

**2009 No. 2724**

**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 2009**

|                               |         |                          |
|-------------------------------|---------|--------------------------|
| <i>Made</i>                   | - - - - | <i>8th October 2009</i>  |
| <i>Laid before Parliament</i> |         | <i>12th October 2009</i> |
| <i>Coming into force</i>      | - -     | <i>2nd November 2009</i> |

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 16(3) and 118(5) and (7) of the Care Standards Act 2000(a) and sections 155(1) and (2) and 183(1) of the Education and Inspections Act 2006(b) and sections 87D(2) and 104(4) of the Children Act 1989(c).

**Citation, commencement, application 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 2009 and come into force on 2nd November 2009.

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

(3) 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 16 of the Principal Regulations**

2. In regulation 16(1) of the Principal Regulations (fostering agencies) for "£1987" substitute "£1597".

**Amendment of regulation 17 of the Principal Regulations**

3.—(1) In regulation 17 of the Principal Regulations (children's homes etc)—

(a) in paragraph (1) omit "or residential family centre or a relevant person in respect of a boarding school, residential college or residential special school specified in column (1) of the Table below,";

(b) in paragraph (1)(a) after "column (2)" insert "of the Table below"; and

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(a) 2000 c.14. Section 16(3) was amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraph 15.

(b) 2006 c.40.

(c) 1989 c.41. Section 87D was inserted by the Care Standards Act 2000, section 108.

(d) S.I. 2007/694.

- (c) in the Table omit—
- (i) from the heading in column (1) “, school or college”, and
  - (ii) rows (b) (residential family centre), (c) (boarding school and residential college) and (d) (residential special school).
- (2) After regulation 17(2) of the Principal Regulations, insert—
- “(2A) The registered provider in respect of a residential family centre shall pay an annual fee and the amount of the annual fee shall be, where the residential family centre—
- (a) has 3 or fewer approved places, £662;
  - (b) has between 4 and 8 approved places, the sum of—
    - (i) £662, plus
    - (ii) an amount of £83 for each approved place from the 4th to the 8th place inclusive;
  - (c) has more than 8 approved places, £1138.”.
- (3) After regulation 17(3) of the Principal Regulations, insert—
- “(3A) A relevant person in respect of a boarding school<sup>(a)</sup> shall pay an annual fee and the amount of the annual fee shall be, where the boarding school—
- (a) has 3 or fewer approved places, £432;
  - (b) has between 4 and 24 approved places, the sum of—
    - (i) £432, plus
    - (ii) an amount of £26 for each approved place from the 4th to the 24th place inclusive;
  - (c) has between 25 and 50 approved places, £994;
  - (d) has between 51 and 500 approved places, £1391;
  - (e) has between 501 and 800 approved places, £1789;
  - (f) has more than 800 approved places, £2186.
- (3B) A relevant person in respect of a residential college shall pay an annual fee and the amount of the annual fee shall be, where the residential college—
- (a) has 3 or fewer approved places, £432;
  - (b) has between 4 and 23 approved places, the sum of—
    - (i) £432, plus
    - (ii) an amount of £26 for each approved place from the 4th to the 23rd place inclusive;
  - (c) has more than 23 approved places, £969.
- (3C) A relevant person in respect of a residential special school shall pay an annual fee and the amount of the annual fee shall be, where the residential special school—
- (a) has 3 or fewer approved places, £795;
  - (b) has between 4 and 29 approved places, the sum of—
    - (i) £795, plus
    - (ii) an amount of £79 for each approved place from the 4th to the 29th place inclusive;
  - (c) has 30 approved places, £2889;
  - (d) has more than 30 approved places, £2899.”.

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(a) A “relevant person” in respect of a boarding school, residential special school or a residential college is defined in section 87(11) and (12) of the Children Act 1989.

## **Amendment of regulation 18 of the Principal Regulations**

4. In regulation 18(a) of the Principal Regulations (local authority - adoption functions) for “£1987” substitute “£1549”.

## **Amendment to date on which annual fee is payable**

5.—(1) In a case where a person specified in paragraph (2) has become liable to pay the annual fee under the Principal Regulations during the period from 1st April 2009 to 1st November 2009 and has not paid that annual fee, that fee shall be payable on 2nd November 2009 at the rate prescribed in the Principal Regulations as they have effect from that date.

(2) The persons are—

- (a) the registered provider of a fostering agency or residential family centre, or
- (b) the relevant person in respect of a boarding school, residential college or residential special school, or
- (c) a local authority in respect of the discharge by the authority of relevant adoption functions referred to in section 43(3)(a) of the Care Standards Act 2000.

*Delyth Morgan*

Parliamentary Under Secretary of State  
Department for Children, Schools and Families

8th October 2009

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to England only, amend Part 4 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), in so far as that Part applies to fostering agencies, residential family centres, boarding schools, residential colleges, residential special schools and local authority adoption functions.

These Regulations reduce or cap the annual fees that are to be paid under the Care Standards Act 2000, the Education and Inspections Act 2006 and the Children Act 1989 to the Chief Inspector of Education, Children’s Services and Skills in respect of fostering agencies, residential family centres, boarding schools, residential colleges, residential special schools and in respect of local authority adoption functions. These fees would otherwise be greater than the actual average cost of compliance or, as the case may be, inspection, for providers in each of those categories.

For providers in these categories where the annual fee has become payable between 1st April 2009 and 1st November 2009, but has not yet been paid, the fee will be payable on 2nd November 2009.

The Explanatory Memorandum is available alongside this instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

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£4.00