
STATUTORY INSTRUMENTS

2019 No. 835

CHILDREN AND YOUNG PERSONS, ENGLAND

The Children’s Homes etc. Inspection Fees,
Childcare Fees, Adoption and Children Act
Register (Amendment) Regulations 2019

Made - - - - *8th April 2019*

Laid before Parliament *9th April 2019*

Coming into force in accordance with regulation 1(2)

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(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 89(1) and 104(2) of the Childcare Act 2006(4) and sections 125(1) and 128(1), (2) and (5) of the Adoption and Children Act 2002(5) makes the following Regulations:

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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 (“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) 2006 c.21. Section 89(1) was amended by paragraph 58 of Schedule 4 to the Children and Families Act 2014 (c.6). See section 106 for the definition of “prescribed” and “regulations”.
- (5) 2002 c.38. Section 128 was amended by the Children and Families Act 2014 (c.6). See section 144(1) for the definition of “regulations” and section 131(1)(b) for the definition of “prescribed”.

PART 1

Introductory Provisions

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children’s Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019.

(2) These Regulations come into force on 1st May 2019, save for regulation 6, which comes into force on 1st September 2019.

(3) In these Regulations, the “2015 Regulations” mean 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 Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015

2. The 2015 Regulations are amended as follows in this Part.

Substitution of fees payable

3. In each provision of the 2015 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).

Amendment to size classification of residential special schools

4. In regulation 19 (Boarding schools, residential colleges and residential special schools) —
- (a) in paragraph (3)(b) for “18” substitute “17”;
 - (b) in paragraph (3)(b)(ii) for “18th” substitute “17th”; and
 - (c) in paragraph (3)(c) for “18” substitute “17”.

Amendment to size classification of children’s homes

5. In regulation 23 (Children’s homes) —
- (a) in paragraph (1)(b) for “31” substitute “29”;
 - (b) in paragraph (1)(b)(ii) for “31st” substitute “29th”; and
 - (c) in paragraph (1)(c) for “31” substitute “29”.

PART 3

Amendment to the Childcare (Fees) Regulations 2008

Amendment to the Childcare (Fees) Regulations 2008

6. In regulation 10(7) (Annual fee for early years providers, other than childminders, registered in the early years register) of the Childcare (Fees) Regulations 2008(7), for “2019” substitute “2021”.

PART 4

Amendments related to the Adoption and Children Act Register

Amendment to Adoption Agencies Regulations 2005

7. The Adoption Agencies Regulations 2005(8) are amended as follows—
- (a) omit regulation 2(2) (Interpretation);
 - (b) omit regulation 19A (Information to be provided for entry in Part 1 of the register);
 - (c) omit regulation 30G (Information to be provided for entry in Part 3 of the register);
 - (d) omit Schedule 1A (Information about children suitable for adoption); and
 - (e) omit Schedule 4B (Information about prospective adopters who are suitable to adopt a child).

Amendment to the Adoption and Children Act Register Regulations 2014

8. In the Adoption and Children Act Register Regulations 2014(9) omit regulation 4(1) (information to be provided for entry in Part 2 of the register).

Signed by the authority of the Secretary of State for Education

8th April 2019

Anne Milton
Minister of State
Department for Education

(7) S.I. 2008/1804, amended by S.I. 2010/307 and SI 2017/768.

(8) S.I. 2005/389, amended by S.I. 2005/3482, S.I. 2007/603, S.I. 2009/1892, S.I. 2009/1895, S.I. 2010/1172, S.I. 2011/589, S.I. 2012/1410, S.I. 2013/235, S.I. 2013/985, S.I. 2014/852, S.I. 2014/1492, S.I. 2014/1556 and S.I. 2014/2103.

(9) S.I. 2014/1492.

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SCHEDULE

Regulation 3

Substitution of fees payable under the 2015 Regulations

<i>Provision of the 2015 Regulations (1)</i>	<i>Old fee (2)</i>	<i>>New fee (3)</i>
Regulation 4 (registration fees: voluntary adoption agencies)		
Paragraph 1(a)	£2223	£2445
Paragraph (1)(b)(i)	£2223	£2445
Paragraph (1)(b)(ii)	£606	£667
Paragraph (2)(a)	£606	£667
Paragraph (2)(b)(i)	£2223	£2445
Paragraph (2)(b)(ii)	£606	£667
Regulation 5 (registration fees: adoption support agencies)		
Paragraph (1)	£2223	£2445
Paragraph (2)	£606	£667
Paragraph (3)	£606	£667
Regulation 6 (registration fees: children's homes)		
Paragraph (2)	£873	£960
Paragraph (3)	£873	£910
Regulation 7 (registration fees: residential family centres)		
Paragraph (2)	£728	£801
Paragraph (3)	£728	£801
Regulation 8 (registration fees: fostering agencies)		
Paragraph (2)	£873	£910
Regulation 12 (variation fees: voluntary adoption agencies)		
Paragraph (1)(b)	£606	£667
Paragraph (2)(b)	£606	£667
Paragraph (3)	£101	£111
Regulation 13 (variation fees: adoption support agencies)		
Paragraph (2)	£606	£667
Paragraph (3)	£101	£111
Regulation 14 (variation fees: children's homes)		
Paragraph (2)	£873	£910
Paragraph (3)	£145	£160
Regulation 15 (variation fees: residential family centres)		
Paragraph (2)	£728	£801
Paragraph (3)	£121	£133
Regulation 16 (variation fees: fostering agencies)		

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<i>Provision of the 2015 Regulations (1)</i>	<i>Old fee (2)</i>	<i>>New fee (3)</i>
Paragraph (2)	£145	£160
Regulation 19 (annual fees: boarding schools, residential colleges and residential special schools)		
Paragraph (2)(a)	£1019	£1121
Paragraph (2)(b)(i)	£1019	£1121
Paragraph (2)(b)(ii)	£62	£68
Paragraph (2)(c)	£1561	£1717
Paragraph (3)(a)	£1874	£2061
Paragraph (3)(b)(i)	£1874	£2061
Paragraph (3)(b)(ii)	£186	£205
Paragraph (3)(c)	£4670	£5007
Regulation 20 (annual fees: voluntary adoption agencies)		
Paragraph (1)(a)	£1535	£1689
Paragraph (1)(b)(i)	£1535	£1689
Paragraph (1)(b)(ii)	£814	£895
Paragraph (2)(a)	£814	£895
Paragraph (2)(b)(i)	£1535	£1689
Paragraph (2)(b)(ii)	£814	£895
Regulation 21 (annual fees: adoption support agencies)		
Paragraph (1)	£1540	£1694
Paragraph (2)	£814	£895
Regulation 22 (annual fees: fostering agencies)		
Paragraph (1)	£2573	£2830
Regulation 23 (annual fees: children's homes)		
Paragraph (1)(a)	£2344	£2578
Paragraph (1)(b)(i)	£2344	£2578
Paragraph (1)(b)(ii)	£234	£257
Paragraph (1)(c)	£9107	£9285
Regulation 24 (annual fees: residential family centres)		
Paragraph (1)(a)	£1561	£1717
Paragraph (1)(b)	£1757	£1913
Paragraph (1)(c)	£1834	£1913
Regulation 26 (annual fees: local authority adoption and fostering functions)		
Paragraph (1)(a)	£1872	£2059
Paragraph (1)(b)	£2925	£3216

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England only.

Regulation 3 and the Schedule increase certain fees payable under Parts 2, 3 and 4 of 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 Regulations').

In particular, they increase the fees that are payable to the Chief Inspector in respect of—

registration of voluntary adoption agencies, adoption support agencies, children's homes, residential family centres and fostering agencies; and

variation of registration of those establishments and agencies.

They also increase the annual fees payable by the above establishments and agencies as well as those payable by boarding schools, residential colleges, residential special schools and in respect of local authority adoption and fostering functions.

Regulation 4 lowers the approved places threshold (see regulation 2 of the 2015 Regulations for the definition of "approved places") in respect of which a residential school must pay a higher annual fee, from between 4 – 18 places to 4 – 17 places.

Regulation 5 lowers the approved places threshold in respect of which a children's home must pay a higher annual fee, from between 4 – 31 places to 4 – 29 places.

Regulation 6 amends regulation 10(7) of the Childcare (Fees) Regulations 2008 (S.I. 2008/1804). The effect of the amendment is 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 2006 Act on 1st September 2008. This amendment has the effect of extending the transitional provision until 31st August 2019, 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.

Regulation 7(b) and (c) revoke the duty on adoption agencies to refer prescribed information about children who are suitable for adoption and prospective adopters who are suitable to adopt to the Secretary of State for inclusion in Part 1 or Part 3 of the register (see section 125 of the Adoption and Children Act 2002 for the meaning of "the register"). The remainder of regulation 7 and regulation 8 make consequential changes to the Adoption Agencies Regulations 2005 and the Adoption and Children Act Register Regulations 2014.

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.