

Government plan new changes to criminal records disclosure regime

The government has announced it intends to make changes to the criminal records disclosure rules to ensure the right balance is struck between rehabilitating offenders and protecting the public.

Today, the government has laid a Statutory Instrument to amend the filtering rules that govern what is automatically disclosed through standard and enhanced criminal records certificates issued by the Disclosure and Barring Service (DBS).

The new legislation will remove the requirement for automatic disclosure of youth cautions, reprimands and warnings and remove the 'multiple conviction' rule, which requires the automatic disclosure of all convictions where a person has more than one conviction, regardless of the nature of their offence or sentence.

The move comes following the government's careful consideration of a Supreme Court judgment relating to the current disclosure regime and strikes the balance between the needs of protecting people, especially the most vulnerable and children, while ensuring those who have reformed after committing offences are not disproportionately hindered by previous wrongdoing.

This will particularly benefit those with childhood cautions and those with minor offences who have moved away from their past. The changes build on the government commitment to increase employment for ex-offenders.

Convictions and adult cautions for offences specified on a list of serious offences, which received a custodial sentence, are recent or unspent will continue to be disclosed under other rules.

Safeguarding Minister Victoria Atkins said:

By making these adjustments we will ensure that vulnerable people are protected from dangerous offenders while those who have turned their lives around or live with the stigma of convictions from their youth are not held back.

The Statutory Instrument will be debated in both the Commons and Lords later this year before the changes come into effect.

The criminal records disclosure regime provides information through DBS certificates to employers about an individual's criminal record to help them consider a person's suitability for certain roles, principally those working closely with children and vulnerable adults or roles requiring a high degree of public trust.

Employers use the information provided through a DBS certificate as part of their recruitment process when considering the suitability of applicants for eligible roles or work.

In 2018 to 2019 the DBS issued 5.8 million disclosure certificates.

Notes to editors

- the Statutory Instrument will amend The Police Act 1997 to remove automatic disclosure of:
 - youth cautions, reprimands and warnings (an out of court disposal issued to young offenders that were replaced by youth cautions in 2013)
 - all convictions where the individual has more than one conviction (except where disclosed under the other rules)
- the other rules will continue to result in the disclosure of unspent convictions, convictions receiving a custodial sentence, a conviction or adult caution for an offence specified as 'serious' (the 'never filter' list of offences), where less than 11 years has passed (5.5 years for convictions received under age 18) and all adult cautions where less than 6 years has passed
- in addition, enhanced criminal records certificates may also include any information which a chief officer of police reasonably believes to be relevant and in the chief officer's opinion ought to be included in the certificate A corresponding Statutory Instrument has also been laid to amend the disclosure scheme for certain sensitive roles under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

[Thérèse Coffey's speaking notes from the OECD event](#)

Thank you colleagues, Minister, Secretary-General for the opportunity to contribute to this important discussion. As others have said, COVID-19 is the biggest challenge the world has faced in decades, and the OECD has played a crucial part in providing in-depth analysis on the impact of this disease, and it will be important for the OECD to continue this work as we recover.

Now in the UK going from a situation in which we had enjoyed record employment rates, we took steps straight away to ensure that no one was going to be penalised for doing the right thing to protect themselves, their families and their communities.

That involved modifying access to sick pay, streamlining our main social security system (Universal Credit), which had to respond to unprecedented numbers of claims during the pandemic. We did make temporary changes on access to the benefits to manage that demand and get money to people as

quickly as possible. But now we're over the peak we will be returning to our usual processes to help people back into work.

In the UK we avoided mass unemployment with the swift introduction of the Job Retention Scheme, also known as the furlough scheme in which taxpayers guaranteed 80% of employees' pay up to £2,500 per month and the Self Employment support scheme.

Both of these schemes have been a lifeline to millions of people. Over 9 million people were supported on the Job Retention scheme, and over two and a half [sic] self-employed people by that individual scheme. The key aim was to help employers and their employees to be connected, to stay connected, so they were ready to resume as soon as the economy properly restarted.

And so we are making changes to the scheme from next month. That extra flexibility will help get people working again as we will definitely phase out the Job retention scheme entirely by the end of October. The road to full recovery will be long and many people are relying on us to create the right environment to recover the stability they need to pick up their lives and futures again. That is why we are working to deliver a package of measures that will stimulate the economy, support job growth, and get people back to work safely, while continuing to protect the most vulnerable.

As José said, data is key on this, especially as we don't know exactly how the economy and this situation is going to unfold. We don't quite yet know how consumer behaviour will have changed, and so we do need to be agile in the months and year ahead.

In terms of considering vulnerable groups, we must ensure that our measures continue to protect all workers in need, and we will redouble our global efforts to eradicate all forms of exploitation. Training will be crucial for those without work, so they maintain their work-readiness and gain new skills to quickly move sector and pivot back into work.

We are particularly focusing on young people, who are already disadvantaged due to their lack of skills and experience. So that's why our new youth offer will support this group into work, with the aim of reducing the long-term scarring effect.

Colleagues, finally this is a time for the global community to stand together to ensure that this significant but temporary disruption does not inflict permanent damage to the global economy. We welcome the work the OECD is doing to support the implementation of the G20 Action Plan, and I look forward to seeing you all at a successful October meeting.

Tax gap falls to lowest recorded rate

There is a long-term downward trend in the tax gap, falling from 7.5% in the tax year 2005 to 2006, to 4.7% in the tax year 2018 to 2019, its lowest recorded rate.

More than 95% of the tax due was paid in the 2018 to 2019 tax year. This is the result of sustained efforts by HMRC to support the overall health of the tax administration system and make it as easy as possible for taxpayers to pay the right tax at the right time.

The tax gap is the difference between tax that should be paid and what is actually paid. HMRC collected £628 billion in tax revenue in 2018 to 2019.

This is the first year that a stand-alone tax gap for wealthy taxpayers has been included in the report. The total wealthy tax gap stands at £1.7 billion and represents a very high collection rate of all tax due within this group. The wealthy tax gap is the smallest proportion of the total gap by customer group, making up 6% of the total tax gap.

Any impact of COVID-19 on the tax gap is likely to be first seen in the tax year 2020 to 2021.

[Jesse Norman](#), Financial Secretary to the Treasury said:

At 4.7%, the 2018-19 tax gap is the lowest on record. The coronavirus pandemic has highlighted the importance of everyone playing their part and paying the tax that is due.

Having a secure and comprehensive tax base is what allows the government to pay for public services, but also to provide financial support in a crisis, at a time when it is most needed.

HMRC's Chief Executive [Jim Harra](#) said:

More than 95% of the tax due was paid in 2018 to 2019. HMRC's aim is for everyone to pay the tax that is due, no matter who they are.

Our role is increasingly about making it straightforward for taxpayers to get it right, first time, while also tackling the minority who deliberately set out to cheat the system. I'm pleased that we're now able to share more information about who pays what.

Making Tax Digital for businesses launched in April 2019. Businesses with a

taxable turnover above the VAT threshold now have to use digital record keeping tools and submit their VAT return data direct from those records using Making Tax Digital-compatible software.

Making Tax Digital seeks to reduce the tax gap caused by error and failure to take reasonable care which cost the Exchequer £8.5 billion in lost revenue in 2018 to 2019. More than 1.4 million businesses have signed up to the service which helps them reduce errors and see, in close to real time, the health of their finances. This includes around 280,000 businesses below the VAT threshold who have joined voluntarily.

Further findings from the Measuring the Tax Gap publication include:

- the tax gap for Income Tax, National Insurance contributions and Capital Gains Tax is 3.4% in 2018 to 2019 at £12.1 billion – this represents the biggest share of the total tax gap by type of tax
- there has been a long-term reduction for the Value Added Tax (VAT) gap from 14.0% in 2005 to 2006, to 7.0% in 2018 to 2019
- the excise duty gap has reduced from 8.4% in 2005 to 2006, to 5.0% in 2018 to 2019
- the Corporation Tax gap has reduced from 11.3% in 2005 to 2006, to 7.0% in 2018 to 2019
- the avoidance tax gap has reduced from £3.7 billion in 2005 to 2006, to £1.7 billion in 2018 to 2019

Each year, HMRC estimates the tax gap for direct and indirect taxes based on the latest available information. HMRC may revise previous years' tax gaps as more data becomes available, in order to show the long-term trend.

Read the full [‘Measuring tax gaps – 2020 edition’ report](#).

Since 2010, the government has introduced over 100 measures to tackle tax avoidance, evasion, and other forms of non-compliance, that secured and protected over £220 billion that would otherwise have gone unpaid. In 2018 to 2019, HMRC secured a record £34.1 billion in additional tax through activity tackling tax avoidance, evasion and non-compliance.

HMRC has been publishing comprehensive tax gap estimates since 2009, the earliest point in the time series is 2005 to 2006.

HMRC is the only revenue authority in the world that measures and publishes the tax gap in this level of detail, covering both direct and indirect taxes, every year. It publishes the tax gap because the department believes it's important to be transparent in their work.

Supporting local areas to prioritise and meet the needs of children and young people with SEND

Ofsted visits in the autumn

Ofsted and Care Quality Commission (CQC) have been commissioned by the Department for Education (DfE) and Department for Health and Social Care (DHSC) to visit local areas to help improve their SEND systems following the COVID-19 disruption.

Ofsted and CQC will work collaboratively with local areas to understand the experiences of children and young people with SEND and their families during the pandemic, and to support local areas to prioritise and meet their needs.

The visits are not inspections, nor will they replace the current area SEND inspection cycle. They will give insights into how the SEND system is working from the autumn term, while the area SEND inspection cycle remains on hold. We will not give a formal judgement for a local area nor publish individual reports. We will share learning from these visits, alongside good practice and case studies, in national reports. This will help to strengthen the whole SEND system in a positive way.

Ofsted and CQC will return to complete the current inspection cycle when it is right to do so, and these visits will help us to determine when local areas will be ready for this.

A new framework

We are committed to promoting ongoing improvement in the SEND system beyond the current crisis, because we know that many of the problems we see now precede the pandemic. DfE, with the support of DHSC, has therefore formally commissioned Ofsted and CQC to develop a new area SEND inspection framework, with inspections beginning once the existing cycle finishes. This will be a regular cycle that will form a part of Ofsted and CQC's core inspection activity, continuing to hold areas to account for their SEND arrangements and promoting improvement.

[Ofsted has published a report that evaluates what has gone well](#) and what the new inspection framework could improve on.

Her Majesty's Chief Inspector, Amanda Spielman said:

There is no doubt that children and young people with SEND and their families have been affected significantly by the COVID-19 pandemic. Although many hard-working professionals and organisations have responded admirably by finding innovative ways

to support children and families, we must not lose sight of the wide-ranging disruption to essential support and services still faced by many.

Our joint visits to local areas with CQC will be collaborative and supportive, designed to support the whole SEND system. I am also very pleased that Ofsted and CQC have been commissioned by the Parliamentary Under-Secretary of State for Children and Families to develop a new, ongoing area SEND inspection framework. This will continue to drive lasting and vital improvement in the whole SEND system.

[HMCI commentary: the future of area special educational needs and disabilities inspections](#)

The pandemic's impact on children and young people with special educational needs and/or disabilities and their families

There is no doubt that children and people with special educational needs and/or disabilities (SEND) have been affected significantly by the COVID-19 (coronavirus) pandemic.

A recent report '[Left in lockdown](#)', published by the Disabled Children's Partnership, indicated that children and young people's friendships, learning, and mental and physical health have been negatively impacted. It highlighted concerns that disruption to essential education, health and care services, combined with increasing financial pressures, has left many families feeling exhausted and anxious – some even saying that they feel 'abandoned by society'. It showed that three quarters of families were no longer able to access the vital care and support that they rely on during the pandemic. Half of parents whose children receive therapies or extra support have seen this stop and many families have seen delays in statutory processes, such as annual reviews of education, health and care (EHC) plans.

The number of children and young people with EHC plans attending their school has increased steadily in recent weeks with about a quarter attending at the end of June. However, many parents have chosen not to take up the offer of a school place, due to concerns about their children's health or because they are not confident that the right provision is available at school.

Understandably, parents want the return of all education, health and care services to be well planned and carefully managed, including their children's return to school.

We must thank the hard-working professionals who have helped and supported children and young people with SEND during the pandemic – many organisations and individuals have responded admirably to a vast challenge. And yet, we cannot lose sight of the significant and wide-ranging disruption to essential support and services many families still face.

The SEND system was struggling before the pandemic hit

It is also clear that, despite the expertise and commitment of those working in SEND in England, many of the problems we now see in the SEND system precede the COVID-19 pandemic.

Before lockdown, Ofsted and Care Quality Commission (CQC) area SEND inspections identified a number of recurring weaknesses across local areas in England. These included:

- flaws, inconsistencies and delays in the identification of children and young people's needs
- not enough of a system-wide focus on providing high-quality universal education, health and care services
- a lack of clarity about who is responsible for what between organisations, resulting in fractures in the way professionals in these services work together

Area arrangements for identifying, assessing and meeting children and young people's education, health and care needs were frequently slow. They felt like a 'battle' for families as their concerns escalated. Too often, families were left feeling dissatisfied with their experience of area SEND arrangements because the quality of services and support failed to live up to what was envisaged in their children's EHC plans.

Helping to strengthen the SEND system before we re-start inspections

We know that area SEND inspections are important to children, young people and families because they provide valuable insights into how the SEND system is working for them.

However, we are not doing these inspections at the moment. The current levels of disruption to education, health and care services, as well as changing expectations of local areas during the pandemic, would make it impossible for us and CQC to make fair, valid and consistent inspection judgements.

We therefore think it is right that we do not return to area SEND inspections in the autumn, but instead focus on other ways we can help and support local areas to strengthen the SEND system in future.

Understanding the impact of the pandemic and supporting local areas to respond effectively

So, in the interim period before area SEND inspections restart, Ofsted and CQC will work collaboratively with local areas through a series of visits to:

- understand children and young people's experience and learn from what has worked well for them in this time
- support local areas to prioritise and meet the needs of children and young people with SEND in the context of the pandemic
- enable learning for all local areas, government and stakeholders on how best to strengthen the SEND system in future through a series of national reports

The visits will give us an insight into how well the system is working and allow us to see the point at which local areas will be ready for us to restart full inspections. We will use the expertise of our inspectors to help local areas get to that point in a strategic, supportive and evidence-based way.

These visits are not inspections, nor will they replace the current area SEND inspection cycle. They will start in the autumn term, while the inspection cycle remains suspended. We will not give a formal judgement or publish reports on individual local areas.

We will publish insights from these visits, alongside good practice and case studies, in national reports. This will help to strengthen the whole SEND system in a positive way.

Returning to area SEND inspection at the right time

Ofsted and CQC began inspecting area SEND arrangements in May 2016, and we have inspected 117 local areas to date. We plan to return to full area SEND inspections to complete the current cycle as soon as it is right to do so.

The inspections so far have been valuable, as our recent [evaluation of the programme](#) has shown.

Positive aspects of area SEND inspections from our evaluation

Area leaders and frontline professionals told us that the inspections have raised the profile of SEND in their local areas. They said that SEND was given a higher priority following inspection, which had helped with strategic decision-making and planning. They considered themselves to be more accountable for SEND provision across health, education, care and social care services than they had felt previously.

Frontline professionals said that the quality and coordination of EHC plans had improved because of the increased focus on SEND. Area professionals described having clearer direction from leaders and an improved structure for enabling change.

Area leaders and frontline staff also thought that receiving a joint inspection from both Ofsted and CQC reinforced their collective responsibilities. We heard that inspections have had a pronounced impact, especially in areas in which the partnership between education, health and social care had previously not been strong.

Inspection has also been a catalyst for access to some support and funding from external agencies, including the Department for Education and NHS England.

Limitations of current area SEND inspections from our evaluation

Our evaluation also showed some limitations of the current area SEND approach.

The one-off nature of the inspection cycle can encourage providers and areas to go for a short-term approach to improvement that fails to address the underlying issues in enough depth.

We have focused too much on the implementation of the government's 2014 SEND reforms and too little on the quality and impact of provision on children and young people's lives.

Area leaders and inspectors commented on the lack of focus on children's social care during area SEND inspections. Area leaders pointed out that this meant that one of the main partners in an area was neither able to articulate their contribution nor be held to account.

Developing a new ongoing area SEND inspection programme and framework

I am pleased to say that the Parliamentary Under-Secretary of State for Children and Families has commissioned Ofsted and CQC to develop a new area SEND inspection framework, to launch after the existing cycle has been completed. In doing so, we will work with the Department for Education and Department of Health and Social Care, alongside the many other partners involved, to develop the future framework.

We have agreed that the new framework will improve the current arrangements by:

- introducing a continuous cycle of inspections
- focusing inspection more sharply on the experience of children and young people with SEND and their families
- featuring more prominently in inspection the quality, integration and commissioning of education, health and care services for children and young people with SEND.

What we will focus on

We are using our knowledge of what has and has not worked well to help us to think about how we will inspect area SEND arrangements. We are thinking of

looking at:

- whether all leaders in an area have an ambitious, realistic and shared vision for children and young people with SEND
- how well leaders and practitioners, children, young people and families work together to co-produce decisions about planning and commissioning or delivering services and support
- the quality of universal and targeted education, health, care and social care services, including preventative services and the effectiveness of the graduated approach
- whether education, health and social care leaders in an area collaborate effectively to commission and plan high-quality, child-centred services that provide 'the right help at the right time'
- how well children and young people with SEND are prepared for their adult lives

We are also looking carefully at the things we have learned from our different inspection remits, as well as the joint area SEND inspections. We are considering:

- what children and young people with SEND and their families have told us about what is working and what could be better for them
- what other stakeholders, including those we inspect and regulate, have told us about how the SEND system is working
- the things we have learned from our inspection and regulation work in social care, early years, schools, and further education and skills, as well our work with CQC and other inspectorates in area SEND inspections and joint targeted area inspections (JTAIs), and how we can better align our approaches and connect everything we know about an area

Putting children and families at the heart of our plans

We want all our visits and inspection activities to improve the lives of children and young people with SEND, so that they are well prepared for education, employment, independent living and participation in society and well prepared to have as healthy a life as possible.

We will take time to listen to all our stakeholders to ensure that we understand children, young people and families' experiences and that we focus on the things that will make the biggest difference to them.