STATUTORY INSTRUMENTS

2018 No. 246

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 2018

Made - - - -	*26th February 2018*
Laid before Parliament	*28th February 2018*
Coming into force - -	*1st April 2018*

The Secretary of State in exercise of the powers conferred by sections 87D(2) and 104(4) (a) and (b) 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**) and sections 155(1) and (2) and 181(2)(a) and (b) of the Education and Inspections Act 2006(**3**) makes the following Regulations:

Citation, commencement and interpretation

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 2018 and come into force on 1st April 2018.

(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(**4**).

(**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 ("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".

(**3**) 2006 c.40. See sections 147(3) and 155(12) for the definition of "relevant functions" in relation to a local authority. Section 181(2) was amended by section 23(3)(b) of the Learner Travel (Wales) Measure 2008 (2008 nawm 2).

(**4**) S.I. 2015/551, amended by S.I. 2015/971, S.I. 2016/322 and S.I. 2017/245.

Substitution of fees payable under the principal Regulations

2. 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).

Frequency of inspections

3. In regulation 27 (frequency of inspections) of the principal Regulations—

(a) in paragraph (1)(a), for "(2), (3), (3A) and (3B)" substitute "(2), (3), (3ZA), (3ZB), (3A) and (3B)";

(b) after paragraph (3) insert—

"(3ZA) Paragraph (1)(a) does not apply to a closed children's home.

(3ZB) Where a closed children's home ceases to be a closed children's home—

(a) before 1st October in any year, the Chief Inspector must arrange for that children's home to be inspected at least once before 31st March that year;

(b) on or after 1st October in any year, no inspection of that children's home is to be carried out that year."; and

(c) in paragraph (5)—

(i) at the end of sub-paragraph (a) omit "and"; and

(ii) at the end of sub-paragraph (b) insert—

"; and

(c) "closed children's home" means a children's home in respect of which a condition imposed under section 13(5) of the Care Standards Act 2000 is for the time being in force that the registered person(**5**) must inform the Chief Inspector of their intention to accommodate children at the home at least three months before any child is accommodated".

Nadhim Zahawi
Parliamentary Under Secretary of State
Department for Education

26th February 2018

(**5**) The person who is registered as the person who carries on or manages the children's home under Part II of the 2000 Act.