

Education Committee

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

Wednesday 26 June 2019

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Members present: Robert Halfon (Chair); Lucy Allan; Ben Bradley; Marion Fellows; James Frith; Emma Hardy; Ian Mearns; Thelma Walker.

Questions 2364 - 2477

Witnesses

[I:](#) Jonathan Clear, Finance Director, Department for Education; Rt Hon Damian Hinds MP, Secretary of State for Education; and Indra Morris, Deputy Permanent Secretary and Director General, Social Care, Mobility and Disadvantage, Department for Education.



Examination of witnesses

Jonathan Clear, Rt Hon Damian Hinds MP and Indra Morris.

Q2364 **Chair:** Good morning, Secretary of State. Welcome to our session. For the benefit of those watching on television and on the internet, could you kindly introduce yourselves from our left to right?

Jonathan Clear: I am Jonathan Clear. I am Finance Director at the Department for Education.

Damian Hinds: I am Damian Hinds. I am the Education Secretary.

Indra Morris: I am Indra Morris. I am Director General of Social Care, Mobility and Disadvantage. I am also here as the Permanent Secretary's deputy.

Q2365 **Ben Bradley:** Good morning. A bit of a one-off to dive in on. Over the two years that I have been an MP, particularly since I have been on the Committee, I have met with countless organisations that deal across Government Departments with youth services, vulnerable children. As you can imagine, they work across MHC, DWP and the DfE, among others. Consistently, one of the bits of feedback I hear is that the one they find the most difficult to work with is the DfE. They tell me that they do not get the co-operation that they get from other Departments, to the point where I am told the DfE would not share its own statistics on child outcomes—of vulnerable children's outcomes with the DWP—even within Government. Why do people feel that way and what is it that you feel makes the DfE so difficult to work with?

Damian Hinds: Ben, I wonder too, and without knowing which organisations and on which topics it is difficult to comment. We—including myself, but officials at a much greater volume—interact with countless outside organisations and work strongly in partnership. When it comes to sharing data, we are guardians of some of the most important but also some of the most sensitive data that there is—data on individual children—and we do have to be extremely careful with that. We do work with external organisations on their research, but we also need to have appropriate safeguards in place. I do not know the extent to which what you are referring to might be around that area or something else, but certainly it is always my intention, and I know this is shared by officials, that we work co-operatively with other bodies, both inside and outside the public sector, because ultimately we have a shared responsibility for children.

Q2366 **Chair:** Thank you. When you launched your recruitment and retention strategy, you said, "We owe it to those who choose to teach to ensure they have the right support to set them up for a long, fulfilling career in the classroom and of course the strategy continues the crucial battle against workload". The OECD recently published the results of its latest



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Teaching and Learning International Survey across 48 countries and it shows that teachers work more than they used to. In 2013, lower secondary teachers spent 45.9. You have seen the survey. Why are average working hours in England so much higher than the average in the study?

Damian Hinds: Yes, this is the OECD TALIS survey that you are talking about. It is only very recently out, in the last couple of weeks, or last week it came out. It is a very rich data source and there is a lot in it.

Q2367 **Chair:** It says that teachers spend less time teaching than they did five years ago.

Damian Hinds: The key finding on workloads from TALIS is that teachers in this country work for longer hours than they do in other countries and that is wrong. It should not be that way because there is another result underneath it that says it is not because they are spending more time teaching; it is because of all the other things that teachers here are doing—administrative tasks—and we know the big three drivers of those are around lesson planning, marking, and data entry and analysis. There is also, coming up in fourth place, the issue of e-mail and general communications. These things are creating work.

Q2368 **Chair:** Going back to my question, why are average hours much higher?

Damian Hinds: For those reasons, Robert, and that is why we need to bear down on those things specifically.

When I came into this job, I was very conscious of the messaging that we sometimes hear—that Government are imposing all this bureaucracy on schools, making teachers fill out forms, and that is taking up a lot of time. I have tried very hard to find those forms, because I would like to get rid of them. It is not form-filling that is causing this workload. It is around those three key things. Of course we want teachers to do lesson plans and they of course need to mark work, but it needs to be proportionate. A lot of schools these days do particular types of marking and I know on your Committee you have venerable former teachers and headteachers who might want to come in on this, but the marking techniques these days take a lot longer.

Q2369 **Chair:** What are you doing to remove the unnecessary bureaucracy?

Damian Hinds: It is not unnecessary bureaucracy that is imposed by Government. I need to be really clear about that. If it was we would get rid of it. There are requirements, particularly around data collection and analysis, which have grown up in the school system, not as a result of any particular edict that says, "You must collect this data," but because of beliefs sometimes about what the Ofsted inspector will be looking for, what people will be judged on.

Q2370 **Chair:** Other countries will have those issues as well. Why are we more than other countries?



Damian Hinds: They do not have them to the same extent that we do, Chairman, and that is why we need to bear down on them.

Q2371 **Chair:** So what are you doing to bear down on them?

Damian Hinds: We have done a number of things. We have put in place a toolkit to help schools to identify where there is unnecessary work happening. We have tried in a broader sense to change the whole accountability system, because when you talk to teachers and heads they will say that is an inescapable part of this—the fear of one bad set of results. We have made clear with Ofsted—by the way, we have worked very closely with Ofsted and also with the headteacher unions and others, because it is something we all recognise—the shared endeavour to bear down on workload because it is injuring the attractiveness of the profession, Ofsted making clear that it is not going to require to see this pupil-by-pupil very frequent collection of data. These things do take time. This is a complex organisation with a lot of inherent and embedded practice that we need to work on together.

We know, by the way, that most schools have taken action. We have a survey asking heads what they have done on workload and the great majority of schools say they are taking action.

Q2372 **Thelma Walker:** Damian, you have just hit the nail on the head there saying, “We have given headteachers a survey.” That is another piece of paper for them to fill in and another bit of bureaucracy. What I was saying, and I have said to you before, Damian, in a previous session, is that this is about the culture of targets and testing, high-stakes accountability. The whole system and the culture in schools are under stress and strain because of that, alongside the narrowing of the curriculum, so creative arts and all those opportunities for both teachers and pupils to enjoy learning have been removed. That is what I believe it is about. As a professional for 34 years, that is what is happening in our schools, plus the increasing mental health issues and a recruitment and retention crisis.

Damian Hinds: Thelma, you are a distinguished former member of the profession and I think you know that creative arts are happening at large scale in our schools and rightly so.

Q2373 **Thelma Walker:** They are not. The Fabian Society report “Primary Colours” says they have been cut.

Damian Hinds: We want children to have a broad education. Yes, qualifications are important—they help you to get a job and they help you to get on in life—but they are not the only important thing. There is also general self-development, self-discovery and the joy of learning, the joy of arts, the joy of music, and I want children to be able to enjoy all those things.

Chair: We are going to carry on with this. A very quick one from Emma.



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Q2374 Emma Hardy: Here is an opportunity for you to cut down on some teachers' workload by quickly answering this question. The new Ofsted framework has resulted in some schools believing they have to provide a curriculum intent on their website, and schools are panicking about this because they are worried that they are going to get things wrong. Can you now make a statement to say schools do not need to provide a curriculum intent to follow the new framework provided by Ofsted?

Damian Hinds: No, curriculum intent is at the heart of the new Ofsted framework and Ofsted have been clear that schools will have time. They are not expecting everything to change overnight, but it is about having a broad and balanced curriculum.

Q2375 Emma Hardy: Sorry, what I mean is they are thinking they have to provide lots and lots of paperwork and evidence to prove this curriculum intent, so I am asking you to say now that they do not need to provide reams of evidence and documents to prove this.

Damian Hinds: Correct. Everything should be proportionate. To correct you on one aspect, I talk to an awful lot of school headteachers and classroom teachers, and heads of department and others, about the new Ofsted framework and my experience is that in general people welcome it because of its focus on a broad and balanced curriculum and on curriculum intent.

Q2376 Chair: If I could just ask you about another part of the OECD study, it suggests that experienced teachers lack training in classroom behaviour management and that the average level is lower than in other countries. It also suggests that teachers do not feel equipped after finishing their training to manage mixed-ability classes; only 69% felt prepared to teach in mixed settings. What are you doing as Education Secretary to ensure that teachers are equipped to manage classroom behaviour and handle mixed-ability classrooms?

Damian Hinds: I very much recognise what you say about classroom management and concerns about behaviour. I remember when I was on this Committee we did a report, and Ian will remember it—we did it together—into behaviour. One of the things we concluded was it was impossible to say whether behaviour in schools was better, worse or the same than 10 years ago or 20 years ago. You just could not tell.

We do know that for teachers this is an issue, and it is one of the things that particularly new teachers are, not unnaturally, concerned about. We are looking again at initial teacher training content, but more than that through a network of behavioural management. Schools that are really good at behaviour management are going to be spreading their expertise throughout the system. We have got Tom Bennett on board as our behaviour adviser. Learning requires a calm atmosphere in the classroom, and for teachers to have a good working environment, that requires a calm classroom. I think it is difficult or even impossible to overstate the importance of behaviour and classroom management.



Q2377 **Chair:** I will move on to apprenticeships. Figures for 2017-18 showed that the level 2 starts dropped by over one third in just one year. What are you doing to address the fall in level 2 apprenticeship starts?

Damian Hinds: The general picture, as you know, that we see on apprenticeships is that—

Q2378 **Chair:** If you could answer specifically on level 2, because that is where there is the real issue.

Damian Hinds: We want more kids doing level 3. That is a very specific answer. For some young people it will make sense to do a level 2 apprenticeship, but we want more kids doing level 3, and indeed higher level apprenticeships.

Q2379 **Chair:** Level 3 have also dropped, at a slightly gentler rate. But nevertheless, they have still dropped.

Damian Hinds: It is impossible for me to answer this question unless you let me use the sentence I was about to use, but you cut me off when I was two words into it. The general picture that we see on apprenticeships is that they are getting longer, they are getting higher quality and they are getting higher level. Employers themselves, as you know—Chairman, you are a great champion of apprenticeships—are designing these apprenticeship standards. We have more and more starts and 60% of starts in apprenticeships are in these new employer-set standards and employers have deliberately made them, as I say, longer with more off-the-job content and a higher specification. We are seeing at the higher levels more growth and fewer starts on lower level apprenticeships.

You will also know, Chairman, that there was a time in the not very distant past when there were plenty of kids on apprenticeships, but they did not even know they were on an apprenticeship, so we are seeing now a much higher quality apprenticeship programme, which is so important for raising the productivity of our country.

Q2380 **Chair:** That is not an answer. I am very passionate about higher apprenticeships and I want more people to do them, as long as it is not gaming by just rebadging existing training schemes, which is going on in some parts.

Damian Hinds: And always did. What you have just mentioned is not a brand new phenomenon and is not only, or possibly even primarily, about higher level apprenticeships.

Q2381 **Chair:** No, but there is a fair bit of it going on. Nevertheless, I am very supportive of a high-end degree level apprenticeship, and I have championed it all the time. My concern is that level 2 and level 3 are incredible bridges for apprenticeships, especially for those from disadvantaged backgrounds. The fall is, as I say, over one third in just one year—a 38% fall—and also a fall in level 3 apprenticeships. What I



am trying to get from you is, what are you specifically doing to address the fall in level 2 and level 3 apprenticeships?

Damian Hinds: We continue to encourage them, but this is an employer-led system. Just for completeness, if you go through the other levels and tell me about the percentage change in, say, level 4.

Chair: I am not talking about level 4. I said to you that higher apprenticeships are going up. What I am saying is level 2 and level 3 are also as important as doing higher degree apprenticeships and higher apprenticeships, because they are bridges, particularly for the disadvantaged, who then go on and maybe progress to higher levels, but there has been a dramatic fall in level 2 and a fall in level 3. All I am asking is, what are you specifically doing to address those two falls?

Damian Hinds: As I say, it is an employer-led system, and that is an important point. On your point about level 2, if you go to Germany, for example—I know you probably have done—which most people would consider to be the standard, if you like, in Europe on apprenticeships, and you ask them about level 2 apprenticeships, you will not find many people on level 2 apprenticeships because they want them doing level 3 apprenticeships, because that is the level of skill you need to be doing a well-paid skilled job. We know in this country we have a productivity gap—25% compared to the United States, Germany and France. We need to fill that gap.

Q2382 **Chair:** Are you saying that the 38% fall in level 2 is not a problem?

Damian Hinds: Of course there is an important place for level 2 apprenticeships, but overall what we are seeing is sectors—companies themselves—voting with their feet, if you like, and making the apprenticeships more exacting and longer, with more off-the-job training on these new employer-set standards. I think that is a good thing for the productivity of this country.

Q2383 **Chair:** I will just repeat, before I quickly pass on to Ian, I want those higher quality apprenticeships and I agree with an employer-led system. You have talked passionately about social justice. It is absolutely evidential that level 2 and level 3 are particularly helpful to those from low-income backgrounds who then start off to do an apprenticeship. If those are falling away, you are potentially denying people from disadvantaged backgrounds the chance to do an apprenticeship and they may not go on to do a higher one straight away. What I am trying to find out is what you are trying to do to address that 38% fall. Either it is not a problem or you have a policy to address it.

Damian Hinds: I am not restricting the number of young people starting those apprenticeships. Companies obviously decide who to recruit and who to take on, and how to do the training. You talked about the rebadging effect. I mentioned a few moments ago—it is true and I think this Committee has considered it in the past—there was a time when sometimes level 2 apprenticeships were not all they purported to be and



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there were young people mostly who were on those apprenticeships who did not even know they were on an apprenticeship. We have a much higher quality apprenticeship programme now, a programme that people can really believe in. They know the quality is there, they know that the standards that they are going to be compared against at the end point and they know those are standards that have been set by real employers in that sector. That is the transferable skills, the level required to do a skilled job in that sector.

Q2384 Ian Mearns: It is important to emphasise the point that has been made by the Chair, which is about getting youngsters into the training system so that they progress up the ladder. An employer-led system, which you have talked about, is a system where employers are reacting to and working within a framework and a funding system established by the DfE after the establishment of the apprenticeship levy. The thing is you cannot divorce the DfE's involvement in the framework and the funding system.

Damian Hinds: I am not trying to.

Q2385 Ian Mearns: You cannot, and therefore employers are reacting to and working within the framework established by the Department.

Damian Hinds: Ian, you talk about the levy and the funding system. The funding available for apprenticeships, in cash terms, is doubling this decade. When you talk about the DfE's involvement in the framework you make it sound like it is restricting the programme. That is not the case. The levy—and it is through the levy, so this is money that is put in by larger employers, over £3 million payroll, as you know—is increasing quite significantly the amount of money available for apprenticeships. Companies decide how to spend it and they are deciding, both levy payers and non-levy payers, and they are opting for longer apprenticeships with more off-the-job training, which of course is more expensive, as well as higher standards and higher levels, which are also more expensive, but important for our productivity.

Q2386 Ian Mearns: Has the 3 million apprenticeship target been abandoned now? We do not hear talk of it anymore. An awful lot of the money you have talked about being generated by this is being spent at the higher levels. The whole idea about establishing the levy in the first instance was to massively increase apprenticeship recruitment at all levels.

Damian Hinds: Yes, that is true. It is perfectly legitimate to have a debate, not talking about level 4 and so on, but much higher level apprenticeships. That is a legitimate debate to have in the use of the levy. To be clear, our policy is that you can use the levy for those even higher level apprenticeships, but—

Q2387 Ian Mearns: That is what is happening.

Damian Hinds: Hang on, Ian. It is happening, but the numbers you are talking about, the further you go up the level scale the numbers do get



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relatively—but with a higher unit cost. We are not arguing with each other. As I said, this is a totally legitimate subject for debate and the Committee may want to do a report on that very subject. At the moment it is allowable.

Q2388 **Chair:** Is the 3 million target still on for 2020, yes or no?

Damian Hinds: Rob, you are a mathematically adept person. If you project the line out at the moment in terms of sheer volume, no, but it is not the same apprenticeship that we are talking about.

Q2389 **Chair:** You said in your manifesto there will be 3 million apprenticeship starts by 2020. Is that still the case, yes or no?

Damian Hinds: Two important things have changed since then. First is the labour market. Unemployment has fallen even further, so it is an even tighter labour market. The second thing that has changed is the profile—

Q2390 **Chair:** So why not give me an answer, yes or no?

Damian Hinds: I did. I gave you an answer. It is the profile of the apprenticeships; they are different apprenticeships.

Q2391 **Chair:** Is the 3 million apprenticeship starts for 2020 still a target?

Damian Hinds: If you look only at the number of people starting, and remember it was always a target for starts—

Chair: That is what I just said.

Damian Hinds: That is not going to be reached in the timeframe originally envisaged. It will be reached, of course.

Chair: That is fine. That is all I wanted to know.

Damian Hinds: But you should not only look at starts. That is probably the point. We are now able to look more at the quality of apprenticeships, and indeed completions.

Q2392 **Chair:** I accept that. I just wanted to know if it was still the target.

On the Baker clause—very important—*Schools Week* suggested that none of the 10 biggest MATs published detailed careers information online. Your own survey of FE providers, only 5% of respondents, is that all schools in their area allow providers proper access to their pupils. Can we rely on a system that depends on ad hoc whistle-blowing to ensure that schools abide by the Baker clause and making sure that they are open to apprenticeship offerings and UTCs and FE colleges, or would it not be better to provide a greater weight to the clause by making the consequences of evasion much more severe?

Damian Hinds: I want to see more progress in this area. I think it is really important that young people know about the full range of options available to them. The Baker clause, I think, is important in this regard. I



want to see those numbers that you mention improve, but we are seeing improvement. The Baker clause is quite a new thing. We have changed or are changing the way that we present performance data on schools, so it does not always guide you towards thinking about universities when you are looking at individual schools. It is important that young people have that range of options known to them. The Baker clause is part of that. What we are doing on the careers strategy is another part of that, and we are seeing improvements also in the attainment of the so-called Gatsby benchmarks, and I think that is positive. Is there more to do? Yes.

Q2393 Chair: If I could ask you about home education, a 113% increase in the number of students in home education, according to a recent survey by ADCS since 2013-14, and a 112% rise in the number of school attendance orders used since 2017. We know that you are consulting on plans to maintain a register of children not in school, including home-educated children. We know that many home-educating parents are opposed to this. If the responses to the consultation are largely negative, will you still push for a register?

Damian Hinds: The consultation is important and we are asking about how we will go about this. I think it is important to have a register. I want to—correct would be the wrong word—guide you a little bit, if I may be so bold, on the terminology. We talk about home education as a catch-all term. We should not. We should talk about children not in school. Some of those, and you did say this at the end, are being home-educated. Among those who are being home-educated, some of those families have given up everything to care and bring up and educate that child, sometimes with very profound special needs. Sometimes they have had a terrible time at school with bullying and so on and feel that the system has let them down.

To those parents, I say what they do is amazing. I want the system to give them more support, not to query it. However, there are a lot of children who are not in school who within the data, if you like, appear in the column that says “home education” where there may be no education going on at all, at home or anywhere else. Those children we need to worry about.

One of the important messages that came out indirectly from the great work that Edward Timpson did on school exclusions, and also what we have done with the Children In Need review and looking at alternative provision, is that there are more children—considerably more—persistently not turning up to school. They are not even registered as being out of school or for home education, and are persistently not turning up for school, far more than are permanently excluded. There are these different groups and we need to think about them all and they have different characteristics.

Q2394 Chair: Should there be a register?

Damian Hinds: Yes.



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Chair: You think there should be?

Damian Hinds: There should be a register of children who are registered to be not in school. Going with that, we have also said that we want to have extra support going to home-educating parents.

Q2395 **Ian Mearns:** Last year, we published a report on the future of the Social Mobility Commission and last May the Department issued a response. I am afraid to say the Department's response was, to say the least, shoddy. We had a good discussion about it in the Committee and we came to the conclusion that it was one of the weakest, if not the weakest, Government responses to a Select Committee report that many of us have ever seen. Did you personally sign it off?

Damian Hinds: All Government responses from our Department to your Committee go in my name, so I am fully responsible for them.

Q2396 **Ian Mearns:** Moving on from that, in response to the problems that we have with social mobility, and correct me if I am wrong, but you were chair of an all-party group on social mobility, Secretary of State. The Prime Minister, in her first speech back in July 2016, identified seven burning injustices. As Member of Parliament for Gateshead, I am too well-acquainted with all the burning injustices, and the flames are much higher than for those MPs from many of the south-eastern constituencies. I would like to ask you about two of them, which are firmly in your area of responsibility. If you are a white, working-class boy, you are less likely than anybody else in Britain to go to university. Can you say what you have done since your appointment in January last year to make it more likely that white working-class boys from an area like Gateshead can go to university?

Damian Hinds: The first thing we need to do is start talking about it. For a long time we have not. We have been squeamish about talking about ethnicity when it is white children. The fact is that of all the major ethnic groups by size among disadvantaged children—this does not hold in the same way for the population elsewhere—specifically free-school-meal-eligible white children are the worst-performing of the sizeable ethnic groups. Not only that, but they are also by far the biggest by number. If you are serious about social mobility, that is a very large group of children to be concerned about.

Ian, you represent Gateshead in the north-east. Then on top of that there are specific issues, and obviously the north-east is a many and varied place and one must never generalise, but there are also specific statistical things about the north-east, which you will be familiar with. Some of the highest-performing primary schools in the country, and indeed early years, have very strong results. We know, of course, that there are many notable exceptions to this, but at secondary level kids in the north-east are not coming out with the same progress as in the rest of the country. Then there is a knock-on effect from that to further education and to the labour market. Specifically, on university entry, which you mentioned,



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the north-east has significantly lower likelihood of going to a university, or a selective university in particular, than other parts of the country.

What have we done? The first thing is start talking about it. In the speech I gave recently on social mobility, I specifically talked about this issue. Part of that is the challenge to the system, things like access and participation plans for universities. We need to make sure that they are fully inclusive, including to poorer white children. You will also note that, specifically on the north-east, I have instituted a thing called Opportunity North East, which is specifically looking at the disparity between primary and secondary, including the transition from one to the other. I shall be in Gateshead, but also in Darlington, in the very near future talking further to schools and colleges about some of those issues.

Q2397 Ian Mearns: In the north-east of England and in my constituency, levels of employment, unlike the national picture, are getting worse. You talked earlier about the lack of take-up with the level 2 and level 3 apprenticeships, yet we have in my constituency and constituencies around my area under-employment, part-time employment, combination part-time employment, zero-hours contracts and employment in the region that is down 20,000 on the quarter and 26,000 on the year. Where is the Government's urgent response to all that? An awful lot of the fetters that you were talking about in terms of apprenticeship recruitment are not there in an economy like the north-east of England. There is no specific, targeted, urgent Government response, I am afraid.

Damian Hinds: For completeness, if you had given a slightly longer view on changes in unemployment rates in the north-east, of course there has been a significant improvement during the lifetime of this Government. That is largely to do with the underlying health of the economy.

Q2398 Ian Mearns: To be fair, though, that does include part-time employment, which is a significant amount of under-employment and combination part-time employment.

Damian Hinds: Over the last year, I think the entirety of the growth of employment is accounted for by full-time employment, so I am not talking now about the north-east, but on a national level. On the incidence of zero-hours contracts, I am not saying you would ever be guilty of exaggeration, but this does on occasion fall prone to exaggeration. I happen to know these statistics quite well because I was Minister for Employment before this job. The proportion of people who relied on zero-hours contracts when I was Minister for Employment was 2.7%, so less than 3%. I just looked at the figures this morning and it is now 2.6%.

Zero-hours contracts in one form or another have always been around, but we just did not call them zero-hours contracts; we used to talk about casual labour and so on. What we are finding in the labour market is that not only has employment been growing, but unemployment has been coming down, women have been coming into the labour market and more



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people with disabilities are finding sustained employment. Also, the quality of employment has been improving.

Q2399 **Thelma Walker:** Alan Milburn was the previous chair of the Social Mobility Commission and he resigned “because the Government were unable to devote the necessary energy and focus on the social mobility agenda” and the Government then committed to increasing ministerial engagement with the SMC. Why have you only met up with the current chair of the commission once since she took up her post?

Damian Hinds: First, I regret that Alan resigned. I am a big fan of Alan Milburn and I was sorry he felt it necessary to take that step. He has been a great champion for social mobility, but I think we should always say at this point that Martina Milburn—no relation—is very well-suited to the role partly because of her background with the Prince’s Trust, but also because of her inherent qualities. I have spoken to her more often than that—

Q2400 **Thelma Walker:** She did say to us that you had spoken on the phone several times, but you have had one full meeting with her.

Damian Hinds: Yes, that is factually correct, but our directly responsible Minister is one of my ministerial team and I think they meet quarterly. Of course, I am regularly engaged in matters around social mobility. I do not think you will ever find me lacking in energy or interest on social mobility, and of course the officials’ contact with the commission is extremely regular.

Q2401 **Thelma Walker:** We are talking about the commission holding the Government to account, which I challenged Martina about. I challenged her about not commenting on the UN report on poverty from Professor Alston and that the commission have made no comment publicly about that report. Could I ask you—

Damian Hinds: But the professor did; the body doing the report did. That is normal.

Q2402 **Thelma Walker:** We are talking about the commission publicly responding to that report, and I would like to ask you now, do you agree with the findings of that report, Professor Alston’s report?

Damian Hinds: Can you be a bit more specific?

Q2403 **Thelma Walker:** The UN report on poverty.

Mr Damian Hinds: Yes, but which particular finding?

Q2404 **Thelma Walker:** The fact that we are more of an unequal society than we were, we are more divided, we are more unhappy. You do not agree with the findings?

Damian Hinds: It is a matter of fact that income and equality have been narrowing. Of course there are inequalities in our society and there are injustices in our society. That is what I am in business for, which is what



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you are in business for as well in politics. We want to change things and we want to widen opportunity and spread opportunity further in our society.

Q2405 Thelma Walker: So the fact that in Colne Valley, my constituency, referrals to the food bank have gone up 50% in the last year and the Uniform Exchange charity, the number of referrals is spiking, over 50% more in the past year, you deny that is happening? You are saying that that—

Damian Hinds: Of course I do not deny that, Thelma, but if you tell me that is happening—

Q2406 Thelma Walker: But if you are denying Professor Alston's report that there are—

Damian Hinds: With respect, that is a colossal non sequitur. Anything I would comment on the professor's report and me saying that what you have just said is untrue is not the same question at all.

Q2407 Thelma Walker: So you do not accept the UN report?

Damian Hinds: I have invited you, Thelma, when you say "the UN report"—

Q2408 Thelma Walker: I have pointed out we are more unequal than we were 10 years ago.

Damian Hinds: I have said that income and equality have been narrowing, but there is more that we can do. We need to spread opportunity, we need to focus on social mobility, we need to make sure that wherever you are born should not determine where you end up. We should make sure that none of the professions is closed off to children from modest backgrounds. We need to make sure that in all parts of the country the educational opportunities are there for all our children. Of course we need to do all those things. As I say, that is what I am in this business for, and I think it is what you are in it for as well.

Q2409 Thelma Walker: Will you be meeting more frequently with the chair of the commission?

Damian Hinds: I cannot predict at this moment exactly how often I am going to meet Martina. I always enjoy meeting Martina. I used to meet Martina Milburn before she was chair of the Social Mobility Commission—

Q2410 Thelma Walker: I suggest that would show commitment to social justice.

Damian Hinds: With respect, Thelma, I do not think that is much of a sequitur either. I have absolute respect for, interest in and commitment to social justice and social mobility.

Q2411 Thelma Walker: Could I just move on to something further? You will not know how long you will be Secretary of State for Education depending



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on—

Damian Hinds: Which is a feature of this line of work, Thelma.

Q2412 **Thelma Walker:** Yes, of course, but if there were three things in terms of your legacy as Secretary of State for Education, what would you highlight as your legacy? Three things.

Damian Hinds: I am not thinking about legacies. I am thinking about doing the best job I can day in, day out, to do what I can to support 450,000 teachers doing a brilliant job in our school system, for our fee system, for our university system and our nurseries.

Thelma Walker: But with respect, there must be something at the end of the role that you would like to celebrate, that you feel that you, as Secretary of State, have achieved for education.

Q2413 **Chair:** Well, do not get upset about that. He is still very much here.

The DfE recently gave the Social Mobility Commission £2 million to do research. It is very restricted in what it does, according to what we were told last week by Martina Milburn. In our Select Committee report, we suggested that a good role for the Social Mobility Commission would be social justice impact assessments, so it would look at Government policy and see how it impacted on social justice. That was in our Select Committee report. When we asked the Social Mobility Commission about this last week, it said that it was not possible because the £2 million was very restricted. Why do you restrict how that money is spent when the research that it does do could quite easily be done perhaps by the Sutton Trust or the Centre for Social Justice or whoever it may be, and why not use the Social Mobility Commission to do the social impact assessments?

Damian Hinds: I think there is more than one question buried in that. One of them seems to suggest make it more restrictive and the other seems to suggest making it less restrictive. I do think the Social Mobility Commission is in a unique position. It is true there is a big—

Q2414 **Chair:** No, I said about giving it the option at least, so it would not be restricted to research. It could do a social impact assessment.

Damian Hinds: I cannot recollect every single word of the conversation, but I think we talked about what the Social Mobility Commission came to us to suggest in terms of its programme of works. Talking about social justice impact assessments, we have the public sector equality duty of course, where we have to look at the impact of Government policy on groups that have a protected characteristic. Also in a broader sense, both this Committee and other Select Committees effectively do assessments of impacts of social justice of Government policy all the time. Of course internally, whenever we are developing policy questions of social justice and how this policy is going to improve the prospects of the most vulnerable, the worst-off in society, it is always at the forefront of what we do.



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Q2415 **Lucy Allan:** I would like to take the opportunity, Secretary of State, to say thank you very much for coming to my constituency to visit Madeley Academy. They loved it and they were so pleased to have the opportunity to talk to you.

Damian Hinds: It was a delight. Thank you.

Q2416 **Lucy Allan:** I welcome the statement last week on Children In Need, and particularly the focus on supporting the home learning environment. I am glad that you raised that and also how to identify signs of mental illness in young people and tackling absence, as you have already talked about. There was one element of that statement regarding in-year admissions for the most vulnerable children, how they access a school place in-year quickly. How are you going to make that happen? It does not happen right now, so how can you deliver that?

Damian Hinds: Lucy, candidly, we need to work out the detail and we will do that, as ever, in discussion with schools and with professionals involved with Children In Need to make sure that we get it right. This is very important, particularly in cases, for example, of children who are with mums escaping domestic violence, domestic abuse. Obviously, almost by definition the shelter that you are going to go to is not going to be close to your home; it is not going to be somewhere where you know people. Being able to get a child into school quickly can have a hugely leveraged effect on their chances of being able to settle and being able to get back to a sense of normality at school. To be honest, I do not know the full answer yet to that question, but we will do it in partnership.

Q2417 **Lucy Allan:** So local authorities working better with schools and more information-sharing and that connectivity between colleagues?

Damian Hinds: Yes. Again, there are sensitivities involved and we need to be careful how we progress, but we will do it in discussion with schools with local authorities and with the social care system.

Q2418 **Lucy Allan:** I am glad you raised it and please keep doing it.

Damian Hinds: We will.

Q2419 **Lucy Allan:** Virtual School Heads is something else that you raised in that statement. They do a great job for looked-after children. One of your suggestions was that that role would be widened to include all children in need. My concern is that that might be diluting the beneficial impact for looked-after children, who are clearly our most vulnerable. Do you feel that this broader approach is going to have a negative impact on those who need it most, or are you going to provide additional resource in some way to enable the Virtual School Head benefit to be spread more widely without disadvantage?

Damian Hinds: What I am keen to do is see what we can learn from the successes of the Virtual School Head system to apply to this large group. It does not necessarily mean doing the same thing, but what can we learn from one to apply to the other? The big revelation, if you like, is



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that outcomes for children in need are almost as bad as for children in care. Children in need is not a well-understood term. I do not get PQs about children in need. I do not get asked in the media about children in need, but that is a group that I think is four or five times as large as children in care. Of course, as you know, the definition of a child in need is someone who needs the services of a social worker, but is still living at home, is still with family.

Q2420 Lucy Allan: The fringes of care is something that I—

Damian Hinds: The edge of care you could call it, different terminology. As I say, it turns out that their outcomes are almost as bad—the term “invisible children” has sometimes been used—yet relatively speaking they just do not get as much attention. I want to change that. I want to start making sure that we are giving those children the visibility they should have and try to understand more, especially about what the scarring effect is of trauma. We know that if you had a social worker and then you stopped having a social worker, the effect on your attainment persists. We need to know more about that, working with childhood trauma experts, and see what we can learn from the Virtual School Head approach and other things to help to improve those children’s outcomes.

Q2421 Lucy Allan: Will you commit to keep promoting these particular issues that I have just questioned you on?

Damian Hinds: I will.

Lucy Allan: I am very glad that you have started that, but keep going with it.

Damian Hinds: Lucy, I absolutely commit to that.

Q2422 Emma Hardy: On Tuesday 11 June, a headteacher called Sarah Hewitt-Clarkson came in from Anderton Park Primary School, along with a deputy head called Andrew Moffat from Parkfield Primary School. Andrew gave a powerful account of how he is personally facing the protests that are happening outside these schools in Birmingham. It was incredible because he has been awarded an MBE and was shortlisted for teacher of the year. This is a highly regarded teacher, and he told the room about how in a morning when he says, “Good morning, children,” a lot of the children do not reply to him because they have been told not to talk to a teacher who is a gay teacher.

I found all that really moving, because, having been a teacher myself, I have had parents in my classroom who have been different races. I have had children who have been adopted, some who have been fostered, some from same sex, some whose parents were disabled, the whole multitude of families out there. As a teacher, what I taught every child in the class was what matters is whether you are loved and cared for and, “If you are not, come and talk to me about it.” What matters is are you loved. We did things like read “Elmer the Patchwork Elephant”. We read “The Boy With Pink Hair” and we read “Dogs Don’t Do Ballet”. We talked



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about difference being something that is quite interesting. When I hear about this, I find that it affects me not just as a parent and as an ex-teacher, but as someone in the community.

I would like to ask you to do two things to try to help these teachers. One is remove the responsibility from the heads. There is one key word you could change in talking about LGBT-inclusive relationship education. It talks about “if age appropriate”. Can you change that word to “when”? There should not be any ambiguity about LGBT-inclusive relationships being taught in schools. At the moment, the headteachers are having to be the ones at the defence line and I want to lift that burden from heads and say Government united, Government across all parties, no, it is “when”, it is not “if”.

The other thing is I would like you to write to every single headteacher in the schools and tell them that you absolutely back and defend them in this so that they are not the ones having to deal with the death threats that Sarah is now receiving at her school. Will you commit to doing those two things?

Damian Hinds: Emma, it is appalling to see demonstrations outside schools. No teacher should have to walk past a flatbed truck with a man with a megaphone shouting and screaming, in order to go to work. No child should have to witness that on their way to school. Apart from anything else, it can be genuinely frightening for children. I condemn those protests absolutely.

We have come a long way in this country, thankfully, in terms of our inclusivity, our welcome to people of all different nationalities, ethnicities, sexual orientation and so on. We are reflecting that, rightly, in our approach to relationships and sex education, which, as you know, comes in compulsorily September next—not this September, but the following September.

To be clear, for the relationships education—as it is primary schools—the curriculum is not currently in place. The controversies for the schools that you mentioned are not about the new curriculum; they are about how fundamental British values are covered, citizenship and generally talking about tolerance and inclusivity.

I am clear on both that and on the future relationships education material that I absolutely back headteachers. I have said that at the National Association of Head Teachers conference. I said it again yesterday and this morning in the media. Not just on this, but on a huge range of things. We have a principle that teachers, headteachers and school leaders generally know the children best and know best how to work with that cohort.

On the question of covering LGBT matters, it is a question of when and not if. The guidance is very clear that during your school years you will cover matters to do with LGBT people.



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Q2423 **Emma Hardy:** It says, "if age appropriate".

Damian Hinds: No, during your school years it will be covered. I have said this morning and last night, just to be clear, I strongly encourage that at primary school. We have a more diverse society these days. You may well have a child in your class who has same-sex parents and, by the way, there will be another child who gets brought to school by their grandparents, another child who has a single parent, another child who has foster carers. All these can be strong, loving families, and anyway it is the reality of our life. It is the reality of our society and it is also in the law. I strongly encourage that at primary school, in class, there is the opportunity to discuss that, to discuss the fact that there are all these different types of family.

Q2424 **Emma Hardy:** Thank you for that answer. I really do appreciate it. Will you just take away that point on tightening up those comments made so that headteachers know? In a way, it gives headteachers breathing space because they can say, "This is mandated by the Secretary of State." That is what I am asking you to do.

Damian Hinds: What is in the guidance is very clear. By the time you leave school you will have discussed and you will have covered LGBT issues. We do not specify, "At this age you will do it," although, to be fair, in our school system we do not specify with that degree of precision on individual points of fact on most things. We think that schools are best-placed to know their kids, but it is very clear that by the time you leave school you will have covered these things in relationships education.

I strongly encourage that in primary school there is the opportunity to discuss it in class. I use the term "in class" deliberately because kids are going to hear about these things. The question is, who are they going to hear about them from? Would you rather they heard whatever somebody says to them in the playground or from an older child or what they stumble across on the internet, or would you rather it was discussed in class? I would much rather it was discussed in class and I find that, in general, overwhelmingly in general, parents—including, by the way, parents from quite conservative, religious backgrounds—tend to agree with that. The kids are going to come across these questions anyway.

Q2425 **Emma Hardy:** I want to move on slightly to another issue that is very close to my heart, which is around peer-on-peer abuse in schools, which I have written to you and written to Ofsted about recently. I am sure you will be aware that the freedom of information request that was put out to the police forces in England and Wales showed that 6,289 sexual assaults took place in and around schools between 2015 and 2017. This is a 60% rise and this is only based on 26 out of 45 police forces. There are a few things I have been calling for and I would like your support with these. One is that I have asked if schools can start collecting anonymised data. I know when I was a teacher in school we used to collect anonymised data around racial incidents and hate crimes, which was sent off to the DfE. Can we look at doing the same around sexual abuse and assault, not



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naming individual children? I feel that if we are going to tackle this problem, we need to be fully aware of what is happening in our schools. I know this is supported by the NSPCC, that particular ask as well.

I have written to Ofsted about this. If you are a parent and your child has been assaulted and you do not think the school has tackled this very well, there is no way at the moment for that parent to contact Ofsted about it, other than I think Amanda Spielman suggested catching up with the Ofsted inspector on the day at the school. If you phone or try to write in, there is not a dedicated line to speak to or people trained in this area. What I am asking for is a national helpline for parents who are worried about a particular incident around sexual abuse and sexual assault so that they do not have to go through the regular switchboard system at Ofsted.

I would like comments on those two things, one on collecting the data—because if we do not know the extent of the problem we cannot fix it—and the other on setting up a national helpline.

Damian Hinds: I will be very happy to follow up with you on this separately. I am not going to give you a live commitment at the Committee because with these things you always have to think about how it works in practice—the workload—but also, most importantly, what the unintended consequences might be. That is also not a “no”. I am saying let’s follow up separately. It is a very important topic. I know that it is something close to your heart and I will be happy to follow up. In terms of the Ofsted reporting, I would be happy to write to the Committee on that point.

Q2426 James Frith: I refer members to my register of interests. Good morning, Secretary of State. Possibly on this day, in what might be your last appearance as Secretary of State in anticipation of a reshuffle, the irony is not lost on me that the Government are in the High Court defending their record on SEND funding. The Local Government Association is on record as saying that the ring-fenced funding is £1.6 billion short. What are you now doing differently on SEND as a Government since you funded it last, since Timpon and since you came to post?

Damian Hinds: James, you will understand that I cannot comment on an ongoing court case, but on the subject overall, you will know that the 2014 reforms—this Committee did pre-legislative scrutiny on that important landmark legislation, the Children and Families Act 2014—were the biggest set of reforms to SEN entitlements for a generation, with the institution of EHCPs—education, health and care plans—as well as the wider entitlements post-18 in the 19 to 25 area and various other reforms with which you will be familiar. When you ask what we are doing differently, that has been a huge change.

My own experience as a constituency MP before I did this job—my local authority area was a so-called trailblazer area for those reforms before them coming in nationally—was that it was a great improvement. We all know as constituency MPs that we also meet parents and we meet



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families who are having a very difficult time with the system and battling to get the right support for their children, and I am not belittling that point at all. We, rightly, as constituency MPs, support them in what they do.

In terms of the resourcing, the high-need spend, as you will probably know, has increased from £5 billion a few years ago to over £6 billion now, but there are strains and stresses on those budgets at local authority level. Because of that—

Q2427 James Frith: The challenge is that five years ago that legislation was well-intended and broadly supported. I was not here, but I would support that absolutely. The issue is not the intent and the good intent of the legislation. It is the impact and the roll-out and the implementation of that.

The charge I would level at the Government is that they are not a completer/finisher. What you have not done is ensure that those entitlements were matched with resources and the capabilities to deliver on those rights that you enshrined in law. You have raised expectations, you have raised entitlements, but then you have walked away. While funding in cash terms as a number might be higher, the pressures are also bigger. A shortfall, as I said to your colleague—half a bridge is not much of a bridge. The LGA is saying that there is a £1.6 billion shortfall on SEND provision, but it is not just about funding, is it? Let's just illustrate the failure to act on implementing good intent. We now have a situation where 80% of tribunals brought by parents—

Ian Mearns: Over 90% now.

James Frith: Over 90% now my colleague says, thank you. Over 90% of tribunals brought by parent groups are found in favour of the parents of excluded children, confirmed by the report that the Prime Minister commissioned, Timpson. So, 80% of excluded pupils have SEND. We have an explosion of EHCP requests, 20% of which are turned down at application stage, not assessment stage. One fifth of local authority testimony that we took sees them turned away at application stage, not assessment stage, which by my reckoning is unlawful. Local authorities are duty bound, but hand-tied by your Government, because you have failed to complete and finish the good intent of the 2014 Act. That Act is five years old, but you have had 18 months in post, I think—there or thereabouts. I still do not see any difference. You talk about constituency MPs; they are still in tears because the local authorities in the region and around the table here would concur they are still being let down by a lack of provision.

Some of this is not just about money, if I may finish, although I appreciate in some of the charges it is always about money. If you spend money—the money that is spent now—further upstream at SEND provision, the EHC plan explosion will not be occurring as regularly as it is. There is quite a lot in there, but I believe you are up to responding to it.



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Damian Hinds: Thank you, James. There are more EHCPs than there were statements, quite a lot more. At the heart of what you say there is an important truth. Resourcing has increased and it has increased substantially, but there are also particular pressures. That is why in December I put in place a package over two years. I am not suggesting that this solves the problem because we have to come back to all these points. When we come to the comprehensive spending review, that is the mechanism by which spending is allocated across all Government Departments.

In December, we put in place a package over two years of £250 million in revenue funding for local authorities. You are right to say it is not only about the cash; it is also about the availability of places, making sure that every child can get the setting that is right for them. Quite often, that is in a mainstream school. What we have seen is the opposite of what people think. Most people think there is a process of mainstreaming going on. In fact, there are more children going into special schools and quite often then from a local—

Q2428 **James Frith:** But the 2014 Act—

Damian Hinds: Hang on, you asked me a very long question, James. Quite often then the state special schools become full, so more children then are going into independent sector special schools. Quite often, there is transport attached to that as well.

As well as the £250 million revenue support, we have also put in place £100 million of capital to do things like support inclusion units in mainstream schools. We are going to recruit and train more educational psychologists because we know that is an important part of the chain. We have a current consultation—I think it is still open—on the way that the funding system works, particularly the first £6,000 principle, how that is working in the school system and if it could be better, further work on joint commissioning and so on.

I accept what is at the kernel of what you say. Yes, there are more children with EHCPs. We could have another discussion about why that is, and it may be something that you want to come on to. We do need to make sure that is properly resourced. We have put in place more resourcing, but we also need to think about all the other aspects.

Q2429 **James Frith:** The point is that councils have been left unable to fulfil their responsibilities as determined by the Act. The Act itself predicates the continuation of these children in mainstream schools. That is why it is a welcome piece of legislation.

Damian Hinds: Sorry, it does what? What did you say?

James Frith: It is predicated on the assumption that these children stay in mainstream schools rather than what has happened, as you have said, that they are increasingly—



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Damian Hinds: No, it is not predicated on that. It should be the right setting for the individual child.

Q2430 **James Frith:** The premise, yes, but I think it does more than that. I think that it affirms mainstream schooling as a right for children with special educational needs.

Damian Hinds: Oh, I see what you mean. That is a different point, yes.

Q2431 **James Frith:** We agree on that, fine. Yet what we have seen is a rise of exclusions, the highest represented group being those with SEND, and schools and local authorities duty bound but also hand-tied from being able to discharge their responsibilities under the Act. I would say that there is far more that you could do to interact with that system and see that spending is far better spent at SEND mainstream school level. What we see is a magnet for EHCP to the point of the unlawful practice now where local authorities are at 20% levels; one fifth of all applications are refused out of hand. Would you agree that that practice is unlawful according to the legislation?

Damian Hinds: No, I would need to see more about exactly what you are talking about. I am happy to do that by correspondence.

Q2432 **James Frith:** The guidance to the legislation—it is your Government's legislation—says that if you apply for an EHCP, you should be assessed.

Damian Hinds: Yes, but your 20% figure—

Q2433 **James Frith:** What we have now is that applications are refused out of hand. That 20% is based on the testimony we have taken through our inquiry.

Damian Hinds: I would need to understand a lot, in much more depth and on paper, as to what exactly the suggestion is and what the analysis is, and I would be happy to follow up on that.

On your broader question, I agree with you that we do need to continue to look at and evolve practice. Of course I do. I do want to correct you on exclusions. You said exclusions have been rising. That is true over the last few years, but of course the rate of permanent exclusions is still lower than it was 10 years ago.

Q2434 **James Frith:** What is the proportionate number of those with SEND within that figure? That is now at over 80%, confirmed by Timpson. The idea is that you have presided over a system that is narrowing its curriculum, increasing expectations on schools that then in turn exclude children who do not cut the mustard, according to your ever-narrowing set of criteria for inspection.

Damian Hinds: No, I think that is a colossal generalisation, James, and not fair on teachers and headteachers.

James Frith: Well, let's go back to a specific—



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Damian Hinds: Whoa, whoa, whoa. Headteachers do not expel children willy-nilly. In my experience, the expulsion of a child is something you do after all other options have been exhausted. Sometimes it is necessary because you also have to think of all the other children in the class.

Q2435 **James Frith:** You are absolutely right, Secretary of State. You turned to the point of “other”. Why then for 20% of all the children who are expelled do you know nothing about the reason for them being expelled?

Damian Hinds: Well, we know—

James Frith: One fifth of all expelled children you have no information on?

Damian Hinds: Sorry, I thought I heard the question mark at the end of the sentence.

James Frith: I have not heard the answer line yet.

Damian Hinds: We know a lot more about expelled children as a result of commissioning the Timpson review and the very good work, very deep analytical work, that Edward and the team did. It asked some difficult questions and that was the point of doing it. As I say, we know more than we have done in the past. Yes, we need to make sure that everybody is being treated fairly, but it is also true that the rate of permanent exclusion, at 0.1% on the last count, is lower than it was a decade ago.

Q2436 **James Frith:** What more do you know within that “other” figure of one fifth of all children who are expelled, 80%-plus of which are represented highest with SEND needs? What more information do you know about that category?

Damian Hinds: Sorry, James, you will have to help me further with the question.

James Frith: Okay, I will be even more detailed then. Since Timpson identified 20% of all excluded children, a figure that I was citing for some time before it was confirmed, what have you done to ask schools as to what some of those reasons are?

Damian Hinds: As a result of the Timpson report there were 30 recommendations. We accept in principle those recommendations, James. It is in the nature of Government policy and implementation, as you know, that you need to do these things with care. Some of them also involve other bodies—like Ofsted, for example, which will have a role in looking at these things—that care very much about inclusion. The Timpson report will continue to inform development of policy and practice.

Indra Morris: Some of Timpson’s recommendations, as you know, address data in our schools and other departments locally, to look at the data and ask themselves questions about what is going on in the system.



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In my experience, when you get a growth of “other” it is because nobody is looking at the data and nobody is reflecting on it. Part of the review and the recommendations and the follow-up we are doing is exactly to get that discussion going on the ground.

James Frith: Finally, I would just counsel that it is also a place to put reasons that are explicitly inconvenient or that just are not being acknowledged as a reason schools are off-rolling and excluding, with the highest proportion of category being SEND. I think that is a valid charge on the Government. While the 0.1% that you referred to is a fair point, if the highest proportion are those children who are most vulnerable and most in need of specialist education, I think that is a hell of a job to crack on with. I do not see yet evidence of that, bar the acknowledging of it as an issue.

Q2437 **Chair:** Could you just give me a very brief answer? In your recent speech on disadvantage, you acknowledged the very different way that children’s special educational needs are treated in different areas and different schools. You said that SEND is a huge and varied area in terms of the effect on children.

Damian Hinds: Yes.

Q2438 **Chair:** Given the resources that are at play that you have talked about, are you concerned that there is no proper way of tracking how schools spend their SEND support?

Damian Hinds: We trust schools in general to determine how to use their resources. The question you put is a good and important question, and I am sure there is always more that one can do to help to refine knowledge of best practice in the system.

Q2439 **Chair:** You would not recommend that Ofsted play a greater role in looking at how schools spend money on SEND?

Damian Hinds: Chairman, I am reluctant to introduce new burdens on new tracking and so on, and new things for Ofsted to look at.

Q2440 **Ben Bradley:** I want to touch on early years. Obviously, fairly recently, this Committee put to you an early years report. It recommended a number of things, including ways to look at better integration of services, particularly family hubs as a model. In response, you professed to be agnostic about the way services should be delivered, and obviously Government shelved a review on children’s centres. Can you really be agnostic or is it not the role of Government to say, “Evidentially, this is what works, and this is what we like to see.”?

Damian Hinds: Agnosticism is not the same as atheism. Clearly, excellent provision is what we are about. I think that it has been very encouraging to see that in early years provision the Ofsted ratings of early years settings have improved markedly over the last number of years. We have also seen a marked increase in the proportion of children reaching what is called a good level of development at the end of the



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early years stage. Children's centres are a part of that framework; family hubs are a part of that framework; individual nurseries, including private, voluntary and independent setting nurseries, are an important part of that framework. When I say "agnostic" I mean I value the roles of all those bodies, all those institutions, all those places.

Q2441 Ben Bradley: I get that there is a variety of different sources for these services. You talk about more children being able to meet those good standards. In my constituency, it is still over a quarter of children who go to primary school without those basic skills, which is awful. What conversations do you have with—a lot of this comes under local government—MHCLG and with local government about how they should be delivering that support, whether it is through early years or children's services?

Damian Hinds: Local authorities determine how they will execute their statutory duties. As you know, family hubs is something that is developed in some areas, some have reconfigured and some have reduced the number of children's centres, but they are then delivering those services in other ways.

What we do directly from central Government is the entitlements. Of course, the entitlement to 15 hours of early years education for disadvantaged two-year-olds is a programme that was never in existence under any previous Government and has benefited very many children. I think it is also available in 22,000 different locations, so more than those other types of institution.

Q2442 Ben Bradley: The challenge for me is that you say you cannot dig into children's services or early years and decree or prescribe to local government what they should do. I understand the localism, but we do not have that consistently across the education system. We are quite happy as a Government to prescribe what schools should be doing. It is quite clearly laid out that this is our expectation of schools, regardless of the area and that localism. Why can we not do the same in early years and children's services?

Damian Hinds: I am not sure we do prescribe in such fine detail what schools do. When I visit other countries and speak to Education Ministers from other countries, there is a contrast. We have a lot of school freedom. During this Government, obviously we have been pursuing school autonomy through the academies programme—a great invention of new Labour—and free schools. The principle of autonomy at school level has been around in our system for quite some time.

Ian Mearns: Since the 1988 Education Act.

Damian Hinds: The Great Education Reform Bill Ian refers to. Similarly, as you rightly say, Ben, we have the principle of localism and different local authorities are doing things in different ways.

Q2443 Ben Bradley: You have put very welcome funding into maintained



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nursery schools in particular, which was seen as kind of a bridge to the spending review. The more that spending review gets pushed back and back and back, do you have an assessment of whether that funding is sufficient or is there going to come a point where more interim funding is needed for those?

Damian Hinds: The £24 million is to make sure that we can cover the full academic year. Of course, Ben, as you rightly say, it is at the comprehensive spending review that we will, across Government, allocate money to different Departments and different uses.

Q2444 **Ben Bradley:** Finally, we recommended in that report that you look into the extended childcare offer, particularly three and four-year-olds. I know my colleague, Lucy Powell—who is not here, unfortunately—is doing a review through the APPG on that subject and looking at the consequences of it. Part of the report expressed concerns that it might be having a negative effect in terms of entrenching that gap in outcomes, in terms of providing that free childcare to three and four-year-olds' parents in work.

I am looking forward to my youngest turning three. That will save me £350 a month. It will be great. I am not sure I am the intended audience for those changes, which might be perhaps to the detriment of two-year-olds who do need that nursery space. That has not really been looked into. You did not want to review that. How are you addressing those concerns that the attainment gap there has been worsened by that policy?

Damian Hinds: The 15 hours for three and four-year-olds is a universal offer—so three hours a day, half a day in nursery—and it is there to be the early years education: the pre-school, the school preparation, the early socialisation, all those other things that you get from nursery. The additional 15 hours in the 30-hours programme is for working parents and—

Q2445 **Chair:** The key problem, which we discussed before, is that the children of MPs can get that 30 hours, whereas a single parent in my constituency of Harlow who may not be able to work, their child will get 15 hours. We have discussed this before.

Damian Hinds: Do you want me to finish, Rob?

Chair: It would be good to answer, yes.

Damian Hinds: Do you want me to finish what I was saying? The second 15 hours is there to support people to be able to work. We have other childcare programmes of course as well. Entitlement to early years and childcare has been extended five times since 2010. There is a greater entitlement under universal credit than ever there was under tax credits. We have tax-free childcare and so on. The second 15 hours in the 30-hours programme is there to help to support people to be able to work.

Q2446 **Ben Bradley:** I am happy to accept—and I think the report showed—that free childcare and that access have increased overall and that is very



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welcome. It did show that the biggest increases in free childcare were effectively for more middle class and more affluent parents. At the minute, there does not seem to be any intention, from what you said there, to look into that, as to whether there is a better way to balance that system.

Damian Hinds: We will retain the 15 hours of universal entitlement because that is the part of childcare and early years that is there for early years education. The second 15 hours, as I say, is to support people going to work. You do not have to be working full time to be able to get it. It works on income, but it is the equivalent of 16 hours at the national living wage. I may get corrected, but I think that works out at roughly £7,000, or just under £7,000—I think Marion is on the case on the internet—for a single parent and £14,000 for a couple.

That is at a relatively low level of work, and then of course if you have older children there is also the up to 85% reimbursement under universal credit, or if you are at a higher income level tax-free childcare might be more appropriate.

Q2447 **Thelma Walker:** Just back to Sure Start. Could I have your thoughts on the recent Action for Children report that says that 22% fewer children in the 30 most deprived areas of the country are accessing Sure Start? That is over the last four years; four years ago.

Damian Hinds: As I was saying earlier to Ben, there is a mixture of different types of provision of children's services and early years services. The number of—

Thelma Walker: Do you accept that figure?

Damian Hinds: The number of children's centres today at the last count was 2,300. That is the same level as it reached when Tony Blair was Prime Minister. In some parts of the country, local authorities are not using children's services as much. They are using other provision and in the other parts of the country it is different. Overall—

Q2448 **Thelma Walker:** But children's centres were built for the most deprived areas and deprived families.

Damian Hinds: When this Committee did a report specifically on children's centres, we found a few things—Ian will remember it—and one of them was that you cannot define in a single definition what a children's centre is, because they are different in different places. Some of them do not have children, some have thriving nurseries, so there is a variety. The question is how local authorities execute their responsibility of providing early years services.

Q2449 **Thelma Walker:** You do not accept this report?

Damian Hinds: The report is also—

Q2450 **Thelma Walker:** We do not accept the UN report and we don't accept



this one?

Damian Hinds: Thelma, please. I think these reports also talk about the improvements that we have seen—very welcome improvements—in things like a good level of development in the early years and health outcomes, which are very important as well. Children’s centres are a part of the framework, part of the infrastructure that helps to deliver those things, but they are not the only part. There are also nursery schools. There are health visitors. These are all parts of the overall approach.

Q2451 **Chair:** Just to go back quickly to the 30 hours, I accept that there are all these other things that you are doing, which is excellent. The key point remains that if MPs have children they get that 30 hours, but if you are a single parent not able to work, your child will get the 15 hours—with the exceptions, I accept—but nevertheless that is the key point. Surely that is unfair. You respect the Harris Academy, presumably. Can I just ask that question, that you have great respect for the Harris Academy chain?

Damian Hinds: We have 21,500 schools and I have great respect for all of them.

Q2452 **Chair:** In *The Times* today, the Harris Academy chief executive—they have set up a nursery.

Damian Hinds: Yes, I saw this.

Q2453 **Chair:** The chief executive, Sir Daniel Moynihan, says, “The fact that most disadvantaged parents cannot get access to 30 hours of free childcare is crazy. How does that promote social mobility?” This is not from some political activist. This is from a chief executive of a very successful academy chain. Surely you should look at this and perhaps reduce the threshold of those working parents—the salary level at least—in terms of claiming 30 hours to raise funds to make sure that people who are not able to work get those 30 hours as well.

Damian Hinds: Chairman, it is not correct that the 30 hours offer is unavailable to disadvantaged families. The point is that when you move into work the offer becomes available. When you say, “Will you lower the threshold?” even if you are at national living wage—bear in mind most people are at least some distance above national living wage—that is a—

Q2454 **Chair:** What about those not able to work? That is the key point. Those not able to work do not get that 30 hours on the whole, and that is—

Damian Hinds: I am not sure that was what you were saying a minute ago. You said “most disadvantaged people”.

Q2455 **Chair:** No, that is exactly what I am saying. This is what the chief executive of the Harris Academy is saying.

Damian Hinds: Well, it is not what you read out to me. You said “most disadvantaged people”. That does not mean necessarily unable to work.

Q2456 **Chair:** The chief executive is saying, “The fact that most disadvantaged



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parents cannot get access to 30 hours” and what he is talking about is those who are not working. That is the key point. Why can they not be guaranteed to have that 15 extra hours as well?

Damian Hinds: The 15 hours is the universal entitlement, just as there is a universal entitlement to a certain number of hours when you go to primary school and there is a universal entitlement at secondary school. The universal entitlement age three and four, which is higher than it used to be, is 15 hours. We do an additional programme of childcare support, which is specifically there to help to support people to be able to work, given the high cost of childcare and some of the difficulties that working families face. That is what it is for and you get the 15 hours anyway. You only have to be working 16 hours if you are at national living wage—only 16 hours to be able to get 30 hours of childcare.

Q2457 **Chair:** We are going round in circles here. It still seems to me incredibly unjust that those who cannot work do not have that same access to 30 hours for three and four, whatever the other things here and there that may be going on. The fundamental thing is if you are not working you have access to 15 hours, not 30 hours.

Damian Hinds: When your children turn five and six and they are at school, if you are working, through tax credits under the previous Labour Government or under universal credit under this Government, we will reimburse the tax credits up to 75, as it was, 80 and under—

Q2458 **Chair:** I am talking about three and four-year-olds and the 30 hours.

Damian Hinds: The principle is the same. We provide support through universal credit—through tax credits in the days of the previous Government—and now through tax-free childcare as well, to support people to be able to go to work and support them with their childcare costs, and that is on top of the universal entitlement.

Q2459 **Chair:** Can I just confirm that the 30 hours has been granted to foster carers with children, because that was said by your predecessor? It was either your predecessor or—

Damian Hinds: I think we will have to come back to you.

Q2460 **Chair:** That policy was announced, I think, in front of our Committee, from memory.

Damian Hinds: Rob, we will have to come back to you.

Q2461 **Chair:** The reason I ask is because in my own constituency the foster parents are saying that they are not getting that 30 hours.

Damian Hinds: We will come back.

Q2462 **James Frith:** A quick question about capital funding, Secretary of State. Can you confirm whether condition data collection, which is this review of the school estate being undertaken under Lord Agnew, will be publicly available? That is, will the list of schools that have been assessed and



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their condition be publicly available? I understand that that has been available before through the Priority Schools programme. Derby High and Tottington High in my constituency hope that they will be on the list, and very high up it, because they are schools that should be 10 years old in their rebuild by now.

Damian Hinds: On the specific question of will the list be available, I don't know. I have no reason to believe practice will be any different from how it has been in the past, but I am happy to come back to you.

Q2463 **Chair:** Thank you. I asked this question in the House at Education questions: the estimates 2019-20 memorandum shows that the resource expenditure on FE is falling from £5,013 million in 2018-19 to £4,843 million 2019-20, a fall of 3.3% in cash terms and more in real terms. The capital budget under the same main estimates, 2019-20, is set to fall by 40% for FE. Why is this reduction happening, especially given everything you have said about supporting further education and extra funding and so on?

Damian Hinds: In a minute, I will let Jonathan come in on the estimates themselves. First, let me say on FE in general—you know, Chairman, it will not surprise you to hear me say this—that I recognise the financial strains that there are in other parts of our system as well, but specifically in FE. There are a couple of quite big things going through FE. One is apprenticeships, which we were talking about a while ago. The cash available for apprenticeships is doubling over the course of the decade. I want FE colleges to be winning more of it. They are not winning enough of it today. No one is stopping them winning it, but it is not happening enough and I would like it to happen more.

The second of course is T-levels, which is a huge new reform for us. We also have the Institutes of Technology programme and we are going to be working on developing higher level technical qualifications as well, but I do recognise the issues that FE colleges have faced. Jonathan, do you want to come in on the specifics on the estimates?

Jonathan Clear: Within the estimates there have been a number of different movements across budget lines, which is not necessarily easy to follow through how the estimates are structured.

On the capital funding point particularly, which you mentioned, we previously had a restructuring facility where we were spending capital money to help restructure the FE sector. That is coming to an end and that money is not available. We have put in place new insolvency legislation to deal with that particular financial distress. The other part of that is the exceptional financial support that we would give to FE colleges through that programme as well.

Q2464 **Chair:** What about the first bit of the question on the cash reduction of 3.3%?



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Jonathan Clear: Across all our budgets there is a 3% increase as the Department for Education. Through the estimate lines there have been movements between lines, so that FE line that you see within the estimates includes most, but not all, spending to FE. Underlying these numbers—again, we can write back with more specific details on how this is laid out—there isn't an underlying reduction in spending on FE.

Q2465 **Chair:** I see. Just to you, Secretary of State, given what you have said, even with the £420 million funding for the T-levels, which is very welcome, it still leaves funding 14% below its peak in 2010-11 in terms of further education. I recognise there have been very difficult decisions across the rounds in terms of the economy, but you recognise that?

Damian Hinds: There are different things going on. There has also been a change in the number of 16 to 18-year-olds. At the moment, demographically we have had a lot of growth in the primary population. This year, the number of 18-year-olds, relatively speaking in recent history, is an historic low. The number of young people at any stage does make quite a big difference as well. But, yes, as I said a moment ago, I do recognise the financial challenges there have been for that sector.

Q2466 **Marion Fellows:** Yes, I was on the internet checking the Scottish Government's position, which is better, one has to say.

Damian Hinds: Better, but I think delayed, Marion, if you are talking about the 30 hours.

Marion Fellows: But better.

Damian Hinds: But delayed. Keep going.

Q2467 **Marion Fellows:** Much more emphasis and a good start for Scotland's children.

Damian Hinds: I am not here to answer for the Scottish Government.

Q2468 **Marion Fellows:** Right, Secretary of State. Welcome and thank you. I am going to go on to estimates, so you will forgive me if I read because I want to get this absolutely correct.

Damian Hinds: Sure.

Marion Fellows: In your 2019-20 main estimates memorandum, you say the average amount spent per pupil on five to 16-year-olds has risen only marginally in nominal terms from £4,619 in 2017-18 to £4,630 in 2018-19, and that is still below the per-pupil rate, which was £4,636 in 2016-17. Do you accept that, despite cash increases in spending on schools, these figures suggest average funding per five to 16-year-old has fallen in real terms in 2017-18 and 2018-19 compared to 2016-17?

Damian Hinds: Marion, over two years, as you will recall, we have held real-terms per-pupil funding at the macro level, so the overall level constant. I will let Jonathan come in with anything specific on this.



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Jonathan Clear: This particular table in the memo is something this Committee requested back in 2015 and is therefore displayed in a very specific way. The way that other commentators show per-pupil funding takes into account various different aspects of school funding. This particular table excludes a certain number of expenditure items that go to schools, so it is not necessarily a complete picture. There are also different sets of pupil number statistics that different commentators use, so it is not necessarily simple to directly correlate between one set of figures and the other that is specifically within this memorandum.

Q2469 **Marion Fellows:** I am left asking, why are they published like this? “Lies, damn lies, and statistics” springs to mind. That is fair enough, but how does what is happening—

Damian Hinds: That is fairly unparliamentary.

Q2470 **Marion Fellows:** I am not implying at all that these are that. It is a general comment.

Damian Hinds: To be fair, Marion—and not to sound defensive about it—there are many different ways you can cut the numbers. That is not to say that one of those ways of doing it is the right way and the others are all obfuscating. Genuinely, they do answer sort of different questions.

Q2471 **Marion Fellows:** I do understand different pots of money for different purposes that are not always included in the top-line of anything anywhere. With what I have said and the response I have had from Jonathan, how does this tie in with previous commitments to protect per-pupil funding? Are you saying that per-pupil funding has indeed risen?

Damian Hinds: I am saying exactly what I said two or three minutes ago, which was over the two years we committed to holding real-terms per-pupil funding constant at the overall macro level.

Q2472 **Marion Fellows:** Can you tell us what FE is doing to address 2019-20 estimates? Is there going to be even more given per pupil or not? You must be working on that already.

Damian Hinds: As a Government, we have set out spending to the end of this spending review period. The next spending review period is obviously a matter for the spending review. What we have done is over the current two years committed to holding at the overall level real-terms per-pupil funding constant.

Q2473 **Marion Fellows:** Does that cover 2019-20?

Damian Hinds: Yes.

Marion Fellows: Good, thank you.

Q2474 **James Frith:** You decided to overrule the advice of the Permanent Secretary on T-levels. Bury College is one of the early colleges. How can they best take advantage of being an early adopter of T-levels, when the chair of the Social Mobility Commission last week said that she thinks



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that the Government should defer it and delay the launch of T-levels?

Damian Hinds: That sounded a bit like a composite motion, James, if you do not mind me saying so. I am not sure quite how those things all fit together.

Q2475 **James Frith:** A composite answer would do.

Damian Hinds: I am happy to give you a straightforward answer. I think it is brilliant that Bury College is going to be one of the earliest institutions offering T-levels. This is an exciting opportunity for young people and we are working closely in partnership with all the colleges and other settings that are doing it, including with Bury, and I look forward to carrying on.

Q2476 **Chair:** One very final question, you will be pleased to know. Nick Gibb, the Schools Minister, has expressed some sympathy for what we proposed as a Committee, which is a 10-year plan for education in the same way that the NHS has a 10-year plan and a five-year funding settlement. Is this something that you are supporting and pushing with the Treasury?

Damian Hinds: I do think having longer visibility is generally helpful. It is helpful if you are managing the budget in an individual school or a group of schools. Also of course, in terms of longer-term planning, there are things that are much easier to do if you can set out a plan over an extended period. In terms of the funding settlement and how it works, of course having three-year settlements is better than it was once upon a time, so things have improved. I do think having longer visibility of finances and other things is generally in the public sector, as in business, helpful.

Q2477 **Chair:** Can you just say exactly what is in your 10-year plan?

Damian Hinds: We are always working towards a long-term plan on things like what we were just talking about, technical and vocational education. What we are doing on T-levels and apprenticeships and higher levels, that is not a one-year plan. That is a 10-year plan.

Chair: A 10-year plan? One point is all we are going to hear? Can I thank you very much?

Damian Hinds: Thank you all very much. Thank you for having me.

Chair: It has been an incredible range of questions on a huge variety of subjects. If I could just speak personally, I very much hope that you are here in September or whenever it is before our Committee.

Damian Hinds: You are very kind.

Chair: I speak personally, and Lucy has just echoed it, so thank you very much indeed.



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Damian Hinds: You are very kind, and thank you very much for having me back.