

Education Committee

Oral evidence: [Accountability hearings](#), HC 342

Tuesday 31 October 2017

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Members present: Robert Halfon (Chair); Lucy Allan; Michelle Donelan; James Frith; Emma Hardy; Ian Mearns; Lucy Powell; Thelma Walker.

Questions 65 - 159

Witnesses

I: Amanda Spielman, Her Majesty's Chief Inspector; and Julius Weinberg, Chair, Ofsted.

Examination of witnesses

Witnesses: Amanda Spielman and Julius Weinberg.

Q65 **Chair:** Good morning. Welcome to our Committee. For the benefit of the tape and for the listeners outside, will you kindly identify yourselves and your positions?

Amanda Spielman: My name is Amanda Spielman and I am the Ofsted chief inspector.

Julius Weinberg: Good morning. I am Julius Weinberg. I am chair of Ofsted.

Q66 **Chair:** Welcome. A recent study by the Education Policy Institute suggested that schools with fewer disadvantaged pupils are more likely to get favourable Ofsted judgments than those with a higher proportion of disadvantaged students, and that if schools were rated according to pupil progress fewer outstanding schools with lower levels of free school meal pupils would receive this grade. That raises concerns about whether the current inspection framework sufficiently acknowledges the work that schools do with more challenging intakes. Does Ofsted plan to redefine its framework to take this into account?

Amanda Spielman: I am well aware of the study and we have looked at it in some detail. There were some problems with its methodology. It took data from a considerable number of years, going back before the current framework. When we ran similar analysis on the current framework, which has a much stronger focus on progress than any previous framework, we did not find anything like the same strength of relationship.

We also looked very hard at the relationships between the sub-judgments and overall effectiveness judgments. We found it is very clear that leadership and management quality is reflected in more challenging schools and that leadership and management judgments for highly disadvantaged schools are much more likely to be good or better than in the corresponding advantaged school that gets the same RI judgment. We are confident that our framework and inspections recognise where schools are working in tougher circumstances.

The bottom line has to be overall effectiveness as it looks to the parent, taking into account the quality of experience that children get in the round. We cannot move away from that, but we can and do make sure that leadership gets properly looked at and properly reflected so that there is no disincentive to working in any school.

Q67 **Chair:** Are you saying that schools with fewer disadvantaged pupils are no longer more likely to get a favourable Ofsted rating than schools with a higher proportion of disadvantaged students?



HOUSE OF COMMONS

Amanda Spielman: No, but there are many reasons for that. The team working in the high disadvantaged school will be putting more effort and resource into dealing with the many social and personal challenges the children face. They have less chance to create the wider educational opportunities. From the parents' point of view, you may absolutely have just as strong a team, doing a really good job and deserving to be commended, but who cannot yet create the same quality of education. It is a challenge for the system; using pupil premium money very much helps to mitigate it, but nevertheless I cannot say that it proves that Ofsted inspection is wrong.

Q68 **Thelma Walker:** You mentioned pupil premium money. Why do schools not have to disclose how they spend their pupil premium?

Amanda Spielman: They do provide a lot of information about how they spend pupil premium, and part of what we look at in the inspection is the application.

Q69 **Thelma Walker:** To many of my constituents with children who have been looked after or special educational needs children who receive the pupil premium, it is certainly not clear where the funding is going, and for looked-after children—is it up to £2,000 allocated per child?—it is not clear where the funding is allocated. For many parents, it seems that funding is just put in one pot, and it is not transparent and clear how the money is devolved to identified pupils.

Amanda Spielman: You are looking at the level of the individual child.

Q70 **Thelma Walker:** But the pupil premium is not, as far as I know, disclosed—it is not open and transparent how the money is devolved.

Amanda Spielman: It is or should be disclosed, but the level of the items on which it is spent is not linked to individual children. Are you suggesting that should be the case?

Q71 **Thelma Walker:** I suggest there needs to be more transparency about how that money is—

Amanda Spielman: That is a point for the Department for Education rather than Ofsted.

Q72 **Chair:** I want to ask about alternative provision. We know that pupils who fall outside mainstream education—who study in alternative provision—have terrible prospects in life. To improve prospects, all of us need to ensure that schools use alternative provision in the best interests of their pupils and that the alternative providers are of good quality. What is Ofsted doing to ensure that these goals are met, and is there room for improving the intelligence it gets on these two vital points?

Amanda Spielman: Yes. As you know, we are only able to inspect some of the alternative provision that exists and is used. We can inspect pupil referral units and alternative provision that constitutes a registered school, but a very large proportion of alternative provision is in



HOUSE OF COMMONS

unregistered schools, which are unregistered because, typically, they are not offering full-time provision and so do not satisfy the registration requirement. It is a matter of great concern to us that we cannot see the qualities there. We think it is very difficult for anybody to know what the quality is. These are the children who do not have parents keeping an eye out, who do not consistently have parents doing a good job of making sure that their children are getting a good experience.

Q73 **Chair:** What should be done about that?

Amanda Spielman: We would like to be able to look at all kinds of alternative provision. We are very uncomfortable about providers being able to use the full-time requirement to say that they are not offering full-time provision and therefore are exempt from registration and inspection.

Q74 **Chair:** Can you change your orders, or do the Government decide that?

Amanda Spielman: It is not something we can do. It is one of the things where changes to the legislation around independent schools would provide more scrutiny.

Q75 **Chair:** Evidence shows that many disadvantaged pupils fail to pick the best post-16 qualifications with the GCSE grades that they have, which suggests they lack information and guidance. The Social Mobility Commission recommended the inclusion of sophisticated destination data in the headline accountability measures of schools and colleges and that it should inform Ofsted assessments. You could, for example, use longitudinal educational outcomes data. How realistic is that, and to what extent would you support introducing destination data and employability into the accountability framework?

Amanda Spielman: It is already there, especially for post-16 providers. I am looking at my colleagues, but I am fairly sure that we take very clear account of destinations. It is an important part of inspection. Destinations are a very important part of looking at how effective any provider is.

Q76 **Chair:** My colleague Ian will come on to this later, but it is clear that there is very poor careers guidance in schools in encouraging people to gain skills, do apprenticeships and take up further education, even with the recent change in legislation.

Amanda Spielman: There are two levels in this: one is around providing pathways that truly put every child on to the most stimulating and demanding programme of education that they are reasonably capable of, pursuing all their areas of strength; another level, beyond that, is setting people up for specific careers. But, even before you get to specific careers guidance, there is a whole piece around making sure that the choices that are offered to children and the way pathways are set up within school options and choices genuinely channel people into good and strong combinations of subjects that add up to a really good curriculum



that gives them the most flexibility and the most options that are likely to be good for them.

Q77 Chair: The Technical and Further Education Act, which is one of the reasons the measure was passed, stated that schools now had to allow UTCs, apprenticeships and FE organisations into the schools. Will you make sure that they do that as part of your inspection—that the law is followed?

Amanda Spielman: It is very difficult for us, in the context particularly of short inspections, to act as a compliance assurer of every process that a school is supposed to operate. There is simply not space, in a short inspection, to follow through on all the many thousands of legislative requirements that apply to schools. Career advice and guidance is one of the things that is in the framework and it would typically be discussed at inspection.

Q78 Chair: My final question before I come on to my colleagues fully is that Ofsted said that low-attaining pupils need basic skills, as all pupils do, but that they should not as a consequence be shut out of parts of the essential body of knowledge for any pupil. These comments were made after an Ofsted report found that children from poorer backgrounds were being offered fewer choices at GCSE level than their better-off peers. What is driving this trend, and what role can Ofsted play in solving this problem?

Amanda Spielman: This is very much part of why I commissioned the curriculum survey work. One thing we wanted to look at was to see whether children were losing choices. In the commentary I published a few weeks ago, one thing we found of most concern was the way lower-achieving children were being channelled into sets of qualifications that did not give them a chance, often, to pursue subjects such as history, geography or languages after the age of 14. We think that everybody should have the chance to pursue those subjects. It should not be just for people who schools think have a reasonable prospect of getting a grade 4 or a grade 5.

Q79 Michelle Donelan: You mentioned expansion of your remit for alternative provision. There were a lot of meetings about the expansion of Ofsted into what were dubbed Sunday schools, but it was a bit more technical than that—out-of-classroom settings, if you like. What are your views on that? Do you agree with and would you welcome the expansion of Ofsted into those spheres?

Amanda Spielman: There is a dividing line that is difficult to draw. Current legislation uses the phrase "full time." Where a provider, an institution, is somebody's main place of education, it seems to me that it should be scrutinised, whether it is full time or part time. What we are interested in is not extending into Sunday schools or after-school classes in a language but anybody who is offering a child's main education, whether it is alternative provision or a religious school, or whether the



HOUSE OF COMMONS

programme is mainly about religious instruction. To me, that is their school and it should be looked at.

- Q80 **Michelle Donelan:** The conversation was whether it was important and significant. There was a cap on the number of hours, was there not? Something like eight hours a week was the suggestion. Do you believe that that should be parked and that we should not address it again now?

Amanda Spielman: There needs to be some dividing line that stops Ofsted extending into some of those areas that are very clearly in a wholly different place from being a main provider of education, but I do not think the full-time term does that.

- Q81 **Michelle Donelan:** You would accept that Ofsted should not cross that religious Rubicon into the community sphere, and you believe that Ofsted should be focusing on primary education.

Amanda Spielman: With our wider view on safeguarding, we have to make sure that we do not lose sight of the fact that bad things can happen in all sorts of places. In the wider work that we do with local authorities, in looking at safeguarding across the board, we have to think about this. Physical boundaries that provided the security historically, before we had everything that happens online now, are breaking down in some ways. In making sure that children are safe, there has to be co-ordination, co-operation and frameworks to make sure that the law is enforced, to make sure that DBS checks and so on happen where they should. It is not neat and tidy—that this is the world that should be looked at and this is the world that should be completely protected and hidden. My prime concern, following the questions about alternative provision, is that the main place where a child is educated, even if they are not being educated full time, should be scrutinised.

- Q82 **Lucy Allan:** Good morning. Amanda, you came before this Committee back in 2016 and you took up post at the beginning of this year. Will you please update the Committee on how you have been spending those early months and what you think some of the challenges have been?

Amanda Spielman: I was lucky enough to have nearly six months between being appointed and taking up post, so I did a great deal before I even started. I observed a lot of inspections all over the country, I did some of the inspector training in different remits. I was briefed on every remit: what we do, how we do it, how it is developing, and the thinking about where it needs to go. I met the top 25 people, or thereabouts, in Ofsted. I met the board individually and collectively. I talked to a lot of external stakeholders in all the different remits. I knew a lot of the education ones already, but I met quite a few others. I read a great deal and thought about my priorities. I joined the dots with everything I knew, from 15 years before that, in education. I also thought about Ofsted in the context of the regulatory futures review—a cross-Government review of regulation where I chaired the steering group, which reported early last year.



HOUSE OF COMMONS

In my first week, I met almost all our inspectors at a series of conferences and gave them all the chance to tell me what they thought I needed to hear. In my first six weeks I visited all our offices and talked to almost all our staff.

- Q83 **Lucy Allan:** What about schools and children, because one of the things you specifically flagged up at the previous meeting was the fact that you did not have experience in children's services and that that was going to be an area you were going to look at? Will you tell us a little about the schools you visited and the looked-after children you met?

Amanda Spielman: I visited a lot of different schools. I always have visited a lot of schools in my previous lives. I have visited, I would say, a school a month this year and last year; I have visited FE colleges; I have visited two or three children's homes. I visited four local authority children's services departments; I have been on a two-day social care monitoring visit in Darlington. I have put a lot of effort into getting up to speed on the social care side. I had my induction pretty much under my belt before I started and a good perspective across all the remits, which helped us to get thinking and to move swiftly once I took up post in January.

- Q84 **Lucy Allan:** Do you feel now that that induction period has, in effect, finished and you are now focusing on priorities and challenges for the sector?

Amanda Spielman: I do not think you should ever say that an induction period is completely finished. There is always more to learn; there are always surprises and things to come out of the woodwork. If you think you know everything, you become a dangerous person—so, no, I am very much aware that I will carry on having a lot to learn.

- Q85 **Thelma Walker:** As a former teacher and head teacher of 34 years, I find it really alarming that you listed what you had done in your first few months but did not include children or young people until you were prompted. Will you share with me what you gleaned from your conversations with young people? What did they share with you that will inform your future work?

Amanda Spielman: On school inspections I sat with children in the sessions that inspectors have, to discuss their experience of school, and listened and talked about it. I have sat in many classrooms and listened to children working, and listened to how they talk when they are working. I have sat with children in lunch rooms. I sat with children in one of the children's homes, but not in the other because the children were at school. In one of the children's homes all the children were at school while I was there; in the other one there were children there. In every case, I sit down and let the children talk to me about their lives and their experience. You cannot say that there is one thing you take out of it, but listening to children and seeing that there is the follow-through, to make sure that everything that Ofsted does starts with the experiences of children—



Thelma Walker: But the way in which you just answered the question did not start with children.

- Q86 **Ian Mearns:** When we first met you at your pre-appointment hearing you told the Committee that the biggest challenge was absorbing the enormous amount of change going through the different sectors: primary, secondary and FE. Through your learning process into this job, how do you think schools and colleges are facing up to those challenges?

Amanda Spielman: They are facing up to them but with different levels of success, I would say, at this stage. Colleges have the biggest funding challenge. Every secondary child and every primary child is fundamentally going through a similar programme in compulsory education, but in further education in colleges it branches out. It is a much more complex job to make sure that there is the right pathway for everybody, with changes in qualifications, programmes of study, apprenticeships and reforms in practically all areas, keeping your handle around seeing people through the existing and introducing the new ones. There is no question—it is an enormous amount of work for colleges at the moment and a big challenge.

Having said that, we see some who do it very well and some who find it much harder. At level 3, in particular, we see some very good provision. We see more that we are concerned about at level 2. It is so important that raising the participation age does not become just an exercise in keeping 16 and 17-year-olds occupied for a year on programmes that will not add anything to their lives. In keeping with this theme about the curriculum and the substance of education, I am really concerned to make sure that the experience people get post-16 has real substance and adds value to their lives.

- Q87 **Ian Mearns:** You talked about pathways. Within secondary schools, the delivery of impartial information, advice and guidance about careers is patchy, to say the least. To make sure that those pathways are smoother for young people, will you properly inspect careers, information advice and guidance within secondary schools?

Amanda Spielman: That is included in our framework. Inspection is a holistic process. It is not something where you take every aspect of what happens in a school and look at each of those in depth.

- Q88 **Chair:** It is a pretty mild inclusion. There are cases around the country where schools will not even allow their former apprentices—I have met the apprentices myself—to go into the schools to talk about apprenticeships. Some careers people think schools need sticks; others think they need carrots. I do not know, to quote my Chief Whip, whether they need sharpened carrots, but, whatever the solution, clearly something is wrong because students are still being encouraged just to go to university; they are not being encouraged to do apprenticeships. The careers guidance in many schools—not all of them, to be fair—is biased against technical education. What do you think should be done



HOUSE OF COMMONS

about it, because, clearly, there is a problem?

Amanda Spielman: That should show up in the destinations data and should generate a line of inquiry for inspectors if we do not see a good set of destinations that seem to reflect a sensible set of pathways for children in that school.

Q89 **Chair:** So many professionals—people in the technical education sector—think there need to be much tougher Ofsted guidelines. There are different debates on it. What is your view?

Amanda Spielman: We are developing a new framework for 2019, and that is something we can look at, to make sure that sufficient weight is given in the framework.

Q90 **Ian Mearns:** There is a real feeling not just among this Committee but out there as well that an awful lot of the information, advice and guidance that is given to young people, within particular settings, is more about the interests of the setting than the interests of the young person.

Amanda Spielman: That is the concern that we have expressed in the context of key stage 4 as well. There is too much about making sure that people are doing the qualifications where they are likely to generate the most points for the school, and not enough about what is the right course for the child. I feel incredibly strongly and deeply uncomfortable about that.

Q91 **James Frith:** As per the Register of Members' Financial Interests, I should state that I am a director of a careers education company.

Have you seen the consequences of the funding inequality in post-16 that you refer to? Can you give us an example of the limitations that that imposes on our post-16 provision, please?

Amanda Spielman: I do not think I can give you an example at that level, but I can say that we see quite disappointing outcomes at inspection for FE, compared with pre-16. We have seen deterioration at a time when school outcomes have been stable or increasing slightly, but it is a correlation. I cannot definitively conclude that it is a causative effect.

Q92 **James Frith:** Would you focus equally on completion rates as well as destination? Destinations at secondary level and post-exam are one thing, but it appears to me that our framework and the FE's focus is on starting courses but not on completing them. That will, of course, have an effect on the inspection rate you refer to.

Amanda Spielman: I am pretty sure that the FE, sixth form and college inspection has a lot around qualification achievements and the QAR sheets.

Q93 **James Frith:** On that point, though, particularly within apprenticeship provision, it would be wise to scrutinise the percentage completion rates within apprenticeships with subcontracted provision.



Amanda Spielman: Yes. There is quite a lot in our report on Learndirect. Our apprenticeship work absolutely does look at that. It is a matter of very serious concern, where we see apprentices starting courses and not following through. We take that extremely seriously.

- Q94 **Michelle Donelan:** You said that under the legislation further education outlets being able to go into schools—and with apprenticeships, and the full mix being shown to students—was one requirement that a school had to meet, but that you did not have the time to make sure that all those things were done. I am extremely concerned. The Committee previously did a report on the purpose of education. Do you agree that one of the fundamental purposes of education is to enable young people to have opportunities in life and careers that fit them? If Ofsted is saying that their future is a tiny element of what it has to look into, surely that is extremely concerning, because it is one of the key remits of a good education.

Amanda Spielman: I did not say it was a tiny element, and we do look at both outcomes and destinations. If that throws up any concern, it will come as a key line of inquiry into that inspection. We absolutely do look at it and take it seriously. I really want to nail this idea that Ofsted is not interested: it is and it does look at it.

- Q95 **Chair:** Your answer is slightly disappointing in terms of careers and skills, and of schools encouraging their students to do apprenticeships and further their education, because you seem to imply that everything in the garden is rosy, that you have the data and that not much more needs to be done. There is clearly a serious problem and a lot more needs to be done. You have been very quiet, chairman. You were looking like you wanted to speak.

Julius Weinberg: This is a rapidly moving environment. We have failed, in many ways, to achieve good quality skills education in the UK and it is important that we treat this seriously. One of my concerns is that Ofsted is effectively resourced to do that—I was going to get that in at some point—and that we do take this seriously. Obviously, I have some knowledge of this from my previous life as a vice chancellor, with concern about destination data; some of it is quite complex and quite difficult to interpret. Amanda is right in that, as I understand it from my position, we use it and it is used as a trigger to enable inspectors to ask the right questions, but as we develop our new framework it is something we should look at seriously in that wider context.

Amanda Spielman: I absolutely have not said it is rosy. I have expressed great concern about what people are being steered into in GCSE and post-14 pathways. I have expressed concerns about the state of colleges and particularly level 2 provision, particularly the course for the lower-achieving students.

Chair: But so far in this Committee you have not expressed any plans for trying to improve careers guidance on technical education



apprenticeships.

- Q96 **Emma Hardy:** Good morning. Your new corporate strategy seeks to tackle grade profiles being barriers to professionals. You told our predecessor Committee that you were quite uncomfortable with the effects of the outstanding grade. What is your current view?

Amanda Spielman: There are two separate things in there.

- Q97 **Emma Hardy:** Just stick with what you think about schools still being graded outstanding. Do you think it serves any point or any use?

Amanda Spielman: Taking one step back, we have been looking very carefully at all the different ways that Ofsted acts in the system, because grades are only one piece of that.

- Q98 **Emma Hardy:** Grades are often seen as one of the most important things for parents, and they are one of the things Ministers quote when they talk about "good" and "outstanding." They are one of the things Ofsted quotes when it talks about how many good schools there are. How useful is the outstanding grade?

Amanda Spielman: That is precisely the balance—between what is useful for parents, what is useful for providers, and what is useful for the other people who have to make decisions about schools. The work we are doing—some of the research we are setting up—is exactly looking at that. It is saying, "What is it that is most useful to each group?" For example, to the providers themselves we know the professional conversation at inspection is probably the single most useful thing, but we need to do more to see how we can help that.

- Q99 **Emma Hardy:** How are you going to get rid of the outstanding grade? When I have asked for information on what people wanted to ask, one of the main things people said is, "Please get rid of the 'outstanding' grade." Headteachers' Roundtable is saying it; there have been reports coming out all the time. It is not useful. Heads do not find it useful; schools do not find it useful. You said previously that you were uncomfortable with it. Have you changed your mind?

Amanda Spielman: I am in the same situation of having some level of discomfort. The noise from the sector is very clear; the noise from parents is in a rather different place. Looking at how we reconcile that and get the things that are helpful for both is a real challenge. A number of pieces of research are going on to help us to work out how best to triangulate this, but I do not have an easy answer.

- Q100 **Emma Hardy:** We often hear about schools that are undergoing Ofsted inspections asking certain children—usually SEN—to miss school on days when the inspectors are in. I have had a few parents contact me and tell me of exact examples of this. The aim is all about improving the school's Ofsted rating, which is not, obviously, a true reflection of the school. What is Ofsted doing to make sure that schools who do this do not get good reports? How can investigators check, given the pressures on them



HOUSE OF COMMONS

to turn around reports quickly? Do you think the mandatory reporting of voluntary absence rates on inspection days would be a useful tool to combat this practice?

Amanda Spielman: That is a very interesting suggestion. This really concerns me. It is hard to get a handle on it because quite a small number of non-attenders, as we all know, can make an enormous difference to the feel of a school if it is certain children. Detecting that through attendance rates is hard, but there is one piece looking at what can be done with data. I wish people would tell us. I am often told that people have heard from constituents, or elsewhere, that this has happened in a school, but very few specific reports that we can follow up on flow through to us. I urge people: if they know of a school where this has happened, send that in through our complaints system.

Q101 **Emma Hardy:** When you put the questionnaire out to parents, maybe one of the questions could include some questions around this. If you looked at the absence data for the children and maybe what grades they were attaining, or whether they were on the SEN register, that would probably tell you an awful lot.

How can inclusive schools—schools that do include and welcome everybody, who often take students who have been excluded from other schools, students from Traveller backgrounds or students with SEND—be rewarded under the current Ofsted system? It looks as if those who exclude do well and those who include are punished under the current grading of schools.

Amanda Spielman: That should not be the case. On the inspections I have been on, I have spent quite a bit of time talking to special needs co-ordinators about their work, talking through all the most challenging children they have. I have been incredibly impressed by the thoroughness, the clarity and the persistence with which those schools are working. Certainly, in those inspections, I have seen inspectors discussing that with strong approval of the school's commitment to inclusion.

Q102 **Emma Hardy:** You could include a grading, perhaps, when you have a look at your inspection reviews, for how inclusive a school is. You could reward schools and it would be there in black and white to say, "This is a good school at being inclusive." You could include that in your inspection reports.

Amanda Spielman: It is a really interesting suggestion for the new framework. It is worth thinking about. Thank you.

Q103 **Emma Hardy:** Talking about children's mental health and wellbeing, one of the overwhelming things that came out was teachers' mental health and wellbeing. I know that you have the staff questionnaires. One of the things that came back from teachers was whether you could look at punishing schools that do not follow your mythbusters guidance, which is excellent guidance but which is not always followed, particularly in the



HOUSE OF COMMONS

realms of marking. A lot of teachers are saying that, if you penalise schools, saying, "You are making them do excessive work; you are making them mark in a variety of coloured pens; we are going to penalise you for it," you might start to see the reaction that we need.

Amanda Spielman: Indeed. We have had quite a bit of discussion about this. It is why, for the first time in the staff questionnaire for inspection, we have just included whether the senior leadership team is paying proper attention to managing workloads. We know how sometimes people can overreact to anything we say, anything we include, so we are moving cautiously, taking one small step to look at this area. It is absolutely a concern that unnecessary workload is created in schools, and that is damaging.

Q104 **Thelma Walker:** Ofsted does not always meet union reps representing staff under pressure. The unions are there to consider staff wellbeing. How could you address this so that there is dialogue between Ofsted and union reps supporting teachers in the classroom?

Amanda Spielman: You are right—it does not happen at the moment.

Q105 **Thelma Walker:** Could it be built into the framework, so that dialogue between Ofsted and union representation would be seen as a positive in an inspection?

Amanda Spielman: It could be considered, but it has not been discussed.

Thelma Walker: Teachers would appreciate that.

Q106 **Lucy Powell:** On the early years inspection and outcomes, you will be aware that 93% of providers in the early years are now rated good or outstanding. Given the outcomes, the gaps and the poor progress that still remain in parts of the early years sector, do you think that those ratings reflect what is actually happening? If not, why not?

Amanda Spielman: Very broadly, our view on early years is that the looking after children side is pretty good; the education side is not quite so strong. In my commentary, we cover the early years. We have found that the EYFS, against which we have to inspect because it is the statutory framework that all early years providers are working to—childminders, nurseries and so on—is not as strong as it should be. Full compliance with the framework still does not mean that children are well prepared for primary education. We are going to be reporting on that pretty shortly, so I hope we will see some raising of expectations on the education side.

Q107 **Chair:** My colleague Emma made observations about the inbuilt disadvantage of schools that have a lot of special needs pupils. I have seen that in my own constituency and they are doing incredible work, but they are virtually measured in the same way, which seems completely wrong. You have said that you are going to consider this seriously. I hope that you really will take this back and look at it.



HOUSE OF COMMONS

Amanda Spielman: We put a great deal into looking at special needs provision in school.

Chair: It is about the measurement as well—about how these schools are assessed.

Q108 **Ian Mearns:** I am still—hands up—a chair of governors of a primary school. Ofsted inspectors have told me that they are not allowed to give too much weighting to the context in which the school finds itself. Often, schools with surplus places end up hoovering up youngsters who have been excluded or moved out of other schools. They might have only had those children for a number of weeks or months but are graded by Ofsted. Ofsted is not allowed, so inspectors have told us in the past, to give too much weighting to that. They have to give a snapshot of what they find on a couple of days.

Amanda Spielman: First, I am concerned to hear any inspectors say they cannot give what they think is proper weighting. Secondly, an approach that is very much based on progress is and should be about much more than just a few lessons on a given day. The model is designed to look at what is flowing from it. I know of schools with outstanding ratings that have extremely high pupil mobility and have enormous challenges, and I am confident that that was properly taken into account in giving them the outstanding judgments, even though on some measures they would not have looked like spectacular progress levels, but for the children they were taking in the periods they had them they were very good. That gives me comfort that we are able to reflect that.

Q109 **Chair:** I am going to come on to Lucy in a second. You will have seen a report in *Schools Week* on 13 October. It quotes what you said in March this year: "We know that there are some schools that are narrowing the curriculum, using qualifications inappropriately and moving out pupils who would drag down results. This is nothing short of a scandal." I refer to stories that over the summer a number of sixth forms in Kent, Buckinghamshire and Lincolnshire ejected sixth form students halfway through their two-year A-level course. It seems that quite a few schools were involved. That is outrageous because it is denying those young people the chance to climb the education ladder of opportunity. What I want to know is not just your view about what has gone on but what you are doing about Ofsted's role in making sure it does not happen again.

Amanda Spielman: I find it extraordinary, having taken children on for a course. This flowed from the fragmentation of sixth form into two one-year cycles, with AS and A2. It created a perception that you have done one bit and that it was legitimate to say, "Off you go and do something else now." I hope that moving towards a system that strongly conceives of sixth form as a two-year programme of study, and not a one-year programme, will help to move all schools and all colleges away from the idea that they can have another look a year in and say, "You stay; you go," because it is completely unacceptable that that should ever happen.



HOUSE OF COMMONS

Again, in looking at any post-16 provision, as with qualification achievement rates, somebody who drops out at the end of year 11 or disappears from the school is somebody who is not achieving in that programme. You should be looking at that, and if you see any significant number of children—there will always be one or two cases; there will be exceptional circumstances, such as somebody who has ME or whatever it is—disappearing part way through any programme that says that you are not getting the achievement rates—

Q110 Chair: Can your assistants identify that and can you put a stop to it?

Amanda Spielman: Can we put a stop to it? I do not have the powers to tell any school what they can and cannot do, but we can report on it. We can say, "You do not have children achieving what they should achieve," so we can criticise that in the report. We cannot say, "You must not do it." I do not have that power.

Q111 Lucy Powell: I welcome your moving the debate into curriculum—it is long overdue. However, when I read your commentary I felt that the onus was very strongly on schools, rather than on the framework. There is one sentence in particular, where you say: "Both the new SATs at the end of key stage 2 and revised GCSE and A-level qualifications are a marked improvement on their predecessors and, in my view, are set at an appropriate level of rigour." How do you qualify that? What makes you say that?

Amanda Spielman: How do I qualify that? A lot of experience in my previous life has been around the design and development—understanding what has been taken into account; how they have been thought about; how the profession has been involved in designing the programmes of study and assessment objectives; and how that has been tested. We should all get a lot of confidence from that.

Q112 Lucy Powell: It is quite hard to get confidence from that. I say this as a parent and from having gone into schools many times. Are you aware of what the pass mark was in, say, the maths higher tier exam this year?

Amanda Spielman: Yes, I am. With the introduction of a new GCSE, maths was the one subject where there was a very deliberate increase in the amount of content and in the expected achievement rate. In the first year of the new qualification, with a significantly upgraded level of demand, there was always going to be an unusually low pass rate. I would expect that to shift over time, but it did not come as any surprise.

Q113 Lucy Powell: I think it probably did come as a surprise, but that is a separate matter and we will take some of those things up with Ofqual. Any child sitting an exam like that would totally lose their confidence, even the brightest. It was 18, for the record.

From speaking to children, including my own, I am very familiar with the current curricula. Their biggest gripe is the breadth of the curricula that they now have to study and the amount of learning, rather than conceptual understanding, that is now involved. Do you not think that



that is a big part of this problem, with the squeeze in timetabling and getting people through exams?

Amanda Spielman: No, I don't think so. You can look at that the other way around, in that a lot of things have become very narrow. When we looked at Ofqual, at some of the old GCSEs, we saw some of them where the substance—the content—had been skinned out almost to vanishing point. So, yes, it will feel different, but I do not think that means that it is wrong.

Q114 **Lucy Powell:** Andreas Schleicher from the OECD, who looks at all the PISA countries, describes our curricula, particularly maths and the sciences, as being a mile wide and an inch deep. We are going in the opposite direction from many of our international competitors in terms of that conceptual, deep understanding. My son is key stage 2, key stage 4, science and maths. I did science. A lot of it is boring—I am sorry, it is. When you are looking at this commentary on curriculum, should you have a different view, perhaps, about the framework around which schools are operating?

Amanda Spielman: I do not know whether Andreas Schleicher has read the national curriculum programmes of study—

Lucy Powell: He has.

Amanda Spelman: But I have, and what I see when I look at them is a really good balance between basic knowledge and conceptual knowledge, the linkages, and the skills developed from those. It is a myth that the national curriculum has become a list of dry facts. It simply has not. Again, when I look at the assessment objectives for new GCSEs, there is a story that does not have much to do with the reality, if you look at the documentation. That is the challenge for schools. Good teaching brings it to life, and at Ofsted we see many schools where the teaching really does do that. I see no reason why it should not be brought to life for everybody. That is why we are so concerned when we see schools that approach the curriculum in a reductive way, where they are having children learn tests instead of having them really build learning and use tests just to test learning in the way they should. We do not want children to be taught tests.

Q115 **Lucy Powell:** I agree, but on the flip side, to get on to apprenticeships, FEs and all the destinations we have been talking about, it is not just a requirement for the school but a child now needs to get a 4 or a 5—in the old money, a C—to access the next level of learning. If they do not have that in English and maths, it is a real struggle. It is not just in the interests of the school; it is in the interests of the child to try to get them to be able to get on to that next rung. I will ask again, in a different way: is the curriculum appropriate to enable as many children as possible to get on to the next level?

Amanda Spielman: Yes, I believe it is. You are touching on the misunderstanding that exists in many schools: the comfort blanket of



HOUSE OF COMMONS

going as directly as possible, at the lowest possible level, just to collect marks on a test, is the best way to get certainty about grades. The more ambitious schools, which teach a full curriculum, do just as well—or, if anything, better—because their children are better prepared.

- Q116 **Lucy Powell:** It is very hard to get certainty about the tests when the pass marks are 18 out of 100. We saw a 30% drop at key stage 2 in the first year of the new SATs. Your onus, with respect, must also be the framework and not just schools' implementation, because they would say to you that it is incredibly difficult to operate in an environment with huge uncertainty about what is a pass or not.

Amanda Spielman: With the aggregation work we do, we will continue to report on that. This is not a one-off. We will carry on looking at the curriculum and its implementation in schools.

- Q117 **Emma Hardy:** Julius, what do you think the effect of Ofsted defending the new national curriculum has on the public's perception of its independence?

Julius Weinberg: The feedback we are getting is that there has been a lot of support that Ofsted has raised issues around the curriculum. I certainly have not heard anything that says that—I am not sure that "defence" is the right word—our saying that, fundamentally, we do not think there is an enormous problem with the national curriculum, as Amanda has said, has raised any questions about our independence. I certainly have not heard anything to that effect.

Emma Hardy: Yet.

Julius Weinberg: Yet. If that did happen we would defend our position, so "defence" would be the right word, in the way Amanda has.

- Q118 **Emma Hardy:** It is quite political, is it not, to defend the national curriculum, which is Government policy, from an independent body?

Amanda Spielman: No, I do not think so.

Julius Weinberg: An independent body can exercise its independence sometimes by challenging and sometimes by saying, "Actually, we think this is right." Independence does not necessarily mean you always reject.

- Q119 **Thelma Walker:** Whatever the curriculum area, it is how children and young people access the subject in a curriculum. It is about emotional intelligence; it is about resilience. What is the process for recognising how young people access the curriculum? How is that acknowledged? We are talking about individual subjects, but it is about a holistic approach to that child or young person and how they access it. How is a child, through the Ofsted process, acknowledged? How is their emotional intelligence and resilience acknowledged?

Amanda Spielman: There are several layers in what a good school provides, one of which is a core programme that is really well taught,



because that, of itself, will take care of a very large proportion of these. Beyond that, understanding where that is not sufficient or where variations or supplements are needed, it is having a really strong focus on the needs of individual children, not just token members of this sub-group or that sub-group, but as children. We have to get that clarity. So, there is the whole school and there is, "What does it take to make sure that everybody gets the full benefit of that?" What we are looking at is to say: does a school know the children they have and make sure that everybody has the experience that they should, which means they come out successfully?

Chair: James.

James Frith: My question has been answered, Chair. Thank you.

Chair: It is very rare that happens.

James Frith: I am new to this, you can tell.

Chair: You have just witnessed an historic moment. We are coming on to you and school funding, funnily enough. This is your section now, so, please, fire away, James.

Q120 **James Frith:** Thank you, Chair. I have some questions for you on this. In relation to school funding—we have covered a bit of alternative provision and special educational needs disability—can you see that there is a disincentive, where schools are already under considerable budgetary pressures, that they now have to contribute £6,000 towards any identification of a child with special educational needs disability whom they put on to an EHC plan? Do you think there is an inbuilt disincentive there? I might be proving your quote that you gave to *The Guardian* of an increasing sophistication of the education landscapes, because that is in contrast to some of the experiences that were identified that colleagues mentioned about young people being discouraged from turning up at school on the day of the inspection. I will take you up on talking to you directly about the schools in question, but I have evidence where schools are deliberately holding back from identifying students whom their parents are very keen to identify with EHC plans, and none of this is learned behaviour on the parents' part.

Amanda Spielman: That should most definitely be a matter for concern. There is no funding system in the world that does not create some undesirable incentives somewhere. Government constantly iterates to try to do that, but we should have insight into anywhere where what are likely to be unintended incentives are causing damaging effects for any child, so I would absolutely want to—

Q121 **James Frith:** I do not know if it is an unintended consequence when a school is stipulated to contribute £6,000. According to the Secretary of State last week, 14% of all students—sorry, of most schools 14% is an average of those with SEN requirements. It is quite clear to me that that is a chunk of money that would be needed in the event those young people are identified as requiring that support. It is hardly unintended. It



is by design, if anything.

Amanda Spielman: It is the first time anybody has raised it with me, so it is something I will have to take away and look at.

- Q122 **James Frith:** As to funding in relation to the curriculum, do you see there being a need, ahead of technical or T-levels, for a greater emphasis in preparation for students choosing T-levels at secondary education and then an improved equality in post-16 provision, to ensure that there is this parity of esteem, this equality in social mobility and all the platitudinous things that we are all reciting, but demonstrably it is lacking when you compare post-16 education to further education or the independent sector, or primary and secondary?

Amanda Spielman: The core thing, for me, is that we get programmes of real quality, because if people get high-quality education that is the most important thing. It is not whether it can be given a sticker that says it is to be treated as equivalent to that, but whether it is good education, because that is what sets people up for the next stage and the next stage, and for good outcomes in life. My overriding concern is that there is real substance in them and that they lead to a good experience in the classroom, the workshop or wherever.

- Q123 **James Frith:** Finally, I found reassuring the amount of work that you have done as part of your induction. Both in your assessment of what is required in the framework to come and how the DFE determines its central funding, would you have any areas that you will be reviewing and suggesting should go into that consideration? For example, with regard to demographic figures, I have a constituency that has both the poorest ward and the most well-off ward, by anyone's data of demography. That is recognised, at the moment, to a degree, but are there any areas where you would be saying, "After my initial assessment of things, we really need greater emphasis for this area for funding and in this area for our framework"?

Chair: A short answer, if we can.

Amanda Spielman: A short answer is that, broadly, funding matters do not sit with us, and, beyond some very specific areas that we are required to look at, we do not look at the generality of how schools apply funding. That sits with other bits of Government.

- Q124 **Ian Mearns:** Your predecessor's relationship with the national schools commissioner was strained at times. How would you describe your relationship with Sir David Carter now? Also, have you any view on what seems to be a revolving door between regional schools commissioner roles and chief executive jobs within multi-academy trusts? There seems to be a flow of people from one to the other on a regular basis. Do you think that has anything to do with the fact that 121 trusts are now paying members of staff or trustees more than £150,000 a year?

Amanda Spielman: There are several questions there. I will start with the relationship. I did, in fact, meet David Carter only yesterday. I have a



workshop for my regional directors and his regional schools commissioners next week to talk through the challenges and the opportunities of working together, to make sure that we complement each other in such a way that we are valuable to providers, because, at the end of the day, if there is any confusion or duplication in what we do it is unhelpful for schools. The starting point is: how should it feel and be understood at the user end? I am pushing to make sure that we really think about that, not in a technical, governmental way of reciting some very technical response, but what it is that users should experience. That is where I really want to work, to get on a stage from where we are at the moment.

Q125 Ian Mearns: Do you think, though, that there is complete clarity about the roles of Ofsted and the regional schools commissioners, because it seems to me that there are quite often tanks parked on each other's lawns at times?

Amanda Spielman: It is pretty clear what Ofsted does. By and large, it is in statute and regulations. We have a rapidly evolving model of what regional schools commissioners do, and the fuzziness is probably more on that side of the fence. Nevertheless, at the end of the day, it is about making sure that schools have the right experience and get all the constructive input that they should be entitled to expect.

Q126 Chair: When a regional schools commissioner is recommending new academies for schools or for schools to be taken over by academies, how much do they have to take into account Ofsted inspections of the schools?

Amanda Spielman: That I cannot answer. I simply do not know. They certainly very much use the information that we provide. The extent to which they have to is a matter of internal DFE process that I cannot—

Q127 Ian Mearns: Last week, I was asking the Secretary of State whether it would be a good idea if Ofsted was able to properly inspect what multi-academy trusts do in the way in which local authorities are inspected. Would you welcome that?

Amanda Spielman: I absolutely would welcome it. This has been something I have raised and have been discussing for several months.

Q128 Ian Mearns: Given that there are now billions of pounds of public money being spent by multi-academy trusts, would you regard that as a matter of urgency from your perspective?

Amanda Spielman: It is something important. The view we can get just by looking at subsets of the schools in a MAT is very significantly more limited than the view we would get by looking at the whole of a MAT. Increasingly, they are quite highly integrated operations where it is a bit artificial. You cannot say that just looking at the school and a local government body gives you the full view on how that is being run and



HOUSE OF COMMONS

controlled, and how important decisions are being made. I want to be able to look properly at those decisions.

- Q129 **Ian Mearns:** Would you think, therefore, in a similar sort of way, that there would be a role for Ofsted in inspecting the role of regional schools commissioners, because they are involved in important decisions and, by the way, have also had some shortcomings in terms of re-brokering schools that have fallen out of multi-academy trusts or fallen into a category where they need to become part of a multi-academy trust, according to the Government? Sometimes 70 schools have gone more than a year without being re-brokered into a multi-academy trust.

Amanda Spielman: Delays in re-brokering are one of the things that cause concern. Where we see any significant delay, we can and do go back and look at a school, both from the point of view of providing reassurance and to raise the alarm bell if things are not okay in that delay period. It is worth saying about MATs that making sure that the accountability inspection model we operate can properly fit how the sector now operates really matters. We need to be able to evolve to work how the sector operates, not how it did 25 years ago. The same is true in early years, where we see more and more chains. The same is true in colleges, where we see mergers and subcontract arrangements. The same is true in alternative provision, where we see, effectively, children subcontracted. There are various places where, on Thelma's point, children become units in a contract rather than children, which is something that should concern us. Across the board I want to look at this.

- Q130 **Ian Mearns:** Just for the record, do you see there being a gap in accountability in the way in which multi-academy trusts currently operate?

Amanda Spielman: We are, at the moment, mainly appointed at the school level. I do not have full visibility into what the EFSA does and their oversight, but I would like Ofsted to be looking at the quality at multi-academy trust level, not just at individual school level.

- Q131 **Lucy Powell:** It is really good to hear you expressing that you want to have those powers. You may have heard the Secretary of State, last week, pretty much ruling out giving you those powers. Are you disappointed by that?

Amanda Spielman: I was disappointed, yes. Looking at developing the batched inspection, it needs to be developed quite a long way to be something that properly addresses the system as it operates.

- Q132 **Lucy Powell:** You will be taking it up with her again then.

Amanda Spielman: Yes.

- Q133 **Lucy Allan:** Children's social care is a very important element of Ofsted's remit.



HOUSE OF COMMONS

Amanda Spielman: Indeed.

Q134 **Lucy Allan:** It often gets less attention and a sense that it is not so prominent in the responsibilities of Ofsted. We heard, at this Committee two weeks ago, from a witness who said Ofsted are not improving services for children, Ofsted are not making children safer and they are not transforming outcomes for children. Do you think that a separate inspectorate would solve that problem?

Amanda Spielman: I am afraid I am not familiar with who the witness was or that piece of evidence, but the short answer is, no, I do not think it would, for a couple of reasons. One is the kind of working-across remits that we have been building slowly over the last few years and, for example, the way that now flows through into the joint target inspections with other inspectorates. Looking at the interests of children where different parts of their lives intersect and that intelligence sharing is an increasingly valuable piece of what we do. If there was a separate inspectorate, it would create another interface that local authorities had to work across; it would create another organisational system with which we constantly had to be sharing. It would create more complexity, rather than solving things.

Q135 **Lucy Allan:** What about the role of deputy chief inspector, because, clearly, there has been a lot of turnover in that role? What is the position at present and how are we going to boost that function?

Amanda Spielman: I am very happy that we have a national director in parity to the education national director, to give them equal prominence and importance in Ofsted. You will probably know that my excellent colleague Eleanor Schooling, who is sitting behind me, is retiring. We have recently advertised; we have a successful candidate and I am very much hoping that we will be able to confirm that appointment.

Q136 **Lucy Allan:** There has been a rapid turnover in that position, with people being in post temporarily over the last couple of years. Do you think that has had an adverse impact?

Amanda Spielman: No, quite the reverse. The work that Eleanor Schooling has done over the last two years has stabilised and turned things around, and created a platform for bringing in a very strong, new national director, on a fully permanent basis, who will take things forward in exactly the right way. I feel we are on a very good path.

Q137 **Lucy Allan:** If there were one thing that you could do to improve the status of children's services within Ofsted, what would that be?

Chair: Can I just come in on that, because you launched your social care common inspection framework in April 2017?

Amanda Spielman: Yes.

Chair: How has that improved the position in terms of the scrutiny of childcare?



Amanda Spielman: This is not the local authority framework; this is for the other providers—the SCCIF. It is the focus on children. What Eleanor has led, and we have taken through in that framework and now in the new ILACS framework for local authorities, is getting that children first focus, which in fact has been very helpful for the education side. Social care has led, in a sense, some of the development of thinking in Ofsted about how we make sure that we do not slide into looking at process, process, process, and how we make sure that we have children all the way through it. Children's homes are the largest category that is inspected under that new framework. This real focus on the experience of children has been absolutely invaluable.

Q138 **Lucy Allan:** But, also, child protection and aspects of children's services.

Julius Weinberg: Certainly, at board level, we take social care extremely seriously and the board pays just as much attention to it. In fact, I have board meetings, in terms of strategic discussions, where we have paid as much attention to social care as to schools. Eleanor will be leading a major strategic discussion for us at board level, so I hope that reassures you.

Q139 **Michelle Donelan:** You said earlier, in March this year, that you wanted to reset Ofsted's relationship with the FE sector, following the history. I just wanted to know what you meant by that in practical terms and what has happened since March on that, especially going back to what you said before about Ofsted not having the time to really monitor whether FE providers can come into schools regularly. You said that you rely on the destination reporting. Do you have a target for how many young people have to get into an FE college per school? How exactly does that work?

Amanda Spielman: No, we do not have a target. Coming back to the first piece, I have been developing, for Ofsted, a more nuanced position on FE, it is fair to say, rather than a blanket, "This is FE," in a single word. It has been really important and helpful to be very clear that we see both strengths and weaknesses and to see where they are, so that we are pursuing the things that properly deserve expressions of concern with the right level of pressure, rather than tarring everything with the same brush. All the feedback that I have had has been that that is very welcome. I have spoken at FE conferences; I have visited colleges; I have been on FE inspections; and I am continuing the level of involvement to make sure, as I said before, that FE and the wider apprenticeships and skills piece get a fair share of my time and the senior time and attention from Ofsted.

Q140 **Michelle Donelan:** The feedback that I have had personally, and I know other colleagues probably have as well, is that access to schools—I know we keep harping on about this—is probably the key problem and barrier that FE colleges face. I am just concerned, if you are relying on destination reporting, how that can really flag up anything if there is no target mechanism there.



HOUSE OF COMMONS

Amanda Spielman: If this is an expression of concern, first, we should be seeing that through our information systems. If we are not, then there is something we need to do to triangulate. It is one I am going to take away, look at and see if there is something missing or it is something that gets picked up in other ways. I want to follow up on this point that has been raised and make sure that we are seeing what we should.

Q141 **Michelle Donelan:** This area was not a primary concern before coming here then, for you personally.

Amanda Spielman: Sorry, FE colleges? You asked me one question about relationships with the FE sector and a separate one about whether schools are giving access.

Q142 **Michelle Donelan:** I would have said that one interlinked with the other because it would impact upon your relationship with FE colleges, if that is one of their primary concerns.

Amanda Spielman: It is something that I have heard, but it has not been raised with me as a primary concern about something they want Ofsted to do.

Q143 **Michelle Donelan:** Right. I would argue that is quite concerning. Finally, on apprenticeships, do you think that you have sufficient capacity to inspect the apprenticeship provision, especially with the growth in the area and continued growth, hopefully?

Chair: If I can just come in, you have said, in your annual report, that 37% of apprenticeship trainers are not providing good quality. You do not even inspect subcontractors, or the vast majority of them anyway, so it does not even include that. Would you not say, given what Michelle has just said, that the quality of apprenticeship training is seriously worrying if it is as high as 37% in terms of the ones you inspect?

Amanda Spielman: We have a number of concerns about apprenticeships and apprenticeship provision. We have expressed those in public reports. To make one point before I come back to Michelle, we inspect subcontractors, but we inspect them on a sample basis through our inspectors at inspections of the lead contractors. What we do not do, at the moment, is inspect subcontractors directly, in addition to the inspection.

Q144 **Chair:** That is a huge flaw because it means that they could be providing rubbish training. Many are providing good training, but they could be providing rubbish training, and you have no idea whether they do or not.

Amanda Spielman: Our Learndirect inspection gave an example of where we were able to look through and see the inadequacies of it. I am not saying it is a perfect model, but I am saying we get a great deal of information that helps us to identify many of the problems in the system. We have recently started getting a whole different level of data about subcontractors and subcontractor performance. We now have a direct view on about 500 live subcontractors, for whom we have not been able



HOUSE OF COMMONS

to see the same level of information before. We are looking at how we can best use that. Out of that, we might decide to inspect some subcontractors directly.

Turning to the wider point, the uncertainties around the take-up of the new apprenticeship policy mean there is real uncertainty for us about the quantity of work and the depth of work that we are going to have to do. We also know that, whenever a giant tap of money turns on, you get some really good people doing good things but you also get some cowboys, some sharks, some bottom-feeders. We saw that with Train to Gain. We do not want the apprenticeship policy turning into another Train to Gain. So, for me, it is very important that we can look at the providers coming on stream and that we have the resource to do that. If the apprenticeship policy is successful, then the current level of resource will not be sufficient. I have already had some conversations with the Department for Education about this—that there will need to be additional resource to be able to do the job properly, so it is something that we have considered and raised.

Q145 Chair: Would you say that the 37% figure that you cite, given that you do not inspect all subcontractors, despite your caveats, is pretty worrying out there in terms of the quality of the training?

Amanda Spielman: It is. There is a great deal that we should not be comfortable about.

Q146 James Frith: It is great that you are not taking the bombastic line with FE that your predecessor took. My concern about subcontracting is that we have the worst of both worlds. In very many cases, where there is good history or technical knowledge or experience of a sector, coming together to provide quite niche, quite small provision, they are being moved out of the space because larger contractors then rely on subcontractors to deliver their work but are attractive to the commissioners as a go-to, Learndirect being a classic. It is my view that Learndirect is a bigger alarm bell than even the report suggests and we need to draw caution from simply thinking that one model of provision is just simply better than the other. We had conversations, in preparation for our Committee terms of reference, about there being really good experience for charity and independent provision in towns like mine in Bury, that are being ignored because the go-to provider is seen as more robust, more accessible. Learndirect is demonstrably the case where that does not apply. I just wanted to offer you the chance to comment on those areas.

Amanda Spielman: What you are picking up is the way in which there are things that do not necessarily lend themselves to being included in the specific report that can usefully and sensibly be drawn out in aggregating the insight we get from inspecting a sector, from looking at a lot of providers. One of the things I have already done is to strengthen that side of our work that had been diminished somewhat in recent years, so that we are now doing a full programme of the subservient evaluation



HOUSE OF COMMONS

work, which will help make sure that we draw out things like this where we see them and which I hope will be useful to this Committee.

James Frith: Particularly around completion rates.

Q147 **Chair:** Going back to the 37% figure, before I come on to Thelma, have you divided it up between private providers and FE providers? What are the figures for quality FE providers and quality private providers, in terms of the quality of apprenticeship training?

Amanda Spielman: You are taking me beyond anything I can answer off the top of my head, but I would be very happy for you to write to me about that.

Chair: Or you write to us about it.

Amanda Spielman: Yes.

Chair: You must have made the distinction or measured it in your tables.

Amanda Spielman: We probably have, but I am afraid I do not have that at my fingertips.

Q148 **Thelma Walker:** There have been complaints about the complaints process following Ofsted inspections. Have you any plans to review or reform the complaints process?

Amanda Spielman: A couple of things. You are referring to one particular court case involving Durand Academy. First of all, there is an important point about our complaints process. Most of our complaints, unsurprisingly, come from providers who have been found inadequate. There are very heavy consequences for many kinds of provider: loss of income and loss of various kinds of status for schools or individuals. It is unsurprising that judgments will be challenged, even where they are absolutely fair and right. Any chance of avoiding the consequence is sometimes very appealing.

We really understand the significance of our judgments, which is why, for inadequate judgments in the school space, we treat the representations made about the draft reports as though they were a complaint needing full scrutiny. We build in a pre-complaints process of independent scrutiny from completely outside the region and the team that produced the report—we call it moderation—before the report is published, as well as having the complaints process after that. For later stage complaints, we have complete outsiders who observe some of our complaints panels and we have review by independent complaints reviewers. We have some pretty solid—

Q149 **Thelma Walker:** There is a perception in schools that they may appeal but Ofsted will never reverse their decision, that they are going through a process. It is almost like the inspection is done to them rather than through them and there is no conversation to be had. Just to come back at you, is there any plan to review the whole process?



HOUSE OF COMMONS

Amanda Spielman: As you know, we have put in an appeal on the Durand case, so some things depend on that and I cannot comment on that side of things. We always look at feedback individually and we look at the aggregation of feedback, to see what it is telling us about our processes, to try to make sure that we are constantly iterating to make them as fair, transparent and responsive as we possibly can.

Q150 **Chair:** You cannot reverse a decision even if you found the inspectors to be wrong. Is that right or not?

Amanda Spielman: Of course we can.

Chair: So you can reverse a decision.

Q151 **Thelma Walker:** Have you any data to show how often that has happened?

Amanda Spielman: It is a fairly small number of cases after the publication of the final report, but a considerable number of decisions are revisited in that final moderation process. There are various options open at that point—for example, to declare the inspection incomplete, to go back and collect some more evidence to come to a final determination. You cannot just use changes, post publication, to show the effectiveness of the complaints procedure because so much is built in earlier on.

Q152 **Lucy Powell:** On that final point, you talk about the high stakes, and there is a huge amount at stake for schools when it comes to Ofsted inspections. One thing I am sure you are familiar with, as are all of us in this room, is a growing debate about whether, especially given the stripping away of school improvement capacity within local authorities and, you could say, regional schools commissioners, we need to fundamentally reshape the role of Ofsted—I know it does this with monitoring visits—more formally to work with schools over a longer period of time, to get the improvement, rather than coming and doing the inspection, have the high stakes, all the challenges that come with that and the lack of capacity in the system now. Is that something that you, as a new incoming chief exec, think you might want to make part of your ambition?

Amanda Spielman: This is very much in line with our strategy and making sure that we iterate intelligently to carry on being a force for improvement. If I pick up the new social care framework for local authorities, that is very much designed to create a slightly different kind of relationship where we have established a baseline through the single inspection framework, but where we go back, looking to construct the right conversation, to catch things before there is significant deterioration, to provide a smaller but more frequent constructive input.

Q153 **Lucy Powell:** Eighty per cent of local authorities require improvement, so is that fit for purpose?

Amanda Spielman: Behind that sits a lot that is good already, as well as pieces that are not, so it helps us to be more selective with our input to



HOUSE OF COMMONS

the parts that have led to the “requires improvement,” rather than going back and looking over and over again at all the stuff in which we have some confidence.

I just want to mention, very briefly, that the new approach to short inspections, which we are consulting on currently, is another example of where we believe that implementing that will help to do the same thing to provide more conversation before we put a judgment on and give schools a chance to take things forward in the right way, so that when we come back again after a short inspection there will be a good outcome.

Chair: We will have one very quick question from Emma and the final question from Ian. We are going to finish by 11.25.

- Q154 **Emma Hardy:** One of them is that parents are asking about Ofsted reports that disappear when the school starts as an academy but changes to a comprehensive. There was a recent story about a certain academy school smearing the name of the comprehensive predecessor, especially in the way of behaviour, and it was only the fact that the five years were not up that the Ofsted original report was there. Could you comment on that? Also, could schools have a right of reply to Ofsted reports? I got two in in one.

Amanda Spielman: As to the first question, that is something I am happy to take away and look at. I have no idea of the reasons behind the decision around the time period that you applied. I am happy to look at it. In terms of parents commenting on schools, Ofsted reports are what they are. Views of parents are taken into account in putting them together; views of schools are taken into account. Inspection is a process that is done with—

- Q155 **Emma Hardy:** It is about leaving reports on the system and, at the bottom of the Ofsted report, schools having a right of reply. When a school goes from a comprehensive to an academy, the old reports disappear off the system.

Amanda Spielman: That is what I said. I will take it away and have a look at it.

Emma Hardy: Also, the right to reply on the bottom of the Ofsted report.

- Q156 **Ian Mearns:** Lastly, I have the privilege to live among and represent a very Orthodox Jewish community in my constituency. This has been raised with me by people there but also in other parts of the country; it is the issue with reconciling fundamental religious principles, the Ofsted framework for inspections and how that is interpreted by inspectors. Have you any plans to teach inspectors and inspection teams to carry out inspections in faith schools, with a better understanding of the close correlation of those schools with the ethos of their religion?

Amanda Spielman: First of all, we already have done quite a bit of training and we have a central team, which is our repository of expertise.



HOUSE OF COMMONS

We have been looking, very recently, at how we make sure we get consistency in delivery. As you rightly say, it is a very difficult and sensitive area across schools. I believe that the Department for Education is also looking at some additional guidance around the Independent School Standards and the proper interpretation of those, which will be extremely helpful for us and for inspectors, to train inspectors on.

Q157 **Ian Mearns:** Would you believe there is room for some dialogue?

Amanda Spielman: There is a genuine difficulty here between the requirements and expectations of equalities law, as was qualified in the Al-Hijrah case, and the desires of some conservative faith communities. It was the Court of Appeal, not Ofsted, which said extremely clearly that the application of equalities law is not a matter of parental choice. In inspecting, Ofsted will have to apply the law as it stands.

Q158 **Chair:** Ian is raising what is clearly an incredibly complex issue and we possibly might get your representatives back, just for a one-off session, to look at those, because they are becoming more and more prevalent. Could I just give you a big thank you from the Committee? You have answered questions incredibly comprehensively, whether we agree or disagree with your answers. I am very grateful to you and the knowledge that you have displayed today. I would ask one thing, among the other things that you said you would consider, which we are very grateful for, but you can see it is the clear will of the Committee, out of all sides of the political parties, that this issue of careers advice and schools in terms of technical education, apprenticeships and supporting UTCs needs to be looked at very seriously. I would just ask you to take that back.

Amanda Spielman: We will take that away and chew on it. Thank you.

Chair: Thank you.