
STATUTORY INSTRUMENTS

2003 No. 368

**CHILDREN AND YOUNG PERSONS, ENGLAND
SOCIAL CARE, ENGLAND**

**The National Care Standards Commission (Fees and Frequency
of Inspections) (Adoption Agencies) Regulations 2003**

<i>Made</i>	- - - -	<i>26th February 2003</i>
<i>Laid before Parliament</i>		<i>28th February 2003</i>
<i>Coming into force</i>	- -	<i>30th April 2003</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 12(2), 15(3), 16(3), 31(7), 45(4), 51(1) and 118(5) to (7) of the Care Standards Act 2000⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**PART I
GENERAL**

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 and shall come into force on 30th April 2003.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“branch” means a branch which is not a small branch;

(1) 2000 c. 14. These powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Care Standards Act 2000 (“the Act”), in relation to England, Scotland or Northern Ireland, as the Secretary of State, in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. “Prescribed” and “regulations” are defined in section 121(1) of the Act.

“existing agency” means an adoption society which is approved under Part I of the Adoption Act 1976(2);

“existing provider” means a person who carries on an existing agency;

“new provider” means a person who carries on a voluntary adoption agency for the first time on or after 30th April 2003(3);

“principal office” means a principal office which is not a small principal office;

“registered provider” means a person who is registered under Part II of the Act as the person carrying on the voluntary adoption agency;

“relevant number of staff” means seven full-time staff or the equivalent but does not include 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(4);

“small branch” means a branch where no more than the relevant number of staff are employed at any one time as social workers within the meaning of Part IV of the Act(5);

“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 within the meaning of Part IV of the Act.

PART II

FEES

Registration fees

3.—(1) For the purposes of section 12(2) of the Act, the fee to accompany an application by a voluntary organisation seeking to be registered under Part II of the Act as the person who carries on a voluntary adoption agency(6) shall, subject to paragraph (2), be—

- (a) £1,100; and, where applicable,
 - (b) if the voluntary adoption agency has, in addition to its principal office, a branch or, as the case may be, a small branch, an additional sum of—
 - (i) £1,100 in respect of each branch; and
 - (ii) £300 in respect of each small branch.
- (2) Where the voluntary adoption agency has a small principal office, the fee shall be—
- (a) £300; and, where applicable,
 - (b) if the voluntary adoption agency has, in addition to its small principal office, a branch or, as the case may be, a small branch, an additional sum of—
 - (i) £1,100 in respect of each branch; and
 - (ii) £300 in respect of each small branch.

(2) 1976 c. 36.

(3) Section 4 of the Act defines a voluntary adoption agency as an adoption society within the meaning of the Adoption Act 1976 which is a voluntary organisation within the meaning of that Act.

(4) S.I. 2003/367; see regulation 6(1).

(5) By virtue of section 55(2)(a) and (4) of the Act, a social worker for the purposes of Part IV of the Act, is a person who engages in social work that is required in connection with any health, education or social services provided by any person.

(6) By virtue of section 121(4) of the Act the person who carries on the agency is the voluntary organisation itself.

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) £550, unless sub-paragraph (b) applies; or
- (b) where the application is for the variation or removal of a condition for the time being in force in relation to an agency that has a small principal office only, £300.

(2) Where the application is an application for the variation or removal of a condition for the time being in force and which relates to the establishment of a branch or small branch, the fee shall be—

- (a) £1,100 in respect of each proposed new branch; and
- (b) £300 in respect of each proposed new small branch.

(3) In the case of an application for the variation of a condition for the time being in force where the variation of the condition is a minor variation, the variation fee shall be £50.

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

Annual fees — voluntary adoption agencies

5.—(1) The registered provider shall pay an annual fee and the amount of the annual fee shall, subject to paragraph (2), be—

- (a) £500; and, where applicable,
- (b) if the agency has, in addition to its principal office, a branch or, as the case may be, a small branch, an additional sum of—
 - (i) £500 in respect of each branch; and
 - (ii) £250 in respect of each small branch.

(2) Where the agency has a small principal office, the amount of the annual fee shall be—

- (a) £250; and, where applicable,
- (b) if the agency has, in addition to its small principal office, a branch or, as the case may be, a small branch, an additional sum of—
 - (i) £500 in respect of each branch; and
 - (ii) £250 in respect of each small branch.

(3) The annual fee shall first be payable (“the first date”), in the case of—

- (a) an existing provider, on 30th April 2003; and
- (b) a new provider, on the date on which the certificate of registration is issued,

and thereafter shall be payable on the anniversary of the first date.

Annual fees — local authorities

6.—(1) A local authority shall pay an annual fee in respect of the discharge by the authority of relevant adoption functions⁽⁷⁾ and the amount of the annual fee shall be £500.

(2) The annual fee shall first be payable (“the first date”), in the case of—

(7) See section 43(3)(a) of the Act.

- (a) a local authority that is discharging relevant adoption functions on the date on which these Regulations come into force, on 30th April 2003; and
 - (b) in all other cases on the date on which a local authority first discharges relevant adoption functions,
- and thereafter shall be payable on the anniversary of the first date.

PART III

FREQUENCY OF INSPECTIONS

Frequency of inspections — voluntary adoption agencies

- 7.—(1) The Commission shall arrange for premises which are used for the purposes of an agency to be inspected a minimum of once in every 3 year period.
- (2) Any inspection referred to in paragraph (1) may be unannounced.
 - (3) The first 3 year period shall commence in the case of—
 - (a) an existing provider, on 30th April 2003; and
 - (b) a new provider, the date on which the certificate of registration is issued.

Frequency of inspections — local authorities

- 8.—(1) The Commission shall arrange for premises which are used for the purposes of the discharge of relevant adoption functions by a local authority to be inspected a minimum of once in every 3 year period.
- (2) Any inspection referred to in paragraph (1) may be unannounced.
 - (3) The first 3 year period shall commence—
 - (a) in the case of a local authority that is discharging relevant adoption functions on the date on which these Regulations come into force, on 30th April 2003; and
 - (b) in all other cases the date on which a local authority first discharges relevant adoption functions.

Signed by authority of the Secretary of State for Health

26th February 2003

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fees that are to be paid by voluntary adoption agencies under Part II of the Care Standards Act 2000 and by local authorities under Part III of that Act in respect of the discharge of relevant adoption functions. They also make provision for the inspection by the National Care Standards Commission of voluntary adoption agencies and of the discharge by local authorities of their relevant adoption functions.

Regulations 3 to 5 make provision in respect of voluntary adoption agencies for the fees to be paid on an application for registration (regulation 3), an application for the variation or removal of any condition that is in force in relation to a registration (regulation 4) and the payment of an annual fee (regulation 5).

Regulation 6 prescribes the annual fee that is to be paid by a local authority discharging relevant adoption functions.

Regulations 7 and 8 make provision for the inspection of premises used for the purposes of a voluntary adoption agency and by a local authority for the purposes of the discharge of an authority's relevant adoption functions.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health's website www.doh.gov.uk/regulatoryimpact/index.htm or www.doh.gov.uk/adoption/law.htm#ria, or from the Adoption, Permanence and Children's Trusts Branch, Area 121, Wellington House, 133-155, Waterloo Road, London, SE1 8UG.