



Department
for Education

Fees and frequency of inspections regulations 2022-23

Government consultation

Launch date 19 November 2021

Respond by 14 January 2022

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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. We are also consulting on resetting the three year inspection cycle for those inspected on this cycle.

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 2022.

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

This consultation will run for 8 weeks.

Who this is for

- Children's homes;
- 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 19 November 2021.

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 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](#) 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;
- The introduction of new fees for providers who wish to include multiple buildings under one children's home registration; and
- Resetting the three year inspection cycle for residential family centres, voluntary adoption agencies, adoption support agencies and fostering agencies.

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.CONSULTATION@education.gov.uk

By post

Fees and Frequency Consultation
Looked After Children Division
Department for Education, 8th Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Deadline

The consultation closes on 14 January 2022.

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 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 cost of each inspection and regulatory activity is calculated based on a mix of direct and indirect costs, including the tariff for each inspection and/or visit and the wider costs of regulating the sector. Ofsted developed this model to give greater transparency to providers on how fees were set, providing a more accurate and readily understandable indication of the time and resource involved on inspection and regulatory activity.

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.

In 2020/21 and 2021/22, the government recognised the impact of the COVID-19 pandemic and capped fees at 2019/20 levels. Ofsted has restarted routine inspections, with the system starting to return to normal and we believe now is the time to once again move providers closer towards full cost recovery.

We therefore, intend to increase the fees by 10% from 1 April 2022, 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. As in previous years, 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 for different types 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. We are also proposing to decrease

some of the variation fees where a visit is required to be more reflective of the current resources needed to undertake this activity.

Questions on fees:

1. How would the proposed increases affect you as a provider?

- No effect
- Minor effect
- Neutral
- Moderate effect
- Major effect

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

Registration, variation and annual inspection fees for multi-building children's homes

Ofsted have been considering ways in which they can boost capacity within the children's care system and also create more flexible provision. As part of this work, they have recently published guidance on multi-building children's homes. Under a multi-building children's home application Ofsted will allow children's social care providers to include up to four buildings and accommodate up to six children under one single children's home registration. This new arrangement will allow homes to work more flexibly, be more creative and provide more options for children, especially those with highly complex needs. The Ofsted guidance on multi-building children's homes can be found [here](#).

The Ofsted guidance sets out an initial fee for providers offering this type of provision to 31 March 2022. This fee is set in line with existing registration and annual fees for children's homes with more than 3 places because the current regulations do not include a specific fee category for multi-building children's homes. We are therefore proposing to amend the Regulations to introduce new fees that are more reflective of the work that Ofsted will need to undertake in regulating and inspecting this new and distinct type of provision. To align with other fees to begin with, they will not be set at the full cost recovery rate (except for the variation requiring a visit fee) and may be increased on an annual basis.

The proposed fees are set out in the table below and can also be found within Annex A and B.

Type	2022-23 fee (£)
Annual Fees	
Multi-building children's homes (0-3)	4,254
Multi-building children's homes (4-6) per each additional place fee	283
Registration/variation fees	
Provider registration	2,911
Manager registration	910
Minor variation	176
Variation requiring visit (fee capped at full cost)	910

Questions on fees for multi-building children's homes:

3. Do you agree with the proposed new registration, variation and annual fees for multi-building children's homes? (as above and in Annexes A and B)?
4. How would the new fees affect you as a provider?
 - No effect
 - Minor effect
 - Neutral
 - Moderate effect
 - Major effect
5. Please explain the reason for your response to question 4.

2. Provision inspected on three-year cycles

Under regulation 27 of the Regulations, residential family centres, voluntary adoption agencies, adoption support agencies and fostering agencies are to be inspected at least once in every three year period (starting on 1st April in any year and ending on 31st March in the third year following).

Some of these providers would have been due an inspection during 2020-21 when routine graded inspections were paused as a result of the COVID-19 pandemic, and this has created a backlog of providers who are overdue an inspection.

Ofsted started graded inspections in April 2021, and has been working hard to address the backlog of providers who were not inspected in the 2020-21 inspection year. However, in order to avoid Ofsted being required to complete an unattainable number of inspections within a shortened time period, we propose to amend the 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.

Ofsted continue to have discretion to conduct additional inspections and visits in the same inspection year / cycle for all providers, irrespective of judgement, as they determine necessary, taking into account the current judgement, recent notifications and monitoring, concerns reported and other relevant information.

Questions on resetting three-year inspection cycles:

6. Do you agree that we should reset the three year inspection cycle for residential family centres, voluntary adoption agencies, adoption support agencies and fostering agencies?
7. Do you foresee any problems or issues that this proposal might create?

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.

8. 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: Proposed annual fees for 2022/23

Proposed annual inspection fees for 2022-23	2019-20 annual fee (£)	2022-23 annual fee (£)	Increase (£)
Voluntary Adoption Agency (Small)	895	985	90
Voluntary Adoption Agency (Large)	1,689	1,858	169
Independent Fostering Agency	2,830	3,113	283
Adoption Support Agency (Small)	895	985	90
Adoption Support Agency (Large) *	1,694	1,750	56
Residential Family Centre (0-3)	1,717	1,889	172
Residential Family Centre (4) **	1,913	1,913	0
Residential Family Centre (5+) **	1,913	1,913	0
Children's homes (0-3)	2,578	2,836	258
Children's homes (4-26)	2,578	2,836	258
Children's homes (4-26) per place fee	257	283	26
Children's homes (27) *	8,746	9,436	690
Children's homes (28) *	9,003	9,436	433
Children's homes (29) *	9,260	9,436	176
Children's homes (30) *	9,285	9,436	151
Children's homes (31) *	9,285	9,436	151
Children's homes (32+) *	9,285	9,436	151
Multi-building children's homes (0-3)	NA	4,254	4,254
Multi-building children's homes (4-6) per place fee	NA	283	283
Boarding School (0-3)	842	926	84
Boarding School (4-12)	842	926	84
Boarding School (4-12) per place fee	51	56	5
Boarding School (13-50)	1,323	1,455	132
Boarding School (51-500)	1,851	2,036	185
Boarding School (500+)	2,223	2,445	222
Residential FE College (0-3)	1,121	1,233	112
Residential FE College (4-10)	1,121	1,233	112
Residential FE College (4-10) per place fee	68	75	7
Residential FE College (10)	1,597	1,757	160
Residential FE College (11) *	1,665	1,819	154
Residential FE College (12+) *	1,717	1,819	102
Residential Special School (0-3)	2,061	2,267	206
Residential Special School (4-17)	2,061	2,267	206
Residential Special School (4-17) per place fee	205	226	21
Residential Special School (18+) *	5,007	5,457	450
LA Adoption functions **	2,059	2,059	0
LA Fostering functions **	3,216	3,216	0
Holiday Schemes for Disabled Children ***	500	500	0

* Proposed 2022-23 fees capped at full cost

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

Annex B: Proposed registration/variation fees for 2022/23

Children's Home (small)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	960	1,056	96
Manager registration	No fee		
Minor variation	160	176	16
Variation requiring visit *	910	910	0

Children's Home (large)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	2,646	2,911	265
Manager registration *	910	910	0
Minor variation	160	176	16
Variation requiring visit *	1,322	910	-412

Multi-Building Children's Home

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	NA	2,911	2,911
Manager registration	NA	910	910
Minor variation	NA	176	176
Variation requiring visit *	NA	910	910

Voluntary Adoption Agency (small)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	667	734	67
Manager registration	No fee		
Minor variation	111	122	11
Variation requiring visit	667	734	67

Voluntary Adoption Agency (large)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	2,445	2,690	245
Manager registration	No fee		
Minor variation	111	122	11
Variation requiring visit *	919	910	-9

Independent Fostering Agency

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	2,646	2,911	265
Manager registration *	910	910	0
Minor variation	160	176	16
Variation requiring visit *	1,322	910	-412

Adoption Support Agency (small)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	667	734	67
Manager registration	No fee		
Minor variation	111	122	11
Variation requiring visit	667	734	67

Adoption Support Agency (large)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	2,445	2,690	245
Manager registration	667	734	67
Minor variation	111	122	11
Variation requiring visit *	919	910	-9

Residential Family Centre (small)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	801	881	80
Manager registration	No fee		
Minor variation	133	146	13
Variation requiring visit	801	881	80

Residential Family Centre (large)

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	2,646	2,911	265
Manager registration	801	881	80
Minor variation	133	146	13
Variation requiring visit *	1,102	910	-192

Holiday Schemes for Disabled Children

Type	2019-20 fee (£)	2022-23 fee (£)	Increase (£)
Provider registration	596	596	0
Manager registration	596	596	0
Minor variation	No fee		
Variation requiring visit	No fee		

* Fee capped at full cost

Annex C: 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)?

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)?

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.

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



Department
for Education

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