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Open consultation

Improving the way Ofsted inspects children's social care: equality impact assessment

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Applies to England

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Introduction

This page explains how the proposals made in our [consultation](#) will fulfil the requirements of the Equality Act 2010, including the public sector equality duty (PSED) set out in [section 149 of the Equality Act 2010](#). We are consulting on changes we propose to make to how we inspect local authorities and providers of children's social care services through our [inspecting local authority children's services \(ILACS\) framework](#) and [social care common inspection framework \(SCCIF\)](#). This is our initial assessment of the equality impacts of the proposed changes before the consultation takes place.

The PSED requires Ofsted, when exercising its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We will consider any consultation responses that raise matters related to the equality impacts of our proposals. This may result in changes to the proposals, or to this assessment.

Proposals affecting both ILACS and SCCIF

We are proposing to:

- adopt a set of ‘ambitions’, which we will use to guide all policy-making for ILACS and SCCIF
- revise our frameworks in a way that maintains what is currently working while making improvements where they are needed
- further align our inspection frameworks with the Children’s Social Care National Framework, so local authorities and providers have a single consistent set of expectations to work towards
- introduce a 5-point grade scale to provide more nuance in our inspection grades
- move to a ‘secure fit’ approach to grading, to help ensure that our inspectors’ judgements are consistent, and to help providers understand what improvements are needed
- introduce ‘report cards’, which we believe offer a clearer way of presenting our inspection findings
- include data and other supporting information on our report cards alongside our inspection findings
- build a more consistent and inclusive approach to engaging with children, young people, parents and carers, and families during our inspections

Proposals affecting only ILACS

We are proposing to:

- introduce new evaluation areas to better align with the Children’s Social Care National Framework, while retaining our focus on the experiences of the different cohorts of children being helped by children’s social care
- make sure that all of our evaluation areas consider how the local authority helps children create enduring relationships, engages with children and families, and collaborates with other relevant agencies

- carry out a more comprehensive evaluation of how local authority leaders are meeting their sufficiency duty (ensuring there is enough suitable accommodation available for children in care and care leavers), and place our evaluation of their approach to this, and their use of unregistered provision, under the 'impact of leaders' evaluation area
- make the use of illegal unregistered provision a 'limiting criterion' within the relevant evaluation area (whether the grade would be 'needs attention' or 'urgent improvement' would depend on the particular circumstances of the local authority)
- for each local authority, make its first inspection under the renewed ILACS framework a standard inspection
- change our inspection timescale so that we carry out a standard inspection of a local authority every 4 years (plus or minus 6 months), while carrying out focused visits and monitoring visits between inspections
- maintain our wider suite of ILACS tools: the annual engagement meeting, monitoring, and focused visits
- consider introducing a new assurance inspection, subject to future funding – this would allow us to revisit local authorities with at least one 'needs attention' grade but no 'urgent improvement' grades and consider regrading one evaluation area

Proposals affecting only SCCIF

We are proposing to:

- retain the 3 graded evaluation areas that we currently use across all SCCIF inspections, and introduce a new evaluation area on 'enduring relationships'
- add a new evaluation area on recruitment, assessment and support for foster carers in our SCCIF inspections of independent fostering agencies
- change the SCCIF grading structure to provide separate grades and a detailed narrative for each evaluation area in order to provide more nuanced information about the provider

Further information on all these proposals can be found in our [consultation document](#).

How the proposals may affect children in the care system in terms of protected characteristics and how they meet the 3

PSED aims

We have considered how the proposals in our consultation could impact on individuals or groups of people in terms of protected characteristics. We have also considered whether the proposals meet the 3 PSED aims.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnerships

Eliminating discrimination

We do not believe the proposed changes would have an adverse effect on Ofsted's ability to have due regard to eliminating unlawful discrimination during inspections.

The aims and purpose of the proposed changes are consistent with the aim of eliminating unlawful discrimination and would support improvements in children's social care services through improved inspection and regulation.

[Ofsted's 2023 to 2027 equality objectives](#) data demonstrates that some groups with protected characteristics are disproportionately represented in the care population: black children are [more likely than others to be looked after, and less likely to be adopted](#), boys and white children are over-represented in children's homes and a high proportion of the children living in children's homes have, at some point, been recorded as having a special educational need.

Improved inspections of children's social care services would allow us to better consider and report on the safeguarding and welfare of children across this extremely diverse sector, and to take appropriate specific action whenever we identify unlawful discrimination. To effectively evaluate and report on the quality of both local authorities' statutory duties and the children's social care services they commission, we need to understand a range of experiences of children in all types of services. Inspectors review and visit a representative sample of services to gather the right breadth of evidence. All available intelligence informs decisions

about who we should speak to, and where we should visit.

The data that inspectors request to support inspection includes fields for sex, ethnicity, age and disability. Inspectors use this data to identify lines of enquiry about the experiences of children who share relevant protected characteristics. Inspectors also use this data to select a diverse sample of children whose experiences they evaluate.

Inspectors would notify the relevant senior leader as soon as possible if serious issues of concern are identified during an inspection regarding unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.

Advancing equality of opportunity

We do not believe the proposed changes would impact on Ofsted's ability to have due regard to advancing equality of opportunity during inspections.

The purpose of these proposed changes is consistent with the aim of advancing equality of opportunity between people who share a protected characteristic and people who do not share it. Children in care with certain or multiple protected characteristics may be marginalised within society and have their life chances reduced more than others.

Our improvements, which align with statutory guidance, would promote anti-discriminatory practice and advance equality of opportunity for children in care, and would enable us to set out more clearly in our reports when and how children's opportunities vary. The changes would enable us to better provide a national picture of the quality of decision-making, support and services for this vulnerable group of children and young adults.

We are proposing to include more data in our reporting. For example, improving data reporting with respect to different protected characteristics would enable greater ongoing understanding of the impact our changes have on different protected characteristics, and enable disparities to be tackled. Improved data would help anyone reading our reports to better understand the progress and experiences of all children. We are proposing to include local area contextual data in our reporting. This would help local services, government and policy-makers to identify and address gaps and further promote equal access to opportunities.

We are also proposing to implement online 'report cards' for social care inspections. As part of our design and implementation process for these, we will conduct extensive user research with relevant groups to ensure accessibility for those who share a range of protected characteristics.

How the proposals may affect leaders and staff of those we inspect and our inspector workforce in terms of protected characteristics and how they meet the 3 PSED aims

So far, we have discussed the potential impact of our proposals on equality, inclusion and diversity for children in the care system. We are also considering their impact on leaders and staff of services we inspect, and on our inspector workforce. We want our changes to have a positive impact on the workload and wellbeing of those we inspect. To check this, we would use a 'test and learn' methodology: piloting, further consultation, and review.

Fostering good relations

We do not believe that the proposed changes would impact on Ofsted's ability to have due regard to fostering good relations during inspections.

Inspections are intended to have a positive impact for all children, young adults and their families. Ofsted already seeks to understand the experiences and progress of children in order to support service improvements. The proposed changes aim to provide increased assurance about quality of the services being provided. The sector would also benefit from inspections through published reports that promote whole-system learning.

Monitoring and evaluation

We believe that we have given full and appropriate consideration to all elements of the PSED. Our consultation process gives all stakeholders the opportunity to raise any concerns they may have in relation to the equality impacts of our proposals.

In addition to the full consultation, we have also included options to provide feedback in a more accessible manner, and a child-friendly easy-access animation that explains the core elements we plan to consult on. These steps will support accessibility and ensure more thorough engagement from those with protected characteristics, particularly children and young people.

We will keep this assessment under review and may revise it in the light of the

responses we receive. If we revise it, we will republish the amended version with our report on the outcome of the consultation.

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