

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT EDUCATION (EXEMPTION FROM SCHOOL  
AND FURTHER EDUCATION INSTITUTIONS  
INSPECTIONS) (ENGLAND) (AMENDMENT)  
REGULATIONS 2020

*Wednesday 4 November 2020*

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**The Committee consisted of the following Members:**

*Chair:* YVONNE FOVARGUE

- |  |   |
|--|---|
| † Aldous, Peter ( <i>Waveney</i> ) (Con)                     | Gwynne, Andrew ( <i>Denton and Reddish</i> ) (Lab)                          |
| † Allan, Lucy ( <i>Telford</i> ) (Con)                       | Lewis, Clive ( <i>Norwich South</i> ) (Lab)                                 |
| † Britcliffe, Sara ( <i>Hyndburn</i> ) (Con)                 | † Richardson, Angela ( <i>Guildford</i> ) (Con)                             |
| † Campbell, Sir Alan ( <i>Tynemouth</i> ) (Lab)              | Spellar, John ( <i>Warley</i> ) (Lab)                                       |
| † Cates, Miriam ( <i>Penistone and Stocksbridge</i> ) (Con)  | † Streeting, Wes ( <i>Ilford North</i> ) (Lab)                              |
| † Colburn, Elliot ( <i>Carshalton and Wallington</i> ) (Con) | † Tomlinson, Michael ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Dines, Miss Sarah ( <i>Derbyshire Dales</i> ) (Con)        |   |
| † Djanogly, Mr Jonathan ( <i>Huntingdon</i> ) (Con)          |   |
| † Duffield, Rosie ( <i>Canterbury</i> ) (Lab)                | Bradley Albrow, Abi Samuels, <i>Committee Clerks</i>                        |
| Efford, Clive ( <i>Eltham</i> ) (Lab)                        |   |
| † Gibb, Nick ( <i>Minister for School Standards</i> )        | † <b>attended the Committee</b>   |

# Ninth Delegated Legislation Committee

Wednesday 4 November 2020

[YVONNE FOVARGUE *in the Chair*]

## Draft Education (Exemption From School and Further Education Institutions Inspections) (England) (Amendment) Regulations 2020

2.30 pm

**The Minister for School Standards (Nick Gibb):** I beg to move,

That the Committee has considered the draft Education (Exemption From School and Further Education Institutions Inspections) (England) (Amendment) Regulations 2020.

It is a pleasure to serve under your chairmanship, Ms Fovargue, for the first time. It is good to be here.

In the light of the coronavirus pandemic, Ofsted's routine inspections are currently suspended. We have always said that we would keep the resumption of routine inspections under review, and the Prime Minister's announcement on Saturday about further national restrictions over the next four weeks means that, more than ever, we will need to continue to do that, in collaboration with schools and colleges. We are working through the implications with those affected, and we will have more to say on that. When the time is right, we believe that every category of school and college should be inspected routinely, and that that will contribute to our wider reforms to raise standards.

Inspection is a vital part of our system, and Ofsted was founded on the principle of universal inspection. It was right in 2012 to introduce the exemption, as there was a need to increase the autonomy and freedom of our best schools and colleges, and it meant that Ofsted could focus on excellence and concentrate on where inspection was needed most—to drive up standards in underperforming schools. Standards have risen: 86% of schools are now rated “good” or “outstanding”, compared with 68% in 2010.

Autonomy and trust in our best schools and colleges are important principles that remain relevant, but that must be balanced against the need to ensure that inspection arrangements offer an appropriate level of assurance to parents, students, employers, schools, colleges and the public more generally. Many exempt schools and colleges were judged outstanding under previous Ofsted inspection frameworks, which placed different expectations on them, which is starting to lead to a loss of confidence in the outstanding grade.

Last autumn, following extensive consultation, Ofsted introduced a new education inspection framework. This is a real step forward. It strengthens the focus on having a carefully considered and sequenced curriculum and makes improvements to judgments on leadership, personal development and behaviour. All schools and colleges should benefit from an independent assessment under Ofsted's new framework and an up-to-date, rounded picture of quality and performance. That is why we should lift the exemption.

I take this opportunity to thank the external organisations, teachers and individuals who took the time to respond to our public consultation at the start of this year. We received strong support: around 90% of respondents agreed with the removal of the “outstanding” exemption for schools and colleges, and around 80% agreed with our proposed approach to doing that.

The draft regulations revoke the current set of regulations that provide for the exemption, meaning that all outstanding schools and colleges will once again be subject to routine inspection. They also introduce requirements on when routine inspections of formerly exempt schools must take place. Specifically, the chief inspector will be required to carry out an initial inspection of all these schools before 1 August 2026, and in some cases, where the initial inspection shows that outstanding performance may not have been maintained, there will be a follow-up inspection before 1 August 2027. Thereafter, subsequent inspections must take place within the five-year window that applies to other schools. The timescales for college inspections are not prescribed in regulations, but as a matter of policy will follow a similar approach to schools.

If hon. Friends and hon. Members look at the explanatory memorandum that accompanies the draft regulations, they will see the policy behind the timing of new inspections of those outstanding schools. There is a difference in approach between schools that were last inspected before September 2015 and those that have been inspected and found to be outstanding more recently than September 2015. Our intention is that the resumption of routine inspections for formerly exempt schools and colleges will align with a planned general restarting of Ofsted's routine inspections. The regulations do not signal that resumption, but they enable it at the appropriate time. So that all schools and colleges can benefit from having an up-to-date picture of their performance, we must now lift the exemption. I propose that the regulations be approved.

2.35 pm

**Wes Streeting (Ilford North) (Lab):** It is a pleasure for me, too, to serve under your chairmanship this afternoon, Ms Fovargue. I know the result everyone is waiting for today is to find out whether this Committee will agree the regulations, which have already been agreed in the other place. We do not want to detain anyone for too long.

It will come as no surprise to the Minister that we support the regulations, not least because they reverse the legislation that was incorporated in the Education Act 2011, which we opposed at the time. We agree with the case set out by the Minister: schools can change rapidly due to a wide range of factors, which makes another inspection necessary. As we have just heard from the Minister, the Ofsted framework has changed significantly, particularly in relation to, for example, greater emphasis on the importance of pupils' emotional and social development and relationships within schools. It is right that that element is inspected in order to give the public confidence in the judgments that are applied to the school by Her Majesty's inspectors.

As we saw from the consultation, the changes are widely supported by the people who responded. On stakeholder views, we absolutely agree with Geoff Barton from the Association of School and College Leaders, who said:

“We support plans to remove the current exemption from inspection of schools that are rated as outstanding by Ofsted. The exemption has resulted in parents going too long without the assurance provided by an inspection, and this situation is untenable.”

That view was shared by Nick Brook from the National Association of Head Teachers. He made a broader point that we would also endorse:

“To boost educational standards the government needs to rebalance holding schools to account with helping to improve.”

Over successive decades, there have been significant advances in educational standards in our country, and it is right that we are working with all schools to raise those standards even further and to get the very best out of those who are responsible for educating children and young people in our schools and adults in further education settings. That view is shared by the chief inspector of Ofsted, who has also called for the exemption to be lifted. We agree with all of that.

As we are here this afternoon, and without wishing to detain the Committee for too long, it seems like a good opportunity to probe the Minister on the Department’s view on the resumption of routine inspections in January 2021. We can all see the circumstances in the country at large. The fact that we are going into a new national lockdown tomorrow reinforces in everyone’s minds the challenging circumstances that the pandemic continues to place on all of us.

It seems highly unrealistic to believe that Ofsted inspections will resume as normal from January. We have to go back to first principles and ask ourselves what the purpose of inspection is. What is it that we expect inspectors to find? How do we ensure that the inspection provides a judgment that is fair to the school and the staff within the school, and which is informative to parents and others who use inspection reports? These are not normal circumstances. The idea that normal inspections would take place as usual from January seems not just highly improbable but undesirable. I wonder what thinking the Department is doing on that subject and whether it has any plans to make any changes.

What consideration is the Minister giving to how we might best use Ofsted during this period? Ofsted thematic reviews have been widely accepted and respected as valuable, right across the education profession. Might we better use the considerable resources and expertise of Ofsted to conduct thematic reviews during this period, particularly looking at issues such as remote learning? That is obviously at the forefront of our minds, given the challenges facing schools and families where children are isolating at home.

I am thinking particularly about the way in which, in the current climate, schools are having to rethink the curriculum they provide. The Government have also commissioned a wide range of providers for catch-up

learning for pupils. Conducting a thematic review of those catch-up programmes would be a good use of Ofsted resources, to identify weaknesses and, more importantly, best practice. I fear that, as a result of the considerable disruption experienced by children and young people in their education this year, we are going to be talking about catch-up for many years to come.

2.40 pm

**Nick Gibb:** I welcome the hon. Gentleman’s support for these regulations. That is not surprising, given comments made in the other place this week. I agree with the comments of the NAHT that we have to balance accountability and support. As I have said, we have gone from 68% of schools being graded good or outstanding in 2010 to 86% today, but we are not satisfied with that and are focusing on that 14%. We want every local school to be good or better, so that parents can be confident about sending their children there. We have a range of support measures for schools, that require improvement, particularly those that have had two or more gradings of “requires improvement”. A whole range of measures are available if a school is put into special measures following an Ofsted inspection.

The hon. Gentleman spoke about deploying Ofsted staff. Ofsted has been deployed in local authorities during the period of suspended routine inspections, providing important professional support to those authorities in dealing with the consequences of the pandemic at a local level. He also referred to the catch-up programme, and said that Ofsted should focus on monitoring and reporting on that. These are things that will come out of any routine inspection, including how successful a school has been in helping children to catch up.

It is a huge priority for us as a Government to help young people catch up with any education lost due to the pandemic. We have secured £1 billion to help children to catch up; £650 million of that will be distributed to schools on a per pupil basis—£80 per pupil—and £350 million specifically targets the most disadvantaged pupils, through the national tutoring programme organised by the Education Endowment Foundation and the academic mentoring programme organised by Teach First.

These are important programmes, and we share the hon. Gentleman’s objective of ensuring that all our young people can catch up. No young person, no child, should have their long-term prospects blighted as a consequence of this pandemic. That is our overwhelming objective in the year ahead. On that note, I propose that we agree that the regulations have been considered.

*Question put and agreed to.*

2.43 pm

*Committee rose.*





