DfE Changes – Update March 2016 to May 2016

Consultation on extension of the 30 hour free childcare offer
1. The DfE has launched a new [consultation](https://www.gov.uk/government/consultations/30-hour-free-childcare-entitlement) on how an extended entitlement of up to 30 hours free childcare for working parents of 3 and 4 year olds should be provided. This includes how the entitlement will be delivered, and how it will meet and be responsive to the needs of working parents. Views are being sought on a range of issues including: ensuring the operation of a 'grace period' for parents; how places might be delivered more flexibly; provision for children with special education needs and disabilities; the role and responsibilities of local councils in securing places; and information about childcare for parents.

2. The deadline for submissions is Monday 6 June.

Cutting Red Tape Review
3. Alongside the consultation on the 30 hours free childcare entitlement, the Better Regulation Executive has published a call for evidence on the impact of regulation on early years providers.

4. This [Cutting Red Tape Review](https://cutting-red-tape.cabinetoffice.gov.uk/) is aimed primarily at childcare providers and aims to identify what burdens exist in the current system and what can be done to limit unnecessary regulations and requirements. The scope covers the activity of national regulators and local authorities in relation to the regulation of early years providers, including activity not designed specifically for the early years sector but where there is evidence of significant impact on providers.

5. Further details can be found on the [Cutting Red Tape](https://cutting-red-tape.cabinetoffice.gov.uk/) website.

Ofsted to directly manage early years inspections
6. Ofsted’s early years inspections and regulatory work will be managed directly from April 2017, when the current contracts end. At present two companies, Tribal and Prospects, undertake early years inspections on Ofsted’s behalf. These contracts run until 31 March 2017.

7. Bringing early years inspection under direct management means that Ofsted will have full control over the selection, training and management of inspectors, and complete oversight of the quality of inspection.

Childcare disqualification

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1 https://www.gov.uk/government/consultations/30-hour-free-childcare-entitlement
2 https://cutting-red-tape.cabinetoffice.gov.uk/
8. The DfE has published a consultation document setting out options for making changes to the childcare disqualification arrangements. A copy of the document can be found here³.

9. The consultation is looking to improve the fairness of the current arrangements, particularly in respect of the ‘by association’ elements, which mean that a childcare worker can be disqualified because someone who lives or works in their household is disqualified. The consultation closes on 1 July.

**Educational Excellence Everywhere White Paper**

10. The DfE has published the White Paper *Educational Excellence Everywhere*, which sets out the seven elements the DfE intend to pursue to deliver educational excellence everywhere:

   - Great teachers – everywhere they’re needed
   - Great leaders running our schools and at the heart of our system
   - A school-led system with every school an academy, empowered pupils, parents and communities and a clearly defined role for local government
   - Preventing underperformance and helping schools go from good to great: school-led improvement, with scaffolding and support where it’s needed
   - High expectations and a world-leading curriculum for all
   - Fair, stretching accountability, ambitious for every child
   - The right resources in the right hands: investing every penny where it can do the most good

11. Other key elements include replacement of Qualified Teacher Status (QTS) with a stronger accreditation among a number of measures to boost teaching profession; a new drive to focus on parts of the country where too few children have access to a good school; high expectations for every child and young person; a fairer national funding formula for schools, with most schools in line for extra funding expected to receive it by 2020.

12. The full paper can be found here⁴.

13. The announcement in the Budget to make every school an academy was initially reiterated in the White Paper, however the DfE subsequently released a press release announcing a number of changes to the proposals laid out in the paper. Most significant is the announcement that the government will not now legislate to compel all schools to become academies.

14. The full press release can be found here⁵.

**Schools Causing Concern statutory guidance**

15. The Government has responded to the consultation on ‘Intervening in failing, underperforming and coasting schools’ and published a revised version of the Schools Causing Concern guidance. The guidance is statutory and all local authorities need to be aware of the changes taking effect from 18 April 2016. The guidance can be found here⁶ and the wider Government response can be found here⁷. The guidance describes how:

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⁴ https://www.gov.uk/government/publications/educational-excellence-everywhere
⁶ https://www.gov.uk/government/publications/schools-causing-concern--2
- Local authorities and regional schools commissioners (RSCs) will intervene in underperforming local authority maintained schools
- RSCs will intervene in underperforming academies

16. The guidance also prescribes the circumstances under which the Secretary of State can direct the local authority to close a school. This will usually be executed where:
- the RSC has revoked an academy order which was made because a maintained school is eligible for intervention.
- there is no prospect of a maintained school making sufficient improvements or where it is too small to be viable, even as an academy. If the direction to close a maintained school has been given, the local authority will be expected to meet any costs of terminating staff contracts and make appropriate arrangements for the pupils’ continuing education, whether in a replacement school, or through transition to an alternative existing school.

Church schools and academies: memoranda of understanding
17. A revised Memoranda of Understanding with the Church of England and Catholic Church have been published. This document sets out the key principles to inform the working arrangements between DfE, the Catholic Education Service (“CES”) and Catholic Dioceses in relation to Catholic schools becoming academies, and any action to support, challenge or intervene in any underperforming Catholic school.

18. This will provide the framework for the relationship between RSCs and church dioceses in the context of the Education and Adoption Act and Schools Causing Concern Guidance, and build on existing MOUs with the churches. They have been developed following extensive consultation with RSCs and their teams, church dioceses and the national church bodies.

School organisation: local-authority-maintained schools
19. The DfE have updated the statutory guidance about making organisation changes to local authority maintained schools, including school closure. The guidance has been comprehensively reviewed and updated to set out how to make those changes, and the areas where statutory process must be followed.

Academies Update
20. Number in Wiltshire as at end of April 2016:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsored academies</td>
<td>16</td>
</tr>
<tr>
<td>Non-sponsored converter academies</td>
<td>55</td>
</tr>
</tbody>
</table>

21. There have been no academy conversions in this period.

Update on assessment and accreditation of social workers and training evaluations
22. In October 2014 DfE announced a new national assessment and accreditation system for social workers, aimed at guaranteeing the practice skill of every practitioner, at every level of seniority. They completed the proof-of-concept phase - the testing of the new assessment - in February: 23

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local authorities and 951 social workers participated. DfE is now carrying out an in-depth analysis of the results of participating social workers. Focus groups led by KPMG are taking place with participants and employers to explore their experience of the test.

23. Work with contractors to develop guidance for employers on how to endorse their staff continues. DfE is also working on possible models for a 'practice leader talent programme' to begin before the end of the year.

24. On 24 March DfE published two social work training evaluations: Frontline pilot evaluation\(^\text{10}\) and Costs comparison of social work qualifying routes.\(^\text{11}\)

Adoption – A vision for change
25. The DfE has published its new adoption policy paper Adoption – A vision for change\(^\text{12}\) which sets out how the government plans to address challenges in the adoption system over the next 4 years. Key new announcements include:

- Regional Adoption Agencies (RAA) - providing funding and support via a RAA development fund, with up to £14m available across 2016-18 to support the implementation of RAAs.
- Workforce - developing a robust continuous professional development programme to enable social workers to develop the skills they need to make and support robust permanence decisions.
- Innovation and Practice Fund - introducing two new funding streams for RAAs, voluntary adoption agencies and voluntary organisations, with up to £16 million across 2016-18.
- Adoption Support Fund (ASF): Increase the ASF in 2016-17 to £21m and £28m in 2017-18, with further increases in every year in this Parliament; extend support to adopted young people up to age 21 (from April 2016); allow children adopted from other countries via intercountry adoptions to use the ASF (from April 2016); extend support to special guardians who care for children who were previously looked after (from April 2016).
- Health - By summer 2016 setting up an expert group to advise DfE and DH ministers on new care pathways for adopted and looked after children. These will set out best practice to be followed in the treatment/support of these children.
- Education - Use legislation to expand the role of virtual schools heads and consider how designated teachers can continue to support children who have left care under an adoption order.

Multi-agency statutory guidance on female genital mutilation
26. The DfE, Home Office and Department of Health has published, under powers in the Serious Crime Act 2015, multi-agency guidance on female genital mutilation (FGM). The guidance\(^\text{13}\) should be read and followed by those who are under statutory duties to safeguard and promote the welfare of children and vulnerable adults. It replaces female genital mutilation: guidelines to protect children and women (2014).

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\(^{10}\) https://www.gov.uk/government/publications/frontline-pilot-independent-evaluation
\(^{11}\) https://www.gov.uk/government/publications/social-work-qualification-routes-comparing-the-costs
\(^{12}\) https://www.gov.uk/government/publications/adoption-a-vision-for-change
\(^{13}\) https://www.gov.uk/government/publications/multi-agency-statutory-guidance-on-female-genital-mutilation
27. The consultation outcome on the guidance can be found here.\textsuperscript{14}

**Innovation Programme funding**

28. The Secretary of State has confirmed £200 million funding to ‘transform the life-chances of the most vulnerable.’ This money will fund a new round of Innovation Programme projects and support new ‘Partners in Practice’ activities.

29. The policy paper\textsuperscript{15} contains information on: achievements of the programme since 2014; ongoing projects; the purpose of the next phase of the programme; how you can get involved by submitting a new idea or expanding an existing project; and where to apply, find support and get updates on funded projects.

**New SEND inspections from May**

30. From May, Ofsted and the Care Quality Commission will begin to inspect local areas’ obligations towards children and young people who have special educational needs and/or disabilities (SEND).

31. A local area is not just the local authority – it is the partners who commission and provide services to children and young people with special educational needs and/or disabilities (SEND) who are resident in a local authority area. It includes the local authority, the clinical commissioning group(s), public health, NHS England (for specialist services), early years settings, schools and further education providers – both within and without the local authority’s borders.

32. The inspectorates have undertaken five pilot inspections and have used these to inform the framework and inspection handbook, which can be found here: Local area SEND inspection: framework\textsuperscript{16} and here: Local area SEND inspection: Handbook\textsuperscript{17} The inspection will take place over five days and local areas will receive five working days’ notice of the commencement of the inspection. Every local area will be inspected over a five year cycle.

33. The inspection is testing three fundamental questions:
   - How effectively does the local area identify those with SEND?
   - How effectively does the local area assess and meet the needs of those with SEND?
   - How effectively does the local area improve outcomes those with SEND across health, education and social care?

34. The inspection reports will highlight good practice so that local successes can become more widespread nationally.

**Inspection of children’s homes**

35. An updated version\textsuperscript{18} of the children’s home framework was published by Ofsted on 30 March 2016. The evaluation schedule and grade descriptors remain unchanged; however, P32 sets out that at an interim inspection the

\textsuperscript{15}https://www.gov.uk/government/publications/childrens-social-care-innovation-programme
\textsuperscript{16}https://www.gov.uk/government/publications/local-area-send-inspection-framework
\textsuperscript{17}https://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors
\textsuperscript{18}https://www.gov.uk/government/publications/inspecting-childrens-homes-framework
home must be judged declined in effectiveness if there has been no registered manager for more than 26 weeks. Annex B now includes areas that inspectors must consider and report on when inspecting settings for disabled children and those with complex health care needs in recognition of the significant vulnerabilities of children in these settings.

36. There are minor changes to the handbook version\textsuperscript{19}, Annex A has also been amended to include information about staff and manager qualification, referrals in respect of extremism and the number of children present in the home at the time of the inspection.

**Data protection: privacy notice model documents**

37. The DfE have issued updated guidance\textsuperscript{20} and produced suggested privacy notices for schools and local authorities to issue to staff, parents and pupils about the collection of data. Notices cover suggested text for pupils, school workforce, the local authority, and looked after children and children in need.

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Largely taken from the DfE website content 08 March 2016 to 13 May 2016.

\textsuperscript{19} https://www.gov.uk/government/publications/inspecting-childrens-homes-guidance-for-inspectors  