

Education Committee

Oral evidence: Accountability hearings, HC 262

Thursday 29 April 2021

Ordered by the House of Commons to be published on 29 April 2021.

Watch the meeting

Members present: Robert Halfon (Chair); Fleur Anderson; Tom Hunt; Dr Caroline Johnson; Kim Johnson; David Johnston; Ian Mearns.

Questions 625 - 727

Witnesses

I: Rt Hon. Nick Gibb MP, Minister of State for School Standards, Department for Education; Julia Kinniburgh, Director General, Covid Response and Recovery, Department for Education; and Mike Pettifer, Director, Covid Response Unit, Department for Education.

II: The Baroness Berridge, Parliamentary Under Secretary of State for the School System, Department for Education; and Stephanie Brivio, Director, Safeguarding and Children's Social Care, Department for Education.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Rt Hon Nick Gibb MP, Julia Kinniburgh and Mike Pettifer.

Q625 **Chair:** Good morning, everyone. Welcome to our Committee session today. For the benefit of the tape, would you kindly introduce yourselves and your Department? I should say to members of public watching that we may have to cut off the Committee unexpectedly if Parliament is prorogued for the Queen's speech on 11 May, and it may happen some time during the morning.

Nick Gibb: I am Nick Gibb. I am the Minister of State for School Standards.

Julia Kinniburgh: Good morning. I am Julia Kinniburgh. I am the Director General for Covid Response and Recovery at the Department for Education.

Mike Pettifer: I am Mike Pettifer. I am the Director of the Department for Education Covid Response Unit.

Q626 **Chair:** Thank you very much. I will start by asking the Minister why only 41,000 children had started to receive the national tutoring programme tuition as of February 2021.

Nick Gibb: This is a new and very ambitious programme where we are providing one-to-one and small group tuition because it is the most effective and evidence-based approach to catch-up. We asked the Education Endowment Foundation to evaluate tuition companies and tutor-providing companies. It has found 33 that meet the evaluation criteria, and we are now rolling out that programme. We intend to reach 250,000 pupils this term—this academic year. Almost 210,000 pupils have been enrolled on to the programme and the latest figures are that of those enrolled, over 110,000 have commenced tutoring and 44% of those are eligible for pupil premium funding.

Q627 **Chair:** In the north-east, as of March, only 58.8% of target schools had been reached, but in the south-west, up to 100% of schools had been reached. In my own constituency, I have been told by the local Harlow Education Consortium that many of the schools contacted approved tuition partners only to be put on the waiting list. What is going on on the ground and what is the DfE doing about this?

Nick Gibb: There were different experiences prior to the national tutoring programme being introduced. Different parts of the country had different experiences with using private tutors. We want to make sure that those who need to catch up the most have access to the kind of provision that was generally only available to the better off before we introduced the national tutoring programme. In a minute I will bring in the Director General, who can say a little bit more about what is happening on the ground, but we take very seriously those parts of the country where the take-up rates are lower. We have webinars, and our regional civil



servants are talking to head teachers in those areas. I have had discussions with your fellow Committee member, Ian Mearns, about this issue, particularly in the north-east. We are concerned about lower take-up rates in different parts of the country, but if I may, I will bring in Julia Kinniburgh, who wants to say a bit more about this.

Julia Kinniburgh: To emphasise what the Minister said, we take this very seriously. We have been working very closely through the regional partners we have in the Department and schools to try to make sure that they are aware of what is on offer from the national tutoring programme, to understand any barriers they have and make sure that we can remove those, working through EEF, which is running this programme for us. We are tracking very much where we have lower take-up and making sure that we are making extra efforts in those areas.

Q628 **Chair:** Is this problem down to the coverage of the tuition partners?

Julia Kinniburgh: It is largely more around the take-up from schools and schools understanding what is on offer and being able to make sure that they want to take this up for their pupils. Obviously schools have had an awful lot of challenges over the last few months, or the last year indeed, and have done a brilliant job in tackling those challenges. This is something else that we are asking them to think about, so we are trying to help them as much as possible so that they have all the information at their fingertips.

Q629 **Chair:** The National Audit Office has said that only 44% of those 41,000 receiving tuition in February were eligible for the pupil premium. We understand that there are other problems of disadvantage, such as parents who may, sadly, have become unemployed so they are not yet eligible for free school meals, but does that really equate to the 56%? The indications seem to be that there are significant numbers of disadvantaged pupils missing out on this.

Nick Gibb: The figure of 44% is similar to now. As I said, over 110,000 pupils have commenced tutoring, of which 44% are eligible for the pupil premium, which compares to the national average of about 27%. But they are not the only—we want to make sure that these catch-up programmes are targeted on those pupils who are in the most need. That will be some disadvantaged children. It will also be pupils who have not coped well with remote education or who have mental health issues or who have special educational needs but are not necessarily eligible for the pupil premium.

Q630 **Chair:** I get that, but 44% is a pretty low figure. Given that we know that disadvantaged pupils suffered much more during the lockdown, surely it would be a lot higher for those receiving the extra catch-up.

Nick Gibb: That may or may not be the case, but we are giving schools the flexibility for them to determine who they believe are most in need of one-to-one or small group tuition to help them catch up. We trust their professional judgment. We don't want to constrain schools in only



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providing this support for children from disadvantaged backgrounds, but 44% is still significantly higher than the national average number of pupils who are disadvantaged or eligible for the pupil premium, which I think is about 27%. We want to make sure that every child who has fallen behind because of Covid is able to catch up and use these catch-up programmes.

Q631 Chair: I am trying to understand what you are doing to genuinely target the most disadvantaged pupils, who have suffered the most during the lockdown, for the catch-up programme.

Nick Gibb: We have said that we want the national tutoring programme to be targeted on those most disadvantaged pupils, and that is why it is 44% and not 27%, which it would be if it targeted everybody. But we have to give schools the flexibility to target this tuition funding on students who have fallen behind as a consequence of the pandemic. They will be disadvantaged, and that is why nearly half of the tutoring programme is going to children who are from disadvantaged backgrounds, but there will be other children, children with special needs and so on, who have suffered mental health problems and have fallen behind for other reasons. We want schools to be able to target support for them, too. I think the Director General would like to come in on this.

Chair: I still want to understand what you are doing to really understand that this programme is reaching the most disadvantaged, because my worry is that it isn't.

Julia Kinniburgh: Chair, if I may, the other element of the programme is the mentoring element. We have been placing mentors through the national tutoring programmes into the schools that have the most disadvantaged pupils. We have placed over 1,000 mentors into around 1,000 schools, and 83% of those are into schools that have greater than average numbers of pupils who receive pupil premium. We have a second element that is very much targeted at the schools that have the most disadvantaged pupils, which complements the tuition partners. As the Minister said, we are asking schools to focus on the disadvantaged and those pupils who have lost the most.

Q632 Chair: But will you be keeping track, with a real relentless focus, to make sure that this tuition is helping the most disadvantaged pupils?

Julia Kinniburgh: Absolutely. We have evaluations in place for both elements of the programme and those evaluations will be looking at the impact the tutoring has on different characteristics of pupils.

Q633 Chair: We need the evaluation after, absolutely, and I hope that is going to be published, but if it appears now that it is not reaching the most disadvantaged, are you able to step in and fine tune the programme?

Julia Kinniburgh: We are in constant communication with our providers, EEF and Teach First. As we said earlier, we have been looking with them at where the tuition and mentoring is taking place. Where we have



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concerns, we are working collectively to try to increase rates regionally, as we talked about earlier. We are continuing to track disadvantaged—

Nick Gibb: We are also holding webinars and our comms is directed to making sure that the most disadvantaged are receiving the help that they need.

Q634 **Chair:** To me, what is the point of the programme if the majority of students who are significantly disadvantaged are not being helped?

Nick Gibb: The purpose of the programme is to help every child catch up who needs it most, and that is really the purpose. We have tilted it towards the most disadvantaged, but we need to give the professionals in the system the flexibility to make sure that they can target this on those who need it most. That is really the purpose of it.

Chair: I am going to bring in Ian Mearns on this point, and then I have a couple of other questions to ask.

Q635 **Ian Mearns:** I am wondering, Nick, isn't part of what you are trying to do here, particularly in regions like the north-east of England, to create a market in private tuition that does not currently exist to the same extent that it does in other parts of the country? What is more important is that the creation of that market and the network of tutors are getting the help to the kids who desperately need it at this time. I am also concerned about what is happening for post-16 students. I know there was £96 million of one-off funding for the 2021 academic year, but have colleges, for instance, been able to access that for students in the sixth form who have had a significant amount of disrupted learning? Will they be able to spend that on any subject to support those students to get through to their assessments?

Nick Gibb: On the market, we want to provide opportunities for people to use one-to-one and small group tuition where they may not have had that experience in the past. It is disproportionately that employing tutors for students and pupils tends to be the preserve of the better-off, so we want to make sure that that facility is also available to a wider group of people. Going back to the issue about disadvantage, during the pandemic there are some parts of the country that have seen higher rates of transmission of the virus, so there will be pupils from all backgrounds who have suffered more disruption to their education than in other parts of the country.

Q636 **Ian Mearns:** Well, Nick, I am aware of that. The north-east was in tier 4 for quite a long time before Christmas, so I am fundamentally aware of that.

Nick Gibb: Yes, but that is why we have not reached figures where 100% of the national tutoring programme pupils are from disadvantaged backgrounds, because we have to take these other factors into account.

Q637 **Ian Mearns:** Given that this is a one-off programme, you are only going



to get one chance to get this right, Minister. That is the problem.

Nick Gibb: What we have to get right is to get to all the pupils who have lost education during the pandemic, and we need to make sure that they recover. This is one element of that programme. We have allocated £1.7 billion and, of that, £650 million in the year that has just passed was allocated to schools to spend £80 per pupil as they see fit. Some £350 million of that £1 billion is for the national tutoring programme, and then in this coming year there is £700 million more, including the £302 million recovery premium. We are doing a huge amount to make sure that we can get students and pupils caught up, including appointing Sir Kevan Collins, the Education Recovery Commissioner. Can I bring in Julia on the 16 to 19?

Chair: Very briefly, in a nutshell, please, Julia, because we have to get on.

Julia Kinniburgh: To answer Ian Mearns' question on 16 to 19, as you said, we made £96 million available and £93 million of that has been taken up by schools and colleges, so there has been a large take-up. We are rolling it on to next year.

Q638 **Chair:** Nick, you have mentioned Kevan Collins, and I thought he would come up in a lot of your answers to questions, saying, "Kevan Collins is doing a review, Kevan Collins is doing a review". The Government have allocated £350 million for the NTP that is delivered via the providers. Given the difficulties with centralised delivery, should the money be given directly to schools to decide how best to spend it on the tutoring? Kevan Collins has said that the over-centralisation has been revealed to be a weakness in all this.

Nick Gibb: That is something we are looking at as well, but what we want to do is to make sure that we have very high-quality tutors. They are evaluated by the Education Endowment Foundation. We know that the evidence is very compelling that one-to-one and small group tuition does lead to very swift catch-up for students.

Q639 **Chair:** Can you give us an update on the dates for applying for the second phase to tuition partners? Are the selection criteria going to be the same?

Nick Gibb: We are at the moment procuring an organisation to run the second phase of the national tutoring programme, so we will have to wait for the outcome of that.

Fleur Anderson: I have a quick follow-up question on this particularly, if I could, Chair?

Chair: Please.

Q640 **Fleur Anderson:** Thank you. Good morning, Minister. We were talking about the provision of the tutoring programme and the catch-up programme overall for the pupils with free school meals. There has been



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a census cut-off date of 1 October for counting for when people who have applied for benefits have the free school meals. When you said that 44% has gone to those with free school meals, is that those who were eligible before 1 October? Is it that parents and families who have become eligible after 1 October have not been counted in that programme as being disadvantaged groups?

Nick Gibb: The issue with the census is a technical issue about the eligibility for the pupil premium. Eligibility for free school meals is different from eligibility for pupil premium. We moved the census from January 2021 to October 2020, but when you calculate the eligibility for pupil premium it is any pupil who has been eligible for free school meals in the last six years. It is not a simple matter of counting the new additions to pupil premium, because you also have to check whether that pupil had ever been eligible for free school meals in the last six years. If they had, the school would already be receiving pupil premium funding for that pupil.

Another thing to bear in mind is that we have also changed the census date for FSM6—those eligible for free school meals in the last six years—for the national funding formula. We have moved that forward from January 2020 to October 2020. Given that there has been an increase in unemployment between those two dates, that will act to increase the number of children who are eligible for pupil premium for the national funding formula.

The third thing is that the amount of money that we are funding through the pupil premium is increasing from £2.4 billion to £2.5 billion, so the idea that it is somehow reduced is simply not true. It has increased by about £100 million because of the difference between the two census dates, October 2019 and October 2020. In addition to that, we are allocating £302 million of recovery premium, based on the same eligibility to pupil premium.

Fleur Anderson: Thank you, Minister. I know schools in my constituency are missing out because of this. I think we are going to come back to it. I was wondering how it related to the catch-up programme especially and making sure that the people who have become eligible and families who have hit harder times are not missing out because of that.

Q641 **Chair:** I will add to what Fleur is saying. I think the simple question is, given the way you are changing the census date for the pupil premium, will any schools lose out because of it? Is it about aligning budgets and shuffling money around because you are putting more money in the recovery fund and the catch-up fund and so on? Are any schools going to lose out under this new census date change?

Nick Gibb: The pupil premium figure will go up from £2.4 billion to £2.5 billion.

Chair: But will any individual schools lose out?



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Nick Gibb: Not as a direct consequence of the change. Whether a school gets more or less pupil premium will depend on its own circumstances, but if you take a typical school, an average school, they will see their pupil premium increase from last year to this year. We don't know the actual consequence of moving to October 2020 from January 2021 because those figures have not been calculated yet.

Q642 **Chair:** Individual schools are contacting us saying they are losing out.

Nick Gibb: Well, they won't know because we have not published the figures yet. All the numbers that are being bandied about are much larger than the figures I recognise. That is probably because they will not have done the matching process of ensuring the new eligibility for free school meals. If they have ever been eligible for free school meals in the last six years, they will already be receiving the pupil premium funding for that school.

Q643 **Chair:** But will you confirm that it is not because you are shuffling money about from one fund to another?

Nick Gibb: It is about certainty. That is what we are trying to create for the schools and for the DfE, but, as I have said, we have put a huge amount of money into schools—£1.7 billion and £302 million of extra funding for the education recovery premium that is paid on the same basis as the pupil premium. Julia has indicated that she would like to come in.

Chair: Just briefly, please, and I have one more question on the pupil premium, and then I will pass to my colleagues.

Julia Kinniburgh: On Fleur Anderson's question about the impact on catch-up, just to be clear we are not saying that schools can only provide the tuition to pupil premium pupils, therefore no individual pupil would miss out in that way. I wanted to clarify that. Thank you, Chair.

Q644 **Fleur Anderson:** I think it is more in the data analysis afterwards of being able to say that 44% of pupils who have received the funding are on free school meals. There might be additional pupils who are now eligible for that who will not be counted in that 44%, so we will not be able to accurately know. I was wondering about the pupils who could potentially miss out and not be counted, and so we don't realise whose needs we are meeting.

Julia Kinniburgh: If people's status changes within the period obviously we will not be able to count them, but the important point is that the children themselves would not be barred from being able to access the tuition.

Q645 **Chair:** Finally, on the pupil premium—and you have touched on this a little bit, Nick—the report by the Northern Powerhouse Partnership found that 71% of schools with high numbers of long-term disadvantaged pupils had attainment significantly below the national average for pupil premium



children. Sutton Trust research published today—an organisation that you recommend me to look at—says that over a third of heads say the funding they get for poorer pupils is being used to plug general gaps in their school's budget, which is a rise from 23% in 2019. What is the rationale for the six-year rule for free school meal eligibility? Is it time to consider redesigning the pupil premium so that more funding is allocated to those pupils who are longer-term disadvantaged with slightly less funding for the families who may have just dipped into welfare for a short time at any point in the last six years?

Nick Gibb: I remember when we extended it from just current eligibility to past eligibility. The argument when that decision was made, which was several years ago, was that there are families who dip in and out of the benefit system. A wider definition was necessary to avoid the situation where there are pupils who need the extra support, but because of their family's circumstances suddenly are no longer eligible for the benefits that give rise to eligibility for free school meals. It was felt to be a fairer system to have a wider definition of eligibility for the pupil premium. On funding overall, we have a very good settlement that we negotiated with the Treasury in 2019—a three-year settlement, with £14 billion more funding coming into schools. It is the biggest funding settlement for a decade into schools, because we believe that schools need to be properly funded if we are going to close the attainment gap.

Q646 **Chair:** Are you reconsidering what the best way of funding disadvantaged pupils is?

Nick Gibb: We always keep this under review and we look at it periodically.

Q647 **Chair:** Is Kevan Collins considering this as part of his overview?

Nick Gibb: I am not sure that that is uppermost in his mind. We always keep this issue under review because ultimately these are proxies. There is a range of other measures we could use, and IDACI of course is used in the national funding formula to make sure that schools are properly funded to reflect the needs that they face. But finding the most accurate proxy for disadvantage is a challenging issue.

Q648 **Fleur Anderson:** Following up on the catch-up fund and the future of what will be needed, you know very well the evidence that is coming in now about the additional needs that children have, which was suspected by parents and I have seen from talking to my local schools. The Education Endowment Fund has evidence of four and five year-olds needing additional help with speech development. The Education Policy Institute estimated that more significant investment is needed to address learning loss. I met with The Access Project, which works with disadvantaged young people on their attainment and getting into university, and it says that Covid has set that back a very considerable way. A lot more catch-up will be needed over future years. Sir Kevan Collins came to our Committee and said that the catch-up funding to date



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was a good start, but that a more ambitious recovery plan is needed overall. What work are you doing on a more ambitious plan for recovery in the future, and have you been having negotiations with the Treasury?

Nick Gibb: We are always having negotiations with the Treasury. The evidence from the Renaissance Learning analysis, which is a huge sample of 400,000 students, shows that for reading in years 3 to 9, there is an average loss of between 1.6 and two months compared with where they would be in a normal year at this point. In maths, it is about 3.2 months behind for years 3 to 7 pupils. We take this very seriously. Schools with high free school meals have pupils on average a further between 0.3 and 0.7 months behind. This is absolutely a fundamental priority for the Government and that is why we have already allocated, as I said earlier, £1.7 billion, which is a huge sum of money, to schools to address this issue. That money is already being distributed to schools and it is being spent.

The appointment of Kevan Collins was because we know that this catch-up will not be resolved within a short period. It is a longer-term project. Kevan is doing a magnificent job in talking to the sector and right across Government to make sure that we have a very fundamental package of recovery. He will be saying more in the summer term about what his recommendations are to Government about how we ensure in the medium and longer term that every pupil is able to catch up on the education that they have lost as a consequence of the pandemic.

Q649 **Fleur Anderson:** Thank you. When will you be announcing the contents of the future programme? Will there be a big announcement about what will be starting next year so that schools can have more certainty about what they can expect and what they need to budget for?

Nick Gibb: He will be making his recommendations to Government and those will be made public as soon as he can, but it will be before the summer term is over.

Q650 **Fleur Anderson:** Head teachers have mentioned to me that budget certainty and knowing what is going to come will help them very greatly in being able to plan for this catch-up.

I have another question about the content of some of the contracts for the national tutoring programme. It was reported in March that one of the providers was paying Sri Lankan tutors, some as young as 17, £1.57 an hour to deliver tuition. Is that correct and how was it allowed to happen?

Nick Gibb: The tuition partner involved in that has suspended anyone under 18 as tutors within the programme, even if they are studying as an undergraduate. That issue has been dealt with.

Q651 **Fleur Anderson:** Do you think there was a problem with the contracting that it was allowed to happen? I presume it would have just carried on if it was not reported.



Nick Gibb: We have very stringent conditions that are applied for safeguarding and the quality of the tutors that are provided to schools. Don't forget that this is a big project and an ambitious project. It was put together very swiftly and when problems arise, we deal with them swiftly. The Education Endowment Foundation carefully monitors the quality of the tutors that are being provided to schools. Action is taken to deal with any feedback we get from schools or any information we get from whatever source, as it was in that case.

Q652 **Chair:** On Fleur's earlier question, of course academic catch-up is essential, but what is the part B? Is there a longer-term plan that looks at, for example, the benefits of an extended school day? We know that a survey by DCMS in 2017 found that underachieving young people who participated in extracurricular activities linked to sport increased their numeracy skills by 29% on average above those who did not participate in sport. The EEF has found two months' increase in educational attainment with extracurricular activities and extended school days. I know that you are going to say that Sir Kevan Collins is looking at this, but what is your personal view about it? See if you can answer without saying "Kevan Collins".

Nick Gibb: Yes, I could say "the Recovery Commissioner". I agree with you, Robert, and I was going to cite the same evidence from EEF. It goes even further and says that for disadvantaged pupils, it is closer to three months additional progress that is made by additional time.

We are looking at this. We have been looking around the world for different experiences. There are some countries, like the United States, France and the Netherlands, that have more what they call instructional hours than we do in England. England is also an outlier when it comes to the length of the school day, primary compared to secondary. We have broadly similar lengths of school days between primary and secondary. That is very different from most countries in the world, where the secondary school day is longer. These are issues that the Education Recovery Commissioner is looking at, but there is evidence about—

Q653 **Chair:** You have sympathy for the idea?

Nick Gibb: Yes, I do. It is intuitive, is it not? If you have lost time and education because of the pandemic, one way of securing catch-up is more time. Of course, that is something that Sir Kevan is looking at very seriously.

Q654 **Ian Mearns:** Going back to the tutoring programme and the £350 million, I take it that with this being overseen, there will be an analysis of what is working, which pupils are benefiting and which pupils are missing out, in order that that programme can be quickly rectified. Will you be publishing the data on that, Minister?

Going back to the issue about the recalculation date for pupil premium and for free school meals, Minister, you cannot say that schools aren't missing out. If, say, a primary school has 25 additional children between



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October and January who are now entitled to free school meals and who have not previously been entitled to free school meals, it means that in the financial year that we are now in, that school will be missing out on £33,000 to £35,000 or so in this financial year. I know it is a change of date and there is a recalculation and there has been an uplift but, the trouble is, for those schools affected like that, it is real money that they are now not receiving.

Nick Gibb: On the National Tutoring Programme evaluation, I will bring Julia in in a moment.

On the pupil premium issue, there has been an increase in pupil premium, so in terms of schools getting less, schools won't get less. They will get the—

Q655 **Ian Mearns:** Minister, the uplift goes across the board to all schools. The pandemic has affected some schools and some pupil cohorts more than others. The ones that have been most and worse affected will not be getting as much as they might have done had the calculation date been changed to January.

Nick Gibb: We are comparing October 2020 to October 2019, and there was an increase in unemployment in that period, which means that there will be more pupils eligible for pupil premium based on the October 2020 census compared to October 2019, which is why the pupil premium will be rising from £2.4 billion last year to £2.5 billion this year, so a typical—

Ian Mearns: You are missing the point. The general—

Nick Gibb: I just want to finish this. Schools will be getting more pupil premium. Schools that are in areas where unemployment has increased more will get proportionately more. You have to put this in the context of the other things that we are doing: the very good spending settlement that we have agreed with the Treasury, which is continuing notwithstanding the pandemic crisis. We have allocated £1.7 billion to schools through the recovery premium, so far.

Also, we are changing the methodology for calculating the free school meals element of the national funding formula, which works in the other direction in that it is moving forward the census date from January 2020 to October 2020. You are just picking on the one element of all those elements of funding that are going to schools that is going in the other direction.

I don't believe that the figures that I have seen bandied about in campaigns and newspapers have taken into account the fact that you have to match those pupils with pupils who have had free school meals at any time over the last six years. We will publish the figures in June and you will see the effect of that change of census date. You will see we expect that those figures that are bandied about in newspapers are not reflected in the reality.



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Q656 **Ian Mearns:** Where were these pupils? If, for instance, we are talking about a primary school, an awful lot of those kids would not have been in the school system in the previous six years, so they are new claimants. The schools know their kids. They have a fundamental understanding of whether a child has been eligible for free school meals prior or not, because they have had them. An awful lot of children were new to the school system within the last six years anyway. We are not talking about 14 and 15 year-olds who have moved between schools. In primary schools, the schools will know, and the schools are telling us.

Nick Gibb: Pupil premium is not a personal budget.

Ian Mearns: We know that.

Nick Gibb: It is part of the school funding. The school can allocate it in the way that it sees fit to help close the attainment gap. The issue that you are referring to is one element of multiple sources of funding for schools. The best funding settlement for schools in a decade, £1.7 billion, which is a huge sum of money, is going to schools to help fund catch-up and deal with the consequences of the pandemic. Other technical changes are going in the opposite direction to the one that you have highlighted and want to focus on. You have to look at these things in the round.

If I can bring in Julia who wants to talk about the—

Q657 **Ian Mearns:** Minister, just very briefly, the technical changes that you are talking about, which are going in the other direction, are across the whole school estate, but I would come back to you and say that you really do need to do an analysis of the schools where there are concentrations of youngsters who are entitled to free school meals and who are newly entitled to free school meals.

Nick Gibb: Yes, and all those figures will be published when we publish the allocations in June. These figures that people are citing are not based on official figures, because we have not published the consequences of moving from the January 2021 census to the October 2020 census. We have not published them because there is a big matching exercise that has to happen through our matching contractor who is doing that work right now. Until that work is finished and published, you cannot see the consequences. What I do know is that the figures that I have seen around are not based on official figures and are way outside the kinds of figures that I expect we will—

Q658 **Ian Mearns:** They are official figures that come from local authorities via FOIs, which is how an awful lot of the data has been collected. I accept that has not been number crunched by doing the absolute comparison about the number of youngsters within those groups who might have previously been entitled to free school meals, but the schools will know.

Nick Gibb: That is an important caveat, because pupil premium is paid on the basis of FSM6, which means that a person newly eligible for free



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school meals may not attract additional pupil premium, because the school is already getting pupil premium for that pupil.

As I said, this is just one element of the multiple sources of funding for schools, including a £302 million recovery premium that we are paying to schools on the same basis of eligibility as pupil premium. You have to look at these things in the round and not just pick up one technical change, which is designed to improve certainty, and not look at all the other technical changes that are moving in the opposite direction. I will bring in Julia now just to talk about the NTP evaluation.

Julia Kinniburgh: Thank you. Going back to your question about whether we are evaluating the NTP: we are. We have two evaluations running. The first is on the tutoring partners programme. That is being done by a consortium that includes NFER and the University of Westminster. They are going to look at the implementation, looking at attainment outcomes. They will look at how that varies by the model of tutoring that is used, the school and pupil characteristics. They will also look at costs and particularly value for money. That will report in early 2022, so that will be publicly available.

On the academic mentor's pillar, we are running an evaluation conducted by Teach First, again with support from NFER, and very similarly looking at attainment outcomes, the management information and also some longitudinal case studies to understand. That will report at the end of this year. Both will be publicly available.

Q659 **Kim Johnson:** Good morning, panel. My question is on pupil premium, and there has been a lot of discussion, Nick, about that. You talk about supporting the most disadvantaged. Liverpool has been significantly impacted by Covid, and in Liverpool, 977 primary school pupils will be in shortfall. That equates to a shortfall of nearly £1.5 million to my city. You talk about the best recovery programme in a decade, but we need to remember that the last 11 years have been subject to draconian austerity measures where funding to schools has been hollowed out.

I know that the schools are paid out significant amounts of funding for extra teaching and to make sure schools are Covid-secure and that teachers and staff are supported, so we go around in circles in terms of pupil premium and the technical changes. I know for a fact that in Liverpool, my schools are going to be significantly impacted and the most disadvantaged are going to be left out again. Thanks, Nick.

Nick Gibb: All I will say is that the pupil premium funding is going up this year compared to last year by £100 million across the system. A typical school will be receiving more funding in pupil premium this coming year compared with the amount they received in the previous year.

You make an important point about the work that schools are doing in tackling Covid, and people talk about schools closing to most pupils. You have to remember that they have been open this whole time. They have



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been open to vulnerable children. They have been open to the children of critical workers. Our teaching profession and our support staff who work in schools have been doing a magnificent job over the last year.

We need to pay tribute to them for what they have achieved. They have not only had to develop an online, remote curriculum, but have also had to keep schools Covid-secure, putting in place all the hygiene measures, the one-way system, the staggered breaks and so on, and making sure the pupils are obeying those rules when they are in the schools. Also, they are having to teach vulnerable children and the children of critical workers within the school while, at the same time, teaching the rest of the school population remotely, and they had to develop a curriculum for that.

All of us in the political system owe a huge debt of gratitude to the profession and the support staff for what they have achieved in this last year.

Q660 Kim Johnson: Prior to the pandemic, the educational attainment gap was widening because of austerity and, as a result of Covid, that gap has widened even further, which is going to have a significant impact on those pupils in the most disadvantaged wards. That means that the funding you have made available needs to go directly to those children to make sure that they do have a better chance and opportunity, going forward, to improve their life chances.

Chair: Briefly, Minister, please.

Nick Gibb: Yes, you are right. That is why the £302 million recovery premium is directed to the disadvantaged. It is paid on the basis of pupil premium. Before the pandemic, we had closed the attainment by about 13% in primary schools and 9% in secondary schools. You are right, it had plateaued, but it was still 13% and 9% narrower than it was when we came into office in 2010.

I don't want to be party political, but it was the Conservative-led coalition that brought in the pupil premium in the first place, at a time when we were dealing with the aftermath of the banking crash and the huge deficit we had to deal with. We still put in £2 billion a year through the pupil premium funding because of our absolute determination to address that attainment gap in our education system.

Chair: Okay. Kim.

Kim Johnson: Thank you, Chair. That is all my questions. Thank you, panel.

Chair: Ian, I have touched on this a little at the beginning but I don't know if you want to add to it.

Q661 Ian Mearns: Yes. We were talking about the Northern Powerhouse Partnership earlier on, and the fact that 71% of schools with higher numbers of long-term disadvantaged pupils had attainments significantly



lower than the national average for pupil premium. Isn't it time to consider redesigning the pupil premium particularly for secondary school children? I think particularly also—given our earlier discussion—about post-16 youngsters as well.

Nick Gibb: As I said earlier, we do keep this issue under review the whole time. We do want the most accurate measurement of disadvantage so that we can make sure that we are putting those resources to where they are most needed in the system. One of the reasons we changed the approach to school funding, through the national funding formula, was to make sure that schools are funded on the basis of need and are not funded simply on percentage uplift and what was paid historically. That is why we have changed the funding system.

Something like 18% of school funding is now based on the particular needs of pupils in schools, whether that is low prior attainment or free school meals or living in one of those indexed areas of deprivation. That is why we have changed the funding formula for schools, to make it fairer and to make it so that it is targeted particularly on disadvantage around the country.

As the Prime Minister said, we want to level up opportunity right across the country because talent is spread evenly across the country, but opportunity isn't always necessarily spread evenly. All the work we are doing on behaviour hubs and on English hubs, and all the work we are doing on curriculum and improving standards in our schools is about that.

Chair: Just one last question, Ian, because I want to bring in Caroline who hasn't asked anything yet.

Q662 **Ian Mearns:** Just briefly, Minister, with the redistribution of resources for schools nationally, which has been taking place in a gradual way, the only point I would make is a point I made in Committee the other day. Many constituencies, boroughs and counties have prosperity, but with pockets of poverty, but there are lots of other places where the overall situation is that it is not very prosperous at all: they have a lot of poverty but with pockets of prosperity. I will talk to anyone, but people from the shires, where I do know that rural poverty exists, would not swap the problems. They would not swap the problems.

Nick Gibb: I do not disagree with anything you are saying. What we are trying to achieve in the way we fund schools is, if you take an individual pupil, whatever their needs, they should be getting the same amount as any other. They should be attracting the same amount of funding in a school in Surrey as in a school in another part of the country that has significant disadvantage. That same pupil should be attracting that same level of funding driven by the needs of that pupil.

If a particular area has more children with those needs, that area should be receiving significantly more money than an area that has fewer children with those particular needs. That is the method behind the national funding formula.



Q663 Dr Caroline Johnson: Thank you, Minister. It is great to see you here today. It is tinged with a little bit of disappointment, as you were due to come to the grammar school in Sleaford this morning. That visit has been postponed for you to come here today, so I get to see you in a different way, but I hope to see you in Sleaford soon.

I want to ask you about the Secretary of State's comments on mobile phones, please. What is to stop head teachers at the moment from ensuring that school children do not have their phones in the classroom with them throughout the school day?

Nick Gibb: There is nothing to prevent schools from doing that, and we support schools that take those decisions because there is evidence that those schools that do restrict the use of smartphones in schools are seeing higher test scores and higher attainment as a consequence. Therefore, we support head teachers.

What the Secretary of State was saying is that we want more schools to look at that evidence and take the decision to improve attainment by restricting the use of mobile phones but, ultimately, this is a matter for the professions and head teachers to decide.

Q664 Dr Caroline Johnson: I understand that the disruptive behaviour of one or two pupils in a classroom can make it very difficult for teachers to teach and other children to concentrate and learn. Do you have any other plans to help teachers with this, other than the banning of mobile phones in classrooms?

Nick Gibb: Yes, improving behaviour in schools is a key priority. We have appointed Tom Bennett, who is a former teacher and a behaviour expert, to advise the Government and to advise schools on how we spread best practice. There are schools around the country that have exemplary behaviour policies, and what Tom Bennett talks about is trying to create a culture in a school, using detention systems, for example, to have consistency with the application of school rules. We want to spread that best practice across the system. That is what the behaviour hubs policy, accompanied by £10 million of funding, is all about—spreading that practice.

What we want is for every pupil in a school to be happy and content, to be able to work hard, to be conscientious and to not suffer bullying, which I think is a scourge of society. It has always been there. It was there of course in my day in schools. We want to end the scourge of bullying in schools, and I think parents want to know that their children are happy and content in school, that they are learning well and that they are achieving. We want an ethos in every school where conscientiousness and ambition are prized.

Dr Caroline Johnson: Thank you. That completes my questions. I am sure that when you are able come to Sleaford, you will see examples of great behaviour policies.



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Nick Gibb: Yes, I am very keen to come. I am sorry about that. I blame the Select Committee, really, but I am very keen to come and very—

Dr Caroline Johnson: I am glad to hear it, Minister.

Chair: It is very important that you keep that commitment to go to the grammar school in Sleaford, Minister, especially with such a brilliant MP.

Nick Gibb: Absolutely.

Q665 **Chair:** Just a couple of questions to end this. You will have seen Fraser Nelson's *Telegraph* article where he suggested 20,000 pupils have dropped off the school rolls and slipped under the radar during the pandemic. What is the latest estimate that the Department has made of the number of children that have dropped off the school roll, either because parents have elected to home educate or for any other reason, including persistent absence?

Nick Gibb: We take attendance at school very seriously. That is why we changed the definition of persistent absence from 15% to 10%, because we want to make sure that children are in school. If they are not in school they cannot achieve and they cannot attain.

We do know that there are some families that are still very nervous about Covid. That is why we put in place a system of controls in schools to make sure we are doing everything we can to minimise the spread of the virus in the community but certainly in schools, and that is why there are ventilations, hygiene and the face masks in secondary schools in classrooms and corridors and so on.

We are very conscious, of course, about whether some pupils are abroad and have not been able to—

Q666 **Chair:** In a nutshell, are you collecting the data?

Nick Gibb: We are monitoring the data very closely. I am going to bring in the Director General who will have more to say about this, but we do monitor the data very closely. We have regional teams, React teams around the country, that are monitoring attendance, particularly of children from vulnerable backgrounds. I think—

Q667 **Chair:** Should there be a formal register of children who are being home educated who have dropped off the roll at school?

Nick Gibb: We have been consulting about a registration requirement on children who are not in school. That has closed and we will be responding to it, but let me bring in Julia who might have more to say about it.

Chair: Again, concisely if you can, please.

Julia Kinniburgh: We do monitor the data very closely. Every day, schools provide us with a return that includes attendance data. We publish that fortnightly, so there is a public record. The report sets out



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those children who are not in school and the reason they are not in school, and particularly if it is Covid-related.

We are always looking at that data and, as the Minister says, we use our regional teams to follow up where we see any worrying signs. In particular, as you say, there may be students who are not in school but for reasons not directly related to Covid at the moment. That is followed up through the school and the local authority.

Q668 Chair: A young lady called Samantha Smith has contacted me. She has written an article in *The Spectator*. She did not like her grades. She did not feel that the A-level grades awarded to her were fair, so she wanted to do the exams, but the exam centre is charging her hundreds of pounds to do that. I know you have given money to schools to fund exams. Isn't it unfair that candidates who want to take the exams are having to do this? What she writes in *The Spectator* is: "Young people who do not have the support of a school or college are now paying hundreds of pounds to effectively sit a set of non-standardised exam papers, while the rest of their cohort are awarded grades based on their work throughout the year. This is having a devastating effect on inequality. Many of the poorest students will be juggling work with private assessments and scrambling to find a way to get 'teacher assisted grades'...Now they are facing yet more hurdles just to have the chance to prove themselves in exams." Surely this is unfair.

Nick Gibb: Yes. We take this issue very seriously. Those candidates who are not happy with their grades in the summer of 2020 were able to take the exam itself in the autumn. If they took the exam in the autumn hopefully they will have addressed their concern. If they did not take the exam in the autumn and they were intending to take the exam in the summer of 2021 in order to address their unhappiness with their summer 2020 grade, and now of course they are not able to because we are having teacher-assessed grades instead, well, the school ought to be continuing to provide that support at the centre that they were going to take their exam in.

Q669 Chair: They are, but she is having to pay hundreds of pounds for the privilege. That is wrong, surely?

Nick Gibb: I will bring Julia in on this but, in terms of private candidates who do not have a connection with a school, where there are extra costs, what we have said is the Department is funding those candidates £200 per entry—

Chair: She is not getting funded.

Nick Gibb: That funding is in order to keep costs down to the amount they would normally pay. I will bring Julia in just to finish off this point.

Chair: Thank you. Then I will have one final question.



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Julia Kinniburgh: As the Minister says, we have tried to take account of this in the way that we have designed this year's qualifications, so we have provided a private candidate support grant. We have published the detail and, as the Minister says, that is £200 per entry for GCSE, AS, A-level, BTQs and other general qualifications. That should be open to individual candidates through the exam centres.

Q670 **Chair:** Can I ask this individual to write to you?

Julia Kinniburgh: Absolutely.

Chair: Who should she write to, you or the Minister?

Nick Gibb: Write to me.

Julia Kinniburgh: Either.

Q671 **Chair:** I am happy for her to do it through me. I understand that she works for another MP in the House of Commons, but she has contacted me as Chair of the Committee. We will pass it on. Please look at her case, because she is arguing that there are 20,000 private candidates facing a similar situation. It seems to me unfair.

Nick Gibb: The big problem for private candidates—and that is one we have addressed—is if they don't have a connection with a school anymore that is the biggest challenge that they face. What we have managed to identify are 160 schools that will help those candidates to have—

Q672 **Chair:** The issue is financial inequality and the unjustness of charging somebody. I will ask her to contact you directly.

On the mask issue, could I ask you: when are masks not going to have to be worn by children in schools, and have you done an assessment as to the impact it is having on children's wellbeing and mental health?

Nick Gibb: We take advice, of course, from Public Health England and from SAGE on this issue. When we introduced a recommendation for face coverings to be worn in secondary schools in the classrooms if you cannot enforce social distancing, we said it was a temporary measure. We would keep it under review. We do—

Chair: It seems to me to be semi-permanent.

Nick Gibb: Of course, none of these measures are permanent. We reviewed this over Easter and it was decided to continue the recommendation after Easter. Our evidence from the sector, from the profession, is that the profession is keen to keep face coverings, at least until 17 May. The students that I have met in visiting schools—I have not been to Sleaford but I have been to other schools last week—seem to not mind wearing them. What it does do is it is another layer of controls in schools to help minimise the risk of transmission by keeping the aerosol spray from children's faces away from one another. It helps protect each other from the spray. When you combine that with the ventilation, the



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hygiene and everything else that is happening in schools, it is helping to minimise that risk.

Q673 **Chair:** What is the assessment of the impact on students' wellbeing and mental health from wearing the masks in teaching?

Nick Gibb: I will bring in Julia. We do monitor all these aspects of the system of controls, including wearing face coverings in schools. We will take another review of this as we move up to step 3 and we will look at that.

Q674 **Chair:** When will that review be?

Nick Gibb: It will be the week before 17 May.

Q675 **Chair:** You will have a genuine scientific and medical assessment as to the benefits and the disadvantages of wearing masks?

Nick Gibb: Yes, of course, and I will bring in Julia now to provide a bit more detail.

Julia Kinniburgh: Briefly, if it is helpful, Chair, we work very closely with Public Health England on this issue, and all the other issues related to the system of controls for schools, and we look at all the factors, including, as you say, the wellbeing factors. As the Minister says, before the step 2 decision we had lots of conversations with the sector about the impact. We will absolutely make sure that as we take the decision as part of step 3, we are doing that in—

Q676 **Chair:** We come back again and again to the medical and scientific evidence for the need to wear masks in classrooms and the impact assessment you have done on the disadvantages of wearing masks, and the impact on teaching and on children's wellbeing and mental health. Could you write to us about that?

Nick Gibb: Yes, we can do that.

Chair: Particularly the impact assessment on what effect it has had indirectly on students' wellbeing and mental health. Fleur Anderson wants to ask a question on this.

Q677 **Fleur Anderson:** It is just to additionally ask if that assessment is including the impact on deaf pupils. I have been contacted by pupils who are deaf. The impact of having a clear mask for all teachers is very important for them, but they are saying that that does not always happen for deaf pupils, so they are losing out at the moment on education. Will that impact the assessment there? I do not understand why all teachers do not use the clear masks anyway, for all those detrimental factors we are talking about for everyone, but especially for deaf pupils.

Chair: Before you answer, can I bring Caroline Johnson in and then you can answer both questions together?

Q678 **Dr Caroline Johnson:** Can you confirm that children will no longer have



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to wear masks at step 3 on 17 May? I am hearing many stories of children who are suffering with wearing the masks, particularly as we have entered hayfever season and the pollen can lodge in the masks and as the extra heat contributes to children having skin conditions like teenage acne. The mask wearing is becoming more difficult for young people particularly, on top of the communication skills issues.

Nick Gibb: Yes, there will be a review leading up to step 3 of the roadmap. If everything is successful and the roadmap is going in the direction that we expect it to go in, then we hope that facemasks will not be necessary after that date. Of course, it depends on the data, the evidence and the advice that we are getting from Public Health England.

I wanted to talk about the transparent face coverings, because this is an issue that we take very seriously. One of our senior officials is on the panel. Mike Pettifer has had meetings with the National Deaf Children's Society. I want to bring Mike Pettifer in now, if I may.

Chair: I know that there is probably a lot to say, but could you do it concisely, Mike? I have a question from Tom Hunt, who I apologise to for not bringing him in earlier; I missed that.

Mike Pettifer: I will do my best, Chair. There are two key issues. The current position is that there is an exemption in place, if a teacher has a child who requires lip reading, to remove facemasks. The use of transparent facemasks is allowed in lessons as well, and if a teacher removes a facemask to allow better lip reading the teacher is likely to be more able in the classroom to observe social distancing. That is the current position: they can be used and there is an exemption in place for schools.

We have been talking with the NDCS about the wording in the guidance, because it has concerns over that. We are working with Public Health England, the Department of Health and ourselves to try to come to a better position. That is broadly where we are.

Q679 **Tom Hunt:** I have two slightly different questions. First, yesterday I attended with another colleague on this Committee the launch of the Oracy APPG report, which contained some pretty worrying findings. One finding was that 66% of primary school teachers feel as though the spoken language development of children eligible for free school meals has gone backwards during the pandemic. It was 44% for secondary school teachers. Do you, Minister, see the pandemic as a bit of a spur for action to put greater emphasis on oracy than has ever been the case before?

My second question is about pupil behaviour. I know that it is just one school, but it was in the media and it did cause concern to myself and a number of colleagues. It was what happened at Pimlico Academy in terms of the behaviour of some of the pupils there, the ripping down of the Union flag and some of the protests that were concerning to many of us and, I imagine, many parents as well. I happen to think that it is quite



important that our young children grow up to be proud of their country, and I am on the record as saying that I think it should be compulsory for all schools to fly the Union flag. I just want to know what your thoughts are on that.

Nick Gibb: In terms of spoken language, oracy, I take these issues very seriously. I think that children need to be exposed to a wide vocabulary. They need to have the chance to practise speaking. It is why we have reformed the early years foundation stage to remove some of the bureaucratic requirements; for example, moderation and providing evidence to local authorities. A lot of time has been spent in preparing that material and what we want to do is to free up teachers in the early years foundation stage period so they can spend time talking to children and children talking to teachers so that they can develop their vocabulary, which is absolutely key to fluency in reading as well as, of course, the technical side of phonics.

In terms of behaviour, it is a priority for the Government to make sure that we are spreading best practice in behaviour right across the country. That is what the behaviour hubs policy is all about. We want children to be content and happy in school. As for Pimlico, the regional schools commissioner is in touch with the school to provide the support that it needs, but I am reassured that the head teacher and the multi-academy trust that Pimlico Academy is part of are handling the situation.

Tom Hunt: It is just the question about the flag.

Nick Gibb: These are very much matters for the schools themselves to decide. We have a requirement in schools to teach fundamental British values in terms of democracy and tolerance; that is now a requirement for schools to teach. It is important that in a knowledge-rich curriculum—I think that we have had these discussions in this Committee before—pupils do understand the history of our country and how the flag was formed from the union of the nations of the United Kingdom. It is important that young people grow up understanding our history, but it is also important that we understand the history of the world and the history of how Britain came to be the country that it is today.

Q680 **Chair:** I am glad you mentioned a knowledge-rich curriculum, because this comes to my final question, and I have spoken to you about this offline. In an article, a lot of which I agreed with, that you wrote for the ConservativeHome website, you wrote, and I am slightly abridging it for time, “We must strongly resist the calls from those who talk about ripping up our curriculum to make it...solely about preparing pupils for work.” Having started reading your article thinking, “This is great”, I saw that and I nearly choked on my cornflakes. How on earth can education not be about preparing people for work? Surely if you just teach people—which is important, absolutely, I believe in knowledge without a doubt—the names of fish in a river, that is not enough in order to get them a job. An education must be about work, because that gets them on that ladder of opportunity and gives them security and prosperity for themselves and



their families.

Nick Gibb: Yes, but what I was saying there is a knowledge-rich curriculum is not just about learning the taxonomy of fish, it is also understanding how fish live, how the ecology works and so on. They develop cognitively. They develop their intellectual ability. No matter what field you go into after the age of 16, you need to be as cognitively and intellectually developed as you can be for whatever field you decide to go into after the age of 16.

What I was saying in that article is that a knowledge-rich academic education is important for all young people. They need to be able to read fluently and read in a sophisticated way. They need good maths. They need good general knowledge. They need to understand the science that previous generations have discovered. After the age of 16, of course, students will go in different directions, but I feel very strongly that GCSEs are an important milestone and rite of passage for all young people. For many young people, it will be the only academic qualifications they have. Whatever vocational route they decide to take after the age of 16, in four or five years' time they may decide to change that career direction. They will need then to be able to demonstrate their broader education and that is why GCSEs are so important.

Q681 **Chair:** If I can carry on with the fish analogy, I may be stretching it a bit far but you obviously know the proverb, "If you give a man a fish you give him a meal; if you teach him to fish you give him a meal for life". My analogy based on that is what you are saying is basically it is enough to learn about the fish and the science of fish. My difference with you is that you need to learn about names of fish and the science of fish, but you also need to learn how to fish and to practise fishing every day. You need both parts in the curriculum, not just one. That is my problem when you say education must not be about solely preparing people for work.

Nick Gibb: Of course it is about preparing people for work because the better your education up to the age of 16, the more opportunities you will have for work after the age of 16. I also think that a curriculum does need to include those practical subjects, like design and technology, and I think that children need to learn to draw. It is important that we have a good music curriculum. We published a model music curriculum very recently because music is hugely important. Sport and exercise, the RSHE curriculum, all these issues are hugely important.

Of course, a broad and balanced curriculum is important to develop character and all those other issues that you go to school to develop, but they also need a solid grounding in an academic education. They need that knowledge-rich curriculum not just for the knowledge itself—and that knowledge means that they will be able to contribute to society and take part in these conversations—but also for the cognitive development that comes from applying complex—

Q682 **Chair:** I do not want to go on about this—we are going to finish now—but



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they also need to know every day and practise regularly how to fish, and not just know the names of fish.

Nick Gibb: They will learn that after the age of 16. If they have not already incorporated that—

Chair: After the age of 16 they may narrow and just do three A-levels in three particular subjects and not necessarily carry on with either vocational, technical or numeracy and literacy subjects that you care about.

Let's leave this because we will have this debate another time. I just had to raise it because, as I said, I loved the article and then I choked on the cornflakes when I read the quote towards the end of the article. We will discuss this another time. Thank you very much for appearing before our Committee, for appearing often and for being ready to be challenged and debate ideas, because that is what all this is about. Thank you to the officers as well, it is hugely appreciated.

We are going to start in two minutes' time, just before 10.50 am. Thank you.

Examination of witnesses

Witnesses: The Baroness Berridge and Stephanie Brivio.

Q683 **Chair:** Good morning, Baroness Berridge. Thank you for coming today. We are slightly late in starting; we overran with the previous Minister. For the benefit of the tape and those watching on Parliament TV, could you kindly introduce yourself and your title?

Baroness Berridge: I am Baroness Berridge of The Vale of Catmose. I am currently Parliamentary Under Secretary of State for the School System in the Department for Education, but also Minister for Women.

Q684 **Dr Caroline Johnson:** Minister, I would like to ask you about the recent reports of sexual harassment in relation to schools. In 2016, the Women and Equalities Committee produced a report on sexual harassment in schools. What have the Government done in response and how have things changed, hopefully for the better, since then?

Baroness Berridge: In response to that report back in 2016 and also a response from schools and colleges, the annual consultation on the statutory guidance for schools, which is called Keeping Children Safe in Education, was amended to include a section that is now part 5 on peer-to-peer abuse. From 2017, as a response to that committee, there is separate advice on sexual abuse and sexual harassment in schools, giving details to schools as to what form that abuse might take, what their appropriate response should be, and how they should record that. Both of those pieces of statutory guidance were currently out for consultation and we were about to respond to that, but in light of recent



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events the response to those consultations is paused while we wait for the outcome of the Ofsted review that was recently commissioned and will report at the end of May.

Q685 Dr Caroline Johnson: The second part of the question, Minister, if you could deal with that, was what evidence you have on what has changed. Have things changed since 2016? Is that for the better or for the worse? What information do you have to tell us about from that point of view?

Baroness Berridge: Obviously, with the recent reports that came through Everyone's Invited, one of the things that has changed in that period is the use by young people of that kind of platform to make their concerns known. On safeguarding in schools, schools are aiming to have a culture where young people can report those concerns within school. We have responded to the nearly 16,000 testimonies now on Everyone's Invited. That is why we are concerned about whether the changes we introduced have actually enabled young people to report.

The most important thing, Caroline, when this broke and these testimonies became apparent, was to get support. That is why we gave a grant for six months to NSPCC, which has provided the helpline and will be doing the appropriate referrals. It was chosen as the provider because, as I am sure your Committee is aware, it provided the specialist support, for instance, to the football club reports of abuse.

With your permission, I believe that Stephanie Brivio, who is the director in relation to safeguarding, would also like to give you some information.

Stephanie Brivio: In response to what else Government have done, in January this year the Government launched a Tackling Child Sexual Abuse strategy, which I think that you are aware of, and the Violence Against Women and Girls strategy. We have also tightened up the broader statutory guidance Working Together to Safeguard Children and required the new safeguarding partners—that is police, health and local government locally—to make sure that they understand the extent of sexual abuse and sexual harassment in their localities, and they work with partners to address those issues.

Q686 Dr Caroline Johnson: Lots of statutory guidance and lots of information, but I am still not clear what the Government are doing to measure the effects of that guidance and to see whether or not things have changed for children since 2016—five years ago—when this was first reported by the Women and Equalities Committee.

Baroness Berridge: There are a number of ways we would receive information. I have been the Minister for just over a year, and I am surprised by how many direct contacts we get as the Department of complaints and concerns, whether that is via you as Members of Parliament or directly from parents and concerned individuals. Those are then dealt with. The main way that we are given information is inspections, whether that is the Independent Schools Inspectorate for



some of the independent sector or, of course, Ofsted, which is why it is doing the review. We get those inspection reports and that tells us in a particular school whether the safeguarding system is efficient or whether there are issues there. If there are issues, that enables us to take action.

Q687 Dr Caroline Johnson: Moving on to the Everyone's Invited website that you referenced earlier, there are, as you say, thousands of horrific accounts of sexual harassment and abuse on there. I have not read all of them, but I have read a lot of them. A majority appear to have occurred out of school, quite frequently at house party-type events. A few have occurred within school. Minister, what are the Government doing to prevent those incidents occurring in school, for which they do have a direct responsibility to prevent, and what responsibility do you think that the Government and the Department for Education have to protect children in relation to house parties? How can education help with that?

Baroness Berridge: It is important to remember that whenever a school becomes aware of an incident, even if that is chatter between pupils that they are aware of, it does not matter where that has taken place. Once they are aware of that, they are under a duty to notify and take action immediately.

Obviously, in relation to things happening in schools there are behaviour and discipline codes that I just heard you talk to Minister Gibb about, which would be the schools' action there. Ofsted does get notifications of complaints, but most schools are doing this and doing this well. If, however, the incident relates to workforce, they have a duty to report that to the local authority designated officer. Obviously they have a duty, if there is an incident of harm between young people, to also notify children's social care. There are these agencies in place to protect children in schools, but the main responsibility is the senior leadership team and the designated safeguarding lead in a school. That is what Ofsted and ISI should go in and carefully inspect—that the appropriate systems and culture are in place.

I believe that Stephanie would also like to give you some information.

Stephanie Brivio: Schools are one part of what is quite a complex safeguarding system. It is very important that they play their role within that wider safeguarding system. As Baroness Berridge says, if they are concerned about a child, they should notify children's social care and/or the police if it is very serious. Understanding their role within that system is very important and understanding the need to share information in a timely way is important, whether that happens on a school site or is something that has come to their attention.

Q688 Dr Caroline Johnson: In medicine, as a doctor, we would say that prevention is better than cure. What you have described to me is a process in place for identifying what to do if a child has been assaulted or has been subject to harassment and somebody finds out about it. What responsibility do Government and the Department for Education have for



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preventing these events, and what can education do to prevent these events that are occurring outside of school, which seem to be the majority?

Baroness Berridge: The responsibility of a school is obviously about the culture that they have in place. It is not just a safeguarding culture; it is a wider culture of respect for each individual. Some of the matters you make reference to would be in the new RHSE curriculum, making sure that young people understand the diverse backgrounds of people who they are at school with and that they treat everybody with respect. It does come down to that behaviour policy and the culture that they are engendering of respect for one another within the school environment and the way, obviously, in which all the workforce is interacting with the students in the school.

Q689 **Dr Caroline Johnson:** Do the parents have responsibility in this? In what way can DfE support parents?

Baroness Berridge: Yes, it is everybody's responsibility here to create a culture of respect, particularly between young people and adults. Yes, schools will be engaging with parents. In relation to the RHSE curriculum, there is a specific obligation on them to consult with parents about the curriculum and the resources that they would be using. Of course, schools all the time do bring in parents when they have concerns about a child and so on.

Q690 **Dr Caroline Johnson:** The other thing I wanted to raise was in relation to mobile phones. The Secretary of State has been talking about mobile phones this week. In 2017, the National Crime Agency report said that 48% of young people had received and 26% of children had sent nude or semi-nude images of themselves or their peers. The Government did produce new guidelines in December 2020. I am wondering how that is going to reduce the number of these images that are shared and sent. What assessment have the Government made of how many pupils are aware that sharing such images of children is a criminal offence, which could have quite serious consequences for their future career? Where children are aware of it, do you see a fall in the number of these images shared?

Baroness Berridge: The wider context when you talk about the criminal law is also around the online safety Bill that DCMS has responsibility for leading on.

In relation to these images, we did amend the guidance. We have made it very clear, and this is also within the RHSE curriculum, about online safety and keeping yourself safe online. We also issued guidance about teaching safely online last year in relation to those matters.

The safeguarding culture and processes that I outlined are also what will trigger in if a school becomes aware that these images are being shared. It is the responsibility of the designated safeguarding lead. They can take action and give appropriate support and understanding of how to deal



with the sharing of such images. I believe that Stephanie wants to step in as well.

Stephanie Brivio: It was just to confirm that the Ofsted review will definitely be looking at whether there is a gap here and whether there is more we could do through guidance, through teaching, or through supporting teachers on how to have those conversations, to make sure that we do make a difference and children and young people understand the dangers that you can get into—the things that you have described. The Ofsted review will definitely be looking at that as an angle.

Q691 **Dr Caroline Johnson:** Do you have any feeling at the moment for what proportion of 15 and 16 year-olds—young boys, for example—are aware that sharing images of their 14, 15 or 16 year-old girlfriend, nude or semi-nude, is a criminal offence? What proportion have any idea of the consequences that they could be making themselves vulnerable to?

Baroness Berridge: No, we do not have those statistics at the moment, Caroline, but I will take back that specific question because I know that Ofsted, through the review, is going to be talking to about 900 young people. I will pass that request back to them to see if we can get you some more detailed information. The general promotion that this is harmful behaviour is already covered in RHSE and the additional guidance that we have put out to schools.

Dr Caroline Johnson: My general feeling is there is a lot of work done on how to respond to events and less work on how to prevent them in the first place.

Baroness Berridge: That is where the RHSE curriculum will be important. Part of the background to the new curriculum—as I understand it, having given evidence to the independent inquiry on child sex abuse—was to help young people understand what is and is not a healthy relationship and it does go to the extent of keeping children and young people safe online. That is the preventative. The curriculum is only just coming in, however, and it will take some time to embed it. Teachers told us they needed support to teach the curriculum, because the online environment is changing at such a fast pace and training modules are available now, but it will take a while to bed the change in.

Q692 **Dr Caroline Johnson:** A final question about the reports on Everyone's Invited about private house parties where children report having consumed large volumes of alcohol in advance of the occurrence of horrific events. What responsibility do you think the adults who own the homes where these house parties are taking place and who may or may not have supplied the alcohol, have? How much awareness do you think those adults have about what is going on in the home? What responsibility do you think they have to be present to supervise these events?



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Baroness Berridge: Those reports are concerning and if schools become aware of them, they should be dealing with them. I will write to you in detail about householders' legal responsibilities.

Meanwhile, the most recent statistics from the NSPCC helpline may be helpful. From nearly 16,000 calls they have had 287 contacts, and 57 of those have been passed through to other referral agencies.

We would expect schools to be covering the use of alcohol and other substances in the curriculum.

Q693 **Chair:** The 2016 Women and Equalities Committee's survey found that 59% of young people aged 13 to 21 said in 2014 that they had faced some form of sexual harassment at school or college over the previous year. Almost a third of 16 to 18 year-old girls said they had experienced unwanted sexual touching at school. Have you done any updated surveys on this?

Baroness Berridge: No, I do not have any updated surveys, but one of the main things the Department relies on in the review is those inspection reports. Ofsted is looking at the framework of those reports to see if children are reporting those kinds of issues. As I am sure you are aware, when Ofsted goes out, they use the reporting systems in the school, and other information, but they also talk to children. Ofsted is looking at whether they should be talking more to children about those issues and also at whether the inspection process itself is robust enough.

Q694 **Chair:** Going back to the issue about when things happen outside the school, is it your view that the majority of these things are happening outside school, in people's homes? Do you know?

Baroness Berridge: It is very hard to tell from the Everyone's Invited information. The format makes it difficult. They did not expect to receive the number of testimonies they received. It is not easy to get a clear picture. Many reports are of instances outside the school and in the home. It is across the school. I know you questioned my colleague Minister Donelan about the higher education institutions where this is happening, and to men as well as women. It is a UK-wide problem.

Chair: I think your view is that it happens in the schools, and that it is not just in private schools, but also in state schools.

Baroness Berridge: Yes, there are reports across state schools, which is why ISI and Ofsted are involved in the review.

Q695 **Chair:** My colleague is right that there should be some responsibility on those people who own the home or supply the alcohol, but let's say there is an issue where a pupil is assaulted by a classmate at one of these parties. Should their school have some responsibility for signposting? Even if pupils are not aware that that can report it themselves, should there be proper reporting mechanisms? Does the school have a responsibility? Are the schools carrying out their safeguarding



responsibilities in the way they should be? What is your view?

Baroness Berridge: Yes, as soon as a school is aware that there is a risk of that nature to any child, their responsibilities for keeping children safe in education bite.

Chair: Even if the situation has happened outside the school?

Baroness Berridge: Even if it happened outside school; knowing about the risky behaviour triggers the responsibility. All the staff in a school, and not just the teaching staff, should know of their safeguarding responsibilities towards the children. If schools become aware of any harmful incident involving one of their own pupils, even if it happened outside of school, and involved other people not from their own school, they will want to ensure their student is supported. Most schools do take their responsibilities very seriously, and we know that because the second largest number of referrals to children's social care come from schools. From the most recent statistics: 117,000 reports were made by schools to children's social care.

Chair: Whether or not pupils choose not to mention incidents at school, should there be signposting in the schools to advise pupils that if, God forbid, they are sexually assaulted or harassed, this is what they should do?

Baroness Berridge: Yes, just as, in a different context, I would expect Educate Against Hate posters to be displayed so that pupils can know who to go to. Yes, all staff should know and it is a specific part of KSCE that all children should know where in the school they can report concerns.

Q696 **Chair:** The number of the Everyone's Invited allegations does suggest that the system is not working in the way it should be, even if it is very difficult when incidents take place outside school. If that is the case, should one inspection body—Ofsted—be responsible, rather than there being different inspection bodies for different types of school?

Baroness Berridge: I have responsibility for safeguarding schools, including independent schools. Everyone's Invited has shown that young people—not surprisingly probably—are choosing different platforms from the one we use for our consultation process. However, over half of the responses to the Department's consultation around exams were directly from students. As the Minister, my challenge is to ensure that we have a process in which victims' voices come through to me so that I have another avenue, in addition to inspection, and can be sure that children feel confident about reporting.

We may have to accept that young people will use platforms like Everyone's Invited, so how do we engage with that in our process and make sure the consultation—

Q697 **Chair:** Should there be one inspection body in charge of all this? Should



there be greater training and safeguarding in all schools?

Baroness Berridge: All schools have a responsibility to provide staff with appropriate safeguarding training. It is schools' responsibility. We say "appropriate training" because of course—

Q698 **Chair:** But should there be one inspection body?

Baroness Berridge: We are waiting for Ofsted's report on their review of their frameworks and equalities inspection. I can assure you, Chair, that nothing has been ruled off the table in terms of how we will respond when I receive that review and also the IICSA report. I believe my colleague, Stephanie, might want to come in at this point.

Stephanie Brivio: I will go back to the data. The Centre for Social Justice's recent report showed that two-thirds of all child sexual abuse was perpetrated by family members or someone very close to the child. We are working closely with the NSPCC, children's social care services and others to understand how those statistics translate into crimes or criminal activity and also the wider support mechanism that we need to give to children and families.

Fundamentally, however, child sexual abuse probably involves people the child knows, and knows well, and so it is important for them to understand what constitutes a healthy relationship and what to do if they feel challenged.

Q699 **Chair:** Minister, please give me a real answer, not a civil servant answer—no offence to the important civil servants who are present.

Why is this going on? Why do young people have these kinds of attitudes and behaviours and why do thousands of them, predominantly women, both outside and inside school, feel sexually harassed or are assaulted? Why are young people coming to schools with these kinds of attitudes and behaviours?

Baroness Berridge: Young people are influenced by all sorts of things. We have seen the rise of the internet, which is why the online safety Bill will be important, but obviously the environment within the school should challenge the attitudes that are being brought into schools. A lot of work is being done. I met recently with Minister Atkins to discuss the violence against women and girls' strategy. We have a big problem here. We are doing what we can to address it but these influences exist in society. We are very clear about what the environment and culture in schools should be like.

Q700 **Chair:** What about also looking at what is going on at home? Of course it is not entirely the school's responsibility, although schools have a major role. What is going on at home that results in some pupils bringing these kinds of behaviours to school?

Baroness Berridge: I cannot tell you what is going on in people's homes, but of course the local authority will also be looking at children in



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need and at child protection plans for those children who are exposed to influences at home that are affecting their wellbeing. What I have responsibility for in addition to safeguarding relates to extremism. A referral to children's social care can lead to a social worker being involved in a child protection plan if necessary.

Chair: Stephanie, do you want to come in on that?

Stephanie Brivio: I can, yes. Children's social care is looking at the risk that children face either within their families or more widely. If a referral is made and CSC feels that parents do not have the capacity to support children in the right way, they will undertake an assessment, get views from schools, from others that the child might be involved with—with Health and the police, if necessary—and take a decision about the level of risk and the nature of the harm that the child may be facing.

At that point, a child may become a child in need, be on a child protection plan or, in extreme circumstances, CSC may feel that that child is better out of that family environment.

Q701 **Chair:** Is the NSPCC call line permanent now? That seems to me to be a very powerful tool for pupils who have been assaulted or harassed and are facing these kinds of issues.

Baroness Berridge: No, it is not permanent. The NSPCC has been given a six-month grant for them to review how much the line is being used. NSPCC also runs Childline and other lines. We will review it at three months, as we are required to do with public money. Nothing has been ruled off the table and it might be that in future we will have to have not just a phone line but a new platform. Nothing has been ruled out. We want to make it as easy as possible for young people to come forward.

Of course, we would hope that children could find an adult to report any issues to within the school environment, or an out-of-school setting that they go to, but we might have to accept that it will be a phone line or other platform.

Q702 **Dr Caroline Johnson:** There seems to be a lot more focus on what to do when it has happened than on how to stop it happening. I would be interested to know what more you think you can do, maybe across different Departments, to reduce the incidence of abuse and how early in a child's school career you need to go to embed these messages.

Baroness Berridge: That is always the challenge for us. It is much better to prevent any of this happening, starting with DBS workforce checks for example, dealing with low-level concerns, when you might have an instinct that something is not quite right. We have just consulted on how schools can report low-level concerns in order to prevent peer-on-peer or workforce-on-child abuses. Relationship education starts in primary school. We are getting in there early to try to explain for younger children the relationships that they are already in, what is a healthy family and what are healthy relationships with adults.



I would welcome any suggestions from the Committee for dealing with these societal problems. There is no monopoly on good ideas for how to prevent abuse. The serious psychological and emotional harm that befalls albeit a very small minority of children can, as we have seen, blight them for their lives.

Q703 Ian Mearns: Stephanie told us about historical sexual abuse being mostly perpetrated by family members or someone close to the family, but given the number of recent online disclosures, that may just be the tip of the iceberg. We just do not know. Do we not need to think about a change of focus away from the family to look at what may be happening now? The Chair asked if we need to have one inspectorate to make sure that schools are reacting properly. The independent schools' inspectorate has hardly referred to sexual abuse in their reports. I know that of course abuse is not confined to the independent sector, but their inspection reports hardly referring to it seems to suggest that it is probably an issue that a body separate from the independent schools' inspectorate needs to look at.

Baroness Berridge: I hope I have not used the words "historic child abuse". I correct myself if I have. That term leads us down a path of thinking this happened then and does not happen now. Of course, unfortunately, it does still happen and that is why we have put this specific guidance on sexual violence and sexual harassment out to schools and why there are unfortunately over 73,000 people currently on the DBS barred list for children, not all of whom are on the list because of sexual abuse, but they are people who would not be permitted to be employed in schools. We do need to look at that.

We must not be naïve. A very tiny minority of people will seek to gain access to children through, for example, a youth club, a church or a school. They do not come wearing a sign. It is quite difficult to spot people. They will usually be good with children. I did a lot of reading of the research for IICSA and it is not easy. There is no Halloween costume at the door saying, "I am a paedophile, please do not let me through the door". Schools must be vigilant and not just rely on the DBS list, because obviously there are people who are not on the list but who have a problem.

There are no current school inspections, but I believe they start again next week. I have asked to see every report, every month, from both inspectorates, where schools fail on safeguarding.

Most schools are safeguarding well, but more often than we would like to think, situations do come up where a child might present at school and the senior leadership team thinks, "That child cannot go home today". We cannot give schools tick boxes or a document that will prescribe what to do in every single situation, but we need senior leadership teams to be confident enough to assess the risk and say, "This needs immediate attention from children's social care", or, "We need to get the police through the door, because that child cannot go home."



I do not envy the senior leadership teams who are having to make those decisions to safeguard children, but I respect them and think most schools do it properly. I have my eye on the inspection, and there is nothing off the table when Ofsted report back to us.

We are also waiting for IICSA's final reports, particularly the residential schools inquiry, which was the one that Minister Gibb and myself gave evidence to last year.

Q704 **David Johnston:** I have some questions about home education, which you will remember we are doing an inquiry into. The Department does not collect statistics on who is being home educated nor on their outcomes, so how can the Department know that these children are getting the quality of education that they should be getting?

Baroness Berridge: I have read what you have been talking about recently. You have seen the latest statistics from the Association of Directors of Children's Services. It is important to note though that local authorities do have a certain amount of data, although not a complete and consistent set of data at the moment. Once local authorities are aware that a child has been removed from the school role, the head teacher has to tell them why, and when it is for elective home education purposes, they do have a responsibility under the Education Act 1996 to make sure that that child is receiving a suitable education, and that is why we recently strengthened our guidance to local authorities. If they are not satisfied, they can apply to the magistrate's court for a school attendance order or for an education supervision order. The latter is something we are looking at because it is somewhat under used.

We are also committed to a registration system. In the coming weeks or months, we will be releasing the response to the consultation that Minister Gibb outlined. The registration system is important because there is another group of children, called "children missing education". If children drop off the school roll, and the form that has gone to the local authority does not say they are EHE, we need to know where they are. Under the pupil registration regulations, both the local authority and the school have a responsibility to make reasonable enquiries as to where that child is. This is particularly important at the moment because of Covid. I have heard of reports of several children going from the school roll, and only one pops up elsewhere. Every local authority has an obligation. Every school authority has a "child missing education" officer. If a child has gone from the school roll in Devon and they do not know where they have gone, they can put their data on a shared platform, which covers Wales, Scotland and Northern Ireland, and track them.

There are three groups of children here. There are children in elective home education, those on the school roll and that important, possibly very vulnerable group, children missing education. If neither the local authorities nor the school can find them, that should trigger wider safeguarding, asking where that child has gone.



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Q705 **David Johnston:** Will you be committing to a register when you publish your response to the 2019 consultation?

Baroness Berridge: Yes.

David Johnston: When will we see that response?

Baroness Berridge: It will be forthcoming. I am particularly keen to get that register up because it will help to identify that third group of children and help local authorities know that they do have these duties. I am sorry, I cannot give you a date at the moment.

Q706 **David Johnston:** We had Victor Chaffey from Ofsted before the Committee a couple of weeks ago. He is responsible for unregistered schools. He told us that when he started the work in 2016, it was expected that there would be about 24 unregistered schools, but so far they have found 700. A quarter of these so-called schools are just children being home-educated. Where these settings have been successfully prosecuted, again three out of four of them have been children who are being home-educated. Do those statistics come as news to you, and do they suggest that there are other things beyond the register that we ought to be doing in the context of home education and unregistered schools?

Baroness Berridge: We work closely with Ofsted. The Department requested Ofsted to begin this work of trying to find these unregistered schools. Obviously if they are providing education to five pupils or one EHCP pupil, they have to be registered as a school. Conducting that kind of operation while unregistered is illegal.

There are certain settings that might be classified as out-of-school settings, and if they are not charities there are no safeguarding responsibilities. However we have been consulting on the request for Ofsted to have enhanced powers, for instance to close the building, if they find such a situation. The operation to find unregistered schools has been going on throughout the pandemic. We have prosecuted, and we have a repeat prosecution underway of a particular provider for operating unregistered schools. However, by their nature, they are hard to find; they might be in someone's home. That is why Ofsted has been commissioned to conduct surveillance and find them through local intelligence.

Q707 **David Johnston:** Elective home education is equivalent in law to being educated in school. How does the Department justify the unequal access to exams in that parents who are educating their children at home often have to meet the cost of public examinations?

Baroness Berridge: First, it is important to make the distinction between elective home education and delivering the school's curriculum in your front room, as many parents have been doing through the pandemic.



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Elective home education is a right in this country, as long as it is suitable, and the Education Act 1996 does outline what is a suitable education. Parents take on the responsibility for educating their children, but one of the limbs of the consultation we put out was about whether there should be support for those parents. We cannot introduce the register without putting responsibility on parents to tell the local authority that they are home educating. I am sorry that again I do not have a date for response, but it was something that we specifically considered.

In relation to private examination candidates, which includes EHE pupils, support has been given to exam centres to get grades this summer.

Q708 **Chair:** I understand you were listening in towards the end of the previous Minister's evidence, which was very good of you. You will have heard me bring up the case of Samantha Smith who wrote in *The Spectator* about how she was being charged hundreds of pounds by a school in her area because she wanted to do her A-levels again, because she felt the centre assessment grades had been unfair last year. According to her article there are many thousands of pupils in the same situation. Are you looking at that and doing anything about it?

Baroness Berridge: This is Minister Gibb's policy area and responsibility. But as I understand it, maximum fees are outlined in the guidance and it should not cost any more than it would in an ordinary year. Private candidates—by the nature of the word "private"—usually pay their own exam fees. Among the private candidates, a large proportion are EHE pupils. It has been very good to have these centres this year.

I understand that some EHE children have been able to register remotely with a centre that is not necessarily local because they have chosen that centre to get their grades through.

Q709 **Chair:** You have said that the Government will be bringing through a register following your consultation on home-educated children. Do you think that there should be some kind of assessment of those pupils who are not at school, whether it is once a year, whether it is done by a centre or whether it is done by a school, just so that we know that they are benefiting from not being at school?

Baroness Berridge: We have had to strengthen the guidance because of the rise in EHE. Minister Ford and I will be writing an open letter to local authorities and schools. The law in the 1996 Act is clear about what is a suitable education. Here we are talking about children in mainstream education. There are different obligations on the local authority—

Chair: But there is no tracking at all. The law is the law, fine, but there is no tracking or very little, going on.

Baroness Berridge: No.

Chair: What is the answer to it then? Should there be some kind of assessment once a year perhaps, just to see how these children are



progressing? That is, to be clear, not to negate the many wonderful parents who do an incredible job of home educating their children.

Baroness Berridge: The law currently requires an assessment because there is a definition in law of suitable education. If the local authority is satisfied that a suitable education is not happening it has those two powers. Obviously during Covid making a school attendance order—

Chair: I am talking generally. The assessments can be very vague; they can be phone calls. I am talking about perhaps doing SATs or some kind of formal assessment that is standardised and clear, so that the local authorities and the DfE know the progress of the children who are not at school.

Baroness Berridge: “Suitable” does not just mean generally suitable; it is about having age-appropriate characteristics. The 1996 Act does give more of a definition of “suitable”, because it is age-specific for the child. That is what we are relying on at the moment.

Chair: Are you happy with how it is at the moment? Are you saying that you do not think there needs to be any change?

Baroness Berridge: There is currently no proposal to introduce formal assessments for home-educated students outside of the requirement for a suitable education or the delivery of education that is in accordance with an EHCP plan.

Q710 **Chair:** You will have seen Fraser Nelson’s *Telegraph* article, which came out on Friday and which I mentioned in the previous session, with about 20,000 pupils dropping off the school roll and slipping under the radar during the pandemic. Are you worried about this, and what are you doing about it? What data are you collecting on these children?

Baroness Berridge: This is why we are committed to bringing in registration. It is not a vacuum. Once the local authority gets the form to say the child is off the school roll and is being electively home-educated, the legal requirement for the education to be suitable is triggered and they should be assessing whether it is suitable and issuing a school attendance order if they are worried about that. There are obviously other obligations. A child in need or on a child protection plan will already be known to the local authority.

I hope I have made clear that the commitment to registration is important to identify that third group, which is of children missing from education who are not on a school roll and not EHE. That is where the obligation to make reasonable enquiries comes in, to make sure you find out where that child has gone. Until they have made reasonable enquiries, a school cannot remove a child from the roll if none of the grounds under regulation 8 are satisfied. In some circumstances, that may mean alerting Border Force or contacting the police to find that child.



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Children missing education are arguably a more vulnerable group that we need to know about, when you have just lost track of where they are, and a register—

Chair: You are going to be tracking these 20,000 children and trying to help them catch up and either get back into the schools or make sure they get an education.

Baroness Berridge: The local authority has that responsibility, once they are registered as EHE, to make sure that the education they are receiving is suitable. If it is not then they have these—

Chair: Will you be tracking the 20,000? I know the local authorities are supposed to do it but will you be as a Department doing it?

Baroness Berridge: I have responsibility for EHE, and as a result of that survey, Minister Ford and I recently met with the Association of Directors of Children's Services. Once the register comes in, it will help us to know who is EHE and also who is missing from education.

Chair: But the register may come in, in quite a few months' time or a year or whatever. I am talking specifically about the 20,000 children who have dropped off now. What will happen to them? What are you going to do to look after them?

Baroness Berridge: This is where the local authority's safeguarding duties and the local authority's duty to make sure they have a suitable education come in. Local authorities can make school attendance orders. Now that schools are back, hopefully we will be able to see—

Chair: As a Department, will you be identifying where these children are and working with the local authorities to make sure these children are looked after?

Baroness Berridge: Yes, I will be receiving that regular survey. It will be done again, I believe, towards the end of this year. Also, we will see who has appeared back on the school roll. Many of the reasons that were given for dropping off the roll were to do with health concerns. We hope that as the country is vaccinated, numbers of children will go back on the school roll.

Chair: This is very important. No one knows the whereabouts of 20,000 children. You are saying that it is up to the local authorities. I just want to be clear about what you are doing. The things you are bringing in are very good and are welcome, but they are going to take quite a while. What are you doing with the local authorities to track these children to make sure they are either getting a proper education at home or being looked after properly in school and being made a priority for the catch-up programmes, and so on?

Baroness Berridge: As far as I am aware, it is not usually that local authorities do not know where the children are. When a child is removed from a school roll, the head teacher must provide certain contact details,



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including a phone number. Once that information goes to the local authority, and if the reason for removing the child is for EHE, they have to check if the education is suitable, and if not, can get them back in school under a school attendance order, if necessary, and get them the Covid catch-up that you mention.

However, if the child is one of those who is missing education, which is different from being one of the 20,000 who are in EHE according to the derolling information, that is when the wider safeguarding powers apply and Border Force or the police may be asked to locate the child missing from education; those children are not in elective home education.

You are right to bring the focus on this for us, particularly in this gap before we have the register, which will define this group who are missing from education.

Chair: My worry is that 20,000 children will be lost and their lives potentially ruined if we are not tracking them. I am going to pass on to Ian Mearns.

Q711 **Ian Mearns:** It seems to me now, given the conversation that I have just been listening to, that it is rather regrettable that the Government decided to abolish Contact Point not long after the coalition was elected in 2010.

Baroness Berridge: I am sorry; that is not something I am familiar with. Steph might be able to help you.

Stephanie Brivio: I was going to come back in on children missing. We take very seriously the issue of any child going missing, whether that is from home or from local authority care. The local authority, as Baroness Berridge has set out, is responsible for protecting all children regardless of where they go missing from.

There is statutory guidance out there, which outlines the local authority's responsibilities, and absolutely we are working with ADCS and with the wider safeguarding partners, including police and others, to understand where those children are to make sure that they are safe and that they are accessing the right levels of support and education. That is the first thing.

On Contact Point, yes, that was decommissioned post-2010 and absolutely we continue to look at how we track children. There is a system, which is a health system that works between health and local authorities, which will pick up children who are going to unscheduled healthcare settings if they are known to children's social care.

There are different ways of us being able to support local authorities and others to ensure that they know where children are.

Q712 **Ian Mearns:** My local authority was a pilot for Contact Point, which was about having those agencies working together in order to make sure that



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no child fell through the cracks between the various departmental systems. It seems slightly ironic that we are now talking 11 years later about reintroducing something that sounds a bit similar.

Stephanie Brivio: The importance of information sharing, as we can see from a whole raft of safeguarding issues, including serious case reviews and local safeguarding reviews, is about the timely exchange of information, and there are a number of ways in which to do that. That is very clear in all the statutory guidance.

Q713 **Chair:** Could I move on to the subject of UTCs? What is the Government view of UTCs? Are you supportive of them? I am very supportive. I have been to visit some UTCs. We have the brilliant BMAT STEM Academy in my own constituency of Harlow. I wonder why the Government do not talk about them as often as they talk about other parts of our education system.

Baroness Berridge: As you will be aware, Lord Baker is a colleague in the Lords, and *Hansard* records do show quite a bit of me commenting on UTCs. We are committed to having a strong and sustainable group of UTCs. We opened one in September in Doncaster with the support of the local authority, which wanted a UTC as part of making sure there were enough secondary places.

We are supportive of UTCs. I am sure your Committee will be aware that the programme has had challenges to do with the atypical entry point for students to UTCs, but many are very successful. It is important to mention Sir Ron Dearing, because Baker Dearing are the partners in the Harlow UTC and it is an outstanding Ofsted UTC. Some of them have worked very well and we are working to make sure that by about the autumn we will have worked through any of the issues for the remaining—

Chair: How many have you visited, virtually or otherwise?

Baroness Berridge: I am due to go on a visit to two next week—physically, thankfully—and I have remotely visited one in east London.

Chair: Will you be visiting as many as you can over the months ahead?

Baroness Berridge: I will be visiting. I am desperate to visit. Having been the Minister during the pandemic, I am keen to get out as soon as I can to visit a number of schools, and obviously UTCs will be among them.

Q714 **Chair:** In 2019-20, 61% of UTCs, as I understand it, were rated good or outstanding, while the national average was 50%. I am sure you will agree this is a big improvement on 2017-18, when 39% of UTCs were good or outstanding. Given the Secretary of State's ringing endorsement of the UTC programme and these improvements, do you feel that there should be more university technical schools at this time?

Baroness Berridge: UTCs are part of the free school process. We opened one UTC last year. A successful bid for a UTC will have a clear



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vision for the involvement of employers and the support of the local authority. It is the duty of the local authority to say how many school places they need and the nature of that provision if UTCs are part of it. One of the things UTCs have struggled with is recruitment, because obviously they are dependent to some extent on the secondary school pupils moving out of those secondary schools into the UTCs at key stage 4.

We are in favour of UTCs, but when we are confident that local authorities see them as part of the overall vision for secondary and post-16 provision.

There has been an improvement in Ofsted grades. We have moved many UTCs into multi-academy trusts, where they can have the support of a wider group of schools. We have expanded some them to cover key stage 3 where that has been part of the solution for them.

Chair: But do you support them? Do you think there should be more of them?

Baroness Berridge: Within a free school application—

Q715 **Chair:** However it is done, should there be more UTCs in many towns across the country?

Baroness Berridge: Within the free school programme, we expect UTCs to be applying and they will be judged—

Q716 **Chair:** But do you believe there should be more UTCs around the country?

Baroness Berridge: I am not going to commit to any more of a particular type of school, because the free school process is an open process for all to apply and requires local authority support. We opened a UTC in September. There is no bar or prejudice against them within a free school wave. I think I would be challenged if I were to say otherwise, because then other free schools in the same free school wave would say, "The Minister has—"

Q717 **Chair:** Do you welcome the UTC movement and believe it should be encouraged and supported?

Baroness Berridge: Yes, where a UTC is part of the provision and the local authority sees it as part of the provision.

Q718 **Chair:** I am not asking you to give advance bids and so on. What I am just asking you to say is, "Yes, I believe in the UTC movement and UTC schools are good and they should be encouraged". What is wrong with you saying that?

Baroness Berridge: We encourage them—

Q719 **Chair:** Do you believe that UTCs are a good thing and should they be encouraged?



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Baroness Berridge: Yes, I believe they are good and should be encouraged where they are part of the wider—

Chair: I get all that—the bid stuff—but I just want to feel a bit of passion about schools. I say this because 55% of UTC leavers at the age of 18 went to university this year, with 72% taking a science-related subject, which is 30% higher than the national average. Apprenticeship starts are up. In 2020, it was 13%. In 2019 it was 22%. The last year has been difficult, but the national average is 6%. In 2020, apprenticeship starts at higher and degree levels were 63%, compared with the national average of 10%. I am looking at a graph in front of me.

Clearly, they have some challenges. Clearly, there have been issues about the year, the starting date and numbers, and they have had challenges in the past. To me, everything in education should be about successful outcomes, and they have incredibly successful outcomes. Surely you should support, encourage and shout out about that—maybe in the House of Lords, but also outside the House of Lords—so that people who do not watch or read every page of *Hansard* can see that you are genuinely supportive of the UTC movement.

Baroness Berridge: Yes, we are, and I will take that challenge away as to how we promote them. If you look at my Twitter feed, I do promote them. It is great to recognise those achievements.

However, we also have to look at other measures like academic attainment. The UTCs do well in technical and apprenticeship and at key stage 5 in destination data, but in some of the other academic data they are not as strong. We are also concerned to make sure that young people have English, maths and the other foundations they need.

Q720 **Chair:** That is for some UTCs, but surely the judgment should be about what happens after they leave school. The employment records are outstanding, the apprenticeship levels are good and the university levels are good. Those going on to STEM, which is a key skill that we need, are also good.

Baroness Berridge: Yes, we take those into account, but of course when we are looking at secondary school provision, it is also about Progress 8, Attainment 8, English and maths. Those are important foundational qualifications for young people to have.

Q721 **Chair:** Would you acknowledge that they have been improving?

Baroness Berridge: Some of them have been improving, Robert, yes, but some unfortunately, taking over at the point I did, are still having some issues. We are working closely to make sure that we get a viable solution for the UTCs that still have issues, particularly as transition funding has ended this year. We are working hard and, by the autumn, I hope to write to you to say that there is a strong sustainable group of UTCs. I look forward to receiving applications in the next free school wave, should Treasury give us money.



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Q722 **Chair:** My dream is that there will be a UTC in every town in our country. Potentially, the age may be different, 16 or 11. That may help a lot. I accept there is an issue with the starting age. It is good to hear that you do encourage and support them.

You may be the wrong Minister to ask but, as I understand it, you are in charge of systems in schools. If you cannot answer the question, it is no problem if somebody writes to me. Scientists and infection control specialists have warned that there might be a resurgence of flu and other viruses in schools this winter.

How is the Department ensuring schools across England have implemented appropriate infection control protocols and that staff have access to cleaning and disinfection training? What steps are you taking to prevent schools and educational care facilities wasting money on cleaning products that do not provide adequate protection against viruses?

Baroness Berridge: I will ensure that a letter is written for you, but I will also take that away because, as you know, I am the Minister in charge of school resource management. We help schools particularly with non-staff spend on their purchasing. I will make sure that we make available to schools any information that can help with purchasing. We help them with buying insurance, furniture, ICT, teaching vacancy services and so on. I will take that away for that part of my portfolio.

Q723 **Chair:** Could someone write on the guidance and whether products are being bought, understandably, because people are looking at the price of these things, but they do not necessarily do the job they are supposed to do?

Baroness Berridge: Yes, I will look at that with Committee members. There is a lot of data out there to help schools look at how much they are spending on certain things like that, Robert, and to compare themselves with comparable schools and to connect them with money-saving experts. We are about to launch a national hub to help schools buy better with their non-staff spend.

Q724 **Chair:** I know this is related to Nick Gibb, but you are in charge of the system side of academy trusts and the process. Ofsted inspects individual schools within trusts, but do you believe that Ofsted should be inspecting multi-academy trusts?

Baroness Berridge: No, we have no current proposals for Ofsted to be inspecting. At the moment, local authority education provision is also not inspected. We want to see school-level inspection and school-level guidance. You have heard from Warwick Sharp and other school commissioners around this. ESFA is the lead regulator of this sector and there is detailed reporting, particularly on the use of public money, to the Department from multi-academy trusts.

Q725 **Ian Mearns:** We heard from a number of regional schools' commissioners in the last couple of weeks, and I am afraid to say that we



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were not massively convinced by their arguments or by, in some respects, their reason for existing in the way they do at the moment. I am terribly sorry, Minister, but they seem like a bunch of people who are struggling to justify their own existence at the moment.

Baroness Berridge: I did watch that session, and you asked them at the end whether the sky would fall in, Robert, if they did not exist.

During Covid you heard about React and everything like that. But a fundamental change took place in 2010 when we moved away from purely funding local authorities to deliver schools, and the Secretary of State entered into contracts with about 2,600 multi-academy or single-academy trusts. As a lawyer by background, I see their role particularly as monitoring the performance of those contracts in terms of how the money is handled with ESFA, how the governance is happening and the quality of the education being delivered. Without that group of national and regional schools commissioners, we would not be able to monitor those contracts properly from a commercial point of view for ESFA and also from the quality of the provision they are meant to be providing on the ground. They do trust reviews and they are out there monitoring the delivery.

A healthily steady stream of MPs are able to come to me and to the Secretary of State about the performance of their schools. Your schools are now directly linked to central Government rather than the local authorities. They have a clear role in the system of contract monitoring.

Q726 **Chair:** If an underperforming academy trust is not managing its finances in the way it should be, but one of the schools in that trust has managed its finances well, the academy trust then takes that money from the well-performing school, meaning that that school suffers to fill the black hole. That goes on quite a bit. What is your view on that? What should be done about it?

Baroness Berridge: That is all transparent in terms of the reporting done to ESFA. That is why the RSCs and ESFA are there. Those schools can make their representations there. We would see that information, Robert. I have responsibility from the Secretary of State for school capital.

I use the analogy sometimes of how local authorities and multi-academy trusts deal with their buildings. We give out money per school, but they do not divide their money equally between each school. There might be a bigger building project to do in one of those schools and they will use that money to repair the building and then go down their groups of schools. Local authorities do that with their condition allowance money as well. That is the analogy I use.

I assure you that ESFA has sight of that information, and I have a forthright view of those academy trusts that cross the red line and are in any way close to our intervention. I praise the overwhelming majority



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doing a great job, and through Covid they have done a fabulous job. Ofsted has recognised the contribution of multi-academy trusts in the system in its report this year. The Academies Financial Handbook is being updated this year. I share your concern, Robert, around the speed of transfer between academy trusts. If you are not handling public money properly and if you are not delivering the education our children need, you will be hearing from me.

Q727 **Chair:** That has put it bluntly, but thank you. It is appreciated. Also, I like the fact that you have said that MPs can contact you if they have problems in their existing academies.

Baroness Berridge: Yes, absolutely.

Chair: I do appreciate that. If no members have any further questions, I will call this session to an end. I appreciate it, Minister. It is the first time you have been to our Committee.

Baroness Berridge: I know. It is well overdue. Every time I was slated to come, something overtook events. I cannot believe it is over a year.

Chair: We will definitely invite you again. Thank you for all the work you and your team are doing. Thank you to Stephanie as well for coming today to clarify some things. It is appreciated. I wish you all well.