
STATUTORY INSTRUMENTS

2015 No. 551

CHILDREN AND YOUNG PERSONS, ENGLAND

The Her Majesty's Chief Inspector of Education,
Children's Services and Skills (Fees and Frequency of
Inspections) (Children's Homes etc.) Regulations 2015

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| <i>Made</i> | - - - - | <i>4th March 2015</i> |
| <i>Laid before Parliament</i> | | <i>9th March 2015</i> |
| <i>Coming into force</i> | - - | <i>1st April 2015</i> |

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 87D(2) and 104(4)(a) of the Children Act 1989⁽¹⁾, sections 12(2), 15(3), 16(3), 31(7) and 118(5), (6) and (7) 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⁾.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015 and come into force on 1st April 2015.

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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. See section 121 for the definitions of "prescribed" and "regulations". Section 12(2) was amended by section 105(3) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) and by paragraph 11 of Schedule 5 to the Health and Social Care Act 2008 (c.14). Section 15(3) was amended by paragraph 14(b) of Schedule 5 to the Health and Social Care Act 2008. Section 16(3) was substituted by section 105(6) of the Health and Social Care (Community Health and Standards) Act 2003 and amended by paragraph 15 of Schedule 5 to the Health and Social Care Act 2008. Section 31(7) was amended by paragraph 27 of Schedule 5 to the Health and Social Care Act 2008. Sections 12(2), 15(3), 16(3) and 31(7) 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 the Care Standards 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013 (S.I. 2013/253), with the modifications specified in paragraphs 2 and 6 of the Schedule to those 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 (no.2).

Interpretation

2. In these Regulations—

“approved place” means—

- (a) in relation to a children’s home(4), boarding school, residential college or residential special school, a bed provided for the use of a service user at night; and
- (b) in relation to a residential family centre(5), overnight accommodation which is appropriate to a single family;

“boarding school” means a school (not being a residential special school or a school which is a children’s home or care home(6)) providing accommodation for any child, and “school” has the meaning given to it in section 4 of the Education Act 1996(7);

“Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“holiday scheme for disabled children” has the same meaning as in the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013(8);

“relevant number of staff” means—

- (a) in the case of a voluntary adoption agency(9), seven full-time staff or the equivalent, excluding the manager or, as the case may be, branch manager, appointed in accordance with the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(10);
- (b) in the case of an adoption support agency(11), two full-time staff or the equivalent, excluding the manager appointed in accordance with the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(12) or anyone employed solely as a receptionist or administrator;

“residential college” means a college as defined in section 87(10)(13) of the Children Act 1989 which provides accommodation for any child;

“residential special school” means—

- (a) a special school within the meaning of section 337 of the Education Act 1996(14);
- (b) an independent educational institution which has been entered on the register of independent educational institutions in England and which is specially organised to make special educational provision for pupils with special educational needs (within the meaning of section 579 of the Education Act 1996(15)),

which is not a registered children’s home but which provides accommodation for any child;

(4) Section 1 of the Care Standards Act 2000 defines “children’s home”.

(5) Section 4 of the Care Standards Act 2000 defines “residential family centre”. Regulation 3 of the Residential Family Centres Regulations 2002 (S.I. 2002/3213) excepts certain establishments from that definition.

(6) Section 3 of the Care Standards Act 2000 defines “care home”.

(7) 1996 c.56. Section 4 was amended by: section 51 of, and paragraph 10 of Schedule 7, and Schedule 8 to, the Education Act 1997 (c.44); Schedule 22 to the Education Act 2002 (c.32); section 95(2) and (3) of the Childcare Act 2006 (c.21); paragraph 9(2) of Schedule 13 to the Education Act 2011 (c.21); and paragraph 97 of Schedule 1 to S.I. 2010/1080.

(8) S.I. 2013/253.

(9) Section 4(7) of the Care Standards Act 2000 defines “voluntary adoption agency”.

(10) S.I. 2003/367, to which there are amendments not relevant to these Regulations.

(11) Section 4(7A) of the Care Standards Act 2000 defines “adoption support agency”.

(12) S.I. 2005/2720, to which there are amendments not relevant to these Regulations.

(13) The definition of “college” in section 87D(10) was amended by paragraph 6(4)(a) of Schedule 13 to the Education Act 2011.

(14) Section 337 was substituted by paragraph 36 of Schedule 3 to the Children and Families Act 2014 (c.6).

(15) The definitions of “special educational provision” and “special educational needs” were inserted into section 579 by paragraph 59(b) of Schedule 3 to the Children and Families Act 2014.

“small adoption support agency” means an adoption support agency where no more than the relevant number of staff are employed at any one time;

“small branch” means a branch where no more than the relevant number of staff are employed at any one time as social workers;

“small children’s home” means a children’s home which has fewer than four approved places;

“small principal office” means a principal office where no more than the relevant number of staff are employed at any one time as social workers;

“small residential family centre” means a residential family centre which has fewer than four approved places;

“social worker” means a person who is registered as such in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001(16).

PART 2

Registration Fees

Introductory

3. This Part—

- (a) applies for the purposes of section 12(2) of the Care Standards Act 2000 (application for registration); and
- (b) prescribes the fee that must accompany an application for registration under Part 2 of that Act.

Voluntary adoption agencies

4.—(1) Where the application is for registration as the person who carries on a voluntary adoption agency, the fee, subject to paragraph (2), is—

- (a) £1670; and
 - (b) if the voluntary adoption agency has, in addition to its principal office, one or more branches, an additional sum of—
 - (i) £1670 in respect of each branch that is not a small branch, and
 - (ii) £455 in respect of each small branch.
- (2) If the voluntary adoption agency has a small principal office, the fee is—
- (a) £455; and
 - (b) if the voluntary adoption agency has, in addition to its small principal office, one or more branches, an additional sum of—
 - (i) £1670 in respect of each branch that is not a small branch, and
 - (ii) £455 in respect of each small branch.

Adoption support agencies

5.—(1) Where the application is for registration as the person who carries on an adoption support agency that is not a small adoption support agency, the fee is £1670.

(2) Where the application is for registration as the person who carries on a small adoption support agency, the fee is £455.

(3) Where the application is for registration as the person who manages an adoption support agency that is not a small adoption support agency, the fee is £455.

Children's homes

6.—(1) Where the application is for registration as the person who carries on a children's home that is not a small children's home, the fee is £2405.

(2) Where the application is for registration as the person who carries on a small children's home, the fee is £656.

(3) Where the application is for registration as the person who manages a children's home that is not a small children's home, the fee is £656.

Residential family centres

7.—(1) Where the application is for registration as the person who carries on a residential family centre that is not a small residential family centre, the fee is £2004.

(2) Where the application is for registration as the person who carries on a small residential family centre, the fee is £547.

(3) Where the application is for registration as the person who manages a residential family centre that is not a small residential family centre, the fee is £547.

Fostering agencies

8.—(1) Where the application is for registration as the person who carries on a fostering agency, the fee is £2405.

(2) Where the application is for registration as the person who manages a fostering agency, the fee is £656.

Holiday schemes for disabled children

9.—(1) Where the application is for registration as the person who carries on a holiday scheme for disabled children, the fee is £596.

(2) Where the application is for registration as the person who manages a holiday scheme for disabled children, the fee is £596.

Providers of social work services

10.—(1) Where the application is for registration as a provider of social work services⁽¹⁷⁾, the fee is £2046.

(2) Where the application is for registration as a manager of a provider of social work services, the fee is £1024.

⁽¹⁷⁾ Section 4(10) of the Care Standards Act 2000 defines "provider of social work services". Section 4(10) was inserted by section 4(1) of the Children and Young Persons Act 2008 (c.23).

PART 3

Variation Fees

Introductory

11.—(1) This Part—

(a) applies for the purposes of section 15(3) of the Care Standards Act 2000 (applications by registered persons); and

(b) prescribes the fee that must accompany an application under section 15(1)(a) of that Act.

(2) For the purposes of this Part, a variation of a condition for the time being in force in relation to a registration is a “minor variation” if, in the opinion of the Chief Inspector, it would, if made, require no material alteration to any register kept by virtue of section 11(4)(18) of that Act.

Voluntary adoption agencies

12.—(1) — Where the application relates to a voluntary adoption agency, the fee, subject to paragraphs (2) and (3), is—

(a) where the agency has a principal office that is not small, £835; and

(b) where the agency has a small principal office, £455.

(2) Where the application relates to the establishment of a branch, the fee is—

(a) £835 in respect of each proposed new branch that is not a small branch; and

(b) £455 in respect of each proposed new small branch.

(3) In the case of an application for a minor variation, the fee is £76.

Adoption support agencies

13.—(1) Where the application relates to an adoption support agency that is not a small adoption support agency, the fee, subject to paragraph (3), is £835.

(2) Where the application relates to a small adoption support agency, the fee, subject to paragraph (3), is £455.

(3) In the case of an application for a minor variation, the fee is £76.

Children’s homes

14.—(1) Where the application relates to a children’s home that is not a small children’s home, the fee, subject to paragraph (3), is £1202.

(2) Where the application relates to a small children’s home, the fee, subject to paragraph (3), is £656.

(3) In the case of an application for a minor variation, the fee is £109.

(18) Section 11(4) was amended by: paragraph 20 of Schedule 9 to the Health and Social Care (Community Health and Standards) Act 2003; paragraph 42 of Schedule 14 to the Education and Inspections Act 2006; and paragraph 10(c) of Schedule 5, and Schedule 15, to the Health and Social Care Act 2008. Section 11(4) was applied to a person who carries on or manages a holiday scheme for disabled children by regulation 2(1) and (2)(a) of the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2003.

Residential family centres

15.—(1) Where the application relates to a residential family centre that is not a small residential family centre, the fee, subject to paragraph (3), is £1002.

(2) Where the application relates to a small residential family centre, the fee, subject to paragraph (3), is £547.

(3) In the case of an application for a minor variation, the fee is £91.

Fostering agencies

16.—(1) Where the application relates to a fostering agency, the fee, subject to paragraph (2), is £1202.

(2) In the case of an application for a minor variation, the fee is £109.

Providers of social work services

17.—(1) Where the application relates to a provider of social work services, the fee, subject to paragraph (2), is £3070.

(2) In the case of an application for a minor variation, the fee is £99.

PART 4

Annual Fees

Interpretation and introductory

18.—(1) In this Part—

“certificate” means a certificate of registration issued under section 13(4)(19) of the Care Standards Act 2000 (grant or refusal of registration);

“existing provider” means a person who immediately before 1st April 2002—

- (a) was registered under Part 1 or 2 of the Registered Homes Act 1984(20) in respect of a residential care home or a nursing home;
- (b) carried on a home that was registered in a register kept for the purposes of section 60(21) of the Children Act 1989 (voluntary homes); or
- (c) carried on a home that was registered under Part 8 of that Act;

“new provider” means a person who—

- (a) carries on a children’s home and first carried on that home on or after 1st April 2002;
- (b) carries on a voluntary adoption agency and first carried on that agency on or after 30th April 2003;

“previously exempt provider” means a person who immediately before 1st April 2002 carried on an establishment other than—

(19) Section 13(4) was applied to a person who carries on or manages a holiday scheme for disabled children by regulations 35 and 39 of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013 (S.I. 2013/1394), with the modifications specified at paragraph 3 of Schedule 7 to those Regulations and in accordance with the transitional provision specified at Schedule 10 to those Regulations.

(20) 1984 c.23. The Registered Homes Act 1984 was repealed by Schedule 6 to the Care Standards Act 2000. Section 1 defined “residential care home” and section 21 defined “nursing home”.

(21) Section 60 has since been amended by paragraph 14(9) of Schedule 4, and Schedule 6, to the Care Standards Act 2000.

- (a) a residential care home or nursing home in respect of which a person was required to be registered under Part 1 or 2 of the Registered Homes Act 1984;
 - (b) a home that was required to be registered in a register kept for the purposes of section 60 of the Children Act 1989; or
 - (c) a home that was registered under Part 8 of that Act.
- (2) In this Part—
- (a) regulation 19 applies for the purposes of section 87D(2) of the Children Act 1989;
 - (b) regulations 20 to 25 apply for the purposes of section 16(3) of the Care Standards Act 2000; and
 - (c) regulation 26 applies for the purposes of section 155(1) and (2) of the Education and Inspections Act 2006.

Boarding schools, residential colleges and residential special schools

19.—(1) The relevant person in respect of a boarding school must pay an annual fee and the fee is, where the boarding school—

- (a) has 3 or fewer approved places, £765;
- (b) has between 4 and 12 approved places—
 - (i) £765, plus
 - (ii) £46 for each approved place from the 4th to the 12th place inclusive;
- (c) has between 13 and 50 approved places, £1203;
- (d) has between 51 and 500 approved places, £1683;
- (e) has more than 500 approved places, £2021.

(2) The relevant person in respect of a residential college must pay an annual fee and the fee is, where the residential college—

- (a) has 3 or fewer approved places, £765;
- (b) has between 4 and 11 approved places—
 - (i) £765, plus
 - (ii) £46 for each approved place from the 4th to the 11th place inclusive;
- (c) has more than 11 approved places, £1173.

(3) The relevant person in respect of a residential special school must pay an annual fee and the fee is, where the residential special school—

- (a) has 3 or fewer approved places, £1408;
- (b) has between 4 and 18 approved places—
 - (i) £1408, plus
 - (ii) £140 for each approved place from the 4th to the 18th place inclusive;
- (c) has more than 18 approved places, £3508.

(4) The annual fee in respect of a boarding school, residential college or residential special school is payable—

- (a) in the case of a school or college that was providing accommodation for any child on 1st January 2002, on 1st September in each year;
- (b) in the case of a school or college established after 1st January 2002 and before 1st April 2015, on the anniversary of the date on which the school or college was established;

- (c) otherwise, on the date of the establishment of the school or college, and thereafter on the anniversary of that date.

Voluntary adoption agencies

20.—(1) The annual fee payable in respect of a voluntary adoption agency is, subject to paragraph (2)—

- (a) £1153; and
 - (b) if the voluntary adoption agency has, in addition to its principal office, one or more branches, an additional sum of—
 - (i) £1153 in respect of each branch that is not a small branch, and
 - (ii) £612 in respect of each small branch.
- (2) If the voluntary adoption agency has a small principal office, the fee is—
- (a) £612;
 - (b) if the voluntary adoption agency has, in addition to its small principal office, one or more branches, an additional sum of—
 - (i) £1153 in respect of each branch that is not a small branch, and
 - (ii) £612 in respect of each small branch.
- (3) The annual fee is payable—
- (a) in the case of a person who carries on an agency that was an adoption society approved under Part 1 of the Adoption Act 1976⁽²²⁾, on 30th April in each year;
 - (b) in the case of a new provider registered before 1st April 2015, on the anniversary of the date on which the certificate was issued;
 - (c) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Adoption support agencies

21.—(1) The annual fee payable in respect of an adoption support agency that is not a small adoption support agency, is £1157.

- (2) The annual fee payable in respect of a small adoption support agency is £612.
- (3) The annual fee is payable—
 - (a) if the certificate was issued before 1st April 2015, on the anniversary of the date on which the certificate was issued;
 - (b) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Fostering agencies

22.—(1) The annual fee payable in respect of a fostering agency is £1933.

- (2) The annual fee is payable—
 - (a) if the certificate was issued before 1st April 2003, on 1st April in each year;
 - (b) if the certificate was issued on or after 1st April 2003 but before 1st April 2015, on the anniversary of the date on which the certificate was issued;

(22) 1976 c.36. Part 1 of the Adoption Act 1976 was repealed by Schedule 5 to the Adoption and Children Act 2002 (c.38).

- (c) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Children's homes

- 23.**—(1) The annual fee payable in respect of a children's home is—
- (a) where the home has 3 or fewer approved places, £1761;
 - (b) where the home has between 4 and 33 approved places,
 - (i) £1761, plus
 - (ii) £176 for each approved place from the 4th to the 33rd inclusive;
 - (c) where the home has more than 33 approved places, £7039.
- (2) The annual fee in respect of a children's home is payable—
- (a) in the case of an existing provider, on the anniversary of the date on which the annual fee was payable under the Registered Homes Act 1984 Act or the Children Act 1989;
 - (b) in the case of an existing provider, where an annual fee was not previously payable under the Children Act 1989, on 1st April in each year;
 - (c) in the case of a previously exempt provider, on 1st April in each year;
 - (d) in the case of a new provider if the certificate was issued before 1st April 2015, on the anniversary of the date of issue of the certificate;
 - (e) otherwise, on the date on which the certificate is issued and thereafter on the anniversary of that date.

Residential family centres

- 24.**—(1) The annual fee payable in respect of a residential family centre is—
- (a) where the centre has 3 or fewer approved places, £1173;
 - (b) where the centre has 4 approved places, £1320;
 - (c) where the centre has more than 4 approved places, £1377.
- (2) The annual fee in respect of a residential family centre is payable—
- (a) in the case of an existing provider, on the anniversary of the date on which the annual fee was payable under the Registered Homes Act 1984 Act or the Children Act 1989;
 - (b) in the case of a previously exempt provider, on 1st April in each year;
 - (c) in the case of a new provider if the certificate was issued before 1st April 2015, on the anniversary of the date of issue of the certificate;
 - (d) otherwise, on the date on which the certificate is issued and thereafter on the anniversary of that date.

Holiday schemes for disabled children

- 25.**—(1) The annual fee payable in respect of a holiday scheme for disabled children is £2259.
- (2) The annual fee in respect of a holiday scheme for disabled children is payable—
- (a) if the certificate was issued before 1st April 2015, on the anniversary of the date on which the certificate was issued;
 - (b) otherwise, on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Local authority adoption and fostering functions

26.—(1) A local authority must pay to the Chief Inspector an annual fee in respect of—

- (a) the discharge by the authority of relevant adoption functions, of £1406; and
- (b) the discharge by the authority of relevant fostering functions, of £2197.

(2) In this regulation “relevant adoption functions” and “relevant fostering functions” have the meaning given in section 43(23) of the Care Standards Act 2000.

(3) An annual fee under this regulation is payable on 1st April 2015 and thereafter on the anniversary of that date.

PART 5

Frequency of Inspections

Frequency of inspections

27.—(1) The Chief Inspector must arrange for premises which are used—

- (a) for the purposes of a children’s home, to be inspected, subject to paragraphs (2) and (3), at least twice in every year;
- (b) for the purposes of a residential family centre, a voluntary adoption agency, an adoption support agency or a fostering agency, to be inspected at least once in every three year period;
- (c) for the purposes of a holiday scheme for disabled children, at least once in every year.

(2) Where the Chief Inspector registers a person in respect of a children’s home before 1st October in any year, only one inspection of that children’s home is to be carried out in that year.

(3) Where the Chief Inspector registers a person in respect of a children’s home on or after 1st October in any year, no inspection of that children’s home is to be carried out in that year.

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

(5) In this regulation—

- (a) “year” means the period commencing on 1st April in any year and ending on 31st March in the following year; and
- (b) “three year period” means the period commencing on 1st April in any year and ending on 31st March in the third year following.

PART 6

Revocations

Revocations

28. The Regulations in the Schedule are revoked.

(23) Section 43(3)(a) of the Care Standards Act 2000 was amended by paragraph 112 of Schedule 3 to the Adoption and Children Act 2002. Section 43(3)(b) of the Care Standards Act 2000 was substituted by paragraph 13 of Schedule 1 to the Children and Young Persons Act 2008.

4th March 2015

Edward Timpson
Parliamentary Under Secretary
Department for Education

SCHEDULE

Regulation 28

Revocations

| <i>Regulations revoked</i> | <i>References</i> |
|---|--------------------------------|
| 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 |
| Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2009 | S.I. 2009/2724 |
| Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2010 | S.I. 2010/617 |
| Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2011 | S.I. 2011/553 |
| Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2012 | S.I. 2012/511 |
| Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2014 | S.I. 2014/670 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, revoke and replace the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007.

Parts 2, 3 and 4 of these Regulations amend the fees that are to be paid to the Chief Inspector. Part 2 prescribes the new registration fees which are payable in respect of voluntary adoption agencies, adoption support agencies, children's homes, residential family centres, fostering agencies, holiday schemes for disabled children and providers of social work services. Part 3 prescribes the new variation fees which are payable in respect of all those establishments and agencies with the exception of holiday schemes for disabled children. Part 4 prescribes the new annual fees which are payable by all the above establishments and agencies (including holiday schemes for disabled children) but with the exception of providers of social work services. Part 4 also prescribes the new annual fees which are payable by boarding schools, residential colleges, residential special schools and in respect of local authority adoption and fostering functions.

Part 5 of these Regulations prescribes the frequency of inspection in relation to children's homes, residential family centres, voluntary adoption agencies, adoption support agencies, fostering agencies and holiday schemes for disabled children.

A Regulatory Triage Assessment has been prepared in respect of these Regulations and may be obtained from legislation.gov.uk .