
STATUTORY INSTRUMENTS

2020 No. 253

CHILDREN AND YOUNG PERSONS, ENGLAND

Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>9th March 2020</i>
<i>Laid before Parliament</i>		<i>10th March 2020</i>
<i>Coming into force</i>	- -	<i>1st April 2020</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 87D(2) and 104(4)(a) of the Children Act 1989(1) and sections 12(2), 15(3), 16(3), and 118(5) and (6) of the Care Standards Act 2000(2) makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2020.

(2) These Regulations come into force on 1st April 2020.

(3) In these Regulations the "2015 Regulations" means Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015(3).

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- (1) 1989 c.41 ("the 1989 Act"). Section 87D was inserted by section 108 of the Care Standards Act 2000 (c. 14). See section 87(10) of the 1989 Act for the definition of "appropriate authority" and section 87(11) and (12) of the 1989 Act for the definition of "relevant person".
- (2) 2000 c.14 ("the 2000 Act"). Section 12(2) of the 2000 Act was amended by section 105(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and by paragraphs 1 and 11 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) ("the 2008 Act"). Section 15(3) of the 2000 Act was amended by paragraphs 1 and 14(b) of Schedule 5 to the 2008 Act. Section 16(3) of the 2000 Act was amended by paragraphs 1 and 15 of Schedule 5 to the 2008 Act. Sections 12(2), 15(3) and 16(3) of the 2000 Act were applied to a person who carries on or manages a holiday scheme for disabled children by regulation 2(1), (2)(b), (d), (e) and (j) of S.I. 2013/253, with the modifications specified in paragraphs 2 and 6 of the Schedule to those Regulations. See section 121 of the 2000 Act for the definitions of "prescribed" and "regulations".
- (3) Amended by S.I. 2015/971, S.I. 2016/322, S.I. 2017/245, S.I. 2018/246 and S.I. 2019/835.

Substitution of fees payable

2. In each provision of the 2015 Regulations specified in column 1 of the table in the Schedule to these Regulations, for the amount specified in column 2 (Old fee) substitute the amount specified in column 3 (New fee).

Amendment to size classification for residential colleges and residential special schools

3. In regulation 19 of the 2015 Regulations (Boarding schools, residential colleges and residential special schools)—

- (a) in paragraph (2)(b) for “11” substitute “10”;
- (b) in paragraph (2)(b)(ii) for “11th” substitute “10th”;
- (c) in paragraph 2(c) for “11” substitute “10”;
- (d) in paragraph (3)(b) for “17” substitute “15”;
- (e) in paragraph (3)(b)(ii) for “17th” substitute “15th”; and
- (f) in paragraph (3)(c) for “17” substitute “15”.

Amendment to size classification for children’s homes

4. In regulation 23 of the 2015 Regulations (Children’s homes)—

- (a) in paragraph (1)(b) for “29” substitute “25”;
- (b) in paragraph (1)(b)(ii) for “29th” substitute “25th”; and
- (c) in paragraph (1)(c) for “29” substitute “25”.

9th March 2020

Vicky Ford
Parliamentary Under Secretary of State
Department for Education

SCHEDULE

Regulation 2

Substitution of fees payable under the 2015 Regulations

<i>Provision of the 2015 Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Regulation 4 (Registration fees: voluntary adoption agencies)		
Paragraph (1)(a)	£2445	£2646
Paragraph (1)(b)(i)	£2445	£2646
Paragraph (1)(b)(ii)	£667	£734
Paragraph (2)(a)	£667	£734
Paragraph (2)(b)(i)	£2445	£2646
Paragraph (2)(b)(ii)	£667	£734
Regulation 5 (Registration fees: adoption support agencies)		
Paragraph (1)	£2445	£2646
Paragraph (2)	£667	£734
Paragraph (3)	£667	£734
Regulation 6 (Registration fees: children's homes)		
Paragraph (2)	£960	£1056
Regulation 7 (Registration fees: residential family centres)		
Paragraph (2)	£801	£881
Paragraph (3)	£801	£881
Regulation 12 (Variation fees: voluntary adoption agencies)		
Paragraph (1)(b)	£667	£734
Paragraph (2)(b)	£667	£734
Paragraph (3)	£111	£122
Regulation 13 (Variation fees: adoption support agencies)		
Paragraph (2)	£667	£734
Paragraph (3)	£111	£122
Regulation 14 (Variation fees: children's homes)		
Paragraph (3)	£160	£176
Regulation 15 (Variation fees: residential family centres)		
Paragraph (2)	£801	£881
Paragraph (3)	£133	£146
Regulation 16 (Variation fees: fostering agencies)		
Paragraph (2)	£160	£176
Regulation 19 (Annual fees: boarding schools, residential colleges and residential special schools)		
Paragraph (2)(a)	£1121	£1233
Paragraph (2)(b)(i)	£1121	£1233

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision of the 2015 Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Paragraph (2)(b)(ii)	£68	£75
Paragraph (2)(c)	£1717	£1821
Paragraph (3)(a)	£2061	£2267
Paragraph (3)(b)(i)	£2061	£2267
Paragraph (3)(b)(ii)	£205	£226
Regulation 20 (Annual fees: voluntary adoption agencies)		
Paragraph (1)(a)	£1689	£1858
Paragraph (1)(b)(i)	£1689	£1858
Paragraph (1)(b)(ii)	£895	£985
Paragraph (2)(a)	£895	£985
Paragraph (2)(b)(i)	£1689	£1858
Paragraph (2)(b)(ii)	£895	£985
Regulation 21 (Annual fees: adoption support agencies)		
Paragraph (1)	£1694	£1750
Paragraph (2)	£895	£985
Regulation 22 (Annual fees: fostering agencies)		
Paragraph (1)	£2830	£3113
Regulation 23 (Annual fees: children's homes)		
Paragraph (1)(a)	£2578	£2836
Paragraph (1)(b)(i)	£2578	£2836
Paragraph (1)(b)(ii)	£257	£283
Regulation 24 (Annual fees: residential family centres)		
Paragraph (1)(a)	£1717	£1889

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England only.

Regulation 2 and the Schedule increase certain fees payable under Parts 2, 3 and 4 of Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015 (S.I. 2015/551) ('the 2015 Regulations').

In particular, they increase the fees that are payable to the Chief Inspector in respect of registration of voluntary adoption agencies, adoption support agencies, children's homes and residential family centres; and variation of registration of those establishments and of fostering agencies.

They also increase the annual fees payable by the above establishments and agencies as well as those payable by boarding schools, residential colleges and residential special schools.

Regulations 3 and 4 amend the approved places threshold (see regulation 2 of the 2015 Regulations for the definition of “approved place”) set out in the 2015 Regulations. Once this threshold has been exceeded, the relevant institution is obliged to pay a higher annual fee.

Regulation 3(a) to (c) lowers the approved places threshold for residential colleges from between 4 – 11 places to 4 – 10 places.

Regulation 3(d) to (f) lowers the approved places threshold for residential special schools from between 4 – 17 places to 4 – 15 places.

Regulation 4 lowers the approved places threshold for children’s homes from between 4 – 29 places to 4 – 25 places.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.