

**Minutes of the Board
29 January 2019**

Present

Julius Weinberg (Chair)
Amanda Spielman (HMCI)
Kathryn August
John Cridland
John Hughes
Venessa Willms

Apologies

Pamela Scriven

Also in attendance

Matthew Coffey (Chief Operating Officer)
Louise Grainger (Director, Finance, Planning and Commercial)
Sean Harford (National Director, Education)
Mike Sheridan (Regional Director, London)
Yvette Stanley (National Director, Social Care)
Luke Tryl (Director, Corporate Strategy)
Andrew McCully (Department for Education observer)
Sarah Thornton (Corporate Governance Officer)

Status: Approved

1 Welcome, apologies and declarations of interest

- 1.1 The Chair welcomed the attendees and noted apologies from PS.
 - 1.2 VW declared a new interest as Deputy Chair of Governors of the local governing body for Ark Boulton Academy (Birmingham).
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2 Minutes, matters arising, action log and forward look

- 2.1 The minutes of the previous meeting were agreed, subject to minor amendments.
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3 Update from Her Majesty's Chief Inspector (HMCI)

- 3.1 HMCI presented her update and noted the following:
 - The consultation on the new Education Inspection Framework (EIF) was successfully launched on 16 January.
 - MAT summary evaluations are now underway. The new model has been tested with MAT leaders, who are supportive, and an operational guidance note will be published to clarify the summary evaluation process for both MATs and inspectors.
 - The 72 inspection reports of outstanding schools that Ofsted has published to date in 2018/19 show that about three-quarters of the schools inspected have declined by at least one grade.
 - Conversations are ongoing around the guidance on the Independent Schools Standards that the Department for Education (DfE) is drafting to help schools understand their obligations under the Equality Act. A meeting is scheduled with the Secretary of State to discuss this topic.
 - Following the discovery of serious safeguarding issues in a number of Steiner schools, an advice note has been sent to the DfE recommending that Ofsted take on responsibility for inspecting all independent Steiner schools and that the DfE undertake a review of the Steiner school model.
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4 Update from the Chief Operating Officer

- 4.1 The Chief Operating Officer presented his update and noted the following:
 - The corporate plan inspection volumes for schools and FES are on track to be delivered. There is an under-delivery of children's home inspections, caused in part by a significant increase in regulatory and enforcement action, but this is being closely monitored.
 - A legal review of tribunal cases has been completed, showing that the

main reason for the significant increase in tribunal appeals over the past three years is that Ofsted is taking more enforcement action within the social care remit. The findings will be used by the National Director, Social Care as she reviews Ofsted's corporate approach to regulation.

- The final report from the external review of Ofsted's processes for the selection, scheduling and deferral of statutory constrained inspections has been received, and its recommendations are being taken forward.
- On 21 December, the Court of Appeal found in favour of Ofsted's appeal regarding the handling of a complaint from Durand Academy following an inspection in Autumn 2016. The court found Ofsted's processes allowing schools causing concern to raise challenges following inspection to be fair.
- Turnover of Schools HMI and Average Working Days Lost (AWDL) continue to decrease.

5 Update from the National Director, Social Care

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

- Meetings are ongoing with senior representatives from partner inspectorates (HMI Prisons and the Care Quality Commission) to discuss a consistent approach to inspecting the secure estate, including secure children's homes, secure training centres, and youth offending institutions.
- The Independent Inquiry into Child Sexual Abuse (IICSA) recently published a literature review of published research on child sexual abuse in residential and non-residential schools. It has been reviewed by Ofsted's legal team, who have confirmed that there is a general absence of anything potentially relevant to Ofsted.
- As part of the SCCIF evaluation a meeting was held with a group of young people with experience of being in care, arranged by the charity Become, to give their views on Ofsted's inspections.
- Work is ongoing with the Care Quality Commission to understand how they manage the urgent closure of homes and determine if there are any lessons to be learned.

5.2 The Board noted the update on Ofsted Inspector recruitment checks, following a discussion at the Board meeting on 20 November 2018.

6 Update from the National Director, Education

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

- Work is ongoing to ensure that Ofsted meets the terms of the new Law Enforcement Directive (LED) in relation to enforcement work. Guidance will be issued to inspectors on how this will need to change their practice in gathering and recording evidence to support enforcement decisions.
 - The initial reaction to the draft remit handbooks, consultation documents, and research commentary following the launch of the consultation on EIF on 16 January has been positive.
 - To date, 90 LA SEND inspections have been completed. Roughly half of these local areas now require a written statement of action (WSOA).
- 6.2 Funding of local authorities, in particular their SEND provision, was discussed. It was noted that that Ofsted is increasingly being asked how much our inspection evidence shows a correlation between reduced funding and weaker provision, but that it typically does not identify any explicit connection.
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7 Update from the Director, Corporate Strategy

- 7.1 The Director, Corporate Strategy presented his report and noted the following:
- The launch of the Annual Report in December 2018 was a success and many of the key messages were picked up in the media.
 - The new Deputy Director, Communications & External Relations, Mark Leech, has now been appointed. He joins Ofsted from the Independent Office for Police Conduct.
 - Cross-government relationships, particularly with the DfE, are very positive.
 - The Public Accounts Committee and Education Select Committee have both invited HMCI to give evidence on EIF and the launch of the consultation.
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8 Strategic Risk Register

- 8.1 The new strategic risk register was discussed. It was confirmed that the Executive Board agreed the new risks in December, and positive feedback has been received from the Audit and Risk Assurance Committee.
- 8.2 It was noted that the workforce risk is likely to drop to medium probability following work that was completed in December.
- 8.3 It was suggested that the strategic risk register should include a definition of the risk ratings. **Action:** LG to provide these definitions.
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9 Finance Report

- 9.1 The board noted the 4% underspend against the year to date budget profile and 1% forecast underspend against the full-year budget.
 - 9.2 It was confirmed that the £1m Budget Exchange has been agreed by the Treasury.
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10 Audit and Risk Assurance Committee update

- 10.1 It was confirmed that progress against audit recommendations is on track, and that the new internal audit contract has been awarded to the Government Internal Audit Agency.
 - 10.2 The board noted that an effectiveness review of ARAC is about to begin, to which all ARAC members and attendees will contribute.
 - 10.3 It was also noted that minor amendments to the interim governance statement were suggested by ARAC members, and that it will be considered again at the next meeting.
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11 AOB

- 11.1 There was no other business.

End of meeting
