

SPONSOR  
Lord Harris of Peckham

CHIEF EXECUTIVE  
Sir Daniel Moynihan Ed.D, M.A., B.Sc. (Econ)

29 April 2020

Rt Hon Robert Halfon MP

Sent by email: [halfon4harlow@roberthalfon.com](mailto:halfon4harlow@roberthalfon.com)

Dear Mr Halfon

We watched with interest the select committee hearing on Monday this week with Amanda Spielman and wanted to contact you as a result.

Thank you for raising with HMCI the concerns that we and other multi-academy trusts including the Inspiration Trust have raised about the new inspection framework. We are writing to you together because we were the two MATs mentioned by HMCI, but between our three trusts we operate 56 secondary academies in some of the most deprived areas of the country. We also know that other large and smaller MATs share our concerns but do not wish to risk the wrath of Ofsted by publicly voicing these. As you will have seen from the HMCI's responses to you on Monday, she has not taken kindly to our challenge to her approach.

All three of our trusts have strong records of successfully educating and changing the life chances of disadvantaged pupils. None of us is in the habit of rowing with Ofsted or government. However, as you alluded to in your question, we raised our concerns because we believe that the new framework will damage outcomes for pupils from poor backgrounds. We did so in good faith, discussing our deeply held concerns privately with Ofsted first, whilst the new framework was still under consultation.

Ms Spielman's response to your question on Monday morning, however, serves only to further our concern. First, she mischaracterised our intervention as having called for a separate '*special working class framework for working class kids*'. We said no such thing. Next, she introduces the, in her words, '*extreme*' scenario '*in which a school decided to teach an English or History GCSE over five years and to teach...essentially...one novel through many years*'. We would challenge her to name a single school that has done this.

We are talking about pupils dropping one or two subjects a year early so that they are more likely to pass their other subjects in Year 11 with good grades and win a college place or be employable. Using extreme examples is not a helpful way of addressing other people's legitimate concerns.

Next Ms Spielman said of Outwood Grange Academies Trust (OGAT): *“I don’t know why they’re so concerned. I think they’ve had very good inspection outcomes with that model including on EIF inspections. I simply don’t understand the nervousness there.”*

Ms Spielman will be aware that under the new framework OGAT has had only Section 8 inspections of both its primary and secondary academies. Whilst these have had positive outcomes our concerns, when faced with full Section 5 inspections, remain.

Furthermore, we were surprised to learn that HMCI said that Outwood had *“built its model very much around early entry”*. Outwood has only ever built a curriculum which was personalised to individual pupils’ needs: one which has the support of the communities in which we work with record numbers of parents choosing our academies every year.

Ms Spielman also refers to the inspectorate needing to distinguish between schools with good grades based on a great education for pupils, and those with good grades based on poor qualifications. We agree wholeheartedly with her. But, as she raised this in the context of other comments about the Harris Federation, it should be noted that two thirds of pupils at Harris were entered for the EBACC last summer, compared to four in ten nationally. 42% of Harris pupils achieved the qualification at Level 4 and 28% did so at Level 5. Both these scores are considerably higher than the national average (25% and 17% respectively), despite the fact that Harris academies operate predominantly in disadvantaged areas.

And finally, Ms Spielman flagged the issue of six Harris academies with high entry for ESOL in a single academic year (2018). The issue of entry to non-standard qualifications has no bearing on the length of Key Stage 3. It could happen in a school with a two-year Key Stage 3 or a three-year Key Stage 3.

We cannot see why she would raise this completely unrelated issue, other than to avoid answering the question you asked and to attempt to discredit those of us who have provided challenge by casting doubt over our ethics or aims.

As Ms Spielman has raised the issue, however, the following points must be made:

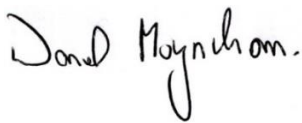
- First, there are good educational reasons for entering some students (even whole cohorts) for the ESOL tests because they are well written tests of basic literacy, a skill of vital importance both to teach and to assess. By using a standardised, external provider, schools are guaranteed reliable information normed against a larger population than they have access to and are also able to outsource the setting and marking of the tests, thus reducing the workload of their teachers.
- Second, if this were a form of ‘gaming’ (an attempt to improve a school’s Progress 8 score without providing better education) then it would be a remarkably inefficient one. The ESOL qualification does not count as an English Language or Literature result (which are a mandatory component of a student’s score) but fall in the ‘open bucket’ and are only counted if students do not have three full GCSEs to go in that bucket (the ESOL only counts as a fraction of a GCSE and so is rarely the best option for a student who has had a full curriculum). At Harris - and as Ms Spielman is aware - these courses made a tiny difference of three hundredths of a grade to Progress 8 but entry to them better prepared many students for the subsequent GCSE in English which they took and then passed. If taking this course made a material difference to results or if it was used as substitute for English GCSE, then it should be considered gaming. However, this was not the case at Harris.

We are incredulous that Ms Spielman said she was reluctant to raise this issue and was only doing so because of your question; she previously used the very public stage of her annual report publication to raise exactly the same points. It is appalling that Ofsted would take our differing views on school leadership and the curriculum and spin this to your Committee as an ethical deficit. Rather than seeking to retaliate against criticism, Ofsted should instead focus on reflecting on the points made.

Aside from the questions on the new framework, we were interested to listen to the wider session - particularly the questions asked about the impact of school closures on disadvantaged students. We would be very happy to brief you on the concerns we have at Harris and Outwood and the measures we are taking to address these, if you would like to schedule a call or virtual meeting.

Kind regards

Yours sincerely



**Sir Dan Moynihan**  
Chief Executive  
Harris Federation



**Martyn Oliver**  
Chief Executive  
Outwood Grange Academies Trust