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STATUTORY INSTRUMENTS

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**2010 No. 617**

**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 2010

<i>Made</i>	- - - -	<i>5th March 2010</i>
<i>Laid before Parliament</i>		<i>10th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</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 (6) of the Care Standards Act 2000(1), sections 155(1) and (2) and 181(2) of the Education and Inspections Act 2006(2) and sections 87D(2) and 104(4) of the Children Act 1989(3):

**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 2010 and come into force on 1st April 2010.

(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(4).

(4) The Principal Regulations are amended in accordance with regulations 2 to 5 and are subject to regulation 6.

**Amendment of regulation 14 of the Principal Regulations**

2. In regulation 14(1) and (2) of the Principal Regulations (voluntary adoption agencies)—

(a) for "£690" in each place it occurs substitute "£759"; and

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(1) 2000 c.14. Section 16(3) was substituted by the Health and Social Care (Community Health and Standards) Act 2003 (c.43) and amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraph 15; S.I. 2009/462, Schedule 2 and the Education and Inspections Act 2006, Schedule 14, paragraphs 38 and 45.

(2) 2006 c.40.

(3) 1989 c.41. Section 87D was inserted by the Care Standards Act 2000, section 108.

(4) S.I. 2007/694; amended by S.I. 2009/2724.

- (b) for “£345” in each place it occurs substitute “£379.50”.

**Amendment of regulation 15 of the Principal Regulations**

3. In regulation 15 of the Principal Regulations (adoption support agencies)—
- (a) in paragraph (1) for “£690” substitute “£759”; and
  - (b) in paragraph (2) for “£345” substitute “£379.50”.

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

4.—(1) Regulation 17 of the Principal Regulations (children’s homes etc) is amended in accordance with the following provisions of this regulation.

- (2) For paragraph (1) and the Table (children’s homes) substitute—
- “(1) The registered provider in respect of a children’s home shall pay an annual fee and the amount of the annual fee shall be, where the children’s home—
- (a) has 3 or fewer approved places, £1093.40;
  - (b) has between 4 and 76 approved places, the sum of –
    - (i) £1093.40, plus
    - (ii) an amount of £108.90 for each approved place from the 4th to the 76th inclusive; and
  - (c) has more than 76 approved places, £9120.”.
- (3) In paragraph (2A) (residential family centres)—
- (a) in sub-paragraph (a) for “£662” substitute “£728.20”;
  - (b) in sub-paragraph (b)—
    - (i) for “8” substitute “7”,
    - (ii) for “£662” substitute “£728.20”,
    - (iii) for “£83” substitute “£91.30”, and
    - (iv) for “8th” substitute “7th”; and
  - (c) in sub-paragraph (c) for “8” substitute “7”.
- (4) In paragraph (3A) (boarding schools)—
- (a) in sub-paragraph (a) for “£432” substitute “£475.20”;
  - (b) in sub-paragraph (b)—
    - (i) for “24” substitute “21”,
    - (ii) for “£432” substitute “£475.20”,
    - (iii) for “£26” substitute “£28.60”, and
    - (iv) for “24th” substitute “21st”; and
  - (c) in sub-paragraph (c) for “25” substitute “22”.
- (5) In paragraph (3B) (residential colleges)—
- (a) in sub-paragraph (a) for “£432” substitute “£475.20”;
  - (b) in sub-paragraph (b)—
    - (i) for “23” substitute “20”,
    - (ii) for “£432” substitute “£475.20”,
    - (iii) for “£26” substitute “£28.60”, and

- (iv) for “23rd” substitute “20th”; and
- (c) in sub-paragraph (c) for “23” substitute “20”.
- (6) In paragraph (3C) (residential special schools)—
  - (a) in sub-paragraph (a) for “£795” substitute “£874.50”;
  - (b) in sub-paragraph (b)—
    - (i) for “29” substitute “26”,
    - (ii) for “£795” substitute “£874.50”,
    - (iii) for “£79” substitute “£86.90”, and
    - (iv) for “29th” substitute “26th”; and
  - (c) for paragraphs (c) and (d) substitute—
    - “(c) has more than 26 approved places, £2899.”.

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

5. In regulation 18(b) of the Principal Regulations (local authority fostering functions) for “£1987” substitute “£2185.70”.

#### **Annual fee for the period commencing 1st April 2010 in certain cases**

6.—(1) In the case of a local authority which paid the annual fee in respect of the discharge by the authority of relevant adoption functions<sup>(5)</sup> under the Principal Regulations during the period from 1st April 2009 to 1st November 2009, the amount payable by that local authority in respect of the annual fee payable on 1st April 2010 shall be £1111.

(2) In the case of —

- (a) the registered provider of Regional Foster Placements (South East), the amount payable by that provider in respect of the annual fee payable during the period from 1st April 2010 to 31st March 2011 shall be £1402; and
- (b) the registered provider of any other fostering agency which paid the annual fee under the Principal Regulations during the period from 1st April 2009 to 1st November 2009, the amount payable by that provider in respect of the annual fee payable during the period from 1st April 2010 to 31st March 2011 shall be £1207.

(3) In the case of the registered provider of Dudley Lodge Residential Family Centre and Beacon Lodge Residential Family Centre, the amount payable by each provider in respect of the annual fee payable during the period from 1st April 2010 to 31st March 2011 shall be the amount payable under regulation 17(2A) of the Principal Regulations (residential family centres) less the sum of £271 in the case of Dudley Lodge and £188 in the case of Beacon Lodge.

(4) In the case of the relevant person<sup>(6)</sup> in respect of Bell Bedgebury boarding school, the amount payable by that person in respect of the annual fee payable during the period from 1st April 2010 to 31st March 2011 shall be the amount payable under regulation 17(3A) of the Principal Regulations (boarding schools) less the sum of £900.

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<sup>(5)</sup> See section 43(3)(a) of the Care Standards Act 2000 for the definition of “relevant adoption functions”.

<sup>(6)</sup> See section 87(11) of the Children Act 1989 for the definition of ‘relevant person’.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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5th March 2010

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

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## 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) ("the 2007 Regulations").

These Regulations amend 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 Her Majesty's Chief Inspector of Education, Children's Services and Skills in respect of voluntary adoption agencies, adoption support agencies, children's homes, residential family centres, boarding schools, residential colleges, residential special schools and in respect of local authority fostering functions (regulations 2 to 5).

The 2007 Regulations were amended by 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). Providers who paid the annual fee before the 2007 Regulations were amended pay a reduced fee (regulation 6).

An Impact Assessment has been prepared for this instrument and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).