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STATUTORY INSTRUMENTS

2024 No. 315

CHILDREN AND YOUNG PERSONS, ENGLAND

The Registration and Inspection of Education,
Children's Services and Skills (Fees and Frequency of
Inspections) (England) (Amendment) Regulations 2024

Made - - - - 6th March 2024
Laid before Parliament 8th March 2024
Coming into force in accordance with regulations 1(2)
and (3)

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) and (6) 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).

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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 sections 87(11) and (12) for the definition of “relevant person”.
- (2) 2000 c. 14. Section 12(2) was amended by sections 105(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”) and by paragraphs 1 and 11 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) (“the 2008 Act”). Section 15(3) was amended by paragraphs 1 and 14(b) of Schedule 5 to the 2008 Act. Section 16(3) was substituted by section 105(6) of the 2003 Act and amended by paragraphs 1 and 15 of Schedule 5 to the 2008 Act. Section 31(7) was amended by paragraphs 1 and 27 of Schedule 5 to the 2008 Act. 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) and 2(b), (d), (e) and (j) of S.I. 2013/253, with the modifications specified in paragraphs 2 and 6 of the Schedule to those Regulations. Sections 12(2), 15(3), 16(3) and 31(7) were also applied to a person who carries on or manages a supported accommodation undertaking by regulation 3(1) and 3(2)(b), (d), (e) and (j) of S.I. 2022/808, with the modifications specified in paragraphs 2 and 6 of the Schedule to those Regulations. See section 121 for the definitions of “prescribed” and “regulations”.
- (3) 2006 c. 40. See sections 147(3) and 155(12) for the definition of “relevant function” in relation to a local authority. Section 181(2) was amended by section 23(3)(b) of the Learner Travel (Wales) Measure 2008 (nawm.2).

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Registration and Inspection of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (England) (Amendment) Regulations 2024.

- (2) These Regulations come into force on 1st April 2024, subject to paragraph (3).
- (3) Regulations 16(4) to (6) come into force on 1st September 2024.
- (4) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—
- (a) “the Registration Regulations” means the Care Standards Act 2000 (Registration) (England) Regulations 2010(4);
 - (b) “the Fees and Frequency of Inspections Regulations” means the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015(5).

PART 2

Amendments to the Registration Regulations

Amendments to the Registration Regulations

3. The Registration Regulations are amended in accordance with the following provisions of this Part.

Amendment to regulation 2

4. In regulation 2 (interpretation), in paragraph (1), at the appropriate point in the alphabetical order insert—

““secure children’s home” means—

- (a) a children’s home provided for the purpose of restricting liberty and approved for that purpose in accordance with regulation 3 of the Children (Secure Accommodation) Regulations 1991(6); or
- (b) a secure 16 to 19 Academy approved under section 1B(4) of the Academies Act 2010(7);”.

(4) S.I. 2010/2130, as amended by S.I. 2013/446, 706, 1394, 3239, 2015/541, 2016/481, 2019/1458 and 2023/416.

(5) S.I. 2015/551, as amended by S.I. 2017/245, 2018/246, 2019/835, 2020/445, 253, 2021/261, 1019, 2022/196 and 2023/276, 416.

(6) S.I. 1991/1505. Regulation 3 was substituted by paragraph 7 of Schedule 1 to the Children and Social Work Act 2017 (c. 16) and revoked in relation to Wales by regulation 2 of S.I. 2006/2986.

(7) 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act 2011 (c. 21) and amended by section 164(1) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

Amendment to regulation 7

- 5.—(1) Regulation 7 (registers) is amended as follows.
- (2) In paragraph (5), for “paragraph (6)” substitute “paragraphs (6) and (7)”.
- (3) After paragraph (6), insert—
 - “(7) Paragraph (5) does not apply in relation to a secure children’s home.”.

Amendment to Schedule 1

6. In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking), omit paragraph 4(a).

Amendment to Schedule 2

7. In Schedule 2 (documents to be supplied on an application for registration as a person who carries on an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking), for sub-paragraphs (1) and (2) of paragraph 3 substitute—

“(1) Subject to sub-paragraph (2), a statement by the responsible person as to the state of their physical and mental health.

(2) Where requested by the CI, a report by a general medical practitioner as to whether the responsible person is physically and mentally fit to carry on an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking of the same description as the establishment, agency, holiday scheme for disabled children or supported accommodation undertaking.”.

Amendment to Schedule 3

8. In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking), for sub-paragraphs (1) and (2) of paragraph 11 substitute—

“(1) Subject to sub-paragraph (2), a statement by the applicant as to the state of their physical and mental health.

(2) Where requested by the CI, a report by a general medical practitioner as to whether the applicant is physically and mentally fit to manage an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking of the same description as the establishment, agency, holiday scheme for disabled children or supported accommodation undertaking.”.

PART 3

Amendments to the Fees and Frequency of Inspections Regulations

Amendments to the Fees and Frequency of Inspections Regulations

9. The Fees and Frequency of Inspections Regulations are amended in accordance with the following provisions of this Part.

Amendment to regulation 2

10. In regulation 2 (interpretation), in paragraph (b) of the definition of “secure children’s home”, omit “(b)” the second time it occurs.

Amendment to regulation 6

11. In regulation 6 (children’s homes)—

- (a) in paragraph (1), omit the words “or a children’s home that is not a small children’s home”;
- (b) after paragraph (1), insert—

“(1A) 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 £3284.”.

Amendment to regulation 18

12. In regulation 18 (interpretation and introductory), in paragraph (2)(b), after “regulations 20 to 25” insert “and 26A”.

Amendment to regulation 19

13. In regulation 19 (boarding schools, residential colleges and residential special schools)—

- (a) in sub-paragraph (3)(b) and (c), for “17” substitute “13”;
- (b) in sub-paragraph (3)(b)(ii), for “17th” substitute “13th”.

Amendment to regulation 23

14. In regulation 23 (children’s homes)—

- (a) in sub-paragraphs (1)(b) and (c), for “20” substitute “16”;
- (b) in sub-paragraph (1)(b)(ii), for “20th” substitute “16th”.

Insertion of regulation 26A

15. After regulation 26 (local authority adoption and fostering functions), insert—

“26A Supported accommodation undertakings

(1) The annual fee payable in respect of a small supported accommodation undertaking is £2,700.

(2) The annual fee payable in respect of a large supported accommodation undertaking is £3,000.”.

Amendment to regulation 27

16.—(1) Regulation 27 (frequency of inspections) is amended as follows.

(2) In paragraph (3A), after sub-paragraph (b) insert—

“(c) which does not record a judgment on the overall experiences and progress of children and young people living in a children’s home because there are no children and young people living in the home at the time of the inspection, no further inspection will be required in that year unless the Chief Inspector determines that a further inspection is required.”.

(3) In paragraph (3B), for “subsection” substitute “paragraph”.

(4) After paragraph (3B), insert—

“(3C) The Chief Inspector must arrange for premises which are used for the purposes of a supported accommodation undertaking to be inspected at least once in the first inspection cycle and thereafter at least once in each subsequent inspection cycle.”.

(5) In paragraph (4), for “paragraph (1)” substitute “paragraphs (1) and (3C)”.

(6) In paragraph (5), after sub-paragraph (c) insert—

“(d) “first inspection cycle” means:

(i) for a supported accommodation undertaking registered by the Chief Inspector before 1st April 2024, the period commencing with 1st September 2024 and ending with 31st March 2027;

(ii) for a supported accommodation undertaking registered by the Chief Inspector on or after 1st April 2024, the period commencing with 1st April following the date on which the supported accommodation undertaking was registered and ending 36 months later;

(e) “subsequent inspection cycle” means the period commencing with 1st April following the date on which the supported accommodation undertaking was last inspected and ending 36 months later.”.

Substitution of certain fees payable under the Fees and Frequency of Inspections Regulations

17. In each provision of the Fees and Frequency of Inspections Regulations specified in column 1 of the table in the Schedule, for the amount specified in column 2 (old fee) substitute the amount specified in column 3 (new fee).

6th March 2024

David Johnston
Parliamentary Under-Secretary of State
Department for Education

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

SCHEDULE

Regulation 17

Substitution of certain fees payable under the Fees and Frequency of Inspections Regulations

<i>Provision of the Fees and Frequency of Inspections Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Regulation 4 (registration fees: voluntary adoption agencies)		
Paragraph (1)(a)	£2959	£3551
Paragraph (1)(b)(i)	£2959	£3551
Paragraph (1)(b)(ii)	£807	£968
Paragraph (2)(a)	£807	£968
Paragraph (2)(b)(i)	£2959	£3551
Paragraph (2)(b)(ii)	£807	£968
Regulation 5 (registration fees: adoption support agencies)		
Paragraph (1)	£2959	£3284
Paragraph (2)	£807	£968
Paragraph (3)	£807	£821
Regulation 6 (registration fees: children's homes)		
Paragraph (1)	£3202	£3842
Paragraph (2)	£1162	£1394
Regulation 7 (registration fees: residential family centres)		
Paragraph (1)	£3202	£3284
Paragraph (2)	£969	£1163
Regulation 8 (registration fees: fostering agencies)		
Paragraph (1)	£3202	£3284
Regulation 9A (registration fees: supported accommodation undertakings)		
Paragraph (3)	£900	£910
Regulation 12 (variation fees: voluntary adoption agencies)		
Paragraph (1)(b)	£807	£821
Paragraph (2)(b)	£807	£821
Paragraph (3)	£134	£161
Regulation 13 (variation fees: adoption support agencies)		
Paragraph (2)	£807	£821
Paragraph (3)	£134	£161
Regulation 14 (variation fees: children's home)		
Paragraph (3)	£194	£233
Regulation 15 (variation fees: residential family centres)		
Paragraph (3)	£161	£193
Regulation 16 (variation fees: fostering agencies)		
Paragraph (2)	£194	£233

<i>Provision of the Fees and Frequency of Inspections Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Regulation 16A (variation fees: supported accommodation settings)		
Paragraph (2)	£176	£211
Regulation 19 (annual fees: boarding schools, residential colleges and residential special schools)		
Paragraph (1)(a)	£1019	£1223
Paragraph (1)(b)(i)	£1019	£1223
Paragraph (1)(b)(ii)	£62	£74
Paragraph (1)(c)	£1601	£1921
Paragraph (1)(d)	£2240	£2688
Paragraph (1)(e)	£2690	£2856
Paragraph (2)(a)	£1356	£1627
Paragraph (2)(b)(i)	£1356	£1627
Paragraph (2)(b)(ii)	£83	£100
Paragraph (2)(c)	£2001	£2401
Paragraph (3)(a)	£2494	£2993
Paragraph (3)(b)(i)	£2494	£2993
Paragraph (3)(b)(ii)	£249	£299
Regulation 20 (annual fees: voluntary adoption agencies)		
Paragraph (1)(a)	£2044	£2453
Paragraph (1)(b)(i)	£2044	£2453
Paragraph (1)(b)(ii)	£1084	£1301
Paragraph (2)(a)	£1084	£1301
Paragraph (2)(b)(i)	£2044	£2453
Paragraph (2)(b)(ii)	£1084	£1301
Regulation 21 (annual fees: adoption support agencies)		
Paragraph (2)	£1084	£1301
Regulation 22 (annual fees: fostering agencies)		
Paragraph (1)	£3424	£3658
Regulation 23 (annual fees: children's home)		
Paragraph (1)(a)	£3120	£3744
Paragraph (1)(b)(i)	£3120	£3744
Paragraph (1)(b)(ii)	£311	£373
Paragraph (1A)(a)	£4679	£5615
Paragraph (1A)(b)(i)	£4679	£5615
Paragraph (1A)(b)(ii)	£311	£373
Regulation 26 (local authority adoption and fostering functions)		

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<i>Provision of the Fees and Frequency of Inspections Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Paragraph (1)(a)	£2059	£2471

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, amend the Care Standards Act 2000 (Registration) (England) Regulations 2010 (S.I. 2010/2130) (“the Registration Regulations”) and the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015 (S.I. 2015/551) (“the Fees and Frequency of Inspections Regulations”).

Part 2 amends the Registration Regulations.

Regulation 5 amends regulation 7 of the Registration Regulations so that the restriction on the disclosure of certain details in the register does not apply to secure children’s homes. Regulation 4 inserts a new definition of “secure children’s home” for this purpose.

Regulation 6 amends Schedule 1 to the Registration Regulations so that a bank reference is no longer required in connection with an application for registration as a person who carries on an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking.

Regulations 7 and 8 amend Schedules 2 and 3 to the Registration Regulations respectively so that an applicant for registration as a person who carries on an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking, or an applicant for registration as the manager of an establishment, agency, holiday scheme for disabled children or supported accommodation undertaking, is required to provide a statement as to the state of their physical and mental health. A report by a general medical practitioner will only be required where requested by Ofsted.

Part 3 amends the Fees and Frequency of Inspections Regulations.

Regulation 10 corrects an error in S.I. 2023/276, which inserted a superfluous “(b)” in the definition of “secure children’s home” (see regulation 6 of S.I. 2023/276).

Regulation 11 sets the registration fees for a children’s home that is not a small children’s home.

Regulation 13 amends regulation 19 to lower the approved places threshold in respect of which a residential special school must pay a higher annual fee from 4 – 17 places to 4 – 13 places.

Regulation 14 amends regulation 23 to lower the approved places threshold in respect of which a children’s home must pay a higher annual fee from 4 – 20 places to 4 – 16 places.

Regulation 15 sets the annual fee payable in respect of both small and large supported accommodation undertakings by inserting a new regulation 26A. Regulation 12 amends regulation 18 in consequence of the insertion of regulation 26A.

Regulation 16 amends regulation 27 in respect of the inspection frequency of children’s homes where there are no children being accommodated in the home at the time of the first inspection. Regulation 16 further amends regulation 27 to set the inspection frequency of premises used for the purposes of a supported accommodation undertaking.

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Regulation 17 and the Schedule amend the Fees and Frequency of Inspections Regulations in respect of fees, setting out the new fees payable in respect of various settings under Parts 2, 3 and 4 of those Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk.