

2006 No. 578

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

**The National Care Standards Commission (Commission for
Social Care Inspection) (Fees) (Adoption Agencies, Adoption
Support Agencies and Local Authority Fostering Functions)
(Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>6th March 2006</i>
<i>Laid before Parliament</i>	<i>10th March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</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) and 118(5) and (6) of the Care Standards Act 2000(a) and section 86(1) of the Health and Social Care (Community Health and Standards) Act 2003(b):—

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the National Care Standards Commission (Commission for Social Care Inspection) (Fees) (Adoption Agencies, Adoption Support Agencies and Local Authority Fostering Functions) (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

(2) These Regulations apply to England only.

(3) In these Regulations, “the principal Regulations” means the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003(c).

Amendment of regulation 3 of the principal Regulations

2. Regulation 3 of the principal Regulations (voluntary adoption agencies - registration fees) is amended as follows—

- (a) in paragraph (1)(a), for “£1,320” substitute “£1,518”;
- (b) in paragraph (1)(b)(i), for “£1,320” substitute “£1,518”;

(a) 2000 c.14. The 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 as the Secretary of State. “Prescribed” and “regulations” are defined in section 121(1) of the Act. The functions of the National Care Standards Commission under Part 2 of the Act transferred to the Commission for Social Care Inspection in accordance with section 102(3) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) with effect from 1st April 2004.

(b) 2003 c.43.

(c) S.I. 2003/368; amended by S.I. 2004/664, article 3 and Schedule 2, to insert a definition of “Commission”; S.I. 2005/640, and S.I. 2005/2720.

- (c) in paragraph (1)(b)(ii), for “£360” substitute “£414”;
- (d) in paragraph (2)(a), for “£360” substitute “£414”;
- (e) in paragraph (2)(b)(i), for “£1,320” substitute “£1,518”;
- (f) in paragraph (2)(b)(ii), for “£360” substitute “£414”.

Amendment of regulation 3A of the principal Regulations

3. Regulation 3A of the principal Regulations (adoption support agencies – registration fees) is amended as follows—

- (a) in paragraph (1), for “£1,320” substitute “£1,518”;
- (b) in paragraph (2), for “£360” substitute “£414”;
- (c) in paragraph (3), for “£360” substitute “£414”.

Amendment of regulation 4 of the principal Regulations

4. Regulation 4 of the principal Regulations (voluntary adoption agencies - variation fees) is amended as follows—

- (a) in paragraph (1)(a), for “£660” substitute “£759”;
- (b) in paragraph (1)(b), for “£360” substitute “£414”;
- (c) in paragraph (2)(a), for “£1,320” substitute “£1,518”;
- (d) in paragraph (2)(b), for “£360” substitute “£414”;
- (e) in paragraph (3), for “£60” substitute “£69”.

Amendment of regulation 4A of the principal Regulations

5. Regulation 4A of the principal Regulations (adoption support agencies – variation fees) is amended as follows—

- (a) in paragraph (1), for “£660” substitute “£759”;
- (b) in paragraph (2), for “£360” substitute “£414”;
- (c) in paragraph (3), for “£60” substitute “£69”.

Amendment of regulation 5 of the principal Regulations

6. Regulation 5 of the principal Regulations (annual fees – voluntary adoption agencies) is amended as follows—

- (a) in paragraph (1)(a), for “£600” substitute “£690”;
- (b) in paragraph (1)(b)(i), for “£600” substitute “£690”;
- (c) in paragraph (1)(b)(ii), for “£300” substitute “£345”;
- (d) in paragraph (2)(a), for “£300” substitute “£345”;
- (e) in paragraph (2)(b)(i), for “£600” substitute “£690”;
- (f) in paragraph (2)(b)(ii), for “£300” substitute “£345”.

Amendment of regulation 5A of the principal Regulations

7. Regulation 5A of the principal Regulations (annual fees – adoption support agencies) is amended as follows—

- (a) in paragraph (1), for “£600” substitute “£690”;
- (b) in paragraph (2), for “£300” substitute “£345”.

Annual fees – local authority adoption and fostering functions

8. After regulation 5A insert the following regulation—

“**5B.**— For the purposes of section 86(1) (fees) of the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) the prescribed functions of the Commission are its functions under section 79 or 80 of the 2003 Act in relation to the functions of a local authority referred to in section 43(3)(a)(**a**) and (b) of the Act (relevant adoption and fostering functions).”.

6th March 2006

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

(a) Amended by paragraph 112 of Schedule 3 to the Adoption and Children Act 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, amend the National Care Standards Commission (Fees and Frequency of Inspections)(Adoption Agencies) Regulations 2003 in order to increase by 15% the amount of the fees that voluntary adoption agencies and adoption support agencies pay to the Commission under Part 2 of the Care Standards Act 2000.

These increases take effect from 1st April 2006.

Regulations 2 to 7 make provision for increases in the fees to be paid in respect of voluntary adoption agencies and adoption support agencies on an application for registration (regulations 2 and 3), an application for the variation or removal of any condition that is in force in relation to a registration (regulations 4 and 5) and the payment of an annual fee (regulations 6 and 7).

Regulation 8 prescribes the functions of the Commission for the purposes of section 86(1) of the Health and Social Care (Community Health and Standards) Act 2003 (fees). Section 86(1) allows the Commission to make and publish provision requiring a local authority in England to pay a fee in respect of the exercise by the Commission of such of its functions as may be prescribed. Regulation 8 prescribes the functions for the purposes of this provision, namely the inspection of local authority adoption and fostering services, thereby allowing the Commission to make provision for charging local authorities fees for performing these functions.

A Regulatory Impact Assessment has been carried out 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 Education and Skills' website <http://www.dfes.gov.uk/ria>.

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