



**Lord Agnew Kt DL**

Parliamentary Under-Secretary of State for the School System  
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Amanda Spielman  
HMCI  
Ofsted  
Clive House  
70 Petty France  
London  
SW1H 9EX

*4th November* 2019

*Amanda,*

### **Monitoring of Independent Inspectorates**

I am writing further to my letter of 9 April 2019 about quality assurance of independent inspectorates. I understand that our officials have had further discussions about what activity might add the most value in this area.

Our officials, along with those from the Independent Schools Inspectorate (ISI) met on 9 May and agreed that Ofsted and ISI will develop a programme of joint work to include looking at the following:

- Operational level functions, looking thematically at inspections, possibly including work to look at inspecting safeguarding, leadership and management, curriculum, single proprietor schools and/or boarding;
- Corporate level functions, to include issues such as the use of data, inspection scheduling and risk assessment;
- Strategic level functions, such as design and implementation of new inspection frameworks.

The details of the programme will be for Ofsted and ISI to determine and I understand that officials at both inspectorates have already met and outlined a productive programme. DfE officials will be happy to provide support and the aim is that this work should not be resource intensive.

At each level, Ofsted and ISI can agree to work together on issues in addition to those mentioned above if they both think they can usefully benefit. We expect a programme covering all of the above points to take several academic years. I would like you to report any results or recommendations to me as part of your annual report relating to ISI.

The Secretary of State is responsible for the ongoing approval of ISI under section 106 of the Education and Skills Act 2008 ("the 2008 Act"). I expect that the Department of Education's own monitoring of ISI's reports and information provided directly by ISI, should allow the Secretary of State to fulfil this role.

In my view, it is now no longer necessary for directions under section 107 of the 2008 Act to specify that in your annual report you should comment on the extent to which an independent inspectorate meets the following:

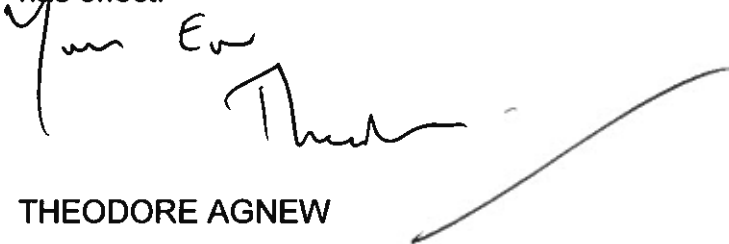
- The terms of its agreement with DfE
- The robustness of that inspectorate's judgements
- The robustness of the inspectorate's quality judgements.

On this basis, I enclose fresh directions made under s107 of the 2008 Act setting out the Secretary of State's instructions on matters HMCI should take into account in preparing her annual report on ISI. The directions cover the form and contents of those reports.

The directions have been drafted on the basis there is now only one approved independent inspectorate (namely ISI) and will be reviewed if this position ever changes.

I also understand that Department for Education, Ofsted and ISI officials have already agreed that the 2016 Memorandum of Understanding for the monitoring of the independent inspectorates for independent schools in England no longer has effect.

Your Ever  
Theodore Agnew



THEODORE AGNEW

CC: Kate Richards, Chief Inspector, Independent Schools Inspectorate

To:

Amanda Spielman,  
Her Majesty's Chief Inspector of Education, Children's Services and Skills  
("HMCI"),  
Ofsted,  
Clive House,  
70 Petty France,  
London  
SW1H 9EX.

**Directions made by the Secretary of State for Education under section 107 of the Education and Skills Act 2008 ("the 2008 Act")**

The Secretary of State may make directions in connection to reports prepared by HMCI under section 107 of the 2008 Act regarding independent inspectorates. Such directions were made by David Laws MP and attached to a letter of 24 February 2015 from him to Sir Michael Wilshaw ("the February 2015 directions").

There is now only one independent inspectorate (within the meaning of section 106(5) of the 2008 Act), namely the Independent Schools Inspectorate ("ISI"). Given this and in the light of my knowledge of the effective support that ISI provides to the Department in fulfilling its regulatory role, I now no longer consider it appropriate that HMCI should have to have regard to the matters in the February 2015 directions, when preparing a report under section 107 of the 2008 Act.

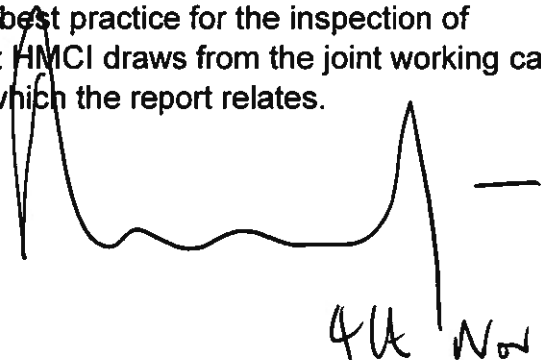
In addition, Ofsted and ISI have agreed to work together ("joint working") to exchange and develop their mutual knowledge and understanding of inspecting independent schools with a view to informing best practice in each organisation and they intend to continue this joint working for this purpose for the time being.

Therefore, I now make the following directions to HMCI under section 107 of the 2008 Act and section 570 of the Education Act 1996:

1. The February 2015 directions are revoked.
2. The form of any report relating to ISI should be a letter from HMCI, copied to the Chief Inspector of ISI.
3. Any report relating to ISI should: (a) set out a summary of the joint working that took place during the period to which the report relates and; (b) should include lessons learned from that joint working that reasonably appear to HMCI to be significant and connected to the practices or procedures of ISI relating to the inspection of independent schools.

4. Where HMCI considers it appropriate, any such report should make recommendations about best practice for the inspection of independent schools that HMCI draws from the joint working carried out during the period to which the report relates.

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

4th Nov 2019.

Parliamentary Under Secretary for the School System  
Dated: