is a pillar around which the system is organised, without putting something else in its place, you could well end up possibly inadvertently doing real harm. These are decisions with many, many consequences. I know that Ofqual is working closely with the Department for Education on—

Q505 **Chair:** Do you think they should take place with the delay?

Amanda Spielman: I have not yet seen anything that suggests that pulling exams, as we did last year, is the sensible default route to go down this year.

Q506 **Ian Mearns:** Earlier on in giving evidence, Chief Inspector, you did say that levels of disruption for year groups that would be affected by this in many northern schools have been much greater than in schools in the south of England. How would it be fair under those circumstances to have a nationally moderated set of examinations when we have had much greater levels of disruption in some schools in some parts of the country than in others? I could give the example that we have had recently where there was a major argument between local authorities in the north of England about the amount of furlough compensation being given to workers and then, all of a sudden, because it had to be a national lockdown, it was 80% across the board. It does start to feel, if we have the national regulators and national inspectors saying, “No, it is all right because the south of England is okay”, and that does not really go down well up here.

Amanda Spielman: That is absolutely not what I am saying and we are the inspector of the whole country and internally we are organised in eight regions. We have equally strong voices for every part of the country in how we think and act.

You are absolutely right, there is an enormous problem. In normal years, by default, we can expect that every child will have had more or less the same amount of teaching barring an unfortunate few who have some kind of serious illness. This year we have a very different situation. The crucial things for me about fairness are, first, making sure that we have properly thought through how the young people whose lives have been most disrupted still get onto the right pathway for next year, how the path for them is identified and everybody works together to make sure that they get onto it and, as I said a few minutes ago, that when they are there, they get the teaching that they need and that they have missed out on this year.

Q507 **Ian Mearns:** How do we secure a level playing field when clearly we are not on a level playing field in terms of the levels of disruption to individual youngsters’ education in different parts of the country?

Amanda Spielman: This is where I think we can see we need to think more widely this year than we did last year. We hung too much on to trying to use grades as the vehicle by which we dealt with all Covid unfairness. There is no question but that Covid has thrown a massive slug



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of uncertainty and unfairness into the system. It is a multiyear job pulling that back and it is about more than just what you do with exam grades, so getting that wider perspective. You are absolutely right that, particularly in the north of the country, there are many more children who will have had a raw education—

Q508 **Chair:** There is a very welcome catch-up fund from the Government and of course that will make a difference but, given what you have published today—because you say you have to look at ‘the how’—how do you ensure that those thousands of children, particularly those from disadvantaged backgrounds who have not had any schooling or have done very little over the past few months, catch up and can do those exams at the same time as everybody else?

Amanda Spielman: I do not think anybody has a magic wand that can say everybody will catch up entirely inside this year. It is going to be a multiyear project for—

Q509 **Chair:** But we are talking about the exams next year. How do you ensure that there is a level playing field for those disadvantaged pupils?

Amanda Spielman: You need to have Dame Glenys Stacey to the Committee.

Q510 **Chair:** No, but you are on the committee of the Ofqual board so you must have a view.

Amanda Spielman: I am a non-executive on the committee. I think there are some things that you can do through the exam system and some things that need to happen beyond the exam system. Ofsted is developing advice to Ministers on the changes to exams themselves, on grading, on contingency options that will inform the decisions that are taken.

Q511 **Chair:** In Dame Glenys’s letter to the Education Secretary last week, she suggested that setting national performance standards more generously than in normal times was Ofqual’s preferred option to compensate for the baleful impact of the pandemic on all students qualifying in 2021 and possibly beyond. Do you agree that Ofqual should allow for grade inflation for next year and is there not a danger that, in essence, you embed this year’s cock-up into recycling for next year’s cock-up in terms of embedding grade inflation in the system? In essence, you are recycling a cock-up.

Amanda Spielman: You are taking me into ground that you should properly be covering with the person with executive—

Q512 **Chair:** We will definitely be asking her to come in, but you are chair of the new committee of the Ofqual board so you clearly have a view on these things.



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Amanda Spielman: As it happens, the committee has yet to discuss the main proposals that are being made on these. It is happening at a meeting later this week, so I am not—

Q513 **Chair:** You must have a view yourself as both the head of Ofsted and as chair on this important committee.

Amanda Spielman: An immense amount of work is going into considering the pros and cons and issues of fairness between children in different cohorts coming through. It is very clear that those coming through exams this year have had a tougher time than last year's Year 11s and Year 13s. There are difficult and conflicting issues of fairness here, which everybody involved in is doing their utmost to balance to come to something that does everything that can be done.

Q514 **Chair:** Do you think that perhaps one way of solving this is just to have exams in the core subjects and centre-assessed grades in the others, perhaps with an independent assessor providing a check and balance?

Amanda Spielman: That is the kind of option that is under consideration, but every option creates some unfairness.

Q515 **Chair:** We are looking for the least worst option. That is the problem. I accept that.

Amanda Spielman: Indeed.

Chair: Thank you very much indeed, both of you. Despite the difficult questions, I do appreciate your role as Chief Inspector and yours, Yvette. On the whole, I think you have been a very good Chief Inspector. I just have a disagreement with you about what went on during lockdown, but I and our Committee appreciate the work that you do. We thank all your inspectors for the work they did during the lockdown and wish everyone every good health and safety at this time, a difficult time. Thank you very much indeed.