

Education Committee

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

Monday 27 April 2020

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

Questions 1 - 73

Witnesses

I: Amanda Spielman, Her Majesty's Chief Inspector of Education, Children's Services and Skills, Ofsted, and Matthew Coffey, Chief Operating Officer, Ofsted.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Amanda Spielman and Matthew Coffey.

[This evidence was taken by video conference]

Q1 Chair: Good morning, everybody. Welcome to the Education Select Committee's second virtual public meeting. Today we are taking evidence from Amanda Spielman, Her Majesty's Chief Inspector, and Matthew Coffey, the Chief Operating Officer at Ofsted. Today's session is an accountability hearing with Ofsted. We will be asking questions about the impact of coronavirus on Ofsted's work and responsibilities and also some wider accountability questions, because it is vital that, with everything going on at the moment, scrutiny of important areas must not be overlooked. I welcome the witnesses to the meeting. Could you both introduce yourselves and your titles for the benefit of those watching on Parliament TV, please?

Amanda Spielman: My name is Amanda Spielman and I am Her Majesty's Chief Inspector of Education, Children's Services and Skills.

Matthew Coffey: Good morning. My name is Matthew Coffey and I am Ofsted's Chief Operating Officer.

Q2 Chair: Thank you. According to the DfE figures released very recently, only 5% of children in need and pupils with EHC plans are attending school. I know that the DfE has recently set up a joint task force with Ofsted and that DfE personnel are working alongside redeployed Ofsted inspectors in regional teams. Could you talk us through the process that you have used to decide which local authorities need most help and how you have prepared your inspectors to deliver that support?

Amanda Spielman: Thank you, Chairman. I am going to take one minute to explain what we have done more widely at Ofsted and then hand over to Matthew, who has been leading this co-ordinated work with local authorities.

With the temporary discontinuation of routine inspections, clearly we have substantial unused capacity. We have worked to identify very clearly what is required for the continuing inspection work and also, perhaps what people are less aware of, the continuing flow of regulatory work for children's homes, plus the support functions to keep that running. I have separated that into one strand of accountability. For the rest of what we do, we have taken down some walls that normally exist so that we can work jointly, collaboratively and as swiftly and efficiently as possible with the Department for Education, local authorities and other partners.

I am going to hand over to Matthew to answer your precise question.

Matthew Coffey: Thank you, Amanda, and thank you, Chair. You have referred to the regional education and children's team—REACT—



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arrangements that were set up very quickly by the Department for Education, working very closely with Ofsted. Your question was about how we have identified the local authorities that most need the support.

Our starting point, Chair, was those local authorities that are carrying an “inadequate” judgment from Ofsted. That was the first place to start, and that delivered about 20 local authorities that were inadequate. Looking at those local authorities that had declined since we last inspected them gave us a similar number, and we have worked very closely with those 40 local authorities. We have engaged with the local authorities. We have worked with our colleagues in the regional schools commissioners team and we have identified the type of support that they would best value from us.

To date, although this is a shifting picture because it really does change daily, we have over 230 of our staff—not all of them Her Majesty’s inspectors but other regulatory inspectors and some administrative support—working with local authorities to help them to focus on the line of sight into vulnerable children, those who are not attending school, as you mentioned.

Q3 Chair: Thank you. Can you tell us specifically, though, what the inspectors are doing in local authorities to ensure that they are adequately safeguarding the children in need and also identifying other children potentially at risk?

Matthew Coffey: They are doing a variety of different tasks, depending on the needs of the local authority. Of course, local authorities in the very early days identified a big demand based on their assumption of the number of staff that they would be short. As time has progressed, either those predictions have come to fruition or they were overly optimistic or pessimistic. We have shifted in the number of staff that we have placed, but typically our inspectors will be working with the vulnerable children’s team within a local authority, looking at where those children are in schools—therefore, there is a clear line of sight—and then working methodically through with the local authority colleagues to identify the children who have not been seen at school, making phone calls where necessary to ensure that contact is made with those children and the local authority is able to understand who are at greatest risk. That will enable the local authority to go out and see those children if necessary, but I am not aware that any of our inspectors have been out to see children in their homes as yet.

Q4 Chair: Will this hands-on way of supporting local authorities have a long-term impact? Are your inspectors going in with a view to effecting long-term change in poorer performing local authorities or just to meet covid-related needs?

Matthew Coffey: I think that is an important question and goes back to Amanda’s starting point about the independence of Ofsted. It was an area



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of some anxiety for local authorities when Ofsted first came and offered some support with the regional schools commissioners.

We have been very clear that, when we are putting inspectors and other Ofsted staff into local authorities, they will abide by the rules of the local authority. They will essentially be seconded formally to that local authority. If they have concerns about the performance of the local authority, they will use the local authority's own procedures to raise those concerns. I am sure there will be benefit from having access to our expertise during this crisis, but the most important focus here is to protect vulnerable children rather than to improve the longer-term effects of the local authority.

However, there is very clear benefit to be gained from working so very closely with the Association of Directors of Children's Services, with our colleagues in the Department for Education and, of course, with local authorities, but this work with local authorities has really benefited from the strength of the relationship that Ofsted has continued to have with local authorities.

Q5 Chair: The Ofsted guidance on the covid-19 response suggests that you have redeployed staff to other posts. Apart from the shielded staff or staff who have this awful disease or those who have to self-isolate, are there any Ofsted staff not working?

Matthew Coffey: We have had a total of, I think, 56 staff—I would need to clarify—who have reported some symptoms in the past and have, therefore, taken the appropriate guided time away from work and isolated in that way. All but five of them were back as of Friday, so the impact has been relatively minimal on Ofsted's own staff.

Q6 Chair: Have you assessed the scope that exists to redeploy individuals who are not working to support schools and other learning entities?

Amanda Spielman: Yes, Chair. In the first week of the lockdown we surveyed all our staff to find out exactly what their skills were beyond their normal job to make sure we considered the greatest possible number of alternative options and their availability to work outside the home and their willingness to volunteer for things beyond Ofsted and beyond government. We sorted out with the Treasury the adjustments we needed to our ambit letter to deploy staff on any work other than the normal business.

Q7 Chair: The reason why I asked that question is because the Scottish Commissioner, myself, the Northern Powerhouse and the Centre for Social Justice have suggested that we could have volunteers helping left-behind children, possibly building an army of volunteers. Have you considered that many Ofsted workers are retired teachers who could possibly make a difference and help with mentoring and supporting schools with looking after vulnerable pupils?



Amanda Spielman: We have, which is why we have been recording our staff availability with every arm of government, with the Cabinet Office and all the people working on redeployment. We also have projects with DWP at the moment. We have been supporting the London Gold group; we have, I think, 16 people working on that. We are making people available in every suitable opportunity that arises. We have a considerable number of people who are less than fully occupied at the moment and we are absolutely open to volunteering. Nearly all of our staff have expressed their willingness to work on any suitable alternative opportunities that are offered.

Q8 **Chair:** I mentioned some stats about vulnerable children not attending school at the beginning of my questions to you, and we know that Teacher Tapp, a very respected polling organisation for teachers, suggests that in disadvantaged areas only 2% of teachers believe that their pupils have access to adequate devices for online learning and 55% of those teachers believe that kids are getting only an hour or less a day. We know also from the Sutton Trust that two-thirds of children apparently are not accessing online learning. In the light of these kinds of challenges, when Ofsted does inspect schools again, how much attention will it pay to schools' efforts to support home learning during covid-19, including steps to help disadvantaged pupils catch up?

Amanda Spielman: I think we need to be clear that we are not going to be judging schools per se on their response to covid-19. When we resume and it is a normal inspection, we will be looking at the quality of education. With the more flexible inspection model that we introduced in September, we will be looking at what schools are doing to get children from their starting points, wherever they are, and recognising that, for many children, the level of achievement or where they are is not where they might have been expected to be, and looking at whether schools doing the right thing to move them swiftly and effectively onwards.

Q9 **Chair:** Yes, that is the kernel of my question. Schools are doing an incredible job at the moment, teachers and staff, trying to look after the left-behind pupils. Given the stats that I just set out and others, will you be looking at how these schools are looking after the left-behind pupils as we move to the aftermath of this virus?

Amanda Spielman: At the moment, there are no specific expectations from Government around what schools should be doing on the education front. It is very clear that there is a number of things that schools should be doing in relation to safeguarding, particularly for vulnerable children, throughout. The same is not the case with education. There is no standard of home learning or online learning by reference to which we would be able to judge schools.

More generally, I think the important thing to say here is that we know that home and online learning are very imperfect substitutes for the school experience. We know that children are losing education. It is not just children who are disadvantaged or academically behind; it is children



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without motivation. It is in children's interests to get back into school as soon as possible.

Q10 **Chair:** Will you recognise the more acute challenges faced by disadvantaged schools and examine their efforts in context?

Amanda Spielman: We always look at schools in context, and some of the feedback that has been coming from the EIF that I have been particularly pleased by is people saying, "We really felt our context was taken into account".

Q11 **Chair:** When Ofsted does eventually start to inspect all institutions again, there is going to be a backlog. How will you determine which institutions to prioritise, and are there any plans to scale up capacity to catch up on lost inspection time?

Amanda Spielman: We are at an early stage of the conversations with the Department for Education about the return to inspection. Clearly, a lot depends on how and when schools reopen and over what period they build up to full capacity, so I cannot say there are definite arrangements in place at the moment. We always risk assess to prioritise inspections. We will extend our risk assessment model to fit the circumstances and make sure that we prioritise.

Q12 **Chair:** Do you have a working theory as to when it might be appropriate to start inspections again?

Amanda Spielman: A working theory? I believe that we need to make sure that parents get the assurance they need that schools are looking after their children properly and educating them well. We need to recognise that education has been substantially disrupted and will continue to be disrupted for some period after schools reopen, given what we know about likely expectations for social distancing and shielding. We will need a model that balances those two needs but provides the assurance that is necessary and also contributes to supporting schools and helping them to think and plan for these different circumstances. It is probably helpful for schools that for the last year or two the new framework has been making them crystallise their thinking about what they teach and when they teach it. I think that is going to help them structure this return and to focus on what is really important.

Q13 **Chair:** If schools, including PRUs or APs, have physically shut their premises, do your inspectors work with local authorities to get them to reopen? How important do you believe it is that children should have a physical place that they are able to go to should they need it, should the AP have closed, for example? We have cases where APs have shut their doors completely.

Amanda Spielman: Having somewhere to go is an incredibly important thing for all children but most especially the children in the most difficult circumstances. I am seriously concerned that the longer the closure or almost closure, the greater the problems for children in APs, as well as



other vulnerable children, and the greater the loss of visibility and the various support services that help to channel those children's lives into good paths. We do not have any mandate to try to get local authorities to open any kind of institution but we are doing everything we can to contribute to the work that is done to keep track of the children who need it.

- Q14 **Ian Mearns:** When you were talking in the early part of your answer about liaising with local authorities and regional schools commissioners, do you find it at all frustrating that Ofsted still does not have an opportunity to look at multi-academy trusts and what their responsibility is? Local authorities have a responsibility for all the children in their area but they do not necessarily have jurisdiction over all of the schools or all of the education providers. Do you find that that is a fetter to how well you can be doing your job in this respect?

Amanda Spielman: In the context of the immediate work that we are doing, we are finding that all parties are working remarkably well together. I think there is a real spirit of collaboration and rolling up sleeves to do what needs to be done, whether it is local authorities, multi-academy trusts, central Government, RSCs, plus whoever, which is commendable and admirable. I think there are going to be some really important learnings from this very unusual period on how to take forward the kind of co-operation and collaboration that is needed to look after children's interests no matter what kind of school or institution they are in.

- Q15 **Ian Mearns:** I am heartened by your response, Chief Inspector, but I would like an assurance that what you have just said is uniform and universal and that we are not cherry-picking examples of good practice and good local co-operation working where we know for a fact that in other places that might not be taking place.

Amanda Spielman: I am going to turn to Matthew because he is the person who has been sitting in the oversight meetings on this work.

Matthew Coffey: All I can do is echo what Amanda has said. People are working remarkably well together and traditional barriers have been broken down with a very clear focus on supporting children. We have seen school hubs emerging. The StarLine academy helpline has opened to all parents to give them some support irrespective of where their children are sent to school.

I think that Mr Mearns is correct. There will be pockets where we have identified some frustrations. When this is over and we are able to reflect back, I think the prominent thing that we will be able to reflect on is the way in which everybody came together, but we will also look at some of those barriers to see whether they are false and whether they are necessary in the future.

- Q16 **Fleur Anderson:** Thank you, Chief Inspector, for this session. I would



like to go a bit wider now than the coronavirus response and talk about some wider issues of the response to your 2018-19 report, especially financial issues. The report shows many factors about differences in schools that have a narrowed curriculum, increased off-rolling, reducing teacher morale and systemic issues in social care, which are very concerning. On 19 February, your commentary post about school funding was published and then hastily deleted. Was this a result of Department involvement? What conversations have you had with the Department either before or after that publication about the content or the commentary of the report?

Amanda Spielman: I can tell you the covering blog was published slightly prematurely. We had changed the intended publication date for both the commentary itself and the blog. When we pushed it back, I think into the following week, we accidentally left the blog publication date intact. It was taken down not as a result of intervention by anybody else or because there was anything wrong with it but simply because it should not have been published at that date.

I believe that the Department for Education is likely to have seen a draft, but the comments are ours and stand as the work of the inspectors who did the work. I do not believe we made any substantive changes, nor would we change our conclusions on any piece of work like this.

Q17 **Fleur Anderson:** You are putting it on record that there was no departmental intervention or involvement in the retraction of the post?

Amanda Spielman: No, and it was not retracted. It was simply prematurely published and went out the following week when it was meant to have gone out.

Q18 **Fleur Anderson:** What is your response to the Department's dismissal of the report as being based on a very small and unrepresentative sample of schools?

Amanda Spielman: I think that we made clear this was a qualitative piece of work. We were particularly asked by the Public Accounts Committee—given the fact that inspection does not look at school funding and it was hearing many concerns from schools about the level of funding—to do what we could to join up the picture that we see with the quality of inspections. Obviously, we cannot change the scope of the whole of inspection. It would be a very fundamental change to our remit, but we did this qualitative piece of work. It is a respectable size for a qualitative sample to look at schools' perceptions about their funding.

I should make it clear that this was not a piece of work that went in and reviewed school budgets line by line and interrogated schools on how they were spending. This was interviewing people about their perceptions of their funding situation. We found that schools felt very concerned. Something that came across particularly strongly is that with reductions in local authority budgets, schools felt that much more of the burden of providing services for SEN children had shifted to schools and that was



putting particular pressure on them. We also saw that schools felt their costs were rising ahead of their income and that this was affecting curriculum breadth and education quality as well as teacher workload.

What we have not been able to find is that academic outcomes have been suffering, but one comment I have made previously is that under the old framework it was quite difficult for us to pick up reductions in curriculum breadth. This is something that the new framework has a better chance of picking up. That is one of the things that we will be looking at in the analysis of the early findings from the new framework,

Our bottom line from it is that schools seem to have done a remarkably good job of squaring this very difficult circle and keeping sustained educational performance, despite the financial pressures that they have undoubtedly felt in recent years. More generally, I think this is a good point to acknowledge that teachers, particularly at the moment in this period of great uncertainty, are really, like everybody else, dealing with a lot of uncertainty, a lot of anxiety, and still doing the job as best they can.

Q19 Fleur Anderson: I have seen the narrowing of curriculum in the local schools where I am. I welcome the change in framework, which means that you are able to look at that and to look also at after-school services, which you highlight in the report have been suffering, but also the reduction in English as a foreign language support and other parts. Do you stand by your finding that schools are under significant financial pressures that have an impact on education?

Amanda Spielman: This is reporting the schools' experience. It is not us saying that schools are under pressure. It is saying that school leaders widely report that they are under financial pressure.

Q20 Jonathan Gullis: Thank you, Chief Inspector. You mentioned the financial pressures with rising costs. I am interested in your views on the Government's decision to increase starting salaries to £30,000 for a newly qualified teacher. Do you think that will have an even further significant impact on school budgets, based on the conversations you have had with school leaders?

Amanda Spielman: I am not aware that it has been brought up with me as a particular concern by any school or MAT leader. I am casting my mind back. It has not been raised with me as a concern.

Q21 Tom Hunt: The blog page does mention special educational needs and the concerns in that area. It says that generally speaking, bearing in mind the pressures schools have been under, they have done a pretty good job. It seems that far too soon certain schools have made the decision to cut back on support for those with special educational needs, particularly when it comes to one-to-one support, which can be really detrimental to children who have special educational needs. You have said on the blog page that there are some examples where schools have



not managed the situation particularly well and that has had detrimental impact for SEN pupils. I want to know that in those cases the schools have not gone on to get good or outstanding inspection reports, having let down children with special educational needs.

Amanda Spielman: We look quite thoroughly at SEN provision in our normal inspections. It is an area that gets significant attention, but it is not a limiting judgment. We do not run an inspection model that sets up a list of 15 things without which you cannot get a good judgment. The essence of inspection is that it is a holistic weighing up of the provision across the board. I cannot say definitively that no school that has any kind of weakness in SEN provision could ever get an overall good judgment. That is not the case.

Q22 **Dr Caroline Johnson:** I heard it said at the beginning that you will not be including any of what has been done during this period in future inspections. Why is that?

Amanda Spielman: Inspection is a process of looking at a school as it is actually operating at the time we visit. We are not inspecting while schools are in this current unusual state. We will not put ourselves back and say, "If we had visited you in April 2020, we would not have liked what you were doing on the home learning front. Therefore, we are going to carry that forward and say that you are not providing good enough education now."

I think I also said that we are not going to be judging the education a school has provided of itself. Of course, we will be looking at the quality of education overall at that point. If a school has particularly struggled to think about what it does or to develop any coherent plans through this period, it is likely to be performing less well when it is open and working normally again. The point I am trying to make is that we will not be adding into our framework a "How did you respond to covid-19?" that will put everybody on the spot and say, "We are going to be assessed against a standard that did not exist for a situation that simply none of the education policy or guidance or Ofsted handbooks had ever contemplated." It is about not creating a retrospective standard by which to judge people and find them wanting.

Q23 **Chair:** Can I confirm that you have 1,700 staff; is that right?

Amanda Spielman: Thereabouts, yes.

Q24 **Chair:** Of those, apart from, as I said, the ones who are shared, how many have volunteered to help with teaching or are volunteering in education or redeployed in other jobs?

Amanda Spielman: Our default assumption is that everybody who is not required for the business as usual work or for the redeployment to the Department for Education, local authorities and other Government Departments is available for wider work, and a number of pieces have already been lined up. My expectation is that everybody will work, but we



did go out to find out who was particularly interested. I think virtually all our staff are available and willing to participate.

Q25 **Chair:** How many have been really active in helping schools and helping with mentoring and all kinds of things?

Amanda Spielman: Schools have less than 1% of pupils attending at the moment. You referred to Teacher Tapp earlier and we have seen in recent Teacher Tapps that well over half of teachers are working much less than usual and only a fifth are working more than usual, so there is not a demand from the school sector at the moment for additional support.

You talked about an idea that I have seen floating in the last couple of days for a wider tutoring programme for children who need catch-up help. That sounds like an idea with a lot of potential to bring in university students as well. We are absolutely open and responsive to all initiatives, but the general reaction from schools at the moment—and it might change when schools reopen—is that there is not a perceived need for additional capacity.

Q26 **David Johnston:** Amanda, your new framework was supposed to be supportive of schools working in challenging circumstances, but on your data only 11% of schools in the least deprived areas are “requires improvement”, whereas 27% of schools in the most deprived areas are “requires improvement”. How do you reconcile those things? Do you think the framework is doing what you hoped it would?

Amanda Spielman: I do believe it is doing what we hoped it would and the feedback we are getting very widely from our post-inspection surveys tells us that in the vast majority of cases people see it as doing that.

There is a real chicken and egg here. We know that it is more difficult to provide good education in difficult circumstances. We know, for example, that some coastal towns in some deprived areas have difficulty attracting good teachers. From the children’s point of view, it is not necessarily wrong that on average the quality of education is weaker in schools in more disadvantaged areas. The leadership and management judgment profile is significantly stronger in favour of schools in disadvantaged areas, which suggests that there is greater consistency in the quality of management and how schools are addressing it but still a problem—which our inspections draw attention to and which future policy needs to continue to address—about how to make sure that the experience that children get in schools in high-disadvantage areas is just as good as that in other parts of the country. It is very important that we keep on reflecting the position as it actually stands for children in those schools.

Q27 **David Johnston:** How many areas do not have a single outstanding school or maybe even a good or outstanding school at the moment?

Amanda Spielman: I am sorry, that is not a question I can answer off the top of my head. Are you talking about at local authority level?



David Johnston: Yes.

Amanda Spielman: I think there are very few local authorities with none but, I am sorry, we would have to write to you about that.

Q28 **David Johnston:** Okay. Do you expect the gaps that we already know about between the least deprived and most deprived areas to widen? I appreciate you are not going to be doing inspections at the moment, but given what has been going on with covid and schools closing, do you expect these gaps to widen?

Amanda Spielman: There are two different pieces to that. First, I believe that the really strong focus on curriculum is probably going to help to narrow gaps between different types of school. I am hearing that it has been helpful for some schools in more disadvantaged areas to think about and focus on what they can do that will move their children furthest and fastest. I think there is a good underlying dynamic in the system.

Covid-19 is clearly going to present the biggest problem for the poorest, the lowest achieving academically and the least motivated children. Whether we like it or not, it is going to widen gaps, especially in the short term. However, it is important to remember that children are very resilient creatures. All the studies show that the vast majority of children—even coming from disadvantaged backgrounds—are resilient, so most will bounce back pretty fast as soon as they have the normal experience of school and the good teaching that the vast majority of schools will have lined up to provide.

In my view, it is not about a need to provide mass interventions for millions of children. It is about letting schools do the job they can do and having really good identification of the children who, for whatever reason, are not bouncing back rapidly, whether that is to do with family complications, other social problems or simple academic catch-up needs, and making sure that tutoring catch-up or whatever support is provided rapidly and effectively for that small minority.

Q29 **Chair:** I have a question from Caroline Johnson, who is having problems with the internet. She asks what Ofsted will do to ensure that schools focus energy on children who do not have resources online—some of the issues that I brought up at the beginning. Related to that, my concern from what you have said so far is that there does not seem to be a special focus from Ofsted on the left-behind children in the coronavirus and a special effort to make sure that they catch up once schools reopen. I have not heard anything substantive or any thoughts or imaginative thinking about what should be done and what Ofsted's role is.

Amanda Spielman: We are the inspectorate. Our role is to inspect, and the framework has a strong focus on the children with the greatest difficulties in achieving well. We put a substantial amount of time in each inspection into making sure that the curriculum and teaching are serving those children well. I do not think that we need to change the framework.



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I think we already have the kind of handle and focus that will concentrate schools' minds on the job that needs to be done and pick up and show where that is not happening.

What I am wary about, just when schools have come to understand and value a new inspection model, is saying, "It is all going to change and we are going to do something different." I think we have something that really addresses the likely consequences of covid-19 pretty well, so let's work with that. In everything that we do, certainly since I came to Ofsted and carrying on, I hope, beyond, we are particularly focused on the children with the greatest disadvantage. The local authority work, which so many of my staff are deeply involved in, is very much about the children with the greatest difficulties for whatever reason.

Chair: I think it would be worth you setting out publicly, if you have not done already—and you may have done already and I may have missed it—the focus on the vulnerable children who are not getting any education whatsoever, or very little, and particularly those who do not have access to online learning.

Q30 **Jonathan Gullis:** Amanda, from a former teacher's perspective, I think the move away from what I felt was an overzealous focus on grades and outcomes towards a curriculum approach is welcome, 100%. It is something that I certainly felt was necessary. My only worry on this, at a secondary school level in particular, is that with the curriculum it very much can depend on whether the inspectors who have come into the school have the necessary knowledge to understand or to engage. It has been raised on occasion that inspectors themselves have said they are struggling, because they are not able to access knowledge of each curriculum as easily, when assessing deep dives. What work has been done with your inspectorate to counter those claims?

Amanda Spielman: We started training inspectors about 18 months ahead of the framework. We have increased the amount of training that inspectors get in wider educational matters to bring them up to speed in everything that has developed and been understood since they did their own teacher training, as well as in the business of inspecting. We have developed a strong curriculum for all new inspectors and, of course, we have regular moderations and observations of other inspections. We have a duty desk where inspectors can ring in and discuss difficult issues they are coming up with. We analyse complaints and feedback about inspection to pick up on areas where it looks as though inspectors might need more developing, and that is part of what is used to develop the agenda for each instalment of training.

It is an iterative process, picking up on all the feedback we get from different sources to channel back into the training. I know from the demand for our OI slots that people value our inspectorate very highly and think it is extremely high quality. It is a Forth Road Bridge. It is not something that you have done and can tick and say, "That's it, inspectors trained." There will always be more training, more development and, of



course, new people coming in who need to be brought fully up to speed as fast as possible.

- Q31 **Jonathan Gullis:** I very much appreciate that because I think when you do these deep dives into the subject areas—I was trained in citizenship education so it was a very niche market, I accept that, and there were times when I felt that I was being inspected by people who were science or maths specialists. Trying to make sure that they understood what we were trying to deliver was a big challenge at times, with a fear that that would then reflect badly upon the school, even though we believed as a department in what we were doing.

The new framework is criticised by primary school head teachers, based on the report of the National Association of Head Teachers, saying that primary school structures are being looked at very much through a secondary lens. Is that something you agree or disagree with? What work is being done to make sure that primary schools are not unfairly treated?

Amanda Spielman: That is something I do not agree with. The framework was very much developed to think about primary and secondary. Indeed, there is a larger proportion of primary schools in the country and a larger proportion of the pilot inspections we carried out were in primary schools, not secondary. We identified early on that there were one or two places where the language that was used about subject leads was not always used by primary schools, but we clarified very quickly to make sure that people understood. We simply wanted to make sure that we were having the conversation with the right person who was making the choices about what children are learning in the particular subject area. Whether it is primary or secondary, somebody is deciding what science or music or geography the children are going to be taught. It does not just emerge somehow from the ether. We wanted to make sure we were having the conversation with the right people.

The other thing that emerged, particularly in the smallest primary schools, was that sometimes the division of responsibilities could mean keeping a teacher out of class if we chose the wrong mix of subjects to look into. Again, we quickly gave guidance to inspectors to adjust. I think there were one or two inspections very early on where one classroom teacher was kept out of class for much too long and we adjusted that right away. This is absolutely a model that is designed for primary and secondary schools.

- Q32 **David Simmonds:** Amanda, it is good to see you again. Turning to a subject we have discussed historically, which is the role of unlawful or illegal schools, I know that Ofsted has been working on this for some time. I think the latest statement was that conversations with Government are continuing. Can you tell us whether Government are taking this issue seriously? Are you expecting a significant shift either in powers or capacity for joint working to address the concerns that we are seeing around the country?



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Amanda Spielman: I am really glad you are picking up on this one because it is one I care a lot about. It is a serious problem and I think we have done some good work over the last few years.

It has been a tough one, not least because it needs primary legislation to deal with some of the gaps in our powers and in wider Government powers in this area. In an era of Brexit and coronavirus, parliamentary time has been in short supply. Nevertheless, I am cautiously optimistic that things have been happening. First, DfE has carried on funding our unregistered schools team, which has been highlighting some of the problems. Secondly, there have now been four sets of prosecutions of unregistered schools, all of them successful. I think the judiciary is waking up to the scale and seriousness of the problem, which is extremely welcome. Initially, I know that the CPS was not entirely enthusiastic about taking these cases to court. I think everybody now understands that this is serious.

The Department for Education has done a consultation on new powers—I think our response is just about to go in—so I am very much hoping that legislative changes will come about in the not too distant future. Again, the covid-19 emergency and the disruption of parliamentary time is clearly likely to have an impact, but I do have a sense that the issue is being taken with the seriousness it deserves.

Q33 **David Simmonds:** Thank you. What specific changes to primary legislation are you calling for that we might perhaps encourage the Secretary of State to consider?

Amanda Spielman: The consultation encompasses the main changes that we have been looking for around the definition of a school and of full-time education and the powers to shut down. For us, it was particularly around collecting evidence. We have been frustrated by being unable to pick up any of the children's exercise books, for example, that make it clear what is actually being offered. At the moment, the operators of an illegal school can simply pick up literally every piece of paper when we arrive and walk out with it. All the main things that we have been concerned about would be addressed if the proposals in the consultation are taken forward.

Q34 **Christian Wakeford:** What relationship work have you undertaken with faith schools since your last appearance before the Committee?

Amanda Spielman: There is a continuing programme of work with representative religious organisations of many kinds. That has continued on all fronts since I last appeared before this Committee.

Q35 **Christian Wakeford:** As an immediate follow-up to that, when relationship and sex education is made compulsory in September of this year, how will Ofsted ensure that this is inspected in a way that is sensitive to the beliefs of the faith school?



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Amanda Spielman: We always endeavour to be sensitive to the beliefs of schools and we are often in a tricky position where the wider law and published statutory guidance may set out a position that faith schools are not necessarily entirely comfortable with.

I will take one step back. We have long been aware of a significant difference, by and large, between faith schools in the state sector and faith schools in the independent sector, specifically the non-association independent schools that we inspect in that sector. Inspection outcomes for faith schools in the state sector are generally very good, for some faiths significantly better than non-faith schools. That is not true with independent schools, and there is a wider set of problems around quality of education, leadership and management, and personal development that we see. This is not a narrow set of problems about particular issues of relationship education in primary school or relationship and sex education in secondary schools. We do see some significant problems.

Having said that, we try to work sensitively and carefully. The new guidance will be helpful because it creates greater specificity, and we will be making sure that our inspections align with that guidance. As always, our inspectors work carefully and sensitively in often very difficult circumstances.

Q36 **Christian Wakeford:** In this instance, would you say it is the Department or Ofsted that determines the policy?

Amanda Spielman: It is, of course, a matter for Government to determine policy. We inspect against policy.

Q37 **Christian Wakeford:** From dealing with faith schools in my area, this does not appear to be the case, though. In regard to the teaching of protected characteristics in RSE, how important do you feel it is for schools to teach in an age-appropriate manner and who do you think determines what is age appropriate?

Amanda Spielman: Age appropriate is one of the greatest difficulties in this, and that is why you will find that I am on record as saying I thought it would be helpful if the RSE guidance had it extended to year-by-year specifics. That is not the case, so it does leave a greater degree of subjectivity in applying the guidance.

Nevertheless, it is clear that primary schools are strongly encouraged to teach, for example, about different aspects of sexuality in the relationships context; not sex education but specifically relationships education. They are not required to do so, but they do need to consult parents and take into account the religious backgrounds of the children in doing that. That is the guidance and that is what we will inspect against.

Q38 **Christian Wakeford:** If you would indulge me for one second, I want to go back briefly to unregistered schools if possible. There have been repeated requests for Ofsted inspectors to record conversations for protection of both the inspectors and children. Can you explain why this



has not been done previously?

Amanda Spielman: I think it has been in the public domain that for unregistered schools we are piloting inspectors using body-worn cameras. This is specifically to collect evidence that an unregistered school is operating. This is not to record all aspects of interaction between inspectors and children. The point of the conversations that inspectors have with groups of children is about things like bullying and whether bullying is properly handled in a school. It is about the things where in some schools staff do not do as good a job as they should do. If those conversations are invigilated by a teacher, clearly it becomes impossible for children to talk about whether teachers handle difficult pastoral issues effectively in the school.

Chair: We are going to go back to the curriculum issue in a few minutes, after we have had a few questions on faith issues. Jonathan, do you want to come in on the faith issue specifically?

Q39 **Jonathan Gullis:** Thank you very much, Chair, indeed I do. Amanda, I want to make it clear that I have been a huge advocate of the change to relationships and sex education and fully believe that LGBTQ education, both at primary and secondary, is absolutely vital. I am delighted that you have been a staunch defender of schools, especially some of those who made national headlines in Birmingham for delivering that curriculum.

As someone who attended a faith school, my concern is that if we do not get the parental buy-in, if we do not do the consultation with the parents, hostility can arise. My fear is that, worst-case scenario, we see the extremists in communities suddenly being the people that they turn to. Can you inform us about whether or not you agree that faith schools should have the right to consult with the parents, as the DfE said it was okay to do, in order to determine what is age appropriate?

Amanda Spielman: The expectation is that schools will consult with parents. I think that is the default expectation in the guidance.

This is a really difficult one for schools. Forty or 50 years ago, your typical primary school could expect to get to sufficient consensus on what can be very sensitive issues like this and get to a place that parents would be happy to accept, even if it was not necessarily quite what they would have chosen if they had been drawing it up themselves from scratch. We now often see a range and polarisation of parent opinion, even within a single school, that no head can reconcile. At the end of the day, there are many matters that we leave to the head to make the final decision on, and it will not be possible for a head to have every last parent brought in on everything. I would be very concerned about putting heads in a position by saying, "You can only do things that you have every single parent agreed on," because I think that would essentially freeze schools on many fronts. We need to recognise that heads have to be able to exercise the authority we give them.



Q40 Jonathan Gullis: I agree with you that you are not going to get full consensus and, as someone who was a head of year, believe me, you can imagine that in my lifetime trying to get parents to buy into the behavioural policy of a particular school I worked in was a nightmare at times. I absolutely agree that schools have to make decisions and we should not have to consult on every single thing. Schools have autonomy; that is the whole purpose of them. If we are going to get parents to respect schools again, they need to realise that schools do not need to constantly go and seek parents' permission on every little thing.

This is more of a commentary than a question to you. My fear is that if we do not get this right and if we look like we are being aggressive and forcing it upon kids, will that drive deep-rooted, unacceptable views against the LGBTQ community, whom I am a huge advocate for? Will that end up going the wrong way rather than getting the kids' buy-in and changing their views and opinions? When I worked in south-east London, not far, sadly, from where Stephen Lawrence was brutally stabbed, we did an awful lot of work about race in order to try to change the community's mindset. It took a long time and we had to bring the parents on board slowly. I think that that is the way we need to go about things. I look at the work that Lola Blatch did at Blackfen School for Girls, and I think that if we do not get the parental buy-in we can end up getting ourselves in a lot more mess.

Amanda Spielman: That is absolutely right. People's attitudes do not change at the speed of light and it is recognising the depth of feeling on many of these issues. We have some significant tensions between different rights that we find talking about very hard. There is a clear tension here between rights that are protected in law around faith and rights that are protected around sexuality. People, by and large, tend to line themselves up very strongly with one area of rights and want that to be given priority over the other. An organisation like Ofsted, which is obliged by law to give attention to all kinds of rights, tends to be seen by everybody who is an advocate of one kind of right as not strong enough in defending theirs and too willing to defend the others. We do everything that we can to do exactly what we are required by law to do and neither gild it nor neglect it. It is almost inevitable that we will be seen by some as doing too much or too little as a result.

Q41 Apsana Begum: I have two follow-up questions for clarification, thank you, Amanda. First, did you say that it is really the head teachers and the way in which they have the autonomy to engage on this issue with parents? Secondly, on this issue overall you mentioned consultation with parents. Can you clarify whether that consultation is something that is going to be happening at some point in the future and that parents need to engage with that process?

Amanda Spielman: This is a question for DfE because this is about the DfE guidance to schools and precisely how each school translates that. Relationship education in primary schools and relationship and sex education in secondary schools is something that is normally already



happening and most schools will already have been through iterations of consultation with parents. This is not a one-off big bang. My understanding is that guidance reinforces what schools should be doing going forward, but ultimately a school has to decide.

- Q42 **Tom Hunt:** I have a question about a Policy Exchange report that I read, which said that currently Department for Education guidance explicitly says that sex education needs to be taught at secondary school. It is advisory to be at primary but it does not explicitly say it is a requirement. However, my understanding from this report is that Ofsted guidance has differed from that and has acted along the lines and has explicitly stated that it should be taught at primary schools. Therefore, my question is almost less to do with whether it is right or wrong for it to be taught at primary schools but the point of principle here about Ofsted potentially departing from Department for Education guidance on this issue.

Amanda Spielman: We have certainly never set out to depart, and to my knowledge we have not. The codification in the new RSE guidance that is coming in is extremely helpful because we have been operating in a space where there has been relatively little explicit Government guidance. I am extremely happy to have these clearer requirements but they are still a minimum expectation rather than a maximum. There will still be cases where we inspect and say this meets the minimum expectations of the law, but for some parents it is too much. There is no standard by reference to which we would ever be able to inspect and say that a school is going too far on this front.

- Q43 **Chair:** In your speech launching your annual report on 21 January, you said, "Teaching materials are censored to airbrush women out of history, even including Queen Elizabeth I". I do not know if you remember that line. What school were you talking about when you mentioned that?

Amanda Spielman: Yesodey Hatorah Girls Senior Secondary.

Chair: As you know, the principal sadly passed away from coronavirus.

Amanda Spielman: I am aware of that.

Chair: They feel that that accusation was incredibly untrue. The reason the image was blacked out, which was wrong, was the school felt that the picture was immodest. But there were many other pictures of the Queen and other female leaders and the picture was only blacked out to enable the school to teach about Queen Elizabeth I. That is because, as you know, it is an ultra-orthodox school. Therefore, rather than airbrushing women out they were doing the opposite. Do you have comments about that? The school says that it teaches about many different women including Elizabeth I. The reason why I mention that example is because the feeling out there from the faith community is not just that you are gold-plating Government guidance but you are also sometimes misrepresenting what they are doing—as that example possibly shows—and going in with a very heavy hand without any understanding of the needs and beliefs of these faith communities.



Amanda Spielman: I am happy to stand by our report on this one. We looked at the teaching materials in the school because the initial stuff we saw showed such widespread censorship. My recollection on the Queen Elizabeth I example is that the entire chapter was glued together or in some way redacted in the books. This was not a question of an image. This was of an entire chunk of history.

Q44 **Chair:** The school says that was wrong and it had other pictures of Queen Elizabeth and it actively teaches children about women in history and women leaders and so on.

Amanda Spielman: First, this was not about a picture, this was about a chunk of history. Secondly, it was an example but the inspectors—and this is included in our report—saw extremely extensive redactions in all the materials that were available to the girls. I had the inspection team come to see me and talk me through what they found. It was an extraordinarily extensive set of redactions, which was why it was commented on.

Q45 **Chair:** The school denies it and says it has many other pictures of Elizabeth I and actively teaches leadership from great women in history. Can I ask you to at least open up a dialogue with that school, given what you have said about them and given that they vehemently disagree, and perhaps have another look at what you accused them of and what they say they teach?

Amanda Spielman: The report was very carefully drafted and reviewed in the light of the actual evidence we had and inspectors noted extremely carefully. I am confident that what we said in the report was justified, fair and representative of what was there. Of course we are happy to have a further conversation. I heard the sad news of Rabbi Pinter's death. I am not sure who the acting leaders are but we are very willing to have further discussions because we do not wish to create any unnecessary difficulties.

Q46 **Chair:** Thank you. A dialogue with that school would be welcome, especially given the sad death of the head teacher.

The DfE policy does not have a preferred length for key stage 3 or key stage 4 but in Ofsted's new inspection framework, paragraph 176, there is, "If a school has shortened key stage 3, inspectors will look to see that the school has made provision to ensure that pupils still have the opportunity to study a broad range of subjects, commensurate with the national curriculum, in years 7 to 9". Is that not in direct contradiction to the DfE policy?

Amanda Spielman: Not at all. You have expressed it a slightly odd way round, but the default key stage 3 and the key stage 3 national curriculum was designed as a three-year programme of study and GCSE specifications are designed as a two-year programme of study for about 120 guided learning hours per GCSE. It is not made explicit in law but that was the default assumption in designing both of those.



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Many schools have come to vary that over the last decade, for different reasons and often in very interesting, sometimes quite complicated, ways, to make something that is way more sophisticated than simply a three-plus-two-year model. But something that surfaced in various ways, including through our curriculum research work, was that in some schools a reductive approach had been used to one of these adapted curriculum models. That was simply to reduce the scope of what was taught in key stage 3 and bring forward the teaching of GCSEs, so that overall children experienced a significant loss of education through their five years of secondary education, when we stand back and look at the totality of the experience that children get

There are many schools that bring forward the teaching of some GCSEs, but which make sure that children continue to get a good curriculum experience through year 9 and beyond and where they get every bit as good an experience as children in schools that have stuck with the default model. But we cannot stamp out—

Chair: I am going to bring in Tom now. Tom, you had a question on this specific area.

Q47 **Tom Hunt:** Again, it is in relation to those with special educational needs. I have spoken to one head teacher of a school that only has dyslexic pupils, and in the core subjects they spend three years on those GCSEs and get very good results. Her view is that she understands where Ofsted is coming from but it needs to show some flexibility. It does concern me slightly that that might not happen. Often it is the case that, for those with dyslexia, dyspraxia or other forms of special educational needs, having three years to cover the core subjects, the extra revision, potentially even overlearning, helps them process it. I know that first hand as somebody who had those difficulties.

Amanda Spielman: We are absolutely flexible, which is why many schools that are running a non-standard model have been found good or outstanding under the new framework. To be clear, there has always been a minority of children in the system for whom the default aspirations that we have for the vast majority of children are not appropriate and where an adapted model is right. That is why the provisions for disapplication were built into the original national curriculum.

But in a mainstream school with the full range of mobility, there is a big difference between making sure that, for the typically small-ish subset of children who really need it, you have that kind of adaptive model available and making it a blanket model for the entire school that limits the educational possibilities for children at the upper end as well. Overall, it is about making sure that the curriculum gives the full education that is right for children through the ability range and that we do not prematurely limit what some children can get.

Chair: Amanda, very gently, your answers are very detailed. If they



could be slightly more concise, just because we have got a lot to get through. Thank you. Very gently I say that; I appreciate it is difficult online.

- Q48 **Fleur Anderson:** My question is going to be moving on a little bit to an area that is highlighted in the 2018-2019 report, which is about off-rolling. It is something that I have seen a lot of in the area that I was working with in youth services before I became an MP last year. I saw a high proportion of children, especially those who have special educational needs—which is also highlighted in your report—who fall behind and for one reason or another are then off-rolled. It might have been within the school even or they go on to a PRU or other provision and their life chances are changed from then onwards. They never really get back on track. Are you confident that the changes that you have made to the inspection framework will highlight those areas of off-rolling and also stop them happening because of Ofsted, but also that you will be able to see where they are happening unfairly—all off-rolling is unfair—and this will change? What will you see that will show this practice is being stopped?

Amanda Spielman: This is something that is incredibly important, and for too long it was too easy for children to slide off rolls without being formally excluded and nobody to notice or pick up on it. I am very glad that we are looking at it. It turns out to be a remarkably difficult thing to look at. It is rarely black and white. It is a tough one for inspectors. People will argue very strongly sometimes that something is not off-rolling when to an inspectorate it looks, feels and smells like it. Nevertheless, we have been able to report on it in quite a number of cases and are continuing to apply the same vigilance, or were when we suspended inspections.

As well as the direct picking up, the signal that we are looking at it, and looking at it hard, and reporting on the schools where it happens has sent a wave of recognition through the system that you cannot just slide children out this way and expect it not to get picked up, if not instantly but when Ofsted come back. It has changed the dynamic in this. I think it contributed to helping making sure that people properly plan for and provide for clearly the hardest to educate.

- Q49 **Ian Mearns:** Ministers have told our predecessor Committee that off-rolling was, from their perspective, illegal in many cases, if not all cases. Given the illegality of off-rolling and the examples that Ofsted inspectors have come across, would you regard it now, going forward, to be impossible for a school to retain an outstanding judgment if they are guilty of off-rolling?

Amanda Spielman: It is extraordinarily unlikely that we would give an inspection judgment if a school had been found to be off-rolling. I am casting my mind back, because it is a month or two since I have looked at any of these cases, but it has a very significant impact on the leadership and management judgment. I am not sure there is anything in the handbook that explicitly prohibits it, but to find a school outstanding



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with a weak judgment for leadership and management would be remarkably unlikely.

Q50 Ian Mearns: Other schools that have a previous outstanding judgment do not get as frequently inspected and, therefore, there is off-rolling going on in currently outstanding schools because they have not been reinspected by Ofsted.

Amanda Spielman: That is absolutely likely to be the case, but this is not something that is of our making. This is because of the outstanding exemption that has been in regulations for getting on for a decade now. The Department for Education consultation has happened and closed. We are waiting for the announcement of the outcome of that consultation. But I hope that we will be able to resume routine inspections of outstanding schools and bring the same sort of leverage to off-rolling in schools that are currently labelled "outstanding" that we have in other schools.

Q51 Ian Mearns: Have you made representations to the Department specifically asking for that to take place?

Amanda Spielman: I have been speaking, since I started this job, about the need to start reinspecting these schools. It seems to be very widely agreed among education, among parents more generally, that this is something that needs to happen. I very much hope that this will happen despite the disruptions of coronavirus.

Q52 Jonathan Gullis: To quickly go back to the key stage 3, 4 debate, you have mentioned about breadth of curriculum, which is welcome. However, the idea of the academy system in other schools is that there is autonomy. Would you agree, or are there circumstances where inspectors would agree, that a focus on in-depth mastery of a smaller number of subjects is preferential to accessing a broad curriculum?

Amanda Spielman: The national curriculum is a statutory expectation to maintained schools and, as you rightly say, not for academies. Academies are intended to have the freedom to innovate. What we are aiming to do is not to look subject by subject but to look overall. Academies' funding agreements are tied to the statutory expectation of offering a broad and balanced curriculum. To avoid Ofsted inventing a curriculum model for academies, we look by reference to that statutory expectation and to see whether what is being offered is at least on a par with the expectations for maintained schools. One thing we know the academy system was not designed for was simply to reduce expectations for children.

There are academies that are not hugely restricted, but have a more limited number of subjects than some community schools, who teach a very rich and full curriculum within those subjects, and that can be an excellent education.

Q53 Jonathan Gullis: With your quick comment there about expectations, the Secretary of State for Education has talked about a zero-tolerance



approach on school standards. How is that being integrated within the inspection framework?

Amanda Spielman: We have a very strong focus on standards. What we have now is the ability to discriminate effectively between true standards and the kind of apparent standards that can sometimes be achieved through very sophisticated exam prep technique and selection of qualifications and so on. That was important for me. The standards that make a difference for children in the long run—that make a difference to what they achieve in the next stage of education in their adult lives; the education they take away in their heads, not just a few grades on a certificate—is what we need to make sure that schools are developing.

The last thing I would want to do is to dilute our expectations for the standards children achieve, but I want to make absolutely sure that for all children those standards reflect real education not just exam preparation.

Q54 **Chair:** You will be aware that some academy trusts, like the Harris Trust, question the situation on the three-year GCSE courses. There is a view that under your new inspection regime any school that does this will struggle to get an outstanding rating and believe that Ofsted is being too dogmatic. How would you comment on that?

Amanda Spielman: There was a small number of academy trusts. Most academy trusts that we have spoken to, and that have gone into print on this, have been very happy with the new model. In one or two places there have been a slightly reductive representation of what we are doing, but this is about making sure that the overall breadth and quality for children is there. We do need to be able to distinguish between the schools that achieve high standards the right way and the schools that achieve it by suddenly saying that every child must do two or three BTECs—that everybody has to do a BTEC in personal finance and sport studies regardless of their longer-term aspiration. We have set up something that creates the right balance and will help make sure that we have the right education in the system for all children.

Q55 **Apsana Begum:** You have answered quite a few questions about inspections already and I want to go in a little bit deeper in this area. How will inspectors take into account closures and changes to assessments when reaching a judgment on the quality of education? I have been speaking to quite a few of my head teachers, for example. They are worried about the impact of covering the curriculum, the pressure to cover elements of the curriculum and also the challenges that there have been around ensuring that there is learning taking place. Are you considering extending the freeze on inspections to allow for the sector to recover from the impact of covid?

Amanda Spielman: I have already talked about the recovery. We are well aware that few, if any, schools are fully open and providing normal education at the moment, barring a handful of special schools, and that



the resumption of normal education is likely to happen over time, given expectations around social distancing and staff shielding. Nevertheless, inspection is a supportive process and an important tool for giving parents assurance. I would not want to make any blanket statement about postponing a return to inspection. Having said that, it is clearly very unlikely and I am not expecting to be asked to resume full routine inspection before the end of the summer term.

Q56 Apsana Begum: Do you have a preferred timeframe for resuming inspections?

Amanda Spielman: Inspection is a constructive part of our system. We are going to have a year where there are going to be no tests and exam results, so there is going to be more weight, not less weight, put on the outcomes of Ofsted visits. It is very important that parents are not left completely in the dark. It is about finding the right time and using the inspection tools that we have. We have full inspections but we also have various kinds of short inspection visits, and making sure that we are using the right tool at the right time.

Q57 Ian Mearns: On that point, are you thinking about how inspections will be conducted should there be a phased return to education for children, say working on a rota or shift system, so that the school is not fully operational in the immediate aftermath of the covid-19 lockdown and the return to school?

Amanda Spielman: It could be. There is nothing in the inspection framework that makes it impossible to do that. This is a framework that is not built around a lockstep, "Have you achieved this curriculum objective for all children by this date?" It is about a professional dialogue around the education that is being provided. Any inspection for a school in recovery phase would be about, "How are you thinking about it? How had you planned originally? What have you adjusted? How are you sequencing that? When are you hoping to have children fully back where you originally intended? Is that this year, next year, end of key stage?" to make sure that schools have that clarity of what they are setting out to achieve and how they are working to it and all the staff within that are able to play their part.

Q58 Ian Mearns: I accept the adult and professional conversation between the inspectorate and schools, but surely one would hope that schools would be given a few weeks after the return to bed down before they were subject to an inspection.

Amanda Spielman: That seems very likely. We have so little certainty about the kind of phasing that we might see that it is impossible for me at this stage to say, "No inspection until—". It is simply too uncertain at the moment.

Q59 Ian Mearns: Have you had any advance thinking on any exceptions from inspection that there might be for schools and colleges once they are able to reopen?



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Amanda Spielman: We have a deferral policy, which we always keep under review. We will want to look at the kinds of challenges that schools have experienced or are experiencing and see where it would be sensible and proportionate to be willing to delay it. Our deferral policy has always allowed, for example, for schools where senior staff have been extremely ill or, in the sadder situations, have sadly died to allow us to defer inspections in cases like that, for example. There is a wider range of challenges here.

Q60 **Ian Mearns:** Have you given any thought to the closure of schools making it harder for children from disadvantaged backgrounds to acquire the cultural capital referred to in the new education inspection framework?

Amanda Spielman: Absolutely. This is one of the things that schools are going to need to think about. If the course of education is telescoped, they are going to have to make choices about what to prioritise. This is not an absolutist inspection framework. It is about our schools making good choices and carrying those through into practice well. That is what we will be looking to see.

Q61 **Ian Mearns:** You said earlier that the inspections you carry out in schools are a snapshot of what inspectors will find in schools when they get there. Are we to understand from that that work set by schools and colleges during this period will not form any part of a future inspection?

Amanda Spielman: It would not of itself, no. We would not be asking for evidence of what you set children through proving. There would be no, "Prove that you set children meaningful work; show us what you collected back in from them".

Q62 **Ian Mearns:** Earlier you said that only 1% of youngsters are in school at the moment. The Children's Minister last week said that that was a figure from before Easter but she thought it might be more than that now. Do you have any evidence to the contrary?

Amanda Spielman: I have not seen the latest figures for last week, my apologies.

Q63 **Chair:** Fleur mentioned the Harris Academy. Going back to the curriculum, just to quote what it said—and it is no slouch in education, a pretty impressive academy—it described the approach by Ofsted as, "It is a middle-class framework for middle-class kids. It is the SW1 approach to education and in a few years' time will have damaged the outcomes for disadvantaged children". Another chief executive at Outward Grange says, "Inspectors on the ground are taking a far too simplistic a view on when GCSE teaching should begin. Many of the children in our schools need a three-year run-up". Could I ask you to comment again on this? Are you not being too rigid and too narrow?

Amanda Spielman: Absolutely on the contrary. Can you imagine if Ofsted went out and said, "We are going to have two frameworks. We are



going to have a special working-class framework for working-class kids"? There would be an absolute uproar. I feel very strongly about this. This is a framework for all children to give every child the best chance in life.

Q64 **Chair:** What is wrong with having an extra year? Why does there need to be this specific framework? Why do we not have one framework for everyone?

Amanda Spielman: There is nothing in our framework that says that schools cannot do a three-year key stage 4, but if schools use that it will simply take out a chunk of key stage 3. If a school simply takes out a third of key stage 3 and does not make that up in any other way, there are certain subjects that in practice you end up picking up in the GCSE teaching but there are some subjects where things just get lost.

Take an extreme. Let us suppose that a school decided to teach an English or history GCSE over five years and to teach nothing but the GCSE topics. Children will have lost a very large slice of what they might reasonably have been expected to learn. Would you be a parent who was happy to find out that your child was essentially going to study one novel through many years of study?

Q65 **Chair:** You said "take an extreme" and that is an extreme example. Surely when you have serious people like the academies that I have mentioned questioning it—and they have good records, they are very good academies—you must realise that there is the concern.

Amanda Spielman: You are picking up the two academy trusts that have expressed concern. I know that Outward Grange built its model very much around early entry. I do not know why they are so concerned. They have had very good inspection outcomes with that model, including on EIF inspections. I simply do not understand the nervousness there.

I would not choose to mention this but you have put me in a position where I have to point out, for example, that some of the Harris schools were making year 7 English as a second language qualification for children who were not second language speakers. When I talk about getting the difference between using good curriculum, using qualifications as they are intended and creating results by entering children for inappropriate qualifications, we must make sure that children are getting the education they should be getting.

Q66 **Chair:** The question is if you are using a sledgehammer to crack a nut.

Amanda Spielman: No, it is absolutely not a sledgehammer. It is something that almost nine out of 10 of schools who have been through this experience and responded on the post-inspection survey—which is more than half the schools going through it—say has been fair, supportive and that the feedback will help them improve. This is a completely constructive framework.

Q67 **Tom Hunt:** On the issue of children in special educational needs, what



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will inspectors be looking at to determine whether people with SEN and high needs have fallen behind as a result of the coronavirus? I have had concerns raised with me that the new Oak Academy website is not dyslexia friendly and is also not friendly for those with dyspraxia. I understand there is some support there for those with autism and other severe forms of special educational needs but there have been some concerns expressed with me for those who have dyslexia/dyspraxia. What will the officers' approach be to that?

Amanda Spielman: There is no expectation from Government that children should reach any particular point while schools are not open for normal education. There are no online resources that have been put out that even purport to cover the full range of ability, all subjects, all age groups, and nor are there likely to be. As we know, there are many limitations on access to devices and internet. We have to accept that what can be done while schools are substantially closed is a very poor substitute for full normal education and it would be unrealistic for anyone, including me, to expect the vast majority of children to have made the same progress that they would have made if they had been in school. That is why I truly believe it is in children's interests to be back in school as early as possible.

I am also aware that children's interests alone do not dictate the decision. There are decisions around adults, adult health and infection, and medical provision. Clearly this is a balance that is not mine, or indeed the Department for Education's, to make. But in my view, schools planning ahead for what they are going to do, how they are going to approach getting children back into normal teaching and education as early as possible and making children feel that normality, giving them the space for those who will bounce back to bounce back and for those who need extra help to get it as quickly as possible, is what we should all be concentrating on.

Q68 **Tom Hunt:** The Department has announced that it will not be publishing school or college performance data for 2020. How do you think this will affect your decisions about when to inspect and who to inspect?

Amanda Spielman: The risk model that we use to decide who we inspect and when, layered on top of the general expectation of the statutory window and the slightly shorter timescale that we try to operate to, is a complex interaction. In relation to results, clearly we will be continuing to work with results data that is a year old. We also draw intelligence from quite a number of other sources to help inform our decisions, including information from other parts of Government, from local authorities and, of course, from concerns raised by parents directly. We receive 13,000, 14,000 complaints about schools every year, and those are part of the information that informs our prioritisation.

Q69 **Tom Hunt:** With regards to children's homes and children's social care provision, do you think the suspension of routine inspections has left a blind spot for your oversight of vulnerable children?



Amanda Spielman: We are working in a very different way. The social care side of Ofsted is the very busiest at the moment, but while we have retained the capacity to do emergency inspections—and we have done a handful—we are very much keeping an eye on all the intelligence that is coming. We know that children’s homes are under pressure. We have made sure we have protected our ability to go anywhere about which there are concerns, but we are also very much part of this collaborative working with local authorities. We have 16 people supporting the London Gold group, which is an LA collective to help recruit staff into children’s homes where they are most needed. We are working across the board with children’s homes to get the right capacity into the right places as well as doing emergency inspection and regulatory work where we need to.

Q70 **Tom Hunt:** Do you expect the covid-19 pandemic to lead to more children being in need of social care provision? Is there a risk that more children will end up potentially in unregistered provision?

Amanda Spielman: One of the harms from having children out of school is clearly the loss of one of the main lines of sight. We have every reason to think that this is putting more pressure on many families. We have all seen the reports about increased domestic violence. We all know that some families will be under significant financial pressure, and financial strain does not help family situations. It seems very likely that there will be more children needing social care, but at the moment referrals to local authorities are down not up. Again, many of those referrals normally come from schools, who we currently cannot see. My expectation is that there will be even more pressure on children’s home places as we come out of this. We already have significant pressure.

On the regulatory front, we have been doing everything we can to contribute to increasing the supply of registered provision. Our registration work is moving fast and we have taken steps to simplify some of the processes that we operate to make it possible to get people through the registration process as fast as possible.

Q71 **Ian Mearns:** I have been notified only this morning by a former adviser to this Committee that there is a new piece of research that has been done by Bristol University on children in need and children in care and their educational attainment and progress. Could I refer you to that in guiding your future work?

Amanda Spielman: Yes, please. I would very much like to see that. I will ask my staff to get that from your Committee Clerk, but we will very much factor that in. The last thing, Chair, are there any more questions for me?

Q72 **Chair:** No, I wanted to sum up at the end but if you want to go first.

Amanda Spielman: I just wanted to reinforce the point I made earlier. In the context of the quality of collaborative working that we have seen on many fronts, people simply rolling up their sleeves and doing



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everything that is needed, we have seen that and are continuing to see that on many fronts in education and in care. The way people are rising to the challenges, the programmes and products that are spontaneously emerging is admirable. There is a great deal that I hope you as a Committee will want to see taken forward and push to make it so.

Q73 Chair: To clarify, we agreed you might possibly have at least some kind of dialogue with the Yesodey Hatorah School. Secondly, that you might be able to set out a bit more about actions taken to look after the vulnerable children who are not getting an education or do not have access to online learning. On your 1,700 staff—who do a wonderful job and we wish everyone good health at this time—could you send the Committee a breakdown as numbers of what exactly they are doing in volunteering or redeployment? That would be very helpful.

Amanda Spielman: I am sorry, Chair, the first part of that got swallowed by the dodgy sound.

Chair: My apologies. That you would have some kind of dialogue with the Yesodey Hatorah School, who think they have been unfairly treated.

Amanda Spielman: Yes, sorry.

Chair: If Members do not have any more questions, can I thank you? You have done some pretty sustained questioning for the last two hours on a huge range of subjects. Whether we agree or disagree, you have answered them comprehensively and with a lot of detail. I do appreciate the respect you show the Committee, the meetings you have with me as Chair and the work that you do, and Matthew and your team as well. I wish you all very good health. I now bring the proceedings to an end.