

Education Committee

Oral evidence: [Accountability hearing](#), HC 82

Tuesday 15 June 2021

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

Questions 784 - 841

Witnesses

I: Amanda Spielman, HMCI, Ofsted; and Sean Harford, National Director of Education, Ofsted.

Written evidence from witnesses:



Examination of Witnesses

Witnesses: Amanda Spielman and Sean Harford.

Q784 **Chair:** Good morning again, Amanda. Thank you for attending this second session on general accountability. You have introduced yourself. Sean, could you introduce yourself as well, please?

Sean Harford: Good morning, Chair. I am one of Her Majesty's inspectors. I am the national director of education for Ofsted. Thank you for having me today.

Q785 **Apsana Begum:** Thank you, Amanda and Sean, for joining us this morning. My question is about the fact that we have been informed as a Committee that the Secretary of State has an intention to reappoint you, Amanda, for a further 24 months. Did you approach the Department for the extension of your term, or did the Department approach you?

Amanda Spielman: It is not just an intention to reappoint. I have been reappointed. The statutory instrument has been published. Secondly, I was asked via civil service channels in the late autumn, before Christmas—I cannot remember exactly when—for an indication of whether I would be interested in being reappointed or not.

Q786 **Apsana Begum:** In terms of the reappointment, the extension is to ensure continued stability for the sector during the Covid recovery period, but it also aims to see through proposals for a successful return to routine inspections. Are you able to say how long that will take? When do you envisage that we will be in a position to get back to the routine inspections?

Amanda Spielman: Yes, I had an initial five-year term, but clearly the Covid suspension that started in March last year has significantly disrupted the progress of much of what I had been hoping to accomplish inside those five years. We have learned with Covid that nothing can be taken for granted on timings. It looks as though there will be an 18-month interruption to routine inspections. I very much hope that we will be operating a full inspection programme from September, but I do not want to guarantee that and I am clearly not in a position to. That will be an 18-month disruption. I want to take that forward, consolidate it and make sure it is working effectively. We have piloted applying it in a post-Covid world. Schools have been differentially affected, children have been differentially affected over the last 18 months and it is important to address that and address that fairly.

There are also some significant developments in several sectors. We can see the developments, for example, in teacher education, not just in the evolution of initial teacher education but also with the establishment of the early-career framework and the national professional qualifications. There is a lot of evolution there. There are developments in the post-16 world, important developments there, and of course there is the continuing growth of academisation and operation of schools in groups



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and also of early years operators in groups, so continuing that path to understanding and making sure that accountability reflects the system as it operates.

Q787 Apsana Begum: In terms of the last five years, outside of Covid and Covid recovery, what do you consider to be your most significant achievements in your first term?

Amanda Spielman: The first achievement and most significant is clearly building and establishing a new inspection framework. That was an enormous piece of work and involved a lot of sector collaboration to build it. It involved a shift of emphasis to make sure that we were getting underneath published results to get very deeply into the substance of education, to make sure that children were coming out not with just a clutch of good grades but the education underneath that means those grades translate into success at the next stage, as well as the wider personal development and the behaviour and safeguarding pieces that we take for granted.

It was a real shift, and a shift in the style of inspection to make sure that inspection functioned as a proper, professional dialogue that was of real value to those at the receiving end and contributed to the shaping of their thinking about what they needed to do next to improve and to positively act in the light of that conversation. I wanted to strengthen that feedback loop to make sure that inspection has as much impact as it possibly can.

Q788 Apsana Begum: From your years in this post, are there things that you think should change in terms of Ofsted's terms of reference and your role?

Amanda Spielman: One of the pieces we touched on in the previous session was that exempting some schools from routine inspection largely on the basis of results, especially with everything that we know about safeguarding and other things that can go wrong in schools, was a mistake. I am very glad that has been rectified.

I re-read my pre-appointment hearing transcript the other day. Things I talked about then, which I think are still unresolved, are the position of MATs. We still operate what in some respects is historic inspection legislation that constrains us to look at the level of the individual school and, similarly, in early years at the individual early years providers and in children's care at individual children's homes. The world has evolved dramatically over the last decade.

Q789 Apsana Begum: Outside of Covid recovery, what do you aim to achieve with two extra years?

Amanda Spielman: I want to make sure that all the pieces of initial teacher education inspection are as good as they can be. I want to draw together these threads in post-16, where we have college inspections, apprenticeships, the new Level 6, Level 7, many policy developments, to ensure that we come out of that with an accountability model, as



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between Ofsted and the Department for Education, that provides the right push in the right places. I want to make sure that this boundary between diagnosis and intervention is well drawn in a way that makes sure the diagnosis process that Ofsted operates contributes as much value as it can.

Q790 Ian Mearns: Chief inspector, when the third national Covid lockdown occurred, the Secretary of State announced that Ofsted would inspect schools where there were serious concerns about the quality of remote education. What do serious concerns about remote education quality look like? How many schools did you have these concerns about, and how did you find out about them?

Amanda Spielman: I am going to pass over to Sean to answer this one.

Sean Harford: We made a decision to carry out remote inspections of grade 4 and grade 3 providers in addition to those places that were identified through complaints to us. We received a very large number of responses to the Secretary of State's call for parents to say something about this. In the end it was upwards of about 500 where there were concerns, and probably in the many thousands where parents said that the schools were doing a good job.

We used our monitoring inspections in grades 4 and 3. A proportion of those were where we had those concerns, where we had spoken to the school, typically also local authorities, people like this, to make an assessment of whether we should go in and inspect. As a result of that, we identified some schools of concern. It was a handful, to be honest. From our monitoring inspections of grades 4 and 3, there were around a dozen where we had specific concerns that the school was not providing an education for its pupils in that circumstance, but many hundreds were doing a decent job in those circumstances.

Q791 Ian Mearns: You are sure that, by responding to complaints, you were not responding to schools where it was the educationally worried well, as opposed to where there were real problems in comparison to other places?

Sean Harford: I think that is why we focused our monitoring on those grades 4 and 3 on the assumption that those schools were in the worst place before we went into the pandemic and, therefore, there was a high chance that they would be suffering most. We had to have a reasonable expectation of what schools could achieve in the circumstances. This was a tough time for schools. Children going in and out, teachers going in and out with the illness. What we found was that the approach we took was proportionate and identified some helpful things we could say to the sector about how to do things well, while also identifying those places where it really was not good enough at that time, and we reported on those.

Q792 Ian Mearns: How much of the concern that you responded to was rather



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about youngsters not having access to the appropriate equipment, so that they could access the learning that was available?

Sean Harford: Not a huge amount, to be fair. I think the things that the Government did to give laptops to children, especially disadvantaged children, was largely successful. It did not reach all parts of the country, but largely the problems were not around having access to digital means or even the devices. It was mainly about the disruption to the curriculum and the way schools thought about what you had to strip out using what everyone will recognise is a less efficient means of education through digital means.

Q793 **David Johnston:** Amanda, do you have concerns about the length of time that schools will have gone without full inspections? I appreciate it has been a very difficult time for schools, and they have done very well against the odds, but, given that in your last data one in five were being graded “inadequate” or “requires improvement”—and we know there was a huge variation in the quality of provision that children received during lockdown—do you not think that we could be facing some very significant declines in school standards when you do start inspecting schools again?

Amanda Spielman: It is possible. Of course, unless our resources are increased, we will only be able to inspect at the same rate. We would have to effectively extend inspection windows. We could accelerate our inspections if the Government desired, and that appears to me a policy option that is worth exploring.

Q794 **David Johnston:** Would you be in favour of that if the Government said, “Yes, go ahead, start inspecting schools”?

Amanda Spielman: The thing that I would most like to be able to do is to inspect outstanding schools faster than a catch-up cycle of five years. It has already effectively been delayed by a year by Covid and it is planned to be over five years. At that point we already have schools that I think have been 14 years without inspection by reason of the exemption. Those periods are going to stay very long for some years.

Q795 **David Johnston:** I agree with that. But do you also think, for example, that inadequate schools, given that they were already inadequate the chances are they may not have dealt with the Covid pandemic in providing good learning in that period very well either?

Amanda Spielman: The arrangements for weaker schools have us going back to them much sooner, so I would distinguish between the ones that are already subject to accelerated inspection timelines and the much larger group of schools with a current “good” or “outstanding” label who, by default, get visited only at close to five-year intervals.

Q796 **Chair:** I would like to talk to you about the Baker clause and careers in schools. When you appeared before the Committee in February 2019, you told us that getting on for half of schools were compliant with the clause at the time. In December 2020, you wrote to the Committee clarifying



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that, while the Ofsted inspection handbook states schools and colleges should be providing high quality careers education, inspectors are not required to specifically report on compliance with the Baker clause. Your letter also reported weaknesses in CEIAG, with two in five providers rated “outstanding” or “good” and three quarters graded “requires improvement” or “inadequate”. Does it not send the wrong message that even providers with poor careers guidance can be graded “outstanding”?

Amanda Spielman: Can we talk more specifically about the careers guidance picture? I am going to ask Sean to talk about that before talking about—

Chair: I also want to ask your view about the Baker clause and non-compliance.

Amanda Spielman: The Baker clause is relatively recent. What is showing through inspections is a pretty rapid sector response to improve from what I think was a pretty low level at the point that it was first brought in. I think that is what our work is showing.

Q797 **Chair:** Yes, but weaknesses in careers guidance were reported in two in five providers graded “outstanding” or “good”. It sends the wrong message that even providers with poor careers guidance can be graded outstanding. Does Ofsted take careers advice less seriously than other parts of the inspection of schools?

Amanda Spielman: You are coming back to a wider point about inspection, which is the weighing up of many aspects of quality of education and overall effectiveness. It is drawn into a set of four judgments plus a judgment on safeguarding. Careers advice and guidance is one piece of what any school or college does that falls within one of those judgments. It is weighed up against the other things in that factor. It is given significant weight, but it is not set up as a limiting judgment.

Q798 **Chair:** But it is very important, so why would a school get “outstanding” if its careers advice is not good enough?

Amanda Spielman: Are there many that have had “outstanding”?

Q799 **Chair:** Weaknesses in the careers education, information, advice and guidance, CEIAG, reported in two in five providers graded “outstanding” or “good”.

Amanda Spielman: Sean, do you have anything to add on that one?

Sean Harford: It is true that, where there are weaknesses, it is across the grades. I think it has improved since that take, which was probably 18 months ago. Recently we did a trawl again—

Q800 **Chair:** It was September 2020 when you wrote to us.

Sean Harford: Yes, we have done a 2021 trawl on the EIF—the new inspection framework—and again there was about 20% where there was



a negative response. They were not all located in “outstanding” by any means, but what inspectors are seeing is that there are still weaknesses. What you will see, Chair, is that, where that is reported, an outstanding school is not a perfect school. We need to get away from the fact that it needs to be perfect to be outstanding. When we go into all schools, whether they are inadequate or outstanding, we try to convey what the next steps are for that school to get even better. That could well be some of the examples that—

Q801 Chair: We are talking about two in five providers, though. It is quite a lot.

Sean Harford: Two in five overall, yes, but not all in the outstanding grades. We also need to remember—and you have just touched on this with Amanda—about the exemption and getting back into outstanding schools. That is why it is so important for us to get back into outstanding schools, because they have been left out on a number of things in the last 14 years. Think of all the changes that have happened in education over those years, and all those things where they have been left behind. We need to get into those places and look at it. It is an important area for us.

Q802 Chair: My feeling is that careers guidance is very much secondary in terms of Ofsted, like the Baker clause. Do you care whether or not the Baker clause is being implemented, given that inspectors are not required to specifically report on compliance?

Amanda Spielman: The short answer is, yes, of course we do. There are tens of thousands of legal requirements that apply to schools, of which the Baker clause is just one. We do not have an inspection model that says, “Let us audit this one, this one, this one, this one.” We would be at schools from one end of the year to the other, and there would not be much budget left to teach in schools if we did that.

Of course, the first job of schools is to make sure that young people know enough and are competent enough to take advantage of those next-stage opportunities. I will always say that, but then the careers advice and education is a very important piece of making sure that they make the right choices about the—

Q803 Chair: Yes, and the Baker clause is fundamental to the Government’s objectives in terms of building a skilled nation and the Skills for Jobs White Paper. If you do not regard it as very important, in essence—

Amanda Spielman: No, that is completely not the case.

Chair: Well, you have said that. You said you are not required to report on it, and it is not a priority for you.

Amanda Spielman: I have said that careers education and getting young people on to the right path is incredibly important. That is part of why you will have observed that we have made a significant push to



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make sure that young people choose good courses in key stage 4 and are not steered into courses they do not want—

Q804 **Chair:** You give loads of schools “outstanding” that do not do careers advice properly, and you have just said that it is—

Amanda Spielman: I am not sure that we have given—since the EIF started, we have given very few secondary schools “outstanding” in total, so there cannot be loads of schools.

Q805 **Chair:** What are the latest figures on schools’ compliance with the Baker clause?

Amanda Spielman: First of all, this is an area that is only inspected in full inspections, of which there were a relatively small number in the first six months of the EIF.

Sean Harford: Amanda is right in that the section 5 inspections, where this would be looked at, are about 20% of all inspections in the year. As Amanda said, of the proportion that then got an “outstanding”, it would be hen’s teeth in the first six months of the education inspection framework. The important thing here is that the Baker clause is, as you said, Chair, one part of the Government’s careers strategy. The implementation of the careers strategy at school level is one part of personal development. We have just had over an hour on one other part of the personal development curriculum, sexual abuse and sexual harassment, which again is one part of this. To bolster Amanda’s point here, this is about a rounded judgment and not a blunt instrument.

Q806 **Chair:** Given that the DfE, in its Skills for Jobs White Paper, has put out a three-point plan to enforce the Baker clause, which is the minimum requirement about who is to be given access to which pupils and when, tougher action for non-compliance, Government-funded careers support made conditional on the Baker clause compliance, what are you going to do to work with that legislation to ensure that schools comply with the Baker clause and improve skills, apprenticeship and technical education careers advice?

Sean Harford: The section 5 handbook that governs what inspectors do is in the throes of the Baker clause being specifically referenced. You are right in that there was a hole in that specific reference. What was referenced, of course, was the careers strategy of the Government, and inspectors were trained not only on the Baker clause but its part in that careers strategy. What we want to do when we get back into the schools in September is to carry on with that practice, putting in place the wording that we are adding into the section 5 handbook. That is all part of this, to make sure that—

Q807 **Chair:** What does that all mean in practice, because it sounds like gobbledegook to people watching from outside? What are you going to do to enforce the Baker clause and improve careers advice in terms of skills, apprenticeships and further education in our schools? We know there is a



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big problem in non-compliance. What is Ofsted going to do about it? That is all I am asking.

Amanda Spielman: It means better signposting in the inspection handbook and inspector training, in essence.

Q808 **Chair:** You are going to enforce that, are you?

Amanda Spielman: We are not enforcers. I think there is a misunderstanding there. We have not been asked to become a compliance inspectorate.

Q809 **Chair:** Okay, you are going to encourage it. Is it going to be a key part of your inspection?

Amanda Spielman: Careers advice and guidance, including the Baker clause piece, is already a substantial piece of inspection.

Q810 **Ian Mearns:** Chief inspector, the Baker clause from my perspective is important, and I will declare a historical interest. I used to chair the board of Tyneside Careers, which was before the Connexions service and served four local authority areas, its schools and its children. It is about what happens in schools in terms of careers advice, guidance and information, but it is also about the importance of the independence and impartiality of that information, advice and guidance.

This is about progression decisions for young people. It is vitally important. It is not an afterthought; it is vitally important that young people are getting independent and impartial careers advice, information and guidance so that they can make the right decisions for themselves, as opposed to what is unfortunately still happening. There is an awful lot of information, advice and guidance out there that comes from the perspective of vested interests because of bums-on-seats funding regimes, which I would point out were brought in under local management of schools and which were part of the 1988 Act brought through Parliament by Kenneth Baker.

If Kenneth Baker, the architect of the original Act, realises that this is a problem and he has brought a clause back through the House of Lords, I think it is something we should take notice of because it is a problem. The DfE has announced a three-point plan to enforce it, so I really do think it needs to move up the pecking order from Ofsted's perspective. Those progression decisions for all those young people in all our schools are important.

Amanda Spielman: That very much reinforces the point about making it an important piece of inspection, but unless Government wants a significantly bigger inspection model or wants to substitute, for example, the short inspections—which do not have the capacity to cover this at the moment and which are four fifths of our inspections—with more full inspections that do have the capacity, it is hard for us to change our model significantly.



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Q811 **Ian Mearns:** Can I pick you up on one thing, though, chief inspector? You said the Baker clause is recent. It is relatively recent compared to the 1988 Act, but it was brought in under the Technical and Further Education Act 2017, so it is almost four years old, and almost three years old from implementation.

Amanda Spielman: Of which 18 months will have been without routine inspection. I am sorry to have to keep reminding people, but we have not been able to do full inspections since early March—

Chair: You know we are not just talking about Covid. You cannot pass every problem on to Covid.

Q812 **Ian Mearns:** I accept what the chief inspector is saying, but what it means is you have had 18 months to better prepare for when you do get back into schools on a regular basis from this perspective.

Amanda Spielman: We have been prepared and we have been covering this in all our full inspections. The idea that we have not been prepared, I am afraid, is just wrong.

Q813 **Ian Mearns:** It needs moving up the pecking order, chief inspector.

Amanda Spielman: That is a matter for Government because—

Q814 **Chair:** It is not just a matter for Government. You are, again, passing the buck. Your remit is to inspect careers guidance, and you are giving schools outstanding records that have poor careers guidance. We know careers guidance includes the Baker clause, which was passed into law by me in my previous role, Ian, in 2017. There is nothing wrong with you saying, "We want much greater scrutiny to make sure the Baker clause is followed and complied with."

Amanda Spielman: If we have the brief and resource to do that, we could certainly do that, but what would you like me to take out of the inspection framework?

Q815 **Chair:** Your remit is careers guidance. You inspect careers guidance, do you not?

Amanda Spielman: Our remit is inspecting schools and colleges.

Q816 **Chair:** Yes, and that includes careers guidance, does it not?

Amanda Spielman: It does and it is—

Chair: Yes, exactly, so I am not asking you to do anything more. I am just asking you to do your job properly and enforce the Baker clause.

Amanda Spielman: But you are adding in something that is not part of our job. We are not—

Q817 **Chair:** It is the law and it is part of your job, because part of your job is careers guidance. It is just that you see it as a lesser priority because it is about skills, apprenticeships and technical education and not about



academic study.

Amanda Spielman: It is not that I see it as a lesser priority, but the inspection model that we operate is not a list of the statutory requirements and ticking off against that. That would be a fundamentally different model.

Chair: It is pretty clear what the Baker clause is about, encouraging— anyway, let's not go around in circles. I think that we have made our point very clear.

Q818 **Tom Hunt:** It is almost an extension of this point about certain educational establishments being awarded "outstanding" or "good" judgments where there are significant deficiencies in certain areas. I think I might have even asked this question a long time ago, but I am asking it again just to see whether there has been any more reflection on it. It is in terms of making a cast-iron rule that says you cannot be judged to be "outstanding" or "good" if there are serious deficiencies in SEND provision. It is about whether having a hard rule on that would be seen as being a good thing.

The second question is to do with the level of expertise regarding all forms of learning disability. It is obviously important that we have that within schools, within the teaching profession, but you touched upon the fact that you are down to just 200 inspectors. Are you confident that within Ofsted there is a sufficient level of expertise when it comes to being in a position to judge whether the SEND provision within a school is of a high standard or not? It seems to me that it is going to be very hard to do that if your inspectors do not have a decent knowledge of things like autism, dyspraxia, dyslexia, and the list goes on.

Amanda Spielman: I will take the two parts separately. On the first piece, we have enormous SEND expertise and this is one of the places where bringing together early years, post-16 and social care with schools creates great strength, because it is the SEND journey from childhood to adulthood. It is something that works well, putting the pieces together and inspecting from different angles in the local authority work we do, in the area SEND inspections, as well as within individual provider inspections.

In terms of "outstanding" judgments, it is not possible to get an "outstanding" and have serious weaknesses for SEND. I will just read to you from the handbook. To be outstanding for quality of education, the school must meet all the "good" criteria, including, "Leaders adopt or construct a curriculum that is ambitious and designed to give all pupils, particularly disadvantaged pupils and including pupils with SEND, the knowledge and cultural capital they need to succeed in life". I will not read the rest of them.

Then, "The curriculum is successfully adapted, designed and developed to be ambitious and meet the needs of pupils with SEND, developing their knowledge, skills and abilities to apply what they know and can do with



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increasing fluency and independence, and pupils are ready for the next stage of education, employment or training". You could not have significant weaknesses in SEND and get an "outstanding".

Q819 **Tom Hunt:** But you might be able to get a "good".

Amanda Spielman: You might if it was on the borderline. It could be one of those borderline things. It is very good but we could not actually call it outstanding on the SEND, but you could not be significantly weak.

Q820 **Tom Hunt:** Much of what you have just said there is reassuring, so thank you for that.

I have one other question. It is in terms of, not traditional inspections, but the visits you pay to certain schools where you have concerns about the quality of remote education. Virtually all the schools in my constituency have worked incredibly hard to provide first-class remote education. When there are examples where Ofsted believes that a school has let down its pupils by not doing what most other schools have done and provide decent remote education, what have the penalties been for those schools? What has the cost been for them?

Amanda Spielman: We have no sanctions. We report, and that is the only thing. The Department for Education is the regulator of schools, and it intervenes or acts when it believes there is a basis to do so. Ofsted has no sanction powers. Reporting is our sole sanction, and we reported on all of the schools we visited, and where there were inadequacies or deficiencies we reported on those. Sean may be able to add a bit more on specifics.

Sean Harford: I was only going to say that this is public reporting and, in the schools that I mentioned earlier where the remote education was found to be wanting, there was a public report saying so. That leadership and management were not taking effective action to provide an education under the circumstances. Of course, section 5 itself for that sort of thing was suspended, so we could not downgrade the school overall, but these were predominantly schools with grade 4s or grade 3s already in overall effectiveness.

Q821 **Tom Hunt:** When you get going again with the traditional inspections, normal inspections, say if you did one within the next year, might it be the case that in that inspection report on that particular school, if that school got a really bad report for the remote education that you might integrate them together and mention some of the points that you have mentioned in the Ofsted report?

Sean Harford: It is likely, Tom, that would have resulted in the pupils making less progress. There is a balance here because of the situation schools have been through but, if that wasn't picked up, it wasn't identified and those losses in learning carried on, that certainly would be reflected in a report, yes.



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Q822 Tom Hunt: I have one final question. In recent times there has been quite a lot of debate about the promotion of contested terms and potential ideologies within school settings. It is probably likely to be the case that the Government could say more on this over the next year or two. How would you feel about Ofsted having a role in potentially judging and assessing whether there is a problem within a particular school about contested terms and ideologies being promoted?

Amanda Spielman: This is a particularly difficult and sensitive one. We are going through a particularly febrile moment socially. We have seen waves of excitement and concern rolling through with Extinction Rebellion, Black Lives Matter, #MeToo and Everyone's Invited. There are demonstrations in many schools at the moment by pro-Palestinian groups, or groups of pupils I should say.

In many places we are seeing a great deal of passion and sometimes a loss of the very important point that schools are places for all children, not just for young people who subscribe to particular views or whose parents subscribe to particular views. It is absolutely fundamental that every child must be comfortable in school. I am very concerned when I hear about instances of anti-Semitic remarks being made in the wake of political demonstrations.

How we sustain that concept of schools as places where children can feel comfortable and safe, where teachers understand their responsibilities to be impartial, without denying the impulse that, of course, human beings feel to do something good, to do something worthwhile in life. It is clearly particularly difficult to sustain that at the moment. It is not helped by demonstrations outside schools every time some decision about uniform or a lesson or something else becomes particularly contentious, when people decide that browbeating a school publicly is the way to resolve something tricky.

Q823 Tom Hunt: If an Ofsted inspector was looking at a particular school and they found evidence of, say, teachers within that school engaging in—for want of a better word—the culture war, in a way that was not seen to be balanced and political impartial, that could be something that ended up in the report and taken into account.

Amanda Spielman: We already do a significant slice of what we call “no fixed designation inspections”. When we receive a notification of a concern, which can be any kind of concern and could be about unsuitable materials being used for teaching, we often then go and inspect with a specific focus on that aspect. These kinds of concerns probably lend themselves better to that kind of focused review and reporting than to try to build them into a very tight general inspection model. We do look at things like that.

Q824 Chair: Amanda, you mentioned anti-Semitism. Around 20% of the incidents recorded by the Community Security Trust in the three weeks following the start of the conflict in Israel and Gaza occurred in school



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settings or were directed at school children, a disproportionate amount. We know that the Secretary of State sent a letter to schools about anti-Semitism. Most of the incidents were directed at school children, but a significant minority were directed at school teachers. Do you, as an inspection organisation, assess or prioritise the assessment of school processes in responding to hate incidents as part of your inspections?

Amanda Spielman: This would be very much part of the work on safeguarding and bullying. Sean, do you want to describe how we would do that?

Sean Harford: We have examples of this where we have been into places that have been put under pressure by groups from outside, to see how the school responds to it. It would not be something that we specifically deal with on every single inspection, but the kinds of things that leadership and management have in place to protect children and, indeed, their staff from these things could certainly come out in discussion and we would then look to see what the issue was. It goes back to Amanda's point about the type of inspection. If we were called in and we went in under a "no formal designation" visit we would have more remit to go into the details, as we have done on a number of occasions over the last few years, certainly since I have been in the ND position.

Q825 **Chair:** I will just ask a question about the longer school day. Previously you have suggested that extensions to schooling will work well only if they are supported by families so that they do not feel like punishment. What is your view on the scale of the response needed to enable school children and young people to recover and catch up from the impact of Covid and also reduce the attainment gap, which as we know was stalling pre-Covid?

Amanda Spielman: I am very concerned about children's recovery from Covid. What we have seen is a great widening. We cannot be precise about exactly what children have lost or quite how fast they will catch up, but we can see that a substantial proportion of children have had very little formal education over much of the past year and that remote education did work somewhat for some, but for many children effectively they did not participate. We have a substantial slice with a big need.

The important point is that most of the catching up that the children do will happen in their normal classroom with their normal teachers. That is the engine here. Everything that is put around it is either about making more of that time or about doing more to help the children get back into it who are so far adrift that they are not in range of normal teaching.

The package that has been announced is clearly a long way short of initial hopes and expectations. It is focused on some sensible things. The teacher development piece is very important and will be helpful. The tutoring programme, provided it is really well integrated with school curriculum, and teaching, and provided it is focused on the children who



have the biggest gaps, irrespective of what formal labels they carry, the ones who are furthest adrift are the ones who need the most help.

Q826 Christian Wakeford: In regards to Covid-19 and the general catch up, to what extent are allowances being made for schools with gaps in education due to Covid-19, and how long will these allowances be made for?

Amanda Spielman: We have piloted the framework in the context of a post-Covid world with these differential gaps and have published the handbook. Sean, do you want to describe that?

Sean Harford: We did around 30 inspections to seek to test these things. We made amendments to the handbook itself. Clearly those things are going to have a time limitation to them. They have been helpful this term, and they will certainly carry forward into the autumn. What we have tried to do is make sure there is a context, but the most important thing is what schools are doing to make those gains back, what they have done to the curriculum to ensure the efficiency of getting that time back. That will not be the same for every year group. It will be different for different year groups and, therefore, the discussion we want with leaders is: how are they going about doing that and why have they done it? If we can get underneath that on site, we will be in the best position to make judgments, which clearly cannot be based on just data and what have you because we will not have those data.

Q827 Christian Wakeford: Moving on to the RSHE elements. Speaking to a number of my faith schools, they have a lot of questions in regards to the complaints process. Amanda, since your last visit can you explain to the Committee what changes have been made to the complaints process as a recent result of the consultation?

Amanda Spielman: We have made a number of changes, but the main change is to consider and deal with complaints in full before we publish final reports.

Q828 Christian Wakeford: Why was it that Ofsted decided not to add another completely independent layer into the process as a final stage, as is usually the case for any other public body?

Amanda Spielman: We have an independent person in the final stage of our complaints. We get extremely good feedback from those people saying that our processes are fair, full and thorough. We also have an appeal route to the ICASO—whose full name I cannot remember—which receives a number of final-stage complaints from us each year. Its report each time has been extremely positive about the fairness and thoroughness of work we do on complaints.

Q829 Christian Wakeford: Without having that completely independent layer, although I acknowledge your point of having an independent person, do you not think this could potentially play into the hands of those who claim there is no accountability for Ofsted?



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Amanda Spielman: I do not think so. We publish these reports, ICASO reviews and publishes its report on our work. We are reviewed pretty thoroughly from many directions.

Q830 **Ian Mearns:** Have you had any examples around the country where whole schools claim to have had their parents disapplying themselves from sex and relationships education, even though it was age appropriate?

Amanda Spielman: I believe we have but, because we are not inspecting routinely at the moment, we do not have a full flow of inspections coming through to confirm that. Sean, I believe I heard of one instance.

Sean Harford: In the independent schools that we inspect, we know that some of those, a small number but some of them, will be consulting with their parents directly. If the consultation agrees with the approach, that primary school will then be exempt from teaching the full RSHE programme. We know that will happen in some circumstances, but I cannot name any. As Amanda says, we will be back in September to pick those up, but obviously they are meeting the Government's statutory guidance by doing that.

Q831 **Ian Mearns:** Would there be a subsequent report on that in a national document?

Sean Harford: We would report on the process that the leadership and management went through to make that decision. It would be in the report itself. It would be reflected in the quality of the personal development curriculum for the school, and could have an impact on the judgment overall, again, in a rounded way. Whether we do something in the future to aggregate what is happening is a question for Amanda in where we put our resource.

Q832 **Ian Mearns:** But it is too early to tell, in terms of this happening on a regular basis?

Sean Harford: What has happened, of course, is that because of Covid schools were given this year to teach some but not all of their RSHE programme. From September it is compulsory for all to do so, with the caveats that I have already given about consultation.

Q833 **Jonathan Gullis:** There has been a lot of talk in the news about the idea of an extended school day, for which the Chair and I are massive advocates. I spoke with students from the Excel Academy in Sneyd Green, year 10s, who are supportive of a 9 to 5 school day, of which 9 to 4 would be in lessons, mixed in, obviously, with breaks and lunch, and then a final hour of high-quality extracurricular and enrichment activities. What are your views?

Amanda Spielman: Many schools already run a day like that. Sorry, I probably should not say "many". Some schools do, with great success.



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There are no magic bullets about education recovery. If you have missed a year of schooling there is no magic wand to be waved to say, "We want you to be back up to speed in a year's time without any extra time." This is absolutely a legitimate way of approaching it.

The important point to make is that it has to be a coherent, overall enlargement of curriculum. Just pasting on some extracurricular time at the end of an established curriculum model will almost certainly be good for children, but I would not expect it to be a giant engine of catch-up. Everything depends on good planning and integration into a total model of education that gives children as much as they can manage, to help them learn and move as rapidly as possible, in a healthy way.

Q834 Jonathan Gullis: I agree with you that this should not be a catch-up gimmick. It should be something that is a proper, long-term, thought-out process. Can I also get your views on the idea of potentially shortening the summer break? I have been an advocate for shortening the summer holidays from six weeks to four weeks, although I am happy to see those two weeks redistributed, maybe one into the October half-term, which is a very long autumn term, after all, and then maybe another one in the February half-term. Do you think there is educational benefit for that?

Amanda Spielman: Are you talking about this temporarily or permanently?

Jonathan Gullis: A permanent change.

Amanda Spielman: I went away, when this was being talked about a couple of months ago, and looked up the rest of the world to see where we stood on this, and slightly to my surprise I discovered that we have among the shortest school summer holidays in the world at the moment. The shortest ones are five to six weeks, which is the category we are in. Up to 12 to 13 weeks is not uncommon. Most countries seem to have considerably more than we do.

There is a balance to be struck here between education and wider social agendas, getting children outside when the weather is good. In the short term, to achieve Covid recovery, I know that many countries are shortening the summer break. I can see that, again, properly planned as part of a coherent overall curriculum, that could make sense. I am not sure there is a strong case for shortening in the longer term.

Q835 Jonathan Gullis: As you can imagine, I will keep plugging away with my campaign. I look at those countries above us in terms of literacy and numeracy, which have the shorter breaks, and I look to Japan and South Korea, for example.

Amanda Spielman: I do not think there was anybody who is shorter than five weeks in the summer that I could find when I looked this up. What you can achieve with one week on the summer break—I suspect you would end up with poor compliance and not extending the core curriculum teaching into it because the children who most need it were



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out of school. That is my fear, that you would end up with something that is enormously expensive and disruptive and, at the end of the day, did not have all children in school.

Q836 Jonathan Gullis: The final one from me—a campaigning topic again, sorry, Amanda—would be that there is an idea that we could have a formalised key stage 3. What I mean by that is having a set amount of teaching hours designed for each subject to ensure a broad curriculum and to avoid what is happening in many secondary schools, which is early selection of GCSEs in Year 8, a three-year GCSE. I personally advocated for this on a website called ConservativeHome and news platforms such as that, and I have also said that there should be a level 1 qualification awarded in each of those subjects as well. The idea is that students would then have some examinations to be able to judge what that subject is like. What do you think about key stage 3 at this moment in time in terms of the quality of key stage 3 education?

Amanda Spielman: I was working at the centre of an academy chain when the key stage 3 tests were taken away, and I think we saw, particularly in the most disadvantaged schools, pretty rapidly a loss of direction about what key stage 3 was for and what young people should know and be able to do by the end of it. I think the loss of that shape and structure worked against many young people's interests.

I, too, have been concerned about the trend to shortening key stage 3 and extending key stage 4. Of course, the confounding factor is that there are cases in which that model is used in an intelligent way to make a coherent five-year programme and where there is no loss of breadth of education and no loss of flexibility of young people to choose different directions from that, but in some cases—we have reported on a number in the first six months of EIF—that shortening and limitation of young people's choices really seemed to be narrowing their opportunities, channelling them into premature decisions and often channelling them into early decisions that were going to restrict their post-16 choices.

In short, I think more structure and clarity about the end of key stage 3 in its own right, about the experience and outcomes that young people should have then, would be a good thing. I am not sure that I would go quite as far as saying that there should be qualifications, because that would build a whole infrastructure and potentially take out a lot of teaching time that I would very much like to see preserved, but in terms of strengthening and making it more specific, I see a lot of value there.

Q837 Jonathan Gullis: You can clearly see that I liked testing, testing, testing when I was in the classroom to make sure my kids knew stuff.

Amanda Spielman: Seeing those key stage 3 tests go was a real loss for many schools.

I have looked up, while Sean was talking, the wording on complaints from the Independent Complaints Adjudication Service. I think it is worth



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reading a sentence. This is the latest annual report, which states that the number of complaints referred for adjudication “are consistent with previous years, with the proportion of Ofsted’s workload that results in a referral for independent complaint adjudication remaining remarkably low, and there are no signs of any lowering of the standards which Ofsted sets for itself”.

Q838 Chair: Finally, I want to ask you about elective home education. We will be finished very soon. I realise it has been a very long session.

We know, of course, there are many wonderful children and wonderful parents being home educated very well, but nobody knows how many people are in elective home education. There are estimates that it is around 75,000 from the DfE, although the actual rate could be well higher because fewer than one in 10 local authorities are confident that they know of all the children who are in home education in their area, and this is because there is no compulsory register for elective home education. There is also, as you point out, growing evidence that home education is being used to illegally off-roll pupils. You have talked about off-rolling from time to time, and now the figures suggest that 20,000 pupils have moved to elective home education during the pandemic.

How do you intend to use Ofsted’s powers, including the illegal schools taskforce, to ensure that all children are getting a proper education? Do you feel that Ofsted currently has the powers it needs to do this? Would you agree with some kind of assessment, even if it was once a year, of children who are being home educated?

Amanda Spielman: You have asked a number of questions there, Robert, so I will endeavour to unpack. As you rightly say, there are some families who make an excellent job of home education and always have done, but there are many pockets of concern, and I would single out particularly young people who have essentially fallen out of school or been off rolled, perhaps because they have special needs or the school has not been able to cope with their behaviour, who end up nominally home educated but where it is very clear that parents do not have the capacity or expertise to do a decent job of it. Those are a very real concern.

There are also places where nominal home education is actually concealing attendance at illegal schools. We have maintained and reinforced our illegal schools work. The taskforce is busy. It has been busy through lockdown as well. It is extremely important that any establishment that operates as a school is subject to proper oversight.

In terms of the children falling out of school, our work on special educational needs and our work on off-rolling, we have brought a strand on off-rolling into mainstream inspection. It is extremely difficult to inspect, I have to say. When we do come across suspected cases, it is very labour-intensive to unpack quite what has gone on.



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That is really important, but more generally throughout my time I have been pushing for a registration requirement for home-schooled children so that we know who they are, where they are and who is taking responsibility for their education. Without that it is impossible for anyone to monitor. It is a relatively difficult thing to establish in this country because we are permissive by default and always have been, not just in education. We do not have a national identity card requirement. People do not have to prove their right to exist every day or to access any service. However, I do think this is a particularly important one and I welcome the proposals that have been published, which are, I hope, coming back and being resuscitated in DfE now that it is moving out of emergency mode.

In terms of the monitoring of home education, I have not suggested that Ofsted should be directly overseeing it. It is a national inspectorate. In most countries, home education is either illegal or is regulated much more tightly than it is in this country. It is regulated, for a start, which it is not here. In most cases, it is typically a local authority responsibility to maintain some level of monitoring with an annual visit or parents sending in examples of work, but some way of making sure that somebody does, once in a while, actually see the children and have a chance to make sure that they are developing well and normally and that their educational and other needs are being provided for.

Q839 Chair: At the moment it is very patchy from local authority to local authority. It is completely ad hoc and varies. Sometimes it can just be a phone call. Would you favour some kind of standardised assessment process once a year to look at how those children have progressed?

Amanda Spielman: It would be good to have some clear minimum expectations. One of the things that I would say, coming out of the Covid work, is that one of our greatest concerns was for vulnerable young people. Some of them did attend school, but only a minority. The rest were often, essentially, completely out of sight for many months and in situations where we know there were concerns about the young people or about the families. There was the loss of that eye of the teacher that is so important for children in mainstream schools, which we do not have for home-educated children. How we get that eye and that physical eye, not just a phone call, really matters. I will make myself unpopular with the home education lobby by saying this, but I do think that, as a nation, we should be concerned about having children who no one ever sees.

Q840 Chair: Yes. The increase of 20,000, as I mentioned, during the pandemic, do you have any concerns about that?

Amanda Spielman: Quite a number of those people withdrew their children out of fear of Covid. I think it is too early to know how many of those children are already back in school or will materialise again in September. I am sure there are a number of parents who have discovered their inner home schooler and want to carry on with the joys, but I would very much like to be able to get back in.



There is one further point that I would like to make on this. For me, one of the strangest things in the system at the moment is that children who are already known to children's services, even children on a child protection plan and experiencing harm, can legally be withdrawn by their parents for home education. I find it very un-joined up that we can, on the one hand, say we have very good reason to think that this child needs protecting, but also let the parents take them out of one of the main protective mechanisms. I would also like to see some kind of gateway threshold for accepting withdrawals of children from school.

Q841 Chair: Is it wrong that children who are at school are expected to do key stages and GCSEs—we have just been talking about key stage 3—but there is no requirement on children who are home educated to be doing these things, even though many are? I repeat, incredibly, thousands of wonderful parents do this and do a brilliant job for their children, and the children are very happy, but should there be a kind of parity in terms of what children are expected to learn if they are home educated?

Amanda Spielman: I cannot see a logic for having different expectations for what young people should know and be able to do by the time they reach adulthood. The first place to start may be thinking about the very large slice of schools that do not have to teach the national curriculum. We do not attempt to impose uniformity within the school system, let alone outside, but there is a very clear default that the expectations for home schoolers should be the same as if those children were in school.

It is worth just reminding the Committee that a slice of them are children with significant special needs, so simply saying they should be getting national average numbers of GCSEs or whatever it might happen to be might not be the right expectation for the individual child, but the same principle should apply that the education a child gets should be as ambitious as is reasonable and possible for that child.

Chair: Thank you very much. It has been nearly three hours of sustained questioning, which is pretty impressive. Thank you, both of you. Thank you, Sean, as well. Much appreciated.

Sean Harford: Thank you, Chair.

Chair: Thank you for what you have all done, and your employees, in what remains a very difficult time in terms of the pandemic. I wish you all well.