

2021 No. 261

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption and Children (Coronavirus) (Amendment)
Regulations 2021**

<i>Made</i> - - - -	<i>8th March 2021</i>
<i>Laid before Parliament</i>	<i>9th March 2021</i>
<i>Coming into force</i> - -	<i>30th March 2021</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 22C(11), 23ZA(4)(b), 87D(2) and 104(4) of and paragraphs 12A, 12E and 12F of Schedule 2 to the Children Act 1989(a), sections 12(2), 15(3), 16(3), 22(1), (2)(d), (2)(f), (5)(a), (7)(a) and (c), 31(7) and 118(5) and (6) of the Care Standards Act 2000(b) and sections 9(1)(a) and 140(7) and (8) of the Adoption and Children Act 2002(c) makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

(2) These Regulations come into force on 30th March 2021.

Amendment of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspection) (Children’s Homes etc.) Regulations 2015

2.—(1) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc) Regulations 2015(d) are amended as follows.

(2) In each provision of the Regulations specified in column 1 of the table, for the amount specified in column 2 (Old fee) substitute the amount specified in column 3 (New fee)—

(a) 1989 c. 41. Section 22C(11) was amended by S.I. 2016/413. Section 23ZA was inserted by section 15 of the Children and Young Persons Act 2008 (c. 23). Section 87D was inserted by section 108 of the Care Standards Act 2000 (c. 14) (“the 2000 Act”). Paragraphs 12A to 12G of Schedule 2 were substituted by paragraph 4 of Schedule 1 to the Children and Young Persons Act 2008. Paragraph 12F of Schedule 2 was amended by S.I. 2016/413.

(b) 2000 c. 14. Section 12(2) of the 2000 Act was amended by section 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) of the 2000 Act was amended by paragraphs 1 and 14(b) of Schedule 5 to the 2008 Act. Section 16(3) of the 2000 Act was amended by section 105(1) and (3) of the 2003 Act and by paragraphs 1 and 15 of Schedule 5 to the 2008 Act. Sections 12(2), 15(3) and 16(3) of the 2000 Act were applied to a person who carries on or manages a holiday scheme for disabled children by regulation 2(1), (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. Section 22(1) was amended by section 103(1) of the Children and Families Act 2014 (c. 6). Section 22(1)(b)(ii) was amended by S.I. 2019/772. Section 31(7) was amended by section 95 of and Schedule 5 to the 2008 Act. See section 121 of the 2000 Act for the definitions of “prescribed” and “regulations”.

(c) 2002 c. 38. Section 140(7) was inserted by section 7(1) of the Children and Families Act 2014.

(d) S.I. 2015/551. Amended by S.I. 2015/971, S.I. 2016/322, S.I. 2017/245, S.I. 2018/246, S.I. 2019/835 S.I. 2020/253 and S.I. 2020/445.

Table

<i>Provision of the Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Regulation 4 (Registration fees: voluntary adoption agencies)		
Paragraph (1)(a)	£2646	£2445
Paragraph (1)(b)(i)	£2646	£2445
Paragraph (1)(b)(ii)	£734	£667
Paragraph (2)(a)	£734	£667
Paragraph (2)(b)(i)	£2646	£2445
Paragraph (2)(b)(ii)	£734	£667
Regulation 5 (Registration fees: adoption support agencies)		
Paragraph (1)	£2646	£2445
Paragraph (2)	£734	£667
Paragraph (3)	£734	£667
Regulation 6 (Registration fees: children's homes)		
Paragraph (2)	£1056	£960
Regulation 7 (Registration fees: residential family centres)		
Paragraph (2)	£881	£801
Paragraph (3)	£881	£801
Regulation 12 (Variation fees: voluntary adoption agencies)		
Paragraph (1)(b)	£734	£667
Paragraph (2)(b)	£734	£667
Paragraph (3)	£122	£111
Regulation 13 (Variation fees: adoption support agencies)		
Paragraph (2)	£734	£667
Paragraph (3)	£122	£111
Regulation 14 (Variation fees: children's homes)		
Paragraph (3)	£176	£160
Regulation 15 (Variation fees: residential family centres)		
Paragraph (2)	£881	£801
Paragraph (3)	£146	£133
Regulation 16 (Variation fees: fostering agencies)		
Paragraph (2)	£176	£160
Regulation 19 (Annual fees: boarding schools, residential colleges and residential special schools)		
Paragraph (2)(a)	£1233	£1121
Paragraph (2)(b)(i)	£1233	£1121

Paragraph (2)(b)(ii)	£75	£68
Paragraph (2)(c)	£1821	£1717
Paragraph (3)(a)	£2267	£2061
Paragraph (3)(b)(i)	£2267	£2061
Paragraph (3)(b)(ii)	£226	£205
Regulation 20 (Annual fees: voluntary adoption agencies)		
Paragraph (1)(a)	£1858	£1689
Paragraph (1)(b)(i)	£1858	£1689
Paragraph (1)(b)(ii)	£985	£895
Paragraph (2)(a)	£985	£895
Paragraph (2)(b)(i)	£1858	£1689
Paragraph (2)(b)(ii)	£985	£895
Regulation 21 (Annual fees: adoption support agencies)		
Paragraph (1)	£1750	£1694
Paragraph (2)	£985	£895
Regulation 22 (Annual fees: fostering agencies)		
Paragraph (1)	£3113	£2830
Regulation 23 (Annual fees: children's homes)		
Paragraph (1)(a)	£2836	£2578
Paragraph (1)(b)(i)	£2836	£2578
Paragraph (1)(b)(ii)	£283	£257
Regulation 24 (Annual fees: residential family centres)		
Paragraph (1)(a)	£1889	£1717

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

- (a) in paragraph (2)(b) for “10” substitute “11”;
- (b) in paragraph (2)(b)(ii) for “10th” substitute “11th”;
- (c) in paragraph 2(c) for “10” substitute “11”;
- (d) in paragraph (3)(b) for “15” substitute “17”;
- (e) in paragraph (3)(b)(ii) for “15th” substitute “17th”; and
- (f) in paragraph (3)(c) for “15” substitute “17”.

(4) In regulation 23 (children's homes)—

- (a) in paragraph (1)(b) for “25” substitute “29”;
- (b) in paragraph (1)(b)(ii) for “25th” substitute “29th”; and
- (c) in paragraph (1)(c) for “25” substitute “29”.

Amendment of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020

3. In regulation 14(1A) (expiry) of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020(a) for “on 31st March 2021” substitute “at the end of 30th September 2021”.

(a) S.I. 2020/445. Regulation 14 was amended by S.I 2020/909.

Amendment of the Adoption and Children (Coronavirus) (Amendment) (No.2) Regulations 2020

4. In regulation 8(2) (review and expiry) of the Adoption and Children (Coronavirus) (Amendment) (No.2) Regulations 2020(a) for “on 31st March 2021” substitute “at the end of 30th September 2021”.

Revocation

5. Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) (Amendment) Regulations 2020(b) are revoked.

Vicky Ford
Parliamentary Under Secretary of State
Department for Education

8th March 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England only.

The amendments made by these Regulations are being made in order to continue to assist the children’s social care sector during the coronavirus pandemic.

Regulation 2(2) amends Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc) Regulations 2015 (“the 2015 Regulations”) to reduce certain fees payable under Parts 2, 3 and 4 of those Regulations. In particular, they decrease the fees that are payable to the Chief Inspector in respect of registration of voluntary adoption agencies, adoption support agencies, children’s homes and residential family centres; and variation of registration of those establishments and of fostering agencies. They also decrease the annual fees payable by the above establishments and agencies as well as those payable by boarding schools, residential colleges and residential special schools.

Regulation 2(3) and (4) amend the approved places threshold (see regulation 2 of the 2015 Regulations for the definition of “approved place”) set out in the 2015 Regulations. Once this threshold has been exceeded, the relevant institution is obliged to pay a higher annual fee.

Regulation 2(3)(a) to (c) increases the approved places threshold for residential colleges from between 4 – 10 places to 4 – 11 places.

Regulation 2(3)(d) to (f) increases the approved places threshold for residential special schools from between 4 – 15 places to 4 – 17 places.

Regulation 2(4) increases the approved places threshold for children’s homes from between 4 – 25 places to 4 – 29 places.

Regulation 3 amends regulation 14 of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to provide that the amendment made by regulation 12 of those Regulations ceases to have effect at the end of 30th September 2021. Regulation 12 omits regulation 27 of the 2015 Regulations which sets out the minimum frequency by which premises must be inspected.

(a) S.I. 2020/909.

(b) S.I. 2020/253.

Regulation 4 extends the amendments made by the Adoption and Children (Coronavirus) (No.2) Regulations 2020 until the end of 30th September 2021.

Regulation 5 revokes Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2020. Given the ongoing pressures faced by certain children's social care providers caused by the pandemic, all the changes made by that instrument in relation to fees payable by those providers to Her Majesty's Chief Inspector of Education, Children's Services and Skills have been reversed through regulation 2(2) to (4) of these Regulations.

The Secretary of State must still review the effectiveness of the continued limited amendment made by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and of the continued amendments made by the Adoption and Children (Coronavirus) (Amendment) (No.2) Regulations 2020 for the period they remain in effect.

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

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

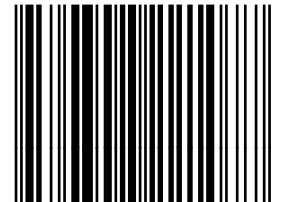
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