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STATUTORY INSTRUMENTS

2023 No. 276

**CHILDREN AND YOUNG PERSONS, ENGLAND
CHILDCARE, ENGLAND**

**The Childcare and Inspection of Education, Children's
Services and Skills (Fees) (Amendments) Regulations 2023**

Made - - - - 7th March 2023

Laid before Parliament 9th March 2023

Coming into force in accordance with regulation 1(2).

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), sections 155(1) and (2) and 181(2)(a) and (b) of the Education and Inspections Act 2006(3), sections 7, 7A, 9A, 89(1) and 104(2) of the Childcare Act 2006(4) and sections 1(2)(d), (3) and (4)(a), (b) and (c) and 2(1), 2(2)(a) and (c) of the Childcare Act 2016(5).

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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 section 87(11) and (12) for the definition of “relevant person”.
- (2) 2000 c. 14. 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), 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), 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 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).
- (4) 2006 c. 21. Section 7 was substituted by section 1(2) of the Education Act 2011 (c. 21). Sections 7A and 9A were inserted by section 87(2) and (3) respectively of the Children and Families Act 2014 (c. 6) (“the 2014 Act”). Section 89(1) was amended by paragraph 58 of Schedule 4 to the 2014 Act. See section 106 for the definition of “prescribed” and “regulations”.
- (5) 2016 c. 5.

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Childcare and Inspection of Education, Children’s Services and Skills (Fees) (Amendments) Regulations 2023.

(2) These Regulations come into force on 30th March 2023, subject as follows—

(a) Part 2 comes into force on 1st September 2023; and

(b) Part 4 comes into force on 1st April 2023.

(3) These Regulations—

(a) extend to England and Wales; and

(b) apply in relation to England.

Interpretation

2. In these Regulations, “the 2015 Fees and Frequency of Inspections 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(6).

PART 2

Amendment to the Childcare (Fees) Regulations 2008

Amendment to the Childcare (Fees) Regulations 2008

3. In regulation 10(7) of the Childcare (Fees) Regulations 2008(7), for “2023” substitute “2025”.

PART 3

Amendment to the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014

Amendment to the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014

4. In regulation 1 (citation, commencement and interpretation) of the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014(8), in paragraph (2), in the definition of “early years childminder”, after “the 2006 Act” insert “but as if the definition in that subsection was not subject to subsection (5) of that section”.

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

(7) S.I. 2008/1804, as amended by S.I. 2010/307, 2017/768, 2019/835 and 2021/432.

(8) S.I. 2014/2147, to which there are amendments not relevant to these Regulations.

PART 4

Amendments to the 2015 Fees and Frequency of Inspections Regulations

Amendments to the 2015 Fees and Frequency of Inspections Regulations

5. The 2015 Fees and Frequency of Inspections Regulations are amended in accordance with the following provisions of this Part.

Amendment to regulation 2

6. In regulation 2 (interpretation), for the definition of “secure children’s home” substitute—
- ““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⁽⁹⁾; or
 - (b) (b) a secure 16 to 19 Academy approved under section 1B(4) of the Academies Act 2010⁽¹⁰⁾.”.

Amendment to regulation 23

7. In regulation 23(1) (children’s homes)—
- (a) in sub-paragraph (b), for “26” substitute “20” and for “26th” substitute “20th”;
 - (b) in sub-paragraph (c), for “26” substitute “20”.

Amendment to regulation 27

8. In regulation 27 (frequency of inspections), for paragraph (3B) substitute—
- “(3B) Subsection (3A) does not apply to a secure children’s home.”.

Substitution of certain fees payable under the 2015 Fees and Frequency of Inspection Regulations

9. In each provision of the 2015 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).

⁽⁹⁾ [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](#).

⁽¹⁰⁾ [2010 c. 32](#). Section 1B was amended by section 164(1) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

PART 5

Amendments to the Childcare (Free of Charge for Working Parents) (England) Regulations 2022

Amendments to the Childcare (Free of Charge for Working Parents) (England) Regulations 2022

10. The Childcare (Free of Charge for Working Parents) (England) Regulations 2022⁽¹¹⁾ are amended in accordance with the following provisions of this Part.

Amendments to regulation 4

11. In regulation 4(1) (definitions)—

(a) for the definition of “childminder” substitute—

““childminder” means an early years childminder within the meaning given in section 96(4) of the Childcare Act 2006 but as if the definition in that subsection was not subject to subsection (5) of that section;”;

(b) after the definition of “inspection report” insert—

““limited capability for work” means limited capability for work under—

(a) regulation 39 of the Universal Credit Regulations 2013⁽¹²⁾, or

(b) regulation 40 of the Universal Credit Regulations (Northern Ireland) 2016⁽¹³⁾;

“limited capability for work and work-related activity” means limited capability for work and work-related activity under—

(a) regulation 40 of the Universal Credit Regulations 2013⁽¹⁴⁾, or

(b) regulation 41 of the Universal Credit Regulations (Northern Ireland) 2016⁽¹⁵⁾;”;

(c) omit the definition of “Social Security Act”;

(d) before the definition of “tax year” insert—

““specified benefit” has the meaning given in regulation 11A;”.

Amendment to regulation 10

12. In regulation 10 (meaning of partner), after paragraph (2) insert—

“(3) A person is not a member of the same household as, or living together with, another person if—

(a) the person is absent, and

(b) the absence exceeds, or is expected to exceed, 6 months.”.

Insertion of regulation 11A

13. After regulation 11 insert—

(11) S.I. 2022/1134.

(12) S.I. 2013/376, amended by S.I. 2014/597.

(13) S.R. 2016 No. 216.

(14) S.I. 2013/376, amended by S.I. 2014/597.

(15) S.R. 2016 No. 216.

“Meaning of “specified benefit”

11A.—(1) A “specified benefit” is any of the following—

- (a) carer’s allowance under—
 - (i) section 70 of the Social Security Contributions and Benefits Act 1992(16), or
 - (ii) section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(17);
- (b) carer’s assistance given in accordance with regulations made under section 28 of the Social Security (Scotland) Act 2018(18) except a young carer grant given under the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019(19);
- (c) the carer element(20) under—
 - (i) regulation 29 of the Universal Credit Regulations 2013(21), or
 - (ii) regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016(22);
- (d) credits for incapacity for work or limited capability for work under—
 - (i) regulation 8B of the Social Security (Credits) Regulations 1975(23), or
 - (ii) regulation 8B of the Social Security (Credits) Regulations (Northern Ireland) 1975(24);
- (e) employment and support allowance under—
 - (i) section 1 of the Welfare Reform Act 2007(25), or
 - (ii) section 1 of the Welfare Reform Act (Northern Ireland) 2007(26);
- (f) long-term incapacity benefit under—
 - (i) regulation 11(4) or 17(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(27), or
 - (ii) regulation 11(4) or 17(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(28);
- (g) long-term or short-term incapacity benefit under—
 - (i) section 30A, 40 or 41 of the Social Security Contributions and Benefits Act 1992(29), or

(16) Section 70 was amended by S.I. 1994/2556, 2002/1457, 2011/2426, 2013/388, 796, 2015/1754, 2021/174, 1301 and 2022/332.

(17) Section 70 was amended by S.I. 2013/3233, 2021/1301, 2022/332 and S.R. 1994 No. 370, 2002 No. 321, 2011 No. 356 and 2016 No. 228 and 236.

(18) 2018 asp 9.

(19) S.S.I. 2019/324, amended by S.S.I. 2020/99, 475, 2021/170, 320, 469 and 2022/108, 129 and 336.

(20) The carer element is part of an award of universal credit, which is a benefit payable in accordance with Part 2 of the Welfare Reform Act 2012 (c. 5) or Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)).

(21) S.I. 2013/376, amended by S.I. 2015/1754 and 2017/204.

(22) S.R. 2016/216, amended by S.R. 2017/146.

(23) S.I. 1975/556, amended by S.I. 1996/2367, 2000/3120, 2003/521, 2008/1554, 2010/385, 2012/913 and 2013/630.

(24) S.R. 1975 No. 113.

(25) 2007 c. 5. Section 1 was amended by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).

(26) 2007 c. 2 (N.I.). Section 1 was amended by S.I. 2015/2006 (N.I. 1).

(27) S.I. 1995/310, amended by S.I. 1996/3207 and 1999/2422.

(28) S.R. 1995/35.

(29) Section 30A of the Social Security Contributions and Benefits Act 1992 (c. 4) was inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) (“the 1994 Act”) and amended by section 64 of the Welfare Reform and Pensions Act 1999 (c. 30) and paragraph 14 of Schedule 24 to the Civil Partnership Act 2004 (c. 33). Section 40 was substituted by paragraph 8 of Schedule 1 to the 1994 Act and repealed by section 67 of the Welfare Reform Act 2007 (c. 5) (“the 2007 Act”). Section 41 was substituted by paragraph 9 of Schedule 1 to the 1994 Act and repealed by section 67 of the 2007 Act.

- (ii) section 30A, 40 or 41 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽³⁰⁾;
- (h) severe disablement allowance under—
 - (i) section 68 of the Social Security Contributions and Benefits Act 1992⁽³¹⁾, or
 - (ii) section 68 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽³²⁾.”.

Amendments to regulation 14

- 14.** In regulation 14 (conditions relating to parent)—
- (a) in paragraph (4)(a), for “(see regulation 10)” substitute “mentioned in regulation 15(3),”;
 - (b) omit paragraph (5).

Amendments to regulation 15

- 15.—**(1) In regulation 15 (conditions relating to partner of parent)—
- (a) for paragraph (2) substitute—

“(2) If a parent of a young child has a partner, the partner must be a person mentioned in paragraph (3) or (4).”.
 - (b) After paragraph (2) insert—

“(3) A person who—

 - (a) meets the qualifying paid work requirement in regulation 16 or 17,
 - (b) does not for the relevant tax year—
 - (i) expect their adjusted net income to exceed £100,000,
 - (ii) make a claim under section 809B of the Income Tax Act 2007⁽³³⁾ (claim for remittance basis to apply), or
 - (iii) expect section 809E of Income Tax Act 2007⁽³⁴⁾ to apply (application of remittance basis without claim: other cases), and
 - (c) if a foster parent of the young child, has confirmation from the responsible local authority that it is satisfied that engaging in any paid work other than as a foster parent is consistent with the child’s care plan.
 - (4) A person who is the partner of a parent mentioned in regulation 14(3) and who—
 - (a) has limited capability for work;
 - (b) has limited capability for work and work-related activity;
 - (c) is entitled to a specified benefit; or

⁽³⁰⁾ Section 30A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) was inserted by S.I. 1994/1898 (N.I. 12) and amended by paragraph 68 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and S.I. 1999/3147 (N.I. 11). Section 40 was substituted by paragraph 8 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994/1898 (“the 1994 Order”). Section 41 was substituted by paragraph 9 of Schedule 1 to the 1994 Order and amended by paragraph 18 of Schedule 2 to the Pensions (Northern Ireland) Order 1995/3213.

⁽³¹⁾ Section 68 was repealed by Part 4 of Schedule 13 to the Welfare Reform and Pensions Act 1999 (c. 30). Certain persons remain eligible by virtue of S.I. 2000/2958.

⁽³²⁾ Section 68 was repealed by S.I. 1999/3147 (N.I. 11). Certain persons remain eligible by virtue of S.R. 2000 No. 332.

⁽³³⁾ 2007 c. 3. Section 809B was inserted by section 25 and Schedule 7 to the Finance Act 2008 (c. 11).

⁽³⁴⁾ As above, section 809E was inserted by section 25 and Schedule 7 to the Finance Act 2008 (c. 11).

- (d) is a resident of an EEA State or Switzerland who is, under the law of the EEA State or Switzerland, entitled to a benefit of a kind that is substantially similar to a specified benefit.”.

Amendments to regulation 16 (qualifying paid work requirement: employee)

16. In regulation 16 (qualifying paid work requirement: employee)—

(a) for paragraph 3(a) substitute—

“(a) any period the person is—

(i) a foster parent, or

(ii) on specified leave other than adoption leave of the kind mentioned in sub-paragraph (b);”.

(b) In paragraph (4)—

(i) in the definition of “adoption leave”, in paragraph (b), for “the Social Security Act” substitute “the Social Security Contributions and Benefits Act”;

(ii) after the definition of “national insurance number” insert—

““the Social Security Contributions and Benefits Act” means either of the following—

(a) the Social Security Contributions and Benefits Act 1992⁽³⁵⁾;

(b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽³⁶⁾

(iii) in the definition of “specified leave”, in paragraph (a) for (i) to (v) substitute—

“(i) ordinary or additional maternity leave;

(ii) ordinary or additional adoption leave;

(iii) shared parental leave;

(iv) parental leave;

(v) paternity leave;

(vi) parental bereavement leave;”;

(iv) in paragraph (b), for “the Social Security Act” substitute “the Social Security Contributions and Benefits Act”.

Amendments to regulation 18

17. In regulation 18 (minimum income requirement), in paragraph (3) in the definition of “relevant period”—

(a) in sub-paragraph (a), for the words from “beginning with” to the end, substitute—

“beginning with—

(i) the day on which the declaration relating to the employee is made, or

(ii) if regulation 7(1)(d) applies, the day on which the person expects to be a person mentioned in any of regulation 7(1)(a) to (c);”;

(b) in paragraph (b), for “mentioned in paragraph (a)” substitute “of three months beginning with the day on which the declaration relating to the employee is made”.

⁽³⁵⁾ 1992 c. 4.

⁽³⁶⁾ 1992 c. 7.

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

Amendment to regulation 45

18. In regulation 45 (duty to make arrangements with childcare provider chosen by parent), in paragraph (3)(c), for “a childcare agency”, substitute “an early years childminder agency”.

Amendment to regulation 47

19. In regulation 47 (requirements permissible in arrangements), in paragraph (1)(f), for “a childcare agency” substitute “an early years childminder agency”.

Signed by authority of the Secretary of State for Education

7th March 2023

Claire Coutinho
Parliamentary Under Secretary of State
Department for Education

We consent.

6th March 2023

Steve Double
Andrew Stephenson
Two of the Commissioners of His Majesty’s
Treasury

SCHEDULE

Regulation 9

Substitution of certain fees payable under the 2015 Fees and Frequency of Inspections Regulations

| <i>Provision of the 2015 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) | £2690 | £2959 |
| Paragraph (1)(b)(i) | £2690 | £2959 |
| Paragraph (1)(b)(ii) | £734 | £807 |
| Paragraph (2)(a) | £734 | £807 |
| Paragraph (2)(b)(i) | £2690 | £2959 |
| Paragraph (2)(b)(ii) | £734 | £807 |
| Regulation 5 (registrations fees: adoption support agencies) | | |
| Paragraph (1) | £2690 | £2959 |
| Paragraph (2) | £734 | £807 |
| Paragraph (3) | £734 | £807 |
| Regulation 6 (registrations fees: children's homes) | | |
| Paragraph (1) | £2911 | £3202 |
| Paragraph (2) | £1056 | £1162 |
| Regulation 7 (registration fees: residential family centres) | | |
| Paragraph (1) | £2911 | £3202 |
| Paragraph (2) | £881 | £969 |
| Paragraph (3) | £881 | £910 |
| Regulation 8 (registrations fees: fostering agencies) | | |
| Paragraph (1) | £2911 | £3202 |
| Regulation 12 (variation fees: voluntary adoption agencies) | | |
| Paragraph (1)(b) | £734 | £807 |
| Paragraph (2)(b) | £734 | £807 |
| Paragraph (3) | £122 | £134 |
| Regulation 13 (variation fees: adoption support agencies) | | |
| Paragraph (2) | £734 | £807 |
| Paragraph (3) | £122 | £134 |
| Regulation 14 (variation fees: children's home) | | |
| Paragraph (3) | £176 | £194 |
| Regulation 15 (variation fees: residential family centres) | | |
| Paragraph (2) | £881 | £910 |

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

| <i>Provision of the 2015 Fees and Frequency of Inspections Regulations (1)</i> | <i>Old fee (2)</i> | <i>New fee (3)</i> |
|---|--------------------|--------------------|
| Paragraph (3) | £146 | £161 |
| Regulation 16 (variation fees: fostering agencies) | | |
| Paragraph (2) | £176 | £194 |
| Regulation 19 (annual fees: boarding schools, residential colleges and residential special schools) | | |
| Paragraph (1)(a) | £926 | £1019 |
| Paragraph (1)(b)(i) | £926 | £1019 |
| Paragraph (1)(b)(ii) | £56 | £62 |
| Paragraph (1)(c) | £1455 | £1601 |
| Paragraph (1)(d) | £2036 | £2240 |
| Paragraph (1)(e) | £2445 | £2690 |
| Paragraph (2)(a) | £1233 | £1356 |
| Paragraph (2)(b)(i) | £1233 | £1356 |
| Paragraph (2)(b)(ii) | £75 | £83 |
| Paragraph (2)(c) | £1819 | £2001 |
| Paragraph (3)(a) | £2267 | £2494 |
| Paragraph (3)(b)(i) | £2267 | £2494 |
| Paragraph (3)(b)(ii) | £226 | £249 |
| Paragraph (3)(c) | £5457 | £5995 |
| Regulation 20 (annual fees: voluntary adoption agencies) | | |
| Paragraph (1)(a) | £1858 | £2044 |
| Paragraph (1)(b)(i) | £1858 | £2044 |
| Paragraph (1)(b)(ii) | £985 | £1084 |
| Paragraph (2)(a) | £985 | £1084 |
| Paragraph (2)(b)(i) | £1858 | £2044 |
| Paragraph (2)(b)(ii) | £985 | £1084 |
| Regulation 21 (annual fees: adoption support agencies) | | |
| Paragraph (1) | £1750 | £1648 |
| Paragraph (2) | £985 | £1084 |
| Regulation 22 (annual fees: fostering agencies) | | |
| Paragraph (1) | £3113 | £3424 |
| Regulation 23 (annual fees: children's home) | | |
| Paragraph (1)(a) | £2836 | £3120 |
| Paragraph (1)(b)(i) | £2836 | £3120 |
| Paragraph (1)(b)(ii) | £283 | £311 |

| <i>Provision of the 2015 Fees and Frequency of Inspections Regulations (1)</i> | <i>Old fee (2)</i> | <i>New fee (3)</i> |
|--|--------------------|--------------------|
| Paragraph (1)(c) | £9436 | £8629 |
| Paragraph (1A)(a) | £4254 | £4679 |
| Paragraph (1A)(b)(i) | £4254 | £4679 |
| Paragraph (1A)(b)(ii) | £283 | £311 |
| Regulation 24 (annual fees: residential family centres) | | |
| Paragraph (1)(a) | £1889 | £2078 |
| Paragraph (1)(b) | £1913 | £2104 |
| Paragraph (1)(c) | £1913 | £2104 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, amend the Childcare (Fees) Regulations 2008 (S.I. 2008/1804) (“the 2008 Childcare Regulations”), the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 (S. I. 2014/2147) (“the 2014 Regulations”), 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 2015 Fees and Frequency of Inspections Regulations”) and the Childcare (Free of Charge for Working Parents) (England) Regulations 2022 (S.I. 2022/1134) (“the 2022 Childcare Regulations”).

Part 2 amends the 2008 Childcare Regulations.

Regulation 3 amends regulation 10 to extend an existing transitional provision which applies to childcare providers (other than childminders) who transferred automatically from the childcare register under Part 10A of the Children Act 1989 (c. 41) to the early years register under the Childcare Act 2006 (c. 21) on 1st September 2008. The amendment has the effect of extending the transitional provision until 31st August 2025, enabling early years providers who were registered prior to 2008 to benefit from a fees rate of £50 where they are operating for a period of less than 4 hours per day.

Part 3 amends the 2014 Regulations.

Regulation 4 amends the definition of an “early years childminder”. This amendment ensures that early years provision which would otherwise be excluded under section 96(5) of the Childcare Act 2006 (because the number of persons providing that provision exceeds three), is included within the definition of an “early years childminder” for the purpose of the 2014 Regulations.

Part 4 amends the 2015 Fees and Frequency of Inspections Regulations.

Regulation 7 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 – 26 places to 4 – 20 places. Regulations 6 and 8 amend regulations 2 and 27 respectively, with the effect that regulation 27(3A) of the 2015 Fees and Frequency of Inspections Regulations does not apply to secure 16 – 19 academies (as defined in section 1B(4) to (7) of the Academies Act 2010 (c. 32)). This amendment has the effect that secure 16 – 19 academies must be inspected a minimum of twice a year in line with other secure

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children’s homes. Regulation 9 and the Schedule amend the 2015 Fees and Frequency of Inspection 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.

Part 5 corrects errors in the 2022 Childcare Regulations.

In the 2022 Regulations:

- regulation 11 amends regulation 4 (definitions) to incorporate new definitions used in more than one regulation and correct the definition of “childminder”;
- regulation 12 amends regulation 10 (meaning of “partner”) to reinstate the effect of regulation 10(3)(a) of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016 (S.I. 2016/1257) (“the 2016 Regulations”);
- regulation 13 inserts a new regulation 11A (meaning of “specified benefit”) and regulation 14 amends regulation 14 (conditions relating to parent), in consequence of the amendments to regulation 15;
- regulation 15 amends regulation 15 (conditions relating to partner of parent):
 - to reinstate the effect of regulation 9 of the 2016 Regulations in relation to the partner of a parent of a young child;
 - in consequence of the amendment to regulation 10;
- regulation 16 amends regulation 16 (qualifying paid work requirement: employee) to reinstate the effect of regulations 4A(7) and 8(1)(g) of the 2016 Regulations and in consequence of the amendments to regulations 4 and 15;
- regulation 17 amends regulation 18 (minimum income requirement) to reinstate the effect of regulation 5(4)(b) of the 2016 Regulations;
- regulations 18 and 19 amend regulations 45 and 47 respectively to correctly refer to “an early years childminder agency” in each case.

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.