STATUTORY INSTRUMENTS

2017 No. 245

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 2017

Made - - - -	*2nd March 2017*
Laid before Parliament	*3rd March 2017*
Coming into force - -	*1st April 2017*

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) and 118(5), (6) and (7) 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**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2017 and come into force on 1st April 2017.

(2) In these Regulations, "the principal Regulations" means the 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. Section 12(2) was amended by section 105(3) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act") and by paragraph 11 of Schedule 5 to the Health and Social Care Act 2008 (c.14) ("the 2008 Act"). Section 15(3) was amended by paragraph 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 paragraph 15 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 the Care Standards 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013 (S.I. 2013/253), with the modifications specified in paragraphs 2 and 6 of the Schedule to those Regulations. See section 121 for the meanings 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.Is 2015/971 and 2016/322.

Substitution of fees payable under the principal Regulations

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

(2) "The table" means the table in the Schedule to these Regulations.

Amendment to size classification of children's homes

3. In regulation 23 (children's homes) —

(a) in paragraph (1)(b) for "33" substitute "31";

(b) in paragraph (1)(b)(ii) for "33rd" substitute "31st"; and

(c) in paragraph (1)(c) for "33" substitute "31".

Frequency of inspections

4. (1) In regulation 27 (frequency of inspections) —

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

(b) after paragraph (3) insert —

"(3A) Where in any year an inspection in that year results in a report prepared under section 32(5) of the Care Standards Act 2000(**5**):

(a) which records a judgement that the overall experiences and progress of children and young people living in a children's home are good or outstanding; and

(b) there has been no subsequent inspection in that year resulting in a report prepared under that Act which records a judgement that the overall experiences and progress of the children and young people are less than good,

the Chief Inspector must arrange for that home to be inspected at least once in the year following inspection.

(3B) Subsection (3A) does not apply to accommodation in a children's home approved by the Secretary of State under regulation 3 of the Children (Secure Accommodation) Regulations 1991(**6**).".

Edward Timpson
Minister of State
Department for Education

2nd March 2017

(**5**) 2000 c.14. There have been modifications to section 32, which are not relevant to these Regulations.
(**6**) S.I. 1991/1505. There have been amendments to S.I 1991/1505 which are not relevant to these Regulations.