



Regulations in Scotland

Scotland: Care Inspectorate - Who And What Is CI And How Does It Effect Your Business

What Is CI?

CI stands for the Care Inspectorate and they regulate health and social care services in Scotland.

Care businesses in Scotland are required to register with the CI so that their services can be monitored and regulated. A bit like OFSTED for schools.

The Care Inspectorate is a scrutiny body which supports improvement. That means they look at the quality of care in Scotland to ensure it meets high standards. Where they find that improvement is needed, they support services to make positive changes.

CI's vision is that everyone experiences safe, high-quality care that meets their needs, rights and choices.

The CI give care services grades when they inspect them, and look at 4 key areas:

1. Care and support
2. Physical environment
3. Quality of staffing
4. Quality of management and leadership

Each area of each care service is assessed on a scale from 1 to 6, where 1 is unsatisfactory and 6 is excellent. After every inspection, they publish an inspection report showing their findings, which is an excellent help when deciding which care company to use or which care home to recommend for people.



I'm A Care Service, Do I Need To Register Then?

Operating as a sole person does not require registration with Care Inspectorate nor SSSC (more about SSSC in the next lesson) as this is a private arrangement between the worker and the service user.

As stated in the Public Services Reform (Scotland) Act 2010 which I have highlighted for you;

1(1)A “support service” is a service provided, by reason of a person's vulnerability or need (other than vulnerability or need arising by reason only of that person being of a young age), to that person or to someone who cares for that person by—

- (a) a local authority;
- (b) any person under arrangements made by a local authority;
- (c) a health body; or
- (d) any person if it includes personal care or personal support.

(2) But—

- (a) the expression does not include a care home service, an independent health care service (within the meaning of section 10F of the National Health Service (Scotland) Act 1978 (c. 29)), a service which provides overnight accommodation, an adoption service, a fostering service or a service excepted from this definition by regulations;
- (b) paragraphs (c) and (d) do not apply where the provider is a health body acting in exercise of functions conferred by the National Health Service (Scotland) Act 1978 (c. 29);
- (c) paragraph (d) does not apply if the provider is an individual who personally and solely gives the care or support in question.

I have also attached a paragraph from the guidance for applicants to register a care service from the CI, where on page 23 of this, it states;



Support service –

A support service is a service provided to a person who is vulnerable, except where they are only vulnerable because they are young. The service could be provided within a person's home, for instance a bathing service, or it may be provided out with the person's home, for example in the community or in a day centre. It includes counselling, provided this is part of a planned programme of care. It does not include:

- services providing overnight accommodation;
- adoption/fostering services;
- independent health care services;
- employment assistance services;
- a health body providing a service conferred by the National Health Service;
- services provided solely and personally by an individual.

So to conclude, because the care arrangement is a private agreement between carer and client, and the carer will get paid directly from the client (and/or their family), this counts as a sole person and is not required to register with the CI.

If you need any further information about CI, see the links below:

www.careinspectorate.com

<https://hub.careinspectorate.com>

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This Is Great News!

The Care Inspectorate is fabulous and does a truly fabulous job at regulating care and ensuring top quality care. But as a small business with no start up capital, registering with CI is a MASSIVE barrier to entry into the care industry. Financially it costs a lot to register, it is a stressful and time consuming process, which in truth, for the scale of care you are going to be carrying out. It wouldn't really be worth continuing down this route if you needed to register with CI.

It is not that we are trying to fly under the radar, we really aren't. We want to shout loud and proud that we are self employed carers and we provide the best care around! It is just, part of the joys of being a self employed carer is that the control is now back in the hands of the person needing care and you as a carer. You aren't having to worry about filling out paperwork correctly, you can actually do what matters and care for the person in question. At the end of the day, a person needing care would 1000 times more prefer for you to spend 10 minutes chatting with them and hearing about their life, than you having to sit down and do the paperwork.

By not registering with CI you have a little more freedom and flexibility in how you provide care. This is what makes your service more flexible and able to provide bespoke care to each and every client you have.

Currently self employed carers, or to use the other possible terms, personal assistants, individual care workers or sole workers, do not have to register with CI as long as they are self employed/paid directly by the person receiving care. There is no plans to change this at the moment, but if anything changes in the future, I will keep you updated.



What If I Have A Business Partner?

If two or more self employed carers form a partnership, you are allowed to provide care to a shared customer by coordinating care with each other. But it must not be classed as a legal partnership.

So you cannot open a limited company and both become directors and employ yourselves through that company. You would then be required to register with CI.

So you must register individually with HMRC as self employed and you must invoice separately from each other, and you will be responsible for your own profits and losses.

You must also not share costs such as equipment you may need, this needs to be purchased individually, otherwise that may be classed as a formal partnership.

The person receiving care must be able to set out their care requirements and have full control on who works when and doing what. Which is the way we work anyhow, the control is handed back to the person needing care and they dictate what and how care is received.

Takeaways:

- Make sure you invoice for the work that you do separately from anyone you work with.
- Make sure you do not share costs with another person
- Make sure the customer retains control of their own care
- Be aware this may change in the future, but we will support you through every step needed and what this would mean you need to do. So don't worry about it!

Care Register

Scotland: The Scottish Social Services Council Care Register

All social care workers in Scotland need to apply to be on the register with the SSSC (well nearly all...).

What is registration?

The main purpose of registration is to protect the public as it ensures only those who are competent and qualified can deliver care and support in roles where registration is required.

Being registered with the SSSC means you are part of a professional workforce and can show that you have skills and knowledge which are vital to providing good care and support to the people of Wales.

The benefits of registration

There are benefits to being a registered person, they include:

Building trust and confidence

- people can rely on registered social care workers
- people have confidence knowing you follow the Code

Valuing social care workers

- you can show you have the skills and knowledge to be a social care worker
- you can show you're trained and take responsibility for developing knowledge and skills
- employers can provide the support and development you need
- knowing more about you will help us plan ways to support you.

Making sure people are safe

- protecting people's rights and making sure they are listened to
- supporting people to be independent and protect themselves
- if a worker is not fit to practise they can be removed from the Register and unable to practice in Scotland.

Other benefits

- being able to legally use the title of your profession
- get support and information from our practice guidance documents and other publications
- invitations to events and conferences
- invitations to consultations.

BUT.....with all that being said..

SELF EMPLOYED CARERS/PERSONAL ASSISTANTS do not need to/are not able to, register with the SSSC!

The current guidelines, and there is no current plan to change this, is that, if the personal assistant/self employed carer is paid directly by the client/person needing care, then that counts as self directed support and the carer does not need to register with the SSSC.

If the carer was to receive payment from a third party that is CI (Care Inspectorate) registered, so for example if they took work from an agency. Then they would need to register as Self Employed In Social Care.

But as you will be working direct with the client and being paid by the client (and/or their family) you will be classed as a personal assistant in the SSSC's eyes and therefore you are not able to register to be on the Care Worker register.

On the bright side it is one less thing to do and think about!

Summary

Question: Do I need to register with the SSSC?

Answer: No