

Education Committee

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

Tuesday 5 February 2019

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Members present: Robert Halfon (Chair); Ben Bradley; Marion Fellows; James Frith; Emma Hardy; Trudy Harrison; Ian Mearns; Lucy Powell; Thelma Walker; Mr William Wragg.

Questions 1757 - 1839

Witnesses

I: Amanda Spielman, Her Majesty's Chief Inspector, and Sean Harford, National Director, Education, Ofsted.



Examination of witnesses

Witnesses: Amanda Spielman and Sean Harford.

Q1757 **Chair:** Good morning. Thank you for coming this morning. Just for the benefit of the tape and for those watching on the parliamentary channel, could you kindly give your names and titles?

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

Sean Harford: I am Sean Harford, HMI and National Director for Education for Ofsted.

Q1758 **Chair:** Thank you. A number of critics have raised concerns that the EBacc's focus is too narrow and it crowds out technical and creative subjects, many of which are suited to the new digital age. There seems to be some tension in some of the comments you have made, Chief Inspector, in the past. On the one hand you have expressed your concerns about the narrowing of the curriculum and the new framework says there is no Ofsted approved curriculum, and on the other hand you have emphasised the importance of a knowledge-rich curriculum, and according to the new Inspection Framework inspectors ought to scrutinise how schools are planning to meet the EBacc target when judging their curriculum, "At the heart of an effective Key Stage 4 curriculum is a strong academic core, the EBacc. It is important that inspectors understand what schools are doing to prepare for this to be achieved and they should take those preparations into consideration when evaluating the intent of the school's curriculum" and you say that there are problems teaching the test and that there is no Ofsted approved curriculum, however you also state your commitment to the knowledge-rich curriculum and the new framework appears to endorse the EBacc as a key to an effective Key Stage 4 curriculum. How comfortably do these positions sit with one another and can we be comfortable that other curricula, for instance those that attribute more weight to less traditional subjects, will be equally well rewarded?

Amanda Spielman: That is a remarkably long question. I will try to unpack it logically. First of all, the underlying principle that we have enshrined in law is that all children should have a broad and balanced curriculum through their education. We have done a number of pieces of curriculum work over the last couple of years that have shown various ways in which that has been eroded over time, often accidentally but nevertheless it is really important that what we do counterbalances the various pressures in the system that can lead to education shrinking and narrowing. The creative and practical subjects are some of the subjects that have been particularly affected, alongside some of the academic subjects.

I do not think there is anything inconsistent in our position. Sorry, I will deal with one other thing first, which is our new framework is absolutely



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designed to recognise that there is diversity in our system, that it is a good thing and a welcome thing. It is designed to make sure that we draw a line at a point that encourages and reinforces that space to develop and innovate, but equally helps us to weed out the stuff that is weak, that is not good enough and that does not give children a decent start in life.

Coming on to EBacc specifically, it is a matter of government policy. We cannot set a framework that cuts across government policy, but beyond that the principle of a strong general education to 16 alongside the practical in some cases pre-vocational pieces that may come in is absolutely reconcilable and achievable. If we look around the world at the countries with the strongest vocational systems, the likes of Germany and Switzerland that are often discussed, we see that they very clearly build general education into their vocational education programme, so it is not an either/or, it is making sure that we have really good curriculum across the board and the breadth that children need.

Q1759 Chair: On average pupils take 8.1 GCSEs and in that context the threat of crowding out other subjects is quite high because the EBacc in essence becomes the pupil's whole curriculum. Is there merit in reforming the EBacc to reflect the importance of technical and creative subjects?

Amanda Spielman: I do not think it does become the whole curriculum and the Progress 8 measure that I think is a very strong shaper of schools' choices and schools' steering of children at the moment provides three slots essentially from the wider approved list. A very large proportion of children take a curriculum that does fit Progress 8 and that makes extensive use of the wider set of GCSEs and the available non-GCSEs.

Q1760 Chair: If you take the Edge Foundation, they have suggested that the introduction of EBacc has encouraged a 10% drop in design and technology entries. We know that the Social Mobility Commission has cited evidence from Germany showing that the more academic curriculum has triggered an increase in disengagement with school, so what would your response be to both of those?

Amanda Spielman: It is more complicated than that. One of the things that I had my analysis team do a few weeks ago was to look at the pattern of qualification entries in 2003 as well as just before equivalence was introduced and again in 2010 and again in 2017. The subjects that have declined hugely over that period have been languages and the design and technology subjects. The other group significantly affected is art and design, but nothing like as much as design and technology, so let us concentrate on that for a moment. Most of the decline in design and technology over that period happened pre-2010. From the point that equivalence was introduced we gave schools enormous leeway to decide what to offer, where to steer children, so there is a wider problem about making sure that the flexibility that we give schools is used properly in the interests of children and make sure that that full curriculum including



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the practical and creative subjects is properly available to children right through.

Q1761 Lucy Powell: A quick follow-up to that, Amanda. What we are talking about is the impact of very recent policy change going forward rather than the last 15 years, but do you not think that the double rating of English and maths in Progress 8, in addition to the English and maths curriculums now being much bigger and tougher, is why many schools are having to double timetable English and maths as well? So the very point that Robert talked about, those children who are most struggling have to do double English and maths, and therefore doing fewer GCSEs and a less broad curriculum.

Amanda Spielman: That rating should not mean schools have to double up timetables. The new GCSEs were designed to be accessible to the same range of children and to require the same amount of teaching time as their predecessors, with the sole exception of maths. That is the only one that was designed to be bigger. So if a school is responding to double weighting by saying they need double timetabling, that is a misunderstanding.

Q1762 Lucy Powell: I think for some children for whom that extra tough maths, let us take maths GCSE with a huge amount of extra content and much harder, if it is double counting in the school's Progress 8 weighting and they have to get more children passing it then they are doubling up their timetable, that is happening all over. You should be seeing that because that is a commonplace happening.

Amanda Spielman: That is the kind of thing that I want our new framework to have us looking at. Since much the same time, so back 13 or 14 years ago, inspections looked relatively little at the curriculum on offer and basically said that if good outcomes are coming out then presumably the right things are being taught along the way and presumably the right amount of time.

Q1763 Lucy Powell: Would you see yourselves saying to Government, "Look, some of the policies that you are pursuing are having really bad, unintended consequences on crowding out"? Would you say that to them?

Amanda Spielman: That is what we said when we published the curriculum research about narrowing in primary school for example. We said the subjects outside English and maths are getting significantly squeezed.

Q1764 Chair: In a nutshell is it your view that the EBacc is crowding out vocational design, technology and other creative subjects?

Amanda Spielman: No. Again, if you look at 2003, 2010, 2017, broadly the subjects that have increased substantially are not EBacc subjects. It is the religious education GCSE, it is a lot of the non-GCSEs, business, IT, various pre-vocational. The EBacc subjects, history and geography, have picked up a bit, but nothing like as much as RE, for example. So it is a



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complicated picture but it is absolutely not EBacc subjects lead to a decline in practical. In fact over a very long period both practical and academic subjects, practical subjects in GCSE and academic subjects, got displaced by non-GCSEs.

Q1765 Chair: If I could just move on to exclusions, my colleague will come on to this later on, do you agree that we need to look at all the routes of exclusion, including legal routes that are being used in the wrong way, such as managed moves?

Amanda Spielman: We absolutely need to understand children's trajectories and make sure that there is really good planning for all children in the system. At the moment we have the exclusion route with various controls around it but our biggest concern at the moment is the children who are being squeezed out of schools through the back door, under the table, whatever you like to call it. Those are the children I am most concerned about, who are least likely to have the proper conversations.

Q1766 Chair: So does your inspection framework focus more strongly on the integrity of managed moves to make sure they are all used in the right way, so you could have a very close look at the rates of managed move pupil destinations and the reason for moves, for example?

Amanda Spielman: I am going to turn to Sean, because I think we do have quite an intensive conversation, but Sean can explain better how we approach that.

Sean Harford: Yes, absolutely, those kinds of questions would be asked and are asked at inspection. We have examples in the last term where we focused on, for example, where off-rolling was going on and we had the data to suggest there were questions to ask as part of that kind of discussion around data and what is happening in schools and we would get underneath those questions.

We have found examples of both, so where we have gone in, where the data looks high on, for example, pupil movement between Year 10 and Year 11 we found examples where absolutely the children were off-rolled, not for their benefit. Equally, examples where schools had worked with parents and other schools to managed moves. So we did get underneath those things and we are getting better at it.

Q1767 Chair: Should schools be accountable, or at least partially accountable, for the end outcomes of the pupils that are excluded?

Amanda Spielman: The short answer is they should be, but it cannot necessarily be turned into neat numbers. That is part of why inspection is important and why the principles that I have been talking about, the substance and the integrity, you can do a great deal through various kinds of measures, but the numbers on the page of the numbers of children who have left, since we put our blog on off-rolling last year in which we said we had identified about 300 secondary schools with



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particularly high numbers between Year 10 and 11. That is now a flag on the data briefings that inspectors get pre-inspection and so there is a particularly intensive conversation. We have come across a number of schools where we have indeed found that there is significant off-rolling and we have reported on that. I am aware of two published reports that already discuss that. I think there is a further one in the pipeline.

We have also come across schools where very high levels of departures with some really deep and probing conversations turns out to be about parent mobility, in some cases people wanting to avoid prosecution for non-attendance. It is a difficult picture. We have to have those conversations to be able to get to a human judgment on whether integrity has disappeared.

Sean Harford: To go back to the numbers, we have endorsed that idea of looking at that very clearly, where a process could be put in place where you would identify and hypothecate those outcomes.

Q1768 **Chair:** On children's special educational needs, is there a case where Ofsted has become more involved in scrutinising how schools spend the money they are allocated to support children with SEN, and I am not talking about EHC?

Amanda Spielman: If we look at money we would have to look at all of it, because you can never look at money just at the margin. At the moment that is not in the scope of inspection. I think SEND is a particularly tough one because there is less out there. First of all, it is a very big ticket item in the national budget as well as in many schools' budgets and there is less around to help steer people to what is good spending of the money. I absolutely think, yes, there needs to be more to help everybody steer how to spend the budget better.

Q1769 **Chair:** I am roving here, but two final questions. One is on the Careers & Enterprise Company. We have serious reservations about the role of the Careers & Enterprise Company in delivering positive change. One of our chief concerns relates to oversight. You have a role with the National Careers Service and that is heavily scrutinised. The Youth Select Committee recommended that DfE introduces more rigorous oversight of the Careers & Enterprise Company and suggested that Ofsted should inspect the quality provision funded now by the company and should begin a full independent review into the CEC's impact. Would you commit to backing these measures? I know you might say there was a funding issue, but the CEC latest accounts have cash in the bank and in hand of £9.142 million. They are awash with money and the interest alone on this sum could be used to fund Ofsted inspections. Do you think that is a good idea? Just like you do inspect the National Careers Service why not have a role in inspecting and oversight of the Careers & Enterprise Company?

Amanda Spielman: I can say neither yes or no to that because I simply do not know enough about what the Careers & Enterprise Company does,



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how it operates, whether it is something that is suitable for inspection, so I would have to take a look and write back to you.

Q1770 Chair: If you could. Finally, on the Baker clause we have had a number of reports suggesting that schools are flouting the Baker clause and according to a recent *Schools Week* newspaper investigation none of the 10 biggest MATs had published detailed careers information online. In a DfE commissioned survey of FE providers, only 5% of respondents think that all schools in their area allow providers proper access to their pupils. Would it not be better to provide greater weight to the Baker clause by making the consequences of evasion more severe? Do you not think that good Ofsted ratings should be contingent on providing children with the information they need to make proper choices about their lives, about skills and vocational options that they might be able to undertake?

Amanda Spielman: There are a couple of questions there. First, the research you are talking about, the good bit about that is that it showed that in the year that the clause has been in effect there has been substantial movement and that getting on for half of schools are now compliant with the clause.

Q1771 Ian Mearns: The research was 37%, wasn't it?

Amanda Spielman: Yes, that is right, it is three-eighths, I think, but up from a pretty low base, I suspect. There have been 25% more colleges saying that they now have good access. Given the time it normally takes for something to work its way through the system I think that is pretty good. What we are doing in our new framework is to put something stronger in. The selective compliance we are also aware of as an issue. We are putting something in that is in the draft framework that, "Secondary schools should prepare pupils for future success by providing unbiased information to all", that is addressing the selective compliance point, "about next steps and high quality careers guidance and opportunities for encounters with the world of work". It is absolutely explicit in one of the top level statements that that should be there for all children, and so it will be part of the inspection conversation in every case.

There is a real danger about shifting to a model of inspection that has a list of all of these things that you can trip out and fail on, because it bends the system out of shape. People forget about the other things, if they see a few particular trigger points, and also we end up with everybody saying, "We want this to be a trigger. We want this to be a trigger" and you end up with something where you have judgments that simply do not reflect what parents see to be the overall quality of a school or other kind of provider. We have to make sure that overall it remains a proportionate assessment of a provider.

Q1772 Lucy Powell: Thank you very much and thanks, Amanda. First of all can I congratulate you on the new framework? As I said to Damian Hinds when he was before us I do think it is a good step in the right direction.



Amanda Spielman: Thank you.

Q1773 **Lucy Powell:** I am sure you had your own struggles with various people to get that agreed to, so continue on with that and let us hope it stays simple and not too complex.

On that, in relation to exclusions and inclusivity, will it be impossible or very difficult for a school that has a high number of exclusions or managed moves or perceived off-rolling to get some of the highest grades in future judgments? Will you be quite clear about that?

Amanda Spielman: I think this is one for Sean, as he knows most about this.

Sean Harford: It does go back to those questions, so before we go into a school we would look at the data around exclusions and it might be a flag certainly for a particular discussion, and we would always discuss around the use of it anyway. I think it goes back to this issue about limiting judgments. If you line up a number of limiting judgments, and currently we effectively have two, one which is around safeguarding and one that is around the quality of teaching, which we are proposing not to carry forward in the new formulation, we would want to keep those things to an absolute minimum. The reason being of course that when you go into a place and start discussing with the teachers, the leaders, the children and the parents pictures emerge. So boxing yourself off or painting yourself into a corner by which you can only ever give a certain judgment if a certain number is above another certain number is not a good thing.

That said, of course, we would always look to see if they are being used in the right way, whether they followed the law, and whether the outcome of that is in the interests of the child, while still making sure that head teachers have the right to make that decision in an appropriate way. It is a nuanced discussion and I think we need to be careful not to say it is black or white.

Q1774 **Lucy Powell:** Sure, I appreciate that. I think it is more about sending a strong signal and I think we discussed it with Amanda when she was here last time. We recently heard probably one of the most outstanding testimonies that we have heard as a Committee from a group of young children who are part of the Advocacy Academy, and I do not know if you have met them but I would strongly recommend that you do. They described the sort of grey area before you get to exclusions, their lives in isolation rooms, in isolation units, exceptionally bright, able children whose lives were very much blighted by basically facing a wall, not being taught properly in isolation rooms and so on at schools, nearly all of whom were at some of our top academy chains in London, the ones that always get the top results. Will the new framework really weed this out? To me this growing zero tolerance kind of behaviour and shoving kids into facing a wall in an isolation unit is wrong morally but it is also totally wrong.



Amanda Spielman: This is where the shift of emphasis that we are making is really important. First, we are unpacking personal development and behaviour into two parts. We are trying to look right up front, what is done to build the systems, the culture, the environment that makes it easy for children to be part of the school, to behave well, not to fall into punitive measures in the first place. It is much better to stop problems happening up front by adopting the kind of models that minimise fallout and the need for any kind of behaviour sanctions than it is just to pick up the pieces after things have gone wrong. In exactly the same way the expectations around education provision focus on inclusivity right up front. Is the curriculum being planned to make sure it is suitable for all children from the beginning and taught in a way that makes sure that children stay on track? It is a real focus on getting it right from the very beginning to minimise the fallout.

Q1775 **Lucy Powell:** What does that look like to a school that is watching this evidence session now, thinking about that? What can you tell me that you are looking for, to stop that sort of thing happening?

Amanda Spielman: It is thinking about it in terms of what the school does and how. If you have a stream of children coming adrift in, say, Year 5 and 6 in a primary school, it is not thinking, "We have a problem with that child. We need a label on them, we need interventions". It is partly that but it is also saying, "Hang on, what is it that we didn't get right in Reception, Year 1, Year 2, Year 3, Year 4? How did we get to that point, how far back do we need to go? What do we need to rethink about what we do and how we do it to stop that happening in future?" It is broadening the focus, so it is not just what is the intervention for the child, it is, "Hang on, we own the education system that the school represents. What do we need to do all the way back?"

Q1776 **Lucy Powell:** Yes. I think that sounds great in terms of the broad brush, but I am not sure that would quite help us to get where we need to when we have schools increasingly, as we saw on the dispatches last night and the figures that the Children's Commissioner, home schooling doubling in four years. I speak to parents, we all speak to parents, all the time, who feel that they have no alternative because the school is just not meeting the needs of their child, very bright or able or whatever. How can we send a really strong signal across the system that inclusivity and meeting the needs of children, not the needs of the school, need to be the priority in your inspection regime?

Amanda Spielman: I think that is the signal we are sending with everything we have put into this new draft framework. Sean?

Sean Harford: I think this needs to be looked at in the round and with the quality of education judgment that we are proposing it is not the stark—which is currently fairly stark in terms of the outcomes in teaching and learning assessment as separate numbers. Looking at the quality of education means that you need to be doing the right things and the numbers themselves are not the be all and end all. Therefore the kind of



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tricks that we have seen and where that is detrimental to pupils there is not going to be such a high incentive for schools to do those things. The incentive is to provide the right education for pupils and therefore aim for getting a high judgment in that really important area of providing that education.

Chair: That is why accountability for outcomes is crucial in this.

Q1777 **Lucy Powell:** Do you think you will more specifically, as part of what you tell inspectors to do, look in these isolation units, specifically look at them—

Sean Harford: They always do anyway.

Q1778 **Lucy Powell:** —and to maybe come up with some guidance on how they should or should not be used. The overreaching nature of them now is significant.

Amanda Spielman: That would be for the Department for Education to produce guidance. It would not be for us to do.

Q1779 **Lucy Powell:** If you start to see really troubling practice then surely you would say to the DfE and others, “This is an area that you need to address”.

Sean Harford: I think we need to again look at all types of behaviour policies and see if there is any pattern coming out of this when you look at the whole of the evidence, not just focusing on one area, because it could be of course a particularly laissez-faire approach to behaviour, which is the other end of the extreme you are talking about and we have seen this in a school last term, had led to children wandering around the school and not engaging in classrooms even.

Lucy Powell: We all know that the pendulum swings. It is just that we feel that the pendulum is swinging too far this way at the moment and that is excluding and we are seeing that in schools.

Q1780 **James Frith:** Do you support the removal of the term “other” as a reason for a school excluding? Currently one-fifth of all exclusions are described as “other” with no further data held by DfE. Should that be removed and should we have greater transparency when as many as one-fifth of children are being excluded with no given reason other than “other”?

Amanda Spielman: I think it is extremely unhelpful. I would not like to ever see a classification—if new reasons can emerge an “other” might be necessary in the short term, but if it is more than a tiny fraction and that fraction leads to immediate questions about those other reasons in the system, are they properly thought of as something that exists or is there something genuinely new here that we need to be addressing? One-fifth, I agree, sounds completely extraordinary.

James Frith: It is from a very long list of acceptable reasons that would feel quite fair, so it seems very disproportionate.



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Q1781 **Ian Mearns:** Good morning, Chief Inspector. Kung Hei Fat Choi.

Amanda Spielman: Thank you. Yes, I was in Chinatown at the weekend.

Q1782 **Ian Mearns:** In the last issue the evidence that we had from young people themselves showed that very similar policies were being implemented in multi-academy trusts under the same umbrella as the multi-academy trust parent. Does that not give another reason, because it seems there are other policies coming down from the trust itself, to several different schools, why Ofsted should be looking at multi-academy trusts as an entity in terms of the way in which they develop and implement policy across their school estate?

Amanda Spielman: Absolutely. It is one of the key reasons why I have said a number of times I think the accountability system needs to match the structures in which different parts of education and social care operate. Inspection is a conversation, a professional dialogue, and it needs to be a dialogue with the people making the decisions that you are talking about to have its full effect. If decisions about behaviour policy or curriculum or how teachers are trained and supported is happening at a level above the school in an organisation then that for me is where the conversation needs to be. Otherwise you are talking about echoes of that across the board. Going into 20 different schools and talking about the echo of that policy in their particular school makes it hard to have the conversation in the round.

I am not sure if I am getting the term wrong, summary evaluations that we have introduced in the last couple of months as the iteration from the original batched inspections take us a step in that direction but there is still space to do something that gets to the critical points, decision-making points in an organisation, more quickly and more easily.

Q1783 **Ian Mearns:** In a nutshell Ofsted are holding head teachers in schools accountable for decisions and policies that are above their pay grade somewhere up the chain. That in itself seems to be an inherent unfairness.

Amanda Spielman: There is just something that I want to say, which is that an Ofsted inspection is not a judgment of the head. It is a judgment of the school or provision and one of the problems we have in the system is when those two are conflated. The leadership and management judgment comes closer to being a judgment, but still is not, and I have pointed out repeatedly the dangers if anywhere in the system we allow ourselves to slide into treating the judgment of the school as the judgment of the head.

Q1784 **Ian Mearns:** But if there are within a school weaknesses across the board leadership and management obviously would come into question.

Amanda Spielman: Absolutely. In the new inspection handbooks we have given more thought to how MATs typically work in practice, for example, to make sure that the sections around governance and



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management contemplate that, so as to make sure that all our inspectors really have a deep understanding of how that works and write in appropriate ways where a school is responsible for implementing a policy. We are setting out this chain from intent, through implementation and impact. The school may be responsible for implementing but something where the intent has been formed by somebody else.

Q1785 Chair: Very quickly on the exclusions and off-rolling issue as well as the accountability, which you have acknowledged there should be more of, should there be transparency as well? Should schools publish, as we suggested in our Committee report on exclusions, the amount of exclusions or number of managed moves on their website? Would that help more transparency?

Amanda Spielman: It is an interesting question. In most schools the numbers of permanent exclusions across the system work out at one or two per secondary school a year. It would be very hard to do that without getting into infringing individual—

Q1786 Chair: Well, you would not need to know how many pupils but you would say the numbers who have left the school, the number of temporary exclusions, the number of permanent exclusions and so on.

Amanda Spielman: It would absolutely be possible. The question is, the signal to noise ratio is in how many cases would you be highlighting something of genuine concern and in how many cases would you be highlighting something that was a real problem that the school had had to deal with but was not a problem of the school's own making and was something where the school had genuinely done everything it could for those particular children?

I am not going to say unequivocally that it would be a good thing. Our model that we have been using in the off-rolling and we are looking at extending to some other areas of inspection briefing provides a flag to say there may be an issue here. We are very careful not to say that the high numbers mean that there is definitely something bad going on.

Q1787 Lucy Powell: Can I ask if you would meet the Advocacy Academy children because they really do have very powerful testimony?

Amanda Spielman: Sure.

Q1788 Chair: Without a doubt one of the most remarkable meetings I have had as Chair.

Amanda Spielman: I would be very happy to do that.

Chair: Genuinely inspirational students. Trudy?

Q1789 Trudy Harrison: Good morning. Amanda, you have referred to having all the tried-and-tested ingredients to meet the needs of the fourth industrial revolution to equip our young people in terms of kit specifically.

Amanda Spielman: Kit?



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Q1790 Trudy Harrison: Equipment in schools, rather than white elephants, snake oil, which I think were your comments. Time after time we hear evidence to the contrary. Schools remain focused on teaching to the test, on testing of memory. Ofsted inspections apply an over importance, in my opinion, on data collection. Is industry wrong to say that there is too much focus on teaching to the test and not enough on the problem solving, creative thinking and resilience that they need from their employees?

Amanda Spielman: There are two different things in here. The core of what is set out in the National Curriculum, for example, and what is set out in GCSE and other exam specifications I do not believe is too narrow or limited. If you read the National Curriculum, if you read the specifications, you will see that they envisage not a pub quiz set of facts but a rich body of connected knowledge and the development of substantial skills off that.

This comes back to the substance and integrity points that I have been making, we have seen cases where in order to try to maximise grades teaching has been allowed to become narrowed down to the mark scheme approach, to trying to simplify the task of collecting enough marks to get a certain grade. The intention is broadly right in the system; the translation into practice is more patchy.

Given everything that we know about skills like creativity and collaboration, they are not things that float in isolation and can be taught without knowing anything underneath. To be creative you have to know a lot about something, often a lot about several areas, in order to apply it. Making sure that in schools we have the space for application and making sure that we do not accidentally allow ourselves to become reductive and throw babies out with the bath water.

Q1791 Trudy Harrison: I think here it is how we test and measure the success of a school through the standards that Ofsted use. It is rather easy to be lazy and just measure test results from memory. If the problem here is that we are measuring the standard of schools by the results from tests how do we need to change to measure the success of what has been suggested to us by industry, one-third around projects of the curriculum divvied out, one-third on projects, one-third on creative works and one-third the traditional methods of education. How are we going to test those other two?

Amanda Spielman: You perhaps should be asking Ofqual this, not Ofsted, but if you look at what we have, for example in the new GCSEs, they are looking at a pretty broad range of knowledge and skills in there. If they are taught as they should be taught, and what I want us as Ofsted to be doing is to be looking to make sure that children are being taught in that full, rich way that really opens up their minds. That is what we should be looking for and how we can complement the measurement.



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Lots of people have lovely ideas about assessment, but the reality is that the tests we give children, including GCSEs, also get used for accountability. We know that where you have accountability tests that also have substantial course work components they very quickly can get bent out of shape and the thing that should be the interesting, exciting project turns into something that is about mark collection where the focus turns into the wrong thing. There is a great deal of idealism about the way people would like the world to work and the world sometimes works in different ways. By the way, this is not a problem that is unique to England. It is something that every country's education system has wrestled with, that the ideal in assessment terms simply is not necessarily workable in practice. It does not lead to what people hope it will lead to.

Q1792 Trudy Harrison: But many of those other countries have changed their curriculum to involve more problem solving, creative teachings within the curriculum. We seem to be going backwards rather than forwards if we are basing ourselves on the international models.

Amanda Spielman: I do not think we are going backwards, if we are looking in international terms. In survey terms we are not going backwards. I think it is important to look at things like the PISA tests of problem solving. They did not find that there was a negative association between high achievement on home languages, maths and science. They found there was a very strong correlation between high achievement in those subjects.

Q1793 Chair: We are still behind many OECD countries in terms of key skills.

Amanda Spielman: Which skills are you talking about, Robert?

Q1794 Chair: Literacy, numeracy.

Amanda Spielman: No, and we have more to do. There are some encouraging things coming through in some of the international tests and we are certainly not deteriorating. I think we must not fall down the rabbit hole of thinking that doing well academically in core subjects is one thing and that doing well in problem solving is something completely different. There is a massive overlap between the two and we should concentrate on what are the things that are good for both, rather than setting up a false opposition.

Q1795 James Frith: A false opposition, okay. I spoke to a number of head teachers in Bury ahead of this and broadly they were, as Lucy has said, pleased with the new framework so congratulations on holding the sector together in celebration or in welcome of that.

A couple of questions that they posed for me. How will you balance out the data that you hold on the school with what you find in the school?

Amanda Spielman: In essence that is what we do at the moment and always have had to do. So for example the outcomes judgment is particularly strongly data driven, but we also make judgments about



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personal development and behaviour and welfare, and leadership and management and so on. To arrive at that overall effectiveness judgment the inspector weighs up. They do not have a mechanistic formula that says, "10 points for this and seven points for that". They have experience and a lot of training and moderation so it is conversation with other more experienced inspectors to shape and inform them in doing that weighing up. That will continue in very much the same way through into this framework. It is a slight shift in balance in that the outcomes are being looked at in the context of how they are being achieved, because it is a problem for us at the moment that two schools that are essentially getting the same grades, one of them is absolutely teaching the right way and giving children that full experience but does not get distinguished from the one that is doing it in a reductive way. We need to make sure that we have that handle on how the results are being achieved. It does not mean that we are saying that outcomes do not matter and they are out the window, but we are taking a step or two back so that we can properly understand the context and what is being offered. Are children doing the right subjects, getting that full education?

Q1796 James Frith: That is a really good phrase in the context of how they are being achieved. How will this be differently represented in the scoring and the reports that the schools receive or that the parents get to read? What is going to be different?

Amanda Spielman: What is going to be different? Sean?

Sean Harford: Currently there is an outcomes judgment that is a separate grade. There are four key judgments, as we call them, and one of them is outcomes, one is teaching learning assessment, one is leadership and management and personal development. What we are doing is bringing together the outcomes and the teaching and assessment into the quality of education so that you can look at what the school is trying to achieve for its children through the curriculum, how the teaching and learning is supporting that intention from the school and then what the impact is. The impact will not only be in terms of those qualifications, which as Amanda said, they are a passport for young people, especially at age 16 and 18, on to their next stages. It is also about things like destinations for those youngsters. In primary it is specifically about the true standards of reading, not just what they achieve at the end of Key Stage 2 in the reading test and so bringing those together with how they are being achieved is how it will be different. So there will be one grade there where currently there are two and a very small part of the current framework is about curriculum, which is boxed away in leadership and management. We think that is showing the true substance of education and are going to open that up and make that a core part of this framework.

Q1797 James Frith: How will Ofsted take into account pupils with SEND issues, if they cannot follow a trajectory that is assumed for pupils without SEND?



Amanda Spielman: As we do at the moment, and that conversation is about all the children in the school. I think this is a helpful framework because it is really important to remember that children with special needs are still children who need to learn the same things as other children, and who have the same reason to have aspirations and want a decent path in life. For most purposes we should be thinking about all children together and only moving off into thinking about specific things where it is needed. There is a little bit of a tendency almost to think about schools as though they are a mainstream school and a SEND school separately. What this framework is trying to do—

Q1798 **James Frith:** That is because at the moment there is a huge increase in special school provision and in off-rolling, and an explosion of off-rolling in mainstream. That is being exacerbated by the current crisis in our schools. If a framework is playing its part in emphasising that two-tiered system then schools are rightly wanting to be recognised for their inclusivity. What is going to be different in the measure of inclusivity? How will a school feel that Ofsted has cherished their efforts of demonstrating inclusivity? Because the schools I know that are doing the right thing by all the children are let down at inspection time by a lack of cherish on Ofsted's part and the judgment afforded them because they have been inclusive, while up the road a secondary school is talking of a gain while off-rolling kids that are not up to scratch, as they see it.

Amanda Spielman: That is exactly why this focus in the quality of education on all children—not all children, apart from the SEND who are often as a little box over there—all children, and why the strength around behaviour. A very large proportion of SEND are not children who are physically disabled, it is children with behavioural problems and how they—

Q1799 **James Frith:** But those behavioural problems, if we see them as simply as behavioural problems without—you talk about working upstream, ahead of, pre-emptive; some of the demonstrable behaviour is because of the lack of support in the classroom, the premise of the teacher assistants, the teacher support. So how is a school going to be reflected in the report and rewarded for that demonstration of behaviour?

Amanda Spielman: That is in the quality of education, which is the most important piece of this framework. It is the biggest chunk. Inclusivity is stressed all the way through that precisely to make sure that it is thought about because you are absolutely right; it is hugely important. We can think about special needs of various kinds. The piece that some children are just born with, that is one piece. There are things that can go wrong in children's lives before they come anywhere near formal education that can create educational problems for them. We have a wide range of services that can and should help.

We have the things that are around schools themselves about how they approach education and how they approach that wider helping children along the path of life, getting them ready for adult life. The second two



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pieces around what they educate in and how, and how they steer children to good self-management, resilience, all those good personal qualities are absolutely things that are core responsibilities of schools and that are threaded all the way through this.

Chair: We are going to move on to college and school funding. I am going to come on to Ben first and then Thelma.

Q1800 Ben Bradley: I wanted to touch on FE first. Your annual report picks up the funding gap post-16, it is something we have seen through our funding inquiry and the data clearly shows that FE is a poor relation in terms of funding in education. In constituencies like mine where something like 11% or 12% of people go to university, it is arguably the most important bit in terms of getting those young people into work. It has also been the focus of lots of change apprenticeships, additional SEND requirements, T levels coming down the track. We all recognise the funding challenge but, as you picked up on it in your report, how much money do you think is enough money for FE?

Amanda Spielman: That is an unanswerable question for me because our remit does not extend to looking at value for money and cutting costs of provision. There are some models of inspection that do bring together the quality on the funding side, the model in operation here does not.

Typically, post-16 or what in other countries is termed “upper secondary” at the point you start having to accommodate technical education of various kinds is typically more highly-funded than primary and secondary education, not less well-funded.

Q1801 Ben Bradley: What is missing at the minute in terms of the provision in colleges? On a local level, if there is a lack of funding what is it that is missing?

Amanda Spielman: Our concerns more generally have been particularly at the lower-level provision, level 2 and below. Level 3 broadly is stronger but we are seeing reduced teaching hours, we are seeing reduced course offerings, reduced amounts of enrichment. Colleges can pay less so there is more overlap now between colleges and schools. Most of all perhaps with the increasing expectations on colleges, so post-16 English and maths, colleges can only pay—and need the same teachers who are capable of teaching English and maths at that level—substantially less than secondary schools. So they get somebody to a good place as a teacher and, boom, they are off to a secondary school. Colleges are genuinely having a difficult time.

Q1802 Ben Bradley: Seeing our announcements last week in terms of what you mentioned—teacher training recruitment and retention in secondary, and through the school system—do you think that needs to be extended to colleges as well?



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Amanda Spielman: It is an interesting question to which I have not given any thought since that came out. But potentially yes. Many of the same issues and dynamics apply post-16 as pre-16.

Q1803 **Ben Bradley:** Another very broad question: Ofsted are driving good practising standards in FE and, in my constituency, we have seen lots of challenges on a local level in terms of governance and poor decisions within our flagship college. A big focus on national apprenticeship programmes rather than local delivery, which to me should be the key priority of that local provision. There are obviously non-financial steps that could be taken both locally and nationally. Where do you think the policy gap is for the DfE in terms of obviously we would love to throw money at it, it does not seem to be a massive priority for the Chancellor but what can the DfE do in FE to take non-financial steps to improve?

Amanda Spielman: The point I have been making about schools, about making sure that we put children's interest first and that everybody approaches this with integrity. FE colleges play a crucial role in that we do not have a highly structured and formalised school to labour market matching system in this country. But FE colleges do that to a very large extent, managing the pathways, being imaginative, and not rigidly matching, saying, "Only three people are allowed to do this" but broadly making sure the flow is right.

Which is why I expressed concerns that we are seeing colleges themselves reporting that the area where there are lower-level students, the level 2s, those who have gone into a course without five good GCSEs broadly, are taking a lot of arts and media courses and unlikely to find employment that builds on those courses in their local areas. That may be, in part, a consequence of those courses being relatively easy to attract students on to and relatively low cost to deliver.

Chair: Can I just ask, because we have a lot to get through, just slightly more concise, if possible?

Q1804 **Ian Mearns:** On the back of the Baker clause, it is about FE colleges being able to attract the students and, in order to attract the students, the students have to be aware of their existence and the existence of the menu that they have to offer. There are many youngsters who are coming out of the schools who have been regarded as unteachable and then FE colleges have the responsibility of doing the remedial work with them and then quite possibly getting them to a level 2 qualification or whatever. That in itself is resource intensive in terms of getting any marginal success from that.

Amanda Spielman: It is conveying the roots and the opportunities in the local area and it is an absolutely critical role for colleges. When you go to a good college and see how they are thinking about it and how they are making—I was in a college in south-east London that is working to develop the training for the aerospace industry in their area, and building



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opportunities and communicating those well to students. It is not a mechanistic thing but when you see it you know that it is happening.

Ian Mearns: But the importance of the Baker clause is making youngsters in schools aware that these places exist in the first place.

Q1805 **Thelma Walker:** I too welcomed the revised Ofsted inspection report, especially the section that mentions that people outcomes will not be the main factor for inspection and it will be viewed in the context of the provider's curriculum. But I want to look at a school's capacity to deliver that wider broad and balanced curriculum. I see that you have commissioned research to investigate the impact of funding costs on schools. Could you tell us more about how that is going?

Amanda Spielman: We are not at a point of having anything to say. I am not sure that the field work has started yet. I think we have said, in my letter to the Public Accounts Committee, that we are expecting to report late autumn. It has just started, Sean tells me. It is qualitative research. It is interviewing a number of schools, working in different contexts, but to understand their thinking and how they have responded.

Q1806 **Thelma Walker:** But certainly many head teachers I have spoken to within my constituency of Colne Valley, where there are only two schools at the end of this academic year or financial year who will not be in deficit, are saying no matter how well-intentioned they are in delivering this broad and balanced curriculum funding is a major issue for both staff and resource. Will your inspectors be empowered to speak the truth to power when it comes to funding? Will they be able to highlight and report on the consequences of a lack of funding? Will the judgment be fair to schools if they could not offer a curriculum because it was beyond their control?

Amanda Spielman: Can we attribute a quality of a school to the funding level? The short answer is no, we cannot because we do not look across the board at spending. There are at least three reasons—

Thelma Walker: Do you think that is fair though?

Amanda Spielman: If I can explain. There are at least three reasons why a school might find itself short of money to do the things. One is because it has insufficient money in its budget. One is because it is misprioritising and putting money into things that do not have much education value and not putting the money into the things that do. One is overpaying for things. If you do the right thing but do it much more expensively. We would have to look at the whole of the budget and how a school have chosen to spend to be able to say whether a shortcoming in its provision was specifically attributable to the budget being too small rather than to choices being made by the school. It is not impossible to do but we do not have the commission to do that in the current system.

Q1807 **Thelma Walker:** But many head teachers would say it is because they are papering over the cracks for provision that local councils and local



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government used to provide and are linked back to the mental health support and special needs support, which prevents them from being able to resource and deliver that curriculum.

Amanda Spielman: There is no question that some outside pressure that schools are feeling, we know there have been very substantial reductions in local authority budgets. My social care national director is sitting behind me and would love to have a chance to talk next time the Committee calls me. That certainly has some knock-on effects. We know that schools are finding it particularly hard to manage special needs work.

Q1808 **Thelma Walker:** In their written reports, will your inspectors voice that, that it has been due to funding?

Amanda Spielman: No, we will not be able to attribute.

Thelma Walker: Why is that?

Amanda Spielman: Because our framework and our work does not extend to reviewing school budgets and expenditure. That sits with local authorities and with the SFA.

Q1809 **Thelma Walker:** What is the point in the research that is being carried out at the moment?

Amanda Spielman: To help inspectors have the conversation to understand so that we can report fairly. For example, on leadership and management what we say about leadership and management where as far as the inspector can see, the school is acting responsibly, sensibly, making the best of what they have, should be different from somebody who has—let us take a silly example, where a school had blown 15% of its budget in the previous year on a very expensive computer system that turned out not to work and was suffering as a result. You would probably come to very different views of leadership and management in those two schools. They might both be feeling the same budget pain but you would come to very different views of the quality of leadership and management.

Q1810 **Chair:** You could look at the Pupil Premium, for example, because lots of surveys show that schools are not necessarily using all the Pupil Premium for the purpose of which they are intended because of other funding pressures. You could measure it in that way?

Sean Harford: We need to step back from funding for a minute and think about resourcing because the kind of schools that Thelma might be thinking of, and certainly I am thinking about, are those small schools that might be looking at how do we, with a two-teacher school, plan a curriculum in a primary situation where you might have to go across five or six subjects each—

Thelma Walker: That has always been a challenge. My first headship was a small school.



Sean Harford: Entirely. There are two ways of looking at this. If there was a real issue with quality of education, we would want to try to look at why that would be and would try to articulate that as clearly as possible through a report. The other issue that has come back to us so far in the consultation is what about, "Are you immediately coming in September to start judging schools down?" The reality is we put in the handbook wording that says this next year being a transitional year towards this. Those schools that are building towards and are not quite in the right place with their curriculum, they will be given time to be able to work through and solve some of these issues.

Q1811 **Chair:** Can you look at tightening the inspection framework to look at how the Pupil Premium is being used; if it is fit for purpose? If not, is it because the school has resource pressures in other areas and they are having to move the money over?

Amanda Spielman: Can I say two things? One very quickly, with this new framework we will be able to report, for example, where bits of curriculum provision disappear. Where if a school was offering three languages and is now offering one, was offering design and technology and has taken it out, it will be able to report more clearly on that. It will be picked up in a way that it probably does not show up at the moment.

On Pupil Premium, we do look at the spending of Pupil Premium. We have the same problem though, the attribution problem. It is impossible for us to say to what extent outcomes are derived from how that Pupil Premium money is spent and how the rest of the school budget is spent.

Chair: You can look at how it is being spent, can't you?

Sean Harford: The rules do not hypothecate it to specific children anyway, as such. It is looking to see the provision that would or should help those pupils. But that might go across a wide range of pupils benefiting from it, so it is not tied down in that way through the rules of the spending.

Q1812 **Emma Hardy:** Sean has already mentioned that safeguarding is one of the few limiting judgments that schools have so, Amanda, could you talk us through what evidence an inspector will take into account when reaching a judgment on the effectiveness of safeguarding arrangements in a school?

Amanda Spielman: I am going to hand that to the inspector in the room.

Sean Harford: The framework for looking at safeguarding is built around three things, which is identify, help and manage. That is how well does the school identify those children that are at risk of harm. That harm of course can be from a number of different ways; whether it is through potentially mental health issues, physical health issues, neglect, and so on. The kind of discussions you would get into with the school leaders, the children themselves, looking at the feedback from questionnaires,



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from the pupils and from parents and the staff is where you would start to glean that information from. You would be making a judgment about whether the right children had been identified through those processes.

The “help” part of this is then to say: what does a school then do to help those children? There will be a number of things a school can do internally with the expertise it has itself. We would look to see whether they are being done in the right way. But then you would refer to a relevant body, agencies—

Chair: Try to be concise because otherwise we will go through the whole of the safeguarding procedure, which will probably take an hour. As concise as you can.

Sean Harford: Is that sufficient?

Q1813 **Emma Hardy:** Yes, you are probably aware that it is sexual abuse and sexual violence awareness week this week. What I am specifically concerned with, if an allegation or a disclosure is made about an assault perpetrated by one student on another, what steps should a school take to protect the victim and ensure that any investigation of the accused would be fair?

Sean Harford: Obviously it is done on a case-by-case basis. We would look at the school’s records to see where this comes up. It is extremely rare that an inspector will get this while they are on site. You are relying on the school’s recording of the issues, and then looking at records and then seeing how they dealt with it. It is how they dealt with it is the key thing here.

Q1814 **Emma Hardy:** Sorry, can I just ask? Do inspectors ask to look at school records or look at recording of incidents of peer-on-peer abuse?

Sean Harford: They would look at any kind of incident—

Emma Hardy: Would they ask for it?

Sean Harford: Totally, yes.

Q1815 **Emma Hardy:** Just to make sure I have this clear. An Ofsted inspector should go to a school and ask for records from that school of any incidents of peer-on-peer sexual abuse?

Amanda Spielman: Not narrowly peer-on-peer sexual abuse. All safeguarding incidents—

Emma Hardy: But that would be one of them; you would expect to have that information?

Amanda Spielman: Yes. Just to take an example from a report that was published fairly recently where there was some internal discussion about the seriousness of what was shown. The safeguarding conversation in that case led to unpacking from the incidents that had happened in relation to a children’s school, that the school had not been notifying the



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local authority, for example, about things that absolutely should have been notified. We took that very seriously and it was one of the reasons why that school got an inadequate.

Q1816 Emma Hardy: Does it make a difference if the assault takes place outside of the school?

Amanda Spielman: Of course it does.

Q1817 Emma Hardy: So if it is a situation where one child has raped another child would the school still have to deal with that issue if it had happened outside of the school or whether it happened in the school, in your opinion?

Amanda Spielman: There are very different things. If a serious incident has happened on the school premises that throws up a whole series of questions—

Emma Hardy: But the question is: what happens if it has happened outside of the school? So if you have a situation where, for example, two 15 year-olds, something had happened at a party, one of the children had been raped, would you expect those children both to be placed in the same class by a school the next week?

Amanda Spielman: This is an incredibly difficult one because we also need to make sure that schools do not leap into being extrajudicial authorities that declare somebody guilty who might not have been charged, let alone convicted. The handling of situations like that, especially where, as often happens with these kinds of cases, neither party makes a formal complaint, is incredibly difficult for schools. You cannot generalise and say that the school must take action against a child. They have to use the information they have to—

Q1818 Emma Hardy: If, for example, a parent had contacted Ofsted about a situation that had happened, which had been reported to the police and was being investigated, would you expect the Ofsted inspectors therefore to take the evidence from that parent before making a judgment on how effective safeguarding is in that school?

Amanda Spielman: We would expect the police to have been involved in a case like this and we would—

Q1819 Emma Hardy: Ofsted's judgment carry a significant weight and I am sure you accept this and parents will be looking at it. One of the things they will look at is safeguarding as to whether or not they choose to send their child to that school. If you, as Ofsted, are going to make a claim that a school is safeguarding effective surely one of the things that you should be doing is asking that school for data around sexual abuse and sexual violence on peer-on-peer happening in that school. Or at least listening to any parents who have made complaints or allegations regarding safeguarding.



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Amanda Spielman: That happens. We have this wider conversation about safeguarding that explores and considers the different kinds of things that may have happened in the school. All the complaints that we have had feed through into the record that the inspector takes in at the inspection.

Sean Harford: At the point of inspection, any parent could get hold of the lead inspector and ask for at least a telephone call to discuss those things. That would be where it could be raised.

Q1820 **Emma Hardy:** I will not go into individual cases but I am aware where that has not happened. How does a disclosure or allegation impact upon the inspector's assessment of a school's safeguarding arrangements? Say that happens and it is listened to; a parent phones and says, "This incident has happened. My daughter has had to be in the same classroom with somebody who has raped her", how will that impact on the assessment that you give for safeguarding?

Sean Harford: That would set up a discussion with the school. We would look at the various bits of evidence as to what the situation was. If it was clear that children were being treated inappropriately and dealt with inappropriately, then that would have an impact on the safeguarding judgment and indeed, as a result, leadership and management.

Q1821 **Emma Hardy:** My final question, just to go back. Earlier on you said you would be look at data, so one of the things Ofsted and schools do not do is collect data on the prevalence and incidents of sexual violence and harassment. Is that something you would encourage schools to do and make available to Ofsted inspectors?

Amanda Spielman: Any serious incident the school should record and that would be part of the safeguarding conversations.

Q1822 **Emma Hardy:** Can I ask if you will ask your inspectors to ask for that when they go to schools?

Sean Harford: They would ask to look at those records. I think what you are saying is an aggregation of numbers but—

Emma Hardy: Of the prevalence and incidents of sexual violence.

Amanda Spielman: We do not record category by category. We do not have a recording job and we do not go category by category, we are looking—

Q1823 **Emma Hardy:** What I am asking is if you will ask schools to record that.

Sean Harford: That is an issue for the DfE to ask for that. If that was available it would be something we would consider. What we do is look at individual cases and the broader situation of the culture of safeguarding in the schools.

Q1824 **Mr William Wragg:** In terms of the new framework, what was the involvement of the Department and how many revisions did you go



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through in coming to the final version?

Amanda Spielman: It is very much our framework and developed at Ofsted. There have been many conversations with many stakeholders going through it. The base we built up, using our research team to build the picture on education effectiveness, which is part of the foundation, the curriculum work, the accumulated experience around what can and cannot be achieved through inspection, all came together to make the framework. There have of course been drafts that have been iterated through many conversations with every kinds of stakeholder, including the Department for Education.

Q1825 **Mr William Wragg:** While it is formally welcomed by us and seemingly by the vast majority of head teachers, has it been welcomed by Ministers?

Amanda Spielman: They have endorsed it very clearly.

Q1826 **Mr William Wragg:** That is excellent news. It is progress indeed. In terms of the pre-inspection preparation onsite at a school, do the advantages of that outweigh the disadvantages, do you think?

Amanda Spielman: We see some very clear advantages. We decided to put this forward in this consultation because we had quite a lot of feedback from people about inspection becoming too data driven. The downside to inspectors planning on their own offsite is essentially they have to work with the information that is available to them, which does mean that the lines of enquiry are, by default, going to be mainly data driven. The aim here is for the inspector and a head to be able to have a wider conversation about the situation ahead of the actual inspection starting.

I am aware that some people are arguing that effectively the inspection starts with the planning conversation but I want to make sure people understand the point and the prize in this because there is something that we could all gain from.

Q1827 **Mr William Wragg:** In terms of that meeting, it is very much about understanding the context of a school more broadly and you will say that nothing that even was glanced by the inspector during that nice cup of tea with the head teacher would count towards the inspection?

Amanda Spielman: This is absolutely about planning. In the case of an inspection with a team, the team would not come. That date would just be the lead inspector.

Q1828 **Mr William Wragg:** In terms of doubling time for section 8 inspections, for those registered as good schools, will that be to the detriment of inspection and support for those schools who are not judged as good?

Amanda Spielman: Absolutely not. Sean, do you want to talk about this one?



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Sean Harford: What we have looked into is the deployment of our very specific HMI but also ROIs in enabling us to reallocate resource from things like quality assurance so that—we have done a lot of studies around what difference does quality assurance make at different points so therefore you can redeploy that, and where it is not having the impact that it might have. The answer is no, this is all within the funding envelope that we are currently operating in.

Mr William Wragg: Addressing those schools, for example, have not been inspected for five, six, seven, eight—

Sean Harford: Of course you are talking about outstanding schools now mainly and that is because of the regulations that are in place to stop—

Q1829 **Mr William Wragg:** There were some good schools though that had not been inspected for up to five or six years, is that right?

Sean Harford: No schools apart from those where we had a very good reason to go beyond the statutory framework and timeframe. For example, if the head teacher had a terminal illness when we rang up and we deferred into the next term, things like that.

Q1830 **Mr William Wragg:** The new framework seeks to dispel myths, does it not, in terms of the impact of inspections, particularly on workload? Are you confident that message is or will get through?

Amanda Spielman: We think we have had very good penetration in the sector from our myth-busting messages over a number of years. They have been very consistent, well communicated, and we do research. We survey the sector with third party surveys every year to see how we are doing and things are moving in the right direction.

Q1831 **Mr William Wragg:** Do you think head teachers always err on the side of caution in terms of Ofsted? For example, paragraph 45, you point out that, "Ofsted does not require any written record of teachers oral feedback to pupils" and yet in paragraph 47 you say, "Ofsted does not specify the frequency type or volume of marking and feedback." Do you think, just as an example, that those two points, the head teachers of a school would probably err on the side of caution and probably welcome that, that you do not require any written record of all the feedback, but then look at the fact that Ofsted does not specify the frequency, type or volume of marking and probably err on the side of caution and quite want an intense amount of that feedback.

Sean Harford: These two here are the school's policy so the discussion would be around, "What are you intending to achieve with your, for example, assessment policy?", part of which might be the marking, and therefore see if that is being enacted throughout the school. It would clearly be a leadership and management issue if the staff leadership and management had agreed on a certain way of assessing and that was not being done in the school. We do not want to straitjacket schools by



saying we expect X or Y but if there is a policy and the school has agreed and it should be being implemented, we would expect to see it recorded.

Q1832 Mr William Wragg: The consistency of the application of the policy rather than what that policy specifies.

Sean Harford: Tempered with, of course, the other part in the new framework, which says that leadership and management need to be aware of the kinds of pressures they are bringing on staff through their policies. If we had feedback from the staff through the questionnaire that the policy was driving a shedload of workload through marking, and it was being detrimental to the teachers in terms of their working practice, then we would comment on that. There is always a yin and yang.

Can I just contradict something because I saw some wry smiles around the room when Amanda said about being onsite as an inspector on that section 8 afternoon? Clearly, if we were in a school and we saw a safeguarding incident we would have to act upon it. But Amanda is talking about the bread and butter type of inspection practice.

Q1833 Mr William Wragg: I may have said, and you are right, to maybe get some wry smiles in the fact that heads in schools would want to be absolutely clear as to the purpose of that conversation the afternoon before.

Sean Harford: That is why we set out in the draft the kind of things we would look at. But we are open to suggestions as to whether that is the right list of things, whether there are other things, and so on.

Q1834 James Frith: Just on destinations, you talked about it briefly as part of the impact. How would you offer some context to an area that is deprived or with low employment opportunities in terms of recording data and context on destinations, that is where our young people end up? Is there any thought on that?

Chair: Can you give us a brief answer as we have some questions—

Sean Harford: It would be contextual. The data are out of date at the moment and too slow coming through. We need to be better but there would certainly be a contextual discussion about that.

Q1835 Ian Mearns: Just on dispelling myths, you said you have conducted third party surveys and questionnaires. Would you welcome some completely independent research into the inspection regime and how it impacts on workload?

Amanda Spielman: We like feedback wherever it comes from and we try to act on it.

Q1836 Ian Mearns: As you may be aware, Chief Inspector, I represent a constituency that has within it quite a number of Orthodox Jewish educational settings. We have a very Orthodox Haredi community but those communities are replicated in other parts of the country. There



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have been some concerns expressed by people within those communities about the teaching of LGBT issues in primary schools. One of the things that I have seen quoted is that—one parent put it in a nutshell, “I do not want my child learning about transgender at any age when they still believe in the Tooth Fairy.” Others have gone on to follow it up by saying, “Is it not the case that under the new guidance, teaching of LGBT will be considered a required element of relationship education but heterosexual relationships will be part of sex education” and this will mean that, as is the case today, parents will have the right to opt the child out of a lesson regarding heterosexual relationships but not the LGBT element within primary schools. There is a particular concern from the very Orthodox religious communities about what seems to be a dilemma from their perspective.

Chair: If I can just add to Ian. I have had representations from—I am not saying this is the view of any Committee—faith bodies that Ofsted is now delivering an anti-faith agenda. Whether it is the concerns that Ian has just described, ongoing comments, questioning the wearing of the hajib, the desire to inspect unregistered faith classes such as Sunday Schools, the proposal that faith schools and schools should be inspected under the new EIF, the repeat calling out of faith schools that have not met the standards, while at the same time apparently—apparently, I stress—turning a blind eye to over a quarter of state schools that are allegedly failing to deliver religious education as required by law. In advance of your coming here, inevitably I have had all sorts of e-mails from very concerned communities.

Amanda Spielman: You do not surprise me at all. There are several pieces here. We are absolutely not anti-faith or anti anything, nor do we inspect faith schools in a different way or with a different intensity from any others. Our inspectors take incredibly seriously their responsibilities to be objective, fair and to report.

In the state sector, the inspection outcomes for faith schools is significantly better than for non-faith schools. What we do see, and if we relate to the Equalities Act and the Public Sector Equality Duty, we are in a country in a time where there are significant tensions, it is fair to say, between people who have a particularly strong interest in different protective characteristics. It is very easy for people with a particularly strong interest in one of them to come to feel that it is of overwhelming importance and that everything else that is set out in law must be set aside because their particular area of interest is so strong. They are feeling their preferences so strong.

Sometimes that is about religion; not always. We see great intensity of feeling about many issues around sexuality at the moment. Our job is to try to hold on to all of those strands that are required by law and to make inspection as fair and balanced as we can. From the point of view of people with a very strong interest in one of those characteristics, they interpret that as us being anti the thing they are particularly interested in. It is not. It is about us trying to be fair, balanced and objective.



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There is also, on the particular point you are raising, a great tendency to conflate sex education and relationship education. Essentially, the Equalities Act expectation, which it is the law and DfE guidance that determine what schools do. It is not Ofsted guidance. We do our best to make sure that our framework matches those.

But the expectation is that in an age appropriate way that children should be aware of the protected characteristics, absolutely not talk mechanical details, but what is set out at the moment—and reinforced at the moment only by a tribunal decision—is that generalised respect is not the same thing as respect for the protected characteristics. The DfE has a consultation out on its independent school standards at the moment, touching on this area. It is an extremely difficult area. It is one where we are endeavouring to make sure that we give proper effect to the law that binds us. You will all be familiar with the Equalities Act and the Public Sector Equality Duty and that we reflect equalities in our inspections exactly to the extent that they should be and no further.

Q1837 Ian Mearns: Will you accept though, in terms of setting out what you have just said it was, you still have some way to go in terms of convincing the communities that have those concerns?

Chair: It is only in the last two years, I would say, that faith communities now have significant worries and concerns, which they did not necessarily have before under previous inspectors.

Amanda Spielman: I have spoken to Pauline Perry, who was the chief inspector when it was still in DfE pre-Ofsted. I was talking to her two or three weeks ago and she said there were exactly the same concerns when she was chief inspector. So people may be more vocal about them but they have been there way, way back.

Q1838 Chair: You are much more vocal in terms of criticising certain aspects and things that go on in faith schools.

Amanda Spielman: The law has been hugely strengthened. She was doing the job long before the Equalities Act existed, for example. There are much more explicit expectations now about what is considered to be necessary preparation for life in modern Britain. Those are not expectations that we set but we inspect against the expectations that exist today.

Q1839 Chair: My final point on this is whatever the rights and wrongs of this, given there is no doubt in my mind that faith communities—and I am talking about even the responsible ones, not necessarily where illegal practices are going on—are incredibly anxious about some of the things that Ofsted have done. You need to be much more aware of that and work very closely with these communities to assuage these concerns.

Amanda Spielman: We do immense amounts of relationship work. We meet regularly. We discuss. We explain. We believe that we do everything we can but at the end of the day, where people have



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essentially got very fundamental objections to what is embedded in law, I cannot change the law and I cannot disapply it. If we, the inspectorate, started deliberately disregarding chunks of law for particular schools and particular context—

Chair: No one is asking you to do that, but it is a view out there, an impression; there are a lot of anxious faith communities, in essence.

Amanda Spielman: I know and understand that. As I explained to Ian, this problem about people with one particular strand of interest perceiving an attempt to balance all of the requirements as being anti their particular interest is something that is very difficult to address.

Chair: As a final footnote: something I forgot, you asked me about OECD and skills. We are also tenth in problem solving so we are quite low down the table—just as a footnote to the previous discussion—and that has been highlighted by the Social Commission report on adult education. That was underlying the premise of Trudy's question in terms of widening the curriculum, my earlier questions at the beginning of the session.

We have covered a huge range of subjects and thank you both for some important answers and full answers. I appreciate it. We look forward to seeing you in the future, particularly as with your kind offer in terms of the social care director as well. Thank you very much indeed.