

2013 No. 523

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 2013**

<i>Made</i>	- - - -	<i>7th March 2013</i>
<i>Laid before Parliament</i>		<i>11th March 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Secretary of State for Education makes the following Regulations, in exercise of the powers conferred by sections 16(3), 31(7) and 118(5) and (6) of the Care Standards Act 2000(a), sections 147(1) and 155(1) and (2) of the Education and Inspections Act 2006(b) and sections 87D(2) and 104(4)(a) of the Children Act 1989(c):

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 2013 and come into force on 1st April 2013.

(2) In these Regulations "the Principal Regulations" means Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007(d).

Amendment of regulation 14 of the Principal Regulations

2. In regulation 14(1) and (2) of the Principal Regulations (voluntary adoption agencies)—

- (a) for "£918.39" in each place where it occurs substitute "£952.54"; and
- (b) for "£459.20" in each place where it occurs substitute "£505.11".

Amendment of regulation 15 of the Principal Regulations

3. In regulation 15 of the Principal Regulations (adoption support agencies)—

- (a) in paragraph (1) for "£918.39" substitute "£956.05"; and

(a) 2000 c.14. See section 121 for the definitions of "prescribed" and "regulations". Section 16(3) was substituted by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 105(6) and amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraph 15. Section 31(7) was amended by paragraph 27 of Schedule 5 to the Health and Social Care Act 2008.

(b) 2006 c.40. See section 147(3) for the definition of "relevant functions" in relation to a local authority.

(c) 1989 c.41. Section 87D was inserted by the Care Standards Act 2000, section 108. See section 87(10) for the definition of "appropriate authority" and section 87(11) and (12) for the definition of "relevant person".

(d) S.I. 2007/694; amended by S.I. 2009/2724, 2010/617, 2011/553 and 2012/511.

- (b) in paragraph (2) for “£459.20” substitute “£505.11”.

Amendment of regulation 17 of the Principal Regulations

4.—(1) Regulation 17 of the Principal Regulations (children’s homes etc.) is amended as follows.

- (2) In paragraph (1) (children’s homes)—
 - (a) for “£1323.01” in both places where it occurs substitute “£1455.32”;
 - (b) for “62” in both places where it occurs substitute “37”;
 - (c) in sub-paragraph (b)(ii)—
 - (i) for “£131.77” substitute “£144.95; and
 - (ii) for “62nd” substitute “37th”; and
 - (d) in sub-paragraph (c) for “£9120” substitute “£6399.31”.
- (3) In paragraph (2A) (residential family centres)—
 - (a) for “£881.12” substitute “£969.23”;
 - (b) for sub-paragraph (b) substitute “has 4 approved places, £1090.75”; and
 - (c) in sub-paragraph (c) for “5” substitute “4”.
- (4) In paragraph (3A) (boarding schools)—
 - (a) for “£574.99” in both places where it occurs substitute “£632.49”;
 - (b) in sub-paragraph (b) for “15” substitute “12”;
 - (c) in sub-paragraph (b)(ii)—
 - (i) for “£34.61” substitute “£38.07”; and
 - (ii) for “14th” substitute “12th”; and
 - (d) in sub-paragraph (c) for “16” substitute “13”.
- (5) In paragraph (3B) (residential colleges)—
 - (a) for “£574.99” in both places where it occurs substitute “£632.49”;
 - (b) for “14” in both places where it occurs substitute “11”; and
 - (c) in sub-paragraph (b)(ii)—
 - (i) for “£34.61” substitute “£38.07”; and
 - (ii) for “14th” substitute “11th”.
- (6) In paragraph (3C) (residential special schools)—
 - (a) for “£1058.15” in both places where it occurs substitute “£1163.96”;
 - (b) for “20” in both places where it occurs substitute “18”; and
 - (c) in sub-paragraph (b)(ii) —
 - (i) for “£105.15” substitute “£115.66”; and
 - (ii) for “20th” substitute “18th”.

Amendment of regulation 18 of the Principal Regulations

5.—(1) Regulation 18 of the Principal Regulations (local authority adoption and fostering functions) is amended as follows.

- (2) In paragraph (a) (relevant adoption functions) for “£1549” substitute “£1161.75”.
- (3) In paragraph (b) (relevant fostering functions) for “£2421” substitute “£1815.75”.

Amendment of regulation 19 of the Principal Regulations

6. In regulation 19 of the Principal Regulations (frequency of inspections), omit paragraph (1)(c).

Amendment of regulation 2 of the Children Act 2004 (Children's Services) Regulations 2005

7. In regulation 2(1)(v) of the Children Act 2004 (Children's Services) Regulations 2005(a) (children's services) for the words "social service" to the end, substitute "function listed at section 135(1)(d) or (e) of the Education and Inspections Act 2006(b)".

7th March 2013

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

(a) S.I. 2005/1972

(b) 2006 (c.40). Paragraph (d) of section 135(1) lists "the social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)) of the authority, so far as relating to persons aged under 18". Paragraph (e) of section 135(1) lists "functions conferred on or exercisable by the authority under the Children Act 1989 (c.41), the Adoption (Intercountry Aspects) Act 1999 (c. 18) or the Adoption and Children Act 2002 (c. 38) and functions continuing to be exercisable by the authority under the Adoption Act 1976 (c.36)".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Parts 4 (annual fees) and 5 (frequency of inspections) of Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 (S.I. 2007/694) ("the Principal Regulations"). The Principal Regulations apply in relation to England only.

These Regulations amend the annual fees that are paid under the Care Standards Act 2000, the Education and Inspections Act 2006 and the Children Act 1989 to Her Majesty's Chief Inspector of Education, Children's Services and Skills in respect of voluntary adoption agencies, adoption support agencies, children's homes, residential family centres, boarding schools, residential colleges, residential special schools and in respect of local authority fostering and adoption functions.

Regulation 6 amends the Principal Regulations to remove the requirement that the Chief Inspector inspect premises used by local authorities in their performance of relevant functions (that is, their adoption and fostering functions) at least once in every three year period.

Regulation 7 amends the Children Act 2004 (Children's Services) Regulations 2005 (S.I. 2005/1972) so as to update the definition of "children's services" following amendments to the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

An Impact Assessment has been prepared for this instrument and it is available from the Department for Education and annexed to the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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