Following the evidence session I attended on Wednesday 23 January, there were a number of issues on which I agreed to provide additional information or clarification. I hope that you found the session interesting and helpful.

**Outstanding schools**

I offered to provide a list of the number of exempt outstanding schools and the year in which they last had a full inspection. The table below is based on inspections published by 31 December 2018.

**Table 1: Exempt outstanding primary and secondary schools by the academic year of their most recent full inspection**

<table>
<thead>
<tr>
<th>Year of inspection</th>
<th>Number of schools</th>
<th>Percentage¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>All years</td>
<td>3,757</td>
<td>100</td>
</tr>
<tr>
<td>2018/19</td>
<td>37</td>
<td>1</td>
</tr>
<tr>
<td>2017/18</td>
<td>125</td>
<td>3</td>
</tr>
<tr>
<td>2016/17</td>
<td>205</td>
<td>5</td>
</tr>
<tr>
<td>2015/16</td>
<td>188</td>
<td>5</td>
</tr>
<tr>
<td>2014/15</td>
<td>395</td>
<td>11</td>
</tr>
<tr>
<td>2013/14</td>
<td>395</td>
<td>11</td>
</tr>
<tr>
<td>2012/13</td>
<td>499</td>
<td>13</td>
</tr>
<tr>
<td>2011/12</td>
<td>448</td>
<td>12</td>
</tr>
<tr>
<td>2010/11</td>
<td>187</td>
<td>5</td>
</tr>
<tr>
<td>2009/10</td>
<td>185</td>
<td>5</td>
</tr>
<tr>
<td>2008/09</td>
<td>453</td>
<td>12</td>
</tr>
<tr>
<td>2007/08</td>
<td>366</td>
<td>10</td>
</tr>
<tr>
<td>2006/07</td>
<td>274</td>
<td>7</td>
</tr>
</tbody>
</table>

¹ Percentages are rounded and may not add to 100.
Multi-Academy Trust Summary evaluations

We briefly discussed Multi-Academy Trust (MAT) inspections. I can confirm that we started our new model for MAT summary evaluations from December 2018, which replace what were formerly called ‘focused reviews’ or ‘batched inspections’. This is a two-phase model where academy inspections will normally be spread over a period of up to two terms, with a visit to the MAT carried out after all academy inspection reports are published.

The new model is not a radical departure from the former approach, but offers more flexibility in scheduling and delivery. It increases the time inspectors spend with MATs, and so acknowledges their integral role in the running of their schools. From the summary evaluations already carried out (albeit a small number), the feedback from MAT leaders is very positive.

However, this model is not a substitute for inspection of MATs. As I made clear to the committee and elsewhere, I believe that given the fundamental role that MATs have in running their constituent schools, a proper inspection process would better enable us to identify issues such as the ones the Committee highlighted.

Parent focus groups

During the session I said that I would send you details of the focus groups we have held with parents. We used the consultancy Public First to conduct these groups, in two phases, the first in 2017 and the second in 2018.

In 2017, we held groups in London, Long Eaton, Leeds and Clacton. In each location we held one focus group for primary school parents and one for secondary parents.

These centred on the following questions:

- What do parents think about the quality of their child’s school?
- What factors determine whether a school is good or not?
- How do schools – and those that run the education system – communicate with parents now?
- What do people think about the materials that Ofsted currently uses to communicate with parents?
- What would they like to see?

In 2018, we ran focus groups in Leicester and Manchester, with a separate primary and secondary group in each location as before.

We also held 12 individual interviews with parents in Birmingham, London and Manchester, a discussion with a group of our own inspectors and a roundtable with senior Ofsted officials.
The aim of this second phase was to discuss the existing Parent View questions with parents and to create a longlist of potential new questions. To be used in Parent View from September, when the new framework commences.

All the focus groups were with parents in NRS social grades C1 and C2, who we know are harder to engage with about our inspection reports than other groups.

We also held individual parent interviews when planning our new reports website, which is now live. We met with 12 parents, at various locations in London (where there is good school choice) and looked at how they found information about a school. This allowed us to get a good understanding of what they needed and wanted from Ofsted’s report site. The research investigated how parents gather information about schools, and found that there were three general categories of parents – ‘skim, swim or dive’. The skimmers liked to know what the rating was from Ofsted but had already chosen a school based on location and general reputation in the area. Swimmers wanted to find out a bit about the school, what it was like and what its performance was like compared with national/other local schools. Divers wanted to look at every fact they could, including the performance tables website, the school prospectus and website, all Ofsted reports, would speak to other parents and visit the school to speak to the Head.

While we were discussing our parental focus groups, I said that I didn’t think funding had come up as an issue. It is true that parents did not identify funding as an issue that they would like to see commented on in inspection reports. However in the 2017 groups, parents did raise concerns about funding cuts and their impact on schools. The Public First report says that these concerns appear to have come primarily from the schools themselves, although the precise nature of its origin was unclear. I apologise for any misunderstanding.

**Pupil Premium**

We briefly discussed pupil premium and I thought it might be helpful for me to provide some additional information to the Committee. On inspection, inspectors gather evidence about the level of pupil premium funding received by the school (in both current and previous academic years), how leaders and governors have spent the pupil premium and their rationale for this spending. They look at its intended impact and any differences made to the learning and progress of disadvantaged pupils.

Inspectors recommend an external review of the school’s use of the pupil premium if they identify weakness in the provision and outcomes for disadvantaged pupils. This means that the school should seek support from an independent external system leader with a track record of accelerating disadvantaged pupils’ achievement. Full details of what might be the form and nature of such a review can be found at:
www.gov.uk/pupil-premium-reviews. Inspectors will follow up on the review at subsequent inspections.

**Unregistered schools**

We were pleased that government acknowledged the need for changes to legislation related to unregistered schools in its Integrated Communities Green Paper, published in March 2018, but there has been a disappointing lack of progress in this area since then.

The legislation needs to change significantly to help us secure successful prosecutions of unregistered schools. In particular, we are seeking changes that would:

- create a statutory definition of what constitutes ‘full-time’ education. This should help to close the loopholes that allow schools to evade scrutiny that are in fact providing the vast majority of some children’s education;
- increase Ofsted’s powers to search for and seize evidence as part of an investigation in an unregistered school; and
- strengthen the DfE’s ability to close down unregistered schools and prohibit the people in charge of them from running schools.

We continue to urge the DfE to bring forward its proposals to strengthen the law in these areas.

**School uniforms**

In November 2017 I met a group of Muslim women to discuss their concerns about the growing trend of primary schools including the hijab as either a compulsory or optional item in their uniform policy. This was a matter of concern to this group of women given that traditionally, the hijab is not worn until girls reach puberty, as a mark of modesty. We heard from this delegation that schools often seek advice on uniform policy and other faith matters from what in some cases are quite extreme religious institutions, without knowing whether they are getting appropriate and balanced view points. They also expressed concerns that young girls were being withdrawn from PE lessons and other physical activities in primary schools where their clothing was incompatible with the activity.

Following this meeting, I met another group of Muslim women (some representing particular groups) who generally took a different point of view, to make sure that I had heard from a range of perspectives.

While it is important that young people are able to practise the tenets of their faith, it sets a worrying precedent for schools to be put under pressure to accommodate cultural preferences, such as the wearing of the hijab by young girls, in addition to religious necessities. This is especially the case where the school believes that
accommodating preferences may damage the cohesion of the school or children’s learning or social opportunities. We are aware of cases where families who do not wish their young girls to wear the hijab are facing pressure from other more conservative families to do the same. In some cases young girls are being bullied at school for not wearing the hijab. This is of deep concern to me. Schools must have the right to set school uniform policies as they see fit, without excessive pressure from national religious groups or anywhere else.

This issue was highlighted at St Stephen’s Primary School in Newham in early 2018. The headteacher at St Stephen’s had set a uniform policy that did not include hijabs for girls under the age of eight, following a proper consultation with the school community. Only some months later, after the school attracted national media attention as an exceptionally high performing school, did it see a backlash led by national campaign groups and conservative local faith groups which led the headteacher to reverse her decision. It is important that headteachers who have consulted properly are supported when they take decisions in the interest of their pupils.

Following these concerns, I have asked our inspectors to be aware of and consider these issues at inspection, alongside the wide range of other issues that can affect children’s time in school. Our school inspectors are experienced teachers and school leaders who regularly talk to groups of children during every inspection about a range of issues, such as discrimination, relationships, bullying and children’s understanding of other cultures. They do not single out individual children during inspection and always ensure that questions are appropriate to the age of the children, their culture and their faith, and that the children are comfortable to engage in discussion. The groups are of mixed ages, genders and ethnicities from across the school.

We train our inspectors on these and many other sensitive issues. When developing and clarifying this aspect of our training, we met a range of stakeholders including faith groups and other interested parties, including:

- The Association of Muslim Schools
- Social Action Research Foundation
- Board of Deputies of Jewish Schools
- Church of England Education Office
- Catholic Education Service
- The Board of Deputies of British Jews.

We also speak regularly to headteacher groups, school leaders and relevant politicians.

Ofsted does not have a policy on the wearing of the hijab in schools and we respect parental choice. We have no intention of eroding parents’ or children’s rights. However, we do have concerns, and a legitimate interest, if children face pressure to
wear certain items of clothing, or if parents experience pressure from others to dress their child in a particular way. We must report if we find issues in a school that are leading to some children’s education or school experience being adversely affected.

**Opportunity Areas**

We discussed Opportunity Areas and how we engage with them. My regional directors have regular conversations with Local Authorities, Regional Schools Commissioners and Opportunity Area co-ordinators, as part of their work in the region. I have visited the Opportunity Area in Derby.

**Hospital schools**

You briefly asked me about hospital schools. Ofsted inspects hospital schools using our standard framework (found in our handbook\(^2\)) under section 5 and section 8 of the Education Act 2005 according to their status; many hospital schools are special schools or pupil referral units. Obviously, as with any school, the specific context of the hospital school will be taken into account when we inspect them.

I believe you said you had an issue you might want to raise with me. Please do get in touch with my office to arrange a telephone call or meeting.

**Local Area SEND inspections**

We talked about whether we look at funding as part of our Local Area SEND inspections. We do look to ensure the appropriateness of plans including the use of funding earmarked for the plan. However, we do not evaluate at a local area level the extent to which funding directly impacts/influences provision. We know that financial challenges have affected services in many areas.

In our annual report we highlighted that after two years of these inspections, we have inspected 68 local areas and 30 of those have been required to provide a written statement of action. Frontline workers are clearly dedicated and professional, but improvement in many local areas is often slow and inconsistent. In particular, in the areas we visited, we are seeing:

- a continuing trend of rising exclusions among children and young people with SEND;
- mental health needs not being supported
- children and young people with autism waiting up to two years to be diagnosed; some were not being educated at all during this time

• a continuing lack of coordinated 0–25 strategies and poor post-19 provision, which means some young people just doing the same things for six years more after age 19, and not moving into employment.

**Legal costs**

You asked me how much we have spent on legal costs in recent years. These figures in the table below include litigation and enforcement/tribunal costs for instructing external lawyers and counsel’s fees, as well as a small amount of legal costs for non-litigious matters, such as instructing counsel for advice on key issues and also small sums on employment and commercial advice.

In tribunal cases it is very unusual to recover costs even where we win a case. For that reason, there is often low risk to providers in challenging decisions. Since 2015, we have won 95% of cases that have been to a final hearing.

In other litigation matters you will see that we have been able to recover significant amounts of legal fees. Costs incurred in one financial year may be recovered in the next. For example, in the Durand Academy case, we have only just recovered our legal fees – circa £209K – but significant legal costs were incurred before this financial year.

We work hard to achieve value for money in the provision of legal services and use in-house resources as much as possible.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>External Legal Fee Spend £000</th>
<th>Fees Recovered £000</th>
<th>Net Spend £000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>735</td>
<td>38</td>
<td>697</td>
</tr>
<tr>
<td>2014-15</td>
<td>1354</td>
<td>5</td>
<td>1350</td>
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<tr>
<td>2015-16</td>
<td>769</td>
<td>4</td>
<td>765</td>
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<tr>
<td>2016-17</td>
<td>693</td>
<td>32</td>
<td>661</td>
</tr>
<tr>
<td>2017-18</td>
<td>785</td>
<td>151</td>
<td>633</td>
</tr>
</tbody>
</table>

Note: numbers may not add due to rounding.

We do not routinely record the exact amount of time inspectors spend preparing and attending hearings. However, recent research by our legal team has shown that in one routine three-day registration cancellation case, 128.5 hours of inspector time were used and in one complicated eight day case, 667 hours of inspector time were used. Most of our cases that reach final hearings will fall between the two. This is many times the work involved in the original inspection.
I hope you find this information helpful.

Yours sincerely

Amanda Spielman

Amanda Spielman
Her Majesty's Chief Inspector