Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 551

CHILDREN AND YOUNG PERSONS, ENGLAND

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

Made - - - -	*4th March 2015*
Laid before Parliament	*9th March 2015*
Coming into force - -	*1st April 2015*

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 [F1], sections 12(2), 15(3), 16(3), 31(7) and 118(5), (6) and (7) of the Care Standards Act 2000 [F2] and sections 155(1) and (2) and 181(2)(a) and (b) of the Education and Inspections Act 2006 [F3].

F1 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".

F2 2000 c.14. See section 121 for the definitions of "prescribed" and "regulations". Section 12(2) was amended by section 105(3) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) and by paragraph 11 of Schedule 5 to the Health and Social Care Act 2008 (c.14). Section 15(3) was amended by paragraph 14(b) of Schedule 5 to the Health and Social Care Act 2008. Section 16(3) was substituted by section 105(6) of the Health and Social Care (Community Health and Standards) Act 2003 and amended by paragraph 15 of Schedule 5 to the Health and Social Care Act 2008. Section 31(7) was amended by paragraph 27 of Schedule 5 to the Health and Social Care Act 2008. 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 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.

F3 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 (no.2).

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PART 1

General

Citation and commencement

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.) Regulations 2015 and come into force on 1st April 2015.

Interpretation

2. In these Regulations—

"approved place" means—

(a) in relation to a children's home [F4], boarding school, residential college or residential special school, a bed provided for the use of a service user at night; and

(b) in relation to a residential family centre [F5], overnight accommodation which is appropriate to a single family;

"boarding school" means a school (not being a residential special school or a school which is a children's home or care home [F6]) providing accommodation for any child, and "school" has the meaning given to it in section 4 of the Education Act 1996 [F7];

"Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

"holiday scheme for disabled children" has the same meaning as in the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013 [F8];

"relevant number of staff" means—

(a) in the case of a voluntary adoption agency [F9], seven full-time staff or the equivalent, excluding the manager or, as the case may be, branch manager, appointed in accordance with the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 [F10];

(b) in the case of an adoption support agency [F11], two full-time staff or the equivalent, excluding the manager appointed in accordance with the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 [F12] or anyone employed solely as a receptionist or administrator;

"residential college" means a college as defined in section 87(10) [F13] of the Children Act 1989 which provides accommodation for any child;

"residential special school" means—

(a) a special school within the meaning of section 337 of the Education Act 1996 [F14];

(b) an independent educational institution which has been entered on the register of independent educational institutions in England and which is specially organised to make special educational provision for pupils with special educational needs (within the meaning of section 579 of the Education Act 1996 [F15]),

which is not a registered children's home but which provides accommodation for any child;

"small adoption support agency" means an adoption support agency where no more than the relevant number of staff are employed at any one time;

"small branch" means a branch where no more than the relevant number of staff are employed at any one time as social workers;

"small children's home" means a children's home which has fewer than four approved places;

"small principal office" means a principal office where no more than the relevant number of staff are employed at any one time as social workers;

"small residential family centre" means a residential family centre which has fewer than four approved places;

"social worker" means a person who is registered as such in **[**[F16]the register of social workers in England maintained under section 39(1) of the Children and Social Work Act 2017**]**.

F4 Section 1 of the Care Standards Act 2000 defines "children's home".

F5 Section 4 of the Care Standards Act 2000 defines "residential family centre". Regulation 3 of the Residential Family Centres Regulations 2002 (S.I. 2002/3213) excepts certain establishments from that definition.

F6 Section 3 of the Care Standards Act 2000 defines "care home".

F7 1996 c.56. Section 4 was amended by: section 51 of, and paragraph 10 of Schedule 7, and Schedule 8 to, the Education Act 1997 (c.44); Schedule 22 to the Education Act 2002 (c.32); section 95(2) and (3) of the Childcare Act 2006 (c.21); paragraph 9(2) of Schedule 13 to the Education Act 2011 (c.21); and paragraph 97 of Schedule 1 to S.I. 2010/1080.

F8 S.I. 2013/253.

F9 Section 4(7) of the Care Standards Act 2000 defines "voluntary adoption agency".

F10 S.I. 2003/367, to which there are amendments not relevant to these Regulations.

F11 Section 4(7A) of the Care Standards Act 2000 defines "adoption support agency".

F12 S.I. 2005/2720, to which there are amendments not relevant to these Regulations.

F13 The definition of "college" in section 87D(10) was amended by paragraph 6(4)(a) of Schedule 13 to the Education Act 2011.

F14 Section 337 was substituted by paragraph 36 of Schedule 3 to the Children and Families Act 2014 (c.6).

F15 The definitions of "special educational provision" and "special educational needs" were inserted into section 579 by paragraph 59(b) of Schedule 3 to the Children and Families Act 2014.

F16 Words in reg. 2 substituted (2.12.2019) by The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094), reg. 1, **Sch. 3 para. 36**; S.I. 2019/1436, reg. 2(b)

PART 2

Registration Fees

Introductory

3. This Part—

(a) applies for the purposes of section 12(2) of the Care Standards Act 2000 (application for registration); and

(b) prescribes the fee that must accompany an application for registration under Part 2 of that Act.

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Voluntary adoption agencies

4.—(1) Where the application is for registration as the person who carries on a voluntary adoption agency, the fee, subject to paragraph (2), is—

(a) **[**[F17]£2445**]**; and

(b) if the voluntary adoption agency has, in addition to its principal office, one or more branches, an additional sum of—

(i) **[**[F18]£2445**]** in respect of each branch that is not a small branch, and

(ii) **[**[F19]£667**]** in respect of each small branch.

(2) If the voluntary adoption agency has a small principal office, the fee is—

(a) **[**[F20]£667**]**; and

(b) if the voluntary adoption agency has, in addition to its small principal office, one or more branches, an additional sum of—

(i) **[**[F21]£2445**]** in respect of each branch that is not a small branch, and

(ii) **[**[F22]£667**]** in respect of each small branch.

F17 Sum in reg. 4(1)(a) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F18 Sum in reg. 4(1)(b)(i) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F19 Sum in reg. 4(1)(b)(ii) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F20 Sum in reg. 4(2)(a) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F21 Sum in reg. 4(2)(b)(i) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F22 Sum in reg. 4(2)(b)(ii) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

Adoption support agencies

5.—(1) Where the application is for registration as the person who carries on an adoption support agency that is not a small adoption support agency, the fee is **[**[F23]£2445**]**.

(2) Where the application is for registration as the person who carries on a small adoption support agency, the fee is **[**[F24]£667**]**.

(3) Where the application is for registration as the person who manages an adoption support agency that is not a small adoption support agency, the fee is **[**[F25]£667**]**.

F23 Sum in reg. 5(1) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F24 Sum in reg. 5(2) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F25 Sum in reg. 5(3) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

Children's homes

6.—(1) Where the application is for registration as the person who carries on a children's home that is not a small children's home, the fee is **[**[F26]£2646**]**.

(2) Where the application is for registration as the person who carries on a small children's home, the fee is **[**[F27]£960**]**.

(3) Where the application is for registration as the person who manages a children's home that is not a small children's home, the fee is **[**[F28]£910**]**.

F26 Sum in reg. 6(1) substituted (1.4.2016) by Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2016 (S.I. 2016/322), regs. 1(1), 2(1), **Sch.**

F27 Sum in reg. 6(2) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F28 Sum in reg. 6(3) substituted (1.5.2019) by The Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019 (S.I. 2019/835), regs. 1(2), 3, **Sch.**

Residential family centres

7.—(1) Where the application is for registration as the person who carries on a residential family centre that is not a small residential family centre, the fee is **[**[F29]£2646**]**.

(2) Where the application is for registration as the person who carries on a small residential family centre, the fee is **[**[F30]£801**]**.

(3) Where the application is for registration as the person who manages a residential family centre that is not a small residential family centre, the fee is **[**[F31]£801**]**.

F29 Sum in reg. 7(1) substituted (1.4.2018) by Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2018 (S.I. 2018/246), regs. 1(1), 2, **Sch.**

F30 Sum in reg. 7(2) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

F31 Sum in reg. 7(3) substituted (30.3.2021) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2021 (S.I. 2021/261), regs. 1(2), **2(2)**

Fostering agencies

8.—(1) Where the application is for registration as the person who carries on a fostering agency, the fee is **[**[F32]£2646**]**.

(2) Where the application is for registration as the person who manages a fostering agency, the fee is **[**[F33]£910**]**.

F32 Sum in reg. 8(1) substituted (1.4.2016) by Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2016 (S.I. 2016/322), regs. 1(1), 2(1), **Sch.**

F33 Sum in reg. 8(2) substituted (1.5.2019) by The Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019 (S.I. 2019/835), regs. 1(2), 3, **Sch.**