

## THE DEPARTMENT FOR EDUCATION'S STATEMENT OF NEW REGULATION

### Introduction

The Department for Education is responsible for schools and a wide range of children's services, including early years education, childcare, children in care services (e.g. adoption and fostering), social care and child protection. The department's regulation of the private, voluntary and independent (PVI) sectors covers over 50,000 childminders, some 10,000 nurseries, over 2,300 independent schools, around 1,500 children's residential care homes, adoption agencies and other children's social services.

### The Department for Education and deregulation

To help ensure that children are safe and protected from harm, standards are enforceable through regulation. Nevertheless, the Department for Education is a deregulatory department. Since the Better Regulation framework was introduced in January 2011 we have made 29 changes to regulation. By the end of this Parliament, it is expected that:

- Over half of the regulatory changes we have made will have reduced the cost of compliance with regulation, by a total of £13.5 million; and
- Less than a quarter of the regulatory changes we have made will have increased the cost of compliance with regulation, by a total of £4.9 million.

The regulatory measures which have increased compliance costs for PVI organisations have been essential for the proper safeguarding of children. These have included measures to ensure effective safeguards for vulnerable children in residential care homes, to bar unsuitable people from managing independent schools, and to promote the welfare of pupils at independent schools.

A significant saving of £2.1 million came from the revision of the statutory guidance '[Working Together to Safeguard Children](#)', published in March 2013. The revised 93 page guidance replaced over 600 pages of the previous guidance.

### The Red Tape Challenge

The department led the [Children's Services and Independent Schools theme](#) in the Red Tape Challenge (RTC), which identified 108 DfE measures for consideration, of which we committed to scrap five and improve 18. These regulations were streamlined so that they are more easily understood and burdens reduced, saving PVI organisations nearly £10.5 million.

The Enforcement theme of RTC reviewed whether enforcement functions for specific sectors were still fit for purpose, whether they could be delivered in more effective ways, and whether all existing regulators were needed. This led to the Focus on Enforcement, and we participated through our [regulatory review of the childcare sector](#). The review focused on Ofsted inspections and its guidance for childcare providers. As a result, Ofsted strengthened and significantly reduced the volume of guidance relating to childcare and clarified its relevance to childminders. Ofsted is now simplifying its inspection frameworks.

RTC measures are being taken forward through the Deregulation Bill, which aim to remove redundant regulation, reduce the burdens on schools, and reduce the regulation of providers of social work services.

Through the Small Business, Enterprise and Employment Bill we are seeking to create a more consistent and coherent childcare registration system, promote a prosperous and growing childcare

market, and make the sharing of information between Government Departments and schools, colleges and other assessment centres easier.

**Nick Gibb**  
**Minister of State for School Reform**

## STATEMENTS OF NEW REGULATION

Legislative measures to be included in a Statement of New Regulation are classified (and independently validated by the Regulatory Policy Committee) under 'One In, Two Out' (OITO) as: 'INs'; 'OUTs'; and 'ZERO NETs' according to their impact on the specified business sector.

### UPDATE TO THE EIGHTH STATEMENT OF NEW REGULATION

For the [Eighth Statement of New Regulation \(SNR8\)](#) published on 14 July 2014, the department had one 'IN', and three 'ZERO NETs'. At the time of publication, the department was not able to confirm the validation by the Regulatory Policy Committee of the Equivalent Annual Net Cost to Business (EANCB) of the IN. The department's running balance at 30 June 2014 was therefore estimated as a deficit of £2.78 million.

This figure can now be updated. Two INs came into force during the SNR8 period that have been validated and total £0.14 million: under the OITO rule twice that amount, £0.28 million, has to be added to the department's running balance. A further OUT was assessed at £0.29 million. The ZERO NET COST measures do not affect the OITO balance. Therefore, the running total at 31 December 2014 is now estimated as a deficit of £2.77 million (EANCB - £M 2009). The revised details are:

### INS

IMPACT ASSESSMENT NUMBER	TITLE OF THE MEASURE	PURPOSE OF THE MEASURE	DATE THE MEASURE IS DUE TO COME INTO FORCE	EQUIVALENT ANNUAL NET COST TO BUSINESS (EANCB) (£M, 2009)	IMPACT ASSESSMENT LINK
DFE0047	Amendments to the Care Standards Act 2000	To ensure a greater focus on outcomes and support innovation by revising regulations which form the basis of Ofsted inspection.	1 September 2014	£0.06	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>

DFE0048	The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations	To make regulations under section 128 of the Education and Skills Act 2008 to bring into operation powers for the Secretary of State to bar unsuitable individuals from occupying management positions in independent schools. This builds on powers to bar that the Secretary of State already has under section 142 of the Education Act 2002.	1 September 2014	£0.08	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>
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#### ZERO NET COST

IMPACT ASSESSMENT NUMBER	TITLE OF THE MEASURE	PURPOSE OF THE MEASURE	DATE THE MEASURE IS DUE TO COME INTO FORCE	EQUIVALENT ANNUAL NET COST TO BUSINESS (EANCB) (£M, 2009)	IMPACT ASSESSMENT LINK
DFE0050	Childcare (Welfare and Registration Requirements) (Amendment) Regulations 2014 (SI 2014/912)	To streamline childcare regulations so that there is a single set of essential safeguarding and welfare requirements for providers for children aged 0 to 7, including some specific duties for the care of under 5s.	1 September 2014	£0.00	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>
DFE0051	Childcare (Learning and Development Requirements and Exemptions from Registration) (Amendment)	To increase the amount of time that a child can be looked after from two hours to three hours a day where care is provided in friendship and on domestic premises before a provider needs to register on the Early Years Register and/or	1 September 2014	£0.00	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>

	Order 2014 (SI 2014/913)	General Childcare Register.			
DFE0052	Keeping Children Safe in Education (Statutory Guidance)	To provide updated guidance to all schools and Further Education colleges to help them fulfil their statutory responsibilities on safeguarding pupils. From 1 September 2014, the School Staffing (England) (Amendment) Regulations SI No. 1940 will remove the requirement for safer recruitment training to be approved by the Secretary of State.	1 September 2014	£0.00	To be published
DFE0053	The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Amendment) Regulations 2014	To help children and grandchildren, and their relatives, of an adopted person to obtain information about that adoption.	31 October 2014	£0.00	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>

## OUT

IMPACT ASSESSMENT NUMBER	TITLE OF THE MEASURE	PURPOSE OF THE MEASURE	DATE THE MEASURE IS DUE TO COME INTO FORCE	EQUIVALENT ANNUAL NET COST TO BUSINESS (EANCBS) (£M, 2009)	IMPACT ASSESSMENT LINK

DFE0054	Acoustic design of schools: performance standards 2014	To provide acoustic performance standards for schools which comply with the Building Regulations and provide non-statutory guidance in support of the acoustic requirement in The School Premises Regulations 2012 and The Independent Schools Standards 2013.	18 December 2014	-£0.29	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>
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**NINTH STATEMENT OF NEW REGULATION**

For **the Ninth Statement of New Regulation**, the department has introduced two ‘INs’, and one ‘ZERO NET’. The department’s running balance at 30 June 2015 is estimated as a One-in, Two-out deficit of £7.05 million (EANCB) (£M 2009).

**IN**

<b>IMPACT ASSESSMENT NUMBER</b>	<b>TITLE OF THE MEASURE</b>	<b>PURPOSE OF THE MEASURE</b>	<b>DATE THE MEASURE IS DUE TO COME INTO FORCE</b>	<b>EQUIVALENT ANNUAL NET COST TO BUSINESS (EANCB) (£M, 2009)</b>	<b>IMPACT ASSESSMENT LINK</b>
DFE0055	Amendments to the Education (Independent School Standards)(England)(Amendment) Regulations 2014 – Parts 1-4 and 6-8	To amend and update the Independent School Standards to raise the bar and improve outcomes for pupils, to update the requirements for assuring the suitability of school staff and proprietors, to strengthen the requirements on pupil welfare, to streamline requirements on the provision of information and the manner in which complaints are to be handled; and to improve the quality of leadership and management	05/01/2015	£1.61m	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>
DFE0057	Children's Homes Quality Standards Regulatory Reform	To amend the regulatory framework so that it is focussed on improving children’s outcomes rather than on the process involved by: - creating quality standards within the Children’s Home Regulations 2001 (as amended); - streamlining existing regulations to minimise burden; - redrafting existing National Minimum Standards to become a supplementary guide to the regulations.	01/01/2015	£0.53m	<a href="http://legislation.gov.uk">Legislation.gov.uk</a>

**ZERO NET COST**

<b>IMPACT ASSESSMENT NUMBER</b>	<b>TITLE OF THE MEASURE</b>	<b>PURPOSE OF THE MEASURE</b>	<b>DATE THE MEASURE IS DUE TO COME INTO FORCE</b>	<b>EQUIVALENT ANNUAL NET COST TO BUSINESS (EANCB) (£M, 2009)</b>	<b>IMPACT ASSESSMENT LINK</b>
TBC	Social Work Provider Registration	To end the requirement for social work provider organisations to register with Ofsted	2 months after Royal Assent to Bill	£0.00m	To be published