

# Law Drafting Instructions: Amendments to the Regulation of Care (Fees) (Jersey) Order 2018



**Ministerial Sponsor:** Minister for the Environment

## 1. Introduction

- 1.1 Law drafting is required to amend the Regulation of Care (Fees) (Jersey) Order 2018 (the “2018 Order”) to include further regulated activities, categories of provider and fees. These amendments are necessary to implement the changes to the Regulation of Care (Jersey) Law 2014 (the “2014 Law”) which were approved by the States Assembly on 25 April 2022 when it adopted the [Regulation of Care \(Regulated Activities\) \(Amendment of Law\) \(Jersey\) Regulations 2022](#) (the “2022 Regulations”).
- 1.2 The 2022 Regulations will, when they are brought into force, amend Schedule 1 to the 2014 Law to include the following regulated activities under the regulatory ambit of the Jersey Care Commission (JCC):
  - adoption services;
  - children’s home services;
  - fostering services;
  - social work services for children and young people;
  - independent monitoring and review services in looked after children’s cases;
  - child contact centres;
  - residential family centres;
  - children and young peoples’ mental health services;
  - care services in special schools; and
  - children and family community nursing services.
- 1.3 Furthermore, the Legislative Drafting Office (LDO) is requested to uplift the fees for those services which are currently regulated under the 2014 Law (care home, home care and adult day care services) by 2.5%. This is in line with the Government of Jersey’s inflation policy.

## 2. Background

- 2.1 The 2014 Law provides for a number of different fees to be set, including:
  - fees associated with making an initial application for registration as a provider or a manager;
  - an annual fee for continued registration;
  - fees associated with applying for a variation on conditions of registration; and
  - miscellaneous fees such as replacement registration certificates.

- 2.2 Article 41 of the 2014 Law provides that fees may be prescribed by the Minister for the Environment or by the JCC. However, since the 2014 Law came into force, all fees have been set by the Minister under the Regulation of Care (Fees) (Jersey) Order 2018 (the “2018 Order”). It is intended to continue to set fees in this manner, following a consultation on detailed proposals on fees for newly regulated social work and mental health services provided to children and young people, which took place between 25 February and 8 April 2022.<sup>1</sup>
- 2.3 The 2014 Law was agreed by the States on the understanding that the then inspection team’s budget would be grant-funded to the Care Commission, and that this would represent approximately 45% of the total cost of administering the Law (i.e. fees should generate approximately 55% of total Commission expenditure). 45% is part way between 34% government funding provided to the Care Quality Commission (CQC) in England and the 65% provided to the Scottish Care Inspectorate.
- 2.4 The established practice of care regulator’s income being derived from a combination of direct government funding and fee income speaks to the principle that assurance of good quality care is a matter of public interest, as opposed to solely being of service user / service provider interest. It avoids the necessity of the regulator having to curtail essential inspection to fit budgetary constraints that may arise if the regulator were solely dependent on fee income. This principal accords with OECD good regulatory practice.
- 2.5 In summary the fees structure for children’s social work and mental health services will provide that:
- registration fees for providers and managers for the 10 new categories of service will be the same as those charged for the existing registered services (i.e. care homes, home care, adults day care);
  - annual fees for Government of Jersey (GoJ) providers of the new categories of children’s services will be 0.9% of total annual budget allocated to those services; and
  - annual fees for non-GoJ providers of the new categories of children’s social work and mental health services, of which there are very few, will be broadly based on those paid by comparable regulated services.
- 2.6 The Government Plan already provides monies associated with the costs of preparing to regulate and of regulating the children’s social work and mental which are provided by the Government of Jersey, this being:
- 2022 – £375,000
  - 2023 – £450,000
- 2.7 It is anticipated that these monies will provide for:

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<sup>1</sup> The consultation document can be found at [Regulation of children’s social work and mental health services: Proposed fees \(gov.je\)](#)

- a) the fees to be paid to the JCC by GoJ regulated services (based on 0.9% of total annual budget allocation); and
- b) the uplift in government funding to the JCC in line with the 45% / 55% funding ratio, which will cover additional costs incurred by the JCC (for example, increased management and governance overheads associated with extended regulatory reach) and costs incurred by the Department for Children, Young People, Education and Skills (CYPES) in preparing for registration and inspection.

2.8 The costs of regulating services provided by private and charitable providers will be partially covered by charging fees. However, the majority of services which would be regulated under the draft Regulations are provided by the Government of Jersey. The fees which will be payable by the Government of Jersey to the JCC have been provided for under the Government Plan, as set out in paragraph 2.6, above.

### **Changes to the Fees Framework following the Consultation**

2.9 The amendments requested below differ from the proposals which were consulted upon in two respects:

- a) it has been decided that annual fees paid by children's social work and mental health services provided by the GoJ will be 0.9%. This is an increase of 0.1% from the 0.8% which was proposed in the consultation; and
- b) the framework for annual fees for certain non-GoJ provided children's social work and mental health services has been amended to reflect more appropriately the costs to the JCC of regulating smaller services in comparison to larger services.

2.10 The level of annual fees payable by the Government of Jersey for the registered children's social work and mental health services which it provides has been uplifted in response to feedback received from the JCC in the public consultation. In its feedback, the JCC noted that 0.8% of the budget allocated to these services under the Government Plan would equate to approximately £170,000. This amount does not reflect 55% of the total £375,000 funding which the JCC requires (and which has been allocated to it) under the Government Plan to regulate children's social work and mental health services. The fees from these services should equate to 55% of the total income which the JCC receives as this is in line with the longstanding policy, as set out under paragraph 2.3, above. Upon reflection, it is therefore deemed necessary to increase this amount to 0.9% of the budget allocated to children's social work and mental health services under the Government Plan. In practice, both the Government will transfer funding to the JCC which equates to a combination of both the fees it is owed under the 2018 Order and a grant at the same time.

2.11 Verbal feedback was also provided by sole practitioners providing mental health services to children and young people that initial proposals to charge a fee of £86 for each service user place that is permitted by the conditions of registration would be impractical. This is because of the challenges of determining how many service user places the service could accommodate, given that practitioners may have many more patients on their lists than they would routinely see in consultations, as some patients may only be being prescribed medication. This could unduly inflate the scale of the business and, thus, the fee payable.

2.12 Upon further consideration, it appears that similar challenges would also exist in determining the scale of non-GoJ provided social work services for children and young people, independent monitoring and review services in respect of looked after children’s cases and child contact centres on the number of service user places they are permitted to have. This is because the number of individuals using these services is likely to fluctuate over time quite significantly. It has been decided that determining business size on the number of full time employees a service has over a five year period would provide a more accurate measure.

### 3. Amendments to Fees for Services which are Currently Regulated

3.1 As set out under paragraph 1.4, above, the fees which are charged to care providers who are currently required to register under the 2014 Law, are required to be uplifted by 2.5%. This is in line with Government inflation policy. The LDO is requested to replace the current fees under the tables under Articles 1, 2 and 3 of the 2018 with the fees set out in the tables below for 2023.

#### 3.2 Article 1 of the 2018 Order: Fees for application for registration as provider or manager

Regulated activity	2022 Fee for providers	2022 Fee for each manager	2023 Fee for providers	2023 Fee for each manager
Care Home service	£1,615.34 in respect of each premises at which the service is carried on	£279.99	£1655.72	£286.99
Home care service provided by an individual directly employed by the care receiver	£53.84	£0	£55.19	£0
Any other home care service	£807.67	£279.99	£827.86	£286.99
Adult day care service	£1,184.58 in respect of which premises at which the services is carried on	£279.99	£1,214.19	£286.99

#### 3.3 Article 2 of the 2018 Order: Annual fees

Regulated activity	Category of provider	2022 Fee	2023 Fee
Care home service	Small charity care home	£0	£0
Care home service	Providers other than small	£172.30 per bed available to a care receiver that is	£176.61 per bed available to a service user* that is

	charity care homes	permitted by the conditions of registration	permitted by the conditions of registration
Home care service	Individual directly employed by care receiver	£0 for the year in which the individual is first registered then £52.53 for each subsequent year	£0 for the year in which the individual is first registered then £53.84 for each subsequent year
Home care service	Small provider	£646.14	£662.29
Home care service	Medium provider	£1,184.58	£1,214.19
Home care service	Medium plus provider	£2,369.16	£2,428.39
Home care service	Large provider	£4,522.95	£4,636.02
Adult day care service	All providers	£86.15 for each care receiver place that is permitted by the conditions of registration	£88.30 for each service user* place that is permitted by the conditions of registration

\*N.B. The expression “care receiver” will be replaced with “service user” when the 2022 Regulations come into force. It is therefore suggested the nomenclature under the 2018 Order is updated in line with that used under the amended 2014 Law.

#### 3.4 Article 3 of the 2018 Order: Other fees payable

Type of fee	Provision of Law	2022 fee	2023 fee
For a copy of each entry in the register of persons registered under the Law	Article 8(3)(b)	£10.77	£11.04
For the issue of a replacement certificate to the registered provider	Article 8(7)	£10.77	£11.04
Surcharge for non-payment of annual fee by specified date (31st January)	Article 9(2)	If paid before 1st August - £323.07 If paid on or after 1st August – £646.14	If paid before 1st August - £331.15 If paid on or after 1st August – £662.29
For application to vary a condition	Article 17(4)	£32.31	£33.12

## 4. Registration Fees for Services which will become Regulated

- 4.1 As far as is reasonable and practicable, the new fee structure should mirror the existing fee structure under the 2018 Order. To this end, all new regulated activities will be required to pay an initial registration fee to register a service and a fee to register managers for those services. There are limited exceptions to this, which have been provided for providers of

children’s home and children and family nursing services – these have been provided for under Regulations 2(4) and 3(4) of the Regulation of Care (Transitional Provisions) (Jersey) Regulations 2022. It is requested that the registration fees set out below are added to the table under Article 1 of the 2018 Order.

#### 4.2 Registration fees for new regulated activities

<b>Regulated Activity</b>	<b>Category of Provider</b>	<b>Fee for Provider</b>	<b>Fee for Each Manager</b>
Adoption service	All providers	£1655.72	£286.99
Children’s home	All providers	£1655.72 in respect of each premises at which the service is carried on	£286.99
Fostering service	All providers	£1655.72	£286.99
Social work service for children and young people	All providers	£1655.72	£286.99
Independent reviewing officer service	All providers	£1655.72	£286.99
Child contact centre	All providers	£1655.72	£286.99
Residential family centre	All providers	£1655.72 in respect of each premises at which the service is carried on	£286.99
Children and young peoples’ mental health services	All providers	£1655.72	£286.99
Care services in special schools	All providers	£1655.72 in respect of each premises at which the service is carried on	£286.99
Children and family community nursing services	All providers	£1655.72	£286.99

4.3 The registration fee for these services is based on the fees which are currently charged, under the 2018 Order, to the providers of care home services. All newly regulated services will be charged the same initial registration fee, except those to which the provision of premises is integral to the service – these being children’s home services, residential family centre services and care services in special schools. The provision of suitable premises is a key component of these services, and it is for this reason that these providers must pay a registration fee based on the number of premises they intend to provide.

4.4 The other services listed above may or may not provide premises as part of their services. The costs to the Commission in registering them is likely to be similar. It is for these reasons that these services will be charged the same registration fee.

4.5 The registration fee for managers will continue to be the same across all types of regulated activities, as the resources required in supporting the initial registration processes are broadly the same regardless of business size.

## 5. Annual Fees for Government of Jersey Services which will become Regulated

5.1 The costs of regulating social work and mental health services for children which are provided by the Government of Jersey have been budgeted for under the Government Plan. It is anticipated that it will cost the Care Commission £375,000 per year (plus inflation) to regulate these Government services which will cover the costs of additional staff with relevant knowledge and experience of regulating social work and mental health services.

5.2 Annual fees for social work and mental health services provided by the Government of Jersey.

Regulated Activity	Category of Provider	Annual Fee
<ul style="list-style-type: none"> <li>• Adoption service</li> <li>• Children's home</li> <li>• Fostering service</li> <li>• Social work service for children and young people</li> <li>• Independent monitoring and review service in respect of looked after children's cases</li> <li>• Child contact centre</li> <li>• Residential family centre</li> <li>• Children and young people's mental health service</li> <li>• Care services in special schools</li> <li>• Children and family community nursing service</li> </ul>	Services carried on by the Government of Jersey	0.9% of the total annual budget allocated to these regulated activities

5.3 The formulation for the proposed annual fee for Government provided children's social work and mental health services is based on the way that fees are charged by the Care Quality Commission (CQC) in England to NHS trusts<sup>2</sup> (see Annex A for further information on charging policy by British health and social care regulatory bodies). The budget allocated to services refers to the estimated operating revenue of all these services added together, as allocated and set out under the Government Plan for that year. As set out under paragraph 2.6, above, the costs of regulating these Government provided services has been budgeted for under the Government Plan. This calculation is designed to recover 55% of those costs for the JCC in the fees it charges to the Government. The remaining 45% of the JCC's costs in regulating these Government provided services will be funded by way of a grant. This is in line with the longstanding funding regime for the JCC which is articulated in section 2.

<sup>2</sup> Further information can be found on the CQC's website at [Fees Guidance for providers 2020 21 \(cqc.org.uk\)](https://www.cqc.org.uk/fees-guidance-for-providers-2020-21) p.10

- 5.4 It is suggested that services provided by the Government of Jersey include those social work and mental health services which are carried on by a minister. Some services are carried on by more than one minister. For example, CAMHS, which provides outpatient mental health services for children and young people are carried on by both Minister for Health and Social Services and the Minister for Children and Education.
- 5.5 It should also be clarified that it is not intended to charge annual fees to care home, home care or adult day care services which are provided by the Government of Jersey on this basis at this stage. These services should continue to pay fees which are currently set out under Article 2 of the 2018 Order.
- 5.6 Article 2(2) of the 2018 Order, which provides for fees to be prorated, depending on when an application for registration is received by the JCC, should apply in the same way to these GoJ provided services as it does to other services.

## **6. Annual Fees for Non-Government of Jersey Services which will become Regulated**

- 6.1 Annual fees for non-GoJ provided services will continue to be based on business size, as the resources required in relation to annual inspections – plus the provision of ongoing monitoring and support during the year – vary relating to business size. The larger the business, the greater the resource requirement. All annual fees will continue to be prorated for providers that register part way through a year, as per Article 2(2) of the 2018 Order.
- 6.2 Annual fees for social work and mental health services which are not provided by the Government of Jersey

<b>Regulated Activity</b>	<b>Category of Provider</b>	<b>Annual Fee</b>
Adoption service	All providers, excluding services carried on by the GoJ	£2,830
Children's home	All providers, excluding services carried on by the GoJ	£176.61 for each bed available to a service user that is permitted by the conditions of registration <sup>3</sup>
Fostering Service	All providers, excluding services carried on by the GoJ	£2,830
<ul style="list-style-type: none"> <li>• Social work service for children and young people</li> <li>• Independent monitoring and review service in respect of looked after children's cases</li> </ul>	Small service (non-GoJ)	£662.29

<sup>3</sup> This is the same fee which is charged to children's homes under the current legislation



<ul style="list-style-type: none"> <li>• Child contact centre</li> <li>• Children and young peoples' mental health service</li> </ul>		
<ul style="list-style-type: none"> <li>• Social work service for children and young people</li> <li>• Independent monitoring and review service in respect of looked after children's cases</li> <li>• Child contact centre</li> <li>• Children and young peoples' mental health service</li> </ul>	Medium service (non-GoJ)	£1,214.19
<ul style="list-style-type: none"> <li>• Social work service for children and young people</li> <li>• Independent monitoring and review service in respect of looked after children's cases</li> <li>• Child contact centre</li> <li>• Children and young peoples' mental health service</li> </ul>	Medium plus service (non-GoJ)	£2,428.39
<ul style="list-style-type: none"> <li>• Social work service for children and young people</li> <li>• Independent monitoring and review service in respect of looked after children's cases</li> <li>• Child contact centre</li> <li>• Children and young peoples' mental health service</li> </ul>	Large service (non-GoJ)	£4,636.02
Child contact centre	Small charitable child contact centre	£0
Residential family centre	All providers, excluding services carried on by the GoJ	£176.61 for each bed available to a service user that is permitted by the conditions of registration
Care services in special schools	All providers, excluding services carried on by the GoJ	£88.30 for each service user place that is permitted by the conditions of registration

Children and family community nursing services	Small provider (non-GoJ)	£662.29
Children and family community nursing services	Medium Provider (non-GoJ)	£1,214.19
Children and family community nursing services	Medium plus provider (non-GoJ)	£2,428.39
Children and family community nursing services	Large provider (non-GoJ)	£4,636.02

6.3 Children's home services are currently required to register as care homes under Schedule 1 to the 2014 Regulations and are, therefore, charged on the basis of the number of beds which they are permitted to have under the provider's conditions of registration. The conditions of a provider's registration are set by the Care Commission when the service registers initially and these can be amended upon application by the provider. Thus, this represents a continuation of the way that children's home services are charged. Residential family centres should be charged on the same basis, as these services will also be providing accommodation to service users.

6.4 Currently, only the Government provides adoption and fostering services in Jersey and it is not envisaged that private or charitable providers will do so in the short to medium term. However, it has been necessary to include a fee, in case such services are provided in the future. If private or charitable organisations are to provide adoption or fostering services in future, then they will be charged a set annual fee which is based on the fees charged by Ofsted to independent fostering agencies in England.

6.5 Private and charitable providers of care services in special schools will be charged based on the number of service users they are permitted to provide care to under their conditions of registration. The conditions of registration will be set by the Commission for each provider upon its initial registration under Regulation 3 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018, as amended by Regulation 3 of the Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 2022. These conditions can be amended upon a further application from the provider. Adult day care services are currently charged on this basis under the 2018 Order.

6.6 The level of fee charged by the following services (excluding small charitable child contact centres which are defined under paragraph 6.12, below) will be commensurate with the size of each business, including:

- Social work service for children and young people
- Independent monitoring and review service in respect of looked after children's cases
- Child contact centre
- Children and young peoples' mental health service

6.7 In the case of registered providers of the services listed in the paragraph above, business size will be determined by the total number of full persons who are employed to work in the

regulated service by the registered provider. The following bandings should be incorporated into 2018 Order for application in calculating the total number of full persons employed:

- a) up to and including 9 hours per week - 0.25 of a person;
- b) over 9 hours and up to and including 18 hours per week - 0.50 of a person;
- c) over 18 hours and up to and including 27 hours per week - 0.75 of a person;
- d) over 27 hours per week - 1 person.

6.8 For individuals with fixed term contracts that do not span the full calendar year, the hours worked should be annualised and the bandings in paragraph 6.7, above applied when calculating the number of relevant employees.

6.9 A person shall be deemed to be an employee of the registered provider if they are an individual who:

- a) works under a contract of employment or any other contract of service (whether an individual is classified as self-employed for tax or social security purposes is not a relevant consideration in this regard);
- b) practises alone or with others under the terms of a partnership agreement; or
- c) is otherwise engaged within the business of a registered person,

An individual should be deemed an employee in all cases where:

- the individual undertakes to do or perform, directly or indirectly, any work or service within a registered person, whether or not engaged directly by the registered person or through another entity forming part of the group of entities of which the registered person is a part, and
- the registered person is not by virtue of the contract a client or customer of the individual.

6.10 The calculation of the number of relevant employees should be undertaken as at the relevant date based upon the relevant employee's engagement over the preceding 12 months. If, on the relevant date, there exists a post that is vacant but would normally be occupied by an individual who meets the definition of a relevant employee the calculation should include that position. The "relevant date" should mean the last working day of each of the five previous years immediately preceding the calendar year to which the fee relates. Where there are fewer than five relevant dates for the purpose of a calculation under the 2018 Order, the averages calculated will be of each relevant date that is available for the calculation until there are sufficient relevant dates to perform the calculation properly i.e. after five years have elapsed.

6.11 The size of these services should be defined as set out in the table, below:

Service Category	Definition
Small service (non-GoJ)	2 or fewer full persons employed
Medium service (non-GoJ)	2 to 5 full persons employed
Medium plus service (non-GoJ)	5 to 10 full persons employed
Large service (non-GoJ)	More than 10 full persons employed

6.12 It is proposed that the definition of a small charitable child contact centre is based on that of a small charity care home under Article 2(4) of the 2018 Order, and would mean a provider:

- that is registered as a charity within the meaning of Article 1 of the Charities (Jersey) Law 2014;
- that facilitates contact for no more than 10 children at any one time;
- whose sole activity is the provision of that service;
- that does not charge its service users directly; and
- that does not hold any contract for services with, nor receives any form of grant or aid from, any administration of the States of Jersey.

6.13 This is designed to be a very narrow exemption for charitable child contact centres only. This is to acknowledge the fact that charitable services of this nature receive no public funding but do receive referrals of cases from public bodies. If, following its application to register with the JCC, the Commission determines that a child contact centre satisfies the conditions set out in paragraph 6.6 for a small charitable child contact centre, the provider of that service will not have to pay annual fees. Child contact centre services which do not satisfy these conditions will pay a fee.

6.14 The definitions of the categories of provider for children and family community nursing services (small, medium, medium plus and large) should be the same as that which is provided under Article 2(4) of the 2018 Order. Home care services are currently charged in precisely this fashion under the 2018 Order. Different provider sizes in relation to non-Government provided children and family community nursing services include:

- small providers: 112 care staff hours per week or less (equivalent to less than 3 full time equivalent staff);
- medium providers: from more than 112 care staff hours per week up to 600 (equivalent to 3 or more, but less than 16 full time equivalent staff);
- medium plus providers: from 600 to 2,250 care staff hours per week (equivalent to 16 or more, but less than 60 full time equivalent staff); and
- large providers: 2,250 care staff hours per week or more (equivalent to more than 60 full time equivalent staff).

6.15 Care staff hours are not the same as care hours provided. For example, one member of staff may in any one hour simultaneously be providing care to multiple clients. (For example, one member of staff may, in one hour, be caring for 4 clients. This is one staff hour, but 4 care hours.) It will be a legal requirement for registered providers to supply information about the service's staffing levels to the Care Commission on application, in their annual return, and at any time the provider applies to vary the registration conditions. This information can be checked at inspection through either pay-roll or duty rosters.

6.16 In determining which band (e.g.: small, medium, large etc.) that a non-Government provided children and family community nursing service falls into, consideration will be given to natural fluctuations in staffing levels. For example, a provider at the upper of the medium band may, for a limited period of time, provide additional care hours without being pushed into a higher band if there is a rational for temporary provision of additional hours.

Currently, the JCC takes this into account when determining the size of home care providers.

## **7. Commencement**

- 7.1 Amendments to the 2018 Order which are requested above should come into force on 1 January 2023.

## Annex A: Comparison with Other Jurisdictions

Comparisons with other British jurisdictions are difficult, given that the fee structures in England & Wales and Scotland vary considerably. That said, under the current and proposed new Jersey fee structure, Jersey providers will pay in the region of that paid by providers based in mainland UK.

The majority of the social work and mental health services for children and young people which it is proposed to regulate are provided by the Government of Jersey. In the UK, regulators do not always charge public health and social care providers directly but, in some cases, charges are levied. For example, in England, Ofsted does not charge fees to regulate and inspect social work services provided by local authorities but the CQC charges fees to regulate NHS trusts. However, Ofsted does charge fees to local authority adoption and fostering services. The Care Commission has an established funding model under which fees will be charged to all regulated services, regardless of the nature of the provider, albeit with certain minor exemptions for specific charitable providers.

The table below provides an overview of fees in England and Scotland compared to Jersey, where a direct comparison is possible.

	Scotland	England	Jersey (Proposed Fees)
	Care Inspectorate <sup>4</sup>	Ofsted <sup>5</sup>	Care Commission (Non-GoJ)
<b>Adoption service/agency</b>			
Registration fee	<u>Small</u> – £2112 <u>Medium</u> – £3516 <u>Other</u> – £4449	<u>Voluntary</u> >8 FTE - £2445 <u>Voluntary</u> <8 FTE - £667 <u>Support</u> > 3 FTE - £2445 <u>Support</u> < 3 FTE - £667	£1615.34
Manager registration	N/A	<u>Voluntary</u> >8 FTE – N/A <u>Voluntary</u> <8 FTE – N/A <u>Support</u> > 3 FTE - £667 <u>Support</u> < 3 FTE - £0	£279.99
Annual fee	<u>Small</u> – £1250 <u>Medium</u> – £3126 <u>Other</u> – £4372	<u>Support agency</u> - £1694 <u>Small support</u> - £895 <u>Voluntary</u> - £1689 for the principal office, plus £1689 for each branch and £895 for each small branch <u>Voluntary with small principal office</u> - £895 for the principal office, plus £1689 for each branch plus £895 for each small branch <u>Local authority</u> - £2059	£2830
<b>Children's home</b>			

<sup>4</sup> Care Inspectorate, Fees Table, online at [Fees Table - Update 17.11.16.pdf \(careinspectorate.com\)](https://www.careinspectorate.com/fees-table/)

<sup>5</sup> Ofsted, Registration fees for children's social care services, online at [Registration fees for children's social care services from 1 May 2019 \(publishing.service.gov.uk\)](https://www.ofsted.gov.uk/publications/registration-fees-for-childrens-social-care-services-from-1-may-2019) & Ofsted, Annual fees for children's social care services, online at [Annual fees for children's social care services from 1 May 2019.pdf \(publishing.service.gov.uk\)](https://www.ofsted.gov.uk/publications/annual-fees-for-childrens-social-care-services-from-1-may-2019)

Registration fee	<u>Care home</u> - £3849 <u>Secure</u> - £5544 <u>Offender</u> - £4510	<u>&lt; 4 places</u> - £960 <u>&gt; 4 places</u> - £2646	£1615.34 in respect of each premises at which the service is carried on
Manager registration	N/A	<u>&lt; 4 places</u> - N/A <u>&gt; 4 places</u> - £910	£279.99
Annual fee	<u>Care home</u> - £157 per registered place <u>Secure</u> - £221 per place <u>Offender</u> - £180 per place	<u>&lt; 4 places</u> - £2578 <u>4 to 29 places</u> - £2578 plus £257 for each place 4 to 29 inclusive <u>&gt;30 places</u> - £9285	£172.30 for each bed available to a service user that is permitted by the conditions of registration
<b>Fostering service</b>			
Registration fee	<u>Small</u> - £2112 <u>Medium</u> - £3516 <u>Other</u> - £4449	<u>Independent agency</u> - £2646	£1615.34
Manager registration	N/A	<u>Independent agency</u> - £910	£279.99
Annual fee	<u>Small</u> - £1250 <u>Medium</u> - £3126 <u>Other</u> - £4372	<u>Independent agency</u> - £2830 <u>Local authority</u> - £3216	£2830
<b>Residential family centre</b>			
Registration fee	N/A	<u>&lt; 4 places</u> - £801 <u>&gt; 4 places</u> - £2646	£1,615.34 in respect of each premises at which the service is carried on
Manager registration	N/A	<u>&lt; 4 places</u> - N/A <u>&gt; 4 places</u> - £801	£279.99
Annual fee	N/A	<u>&lt; 4 places</u> - £1717 <u>&gt; 4 places</u> - £1913	£172.30 for each bed available to a service user that is permitted by the conditions of registration

The Care Inspectorate and Ofsted do not charge for the regulation of local authority social work services, including services provided by independent reviewing officers. Shortfalls in the regulators' budgets for regulation of these activities are funded by central government grants.

Comparisons in relation to child contact centres is not possible as these are not subject to statutory regulation in England and Scotland.

Outpatient mental health services provided to children and young people are regulated by the CQC in England. These services are categorised as community healthcare services – a category which includes a variety of services, including private doctors, independent ambulance services and community health visiting. The CQC charges fees to these services based on the number of locations at which the service is provided<sup>6</sup>:

<sup>6</sup> CQC, Provision for fees, online at [Microsoft Word - 20190306 2019-20 Fees Scheme FINAL.doc \(cqc.org.uk\)](#) p.6

Number of locations	Fee payable (for providers of community health care services or NHS Blood and Transplant)
1	£1,867
2 to 3	£3,728
4 to 6	£7,456
7 to 10	£14,910
11 to 15	£29,820
More than 15	£59,640

Mental health services provided by NHS trusts would be regulated by the CQC as part of the all the services provided by each trust. The CQC charges NHS based on the following calculation:

<b>Turnover</b>	<b>X</b>	<b>0.0768%</b>	<b>=</b>	<b>£ Fee payable</b>
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Healthcare Improvement Scotland registers NHS hospitals and services and independent healthcare. It charges fees to providers of independent healthcare but not to NHS services. Mental health services provided by medical practitioners in an independent clinic are charged on the following basis:<sup>7</sup>

Type	Fee
Application for registration – Independent Clinics	£2,706
Annual continuation – Independent Clinics carrying out non-surgical procedures (with staff, including practicing privileges, additional directors, admin staff)	£1,327
Annual continuation – Independent Clinics carrying out non-surgical procedures (single-handed practitioner)	£955

Fees are not charged for the regulation of care services in special schools in either England or Scotland per se. In Scotland, Education Scotland and the Care Inspectorate conduct integrated inspections of schools providing care services. In England, Ofsted has responsibility for regulating these services. It charges an annual fee to residential special school services (but no fee to non-residential special school providers). For schools with 3 or fewer places, it charges £2,061. For schools with 4 to 18 places, Ofsted charges £2,061 plus £205 for each place. For residential special schools with 18 or more places, it charges £5,007.

Children and family community nursing services are usually provided by the NHS in both England and Scotland. As set out above, in Scotland NHS services are charged fees to be regulated. In England, the CQC does charge NHS providers. The CQC regulates community health visiting services which are not provided by an NHS trust as community healthcare services and, therefore, charges these services in accordance with the table set out under paragraph 42, above.

<sup>7</sup> Healthcare Improvement Scotland, Independent Healthcare Services: Fees Information 2021/22, online at [IHC - Fees Information Booklet 2021-22.pdf \(gov.scot\)](#)