

01 December 2020

Robert Halfon MP
Chair, Education Select Committee
Education Select Committee
House of Commons
Westminster
SW1A 0AA

Amanda Spielman
Her Majesty's Chief Inspector

Dear Robert,

Following my recent evidence session on 10 November 2020, please find below further information on some issues we discussed during the meeting.

COVID-19 deployment

In the March-July 2020 lockdown it was important that we were able to continue to conduct our essential business. Our regulatory work continued, as did business critical services. We also needed to maintain the ability to conduct emergency inspections as required.

Alongside this, we made sure that all staff whose usual work had been paused were given appropriate work to do. We deployed large numbers of staff into roles across government departments and on the front line, including working in local authorities and on Test and Trace.

The number of staff deployed elsewhere changed each week, but peaked in June 2020. At this point, 32% of regional staff (predominantly our inspection workforce) were retained internally to enable us to undertake our regulatory responsibilities and business critical work. 51% were deployed to other organisations and the remainder were given important internal work to do. Only a small proportion of staff were neither retained on Ofsted work nor deployed, due to long term absences, such as maternity leave or personal circumstances.

At our deployment peak on 19 June 2020, Ofsted had:

- 280 staff deployed to organisations outside the Civil Service. This figure included 264 deployments agreed at 110 local authorities who were on the front line tackling the effects of the pandemic;
- 300 staff deployed to other government departments assisting with their response to COVID-19. Departments included DWP, DHSC, and DfE.
- Of the 300 staff deployed to other government departments, over 200 were supporting DWP get through the surge in applications for Universal Credit, so that families could get the financial support they needed as quickly as possible

- 65 staff were retained in Ofsted to support DHSC with Test and Trace with a range of tasks including logistics of getting tests out, managing mailboxes and call handling, responding or redirecting queries, and registering employers on the testing portal.

Ofsted staff undertook a vast range of roles. Non-inspection staff supported London Gold Group, a Social Care alliance of all London local authorities; HMI supported Star Line, a phone line for parents struggling with home schooling; FES HMI supported an online skill learning programme for those on enforced absence from the workplace, regional inspection staff supported the tracking of vulnerable children and assisted schools in preparing for the return of students.

In addition, remaining members staff were deployed internally to undertake project roles, support research and evaluation activity and support our ongoing regulatory work.

Long-term COVID risks

You asked about the reference to long-term COVID-19 risks on page 18 of our Annual Report and Accounts. The emergence of COVID-19 (coronavirus) has led to unprecedented levels of change. We reviewed the risks that relate to the potential failure of Ofsted achieving its long-term strategic priorities – particularly in light of an extended period without inspection. In discussion with Ministers, we are carefully considering how school inspections can start again in the new year safely and sensibly in a gradual way, but with a clear focus on how well children are learning, whether in the classroom or remotely.

Legal Costs

In answer to the question about why our legal costs are rising, we presume that you are referring to our published legal costs incurred in 2019/20 of £406,000 as compared to those incurred in 2018/19 of £213,000 and set out in Ofsted's Annual Report and Accounts. Legal costs will always vary from year to year and it can be difficult to predict or infer a pattern, particularly over a period as short as two years. The marked difference between these two years can be readily explained by particularly high legal cost recovery in 2018/19 of over £209K in one case alone, out of a total cost recovery of £232K.

It was stated in Committee that Ofsted has taken on increasing levels of regulatory work. Whilst this is true, it is not necessarily an accurate predictor of numbers of enforcement appeals brought, which dropped over the two relevant years from 91 to 82 new cases.

External legal costs on enforcement appeals was further reduced over these two years through the bolstering of internal legal resource to undertake this work, reducing external legal spend on this work from £267K to £53K over the two year period.

By way of clarification, the published legal costs do not include those incurred on time-limited projects such as legal work on IICSA.

Outstanding schools

Schools are able, via the appropriate authority (normally the school's governing body), to request an inspection. We treat these inspections as an inspection under section 5. If we carry one out, HMCI may charge the appropriate authority for its cost. At present, HMCI is not exercising this power.

Whilst Ofsted receives such requests from time to time, they are rare. Each is dealt with on its own merit, and requests are considered in accordance with our process for scheduling inspections because of the need to balance inspection priorities (including our legal requirement to inspect certain schools within prescribed intervals) with the resources available to us to carry out inspections.

There is no routine means of recording such requested inspections. However, from our records it appears two such inspections of exempt schools took place in 2014, and we found no records of any occurring since then.

The Baker Clause

The provision of careers education, information, advice and guidance (CEIAG) is something we have asked our inspectors to look at during inspections. Our inspection handbooks are clear that both schools and further education and skills (FES) providers should be providing high quality CEIAG. However, inspectors are not required to specifically report on compliance with the Baker Clause in inspection reports.

The provision of CEIAG is considered as part of the wider judgement for personal development. As the provision of careers advice does not have a standalone judgement, we do not collect data on the numbers of providers we have found who are not complying with the statutory guidance. Earlier this year, we analysed a small number of inspections to see what level of CEIAG is being offered in schools and FES providers.

We reviewed 120 section 5 school reports published between September and December 2019. Of these, 62 had sixth form provision. The key findings from our analysis show:

- Three-quarters of reports include some comment about CEIAG.
- Judgements around careers guidance for sixth form students is made in most reports. For school pupils, CEIAG is commented on in three-fifths of reports.
- Most reports are positive about careers guidance for school pupils and sixth form students.
- Strengths are reported across the range of school types including secondary, middle deemed secondary, all-through and grammar.

- Overall, the inspection reports analysed identified that most pupils in most schools (around 80%) receive high-quality CEIAG.
- High-quality careers guidance can be found in outstanding, good, requires improvement and inadequate schools.

When specific comments are made about careers advice, inspectors give examples that include visits from employers and guest speakers who talk to pupils about different types of jobs; undertaking work experience such as with local businesses in construction, care and engineering; visits to universities and colleges to help pupils think about opportunities open to them; and learning about different careers by attending careers days. A few reports make specific reference to apprenticeships, for example, 'The careers programme gives pupils an insight into the world of work. It helps them to understand college life, the courses they can follow and about apprenticeships'.

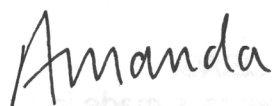
For FES providers we reviewed 145 full and 50 short inspection reports published between September 2019 and July 2020. All but three of the sampled reports made direct reference to the provision (or not) of careers guidance. Providers included independent learning providers, colleges, community learning and skills providers, employer providers, sixth form colleges, 16 to 19 academies and other FES providers. The key findings from our analysis show that:

- Just over a half of providers did not provide high-quality careers education, information, advice and guidance (CEIAG).
- Independent learning providers made up half of the inspection reports. Two in five of these reports identify CEIAG as a significant weakness.
- CEIAG for apprentices in over half of providers was not high-quality.
- Weaknesses in CEIAG were reported in two in five providers graded outstanding or good and three-quarters graded requires improvement or inadequate.

This analysis is part of a wider piece of work being undertaken to help inform future training, improve general inspection practice.

I hope you find this information helpful.

Yours sincerely



Amanda Spielman

Her Majesty's Chief Inspector