

Clive House
70 Petty France
London
SW1H 9EX

T 0300 123 1231
Textphone 0161 618 8524
enquiries@ofsted.gov.uk
www.ofsted.gov.uk

Direct T 0300 013 0930
hmci@ofsted.gov.uk



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Meg Hillier MP
Chair, Public Accounts Committee
House of Commons
Westminster
SW1A 0AA

Amanda Spielman
Her Majesty's Chief Inspector

Dear Meg

Further to the committee's request, I am writing to share with you what Ofsted believes are the major risks to the quality of education and school effectiveness.

I would like to reiterate what I said to the committee during the oral evidence session. As Chief Inspector, I believe that it is important that I comment only on areas where we have evidence, rooted in inspection findings. To do otherwise, and to offer opinions on a wider range of policy matters, would only undermine Ofsted's credibility.

However, in those areas where our inspections are highlighting system-wide concerns, we have not hesitated to speak out. Since taking up the position of Her Majesty's Chief Inspector (HMCI), I have spoken out, for instance, on off-rolling, the narrowing of the curriculum, illegal unregistered schools, the importance of supporting headteachers from outside pressures, domestic abuse and neglect of children.

This is the approach that I will continue to take throughout my term in office: speaking from the evidence to make sure that Ofsted remains a force for improvement in the education and care sectors.

Funding

There is no doubt that funding is a major topic of concern in the sector. With increased employment costs and other pressures, schools are having to make difficult choices after years of growth.

Although government funding per pupil almost doubled in real terms between 1997–8 and 2015–16, what is not clear is whether schools have made the most of this investment. We know that a major area of growth has been in the employment of teaching assistants, particularly in schools with disadvantaged intakes that have benefited from the introduction of the pupil premium. This has some benefit,

particularly to teachers' workload, but the evidence of its impact on the attainment of pupils is far from clear.

In recent years, as funding growth has slowed, school leaders have had to work harder to balance their budgets and we see this necessitating some difficult choices. Currently, however, my inspectors are not seeing an impact on education standards. Eighty-six per cent of schools are good or outstanding and there is no recent evidence of falling levels of attainment at key stages 2 or 4.

I should say here that the current inspection framework is not designed to capture the effects of curriculum narrowing for schools that continue to meet statutory curriculum requirements. This is one of the reasons why we propose to change our framework, as discussed below.

We will, however, continue to monitor the situation. In light of the committee's clear interest in this area, I asked my research team to undertake a literature review of the available evidence on school funding; I have annexed it to this letter. In carrying out this review, my researchers have identified areas of further research for Ofsted to explore.

While it is true to say that spending per pupil in primary and secondary schools has increased significantly in real terms since the early 1990s, the same is not true for further education and skills (FES) spending. I have expressed my concerns before, based on our inspection evidence, that the real-term cuts to FES funding are affecting the sustainability and quality of FES provision. My strong view is that the government should use the forthcoming spending review to increase the base rate for 16 to 18 funding.

Accountability for many educational institutions is split across different bodies, in particular the EFSA has responsibility for providers' finances. We are working closely with the EFSA and Regional Schools Commissioners to improve information sharing, which better helps us hold providers to account.

Loss of substance

Where we do have clearer evidence of a decline in the quality of education are in the narrowing of the curriculum in schools and an endemic pattern of prioritising data and performance results, ahead of the real substance of education.¹ Based on feedback from the sector on this issue, one of my first decisions as HMCI was to commission in-depth research into the curriculum.

¹ HMCI's commentary: recent primary and secondary curriculum research, Ofsted, October 2017; www.gov.uk/government/speeches/hmcis-commentary-october-2017

That work has confirmed many of our concerns. It should go without saying that schools must work to make sure that pupils leave school with the qualifications and examination results that set them up for future success. The importance of that is not in doubt, and pupil progress and attainment will always be a central measure in the school accountability system.

However, our research has found evidence that an overly data-driven accountability system is narrowing what pupils are able to study and learn. In primary schools, we found examples of schools effectively suspending Year 6 to focus exclusively on SATs, rather than encouraging children to grapple with new mathematical concepts or encouraging them to read widely. Schools were forcing pupils instead to retake reading comprehension papers, with the purpose of boosting the schools' results, not their pupils' abilities to read.

In secondary schools, we found many examples of key stage 3 being narrowed to just two years. That means that pupils drop design and technology, art, music or languages after just two years of secondary study, often in very limited time each week. At GCSE, lower attaining pupils were often steered away from EBacc subjects and towards qualifications such as the European Computer Driving Licence that score well in Progress 8 but are of dubious educational value.² This has been evidenced by the huge drop in entries to this particular qualification since it ceased to count in the performance tables.

Even for tested subjects, we are seeing schools eliminating from their programmes of study the parts of the curriculum that are not readily tested in the examinations. Some schools are teaching disproportionately exam technique rather than subject content or are devoting excessive time to revision or are relying on exam-oriented interventions. We have heard of schools tracking assessment objectives from GCSEs back to Year 7 and starting studying specification 'set-texts' years in advance.

The reasons why schools have adopted these practices are understandable. The accountability system in recent years has become overly weighted in favour of performance data and has shifted away from what is actually being taught. As our own inspection practice has moved away from subject-level review and towards shorter, in many cases just day-long, inspections, Ofsted inspections have themselves become more data-driven. Further more, despite the fact that the vast majority of schools and teachers have never wanted to engage in 'gaming the system', when they see other schools doing the same, they feel pressured to emulate those schools or risk poor league-table positions.

² The Department for Education has, since 2018, removed the European Computer Driving Licence from its Progress 8 measurement.

This approach is failing young people. That is why, as I have recently announced, I want to rebalance the inspection framework so that Ofsted plays its proper role in complementing rather than intensifying performance data.

Under the new framework, we are proposing a new 'quality of education' judgement. This will include curriculum intent, depth and breadth alongside the quality of teaching, the quality of pupils' work and the resulting outcomes. Rather than viewing outcomes in isolation, we want instead to look at them as the product of a good, strong curriculum. This judgement will have three distinct aspects:

- Intent – what is it that schools want for all their children?
- Implementation – how is teaching and assessment fulfilling the intent?
- Impact – the results and wider outcomes that children achieve, and the destinations that they go on to.

By looking at these factors, we hope to see schools refocus their efforts on what it is their pupils study and learn, making sure that all their students, and in particular the most disadvantaged, study a curriculum that is rich, broad and deep.

At the same time, we believe that this approach will play a part in tackling the teacher recruitment crisis. We know that one of the biggest drivers of teacher workload is the ubiquitous performance data culture. Teachers tell us that they feel they have been turned into data managers. By moving the inspection conversation away from data and towards substance, we will properly re-empower teachers as experts in their subjects.

Managing who counts

While one reaction to the pressure of data-driven accountability has been managing what pupils study and which exams they take, the second reaction has been an attempt to manage which pupils count for the purpose of league-table positions.

Over recent months, I have expressed my concerns over off-rolling. There are legitimate reasons for a school to exclude a pupil. And, used correctly, exclusion is a vital measure for headteachers to deploy. I will always stand up for the right of headteachers to exclude pupils where it is necessary. However, the illegal off-rolling of pupils, driven by a desire to boost results, is not acceptable in any circumstances. Such an approach harms children for life.

To play our part in tackling this practice, we have already increased the focus on off-rolling under our existing framework. Inspectors now have information highlighting schools with unusually high levels of pupils leaving their rolls, particularly between years 10 and 11, the GCSE years. With this information, they are better able to ask

school leaders the right questions about how and why these pupil movements are occurring.

Our new inspection framework will go further: the changes we are proposing will make it easier to recognise and reward good work done by schools for all children. By shifting our focus away from performance measures in isolation, we will empower schools to put the child first.

Intractable schools

While the overall quality of schools has improved since 2010, 15% of schools were judged to require improvement or to be inadequate at their latest inspection. This is over 3,100 schools.

In last year's Annual Report, we highlighted a group of 'intractable' schools that had had poor performance for a very long time. We remain concerned about schools like these that are 'stuck' in a cycle of poor performance. This year, we have looked in more detail at the characteristics of schools that have been judged to require improvement or be satisfactory or inadequate in every inspection they have had since 2005. For schools that became academies during this period, we have included the inspection outcomes of both the previous local authority maintained school and, where available, of the new academy. There are around 490 such stuck schools, including over 290 primary schools and over 190 secondary schools.

Our analysis of these stuck primary and secondary schools found that:

- the proportions of pupils who are eligible for free school meals and those who are White British pupils eligible for free school meals are well above the national average
- the proportion of stuck secondary schools varies considerably among different regions.

That these schools remain poor for so long means that, for some children, in certain areas, there may be no opportunity to attend a good school at any point in their education. This is nothing short of a scandal and is a betrayal of children's futures.

It is right that successive governments have focused on improving quality in these schools. We know from the experience in places such as London that, with concerted effort, it is possible to bring about wholesale improvement. For that reason, we welcome and support the government's investment in 'Opportunity Areas', which contain some of these intractable schools. However, we also know that some of these schools are likely to have received a number of interventions from national and local schemes over the past decade and yet they have not achieved sustained improvement. To better understand why that is the case, Ofsted will next year

undertake an evaluation project on why interventions designed to secure improvement, including inspection, have not been effective in some schools.

Outstanding schools

Ofsted's main role is to provide independent objective scrutiny of the providers we inspect. Alongside MATs, I am concerned that there are other areas of our education system that lack that oversight.

The most obvious of these are outstanding primary and secondary schools. Since 2011, outstanding schools have been exempt from routine inspection. As a result, some schools have not been inspected in over a decade. This is unpopular with parents and even with teachers.³ Eighty five per cent of teachers agree that exemption should not be indefinite. More importantly, it leaves us with real blind spots as to the quality of education and safeguarding in these schools. While some issues with outstanding schools will be caught in performance data, allowing us to trigger an inspection, others, such as curriculum narrowing, gaming and poor safeguarding practices, may not.

The outstanding grade should be a symbol that a school is a beacon of excellence. If we are to maintain its reputation, the exemption from inspection for outstanding schools must be removed and Ofsted fully resourced to inspect those schools.

Education structures

While school inspection has adapted significantly over the past 25 years, I am concerned that the current construction of the accountability system no longer reflects the education system we have today. When Ofsted was introduced in 1992, England had a largely homogenous school system. Although schools had a wide degree of autonomy by international standards, they sat under the auspices of local authorities and followed a national curriculum. For many schools, that is not the case today.

For my part, I have supported moves to give headteachers greater autonomy through the academy programme and, indeed, I helped to pioneer one of the first major academy trusts. However, that experience has only served to further convince me that it is vital that our inspection and accountability system also evolves to reflect the new reality of the school landscape.

As you will be aware, Ofsted does not at present have the ability to inspect multi-academy trusts (MATs). We believe this situation is untenable. In many MATs, much decision-making now sits at the level of the trust, not just on financial and

³ Teachers' awareness and perceptions of Ofsted, August 2018;
www.gov.uk/government/publications/annual-teachers-survey

employment matters, but in determining curriculum, teaching and assessment. To remain properly valid, inspection must reach every level at which decisions are being made, otherwise we will only ever be able to give the Department for Education (DfE), parents and Parliament a partial view of what is happening in our schools. That brings with it very real risks that have started to show themselves in some recent high-profile failures of academy trusts.

Unregistered provision

As I am sure you are aware, I have repeatedly expressed my concerns about the number of children disappearing from the formal system and into unregulated, unregistered provision. That includes much alternative provision (AP), which does not always have to be registered and therefore is subject to no independent scrutiny – despite the fact that a lot of AP caters for some of our most vulnerable children.

This provision may not be operating full-time, but children attending may receive their full-time education by attending two or more alternative providers, none of which is inspected or required to meet appropriate standards.

Some children who are removed from school will not end up in any form of AP, but instead will be home-educated. While Ofsted accepts that home education is a legitimate choice for parents, and is often done well, too often, the concept of home education is being warped. We have a lot of anecdotal evidence that suggests that parents are home-educating their children under duress, to prevent exclusion. Often, these parents do not have the capacity to provide a good standard of education. In other cases, parents use home education as a guise to allow them to use illegal schools or to evade the scrutiny of public services.

The lack of information about where these children end up is perhaps my greatest concern as Chief Inspector. I am not proposing that Ofsted inspects home education, but we must now move to a registration process run by local authorities. This would ensure that we know where these children are and that they are safe. I very much hope that the DfE moves quickly from its recent call for evidence to a concrete legislative solution.⁴

On top of this, illegal unregistered schools remain a huge concern for Ofsted. My unregistered schools taskforce is continuing to identify and investigate unregistered schools and we were pleased to support the first successful prosecution of an unregistered school just last week. However, our current lack of powers to seize

⁴ Home Education – Call for Evidence and revised DfE guidance, Department for Education, June 2018; <https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/>

evidence means that we are tackling this problem with one hand tied behind our back.

My inspectors have been shocked by what they have found in these schools. Often, the premises are squalid and unsafe. The quality of education offered is often poor and, in some cases, the curriculum is severely limited. We have heard from children in these schools who, for instance, were never taught basic mathematics or how to read English. This is made easier by the fact that there is no formal definition of full-time education, allowing providers to exploit loopholes. We continue to call for a tighter definition of what constitutes a school and for a lower hourly threshold for an institution to qualify. This would allow us to make sure that more young people are being educated in suitable provision and help to tackle the three main risks our inspectors have identified to pupils in these schools:

- Firstly, the very narrow education being taught: some of these schools are giving a predominantly or exclusively religious education. I am greatly concerned that these children are not being prepared for life in modern Britain.
- Secondly, the threat of exposure to extremism: in some schools we see extremely worrying material. This material has been found in poorly performing registered independent schools and even in a maintained community school, but also in unregistered schools, where our powers to tackle it are far more limited. We have, for instance, found books that say it is acceptable for men to use physical violence against their wives, texts that say it is unacceptable for women to refuse sex to their husbands and literature calling for the death of gay people. These texts have no place in young people's education.
- And, finally, the ability to hide child abuse: anywhere where there is not adequate scrutiny of adult engagement with children, there is the risk of child abuse. When children are educated in a mainstream school, any adult coming into contact with those children has been DBS checked and must follow clear safeguarding procedures. This is not always the case in unregistered schools.

Community pressures


I am also concerned that too little support is given by the DfE and local authorities to schools that face pressure from groups in the local community or national pressure groups. You will be aware of a number of high-profile examples in recent years.

When these groups press for changes in school policy on the basis of religion or culture, it can lead to the curtailing of rights of other protected groups, most often girls. This can affect what is taught, what is not taught, what activities children take part in and what they are withdrawn from, and what children wear or do not wear. Ofsted will always support schools that make the right decisions in the interests of all

children who attend their school, particularly when this is in the face of undue influence. However, as the inspectorate, there is only so much we can do. We very much hope that the DfE moves to put in place stronger guidance to support schools that find themselves in these circumstances.

I hope that this letter provides you with the information you were seeking. In addition, I will shortly be publishing my Annual Report 2017/18, with a full overview of our findings in all the remits we have inspected over the past year.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Spielman". The script is fluid and cursive, with the first letter of each word being capitalized and prominent.

Amanda Spielman
Her Majesty's Chief Inspector