



Department
for Education

Proposed changes to Ofsted inspection frequencies for children's social care providers from 2021-22

Government consultation

Launch date **08 July 2021**
Respond by **20 August 2021**

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Introduction

Ofsted's¹ inspections of children's social care providers operate on an annual cycle (e.g. to children's homes) or on a three-year cycle (e.g. to independent fostering agencies). These inspection cycles are applied through the [Her Majesty's Chief Inspector of Education, Services and Skills \(Fees and Frequency of Inspections\) \(Children's Homes etc.\) Regulations 2015](#) ("the Fees and Frequency Regulations") which set out the role and responsibilities of Ofsted under the Care Standards Act 2000.

We are inviting comments on proposals in this consultation from across the spectrum of children's social care provision.

Who this is for

- Children's homes;
- Residential holiday schemes for disabled children;
- Boarding schools and residential further educational colleges
- Local authorities
- Ofsted
- Organisations providing support and services for children and young people
- Parents and carers
- Residential family centres
- Residential special schools
- Voluntary adoption agencies
- Local authorities and children's trusts
- Fostering and adoption agencies
- Children's social care workforce
- Children's charities/advocates
- Children's Commissioner
- Children and young people with experience of care
- Any other interested organisations or individuals

Issue date

The consultation was issued on 08 July 2021.

¹ Ofsted is the Office for Standards in Education, Children's Services and Skills. Its role is to inspect and regulate services that care for children and young people, and services providing education and skills for learners of all ages.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team at: FeesandFrequency.CONULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288.

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) as soon as possible after the consultation closes.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

FeesandFrequency.CONULTATION@education.gov.uk

By post

Annette Connaughton/Patrick Riddick
Department for Education
Post Room
Sanctuary Buildings
Great Smith Street

Westminster
London SW1P 3BT

Deadline

The consultation closes at 5.00pm on 20 August 2021

About this consultation

This consultation seeks views on amending regulations in relation to:

- Ofsted's minimum frequency of inspections of children's homes (pages 8-10), and
- The minimum frequency of inspections for children's social care provision more generally from 1 October 2021 to 31 March 2022 (pages 10-11).

Subject to consultation responses, these changes would come into effect from **1 October 2021**.

This document also provides updates below on:

- The current suspension of minimum frequency of inspection cycles,
- Provision inspected on three-year cycles, and
- Continued freezing of fees.

The current suspension of minimum frequency of inspection cycles

At present, minimum frequencies of inspection cycles for all children's social care provision, are suspended until 30 September 2021 due to the ongoing impact of Coronavirus. This suspension is in accordance with [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2021](#). **Please note that the regulations do not suspend Ofsted's powers, nor their inspection activity. They only suspend the mandatory minimum frequency with which inspections need to happen.** Any inspections that take place from 1 April 2021 will count towards the minimum frequency requirements.

Graded inspections were not carried out during the regulatory year 2020-21. Ofsted restarted their graded (SCCIF) inspections in April this year. They are prioritising inspections by taking into account any concerns they have about a provider, the most recent inspection judgement and/or assurance visit, and the length of time since their last inspection/visit. Inspectors are taking account of ongoing Coronavirus restrictions and any changes to providers' ways of working. Ofsted has a [rolling update](#) that details its latest inspection plans.

Provision inspected on three-year cycles

Providers such as Independent Fostering Agencies (IFAs), Residential Family Centres, Voluntary Adoption Agencies, and Adoption Support Agencies are normally inspected at least once in a three-year cycle. Some of these providers would have been due an inspection during 2020-21 when routine graded inspections were paused – this has created a backlog of providers who are overdue an inspection. Therefore, for all providers subject to a three-year cycle inspection, **we will amend regulations to reset the three-year inspection cycles from 1 April 2022**. This would mean that:

- Providers that had been due an inspection in 2020-21 (and are not inspected in 2021-22) will be inspected by 2022-23, and at least every 3 years thereafter; and
- Providers that had been due an inspection in 2021-22 (and are not inspected in 2021-22 or 2022/23) will be inspected by 2023-24, and every three years thereafter.

We are not requiring providers to request an inspection from Ofsted. Ofsted's risk assessments will prioritise inspections for providers which are newly registered, those judged inadequate or requires improvement to be good, those where concerns have been identified, and/or those that have not been visited for a significant period of time.

Continued freezing of fees

As was the position for 2020-21 and owing to the ongoing impact of Coronavirus on the sector, in 2021-22, the registration and annual fees for all children's social care provision continue to be frozen at 2019-20 rates and variation fees continue to be disapplied. In recent years, fees have increased by 10% per year for those providers who have not reached full-cost recovery. In keeping with HM Treasury directive, **it is our intention to increase these fees in future years so as to reach full-cost recovery for all providers.** Any increase in fees will be subject to consultation at that time.

1. Overview of the proposed changes for inspection cycles

- 1.1. The frequency with which Ofsted has a duty to inspect children's homes and other providers are set out in [Her Majesty's Chief Inspector of Education, Services and Skills \(Fees and Frequency of Inspections\) \(Children's Homes etc.\) Regulations 2015](#) as amended. The proposed changes would come into effect from 1 October 2021. **We propose that the period from 1 October 2021 to 31 March 2022 would be caveated such that Ofsted should comply with the minimum frequency of inspections as far as is reasonably practicable.**
- 1.2. These proposals aim to give Ofsted more flexibility to deploy resources to prioritise inspections on a more risk-assessed basis by using up-to-date judgements, evidence and intelligence. **This approach was used during assurance visits during the autumn term 2020, when Ofsted routine graded inspections were suspended due to the Coronavirus pandemic.**

2. Frequency of children's homes' inspections

Current system

- 2.1. The minimum frequency of Ofsted inspections in each inspection year (1 April – 31 March) is determined currently by the judgements set in the previous inspection year. In most instances where a children's home is inspected twice during the year, one inspection is a full inspection, and the other is an interim inspection. Different patterns of inspection may occur if a home has been judged inadequate or if a home is not operating at the time of inspection.
- 2.2. Ofsted is required to inspect children's homes that were judged '**inadequate**' or '**require improvement to be good**' at their last full inspection in the preceding inspection year, at least twice in the following year.
- 2.3. Ofsted is required to carry out at least one full inspection of homes that were judged as **outstanding or good** in the preceding inspection year. They conduct an initial risk assessment for every children's home judged as good or outstanding at the start of the inspection year to inform an initial decision of whether these homes will be subject to a second inspection (an interim inspection) in addition to a full inspection. This considers:
 - the most recent inspection or visit;
 - reports received under regulations 44 and 45;

- notifications received under regulation 40;
- information from complaints, whistle-blowers, and local authorities;
- changes to the home’s management; and
- any other relevant information.

Proposal

2.4. We are proposing to amend regulations so that the minimum frequency of inspections is determined by the inspection judgement that year rather than the preceding year. This means the frequency of inspections will be based on more up to date information and be more proportionate. For example, under the current system, if a home is judged ‘requires improvement to be good’ one year, it would receive two inspections (one full, one interim) the following year, even if it was judged outstanding in the first inspection that year. Under the proposed system, if a home is judged ‘good’ or ‘outstanding’, it would receive a minimum of one full inspection during the year, including if it had been ‘requires improvement to be good’ or ‘inadequate’ the previous year (i.e. it would not necessarily have a second inspection that year). If a home is judged ‘requires improvement to be good’ or ‘inadequate’, Ofsted will usually carry out a second inspection within the same inspection reporting year. If it is not possible to carry out a second inspection within the same reporting year then, Ofsted will prioritise conducting the next full inspection in the first three months of the following reporting year.

2.5. Ofsted will continue to have discretion to conduct additional inspection/s in the same inspection year for all providers, irrespective of judgement, as they determine necessary, taking into account the current judgement, recent notifications/monitoring, concerns reported and other relevant information. This would allow Ofsted to deploy resources to the settings where this is most needed: a current example of this is Ofsted’s policy to return to ‘inadequate’ children’s homes within 6-8 weeks because it considers these settings to be high risk. This is more than is required in current regulation but is an example of how Ofsted policy uses the regulations to make the right decisions for children.

2.6. The following scenarios illustrate how this could work.

Scenario 1:

- In inspection year April 2022 to March 2023, a children’s home was inspected in May 2022 and judged ‘requires improvement’ (to be good). The home had an interim inspection in October 2022. The home had another full inspection in

April 2023, the outcome of which was Good. The home would not have another scheduled inspection until some point in the next inspection year. If concerns came to light before the next inspection was due, Ofsted would determine what action to take as has always been the case.

Scenario 2:

- In inspection year April 2022 to March 2023, a children's home is inspected in February 2023 and judged to be outstanding. The home is next inspected in January 2024 and is judged to be 'requires improvement ('to be good')'. Given that there would be a very short period of time before the end of that inspection year, a second (interim) inspection is unlikely to take place in that inspection year. If a second (interim) inspection is not carried out in that inspection year the next full inspection would be carried out in early 2024/25. The outcome of that inspection would determine the timing of its next inspection.

QUESTIONS: Ofsted will base the frequency of inspections on the inspection outcome that year rather than the preceding year. That means a home that is judged as 'good' or 'outstanding' will have a minimum of one inspection per year, even if it had had two inspections the previous year because it was then rated 'requires improvement to be good' or 'inadequate'.

1. Do you agree with the proposal?
2. If not, why not?
3. Do you foresee any problems or issues that this proposal might create?
4. What additional safeguards, if any, do you think should be put in place to address any problems created by the proposal?

Frequency of inspections from 1 October 2021 to 31 March 2022

As noted on page 6, the minimum frequency of inspections is currently suspended until 30 September 2021. If we made no further changes to the regulations, Ofsted would be required to inspect all remaining registered children's social care provision due an inspection (as prescribed by the regulatory duties), by 31 March 2022.

Ofsted restarted routine inspections in April as described above. However, at this stage we do not know whether there might be future national or local restrictions during the course of the year that could affect Ofsted's ability to inspect. **Therefore, we are inviting views on our proposal that Ofsted should comply with the minimum frequency of inspections 'so far as is reasonably practicable', for the remainder of the inspection year from 1 October 2021 until 31 March 2022.**

Questions:

5. Do you agree with the proposal that Ofsted should comply with the frequency of inspections as **far as is reasonably practicable** in the remainder of the 2021-22 inspection year from 1 October 2021 to 31 March 2022?
6. If not, why not?
7. Do you foresee any problems or issues that this proposal might create? What additional safeguards, if any, might be needed?

3. Equalities Assessment

This section asks for your help in identifying any impacts of our proposals on people with protected characteristics. The protected characteristics are: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race (including ethnicity), religion or belief, sex and sexual orientation.

Please provide any representations / evidence on the impact of our proposals on people with protected characteristics for the purposes of the Public Sector Equality Duty (Equality Act 2010).

Annex A: Consultation Questions

About You

1. Please provide your name

2. What is your email address?

3. What region in the country do you live?

4. Are you responding as an individual, or as part of an organisation (please circle)?

Individual/local authority/charity/other organisation

5. What is your role?

6. What is the name of your organisation?

7. If you are responding as an individual, are you a?

Parent/Carer/Guardian/Child or young person/None of the listed

8. Are you happy to be contacted directly about your response (please circle)?

Yes/No

9. How did you hear about the consultation?

Information provided in response to consultations, including personal data, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential. If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 2018, and your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it. You can read more about what the DfE does when we ask for and hold your personal information in our personal information charter.

l) Do you wish for your response to remain confidential? Yes / No



Department
for Education

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