

Education Committee

Oral evidence: [Accountability hearings](#), HC 341

Wednesday 7 March 2018

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Members present: Robert Halfon (Chair); Lucy Allan; Michelle Donelan; James Frith; Trudy Harrison; Ian Mearns; Lucy Powell; Thelma Walker; Mr William Wragg.

Questions 506-635

Witness

I: Amanda Spielman, Her Majesty's Chief Inspector, Ofsted

Examination of witness

Witness: Amanda Spielman.

Q506 **Chair:** Good morning. Thank you very much for coming. You seem to be a regular now at our Education Committee and we are very appreciative of the efforts that you make on this.

First of all, could you give your name and position for the benefit of the tape? I would like to start off by you explaining the problems you face going into some of the unregistered schools, or even registered schools, and perhaps of acts of extremism or not proper safeguarding or not proper teaching or whatever it may be. Could you set that out, please?

Amanda Spielman: Of course. My name is Amanda Spielman and I am the Chief Inspector at Ofsted.

To outline the problems that you have asked me to talk about, I will start very quickly with the taxonomy of the system. First, we have state schools, maintained schools, where the number of schools about which we have serious concerns on this front is very small but there are a few. We have independent schools and they fall broadly into two groups: at the top level there are those that are affiliated through to the Independent Schools Council and are generally inspected by the Independent Schools Inspectorate and most of the schools that people have heard of fall into that category. Nearly half of independent schools are not affiliated. A big chunk of those are special schools, often providing for local authority-funded children. The other part is a great mixture, including quite a large number of faith schools of various denominations.

We have substantial concerns, particularly about the non-special school side of that. Faith schools in particular, across all denominations, have very poor outcomes. The position is as bad as it has ever been and deteriorating rather than improving. It is striking that the denominational schools in that independent school sector do very much worse than the schools of the corresponding denomination do in the state sector.

Q507 **Chair:** Exactly. I was just going to say you are obviously making a distinction between faith schools that are recognised by the state and faith schools outside the state sector.

Amanda Spielman: Indeed. The kinds of failure that we see in independent faith schools are across the board. There are concerns about the quality of education, about welfare and safeguarding. There are particular problems in some faith schools about recognising the equalities law and particularly recognising protective characteristics, but it is absolutely not narrowly about that. It is a wide problem across education, safeguarding, and protective characteristics and, in some cases, British values. That is two categories.



Then we have the unregulated settings that are, in effect, schools where children are getting all or substantially all the education that they are getting. It does not necessarily mean it includes English and maths. Some of those institutions argue that, because they are providing only religious education, they do not fall within the definition of a school. This is highly problematic for me. If something is the main place that a child gets education, I do not understand why we would have independent school standards that apply to children in things that are registered as independent schools but say these children don't matter if they are not in something that is registered as an independent school.

Let me go on to the next one and then I will pull them both together. Then we have the other out-of-school settings that do not necessarily meet the definition of school, perhaps because they do not operate for enough hours a week. I think the guidance has 18 hours a week. It is not a statutory limit but the guidance suggests 18 hours a week as the definition of a school. There are quite a lot of places that are organised to make sure that they fall a little under that but which, on most people's analysis of what a school is and the functions it performs, would fall into that category. There is a difficult dividing line about the point at which something is small enough that it is not properly characterised as a school. It is never going to be easy. This is a place where, if something is properly characterised as an out-of-school setting, we have no power to look at what goes on there.

In the institutions that have been identified as unregistered, illegal schools—we work on this on the basis of intelligence because, by definition, they are not recorded formally anywhere. We have looked at nearly 400 cases, of which a couple of hundred potentially seem to fit the definition of school and we have inspected or some kind of preliminary investigation has satisfied us that they don't fall within the categories that we can look at.

But we have seen some very disturbing things. We have seen poor education, squalid conditions and some very worrying teaching materials in some of those institutions—books by people who are banned from entering the country, books promoting very concerning practices, advocating men beating their wives to punish them, teaching that women are not entitled to refuse sex to their husbands and so on.

Q508 Chair: How much of what you have seen in terms of extremism is a conveyor belt to terrorism?

Amanda Spielman: That is something that is extremely hard for us to have an opinion on. We have the power only to inspect, which is a very specific mechanism that is a long way short of full investigation. At inspection level it is impossible for me to say that things are definitively linked. We do work closely with the various other authorities, including the police and the counterterrorist side of the police. At a system level we have some awareness, but normally, when we go into any unregistered



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school, we do not know whether there are specific concerns about the people who are working there.

Q509 **Chair:** Have you done—whether it is possible or not—analytical research on the growth of the number of children being educated outside of school over the past few years?

Amanda Spielman: We have. In fact, only yesterday I was reviewing some of the analysis that we have been doing on that ourselves. As you know, it is extremely hard to get a handle on where children are if they are not in the National Pupil Database. We have no default requirement for a parent whose child is not in a school to register that anywhere. We have mobility in and out of the country, so figures are only estimates.

For example, we have been looking at how many children are on the National Pupil Database in one academic year, then not on the National Pupil Database in the following academic year, and how many of those can be explained in any way. The numbers are concerningly large and they are growing.

Q510 **Chair:** On the weekend, Nicola Woolcock, the education correspondent for *The Times*, published a report suggesting that there were serious cases in these schools where children had been radicalised. I go back to my previous question to you: do you think that this is representative of many out-of-school settings?

Amanda Spielman: It is highly likely that there are settings where very undesirable things are happening. “Representative” is a difficult word because it implies something statistical. The Lantern of Knowledge case, for example, has shown us very clearly where highly undesirable things were happening. In fact, in that case I think the evidence suggests that completely unbeknown, even to the management of that particular madrasa, children were being shown films of beheadings. They were engaging in ISIS practice games and being threatened with extremely—

Q511 **Chair:** When you find these things out, do you work with the police, the local authorities, and the intelligence services and so on?

Amanda Spielman: We do but, by and large, we know only relatively far down the line. There tends to be a lot of confidentiality around counterterrorism investigations. We are not typically part of those investigations.

Q512 **Chair:** Do you think we should move away from having unregistered schools? Either all schools should be registered—they may be regulated in a slightly different way but be regulated and inspected properly, nevertheless, particularly for safeguarding—or should we just keep a better eye on all these unregistered schools?

Amanda Spielman: It is becoming increasingly difficult to sustain a system where we simply don’t know what institutions exist and what children are even in the country. We have very strong systems, by and



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large—they don't always work perfectly—for the children and the institutions we know about and a complete absence for those we don't. My preference would be for a world in which we knew which institutions existed, so that proper risk assessment can be carried out and scrutiny can happen where it needs to happen.

Q513 Chair: Even when there are five or less pupils, do you think they should be registered and inspected in some way? Is that right?

Amanda Spielman: The work that was done on the draft legislation, which was put together a couple of years ago, nicely illustrated the difficulties of trying to put hard and fast borderlines. The last thing in the world I want to see is troops of Ofsted inspectors descending into every Sunday school and sports club in the country. That would be a terrible misuse of resource and completely distort the system.

We need some broader category that gives us a better handle on the institutions where a lot of children are spending quite a lot of hours a week, which would give us the ability to recognise those that should be subject to some kind of scrutiny.

Q514 Chair: Can I ask what you meant by—it was a very Blairite phrase, if I may say—muscular liberalism? What did you mean by that?

Amanda Spielman: I meant actually living British values in that practice. We have a very important set of British values, which includes respect for others. If we tolerate deeply intolerant practices and culture within schools, we are not actually living British values. We are allowing others to grow up without them. I think that is the best way of describing what I meant.

Q515 Ian Mearns: Currently there may be establishments that you have concerns about but they won't let you in. What do you think should be done about that?

Amanda Spielman: I would very much like to have stronger powers to get entry to suspected unregistered schools, and to seize evidence. At the moment, we can copy—so we do take photographs where we can—but if the proprietors or teachers pick up everything that is there and walk out with it, there is nothing we can do. They can simply take it away.

Q516 Ian Mearns: Yesterday we heard evidence from several panellists that there was a burgeoning of elective home education. In Barnsley, for instance, it had grown by 400% in the last three years alone. Are you concerned about that?

Amanda Spielman: I am very concerned about that. There are many children who are not at school and the numbers are growing quite significantly. For some of those there will be excellent reasons why they are being educated at home, and it is very important not to tar some of the excellent home educators with the wrong brush. There are also children who are not at school because schools cannot cope and shovel



them back on to parents who are not necessarily able to cope. There are people who are ostensibly keeping their children at home but probably are having them educated in unregistered schools, often with a very particular religious slant. It is clearly a growing area and one where it is very difficult to have no handle on why a child is there, whether they are safe and are getting a minimum acceptable standard of education.

Q517 Lucy Allan: Could we talk about the changes in the law that you would like to see, first, to try to understand what it is you are trying to tackle? There is clearly an element of anti-radicalisation and something on safeguarding, but also presumably it is about ensuring that all children have access to a decent education so they can grow up in a way that they are equal to their peers in the jobs market when they leave school. Could you talk about what the purpose of changing the legislation would be and then perhaps go on to how you would see it changing?

Amanda Spielman: You have done it quite nicely for me. Yes, first and foremost is making sure that every child—wherever they are educated—has a decent education that sets them up properly for a good adult life in modern Britain and that they are fully prepared educationally and culturally. That is a particular concern with the full-time or near full-time unregistered settings, because we know that those children are not getting other education elsewhere.

There is the safeguarding and welfare. If any of you who have been following, for example, the evidence that has been given to some of the IICSA inquiries recently, we have a great deal of evidence of the things that can go wrong for children in highly authoritarian structures that are largely shielded from public view. It is clearly not about any particular religion, or indeed necessarily at all, but that combination of secrecy and authority can allow bad things to happen.

Then there is the consequences of segregation, the various things that we have seen happening in highly segregated spaces with these very unsuitable teaching materials, things that are clearly inconsistent with the equalities law and make it possible for a girl to grow up with no idea of her rights as a British citizen—that she is fully equal to men and entitled to be treated as such in every way. It is a series of concerns.

Q518 Lucy Allan: What precise changes would you like to see in legislation if that were possible?

Amanda Spielman: The two main areas of change are a wider definition that gets us to a place where, broadly, the institutions where children are getting a substantial part of their education—or could be at really significant risk of not getting the kind of experience they should—are within the law, so that we have at least the possibility to look and see whether they should be scrutinised by inspection visits or any other mechanism. It is the kind of powers that many other regulatory agencies have to enter and take material, not to have to stand and watch both pupils and teaching materials being taken away from in front of us.



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Q519 **Lucy Allan:** Does it worry you that there might be organisations caught up in this that really are not doing any harm to children? For example, if a child is in full-time education but their parents choose to send them to a tutorial centre after school to top up their English and maths, to pass their 11-plus, is it within your remit to say, "This is inadequate. We need to register. We need to intervene. The state knows best"?

Amanda Spielman: There will always be grey lines. This is one of the difficulties and why it is very easy for people who are clearly running something that is very unlikely to be a cause for concern to make a great deal of noise. It is clear that this is not something where a universal, heavy-handed inspection regime would be remotely appropriate. Any work in this area should be highly risk-adjusted.

But, of course, we must remember that safeguarding children everywhere does matter. Even if you are running a tutorial college, you have teachers who are alone with children. Many primary-age children go to tutorial centres. We should be sure that those teachers are safe people to work with children in exactly the same way as teachers in schools. We should not think that, simply because something is supplementary tuition, there should be no requirement for any assurance that children are safe in the hands of the people that parents are delivering them to.

Q520 **Lucy Allan:** Even if there were an hourly threshold under which that organisation delivered hours—say, six hours—is that an appropriate threshold to say that we don't need to—

Amanda Spielman: I think the threshold in the draft legislation was eight hours. I would like to see some more discussion of the best way to get into a threshold that is the best compromise. This is something where it is never going to be possible to get to something that is absolutely right for everybody and fits perfectly. It will also rely on intelligent application, risk assessment and scrutiny by people, like this Committee, to make sure that any powers we have are used intelligently and fairly and not oppressively.

Q521 **Lucy Allan:** Given there is not going to be much likelihood of any legislation coming forward, certainly during this Parliament, what should happen now to prevent some of these things that you have been talking about to this Committee and the last time that you came to see us?

Amanda Spielman: Some of these things, particularly in the area of the independent schools, sit with the Department for Education as regulator. We know that the default mechanism in legislation for an unsatisfactory independent school is for them to put together an action plan and then to follow up and see if that plan is implemented. We have expressed concern that there are quite a number of schools that have spent many years being inspected and found to be inadequate, or every now and then managing just to haul themselves up to being compliant with standards and then dipping down again, where the action plan regime has not led to the kind of change that is needed, particularly in the case of the schools



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that simply do not want to be compliant. I think we have to acknowledge that the legislative framework was designed at a time when nobody really contemplated there being schools that simply would not want to comply with the law in full, that would be resisting whole areas of it. I do believe that we need a tougher approach to regulatory enforcement.

Q522 Lucy Allan: You mentioned previously that you did not want to see troops of inspectors going into Sunday schools. Do you envisage that Sunday schools would be captured by some of this increased legislation or regulation?

Amanda Spielman: From what I know of the operation of a typical Sunday school—and I don't have children of Sunday school age at the moment, I have to confess—I don't think it would be caught. But we know, for example, there are mosques where children routinely attend classes for an hour or two hours after school every day of the week, where there are quite substantial hours of attendance.

Q523 Lucy Allan: Are you saying that after-school classes or clubs would be covered?

Amanda Spielman: If a child is attending 10 hours of classes a week in the same institution, whether it is after school or not, that is a pretty substantial input into their education.

Q524 Trudy Harrison: Good morning, Amanda. You mentioned earlier that you had found worrying material in schools. Given my experience of Ofsted inspections, parents are very much involved with the inspectors. You would speak to them at the school gates; you would ask for their views in advance and, also, perhaps speak with parent governors. To what extent do the parents know that they are sending their children to schools with this worrying material?

Amanda Spielman: I don't think that parent concerns have been expressed about—

Q525 Trudy Harrison: Have they been sought?

Amanda Spielman: In every inspection we seek parent views, but this happens at the front end of the inspection. We give parents a questionnaire and we take that into account in informing the lines of inquiry and the work we do. It is not at the back end. We don't say to parents, "Here is everything we found. What do you think?" If we turn up books like that at inspection and parents have not complained about it, we would not circle back to parents. We would report on it, so that is how parents would know about what we found.

Q526 Trudy Harrison: Do you believe that parents are knowingly sending their daughters to schools where they will be taught that they have to accept sex from their husbands and that beating is acceptable in a relationship?

Amanda Spielman: Sorry, I missed your question there; apologies.



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Trudy Harrison: What I am trying to find out is whether in your view parents are actually sending their daughters to schools where this kind of teaching is going on?

Amanda Spielman: Yes, whether knowingly or unknowingly, some parents are. That is very concerning.

Q527 **Lucy Powell:** Anyone watching this session will be extremely concerned about what you are saying, and I think all of us would agree that more needs to be done and there needs to be a stronger regime. On you needing powers to inspect and go in and get material and so on, what about on the other side of knowing where pupils are? Back in the day, a local authority would have had perhaps a more robust register of all the pupils in its area and there would have been a clearer picture of who was in or out of the state system. Do you think we could do more there? For example, the DWP would probably know all the children that we are talking about but perhaps that is not being linked up. Do you think local authorities should have more of a role in knowing where children actually are?

Amanda Spielman: Yes. I don't think it has ever been compulsory for parents whose children are not at school to register or provide any information about their children's education. We have a permissive system in this country; it is unusually permissive. I think in most countries there is a requirement to register if your child does not attend school. I have asked the Department for Education at least once what work they are doing with other Departments to make use of child benefit records, birth records, all the records that are at the Government's disposal, to try to estimate which children are out of school and where, so that that can be used in feeding into all the work that is done to make sure that children are properly educated.

There was a report published on a local effort to do that in Hackney, which was particularly looking at orthodox Jewish children. That came up with an estimate of between 1,000 and 1,500 secondary-aged Jewish boys either not being educated or being educated out of school. It is not easy, but there are many Government databases from which some handle can be got.

Q528 **Lucy Powell:** You think more could be done?

Amanda Spielman: I am not sure that the historically permissive approach that we have taken is going to be the sensible way to continue forever. We may have to—

Ian Mearns: We nearly had contacting but something happened to that.

Q529 **Michelle Donelan:** Good morning, Amanda. I want to clarify something, because I think, with the best of intentions, you are confusing two things. There is making sure that out-of-school and alternative provision is properly regulated and ensuring that children are not radicalised or subjected to unequal propaganda and so on. Then there are out-of-school



activities in settings that can easily go over those six to eight hours. The last time you were here I asked you some questions on that. You said there is a very sharp divide and we should be looking at main education. There is no way that eight hours can classify as main education, so it seems like you have done a bit of a back flip in a sense. That would qualify children who are doing swimming lessons every day, those who are going to any clubs every day, those that are in a religious class every day, which can be in the Christian faith as well as the Muslim and Jewish faiths. Do you not think that that is completely overreaching the mark of your job?

Amanda Spielman: I think I wrote to you to clarify after the session. What I would like is for the work to be done to get to a working definition that broadly does not capture, beyond the basic safeguarding requirements, the sporting clubs and the various kinds of things that are clearly not likely to fall into the scope of concerns about education or radicalisation practices. That is a matter for the various bits of government to work on. I am not trying to draft legislation on the hoof but simply to say—

Q530 **Michelle Donelan:** Are you saying it would just be religious organisations and educational organisations, but sporting would be out of the area because you cannot influence in one setting but you can in another? It does not seem to add up.

Amanda Spielman: The difficulty is that something can be presented as being primarily about something but is actually about something else. We have mixed organisations. Many religious communities have youth organisations that are partly about sport, partly about culture and partly about education. I don't want to try to define a specific purpose here. What I am being clear about is that the intention that should exist is to have enough information to be able to identify where there is potential risk to children, and to make sure that any inspection effort is directed in the right places.

Q531 **Michelle Donelan:** You are admitting that it would be extremely hard to figure out who should be inspected, what the qualification point should be because some areas are blurred. Wouldn't it be almost impossible, for one thing? Isn't it a little bit of mission creep by the state to be interfering in the lives outside of educational settings? Are you comfortable with that scenario where we are constantly subjected to some kind of inspection in our private lives?

Amanda Spielman: I don't think I have said anything that says this is about inspection in people's private lives. This is about having some handle on settings where we have seen a very substantial proportion of the education that shapes children as adults in British society. We have no handle on that whatever. We are moving into an increasingly segregated and difficult world.

Q532 **Michelle Donelan:** My final question is: define that setting. I am very



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confused as to what you are arguing that setting is.

Amanda Spielman: I have said that many after-school, supplementary school settings exist as well as the full-time providers. To say that because it is hard we should not even attempt to do so seems to me to be giving up before we begin. It is saying we should allow children to be harmed sooner than tackle a difficult problem of definition. I find that really difficult.

Q533 **Michelle Donelan:** You are not giving any answers as to how you would even begin to find out that definition. Under equality legislation as well, you have to be very broad.

Amanda Spielman: I think that is a problem for the Department for Education. The draft legislation on the shelf was a first attempt. I know there were some people who thought it could be improved on. What I would like is to see a constructive conversation between all those concerned to get to working definitions that are good enough.

Q534 **Chair:** I think Michelle's wider point is that we will need to make sure that the innocent are not swept away with the guilty. We have to be very clear how we do that.

Amanda Spielman: As I have said very clearly, this should not be about simply a universal heavy-handed blanket.

Q535 **Michelle Donelan:** Under equality legislation it is very hard to define specific groups and organisations.

Amanda Spielman: In all the inspection work we do, we have a significant risk-rating system. In each of our remits we risk adjust and we risk assess and direct our inspection effort where we think there is the most value to add.

Q536 **James Frith:** I refer members to my register of interest. Good morning, Amanda, thank you for coming. You talk about a segregated system. My question speaks to the point of the rise in children leaving mainstream education, particularly around alternative provision. One of the other reasons, I think, is because we have a two-tiered system emerging of mainstream education failing because it is not agile enough or dynamic enough in its assessment of children. For example, in Bury 136 children are now educated out of borough at the cost of £5.5 million. The teachers and headteachers, particularly, that I am speaking to, and much of the evidence made yesterday at our alternative provision session, spoke of an appetite for Ofsted to better reward inclusivity. I would welcome your thoughts on that point.

Amanda Spielman: I saw this reported yesterday. There was a suggestion that the outstanding grade should only be awarded to schools that could prove they were sufficiently inclusive.

James Frith: Yes, my question is not to that point, though.



Amanda Spielman: The thing to remember about inspection is that it takes many things into account. It is a process of human judgment. As soon as you start saying, "There has to be a tick box for this, this, this and this", it can degenerate into being an algorithmic thing that comes up with some very odd consequences where the quality of the provider is very different. The published rating can then end up being very different from parental views, for example.

What I think is more important is that inspection, first of all, has the proper conversation. My inspectors are equipped with the kind of information that flags if the school may not be being properly inclusive, without necessarily saying, "This many children must be there and this many must not". The conversation happens so that management are properly tested in what they are doing and why, so that—in assessing the leadership and management of the school—that conversation is taken into account. If concerns exist they are then reported on in the text of the report.

Q537 **James Frith:** Granted. Your point about odd consequences is, I think, where we are at. We do have some unintended consequences with a school system that currently does not reward inclusivity, which puts pressure on schools to off-roll increasingly to alternative provision, and the pressure and economic cost that that brings to an ever diminishing public budget. What I am saying is we have these consequences and, in large part, the headteachers that I speak to—and my instinct on this—is that this is partly because of the pressures under the Ofsted framework. That increasingly narrows the assessment criteria, so any benefit of doubt, any degree of compassion around how a student might struggle is not valued. I don't say we just have to expand the whole thing again, but I don't think there is enough agility within the framework that does reward and recognise schools that are keeping hold of their kids, when other schools are actively off-rolling and adding pressure to an otherwise difficult alternative provision.

Amanda Spielman: I would put it slightly differently. I have heard the problem attributed much more to Progress 8 and performance measures than to Ofsted frameworks. That is the first point.

Q538 **James Frith:** They are connected, surely?

Amanda Spielman: We take data into account but what we aim to do is to complement the reported data rather than simply to amplify it.

The other point is that inspection addresses the children who are there in the institutions. The asymmetry, which you are absolutely rightly pointing to, is if a school or college loses some children by whatever means, rightly or wrongly, what we are reporting on is what is being provided for the ones who are still there. We have no ability to report on—

Q539 **James Frith:** Your point earlier about materials that are picked up and taken out, you rightly say, help us do something about that practice.



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What I am saying is Ofsted should also be asking for help in the practice of off-rolling and students no longer being there at the point at which you inspect.

Amanda Spielman: Precisely. That is why we are looking at what we can do with the data to get better information for inspectors and to give them concern flags. Because inspection is not a universal investigation, it is to make sure, wherever the data suggests that there is a remotely unusual level of children moving out of the school, that that is identified as a line of inquiry and is pursued properly through this conversation of inspection, which can be a pretty intensive discussion for the school. As well as potentially influencing the judgment, it can also help make people really think about what it is they are doing, and why, and whether there is a stronger approach that can be taken.

Q540 **James Frith:** To flip the point, how can Ofsted help contribute to a better system of schools being encouraged to provide in-house alternative provision that is dynamic, that is responsive to the individual, that might recognise that subject areas are strong in one area but alternative provision is an overreach for that particular child, that the issues of behaviour are dealt with in-house? How can Ofsted play its part in encouraging a system that mixes mainstream and alternative provision more commonly?

Amanda Spielman: I think there are two levels. One is, realistically, we cannot do that at the level of the individual child. We are not involved in decisions about individual children's admissions or exclusions. The first piece is the work we do at the level of the school, which is essentially, as I have outlined, making sure that our inspectors have the right information to tell them when this is something that should be a concern.

It is also something that potentially—in looking at MATs we see there are patterns at MAT level, at local authority level—we make sure we apply that at whichever levels we are able to look at institutions, to make sure we look at every level. Then there is the survey and aggregation work that we do.

Our thematic reports have been, and I hope will continue to be, very influential. It is the kind of thing that we can address by drawing information from many inspections, from targeted visits looking at particular issues. This is something that has grown—

Q541 **James Frith:** In the north-west we have some good Ofsted officers and I have read some very, very clear supportive text following meetings, following local authority visits and inspections, really on the money but very collegiate, very supportive. Much in the guise that you talked about at your first session, about the improvement plan work rather than just the carrot and stick of old. What I am hoping for is a bit of that through your contribution, as to Ofsted recognising the monumental spike in off-rolling and alternative provision and what you intend to do differently in order to better facilitate a system that is inclusive in mainstream schools



for alternative provision.

Amanda Spielman: This is why I made it one of the main themes in my annual report published in December. It was in there in the top points, our concerns about the growth here. Inspection is my tool; it is the lever at my disposal. So, first of all, making sure that it has a strong focus on inspection and, secondly, that we report clearly and comprehensively at school level but also at aggregated level—those are the things that I can do—and to talk about it in various places as I have been as a matter of concern. Those are the things at my disposal. I need other people to pick up and say, “Okay, this is what we can do”.

Q542 **James Frith:** Do you support alternative provision being increasingly provided in mainstream schools?

Amanda Spielman: I don’t think I have reviewed the evidence on the difference in quality of alternative provision according to where it is located. That is something—

Q543 **James Frith:** Could you give that some attention?

Amanda Spielman: That is something we can take away and look at and see what data we hold.

Q544 **Mr William Wragg:** Going back to the earlier philosophical discussion perhaps on muscular liberalism and British values, the number one British value tends to be a reticence or shyness to express them, whatever they are. Could you comment on the new Secretary of State’s apparent favouring of lifting the cap on faith school places and whether you see that—as I play the devil’s advocate here with this question—as being compatible with your vision of muscular liberalism?

Amanda Spielman: The faith school cap is a matter for the Secretary of State and not for Ofsted. I previously expressed a concern about anything that increased segregation in the system. Having said that, there are some faith schools where it is very clear that the work they do thoroughly prepares children for life in modern Britain and does not lead to some of the undesirable consequences that we can see in segregation, and some kinds of faith school where it does. We are in this very difficult territory where not all kinds of faith schools have the same consequences for the children who attend them.

Q545 **Mr William Wragg:** Is muscular liberalism secularism?

Amanda Spielman: No, muscular liberalism is not secularism. It is making sure that we do not inadvertently create spaces where intolerance can breed.

Q546 **Ian Mearns:** Within my own constituency, I have a number of Orthodox Jewish schools. It is quite clear that they have a particular view of the world and how they want to educate their own children. Isn’t the British value also valuing diversity?



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Amanda Spielman: This is precisely the dilemma of liberalism that has been discussed in various places over the last few years. At what point does accommodating intolerance undermine tolerance itself?

There is a particular difficulty for many Orthodox Jewish schools, and we meet and talk to many faiths groups across all faiths—

Q547 **Chair:** Could I just challenge you on that because one particular faith group that have registered schools—and they are inspected—said that they had a lot of difficulty, when they asked for meetings with you, in having those meetings?

Amanda Spielman: I am surprised to hear that and perhaps we should discuss that afterwards and you can tell me who it is. If we are omitting somebody who is running schools, I am sorry to hear that.

Q548 **Chair:** We did write to you recently about this.

Amanda Spielman: I was not aware that that was a group that was running schools. Could we follow up on that afterwards, Robert?

The point about Orthodox Jewish schools that I was making, we know that they have a problem with particular aspects of equalities law and especially the law around protected characteristics. This is a difficult one for Ofsted because we have no ability to selectively disapply the law in inspection. We have to work with the law as it stands. We have been asked why we cannot disapply the law and wouldn't it be fair to respect parents' wishes. For example, the Al-Hijrah judgment from the Court of Appeal made very clear that parental preferences cannot override the law. We would not be acting within our remit if we selectively disappplied requirements.

Q549 **Ian Mearns:** Additionally, among independent registered schools, it seems as though Ofsted do inspect Jewish Orthodox schools much more often than other schools in the independent sector. Is there a particular reason for that?

Amanda Spielman: I don't think that is the case.

Ian Mearns: I think it is.

Amanda Spielman: We hear the same complaints from Muslim schools, so I am not sure. First of all, we have a regular inspection cycle—

Q550 **Chair:** Perhaps you could publish or send us tables of how many times you have inspected religious schools.

Amanda Spielman: There is a brief explanation, which is further inspections are commissioned by the Department for Education in the light of consensus. On the independent school work, it is not entirely about Ofsted deciding when to go back. It is the Department for Education. When a school has been found inadequate and an action plan has been asked for, we then have to go back. The frequency of inspection for independent schools where there has been any finding of inadequate



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would be much higher, not because Ofsted is deciding to keep going back.

Ian Mearns: I absolutely understand that.

Q551 **Thelma Walker:** Specific policy, uniform policy, in schools. If there is going to be a change to that policy from Ofsted or the school itself, would you agree that that should go out to all stakeholders, especially parents?

Amanda Spielman: Sorry, the national uniform policy guidance for schools—

Q552 **Thelma Walker:** If there is a specific change that is a sensitive issue at a particular school and there is going to be a change to that policy, do you agree that parents and all stakeholders in that school should be consulted?

Amanda Spielman: The national uniform policy guidance published by DfE does say that parents should be consulted. I do not know what stakeholders beyond the parents might be. It seems to me parents are the right stakeholder group—

Q553 **Thelma Walker:** If an individual headteacher decides to change the uniform policy, especially if it is about a sensitive issue like the wearing of the hijab or a Sikh boy wearing a turban, what is Ofsted's position on this?

Amanda Spielman: The Government has published uniform policy guidance, which sets out very clearly that it is the head's responsibility to set uniform policy, that they are expected to consult, which is not the same thing as getting the agreement of every last parent in the school. Effectively, it makes clear that it is the head's responsibility.

Q554 **Thelma Walker:** I have a quote here from your own Department to say, "Ofsted does not have a policy on the wearing of the hijab in schools and we respect parental choice".

Amanda Spielman: It is absolutely correct that we respect schools' ability to make the decisions, which they make on behalf of all the children in the school in consultation with parents.

Q555 **Thelma Walker:** Is it parental choice or the headteacher's choice?

Amanda Spielman: I do not recognise the quote but it is the head's responsibility, and the heads make that in the light of feedback from the parent group. In most schools there is a strong overlap between the desires of different groups of parents but, at the end of the day, the head has to be the arbiter of what is the right place for the school to be.

Q556 **Thelma Walker:** It is not the parental choice then; it is the head's ultimate decision?

Amanda Spielman: It is, yes, that is what the uniform policy guidance says.



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Q557 **Mr William Wragg:** Just quickly on that, in terms of Ofsted's role, parental feedback and parental view and so on, how common is the issue that my colleague is raising? How common is that to come up in those feedback forms?

Amanda Spielman: I don't have those figures at my fingertips. I do not believe it is very common, but I would have to write to you if we have data that we could share.

Q558 **Chair:** To clarify this point, if a headteacher says no one can wear jeans and there is a big campaign to say, "No, we want our children to wear jeans into school", you are saying basically the head's right to say, "No, they cannot wear jeans" is paramount?

Amanda Spielman: That is what the Government uniform policy guidance currently says. It says that they would have to consult and take parents' views into account but if, at the end of the day, they conclude that the proper working of the school, and getting the right outcomes for children, will not be promoted by having all the children wearing jeans then the head can legitimately decide that.

Q559 **Chair:** Should it be the right of the parents to know the uniform policy before they send their child to the school?

Amanda Spielman: I believe most schools publish their uniform policy and it is something that is usually pretty evident when you visit a school.

Q560 **Chair:** I am referring to the case in east London of St Stephen's School in Newham, it seems to me in this case the headteacher and the chair of governors said that under eight year-olds were not supposed to be wearing the hijab. They then had a significant campaign against them. We have had a submission in from the Newham Muslim Women's Association and Newham Stand Up to Racism. If I could just quote it for you and I would ask you to give a response. They say, "We find it shocking that the Chief Inspector of Schools for Ofsted has proposed inspectors questioning very young Muslim girls on how they dress. She has lent their support to those calling for headscarf bans and echoed prejudiced and demonising stereotypes of the Muslim community in Newham. We therefore have no confidence in Ofsted's ability to fulfil its safeguarding responsibilities", and they go on. How would you comment to that?

Amanda Spielman: I would make two separate comments, one about the particular case of St Stephen's. Back in June last year, the head consulted parents and made the decision with effect from September. It was only many months later, after the school came to national attention because it had done so well in the performance table, that there was an organised campaign, from outside the parent group, and pressure exerted directly on the school and indirectly in various ways. We inspected the school because of our concerns about the reports of what was happening there, and we were able to ascertain the circumstances that had surrounded both the original decision and the decision to reverse



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the policy. I expressed my view that the original decision had been properly made and that the pressure had come on the school subsequently. She had not ignored widespread parent opposition at the time the decision was made, so it was a perfectly proper decision and I said that the heads ought to be supported when they make decisions fairly and sensibly.

Q561 **Chair:** Going back to the jeans analogy that I just brought up, should there be a distinction between a headteacher saying no one can wear jeans and religious items?

Amanda Spielman: This is where there is confusion because the whole discussion I have been part of has been about hijabs for young children, where it is a matter of cultural preference, not a religious requirement. This is where this discussion often becomes confused. I am not aware of any religious guidance anywhere that says that girls before the age of puberty are required to wear hijabs.

The difficulty that heads are faced with here is about balancing cultural preferences—and this is a multicultural country—and it is very unlikely that we can ever accommodate all cultural preferences from every quarter in a single school. Heads have to make those decisions about how to achieve a working balance in the interests of all children in the school.

Q562 **Chair:** Is it right that under eight-year-old girls in that school were being asked to fast?

Amanda Spielman: I think that also part of the policy was to stipulate no fasting for children in Key Stage 1 as well.

Q563 **Chair:** In terms of the campaign that was done that opposed the head's decision and the chair of the governors, I understand there was a Hitler video put out to parents. Would you like to comment on that?

Amanda Spielman: I was not aware of that, I am afraid.

Q564 **Chair:** Well, you would be because it has featured pretty much in *The Sunday Times* and been all over national media.

Amanda Spielman: A Hitler video?

Chair: Yes.

Amanda Spielman: I am afraid I really have not seen or heard of that.

Q565 **Chair:** It was featured in national newspapers. They mentioned that a Hitler spoof video—if you could call such a thing a spoof—had been sent around to parents, in terms of the campaign against the original decision by the head.

Amanda Spielman: It sounds extremely disturbing. For whatever reason, that detail has passed me by.

Q566 **Chair:** As I understand it, they now do allow—



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Amanda Spielman: Yes, the policy was reversed. After this wider campaign had applied a great deal of pressure on the school, a further meeting was held and the policy was changed.

Q567 **Chair:** Do you think this creates a dangerous precedent, in terms of these kinds of issues?

Amanda Spielman: Indeed I do. I don't think that individual schools should be bullied by national lobbying campaigns. It is a very different thing from consulting parents and making reasonable efforts to find working arrangements that are acceptable to parents.

Q568 **Chair:** Are there any solutions to this?

Amanda Spielman: Again, we have a very autonomous school system where we delegate a great deal down to individual heads. Compared with most countries in the world, we give more autonomy to individual heads. If we are going to end up with an asymmetry, where people conscientiously running quite small schools can be effectively targeted and bullied in this way, I think we are in a very worrying world. It opens the question for me whether it is right to leave so much decision-making at individual school level, and whether some of these decisions that are becoming increasingly difficult and sensitive should be taken at local authority or MAT or central government level.

Q569 **Chair:** In your note that you sent to the Committee you say that the problem, once you find some of these schools—whether they are unregistered or otherwise—that are performing very badly or not safeguarding children, it takes an incredibly long time to close them, or to deal with the situation.

Amanda Spielman: It does.

Q570 **Chair:** What should be the legislation? What would be the proposal that you would make to Government to change this?

Amanda Spielman: The first step is to actively use existing legislation. I would like to see the Department for Education make full use of its powers under existing legislation. Happily, in the last few weeks, we have had a number of constructive conversations with the new Minister and with officials. There have not been any specific actions, that I am aware of, that have been taken since I wrote to you.

Q571 **Chair:** I am going to pass on to Trudy for one final question on this area, but I just make a wider point that I think underlies Michelle's questions, which is you say it is the responsibility of Government to work out the solution but I think it is also that Ofsted need to work with the Government to make sure, as I say, the innocent are not swept away with the guilty. Of course, there are always unintended consequences of well meaning interventions and legislation, so I think Ofsted has significant responsibility in this role, not just the Government.



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Amanda Spielman: I completely accept that. On all these difficult and sensitive issues, we endeavour to work constructively with all parts of Government that are involved, not just with the Department for Education but with the Home Office and other parts of Government as necessary.

Q572 **Trudy Harrison:** I am coming back to the worrying material that you alluded to earlier. Could you very briefly explain some of that material?

Amanda Spielman: There are books that are designed to explain what is presented as Koranic teaching to children, and they set out absolutely explicitly an interpretation of what it means. We have seen and taken photographs of exercise books in which children are writing out what is the role of a man in Muslim society, what is the role of a woman, with teacher's ticks on it. We found several different books essentially setting out the same kinds of things, as I have outlined, in slightly different terms but the essentially the same messages. We found these in quite a number of schools, including in state schools.

Q573 **Trudy Harrison:** What was worrying about them?

Amanda Spielman: What is worrying is that this is stuff that is clearly completely incompatible with British law, with equalities law.

Q574 **Trudy Harrison:** I think we need a little bit more detail as to what you actually found because I am not quite clear what you found.

Amanda Spielman: The two examples: we found a number of books saying that men can beat their wives and women are not entitled to refuse sex to their husbands, which I think are very clear examples.

Q575 **Trudy Harrison:** On those two points, I come back to how much you feel parents are knowingly choosing those schools because their sons will be taught to beat their wives and their daughters will be taught that rape is acceptable in a marriage, and that male and female roles exist in employment and that kind of thing. That concerns me greatly to think that any parent would send their daughter to a school like that. But it concerns me even more that you don't feel that you are able to make parents aware of it.

You mentioned earlier that your tool is inspection. Inspection is only useful if you are actually inspecting and reporting what you find and, quite frankly, as the parent of four teenage daughters, I would be far more concerned about that material than the teaching of multiplication.

Amanda Spielman: This is why we are endeavouring to make our reports much more explicit.

Q576 **Trudy Harrison:** What is stopping you from being quite explicit in the report?

Amanda Spielman: Historically, there may have been a concern not to be too inflammatory, so reports might only refer to inappropriate teaching materials. I think we recognise that we need to be more explicit



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in future because, you are right, there probably are parents who want a very particular religious ethos but have no idea quite what their children are being exposed to in pursuit of that ethos. I want to do everything that we can to be as explicit as possible about what we are finding.

Q577 Trudy Harrison: If you are saying that the difficulty is in being explicit enough in the report, we all know that there are safeguarding measures that we all take. How often are you intervening with children's services, the police and others to alert them to this material and what impact is that having?

Amanda Spielman: For example, in our unregistered schools' work and out of school settings, very often, where it becomes clear that something is not within the scope of inspection, we nevertheless see enough to give us cause for significant concern. We always report to local authorities, to LADOs, where we see evidence of a safeguarding concern. We never leave something that should be being picked up by a local authority untouched just because we have no ability to inspect or report it.

Q578 Trudy Harrison: Yet these schools still continue to operate teaching that way with abusive material?

Amanda Spielman: This is where the need is for regulatory action in the case of the independent schools and sometimes for decisive action by the governing authority in state schools, whether it is the local authority or a MAT.

Q579 Trudy Harrison: I find it incredulous that there is not already a process in place to shut these schools down and remove the material when squalid environments are found. That would not happen in a business. Why can it happen in a school?

Amanda Spielman: I find it as astonishing as you do. I can say that these last few weeks I have been having more constructive conversations with the DfE, as regulator of the independent schools, so I am hoping that we will see a more determined regime in the coming months.

Q580 Trudy Harrison: Finally, which age group are we talking about? Is this key stage 1 or are we talking secondary?

Amanda Spielman: We are talking mainly secondary, but I think not exclusively.

Q581 Trudy Harrison: Primary and secondary are both affected?

Amanda Spielman: Yes. I will have to confirm that because I am not absolutely certain about primary. I will write to the Committee if I am wrong on that.

Q582 James Frith: To follow up on some points Trudy has made, some of this surely crosses over into safeguarding, bordering criminality. It is not incitement to violence, but incitement to domestic violence is certainly in the texts I have seen that you provided.



Amanda Spielman: Indeed.

Q583 **James Frith:** In that instance, why isn't there a direct injunction to local police and safeguarding local authority multi-agency intervention on this? I well support your keenness to jump it up to the uppermost levels, but to Trudy's point, about the impatience that we would feel in dealing with this, rather than waiting for the necessary legislative powers and so on, within your levers—is this a case of an assumption that you pull the lever and the operation happens accordingly?—maybe we need to do more at a local level to ensure that multi-agency teams are involved, post-inspection, with some of the materials you are finding.

Amanda Spielman: That is a very interesting question and I don't think I have thought about it. We have aired this, and the police at higher level are well aware of some of the material we are finding. We do work quite closely on some of the institutions we visit with the relevant parts of the police, so there is some action. It is possible there are other areas of action that have not been fully considered.

Q584 **James Frith:** Is there a potential link? I have been involved with some work in my constituency around fraud and pretty quickly it jumps up to Scotland Yard because there is a national fraud. In your earlier comments about the counterintelligence service, is sometimes the counterintelligence operation counterproductive to local action being taken sooner?

Amanda Spielman: That is an interesting point. I will need to take that away and think about that, and think about whether there is more we can and should be doing.

Q585 **Mr William Wragg:** This is really a point of information, because this morning we have focused on the independent sector and faith schools or, indeed, after-school activities and clubs. If we cast our minds back to the issue of the Trojan Horse in Birmingham, those were in state schools. Do lessons continue to be learned from that investigation?

Amanda Spielman: Indeed they do. I have talked quite extensively about the things we found at Al-Hijrah. There was quite a lot of publicity about that case, but I said at the beginning that there are concerns about some state schools. The case in Newham, of the kind of influence that was exerted in that school, was a useful reminder for many people that the pressure that we found being exerted on schools in Birmingham was not a one-off; it was not something we can assume has gone forever with that particular incident.

Q586 **Chair:** William asked this question earlier about secularism. I don't share this view, but what do you say to people who think you do not like religious faith, you are an aggressive secularist and you have your own agenda? As I say, I don't share this view; nevertheless, it is held in certain quarters.



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Amanda Spielman: All I can say is nothing could be further from the truth. I have never been allied with any secularist cause. I don't discuss my own religious adherence in public. I think people would try to annex it for individual purposes. I can say that a lot of misinformation swirls around Twitter on that one.

We treat all institutions the same, irrespective of whether they have a religious affiliation or not, that "without fear or favour" is meaningful. We inspect every institution against the standards and the law in exactly the same way.

Q587 **Chair:** Would you recognise, for example, many Catholic and Jewish schools have incredible educational outcomes? What would you see as the positive benefits of faith schools?

Amanda Spielman: Many faith schools manage to establish an excellent ethos, a very clear sense of common purpose and deliver excellent education. I went and spoke to the Catholic diocesan education meeting and said this very much to them. When I spoke at the Church of England Foundation for Educational Leadership recently, I acknowledged the many good things that happen in Church of England-run schools. I have acknowledged the same with Jewish schools. Jewish schools and Muslim schools in the state sector, by and large, perform extremely well.

Part of the nature of my job is that we have to particularly look at the places where things are not going well, and unfortunately it is the case that a significant proportion of those are religious establishments. That leads to a perception in some quarters that we are down on religion. You only have to look at the contrast between Ofsted assessments of religious schools in the state sector and in this non-association independent sector to see how far that is from the truth.

Q588 **Thelma Walker:** Do you work closely with the leaders of the faith groups so there can be that early intervention to prevent these things happening in the long term?

Amanda Spielman: We do.

Q589 **Thelma Walker:** In what way? Could I ask how you work with leaders of the faith groups?

Amanda Spielman: Regular meetings, broadly.

Q590 **Thelma Walker:** That involves? Could you name the groups and the leaders?

Amanda Spielman: There are three or four Jewish groups that we regularly meet. That includes the Board of Deputies and Najos and—is it PaJeS? I am going to have to look round at one of my colleagues there—the Office of the Chief Rabbi.

Q591 **Thelma Walker:** Muslim Council of Britain, for instance, representation?



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Amanda Spielman: There are a series of Muslim groups. I do not believe the Muslim Council of Britain is one of them.

Q592 **Chair:** You have met with Muslim groups?

Amanda Spielman: Yes, the Association of Muslim Schools, for example. It is those responsible for education rather than—

Q593 **Thelma Walker:** There are conversations going on about how we intervene at the earliest stage to prevent this happening?

Amanda Spielman: There are regular conversations across the board. It is harder in the spaces where there isn't a single hierarchical structure, in the way that there is in slightly different forms with the Catholic Church and the Church of England. Where you have a considerable number of organisations of rather different flavours, with no clear umbrella, it gets particularly hard.

Q594 **Thelma Walker:** I am sure those faith leaders are, as we are, of one mind here and would want to prevent any form of radicalisation or teaching of this manner that we have discussed?

Amanda Spielman: I would hope so, but yes, we have put a lot of time and effort into this work to engage and discuss the problems.

Chair: Lucy has been waiting very patiently.

Q595 **Lucy Powell:** There are a few other things we want to get through as well while you are here. One is around the inspection of children's centres. The Government asked Ofsted to suspend the inspection of children's centres in 2015, which was supposed to be a short-term measure. We are now in 2018. Are you concerned that you still are not able to inspect children's centres and, if so, what conversations have you had with Government about that?

Amanda Spielman: The short answer is: I am not concerned and the reason why is because, broadly, there are three things that happen in children's centres. One big chunk is about provision of information and guidance. It turns out that a lot of children's centres do not have any children in them at all. Then there is a set of activities about things that parents come to with children but where the child is always with the parent jointly taking part in some kind of activity, and the third kind of activity is more traditional early years' activity where parents leave children at the centre in the charge of centre staff. That third type of activity, wherever it exists, is still always inspected under our early years inspection model. There are no children's centres where children are coming and being left with staff where there is no inspection assurance.

The other kinds of activity around provision of information and guidance to parents, for example, are very important activities and policy activity on which money is being spent and on which, of course, outcomes should be scrutinised to see whether they are value for money and leading to improved outcomes for children and families. I am not sure that we are



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necessarily the best mechanism for sending inspectors out on the spot to see how that information is being given, or how the guidance is working in practice. There are various kinds of surveys tracking things that could look at that, which do not have the very substantial cost that is associated with sending out inspectors. I am satisfied that no actual childcare is being left unscrutinised.

Q596 Lucy Powell: I would question your assumption that there are lots of children's centres with no children in them for a start. I think we are in a hiatus; this is the challenge now. When Ofsted was previously inspecting—as you recently confirmed to me in a written parliamentary question—one in three centres were either “requires improvement” or “inadequate”. There is clearly an issue of quality in the sector, yet we have now had three years with no one looking into this at all, no quality assurance in this space whatsoever, especially as local authorities increasingly find themselves without the capacity to do that quality assurance.

Amanda Spielman: You are right that there is some real concern. My perception is that the purpose of children's centres became quite diffuse and, as can happen with this kind of initiative, they can turn into something that is intended to solve every social problem and achieve so many objectives that it becomes almost impossible to say what purpose they are serving.

Q597 Lucy Powell: No, I think your perception is incorrect and out of date, if I may. I do not know when you last went into a children's centre or have had sight over this space, but I think the role of children's centres is very clear on the whole and does involve a lot of safeguarding.

Amanda Spielman: To the extent it involves safeguarding, it is picked up by our early years inspections. Where children's centres are responsible for children, then that is early years provision. It has to be registered as early years provision and inspected.

Q598 Lucy Powell: As you say, that is one part of what a children's centre does, and the other part of what children's centres do does also involve children by definition. We now have a regime where there is no inspection and no one going in at all. Is this something that you think you should be looking at?

Amanda Spielman: I think it is a matter for Government to consider what the most appropriate mechanism is. From what I have seen, I am not convinced that inspection is the right tool to look at whether children's centres are as effective as they should be.

Q599 Lucy Powell: That may be the case, but we are now in a three-year interregnum of nothing so there is no regime. Government asked Ofsted to suspend it in lieu of a consultation about that. It was supposed to be short term, and here we are three years later when the last checks showed that a third of the provision was inadequate or requires improvement.



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Amanda Spielman: Nevertheless, I think it is fundamentally a question for the Secretary of State, when you have him, about the future of children's centres and the oversight of them.

Q600 **Lucy Powell:** Given the previous conversation we have just had about the need to go in and be sure, to make risk assessments of where things are happening and that that is your role, you cannot come to the Committee and say, "I am very concerned about this area I do not have remit over and I need more powers," then yet absolve yourself of any responsibility for an area that you should have responsibility for.

Amanda Spielman: I am not doing that. I am drawing a clear distinction between provision where children are left in the charge of staff without parents and provision that children attend with a parent, because I think there is a clear—

Q601 **Lucy Powell:** I think in many children's centres it is not necessarily formal childcare; crèche facilities while parents are doing parenting programmes, a whole plethora of activities where children will be left with another adult in a childcare setting or, indeed, with the parent.

Amanda Spielman: You are suggesting that there is childcare that should be registered, which is not registered and inspected under current arrangements. If that is the case, then I would be very concerned about that. I will go away and enquire whether that is, in fact, the case.

Q602 **Lucy Powell:** The extension of stay and play; so, crèche facilities that are not necessarily the same as formal childcare—this is where I think maybe your understanding of what happens in children's centres has not kept apace.

Amanda Spielman: We can have another look to make sure that the borderlines, which are being applied in determining what is registered and inspected, are sitting in the right place. You make a good point. There is a continuum along which it can be hard to make sure that the right line is drawn.

Q603 **Lucy Powell:** It is part of the social care network as well, which you do also inspect, so I would ask that you do look at this because at the moment no one is looking at it. If today's session is about putting a spotlight on where no one is looking, then I would say this needs to come into that remit as well.

Amanda Spielman: Okay.

Chair: Thelma has a quick question on this.

Q604 **Thelma Walker:** I have to declare an interest. I used to be head of a school with a children's centre. I think what we were talking about, and what Lucy is referring to, is the phase 1, 2 and 3 of the children's centres. Phase 1 was the universal managed offer, which was where there was childcare and parental outreach that then moved just to the parental outreach, and then drop-in centres. Obviously, those three



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phases are very distinctive.

What we have seen is a closure of 500 children's centres over the last few years. Now there is no inspection, in terms of making sure that those children and families are safe and are having the correct offer delivered to them. In terms of family outreach, that support for families, the most vulnerable families, is no longer there. Ofsted is no longer in a position to check what offer is there. I would put it to you: is it a combination of closing what is a lifeline for many of our vulnerable families in deprived areas and the kind of disregard of, "We're not going to inspect these because we do not value them"?

Amanda Spielman: We do reach in two ways into this wider net of provision. One is through our inspections of local authority children's services, particularly services for children who are not formally in care but in need of help and protection. That is one way that we look at that to see whether there is adequate provision. The other is through the local authority special needs inspections, which focus obviously particularly on the children with special educational needs and disabilities.

Q605 **Thelma Walker:** We know they are at capacity already.

Amanda Spielman: We inspect and report there. Those reports have been quite useful in highlighting where local authorities are managing the responsibilities carefully and well and where things are not going so well. Effectively, children's centres are part of the delivery of both of those. We have a look-through into the market provision and what is there without necessarily going into it at every level.

Q606 **Thelma Walker:** I find it very depressing when I think about how successful those phase 1 children's centres were, and now we are not even inspecting the provision.

Amanda Spielman: Obviously, it is very difficult for me to comment on the current quality of children's centres precisely because we do not look at them.

Thelma Walker: You just seem to close them.

Amanda Spielman: I cannot speak for any evidence about what is happening at the moment.

Chair: Moving on to "Bold Beginnings" now; Thelma again.

Q607 **Thelma Walker:** Yes, the November report, "Bold Beginnings", came in for considerable criticism. If I could read to you the response from the Association for Professional Development in Early Years, which includes the NEU: "Adherence to the report's recommendations will cause long-term detrimental effects on young children's confidence, motivation and disposition to learn as well as on their parents' attitudes and early years' teachers' professional integrity". Presumably, you have read this or heard this. Have you reflected on these criticisms of this "Bold Beginnings" report?



Amanda Spielman: I have seen some of the criticisms. I have also had a great many messages of various kinds saying that “Bold Beginnings” is spot on. The thing to really stress is that this is a report that is based on evidence. We wanted to look at the reception classes as part of the wider curriculum survey—

Q608 **Thelma Walker:** Excuse me but that was 41 schools, 0.25% of our schools.

Amanda Spielman: If I explain how this report was constructed, we wanted to look at the most effective reception classes and particularly those that are most effective with disadvantaged children. We applied a completely objective set of screening criteria to identify the most effective reception classes. From memory, this brought out about 160 of the 20,000 primary schools in the country—so, a bit under 1% of them. We were surprised. We had not thought that our criteria were that severe, but that is where it came to.

We needed a sample that was balanced across the country, so we drew a subset of that to get a geographic spread and a spread on various characteristics and sent our expert inspectors to that sample of 41, which for this kind of qualitative study is a pretty hefty study. If you look at some of our most influential reports over the years, for an institutional-level quality study this is a big piece of work. These are expert early years practitioners who went in to do these visits. The important point coming out of this is there has been a great deal of misrepresentation of it in the media. To read much of the comment—

Q609 **Thelma Walker:** Could I say, as a former teacher and headteacher with an outstanding early years setting, that one of the key findings where my heart sank is these schools with a high standard of writing—and I praise the fact that there is a focus on phonics teaching, as long as it is alongside real book approach—“paid good attention to children’s posture and pencil grip when the children were writing. They used pencils and exercise books while children sat at tables to support good, controlled letter formation”. When I read that, my heart just sank to think about my granddaughter who was just five this last week.

For me, this is not bold beginnings. I know that my granddaughter would say, “This is boring beginnings.” This is not how little people learn. This is not how they thrive. There needs to be learning through play and investigation. They can mark-make with a twig in sand to write their name. They can have joy, and the excellence and enjoyment that we had in education—that joy of teaching and learning for the teachers as well; that awe and wonder I have mentioned—will be lost with this. Looking at a four or five-year-old’s posture sitting at a table for me is unacceptable, as it is for professionals and for parents. There are many thousands of parents who are very unhappy with this. I implore you to review this report.



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Amanda Spielman: This reflects the misunderstanding and misrepresentation of the recommendations. I am looking at them here. First, one of the recommendations is, "Play was an important part of the curriculum in all of the schools visited".

Q610 **Thelma Walker:** But children should choose when to play. At this age, children should be free to learn how to learn.

Amanda Spielman: This is the essential difficulty we have is that not all children will choose to learn. If we want schools in which the most disadvantaged children—who are the ones who arrive in school with the least language, the least social skills, the furthest behind on every aspect—to rely on those children choosing, we make the job of schools very much harder.

What this report found happening in these schools—and I repeat, this is an evidential report—was there was no finding that the children in these schools were unhappy or unhappier than any other school. This is what is actually happening in the most successful schools.

Q611 **Thelma Walker:** Are they of an age where they could actually communicate that? When you say that there is no evidence that these children were unhappy, if they do not know what they do not know, if you are not giving them the choice of putting their wellies on and going outside—

Amanda Spielman: All of these schools had masses of time for play and time outside with wellies.

Q612 **Thelma Walker:** I would suggest it is timetabled and that is not how early years works.

Amanda Spielman: This is part of the misrepresentation that I think is happening. There is no suggestion in this report that these schools are spending the bulk of every day in highly structured, formal activities. What is made clear is that they recognise that there are certain things that, if you do not put a bit of time and effort into teaching them explicitly, you cannot rely on happening for all children.

Thelma Walker: I get that.

Q613 **Chair:** I want to ask one quick question before I pass over to Lucy and James. In the recommendations, you praise phonics.

Amanda Spielman: Yes.

Q614 **Chair:** Then you say: "To raise the profile of early mathematics teaching similar to the investment made in early reading and phonics". What does that mean in practice? What should they be doing?

Amanda Spielman: We found that the schools in our sample were typically reaching into the year 1 national curriculum. They felt that young children had the appetite to learn a lot more mathematics than is necessarily encompassed in the EYFS expectations. They were drawing



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that into the early years experience. I do not have specific recommendations here about particular ways of teaching that.

Q615 **Chair:** Obviously, you have the improvement of literacy through the phonics. I want to understand what the exact mathematics teaching would involve.

Amanda Spielman: I don't have anything from this on specific improvement to mathematics. We are carrying on doing more work on curriculum and we will be doing some subject-specific work down the line. May I come back to you on that when we have it?

Chair: Of course.

Q616 **Lucy Powell:** I would agree with you to the extent that I think there are extreme views at both ends of this argument and that often it is the happy medium somewhere in the middle. It is a combination of play and formal learning and the two are inextricably linked. My son is in reception and he has beautiful handwriting. I put that down to his obsession with Lego, so his fine motor skills are there.

I have two issues with the report. One is around the evidence and the second is around the optics of it, which I am not sure you have quite right. On the evidence, the Education Endowment Foundation—which I think we would all regard as absolutely stellar in terms of education evidence base in this country—would say that there are three key ingredients to early childhood development that are well evidenced. One is around self-regulation, one is around language and literacy, and one is around parental involvement. Unfortunately, I think that the balance and the optics of the report weigh too heavily on the language and literacy. They could have gone more heavily into the self-regulation, which is absolutely key as well. I think that is why you have come in for so much criticism with it because it is a balance of all three of those elements.

Amanda Spielman: The point we have had to try to get across to a lot of people is this is not a prescription for the totality of the reception experience. There are some bits that are typically done very well, as our inspection outcomes show. This is a, "What is it that is different in schools from what is typically happening?" It was not attempting to lay out what is the whole; it is, "What are the bits that could be done better?"

To take the language, for example, these schools had a very strong focus on oral language, on making sure that every child heard lots of really good language—stories, poems, singing. The quality of the language activity was really strong. There are a whole series of things here that are about where more emphasis is needed. It is not an, "Everything else is rubbish, chuck it out." We made very clear that play was an important part and it was this balance.

There is also some excellent research. I am thinking about the EPPSE study that recognises that direct teaching of some aspects has an



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important place in early years. The biggest American meta-studies of early years practice also recognised that. There is a little bit of a myth in certain quarters that only child-initiated play has any value until children reach year 1.

Q617 Lucy Powell: No, and I am not one of those. I am not in that school, and I always challenge people about that, because I want the disadvantaged kids in my constituency, many of whom arrive at reception unable to identify correctly what a circle is—when I compare them to my own son who is in reception, who is able to read a pretty hard book—to be stretched to the same level. Self-regulation is a key part of that, and obviously a lot of that does come through play.

Amanda Spielman: Yes.

Lucy Powell: My other question is: where did this report come from? As I say, I am not a militant on either side. My worry is that some Government Ministers—a particular Government Minister—is perhaps a militant on one side of this argument and that this report is a precursor for a more draconian approach to reception. Did Ministers have any say in commissioning, asking you to do this work?

Amanda Spielman: No, this report was not commissioned by Ministers. When I came into Ofsted, just over a year ago, when I was asked what I wanted for our wider survey programme and whether there was a particular theme that I would like to see Ofsted addressing in my first year, the word “curriculum” was out of my mouth instantly. I have talked about it quite a lot this past year. We have been doing this survey, covering every stage, from reception through to post-16. I published a commentary looking at the wider landscape first, but then—

Lucy Powell: Yes. We discussed that when you were here before.

Amanda Spielman: Yes, we did. This reception piece, we have a primary, we have a secondary and there is a post-16 piece in the works. It is part of a coherent programme. Yes, I know that there is particular ministerial interest in some aspects of what we do more than others, but this is our report and I am satisfied that the evidential approach to constructing it is absolutely objective, as it should be, as we should always be in our work.

Lucy Powell: Can I just ask that you do think about the optics a bit of these sorts of reports? Because I think the way it reads is somehow that this is not common practice in most reception classes. I would say the vast majority of reception classes do offer and do teach in carpet time or one-to-one a very clear curriculum of phonics and maths, as part of a mixed pedagogy that they do there. You need to take the sector with you and this cannot look like a draconian top-down approach that is not in the best interests of children to develop that self-regulation, which we know is so key.

Q618 Chair: Lucy touches on a wider point, which was part of our previous



discussion. When I asked you about faith schools, the important thing is to deal with bad people and bad things that are happening, but the problem starts when good people think that you are after them as well. In meetings with stakeholders, there is general communications and bringing stakeholders' issues that Ofsted might want to look at on these kinds of things, on the good work you are doing in terms of unregistered schools and tackling extremism and other areas.

Amanda Spielman: Can I make one very quick final point on "Bold Beginnings"? The really positive thing that we should all take from it is that there is a fantastic opportunity. What these schools show is what even the most disadvantaged children can accomplish, and accomplish with pleasure, by the age of five that sets them up for a really good educational experience and outcome subsequently. That is so heartening and something that we should all embrace.

Chair: We will be finishing the meeting probably—you will be pleased to know—at 11.45, so we are going to rattle through. If you can rattle through, James.

Q619 **James Frith:** My final point was on "Bold Beginnings". I am not sure who is the gamekeeper and who is the poacher in this scenario, but whatever side I am on, I read this and may have come on to the other side briefly. I thought, as a parent with an eight-year-old, a six-year-old, a two-year-old and a five-month-old—

Lucy Powell: Too many children.

James Frith: Too many children, and I am not having any more. Thank you, Lucy. It is an instruction as well that I am taking. As a parent, I read this as a quite stimulating prospectus of how it could be or how it needs to be or how it is in best practice. I consulted with headteacher friends of mine, who advised me how controversial it had been. With that caveat of praise on the report—particularly its clarity of purpose, I think—what might you revisit and do differently to ensure you are building that consensus with an important section of our public servants to bring people with?

Because I think—in assessing this report, in assessing your first evidence session, and indeed some of the comments, including very well-meaning comments, about the safeguarding issue, particularly regarding the extremist and radicalisation agenda—that much of the perception of what is said and done is not the intention, as you have set out on that journey. Revisiting this again with that caveat of praise, what might you do different to bring that profession and the sector with you?

Amanda Spielman: I don't think I have specifics to say, but I very much take the point that thinking about how to discuss and how to land things is really important. We probably could have done a better job on this one and we will very much think about that, going forward.

Chair: Ian has a question on regional school commissioners, and then Lucy.



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Q620 **Ian Mearns:** The Department continues to resist the proposal that Ofsted take on the greater role in inspecting multi-academy trusts, but now on different grounds from what they were objecting to before, it seems. It seems now to show greater willingness to discuss improving the system. Have your recent discussions been constructive with the Department and with the Schools Commissioner?

Amanda Spielman: Yes. As you know, there has been a change of Secretary of State relatively recently. For some months we have been having some working sessions with the regional schools commissioners and my regional directors and we have another meeting scheduled. We have regular meetings with the National Schools Commissioner and we are also discussing, with the new Secretary of State and Ministers, some of the issues of principle here. At this stage the conversations are simply about the principle of coherence and efficiency and making sure that schools are not subject to multiple versions of the same thing. Beyond that, I have nothing specific to report.

Q621 **Ian Mearns:** But you would still prefer to have the opportunity to inspect what multi-academy trusts are doing as entities, because they are part of the education system?

Amanda Spielman: Absolutely. I have written to Lord Agnew to reiterate this. While there is no agreement on this point, there are some continuing discussions. I have also written to him to say what, in the interim period, I believe are steps we can take in relation to the current batch programme to get better coverage from the work that we do.

The fundamental point is that I believe that we should be inspecting MATs. In fact, in all our different remits, our work needs to recognise the way in which providers are organised. We have a multi-level system of provision in academies, in children's homes, in college groups, in chains of nurseries, and accountability systems need to reflect the way that the system actually operates today.

Q622 **Ian Mearns:** If there was to be a major change of heart at the DfE and you were to be given that power to inspect MATs, would you have the resources to do so? Because I noted from an article in *The Times* you have had significant budget cuts, as Ofsted, from 2010 to now.

Amanda Spielman: We have. We are a very tightly managed activity. We would need to have the resources to do whatever we are asked to do. Having said that I believe—in the medium and longer term at least—that MAT inspections ought to be an efficient model because, to the extent that things are determined at MAT level, you would not have to repeat the inquiry into those at each inspection. Taking a more global view for some aspects of inspection should be helpful, not an additional source of burden.

Q623 **Ian Mearns:** There is obviously a difference of opinion between you and, I think, Lord Agnew in particular, about multi-academy trusts and inspection. Do you feel as though you are lacking support from the



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Department at the moment?

Amanda Spielman: We are having constructive conversations, although there is no resolution at the moment.

Q624 **Lucy Powell:** Only a very quick follow-up to that. I don't know if you saw our evidence session with the Regional Schools Commissioners and David Carter and Lord Agnew. I think it became very clear to us as a Committee, which is why we followed this up in writing with Ministers, that there is a gap in the accountability system there—that there are lots of fragmented accountability measures, but nobody looking at the whole in terms of financial viability outcomes and all the different aspects. I do not know if you saw that.

Amanda Spielman: I did.

Lucy Powell: In us you have an ally and, should you need to ask for our assistance again, we will raise this with the Secretary of State, but do come to us.

Amanda Spielman: Thank you. I have your letter; I have seen the Chairman's statements, for which I am very grateful. This is something that I will be continuing to pursue.

Q625 **Trudy Harrison:** A very quick question on the accountability of multi-academy trusts. If you were able to inspect those trusts, would you be looking into financial accountability?

Amanda Spielman: That sits with ESFA, the whole financial side of academy management. They have the "Academies Financial Handbook" and very—

Q626 **Trudy Harrison:** In terms of monitoring the top-slicing that multi-academy trusts do and the value for money and, when contractors carry out work, making sure that this is done at good value—

Amanda Spielman: What we would want to do is to have proper discussions. If the principle were agreed, then we would have conversations with ESFA to make sure that between us we were covering everything and that the communication that might be needed across the borderlines was properly set up, to make sure that it was comprehensive, without being duplicative.

Ian Mearns: Very quickly, Robert.

Chair: Very quickly, and a quick answer as well, please.

Q627 **Ian Mearns:** Will you publish data or will you provide us with the data on those independent school inspections, please?

Amanda Spielman: Yes.

Ian Mearns: Thank you very much.

Q628 **Chair:** A final couple of questions, if you could give very quick answers.



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Inspection of subcontractors in terms of apprentice providers of training—what are you going to do?

Amanda Spielman: They are happening. We have a programme looking at a small number and we also have, I think, an increased focus.

Q629 **Chair:** But will you do every subcontractor or just a small amount?

Amanda Spielman: No, we are doing a small number at the moment and looking at what comes from that sample to determine what, if anything, we should be doing differently in future.

Q630 **Chair:** How are you selecting that small sample?

Amanda Spielman: In terms of the significance to the system, I think. Obviously, it would not be a good use of pilot programme to be picking subcontractors who have precisely three learners, so in terms of their importance to the overall system.

Q631 **Chair:** How many people do Ofsted employ at the moment?

Amanda Spielman: In total about 1,800.

Q632 **Chair:** How many of them are apprentices?

Amanda Spielman: Just under 30. We are very proud of our apprentice intake.

Q633 **Chair:** I am very pleased you have 30. What areas are they in?

Amanda Spielman: They are spread around many teams and many offices.

Q634 **Chair:** Would you consider—it may be that you have done this already—working with the IFA to have an apprenticeship in inspections, for example?

Amanda Spielman: Our requirements for inspectors require people to have had many years—five years, six years—as a senior leader in that activity. At the moment, without a very, very fundamental change to our expectations of the experience qualification for an inspector, it would not be possible to make an apprenticeship path. Our inspectors are drawn from the sectors we inspect.

Q635 **Chair:** Do you plan to increase the 30 number?

Amanda Spielman: I think so. We are very happy with the programme and very optimistic about its future.

Chair: Thank you. You have been to the Committee regularly and we give you a hard time, but I think all of us would say that we have huge admiration for your public service, the work that Ofsted does.

Amanda Spielman: Thank you.

Chair: We know it is very difficult, it covers a huge area—a bit like our



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Committee—but you are incredibly open and always willing to speak to us and set out what is going on and we are grateful. We look forward to having future appearances over the months ahead.