

**EXPLANATORY MEMORANDUM TO**  
**THE COMMISSION FOR SOCIAL CARE INSPECTION (FEES AND FREQUENCY OF**  
**INSPECTIONS) REGULATIONS 2007**

**2007 No. 556**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
  
2. **Description**
  - 2.1. The Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2007 set out the fee levels for adult social care establishments and agencies that are regulated by the Commission for Social Care Inspection (“CSCI”) (care homes, domiciliary care agencies, nurses agencies and adult placement schemes). This instrument also sets out the frequency of inspections of these establishments and agencies.
  
  - 2.2. This instrument replaces and consolidates the Commission for Social Care Inspection (Fees and Frequency of Inspection) Regulations 2004 (“the 2004 Regulations”) and the various amendments to the 2004 Regulations in respect of adult social care services. The provisions contained in the 2004 Regulations, as amended, in respect of children’s services regulated by CSCI are not included in this instrument. Provisions in respect of children’s services are from April 2007 to be contained in the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007 (see paragraph 4.2 below).
  
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1. None.
  
4. **Legislative Background**
  - 4.1. CSCI is required under the Health and Social Care (Community Health and Standards) Act 2003 to inspect social care establishments and agencies according to prescribed frequencies. Regulated establishments and agencies within the scope of the Care Standards Act 2000 are required, where appropriate, to pay fees for registration, variations of registration, and annual fees as prescribed by the

Secretary of State for Health. These requirements were set out in 2004 Regulations, as amended.

- 4.2. The Education and Inspections Act 2006 (“the 2006 Act), which received Royal Assent on 8 November 2006, provides for a single inspectorate in respect of children’s social services functions, intended to be in force on 1 April 2007. The 2006 Act (in Chapter 4 of Part 8) provides for children’s social services registration and inspection functions (previously exercised by CSCI) to be carried out by the Chief Inspector. CSCI retains the remainder of its functions with regard to adult social care services. Consequently, the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007 make provision for fees and frequency of inspection in relation to the Chief Inspector’s functions in respect of children’s services; an explanatory memorandum in respect of those Regulations has been prepared by the Department for Education and Skills and may be read in conjunction with this memorandum.
- 4.3. This instrument merely makes the amendments required to the 2004 Regulations as a consequence of the removal of the regulation of children’s services from CSCI, and consolidates earlier amendments to the 2004 Regulations.

## **5. Extent**

- 5.1. This instrument applies to England.

## **6. European Convention on Human Rights**

- 6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 In 2001, the Department of Health consultation paper *Frequencies of Inspection and Regulatory Fees* proposed a fee structure for regulatory work undertaken under the Care Standards Act 2000 and a move towards full cost recovery within 5 years. DH Ministers later decided that the timetable for reaching full cost recovery should be slowed to allow more affordable increases. Fees have increased by 20% in 2003-04, 20% in 2004-05, 20% in 2005-06 and 15% in 2006-07.
- 7.2. The Government’s policy is to continue to move towards full cost recovery, but DH is not making any changes to the fees charged by CSCI for 2007/08, mainly because fees have increased steadily in recent years and it will shortly become

necessary to consider the development of a new fee structure in the context of the plans to merge CSCI and the Healthcare Commission. The transfer of the regulation of children's social care services from CSCI to the Chief Inspector is part of a Government programme of rationalisation of public service inspectorates, and in particular the concentration of the most relevant groupings of services within the responsibilities of a reduced number of inspectorates.

## **8. Impact**

- 8.1. As there are no changes to the level of fees charged, and this instrument has the same effect as the 2004 Regulations as amended, a Regulatory Impact Assessment is not required.

## **9. Contact**

- 9.1. Tony Bennett at the Department of Health, Tel: 0113 254 6485 or e-mail: [tony.bennett@dh.gsi.gov.uk](mailto:tony.bennett@dh.gsi.gov.uk) can answer any queries regarding the instrument.