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STATUTORY INSTRUMENTS

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**2018 No. 246**

**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 2018

*Made* - - - - 26th February 2018  
*Laid before Parliament* 28th February 2018  
*Coming into force* - - 1st April 2018

The Secretary of State in exercise of the powers conferred by sections 87D(2) and 104(4) (a) and (b) of the Children Act 1989(1), sections 12(2), 15(3), 16(3), 31(7) and 118(5) and (6) of the Care Standards Act 2000(2) and sections 155(1) and (2) and 181(2)(a) and (b) of the Education and Inspections Act 2006(3) 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 2018 and come into force on 1st April 2018.

(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 2015(4).

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- (1) [1989 c.41](#). Section 87D was inserted by section 108 of the Care Standards Act 2000 ([c.14](#)). See section 87(10) for the definition of “appropriate authority” and section 87(11) and (12) for the definition of “relevant person”.
- (2) [2000 c.14](#) (“the 2000 Act”). Section 12(2) was amended by section 105(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003 ([c.43](#)) (“the 2003 Act”) 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) was amended by paragraphs 1 and 14(b) of Schedule 5 to the 2008 Act. Section 16(3) was substituted by section 105(6) of the 2003 Act and amended by paragraphs 1 and 15 of Schedule 5 to the 2008 Act. Section 31(7) was amended by paragraphs 1 and 27 of Schedule 5 to the 2008 Act. Sections 12(2), 15(3) and 16(3) 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) [2006 c.40](#). See sections 147(3) and 155(12) for the definition of “relevant functions” in relation to a local authority. Section 181(2) was amended by section 23(3)(b) of the Learner Travel (Wales) Measure 2008 ([2008 nawm 2](#)).
- (4) [S.I. 2015/551](#), amended by [S.I. 2015/971](#), [S.I. 2016/322](#) and [S.I. 2017/245](#).

### **Substitution of fees payable under the principal Regulations**

2. In each provision of the principal 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).

### **Frequency of inspections**

3. In regulation 27 (frequency of inspections) of the principal Regulations—

(a) in paragraph (1)(a), for “(2), (3), (3A) and (3B)” substitute “(2), (3), (3ZA), (3ZB), (3A) and (3B)”;

(b) after paragraph (3) insert—

“(3ZA) Paragraph (1)(a) does not apply to a closed children’s home.

(3ZB) Where a closed children’s home ceases to be a closed children’s home—

(a) before 1st October in any year, the Chief Inspector must arrange for that children’s home to be inspected at least once before 31st March that year;

(b) on or after 1st October in any year, no inspection of that children’s home is to be carried out that year.”; and

(c) in paragraph (5)—

(i) at the end of sub-paragraph (a) omit “and”; and

(ii) at the end of sub-paragraph (b) insert—

“; and

(c) “closed children’s home” means a children’s home in respect of which a condition imposed under section 13(5) of the Care Standards Act 2000 is for the time being in force that the registered person<sup>(5)</sup> must inform the Chief Inspector of their intention to accommodate children at the home at least three months before any child is accommodated”.

26th February 2018

*Nadhim Zahawi*  
Parliamentary Under Secretary of State  
Department for Education

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(5) The person who is registered as the person who carries on or manages the children’s home under Part II of the 2000 Act.

## SCHEDULE

Regulation 2

## Substitution of fees payable under the principal Regulations

<i>Provision of the principal Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
<b>Regulation 4 (registration fees: voluntary adoption agencies)</b>		
Paragraph (1)(a)	£2021	£2223
Paragraph (1)(b)(i)	£2021	£2223
Paragraph (1)(b)(ii)	£551	£606
Paragraph (2)(a)	£551	£606
Paragraph (2)(b)(i)	£2021	£2223
Paragraph (2)(b)(ii)	£551	£606
<b>Regulation 5 (registration fees: adoption support agencies)</b>		
Paragraph (1)	£2021	£2223
Paragraph (2)	£551	£606
Paragraph (3)	£551	£606
<b>Regulation 6 (registration fees: children's homes)</b>		
Paragraph (2)	£794	£873
Paragraph (3)	£794	£873
<b>Regulation 7 (registration fees: residential family centres)</b>		
Paragraph (1)	£2424	£2646
Paragraph (2)	£662	£728
Paragraph (3)	£662	£728
<b>Regulation 8 (registration fees: fostering agencies)</b>		
Paragraph (2)	£794	£873
<b>Regulation 12 (variation fees: voluntary adoption agencies)</b>		
Paragraph (1)(b)	£551	£606
Paragraph (2)(b)	£551	£606
Paragraph (3)	£92	£101
<b>Regulation 13 (variation fees: adoption support agencies)</b>		
Paragraph (2)	£551	£606
Paragraph (3)	£92	£101
<b>Regulation 14 (variation fees: children's homes)</b>		
Paragraph (2)	£794	£873
Paragraph (3)	£132	£145
<b>Regulation 15 (variation fees: residential family centres)</b>		
Paragraph (2)	£662	£728
Paragraph (3)	£110	£121

*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 principal Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
<b>Regulation 16 (variation fees: fostering agencies)</b>		
Paragraph (2)	£132	£145
<b>Regulation 19 (annual fees: boarding schools, residential colleges and residential special schools)</b>		
Paragraph (2)(a)	£926	£1019
Paragraph (2)(b)(i)	£926	£1019
Paragraph (2)(b)(ii)	£56	£62
Paragraph (2)(c)	£1419	£1561
Paragraph (3)(a)	£1704	£1874
Paragraph (3)(b)(i)	£1704	£1874
Paragraph (3)(b)(ii)	£169	£186
Paragraph (3)(c)	£4245	£4670
<b>Regulation 20 (annual fees: voluntary adoption agencies)</b>		
Paragraph (1)(a)	£1395	£1535
Paragraph (1)(b)(i)	£1395	£1535
Paragraph (1)(b)(ii)	£740	£814
Paragraph (2)(a)	£740	£814
Paragraph (2)(b)(i)	£1395	£1535
Paragraph (2)(b)(ii)	£740	£814
<b>Regulation 21 (annual fees: adoption support agencies)</b>		
Paragraph (1)	£1400	£1540
Paragraph (2)	£740	£814
<b>Regulation 22 (annual fees: fostering agencies)</b>		
Paragraph (1)	£2339	£2573
<b>Regulation 23 (annual fees: children's homes)</b>		
Paragraph (1)(a)	£2131	£2344
Paragraph (1)(b)(i)	£2131	£2344
Paragraph (1)(b)(ii)	£213	£234
Paragraph (1)(c)	£8279	£9107
<b>Regulation 24 (annual fees: residential family centres)</b>		
Paragraph (1)(a)	£1419	£1561
Paragraph (1)(b)	£1597	£1757
Paragraph (1)(c)	£1667	£1834
<b>Regulation 26 (annual fees: local authority adoption and fostering functions)</b>		
Paragraph (1)(a)	£1702	£1872
Paragraph (1)(b)	£2659	£2925

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## 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, residential family centres and fostering agencies;
- variation of registration of those establishments and agencies.

They also increase the annual fees payable by the above establishments and agencies as well as those payable by residential colleges, residential special schools and in respect of local authority adoption and fostering functions.

Regulation 3 removes the requirement to inspect a "closed children's home" (as defined). This exception from the inspection requirement applies whilst a children's home is subject to a condition of registration, imposed under section 13(5) of the Care Standards Act 2000 (c.14), to inform the Chief Inspector at least three months before beginning to accommodate children again. A children's home that ceases to be subject to the condition of registration and therefore ceases to be a "closed children's home" before 1st October must be inspected in that year; a children's home that ceases to be subject to the condition on or after 1st October is not to be inspected that year. A "year" is defined in regulation 27(5) of the 2015 Regulations as being the period commencing on 1st April in any year and ending on 31st March the following year.

An Impact Assessment has not been produced for this instrument as it has minimal impact on businesses or civil society organisations. The instrument has minimal impact on the public sector.