

2007 No. 556

SOCIAL CARE ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

The Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2007

<i>Made</i> - - - -	<i>26th February 2007</i>
<i>Laid before Parliament</i>	<i>2nd March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12(2), 15(3), 16(3), 31(7), 45(4) and 118(5) to (7) of the Care Standards Act 2000(a) and section 87D(2) of the Children Act 1989(b).

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2007 and shall come into force on 1st April 2007.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the Act” means the Care Standards Act 2000 or that Act as applied by the Care Standards Act 2000 (Extension of the Application of Part 2 to Adult Placement Schemes) (England) Regulations 2004(c);

“the 1957 Act” means the Nurses Agencies Act 1957(d);

(a) 2000 c. 14. Sections 12(2), 15(3) and 16(3) were amended by the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 Act”), section 105 but see S.I. 2005/2925, article 3, for transitional provisions applying until such time as section 105(2) of the 2003 Act is commenced in relation to the CSCi; sections 31(7) and 45(4) were both amended by the 2003 Act, Schedule 9. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland or Northern Ireland, as the Secretary of State. *See*: section 121(1) for the definitions of “prescribed” and “regulations”. The functions of the National Care Standards Commission under Part 2 are transferred either to the Commission for Healthcare Audit and Inspection or to the Commission for Social Care Inspection in accordance with section 102 of the 2003 Act with effect from 1st April 2004.

(b) Section 87D was inserted into the Children Act 1989 (c.41) by section 108(2) of the Care Standards Act 2000.

(c) S.I. 2004/1972.

(d) 1957 c.16 (5 & 6 Eliz. 2).

“the 1984 Act” means the Registered Homes Act 1984(a);

“adult placement scheme” has the same meaning as in the Adult Placement Schemes (England) Regulations 2004(b);

“agency” means a domiciliary care agency or a nurses agency;

“approved place” means a bed provided for the use of a service user at night;

“certificate” means a certificate of registration;

“existing provider” means—

(a) a person who immediately before 1st April 2002 was registered under—

(i) Part 1 of the 1984 Act in respect of a residential care home, or

(ii) Part 2 of the 1984 Act in respect of a nursing home or mental nursing home; or

(b) a nurses agency provider;

“new provider” means a person who—

(a) carries on an agency, and first carried on that agency on or after 1st April 2003; or

(b) carries on a care home and first carried on that home on or after 1st April 2002;

“nurses agency provider” means a person—

(a) who, immediately before 1st April 2003, carried on an agency for the supply of nurses within the meaning of the 1957 Act; and

(b) was the holder of—

(i) a valid licence which had been granted to him by a local authority under section 2 of that Act and which authorised him to carry on that agency from premises specified in the licence, or

(ii) a licence which would have ceased to be valid on 31st December 2002 by virtue of section 2(6) of the 1957 Act, but which continued to be treated as valid by virtue of article 4 of the Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment No.2) (England) Order 2002(c) (“the relevant order”);

“previously exempt provider” means a provider who, immediately before 1st April 2002, carried on a care home other than a residential care home, nursing home or mental nursing home in respect of which a person was required to be registered under Part 1 or 2 of the 1984 Act;

“registered manager” in relation to a care home, agency or adult placement scheme means a person who is registered under Part 2 of the Act as the manager of the care home, agency or adult placement scheme;

“registered person” means any person who is the registered provider or registered manager in respect of a care home, agency or adult placement scheme;

“registered provider” in relation to a care home, agency or adult placement scheme means a person who is registered under Part 2 of the Act as the person carrying on the care home, agency or adult placement scheme;

“service user” means—

(a) any person who is to be provided with accommodation or services in a care home, or by an agency, but excludes registered persons or persons employed or intended to be employed in a care home or by an agency, and their relatives; or

(b) in relation to an adult placement scheme, an adult who is or may be placed by the provider of a scheme;

“small agency” means an agency where no more than two members of staff, including registered persons but excluding someone employed solely as a receptionist, are employed at any one time;

“small care home” means a care home which has less than four approved places;

(a) 1984 c.23.

(b) S.I. 2004/2071, to which there are amendments not relevant to these Regulations.

(c) S.I. 2002/3210.

“small scheme” means an adult placement scheme carried on by a registered provider who—

- (a) employs no more than two members of staff, including registered persons, at any one time; and
- (b) has entered into carer agreements with no more than 50 adult placement carers at any one time.

PART 2

FEES

Registration fees

3.—(1) For the purposes of section 12(2) of the Act, and subject to paragraph (2), the fee to accompany—

- (a) an application by a person seeking to be registered under Part 2 of the Act as a person who carries on a care home or an adult placement scheme shall be £2,186; and
- (b) an application by a person seeking to be registered under Part 2 of the Act as a person who carries on an agency shall be £1,822.

(2) Where the care home is a small care home, the agency is a small agency or the adult placement scheme is a small scheme, the fee shall be—

- (a) in the case of an application referred to in paragraph (1)(a), £596; and
- (b) in the case of an application referred to in paragraph (1)(b), £497.

(3) For the purposes of section 12(2) of the Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the Act as a person who manages a care home, agency or adult placement scheme, other than a small care home, small agency or small scheme, shall be—

- (a) in respect of a care home, £596;
- (b) in respect of an agency, £497.

Variation fees

4.—(1) For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered provider under section 15(1)(a) of the Act (“the variation fee”) shall, subject to paragraphs (2) and (3), be—

- (a) in respect of a care home or an adult placement scheme, £1,093;
- (b) in respect of an agency, £911.

(2) Where the care home is a small care home, the agency is a small agency or the adult placement scheme is a small scheme, the fee shall be—

- (a) in the case of an application referred to in paragraph (1)(a), £596;
- (b) in the case of an application referred to in paragraph (1)(b), £497.

(3) In a case where the variation of a condition is a minor variation, the variation fee shall be—

- (a) in the case of an application referred to in paragraph (1)(a), £99; and
- (b) in the case of an application referred to in paragraph (1)(b), £83.

(4) For the purposes of paragraph (3) a “minor variation” is a variation which, in the opinion of the CSCI^(a), if the application for the variation of the condition were granted, would involve no material alteration in the register kept by the CSCI in accordance with regulations made under section 11(4) of the Act.

(a) See section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) for the definition of the CSCI and section 102 of that Act for the transfer of functions from the National Care Standards Commission to the CSCI.

Annual fees

5.—(1) Subject to paragraphs (2) to (4), the registered provider, in respect of a care home, agency or adult placement scheme specified in column (1) of the Table below shall pay an annual fee and—

- (a) the amount of the annual fee shall be—
- (i) in the case of an agency or adult placement scheme, the amount specified in column (2); or
 - (ii) in the case of a care home, the sum of the amount specified in column (2) and the amount specified in column (3) multiplied by the number of approved places at the care home concerned; and
- (b) shall be payable for the year beginning 1st April 2007 and subsequent years in accordance with column (4).

<i>Column (1) Care home, agency or adult placement scheme</i>	<i>Column (2) Flat rate payable in all cases</i>	<i>Column (3) Rate payable for each approved place</i>	<i>Column (4) Annual fee due</i>
(a) Care home	£297	£99	<p>(a) in the case of an existing provider, on the anniversary of the date on which the annual fee was payable under the 1984 Act;</p> <p>(b) in the case of a previously exempt provider, each year on 1st April; and</p> <p>(c) in the case of a new provider—</p> <ul style="list-style-type: none"> (i) if the certificate was issued before 1st April 2007, each year on the anniversary of the date of issue; (ii) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.
(b) Domiciliary care agency	£1,242		<p>(a) if the certificate was issued—</p> <ul style="list-style-type: none"> (i) before 1st April 2003, each year on 1st April, or (ii) on or after 1st April 2003 and before 1st April 2007, each year on the anniversary of the date on which the certificate was issued; or <p>(b) otherwise, on the date on which the certificate is issued and thereafter on the anniversary of that date.</p>
(c) Nurses agency	£828		<p>(a) in the case of an existing provider—</p> <ul style="list-style-type: none"> (i) where the licence under the 1957 Act was granted to the provider by the local authority between 1st January 2002 and 31st March 2002, on the anniversary first occurring after 1st April 2007 of the date on which the licence was granted, and thereafter on the anniversary of that date; (ii) where the licence under the 1957

<i>Column (1) Care home, agency or adult placement scheme</i>	<i>Column (2) Flat rate payable in all cases</i>	<i>Column (3) Rate payable for each approved place</i>	<i>Column (4) Annual fee due</i>
			<p>Act was granted to the provider by the local authority on or after 1st April 2002 but before 1st April 2003, on the anniversary first occurring on or after 1st April 2007 of the date on which the licence was granted, and thereafter on the anniversary of that date;</p> <p>(iii) whose licence under the 1957 Act continued to be treated as valid after 31st December 2002 by virtue of article 4(1)(a) of the relevant order, on the anniversary first occurring on or after 1st April 2007 of the date on which the fee payable in relation to the making of an application for a licence under the 1957 Act was last paid, and thereafter on the anniversary of that date;</p> <p>(iv) whose licence under the 1957 Act continued to be treated as valid after 31st December 2002 by virtue of article 4(1)(b) of the relevant order—</p> <p>(aa) where the licence was granted to the provider by the local authority on or after 1st January 2001 but before 1st April 2001, on the anniversary first occurring after 1st April 2007 of the date on which the licence was granted, and thereafter on the anniversary of that date;</p> <p>(bb) where the licence was granted to the provider by the local authority on or after 1st April 2001 but before 1st January 2002, on the anniversary first occurring on or after 1st April 2007 of the date on which the fee payable in relation to the making of an application for a licence under the 1957 Act was last paid, and thereafter on the anniversary of that date; and</p> <p>(b) in the case of a new provider—</p> <p>(i) where the certificate was issued on</p>

<i>Column (1) Care home, agency or adult placement scheme</i>	<i>Column (2) Flat rate payable in all cases</i>	<i>Column (3) Rate payable for each approved place</i>	<i>Column (4) Annual fee due</i>
			or after 1st April 2003 and before 1st April 2007, each year on the anniversary of the date on which the certificate was issued, or (ii) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.
(d) Adult placement scheme	£1,987		(a) in the case of a certificate issued before 1st April 2007, on the anniversary of the date on which the certificate was issued; or (b) otherwise, on the date on which the certificate is issued and thereafter on the anniversary of that date.

(2) In the case of a care home which is a small care home, the annual fee shall be £199.

(3) In the case of an agency which is a small agency, the annual fee payable shall be 50 per cent. of the flat rate specified in column (2).

(4) In the case of an adult placement scheme which is a small scheme, the annual fee shall be £994.

PART 3

FREQUENCY OF INSPECTIONS

Frequency of inspections

6.—(1) The CSCI shall arrange for premises which are used for the purposes of a care home, agency or an adult placement scheme to be inspected a minimum of once in every three year period.

(2) Any inspection referred to in paragraph (1) may be unannounced.

(3) In this regulation, “three year period” means a period commencing on 1st April in any year and ending on 31st March in the third year following.

PART 4

REVOCATIONS

Revocations

7. The Regulations set out in the Schedule are revoked to the extent there specified.

Signed by authority of the Secretary of State for Health

26th February 2007

Mr Ivan Lewis
Parliamentary Under Secretary of State
Department of Health

SCHEDULE
REVOCATIONS

Regulation 7

<i>Instrument revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004	S.I. 2004/662	The whole Regulations
The Adult Placement Schemes (England) Regulations 2004	S.I. 2004/2071	Regulation 43 and Schedule 8
The Commission for Social Care Inspection (Fees and Frequency of Inspections) (Amendment) Regulations 2005	S.I. 2005/575	The whole Regulations
The Commission for Social Care Inspection (Fees and Frequency of Inspections) (Amendment) Regulations 2006	S.I. 2006/517	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, replace the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004 (“the 2004 Regulations”), as amended. The 2004 Regulations prescribed the fees to be paid to the Commission for Social Care Inspection (“the CSCI”) by establishments and agencies under Part 2 of the Care Standards Act 2000 and the frequency of inspections of such establishments and agencies

From April 2007, the CSCI’s functions in relation to the regulation of certain agencies and establishments - namely children’s homes, fostering agencies, residential family centres, boarding schools, residential colleges and residential special schools - will transfer to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.

In respect of adult social care services which remain the responsibility of the CSCI (i.e. care homes, domiciliary care agencies, nurses agencies and adult placement schemes) these Regulations have the same effect as the 2004 Regulations and the fee levels remain the same as previously. The only changes are to make amendments consequential on the removal of children’s services from the scope of the Regulations.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E0272 3/2007 170272T 19585