



Department
for Education

Independent school inspection fee regulations

Government consultation response

June 2019

Contents

Introduction	3
Summary of responses received and the government's response	4
Main findings from the consultation	4
Question analysis	5
Question 7 (first substantive question using on-line form)	5
Question 8	5
Government response	5
Question 9	7
Government response	7
Question 10	8
Government response	8
Question 11	9
Government response	9
Question 12	10
Government response	10
Question 13	11
Government response	11
Question 14	12
Government response	12
Question 15	12
Government response	12
Next steps	13
Annex: List of organisations or persons responding to the consultation	14

Introduction

The consultation was published on 22 November 2018 and closed on 16 January 2019. Its purpose was to consult schools and other interested parties on proposed new fee rates and fee categories for inspections of independent schools conducted by Ofsted, as commissioned by the Department for Education under the Education and Skills Act 2008.

The consultation was conducted via the online CitizenSpace platform; all registered independent schools were alerted by email to the consultation. There was also an email box for enquiries. No events were held in connection with the consultation, or other online platforms used.

Documents pertaining to the consultation can be found at:

<https://consult.education.gov.uk/school-frameworks/independent-schools-ofsted-inspection-fees/>

Summary of responses received and the government's response

60 responses were received. 49 of these were from proprietors or head teachers of independent schools (a list of respondents is at the Annex); responses were also received from Ofsted and a number of other organisations or individuals

Following the consultation, the government is proceeding to lay regulations which will embody the proposals set out in the consultation.

Main findings from the consultation

Given that the proposals involved higher costs for the schools which formed most of the respondents, it was unsurprising that a majority of respondents were not in favour of higher fees for standard inspections even though some respondents did feel that the increases were reasonable. Opinion on the proposed increases for pre-registration and progress monitoring inspection fees was also split, with a minority supportive of the increases in both cases. The subject on which unanimity was closest was on the subject of fees for emergency inspections, where the continuation of existing policy to keep these free for schools was welcomed by nearly all. The speculative questions on material change inspections and action plan evaluations both attracted mixed views, although in both cases there was a clear majority against charging for these.

Question analysis

Question 7 (first substantive question using on-line form)

Do you agree that the proposed level of increases for standard inspection fees is reasonable?

Response	Total	Percent
Yes	19	32%
No	41	68%

This question related to the proposed increase in fees for standard inspections for schools of all sizes, as described in the consultation document.

Question 8

Do you have any further comments on the proposed level of increase in fees for standard inspections?

Subjects raised in comments included the particular impact on smaller schools; comparisons with the state sector (schools there are not charged for inspections, although of course inspection costs form part of the total cost of running state-funded education and charging schools would not alter that total cost); whether it was fair to aim for full cost recovery for what should be seen as a public service; whether the scope of inspections should be reduced to reduce costs; and the efficiency of the inspection process.

Government response

The government is pleased to note that although many respondents were not in agreement with the proposed increase, normally because of the impact on the running costs of schools, there were also respondents who agreed that it was reasonable on the basis described in the consultation document. It is aware that in percentage terms the increase is high for many schools, especially smaller ones. However, the proposed fee structure and bands continue to mean that smaller schools will pay less than the full cost of the inspections. Given the need to move further towards full cost recovery – which is

still far from being achieved - the government intends to incorporate the proposed new fee levels into the regulations when they are laid before Parliament.

It does not believe that the scope of inspections should be reduced; there is a need to ensure that the full range of independent school standards is met, in order to ensure that the education and well-being of pupils is maintained. The department will be discussing the issue of costs and efficiency of independent school inspections in the context of the next spending review.

Question 9

Do you agree with the proposed increase in fees for pre-registration inspections?

Response	Total	Percent
Yes	24	40%
No	36	60%

This question was about the proposed increase in the fee for pre-registration inspections, from £1,792 to £2,500. These inspections are carried out on schools seeking registration as independent schools; if more than one such inspection is necessary because the school is found at the first pre-registration inspection to not be likely to meet the independent school standards, a further fee is payable. However, school proprietors can choose to withdraw their application for registration after the first inspection and apply again at a later stage, if that would increase the likelihood that the standards would be met at the second pre-registration inspection.

Government response

The government was pleased to note that although the majority of respondents opposed the increase, there was a recognition by a substantial minority that in the circumstances described in the consultation document, there was a case for the proposed increase. This may reflect the fact that the fee is essentially voluntary - in that intending proprietors of independent schools choose whether to open such schools, and should include inspection costs as part of the overheads for opening. It continues to be the case that DfE itself does not make any charge for the registration process for independent schools. In the light of this, the regulations will incorporate the proposed increase when laid.

Question 10

Do you agree with the proposed increase in fees for progress monitoring inspections?

Response	Total	Percent
Yes	19	32%
No	41	68%

This question was about the proposed increase in the fee for progress monitoring inspections as set out in the consultation document. These inspections are carried out on schools which have been found to not meet the independent school standards, to determine whether they have improved and are now meeting the standards in question. More than one such inspection may be held; the fees vary according to the number of inspections held before the standards are met again. It will be seen that there was a clear majority opposing increases. No specific comments were made by respondents, however.

Government response

The government notes that although there was a significant majority against the proposed increase in fees for progress monitoring inspections, this view was by no means universal, perhaps reflecting the fact that it can be argued that schools which have to have these inspections have failed to meet the standards and steps needed to check whether they have improved should not be subsidised more than is necessary from public funds. As the consultation paper noted, no increase in the PMI fee was made in 2018. On balance, the government believes that there is a strong case for going ahead with the proposed increases and they will be included in the regulations when laid.

Question 11

Do you agree that there should continue to be no fee payable by schools for emergency inspections?

Response	Total	Percent
Yes	55	92%
No	4	7%
No response	1	1%

The current (2018) regulations provide that if an Ofsted emergency inspection is commissioned because of complaints or concerns about a school, no inspection fee is payable by that school. The proposals for the 2019 regulations continue this policy.

The same question was asked in consultation on the 2018 proposals, and 90% of responses agreed that no fee should be payable by schools.

Government response

The government notes that there is an overwhelming majority in favour of continuing the existing policy of not charging schools for emergency inspections. It will continue to keep this issue under review in later years but at present has no plans to change the policy.

Question 12

Do you believe that a charge should be made for material change inspections if a legal power to do so were to be created?

Response	Total	Percent
Yes	14	23%
No	46	77%

At present no charge is made for these inspections, and there is no power to make a charge. This is because applications for approval of material changes to schools (such as a change in age range) are dealt with under the Education Act 2002 rather than the Education and Skills Act 2008 (because a wider range of charges is covered by the 2002 Act), and the power to charge inspection fees contained in the latter Act cannot be used for inspections carried out under the former Act, even if it were government policy that Ofsted should charge a fee. Material change inspections are held if the department considers that a school's application for approval of a material change requires inspection evidence.

The same question was asked in the consultation about changes proposed for 2018; on that occasion the responses were 38% in favour of introduction of such a charge and 60% against. There has therefore been a shift against the introduction of such a charge. No specific comments were made by respondents, however

Government response

The government notes that only about a quarter of respondents favoured the introduction of a charge for material change inspections - even though schools take the initiative to make a material change, and arguably should bear the financial consequences. A change to primary legislation would be necessary to introduce such a charge and when the next opportunity for this arises the government will consider whether this change should be made.

The department will continue to consider for each material change application by a school whether an inspection is actually required and will take a decision on that based on the circumstances of the school and the actual change envisaged, with a view to ensuring that pupil well-being is prioritised. It will not commission inspections unnecessarily.

Question 13

Do you believe that a charge should be made for evaluation of schools' action plans if a legal power to do so were to be created?

Response	Total	Percent
Yes	10	17%
No	50	83%

If a school does not meet the independent school standards, it is normally required to produce an action plan showing how it will meet the standards, and by when. Such action plans are evaluated by the relevant inspectorate. When Ofsted is the inspectorate involved, the evaluation process is termed an 'inspection event' although no actual inspection is held, because inspector time is taken up with the evaluation. There is no current legal power to charge for such evaluations.

The same question was asked in consultation on the 2018 proposals. On that occasion, 17% of respondents were in favour of a charge, and 83% against - the same as this time. No specific comments were made by respondents, however.

Government response

The government notes that there was again a large majority opposed to the introduction of a charge for evaluations. The argument for charging a fee would be that schools which have to produce an action plan are in that position because of their own failure to meet the independent school standards, and should bear the consequent costs - just as they do with progress monitoring inspections. However, at present the government does not plan to amend primary legislation to create a charging power.

Question 14

Do you believe that the proposals would have a particular impact on certain types of school, and do you wish to comment on that?

39 respondents made comments in this section. Most of them related to points already raised in comments on standard inspection fees, about the impact on smaller independent schools - including faith and special schools.

Government response

As noted in the response above on Questions 7 and 8, the government accepts that the percentage increase in fees for small schools is significant, but for the reasons stated there and in the consultation document, believes that the proposals are justified.

Question 15

Do you have any further comment on the proposed changes to fee levels or categories, particularly in relation to the likely financial impact on schools?

There were 23 responses to this question. The majority related in some way to costs or the impact of increased fees on the operation of schools. One respondent argued that schools should meet all inspection costs; another, that all inspections should be free. One respondent said that inspection fees should be lower for schools which have pupils with special educational needs or pupils who come from deprived backgrounds.

Government response

The government has noted the responses made, and is grateful to those who have spent time taking part in the exercise. However, it does not propose to make any change to the consultation proposals as a result of the further comments received.

Next steps

The government will lay regulations before Parliament on the basis described in this document. Provided the regulations gain Parliamentary approval - they are subject to the negative resolution procedure - they will come into force from 1 July 2019.

Annex: List of organisations or persons responding to the consultation

Names are as given by respondents. Respondents requesting confidentiality are not included.

Alison Dobbie
Ambassadors High School,
(London)
Amelia Friend
Anne Mulligan
Aurora Brambles School
Bedstone College
Beis Malka Belz Girls School
Bethany School Sheffield
Bright Futures School
Bristol Steiner School
Calder Valley Steiner School
Date Valley School
EIFA International School
Heathfield Knoll School
Hilden Grange School
Hope View School
ID Academy
iMap Centre
Independent School
Jennifer Bright
Karlene Thomas
Kerem Shloime School
Keys Child care, Unity College
L&P Educational Services Ltd
Manchester Senior Girls School
New Forest Small School
Ofsted
Phoenix Place
Queenswood School
Richard MacLaren
Rossendale School
Al-Mahad-Al-Islami School
St Andrew's College, Cambridge
Stuart
The Pivot Academy
Tom D Harry
Westminster Tutors
Wribbenhall School
Young Foundations



Department
for Education

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