STATUTORY INSTRUMENTS

2006 No. 517

SOCIAL CARE, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

The Commission for Social Care Inspection (Fees and Frequency of Inspections) (Amendment) Regulations 2006

Made - - - -	*28th February 2006*
Laid before Parliament	*3rd March 2006*
Coming into force - -	*1st April 2006*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12(2), 15(3), 16(3), 31(7), 45(4) and 118(5) and (6) of the Care Standards Act 2000(**a**) and section 87D(2) of the Children Act 1989(**b**).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Commission for Social Care Inspection (Fees and Frequency of Inspections) (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

(2) These Regulations apply in relation to England only.

(3) In these Regulations, "the principal Regulations" means the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004(**c**).

Amendment of regulation 3 of the principal Regulations

2. Regulation 3 of the principal Regulations (registration fees) is amended as follows—

(a) in paragraph (1)(a), for "£1,901" substitute "£2,186";

(b) in paragraph (1)(b), for "£1,584" substitute "£1,822";

(c) in paragraph (2)(a), for "£518" substitute "£596";

(d) in paragraph (2)(b), for "£432" substitute "£497";

(e) in paragraph (3)(a), for "£518" substitute "£596"; and

(f) in paragraph (3)(b), for "£432" substitute "£497".

(**a**) 2000 c.14 ("the 2000 Act"); see section 121(1) for the definition of "prescribed". The functions of the National Care Standards Commission under Part 2 of the 2000 Act relevant to these Regulations were transferred to the CSCI in accordance with section 102 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act") with effect from 1st April 2004. For transitional provisions relating to the wording of sections 12(2), 15(3) and 16(3) of the 2000 Act pending the coming into force of section 105(2) of the 2003 Act in relation to the determination of fees by the CSCI, see S.I. 2005/2925, article 3. For the definition of "relevant functions" in section 45(4) of the 2000 Act, see section 43(2) of that Act.

(**b**) 1989 c.41; section 87D was inserted by section 108(2) of the 2000 Act.

(**c**) S.I. 2004/662 as amended by S.I. 2004/2071 and 2005/575.

Amendment of regulation 4 of the principal Regulations

3. Regulation 4 of the principal Regulations (variation fees) is amended as follows—

(a) in paragraph (1)(a), for "£950" substitute "£1,093";

(b) in paragraph (1)(b), for "£792" substitute "£911";

(c) in paragraph (2)(a), for "£518" substitute "£596";

(d) in paragraph (2)(b), for "£432" substitute "£497";

(e) in paragraph (3)(a), for "£86" substitute "£99"; and

(f) in paragraph (3)(b), for "£72" substitute "£83".

Amendment of regulation 5 of the principal Regulations

4.—(1) Regulation 5 of the principal Regulations (annual fees) is amended in accordance with the following paragraphs of this regulation.

(2) In the Table—

(a) in the entry relating to a care home—

(i) in column (2), for "£259" substitute "£297", and

(ii) in columns (3) and (4), for "£86" substitute "£99";

(b) in the entry relating to a children's home—

(i) in column (2), for "£864" substitute "£994", and

(ii) in columns (3) and (4), for "£86" substitute "£99";

(c) in the entry relating to a fostering agency, in column (2), for "£1,728" substitute "£1,987";

(d) in the entry relating to a residential family centre—

(i) in column (2), for "£576" substitute "£662", and

(ii) in columns (3) and (4), for "£72" substitute "£83";

(e) in the entry relating to a domiciliary care agency, in column (2), for "£1,080" substitute "£1,242";

(f) in the entry relating to a nurses agency, in column (2), for "£720" substitute "£828";

(g) in the entry relating to a residential special school—

(i) in column (2), for "£691" substitute "£795",

(ii) in column (3), for "£69" substitute "£79", and

(iii) in column (4), for "£35" substitute "£40"; and

(h) in the entry relating to an adult placement scheme, in column (2), for "£1,728" substitute "£1,987".

(3) In paragraph (2), for "£173" substitute "£199".

(4) In paragraph (4A)(**a**), for "50% of the flat rate specified in column (2)" substitute "£994".

Amendment of regulation 6 of the principal Regulations

5. For regulation 6 (frequency of inspections) of the principal Regulations substitute—

"Frequency of inspections

6.—(1) The CSCI shall arrange for premises which are used for the purposes of—

(**a**) Paragraph (4A) was inserted by S.I. 2004/2071.

(a) a children's home, to be inspected, subject to paragraph (2), a minimum of twice in every 12 month period;

(b) a residential family centre or a fostering agency, to be inspected, subject to paragraph (3), a minimum of once in every 12 month period;

(c) a local authority fostering service, to be inspected once in every 12 month period; and

(d) a care home, a domiciliary care agency, a nurses agency, or an adult placement scheme, to be inspected a minimum of once in every three year period.

(2) In the case of a children's home carried on by a person other than an existing provider and in respect of which a person is registered for the first time—

(a) between 1st April and 30th September in any 12 month period, only one inspection is to be carried out in that period; and

(b) between 1st October and 31st March in any 12 month period, no inspection shall be required in that period.

(3) In the case of an establishment or agency listed in paragraph (1)(b) carried on by a person other than an existing provider and in respect of which a person is registered for the first time in a 12 month period, no inspection shall be required in that period.

(4) Any inspection referred to in paragraph (1) may be unannounced.

(5) In this regulation—

(a) "12 month period" means a period commencing on 1st April in any year and ending on 31st March in the following year; and

(b) "three year period" means a period commencing on 1st April in any year and ending on 31st March in the third year following.".

Revocation

6. The Commission for Social Care Inspection (Fees and Frequency of Inspections) (Amendment) Regulations 2005(**a**) are revoked.

Signed by authority of the Secretary of State for Health

Liam Byrne
Parliamentary Under Secretary of State,
Department of Health

28th February 2006

(**a**) S.I. 2005/575.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, amend the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004.

Regulations 2 to 4 increase the amount of the fees that are to be paid to the Commission for Social Care Inspection by establishments and agencies (other than voluntary adoption agencies, adoption support agencies, independent hospitals, independent clinics and independent medical agencies and local authority fostering services) under Part 2 of the Care Standards Act 2000. The increases take effect from 1st April 2006.

Regulation 5 amends the minimum required frequency of inspections by CSCI of certain premises. It changes the minimum frequency for inspection of premises used for the purposes of care homes, domiciliary care agencies, nurses agencies and adult placement schemes from once in every 12 months to once in every three years.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health's website(**a**).

In addition, a copy can be obtained from Room 129, Wellington House, 133-135 Waterloo Road, London, SE1 8UG.

(**a**) At www.dh.gov.uk/PublicationsAndStatistics/Legislation/RegulatoryImpactAssessment.

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