

Minutes of the Board 26 September 2018

Present

Julius Weinberg	Chair of the Board
Kathryn August	Board member
John Hughes	Board member
Pamela Scriven	Board member
Venessa Willms	Board member
Amanda Spielman	Her Majesty's Chief Inspector, Board member

Apologies

John Cridland	Senior Board member
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Also in attendance

Matthew Coffey	Chief Operating Officer
Lorna Fitzjohn	Regional Director, West Midlands
Louise Grainger	Director, Finance, Planning and Commercial
Sean Harford	National Director, Education
Julia Kinniburgh	Department for Education observer
Yvette Stanley	National Director, Social Care
Luke Tryl	Director, Corporate Strategy
Sarah Thornton	Corporate Governance Officer

Status: Approved.

1 Welcome, apologies and declarations of interest

- 1.1 The Chair welcomed attendees to the meeting and noted apologies from JC.
 - 1.2 HMCI declared a new interest as a member of the Worshipful Company of Founders, which provides support for education at schools with which it has close historical ties.
 - 1.3 VW declared an interest as Director of Primary of Ark Schools, in relation to an upcoming discussion of the Education Inspection Framework 2019.
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2 Minutes, matters arising, action log and forward look

- 2.1 The minutes of the previous meeting were agreed as an accurate record.
 - 2.2 It was confirmed that an update on the progress of the Education Inspection Framework (EIF) 2019 would take place at a Board meeting in the spring term, and a session to discuss cyber security would also be scheduled for the Board and Audit and Risk Assurance Committee members in the upcoming year.
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3 Update from Her Majesty's Chief Inspector (HMCI)

- 3.1 HMCI presented her report and noted the following:
 - The recent report of the Public Accounts Committee (PAC) was critical of Ofsted's refusal to assert hypotheses that aren't supported by evidence gathered on inspection.
 - Development of EIF 2019 is well in hand, and testing of the criteria through piloting is scheduled to begin the week commencing 8 October. It is on track to go to full consultation in January 2019.
 - External engagement has resumed after a quieter summer period. A meeting with the Mayor of London was useful. HMCI received positive feedback about Ofsted's work in London. Similarly, positive feedback was received about our performance in the FE sector from the President of the Association of Colleges, Steve Frampton, during a recent meeting.
 - This year's YouGov report on teacher attitudes has been released. **Action:** LT to share with the Board the exact statistics of how well teachers believe messages from Ofsted permeate through to their school's senior leadership team.

4 Update from the Chief Operating Officer

4.1 The Chief Operating Officer presented his report and noted the following:

- Revisions have been made to the operational performance dashboard to help analyse the current position more accurately.
- Ofsted has met its agreed commitments with the DfE to inspect all independent schools at least once between the period September 2015 and July 2018, except in 19 cases where it was explicitly agreed with the DfE that the inspection of the school should be deferred.
- Children's home inspections have been closely monitored, and we are confident that the necessary resource is in place to deliver the regulatory programme by the end of March 2019.
- The Executive Board have agreed to the establishment of three new operating goals to support the delivery of the strategy, which have been developed in response to the strategic financial review: to spend at least 70% of our resources on direct inspection and regulatory activity, while at least maintaining service levels for our internal customers and those we inspect; to double the amount of productive time inspectors spend with providers on inspection; and to have at least 80% of parents agree with the statement that 'Ofsted is a valuable source of information about education and childcare.' Good progress has been made so far on all three goals.
- A meeting has been requested with senior judicial officials to consider lessons that can be learned from the recent increase in tribunal appeals relating to regulatory issues. **Action:** MC to report the results of this evaluation to the Board.

4.2 A demonstration of the EEG system was requested for a future meeting of the Board.

5 Update from the National Director, Social Care

5.1 The National Director, Social Care, presented her update and noted the following:

- Feedback has been received both from within Ofsted and from the DfE that the Inspection of Local Authority Children's Services (ILACS) programme is providing useful results and allowing DfE colleagues to focus on local authorities that need improvement.
- During the first year of ILACS around 120 local authorities will have been inspected, visited, or monitored. Information arising from these activities will be used to give more focus to risk assessments as scheduling

continues.

- Three ILACS reports were published in August, and all three local authorities were judged to be outstanding. A general trend in ILACS inspections shows that about 60% of local authorities are improving by a grade; however, there are concerns that the current financial climate may reduce this trend over the next few months.
- Reports from the Independent Inquiry into Child Sexual Abuse (IICSA) have been published with few mentions of Ofsted. Ofsted colleagues have provided witness statements but have not been asked to give evidence. It was noted that reports published so far on Benedictine schools show a deliberate withholding of information from responsible bodies.
- The social care social media profile has noticeably increased in the past few months, with generally very positive responses from the sector. In addition to sign-posting Ofsted speeches and reports, we have highlighted good and outstanding local authority inspection outcomes as well as promoting ongoing blogs and commentaries on aspects of social care practice.

6 Update from the National Director, Education

6.1 The National Director, Education, presented his update and noted the following:

- We have responded to a parliamentary question querying the extent to which inspectors ask about off-rolling in schools. We confirmed that inspectors routinely review off-rolling data and follow up on any worrying patterns.
- The relationship between independent school standards and the school inspection handbook is being discussed, and any permanent adjustments that may need to be made to grade descriptors will be considered as part of the development of the EIF 2019.
- The preferred approach to monitoring visits to new apprenticeship levy providers has been approved by EB: that 100% of monitoring visits to new providers will be completed by 2020 and 100% of full inspections will be completed by 2022. The DfE has agreed to fund this extensive work.
- The existing ITE framework has been extended until December 2019 to enable the completion of required inspections of newly-accredited SCITTs and to develop a new ITE framework, following the introduction of the EIF 2019 from September 2019.
- The proportion of local areas that require a written statement of action (WSOA) following LA SEND inspections is increasing. Live pilots of revisits to areas that have been issued with a WSOA are envisaged to

begin in the autumn term. In July, the Minister asked HMCI to consider what the inspection framework for LA SEND might look like beyond 2021. Work is ongoing with the CQC on this and a response is due by the end of September.

7 Update from the Director, Corporate Strategy

7.1 The Director, Corporate Strategy, presented his report to the Board and noted the following:

- The recently published commentary from HMCI on the curriculum quality research was received positively. The final report is scheduled to be published in January 2019. Other research projects are well underway, including an evaluation of what happens on inspection, the results of which were recently disseminated internally. **Action:** LT to circulate these results to the Board.
- There has been a sustained rise in Freedom of Information requests for evidence gathered on inspection. Also to note the Freedom of Information team has been moved to the Corporate Strategy directorate in order to ensure a coordinated approach to external communication.
- There have been debates over how Ofsted inspects against equalities legislation, particularly protected characteristics. We have been working closely with the DfE and have been very clear that we are inspecting based on the law as it currently stands.
- The publication of the PAC report in early September generated significant press coverage, some of which has been negative. However, Ofsted's position was robustly defended in media interviews, and stakeholder responses were balanced. Both ASCL and NASUWT were supportive.

8 Strategic Risk Register

8.1 It was confirmed that the current probability of the risk relating to staff turnover and morale has reduced. This is based on the results of the pulse survey and sustained reductions in average working days lost and turnover.

8.2 It was confirmed that the risk register includes a risk about data security which is regularly monitored.

9 Finance Report

- 9.1 A review is currently taking place of projects which are underway, with the aim of releasing small amounts of funding for discovery work before committing the full amount to a project.
- 9.2 VAT recovery for the year to date has been higher than expected, and a review of VAT treatment has resulted in the reclamation of £0.2m of VAT.

10 Audit and Risk Assurance Committee update

- 10.1 It was confirmed that the Audit and Risk Assurance Committee will be tracking and providing assurance on the NAO and PAC recommendations over the next year. The audit reports on regulatory decision making and complaints management that were discussed at the last meeting showed encouraging progress.
- 10.2 The review of the risk register was discussed. It was noted that the new risk register is being developed to align with the corporate strategy.

End of meeting
