



Department
for Education

Fees and frequency of inspections regulations 2023-24

Government consultation

Launch date 30 November 2022

Respond by 18 January 2023

Contents

Introduction	3
Who this is for	3
Issue date	3
Enquiries	4
Additional copies	4
The response	4
About this consultation	5
Respond online	5
Other ways to respond	5
Deadline	5
1. Annual, registration and variation fees	6
2. Inspection framework for secure 16-19 academies	8
3. Equalities assessment	9
Annex A: Proposed annual fees for 2023-24	10
Annex B: Proposed registration/variation fees for 2023-24	12
Annex C: Consultation questions	16

Introduction

We are consulting on changes to the registration, variation and annual fees that Ofsted charge to carry out their regulatory work for children's social care providers and also seeking views on minimum inspection frequencies for new secure 16-19 academies.

The changes would be made to the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc) Regulations 2015, with a view to the changes coming into force on 1 April 2023.

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

This consultation will run for 7 weeks.

Who this is for

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

Issue date

The consultation was issued on 30 November 2022.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team at: FeesandFrequency.CONSULTATION@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 or via the [DfE Contact us page](#).

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.

About this consultation

This consultation seeks views on amending [Her Majesty's Chief Inspector of Education, Children's Services and Skills \(Fees and Frequency of Inspections\) \(Children's Homes etc.\) Regulations 2015](#) ("the 2015 Regulations") in relation to:

- a 10% increase on current fees payable by children's social care providers, for those providers which are not already at full cost recovery; and
- minimum inspection frequencies for new secure 16-19 academies.

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 or post it.

By email

FeesandFrequency.CONULTATION@education.gov.uk

By post

Fees and Frequency Consultation
Children in Care Division
Department for Education, 6th Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Deadline

The consultation closes on 18 January 2023.

1. Annual, registration and variation fees

Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015 ("the 2015 Regulations"), set out the fees payable to Ofsted by children's social care providers. 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 to inspect services providing education and skills for learners of all ages.

Since 2010-11, the fees payable to Ofsted by children's social care providers have been set using a model for calculation developed by Ofsted in 2008-09 and updated on an annual basis.

The majority of providers are a long way from paying the full cost of the inspection and regulatory activity undertaken by Ofsted with around 70% still paying less than 50% of the full cost. This means that the taxpayer continues to subsidise the regulation of the majority of children's social care providers. Since 2010, the government has usually increased fees by 10% on an annual basis and while this has closed the gap, there is still further to go.

Given that most children's social care providers continue to be a long way from paying the full cost rate, we are proposing to increase the fees by 10% from 1 April 2023, for those providers not yet at full cost recovery. This is consistent with the 10% increase in fees applied on a yearly basis from 2010, which was only paused during the pandemic.

We are also proposing to maintain the increase at the same level as last year given cost of living pressures in the sector. The level of proposed increase is designed to maintain stability in the market and avoid imposing unsustainable pressure on individual providers, while moving towards full cost recovery.

Annexes A and B set out the intended fee increases in 2023-24 for different types of settings and sizes of provider that take account of the proposed 10% increase.

Fees for providers already at full cost recovery level will be capped at the full cost rate. The annual fees for residential holiday schemes for disabled children will also remain capped at a reduced rate. This continues to represent a proportionate fee structure in relation to the operating model for this specific setting.

Questions on fees:

1. What would be the impact of the proposed increases on you as a provider?

- No impact
- Minor impact
- Moderate impact
- Major impact

2. Please explain in more detail the reason for your response to question 1.

2. Inspection framework for secure 16-19 academies

Secure 16-19 academies (Secure Schools) are a new type of custodial provision for children and young people remanded or sentenced to detention in relation to a criminal offence. They will be run by child-focused providers and create a therapeutic environment within a secure setting, in line with international evidence that this is the most successful approach in reducing reoffending. The first secure school is planned to open in 2024 and will be run by education provider Oasis Restore.

The Police, Crime, Sentencing and Courts Act 2022 (“the PCSC Act”) dual-established secure schools as secure 16 to 19 academies under the Academies Act 2010, and secure children’s homes under the Children’s Homes (England) Regulations 2015. These schools will be inspected by Ofsted, with support from the Care Quality Commission.

The Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015 (“the 2015 Regulations”) provide that children’s homes must be inspected a minimum of twice a year but also give discretion to Ofsted to reduce that to once a year if a children’s home has been rated as good or outstanding in the inspection immediately before. Secure children’s homes, which are children’s homes provided for the purpose of restricting liberty and approved for that purpose under the Children (Secure Accommodation) Regulations 1991 (“the 1991 Regulations”), are removed from that discretion and must always be inspected a minimum of twice a year.

The PCSC Act created a new category of secure residential provision (namely “secure 16–19 academies”) that does not fall within the definition of “secure children’s home” in the 2015 Regulations. This means that the discretion to reduce the frequency of inspections currently applies to secure 16–19 academies.

Given the vulnerability of the children and young people who will be placed in secure schools, we consider it is important to ensure that secure schools are subject to the same number of inspections as secure children’s homes. As such, **we are proposing to amend the 2015 Regulations to require that all secure schools are subject to a minimum of two Ofsted inspections a year.**

Question on minimum inspection frequencies for secure 16-19 academies:

3. Do you foresee any issues this proposal might create?

3. Equalities assessment

This section asks for your help in identifying any impacts of our proposals on 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.

4. Do you have any concerns regarding the potential impact that our proposals outlined in this consultation may have on those with a protected characteristic under the Equality Act 2010?

Annex A: Proposed annual fees for 2023-24

Proposed annual fees for 2023-24

Setting	2022-23 annual fee (£)	2023-24 annual fee (£)	Increase/ decrease (£)
Voluntary Adoption Agency (Small)	985	1,084	99
Voluntary Adoption Agency (Large)	1,858	2,044	186
Independent Fostering Agency	3,113	3,424	311
Adoption Support Agency (Small)	985	1,084	99
Adoption Support Agency (Large) **	1,750	1,648	-102
Residential Family Centre (0-3)	1,889	2,078	189
Residential Family Centre (4)	1,913	2,104	191
Residential Family Centre (5+)	1,913	2,104	191
Children's homes (0-3)	2,836	3,120	284
Children's homes (4-20)	2,836	3,120	284
Children's homes (4-20) per place fee	283	311	28
Children's homes (21) *	7,930	8,629	699
Children's homes (22) *	8,213	8,629	416
Children's homes (23) *	8,496	8,629	133
Children's homes (24) *	8,779	8,629	-150
Children's homes (25) *	9,062	8,629	- 433
Children's homes (26) *	9,345	8,629	- 716
Children's homes (27) **	9,436	8,629	- 807
Children's homes (28) **	9,436	8,629	- 807
Children's homes (29) **	9,436	8,629	- 807
Children's homes (30) **	9,436	8,629	- 807
Children's homes (31) **	9,436	8,629	- 807
Children's homes (32+) **	9,436	8,629	- 807
Multi-build children's homes (0-3)	4,254	4,679	425
Multi-build children's homes (4-6) per place fee	283	311	28
Boarding School (0-3)	926	1,019	93

Setting	2022-23 annual fee (£)	2023-24 annual fee (£)	Increase/ decrease (£)
Boarding School (4-12)	926	1,019	93
Boarding School (4-12) per place fee	56	62	6
Boarding School (13-50)	1,455	1,601	146
Boarding School (51-500)	2,036	2,240	204
Boarding School (500+)	2,445	2,690	245
Residential FE College (0-3)	1,233	1,356	123
Residential FE College (4-9)	1,233	1,356	123
Residential FE College (4-10) per place fee	75	83	8
Residential FE College (10)	1,757	1,937	180
Residential FE College (11)	1,819	2,001	182
Residential FE College (12+)	1,819	2,001	182
Residential Special School (0-3)	2,267	2,494	227
Residential Special School (4-15)	2,267	2,494	227
Residential Special School (4-15) per place fee	226	249	23
Residential Special School (15)	4,979	5,482	503
Residential Special School (16)	5,205	5,731	526
Residential Special School (17)	5,431	5,980	549
Residential Special School (18+) **	5,457	5,995	538
LA Adoption functions **	2,059	2,059	-
LA Fostering functions **	3,216	3,216	-
Holiday Schemes for Disabled Children ***	500	500	-

* Proposed 2023-24 fees capped at full cost

** Fee capped at full cost from previous years *** Fee capped

Annex B: Proposed registration/variation fees for 2023-24

Children's Home (small)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	1,056	1,162	106
Manager registration	No fee	No fee	-
Minor variation	176	194	18
Variation requiring visit **	910	910	0

Children's Home (large)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,911	3,202	291
Manager registration **	910	910	0
Minor variation	176	194	18
Variation requiring visit **	910	910	0

Multi-Building Children's Home

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,911	3,202	291
Manager registration**	910	910	0
Minor variation	176	194	18
Variation requiring visit **	910	910	0

Voluntary Adoption Agency (small)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	734	807	73
Manager registration	No fee	No fee	-
Minor variation	122	134	12
Variation requiring visit	734	807	73

Voluntary Adoption Agency (large)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,690	2,959	269
Manager registration	No fee	No fee	-
Minor variation	122	134	12
Variation requiring visit **	910	910	0

Independent Fostering Agency

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,911	3,202	291
Manager registration **	910	910	0
Minor variation	176	194	18
Variation requiring visit **	910	910	0

Adoption Support Agency (small)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	734	807	73
Manager registration	No fee	No fee	-
Minor variation	122	134	12
Variation requiring visit	734	807	73

Adoption Support Agency (large)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,690	2,959	269
Manager registration	734	807	73
Minor variation	122	134	12
Variation requiring visit **	910	910	0

Residential Family Centre (small)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	881	969	88
Manager registration	No fee	No fee	-
Minor variation	146	161	15
Variation requiring visit*	881	910	29

Residential Family Centre (large)

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration	2,911	3,202	291
Manager registration*	881	910	29
Minor variation	146	161	15
Variation requiring visit **	910	910	0

Holiday Schemes for Disabled Children

Type	2022-23 fee (£)	2023-24 fee (£)	Increase (£)
Provider registration***	596	596	0
Manager registration***	596	596	0
Minor variation	No fee	No fee	-
Variation requiring visit	No fee	No fee	-

* Fee capped at full cost in 2023-24

** Fee capped at full cost in previous years

*** Fee capped

Annex C: Consultation questions

About You

1. Please provide your name

2. What is your email address?

3. Which local authority area are you responding from?

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

5. What is your role?

6. What is the name of your organisation?

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

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.

10. Do you wish for your response to remain confidential? Yes / No



Department
for Education

© Crown copyright 2022

This document/publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3

email psi@nationalarchives.gov.uk

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries www.gov.uk/contact-dfe

download www.gov.uk/government/consultations



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk