

2007 No. 694

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 2007**

<i>Made</i> - - - -	<i>5th March 2007</i>
<i>Laid before Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 12(2), 15(3), 16(3), 31(7) and 118(5), (6) and (7) of the Care Standards Act 2000(a) and sections 147 and 155(1) and (2) and 183(1) of the Education and Inspections Act 2006(b) and section 87D(2) of the Children Act 1989(c):

PART 1

General

Citation, commencement and application

1.—(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 2007 and come into force on 1st April 2007.

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

Interpretation

2. In these Regulations—

“the 1984 Act” means the Residential Care Homes Act 1984(d);

“the 1989 Act” means the Children Act 1989;

“the 2000 Act” means the Care Standards Act 2000;

“approved place” means—

(a) in relation to a children's home, boarding school, residential college or residential special school, a bed provided for the use of a service user at night; or

(a) 2000 c. 14. Section 31 was amended by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 9 paragraph 23 and the Education and Inspections Act 2006 (c. 40), Schedule 14 paragraph 48.

(b) 2006 c. 40.

(c) 1989 c. 41. Section 87D(2) was inserted by section 108 of the Care Standards Act 2000 (c. 14).

(d) 1984 c. 23.

(b) in relation to a residential family centre, 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) providing accommodation for any child, and “school” has the meaning given to it in section 4 of the Education Act 1996(a);

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

“certificate” means a certificate of registration;

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

“existing provider” means a person who immediately before 1st April 2002 was registered under Part 1 or 2 of the 1984 Act in respect of a residential care home or a nursing home, carried on a home that was registered in a register kept for the purposes of section 60 of the 1989 Act or carried on a home that was registered under Part 8 of the 1989 Act;

“new provider” means a person who—

(a) carries on a children’s home and first carried on that home 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 provider who immediately before 1st April 2002 carried on an establishment other than 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 1984 Act or a home that was required to be registered in a register kept for the purposes of section 60 of the 1989 Act or under Part 8 of that Act;

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

“registered provider” in relation to an establishment or agency means a person who is registered under Part 2 of the 2000 Act as the person carrying on the establishment or agency;

“relevant number of staff” means—

(a) in the case of a voluntary adoption agency, 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(b);

(b) in the case of an adoption support agency, 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(c) or anyone employed solely as a receptionist or administrator;

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

“residential special school” means—

(a) a special school within the meaning of sections 6(2) and 337 of the Education Act 1996;

(b) an independent school for the time being approved under section 347(1) of the Education Act 1996; or

(c) an independent school not falling within (b) which has as its sole or main purpose the provision of places, with the consent of the Secretary of State, for pupils with special educational needs or who are in public care, and which provides accommodation for any child;

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

(a) 1996 c. 56. Section 4 was amended by the Education Act 1997 (c. 44), section 51.

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

(c) S.I. 2005/2720.

“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 4 of the 2000 Act;

“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 within the meaning of Part 4 of the 2000 Act;

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

PART 2

Registration Fees

Voluntary adoption agencies

3.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a voluntary organisation seeking to be registered under Part 2 of the 2000 Act as the person who carries on a voluntary adoption agency shall, subject to paragraph (2), be—

- (a) £1518; 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) £1518 in respect of each branch; and
 - (ii) £414 in respect of each small branch.

(2) Where the voluntary adoption agency has a small principal office, the fee shall be—

- (a) £414; 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) £1518 in respect of each branch; and
 - (ii) £414 in respect of each small branch.

Adoption support agencies

4.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who carries on an adoption support agency shall, subject to paragraph (2), be £1518.

(2) Where the adoption support agency is a small adoption support agency the fee shall be £414.

(3) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who manages an adoption support agency other than a small adoption support agency shall be £414.

Children’s homes

5.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who carries on a children’s home shall, subject to paragraph (2), be £2186.

(2) Where the children’s home is a small children’s home the fee shall be £596.

(3) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who manages a children’s home other than a small children’s home shall be £596.

Residential family centres

6.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who carries on a residential family centre shall, subject to paragraph (2), be £1822.

(2) Where the residential family centre is a small residential family centre the fee shall be £497.

(3) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who manages a residential family centre other than a small residential family centre shall be £497.

Fostering agencies

7.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who carries on a fostering agency shall, subject to paragraph (2), be £2186.

(2) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who manages a fostering agency shall be £596.

PART 3

Variation Fees

Interpretation

8. In this Part “minor variation” means a variation which, in the opinion of the Chief Inspector, if the application for the variation of the condition were granted would involve no material alteration to the register kept by the Chief Inspector in accordance with regulations made under section 11(4) of the 2000 Act.

Voluntary adoption agencies

9.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in relation to a voluntary adoption agency under section 15(1)(a) of the 2000 Act shall, subject to paragraphs (2) and (3), be—

- (a) £759, 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, £414.

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

- (a) £759 in respect of each proposed new branch; and
- (b) £414 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 fee shall be £69.

Adoption support agencies

10.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in respect of an adoption support agency under section 15(1)(a) of the 2000 Act shall, subject to paragraphs (2) and (3), be £759.

(2) Where the adoption support agency is a small adoption support agency the fee shall be £414.

(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 fee shall be £69.

Children's homes

11.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in respect of a children's home under section 15(1)(a) of the 2000 Act shall, subject to paragraphs (2) and (3), be £1093.

(2) Where the children's home is a small children's home the fee shall be £596.

(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 fee shall be £99.

Residential family centres

12.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in respect of a residential family centre under section 15(1)(a) of the 2000 Act shall, subject to paragraphs (2) and (3), be £911.

(2) Where the residential family centre is a small residential family centre the fee shall be £497.

(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 fee shall be £83.

Fostering agencies

13.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in respect of a fostering agency under section 15(1)(a) of the 2000 Act shall, subject to paragraph (2), be £1093.

(2) 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 fee shall be £99.

PART 4

Annual Fees

Voluntary adoption agencies

14.—(1) The registered provider in relation to a voluntary adoption agency shall pay an annual fee and the amount of the annual fee shall, subject to paragraph (2), be—

(a) £690; 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) £690 in respect of each branch; and

(ii) £345 in respect of each small branch.

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

(a) £345; 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) £690 in respect of each branch; and

(ii) £345 in respect of each small branch.

(3) The annual fee shall be payable—

(a) in the case of a person who carries on an agency which was an adoption society approved under Part 1 of the Adoption Act 1976, on 30th April in each year;

- (b) in the case of a new provider registered before 1st April 2007, on the anniversary of the date on which the certificate was issued; and
- (c) otherwise on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Adoption support agencies

15.—(1) The registered provider in respect of an adoption support agency shall pay an annual fee and the amount of the annual fee shall, subject to paragraph (2), be £690.

(2) Where the adoption support agency is a small adoption support agency the amount of the annual fee shall be £345.

(3) The annual fee shall be payable—

- (a) if the certificate was issued before 1st April 2007, on the anniversary of the date on which the certificate was issued; and
- (b) otherwise on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Fostering agencies

16.—(1) The registered provider in respect of a fostering agency shall pay an annual fee and the amount of the annual fee shall be £1987.

(2) The annual fee shall be 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 2007, on the anniversary of the date on which the certificate was issued; and
- (c) otherwise on the date on which the certificate is issued, and thereafter on the anniversary of that date.

Children’s homes, residential family centres, boarding schools, residential colleges and residential special schools

17.—(1) The registered provider in respect of a children’s home or residential family centre or a relevant person^(a) in respect of a boarding school, residential college or residential special school, specified in column (1) of the Table below, shall pay an annual fee and the amount of the annual fee shall be—

- (a) the amount specified in column (2); or
- (b) where applicable, the sum of the amount specified in column (2) and the amounts specified in column (3), and (if applicable) column (4), multiplied by the number of approved places specified in respect of column (3) and (if applicable) column (4).

(a) A “relevant person” in respect of a boarding school, residential college or residential special school is defined in section 87(11) of the Children Act 1989 (c. 41).

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>
Establishment, school or college	Flat rate payable in all cases	Rate payable for each approved place from the 4th to the 29th place inclusive	Rate payable for the 30th and each subsequent approved place
(a) Children's home	£994	£99	£99
(b) Residential family centre	£662	£83	£83
(c) Boarding school and residential college	£432	£26	£13
(d) Residential special school	£795	£79	£40

(2) The annual fee in respect of a children's home shall be payable—

- (a) in the case of an existing provider, on the anniversary of the date on which the annual fee was payable under the 1984 Act or the 1989 Act;
- (b) in the case of an existing provider, where an annual fee was not previously payable under the 1989 Act, 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 2007, 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.

(3) The annual fee in respect of a residential family centre shall be payable—

- (a) in the case of an existing provider, on the anniversary of the date on which the annual fee was payable under the 1984 Act or the 1989 Act;
- (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 2007, 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.

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

- (a) in the case of a school or college which 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 2007 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.

Local authority adoption and fostering functions

18. A local authority shall pay to the Chief Inspector an annual fee, in respect of the discharge by the authority of—

- (a) relevant adoption functions referred to in section 43(3)(a) of the 2000 Act, of £1987; and
- (b) relevant fostering functions referred to in section 43(3)(b) of the 2000 Act, of £1987,

and the amount of the annual fee shall be payable in each case on 1st April 2007 and thereafter on the anniversary of that date.

PART 5

Frequency of Inspections

Frequency of inspections

- 19.**—(1) The Chief Inspector shall arrange for premises which are used—
- (a) for the purposes of a children’s home, to be inspected, subject to paragraph (2), at least twice in every 12 month period;
 - (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) by a local authority in their performance of relevant functions(a), to be inspected at least once in every three year period.
- (2) In the case of a children’s home in respect of which a person is registered for the first time—
- (a) between 1st April and 30th September in any 12 month period, only one inspection is to be carried out in that period; and
 - (b) between 1st October and 31st March in any 12 month period, no inspection shall be required in that period.
- (3) Any inspection referred to in paragraph (1) may be unannounced.
- (4) In this regulation—
- (a) “12 month period” means a period commencing on 1st April in any year and ending on 31st March in the following year; and
 - (b) “three year period” means a period commencing on 1st April in any year and ending on 31st March in the third year following.

Revocation

20. The National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003(b), regulation 32 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(c) and the National Care Standards Commission (Commission for Social Care Inspection) (Fees) (Adoption Agencies, Adoption Support Agencies and Local Authority Fostering Functions) (Amendment) Regulations 2006(d) are revoked.

5th March 2007

Parmjit Dhanda
Parliamentary Under Secretary of State
Department for Education and Skills

(a) “Relevant functions”, in relation to a local authority, has the same meaning as in Part 3 of the Care Standards Act 2000 (c. 14).
(b) S.I. 2003/368.
(c) S.I. 2005/2720.
(d) S.I. 2006/578.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, replace the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004 (S.I. 2004/662) as amended (“the 2004 Regulations”), in so far as they apply to children’s homes, residential family centres, fostering agencies, boarding schools, residential colleges and residential special schools, and the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 (S.I. 2003/368) as amended (“the 2003 Regulations”).

The Education and Inspections Act 2006 (c. 40) provides for the functions previously exercised by the Commission for Social Care Inspection (“CSCI”) in relation to those establishments and agencies and local authority adoption and fostering functions under the Care Standards Act 2000 (c. 14) to be exercised by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”), from 1st April 2007.

These Regulations prescribe the fees that are to be paid to the Chief Inspector: registration fees (Part 2) and variation of registration fees (Part 3) are payable in respect of voluntary adoption agencies, adoption support agencies, children’s homes, residential family centres and fostering agencies; annual fees are payable by the above establishments and agencies and by boarding schools, residential colleges, residential special schools and in respect of local authority adoption and fostering functions (Part 4). These Regulations specify the amount of the annual fee which is payable by local authorities in respect of those functions rather than, as previously, providing for the publication of a scheme by CSCI. These Regulations also provide for the frequency of inspection in relation to each of the establishments, agencies and local authority adoption and fostering functions (Part 5). The fees and inspection frequencies remain at the same level as in the 2004 and 2003 Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London SW1P 3BT and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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