

2022 No. 196

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 2022**

<i>Made</i>	- - - -	<i>28th February 2022</i>
<i>Laid before Parliament</i>		<i>2nd March 2022</i>
<i>Coming into force</i>	- -	<i>1st April 2022</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 87D(2) and 104(4)(a) of the Children Act 1989(a), and sections 12(2), 15(3), 16(3), 31(7) and 118(5) and (6) of the Care Standards Act 2000(b) makes the following Regulations.

Citation, commencement and extent

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 2022 and come into force on 1st April 2022.

(2) These Regulations extend to England and Wales.

Interpretation

2. 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 2015(c).

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

3. The principal Regulations are amended in accordance with regulations 4 to 10.

(a) 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 section 87(11) and (12) for the definition of “relevant person”.

(b) 2000 c. 14 (“the 2000 Act”). Section 12(2) 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) 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) and 16(3) 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. See section 121 of the 2000 Act for the definitions of “prescribed” and “regulations”.

(c) S.I. 2015/551, amended by S.I. 2015/971, S.I. 2016/332, S.I. 2017/245, S.I. 2018/246, S.I. 2019/835, S.I. 2019/1094, S.I. 2020/445, S.I. 2020/253, S.I. 2021/261 and S.I. 2021/1019.

Amendment to Regulation 2 (interpretation)

4. In regulation 2 (interpretation)—

(a) in the appropriate place insert—

““*multi-building children’s home*” means a children’s home where the care and accommodation is provided in more than one building;” and

““*secure children’s home*” means 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(a);” and

(b) in the definition of “small children’s home”, after “means a children’s home” insert “, other than a multi-building children’s home.”

Amendment to Regulation 6 (children’s homes)

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

(a) for paragraph (1), substitute—

“(1) Subject to paragraph (4), where the application is for registration as the person who carries on a multi-building children’s home or a children’s home that is not a small children’s home, the fee is £2911.”; and

(b) for paragraph (3), substitute—

“(3) Subject to paragraph (4), where the application is for registration as the person who manages a multi-building children’s home or a children’s home that is not a small children’s home, the fee is £910.

(4) The fees payable in respect of a multi-building children’s home do not apply to the following—

(a) a school which is a children’s home under section 1(6) of the Care Standards Act 2000; and

(b) a secure children’s home.”.

Amendment to Regulation 14 (children’s homes)

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

(a) for paragraph (1), substitute—

“(1) Subject to paragraphs (3) and (4), where the application relates to a multi-building children’s home or a children’s home that is not a small children’s home, the fee is £910.”; and

(b) after paragraph (3), insert—

“(4) The fees payable in respect of a multi-building children’s home do not apply to the following—

(a) a school which is a children’s home under section 1(6) of the Care Standards Act 2000; and

(b) a secure children’s home.”.

Amendment to Regulation 19 (boarding schools, residential colleges and residential special schools)

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

(a) in paragraph (2)(b) for “11” substitute “10”;

(a) S.I. 1991/1505. Regulation 3 of S.I. 1991/1505 was amended by S.I. 1995/1398 and revoked in relation to Wales by S.I. 2006/2986.

- (b) in paragraph (2)(b)(ii) for “11th” substitute “10th”; and
- (c) in paragraph (2)(c) for “11” substitute “10”.

Amendment to Regulation 23 (children’s homes)

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

- (a) in paragraph (1) for “The annual fee” substitute “Subject to paragraphs (1A) and (1B), the annual fee”;
- (b) in paragraph (1)(b) for “29” substitute “26”;
- (c) in paragraph (1)(b)(ii) for “29th” substitute “26th”;
- (d) in paragraph (1)(c) for “29” substitute “26”; and
- (e) after paragraph (1) insert—

“(1A) The annual fee payable in respect of a multi-building children’s home is—

- (a) where there are 3 or fewer approved places, £4254;
- (b) where there are between 4 and 6 approved places,
 - (i) £4254, plus
 - (ii) £283 for each approved place from the 4th to the 6th inclusive.

(1B) The fees payable in respect of a multi-building children’s home do not apply to the following—

- (a) a school which is a children’s home under section 1(6) of the Care Standards Act 2000; and
- (b) a secure children’s home.”.

Amendment to Regulation 27 (frequency of inspections)

9. In regulation 27 (frequency of inspections)—

- (a) in paragraph (1)(b), after “to be inspected”, insert “, subject to paragraph (1A),”; and
- (b) for paragraph (1A) substitute —

“(1A) The Chief Inspector must comply with paragraph (1)(b) subject to the following—

- (a) where an inspection under paragraph (1)(b) was due to be carried out before 1st April 2021 but was not carried out, an inspection must take place before 1st April 2023 and thereafter at least once in every three year period;
- (b) where an inspection under paragraph (1)(b) was due to be carried out before 1st April 2022 but was not carried out, an inspection must take place before 1st April 2024 and thereafter at least once in every three year period; or
- (c) where an inspection under paragraph (1)(b) was due to be carried out before 1st April 2023 but was not carried out before that date, an inspection must take place before 1st April 2025 and thereafter at least once in every three year period.”.

Substitution of other fees payable under the principal Regulations

10. In each provision of the principal Regulations specified in column 1 of the table in the Schedule to these Regulations, for the amount specified in column 2 (Old fee) substitute the amount specified in column 3 (New fee).

28th February 2022

Will Quince
Parliamentary Under Secretary of State
Department for Education

SCHEDULE

Regulation 10

Substitution of other fees payable under the principal Regulations

<i>Provision of the principal Regulations (1)</i>	<i>Old fee (2)</i>	<i>New fee (3)</i>
Regulation 4 (registration fees: voluntary adoption agencies)		
Paragraph (1)(a)	£2445	£2690
Paragraph (1)(b)(i)	£2445	£2690
Paragraph (1)(b)(ii)	£667	£734
Paragraph (2)(a)	£667	£734
Paragraph (2)(b)(i)	£2445	£2690
Paragraph 2(b)(ii)	£667	£734
Regulation 5 (registrations fees: adoption support agencies)		
Paragraph (1)	£2445	£2690
Paragraph (2)	£667	£734
Paragraph (3)	£667	£734
Regulation 6 (registrations fees: children's homes)		
Paragraph (2)	£960	£1056
Regulation 7 (registration fees: residential family centres)		
Paragraph (1)	£2646	£2911
Paragraph (2)	£801	£881
Paragraph (3)	£801	£881
Regulation 8 (registrations fees: fostering agencies)		
Paragraph (1)	£2646	£2911
Regulation 12 (variation fees: voluntary adoption agencies)		
Paragraph (1)(a)	£919	£910
Paragraph (1)(b)	£667	£734
Paragraph (2)(a)	£919	£910
Paragraph (2)(b)	£667	£734
Paragraph (3)	£111	£122
Regulation 13 (variation fees: adoption support agencies)		
Paragraph (1)	£919	£910
Paragraph (2)	£667	£734
Paragraph (3)	£111	£122
Regulation 14 (variation fees: children's home)		
Paragraph (3)	£160	£176

Regulation 15 (variation fees: residential family centres)

Paragraph (1)	£1102	£910
Paragraph (2)	£801	£881
Paragraph (3)	£133	£146

Regulation 16 (variation fees: fostering agencies)

Paragraph (1)	£1322	£910
Paragraph (2)	£160	£176

Regulation 19 (annual fees: boarding schools, residential colleges and residential special schools)

Paragraph (1)(a)	£842	£926
Paragraph (1)(b)(i)	£842	£926
Paragraph (1)(b)(ii)	£51	£56
Paragraph (1)(c)	£1323	£1455
Paragraph (1)(d)	£1851	£2036
Paragraph (1)(e)	£2223	£2445
Paragraph (2)(a)	£1121	£1233
Paragraph (2)(b)(i)	£1121	£1233
Paragraph (2)(b)(ii)	£68	£75
Paragraph (2)(c)	£1717	£1819
Paragraph (3)(a)	£2061	£2267
Paragraph (3)(b)(i)	£2061	£2267
Paragraph (3)(b)(ii)	£205	£226
Paragraph (3)(c)	£5007	£5457

Regulation 20 (annual fees: voluntary adoption agencies)

Paragraph (1)(a)	£1689	£1858
Paragraph (1)(b)(i)	£1689	£1858
Paragraph (1)(b)(ii)	£895	£985
Paragraph (2)(a)	£895	£985
Paragraph (2)(b)(i)	£1689	£1858
Paragraph (2)(b)(ii)	£895	£985

Regulation 21 (annual fees: adoption support agencies)

Paragraph (1)	£1694	£1750
Paragraph (2)	£895	£985

Regulation 22 (annual fees: fostering agencies)

Paragraph (1)	£2830	£3113
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Regulation 23 (annual fees: children’s home)

Paragraph (1)(a)	£2578	£2836
Paragraph (1)(b)(i)	£2578	£2836
Paragraph (1)(b)(ii)	£257	£283
Paragraph (1) (c)	£9285	£9436

Regulation 24 (annual fees: residential family centres)

Paragraph (1)(a)	£1717	£1889
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, amend Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015 (“the principal Regulations”).

These Regulations prescribe fees that are payable to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) in respect of multi-building children’s homes, which are registered by the Chief Inspector and defined in regulation 4 of these Regulations as a children’s home where the care and accommodation is provided in more than one building. Regulations 5 and 6 of these Regulations amend regulations 6 and 14 of the principal Regulations to set out the registration and variation fees payable for multi-building children’s homes (as well as for children’s homes that are not small children’s homes).

Regulation 7 amends regulation 19 of the principal Regulations to lower the approved places threshold (see regulation 2 of the principal Regulations for the definition of “approved places”) in respect of which a residential college must pay a higher annual fee, from between 4 – 11 places to 4 – 10 places.

Regulation 8 amends regulation 23 of the principal Regulations to lower the approved places threshold in respect of which a children’s home must pay a higher annual fee, from between 4 – 29 places to 4 – 26 places. It also prescribes the annual fees to be paid by a multi-building children’s home, depending on the number of approved places.

Regulation 9 amends regulation 27 of the principal Regulations. The effect of the amendment is to extend the time available for the Chief Inspector to inspect premises due an inspection as a result of regulation 27(1)(b) and to restart the three year period for inspections in respect of these.

Regulation 10 and the Schedule also amend the principal Regulations in respect of fees, setting out the increases in certain other fees payable by various settings under Parts 2, 3 and 4 of the principal Regulations.

An Impact Assessment has not been produced for this instrument as it has minimal impact on businesses or civil society organisations. The instrument has minimal impact on the public sector.

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£6.90

<http://www.legislation.gov.uk/id/uksi/2022/196>

ISBN 978-0-34-823251-6



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