House of Commons
Committee of Public Accounts

School oversight and intervention

Thirty-second Report of Session 2014–15

Report, together with the formal minutes relating to the report

Ordered by the House of Commons
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Committee of Public Accounts

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Committee staff

The current staff of the Committee is Sarah Petit (Clerk), Claire Cozens (Committee Specialist), James McQuade (Senior Committee Assistant), Sue Alexander and Jamie Mordue (Committee Assistants) and Janet Coull Trisic (Media Officer).

Contacts

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Summary

The Department for Education (the Department) has had a clear focus on improving standards in schools. It has created more academies as autonomous institutions based on the view that this is the best way to raise educational standards. Nonetheless there are still 1.6 million children being educated in schools in England that are less than ‘good’. The Department takes a light touch approach to school oversight, and is reluctant to collect enough information to be effective at identifying and responding to risks to school performance. In particular, early action to prevent decline or continuing poor performance in schools is happening rarely. The Department emphasises performance as measured by exam results and Ofsted inspections. But it relies heavily on whistleblowers to identify significant risks of failure, such as in safeguarding arrangements, financial integrity or governance. Local authorities also have a role in intervening when schools fail, but the Department does not know enough about local authorities’ oversight activities. The Department does not know whether they have the capacity to improve their schools; or what interventions they use and at what cost. In addition, the Department does not know enough about the effectiveness of the sponsors who are supposed to improve schools through the Academies Programme. Research by the Sutton Trust and evidence from Ofsted suggests performance of sponsors is variable. Some have expanded too fast and a significant number are failing to improve standards in their schools. Over several years, we have recommended that the Department improve the way it supports and regulates the autonomous schools system. We hope that the Department will now respond to our recommendations more fully in order to reduce the likelihood of further unforeseen school scandals, like the ‘Trojan horse’ affair in Birmingham.
Introduction

The Department for Education is accountable to Parliament for the overall performance of the school system in England. There are 21,500 state-funded schools, of which 17,000 are maintained schools overseen by local authorities, and 4,500 are academies directly accountable to the Secretary of State. The Department’s overall objective is for all children to have the opportunity to attend a school that Ofsted rates as ‘good’ or better. To achieve this, the Department expects school leaders, along with governors and trustees, to manage resources effectively in an increasingly autonomous system so as to raise educational standards. The Department presides over a complex and confused system of external oversight, sharing responsibility for oversight with the Education Funding Agency (the Agency, which is part of the Department) and 152 local authorities. The Department has set up frameworks that specify how it and other bodies should assess school performance and when they should intervene. The main formal interventions are: warning notices to raise formal concerns about a school’s performance; changing a school’s governing body; and for local authority maintained schools and converter academies, turning the school into a sponsored academy. There are 460 sponsors which support and manage 1,900 academies.

Conclusions and Recommendations

1. There are significant gaps in the Department’s knowledge of performance in individual schools. The Department’s narrow set of indicators means that it has not spotted important failures until too late and is over-reliant on whistleblowers. The Department focuses on educational performance but schools can change very quickly. Ofsted does not currently inspect ‘good’ schools for up to five years and ‘outstanding’ schools are exempt from routine inspection. Both Ofsted and the National Association of Head Teachers consider more regular inspections of ‘good’ and ‘outstanding’ schools are necessary to ensure high standards. Also schools can have safeguarding or governance and financial management issues while still performing well in terms of educational attainment. In such circumstances, the Department is reliant on whistleblowers to contact them, as happened recently in Birmingham, where two of the schools at the centre of the allegations had been rated ‘outstanding’ and were therefore exempt from routine inspection. The Agency has developed a risk analysis tool, which has some indicators of financial performance, but on the basis of what we heard, no indicators of efficiency or value for money, and neither the Department nor the Agency have any ‘leading’ indicators of safeguarding issues. (A ‘leading’ indicator gives an indication of risks before problems occur, as opposed to a ‘lag’ indicator of performance in the past.)

Recommendation: The Department should develop leading indicators to fill the gaps in its information on governance, efficiency and safeguarding, and then incorporate them into its expectations of how oversight bodies identify underperformance.
2. **Weak oversight arrangements can mask problems in some schools, which then go undetected until serious damage has been done.** The Department has increased the autonomy of schools and oversight bodies. It has done so without an overall strategy, leading to confusion about the roles and responsibilities of the Department, the Agency, local authorities and academy sponsors, and allowing schools to fall through gaps in the system. Without a consistent understanding of the roles of existing and new oversight bodies, school failure can go unnoticed. Of the schools rated ‘inadequate’ in 2012/13, 36% had previously been rated ‘good’ or ‘outstanding’; oversight bodies need to work together to identify and intervene earlier in time to challenge and support schools. In September 2014 the Department introduced eight Regional Schools Commissioners, a welcome recognition of the need to provide more local intelligence and oversight for the growing number of academies. However, with 4,500 academies it is hard to believe that the Commissioners will have enough local knowledge on their own. There is also a risk that introducing commissioners will increase confusion about roles, especially where local authorities are already working constructively with academies.

**Recommendation:** The Department needs to clarify its own role, and the roles of Regional Schools Commissioners, local authorities and the Agency and specify how they will work together to share information and identify failure at an earlier stage. In addition the Department should set clear and explicit expectations for Regional Schools Commissioners to ensure that they make effective use of local authorities’ relationships with and local knowledge about schools and academies in their areas. In the next 18 months, the Department should evaluate the effectiveness of the Regional Schools Commissioners, and how constructively they are working with local authorities. The Department should also explicitly set out the set up and running costs of Regional School Commissioners so that value can be assessed.

3. **Lack of clarity in the Department’s guidance has contributed to a situation where some local authorities do not understand their safeguarding duties towards pupils in academies.** Under the Children’s Act 1989, local authorities are responsible for monitoring safeguarding arrangements in all schools; these responsibilities include academies set up in recent years. However, out of the 87 local authorities surveyed by the National Audit Office, 13 said they did not monitor academies’ safeguarding arrangements, and 13 said they would not intervene directly in an academy if pupil safety was threatened. We were surprised to hear that the Department had done nothing to address this potentially serious gap in oversight since becoming aware of it during the NAO’s work. After our evidence session we wrote to the Permanent Secretary requesting that he write immediately to all local authorities to confirm and clarify their duties in relation to safeguarding in academies. It is likely that some local authorities, in the context of wider messages about the academies’ autonomy, felt that safeguarding in academies was no longer their responsibility.

**Recommendation:** The Department should clarify local authorities’ safeguarding responsibilities towards schools in a single document, including whether or not local authorities have the power to direct academies to change their safeguarding arrangements.
4. **The Department lacks information about the number and quality of school governors.** In an increasingly autonomous school system that relies on self-improvement, the Department relies on schools having good governors and strong leadership. The structure of governance varies depending on school type, but regardless of this, all governors must be aware of their responsibilities and be able to provide sufficient support and challenge. The National Governors Association estimates there are around 350,000 governors in England, but the Department does not have any record of the number, skills and capacity of governors or trustees, even though it relies on them to understand and challenge school performance. The failure of the Department and the local authority to identify problems with governors at Birmingham schools that were part of the ‘Trojan Horse’ inquiry highlights one risk of not knowing enough about governors. We have also previously reported on problems with financial management and unmanaged conflicts of interest in schools, and these continue to cause us concern.

**Recommendation:** The Department should carry out a skills audit of school governors and ensure that all schools provide appropriate training for all governors and trustees. The Department should regularly assure itself that the capability and capacity of governors are fit for purpose.

5. **Oversight bodies have not formally intervened in some schools that have been identified as underperforming.** In September 2013, 179 open academies met the Department’s criteria for formal intervention, based on its own definition of failure (exam results and Ofsted rating). It should have intervened formally in all cases, but it only sent a warning notice to 15. The Agency also maintains a list of academies of national concern over financial management or governance issues. It has issued financial notices to improve to 4 of these academies, as a result of fraud allegations or financial irregularity; but there are another 7 which have been on the list for suspected fraud but have not received a financial notice to improve. Both the Department and the Agency acknowledge that their records are not good enough to explain why they have intervened in some academies and not others.

**Recommendation:** The Department and the Agency should improve the recording of their decisions to identify and intervene in underperforming schools to ensure consistency in the approach to the schools. The Department must ensure that, as a minimum, all schools eligible for intervention are identified.

6. **The Department does not know enough about which formal interventions are most effective to tackle failure under which circumstances.** Of schools inspected by Ofsted in 2012/13, 48% (62 out of 129) of those which had received some kind of formal intervention improved at their next inspection. The remainder stayed the same or deteriorated, with the apparent impact of different interventions varying significantly. Meanwhile, 59% (2,181 out of 3,696) of schools that received no formal intervention also improved. The Department has not done enough to evaluate the effectiveness of different interventions and so does not know which are the most cost-effective. It recognises that it needs to do more.

**Recommendation:** The Department should commission a full evaluation of the cost-effectiveness of all formal interventions in schools.
There are no independent assessments of the effectiveness of academy sponsors and the Department has taken an optimistic view of sponsor capacity for too long. The Department’s main intervention for failing maintained schools is to match them with a sponsor and turn the school into a sponsored academy. Often the failing school will become part of a chain of academies run by one sponsor with a central management function. In its keenness to expand the academies programme and increase the number of sponsored academies, it has allowed some chains to grow too quickly without the necessary capacity and capability. It has currently ‘paused’ the growth of 18 sponsors because of concerns about their performance; these sponsors are currently educating almost 100,000 children. However, it has no independent source of information about the effectiveness of academy sponsors and the Department is over-reliant on whistleblowers. Ofsted is able to focus inspections on a number of academies within a chain and give an assessment about how well the chain supports those academies but, unlike in local authorities, it is unable to inspect the central management function of a sponsor (which is the primary mechanism for delivering improvement in a failing school). Unlike the powers Ofsted has to inspect local authorities, there is no statutory framework setting out the basis for what the inspectors are assessing when they look at the operation of an academy chain, and Ofsted awards no overall judgement or rating of academy sponsors.

Recommendation: The Department should obtain independent judgements of the capacity of sponsors that run more than one academy, and should use this to determine which sponsors are able to grow and when it should intervene with particular sponsors.
1 Oversight of the school system

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Department for Education (the Department), the Education Funding Agency (the Agency), and Ofsted.\(^1\) We also took evidence from the National Governors Association and the National Association of Head Teachers. The school system in England currently educates almost 7 million children aged 4 to 16 years old at an annual cost of £40 billion, in around 21,500 state-funded schools. Of these, 17,000 are local authority maintained and 4,500 are academies, directly accountable to the Secretary of State. The Department’s overall objective for the English school system is for all children to have the opportunity to attend a school that Ofsted, the independent inspectorate for schools, rates as ‘good’ or better.\(^2\)

2. The Department is responsible for the overall performance of schools in England, but shares its oversight responsibilities with the Agency and 152 local authorities. The Department, the Agency and local authorities have a range of interventions they can use to improve performance in underperforming schools. The main formal interventions are: warning notices (a formal letter raising concerns about a school’s performance); changing a school’s governing body; and appointing a sponsor (in which case a school becomes a sponsored academy). The Department’s policy is to appoint a sponsor in maintained schools with sustained or serious underperformance. There are 630 approved sponsors, 460 of which are currently working with over 1,900 academies.\(^3\)

3. The system is complex, with a mix of school types. These currently include individually-run academies (some of which have opened or converted with a sponsor’s help, and some without); schools that are part of academy chains; and local authority maintained schools, including some church schools.\(^4\) Meanwhile, the range of bodies overseeing this system has recently increased. From September this year, the Department’s oversight responsibilities are partly delivered through eight Regional Schools Commissioners, who are supported by around 50 head teachers.\(^5\)

4. The Department sets the standards that schools are expected to achieve. It measures school performance on the basis of exam results at the end of primary school, at age 11, and at the end of secondary school, at age 16. It also relies on Ofsted, the independent inspectorate for schools, to assess school performance, aiming for all schools to be judged ‘good’ or ‘outstanding’.\(^6\) The Department depends heavily on exam performance and Ofsted inspections to identify underperforming schools, but evidence shows that there are risks to such an approach. The National Association of Head Teachers told us that there was a risk in relying on exam results because “if we wait until test data is available to us,

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many years of a child’s education may have gone by”.\(^7\) When we asked about intervening earlier, before exam results dipped, the Department admitted that “all the quantitative data we have about the schools system are lag indicators. We do not have any leading indicators on which we could take that kind of action”.\(^8\)

5. Independent inspections can provide a more holistic approach and may give early warning of failure, but they occur only intermittently. In particular, schools that are currently rated ‘good’ by Ofsted can go five years without an inspection, and those rated ‘outstanding’ are exempt from routine inspection altogether. This is in spite of the evidence that ‘good’ and ‘outstanding’ schools can deteriorate. Of schools rated ‘inadequate’, the lowest category, in 2012/13, 36% had previously been rated ‘good’ or ‘outstanding’.\(^9\) The Chief Inspector of Schools told us that “not inspecting schools for a lengthy period of time is not a good idea”. Even under the present arrangements, about 800 schools a year are shown to decline from ‘good’ or better to less than ‘good’. Ofsted is currently consulting about introducing shorter, more frequent one-day inspections for ‘good’ schools, but there are no plans to change the Government’s policy of not inspecting ‘outstanding’ schools.\(^10\) When we asked the National Association of Head Teachers about this point, its General Secretary told us, “I would recommend applying the same principles and process to ‘outstanding’ schools […] Not all my members in ‘outstanding’ schools will thank me for saying that, but I think it would be healthy”.

6. In its report the National Audit Office identified three specific aspects of school performance that are not well enough measured at present: governance arrangements; financial management; and safeguarding (how children at school are kept safe).\(^12\) We asked about the Department’s approach to developing indicators for these measures; it said that to do so would be difficult.\(^13\) In particular, the Department did not think it would be possible to develop leading indicators for safeguarding. The Agency told us that it was developing a risk-assessment tool to get as much early warning as it could from the data it collects about academies.\(^14\) This tool includes a measure on financial management but, based on the evidence we heard, this does not yet incorporate measures of value for money or efficiency.\(^15\)

7. We asked the Department a number of questions about the ‘Trojan Horse’ affair (which related to allegations of extremism in Birmingham schools), including about the information that had been available to oversight bodies to identify problems.\(^10\) The “Trojan Horse” inquiry, carried out by Peter Clarke, found that the allegations had only come to

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\(^7\) Q 33
\(^8\) Q 105
\(^9\) Qq 38-39; C&AG’s Report, para 2.6
\(^10\) Q 41
\(^11\) Q 26
\(^12\) Q 32; C&AG’s Report, para 9
\(^13\) Q 107
\(^14\) Q 110
\(^15\) Q 110
\(^16\) Report into allegations concerning Birmingham schools arising from the ‘Trojan Horse’ letter, Peter Clarke, July 2014, HC 576
light because of whistleblowers and said that the Department’s reliance on these courageous individuals was too great.\textsuperscript{17} We have previously reported that the Department relies too heavily on whistleblowers to identify problems in schools.\textsuperscript{18} A particular issue was that two of the schools at the centre of the “Trojan Horse” allegations had previously been judged ‘outstanding’ by Ofsted and, thus, were exempt from routine inspection. We asked the Department about how it would get more information about such schools in future. It hoped that Regional School Commissioners would gain enough intelligence to know what was happening in academy schools between inspections, but admitted that this would be a challenge, with only 8 commissioners to look after 4,500 academies.\textsuperscript{19}

8. The lack of information about the quality of safeguarding in academies is made more important by evidence that some local authorities have not been monitoring academy safeguarding arrangements in line with expectations. We heard that 13 of the 87 local authorities (15\%) that responded to a National Audit Office survey were not monitoring safeguarding arrangements in academies, and that 13 said they would not intervene in academies if pupils’ safety was threatened.\textsuperscript{20} The National Audit Office also told us that Local Safeguarding Children Boards, which are charged with scrutinising schools’ safeguarding arrangements, were expected to work with academies and maintained schools alike, but that these boards could not direct academies to change their safeguarding arrangements if they found them wanting.\textsuperscript{21} After our evidence session we wrote to the Department and asked the Permanent Secretary to write to all local authorities to remind them of their responsibilities for the safeguarding of all children in schools.\textsuperscript{22}

9. More generally, the National Audit Office survey found that local authorities took different approaches to academies. Over 90\% of authorities were monitoring academies’ educational performance, with one third saying they would intervene directly if they had concerns.\textsuperscript{23} But this goes against the Department’s clear statement that local authorities are to have no role in monitoring academies, beyond safeguarding.\textsuperscript{24} Ofsted told us that local oversight was “absolutely critical”.\textsuperscript{25} The Department has not undertaken a wide-ranging review of local authority performance to check that authorities have the capacity to provide adequate oversight. The last time it reviewed local authorities’ plans for school improvement, in 2011, it had concerns in more than 80\% of cases.\textsuperscript{26}
10. We asked the witnesses about the Department’s aim for an increasingly autonomous schools system, with reduced interference from the centre, and what this would mean for school-level governance. The National Governors Association told us that “because there is more autonomy, [it] makes the role of governing boards much more important, and the Government has recognised that.” We asked about the strengths and weaknesses in the current governance system. The National Governors Association told us that “we don’t know enough about where governance is right across the sector”, but that there is a “bell curve” between very good and very poor governance.

11. Unlike magistrates, school governors are not required to undergo any training before they take up their posts. While being an effective governor in academies and maintained schools requires many similar skills and attributes, such as knowing the school and being able to interpret data, the legal duties of governors in academies are quite different from those in the maintained sector. The National Governors Association told us that the Department had introduced risks into the system because maintained schools could convert to academy status without the governors in those schools being fully aware of their altered duties.

12. The Department has reviewed the arrangements for related party transactions in academy schools and chains. It found 17 instances where such transactions were not properly notified and managed and is continuing to monitor these arrangements.

2 Intervening in underperforming schools

13. When a school has been identified as underperforming there are three main formal interventions, as described in paragraph 11 above. The NAO report shows that the Department and other oversight bodies do not always react consistently when schools merit intervention, and the Department was unable to explain why this is. In particular, analysis shows that, in September 2013, there were 179 open academies that met the Department’s criteria for a warning notice owing to poor educational performance, but the Department only sent notices to 15. In 141 out of the 179 cases, the Department had not even identified the schools as being eligible for intervention.

14. Similarly, when the National Audit Office looked at records from the Agency, it found 4 cases of suspected fraud where schools had received financial notices to improve, but a further 7 such cases where they had not. The Agency had not kept sufficiently good records to justify the different approaches taken. We questioned both the Department and the Agency about these findings and they acknowledged that they had not done enough to

27 Q 1
28 Qq 1,10
29 Qq 2-5
30 Q 126
31 Q 142; C&AG’s Report, para 3.5
32 Qq 193-195; C&AG’s Report, para 3.8
record the basis for judgements about when to intervene and that this had created a risk of inconsistency. They told us they were planning to demonstrate greater consistency in future. 33

15. The effectiveness of formal interventions varies, and many underperforming schools improve without formal intervention. The NAO analysis of Ofsted ratings for all schools inspected in 2012/13 identified those that had been less than ‘good’ at their previous inspection. Some of these schools had received formal interventions in the interim, but these interventions were associated with a range of outcomes; 48% (62) of schools had improved, 39% (50) had stayed the same, and 13% (17) had deteriorated at the time of their next inspection. The NAO’s analysis shows that, while the apparent impact of different kinds of formal intervention varies significantly, the appointment of interim executive boards is associated with most improvement. The National Governors Association agreed that, in its experience, interim executive boards were often a very good way of moving a school out of serious difficulties. Meanwhile, 59% (2,181 out of 3,696) of schools that were less than ‘good’ but received no formal intervention also improved. The National Governors Association told us that it was surprised that such a high proportion of schools improved without formal intervention. 34

16. Overall, the key finding of the analysis was that the Department did not know enough about what makes for effective interventions. It has not sought to understand the costs and effectiveness of different interventions and it acknowledged in answer that it could know more. However, it did not provide details of any further work that it has underway at present. 35

17. Specifically with regard to sponsored academies, the Department drew our attention to the significant improvements that sponsors can make when the academy policy works well. 36 However, it accepted that its own and others’ analyses, for example that recently issued by the Sutton Trust, showed too much variation in the effectiveness of sponsors and academy chains. Ofsted agreed, but recognised that academy chains often have to work in challenging circumstances. The inspectorate stressed that in order for a chain to be successful it needed high-quality leadership at every level of management, including head teachers, governors, trustees and chief executives. 37 The Chief Inspector of Schools said that, when chains failed, “the quality of leadership at the centre of the chain has not been good enough and the trusteeship has not been good enough”. 38

18. We challenged the Department about whether its oversight of academy sponsors had kept pace with the expansion of the academies programme. We asked witnesses if the Department had taken an optimistic view of some sponsors’ capacity to grow. 39 Ofsted told us that the Department had allowed some sponsors to expand “exponentially, without the

33 Qq 145 and 195
34 Qq 12-14; 92-98; C&AG’s Report, figure 9, para 3.18
35 Q 92
36 Q 154
37 Q 102
38 Q 181
39 Qq 146, 171
capacity to make the necessary improvements” at schools they took over. Currently, there are 18 sponsors that the Department is not allowing to grow further because of poor performance in some of their schools. These sponsors run 163 academies that currently contain a combined total of 94,000 pupils. Two of the chains account for the majority of schools affected: AET and E-Act, which in total run 108 academies. The Department could not explain why it had allowed these chains to become so big before pausing their growth.

19. We heard about the importance of having an independent view of the effectiveness of academy sponsors. Ofsted currently inspects local authority school improvement services, but does not have the same power to inspect sponsors’ and academy chains’ central functions. We asked Ofsted whether it could get sufficient information about sponsors and academy chains from its focussed inspections of groups of schools that they run. The Chief Inspector of Schools told us that his preference was to have the same powers as he has for local authority school improvement services. He also said that he felt sponsors and chains might welcome the greater transparency that statutory inspection might bring, as it would enable Ofsted to publish a clear inspection framework.

40 Q 157
41 Supplementary written evidence provided by the Department
42 Qq 166-167
43 Qq 166 - 171
44 Qq 99-100
Formal Minutes

Wednesday 14 January 2015

Members present:

Mrs Margaret Hodge, in the Chair

Mr Richard Bacon
Guto Bebb
Stephen Hammond*
Chris Heaton-Harris
Meg Hillier
Stewart Jackson

Dame Anne McGuire
Austin Mitchell
Stephen Phillips
John Pugh
Nick Smith

Draft Report (School oversight and intervention), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 19 read and agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resolved, That the Report be the Thirty-second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 19 January at 3.00pm]

* Stephen Hammond was not a Member of the Committee when it took evidence in relation to this Report.
Witnesses

Monday 17 November 2014

The following witnesses gave evidence. Transcripts can be viewed on the Committee’s inquiry page at www.parliament.uk/pubaccom.

**Russell Hobby**, General Secretary, National Association of Head Teachers; and **Emma Knights**, Chief Executive, National Governors Association  

**Chris Wormald**, Permanent Secretary, Department for Education; **Sir Michael Wilshaw**, Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, Ofsted; and **Peter Lauener**, Chief Executive, Education Funding Agency

List of printed written evidence

The following written evidence was received and can be viewed on the Committee’s inquiry web page at www.parliament.uk/pubaccom. AMS numbers are generated by the evidence processing system and so may not be complete.

1. Association Of School And College Leaders (AMS0001)  
2. The Department For Education (AMS0004)  
3. The Department For Education And The Education Funding Agency (AMS0003)
List of Reports from the Committee during the current Parliament

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

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