



Regulations in Wales

Wales: Care Inspectorate Wales- Who And What Is CIW And How Does It Effect Your Business

What Is CIW?

CIW stands for the Care Inspectorate Wales and they regulate domiciliary care services in Wales.

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

When the CIW inspectors visit a service, they will generally consider four core themes:

- Well-being
- Care and support
- Environment
- Leadership and management

You can log onto the CIW website and look at care companies ratings and see how well they are rated. It 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?

So I have spoken to CIW and their current rule is that as long as as a self employed carer doesn't work with any more than 4 clients, then you do not have to register with them.

If you work with more than 4 clients, you will have to register as a sole trader care service with the CIW. Which then means you will have to fill out their registration application, keep records and be ready for inspection at all times. Currently it is free to register.

For more info about registering, check out their [**Guide To Registration; Regulation and Inspection**](#)



Exemptions

Services which consist of the **provision of registered nurses** to individuals where they live are not required to register as a domiciliary support service.

The provision of **nursing care by a registered nurse** is exempt from the definition.

Where a **Local Health Board** provides care and support to individuals as part of meeting their nursing care needs, this does not require registration.

Personal Assistants are exempt from registration on the basis that they work solely under the direction and control of the person receiving care or a related third party. A related third party means:

- a) an individual with parental responsibility for a child receiving care and support;
- b) an individual with power of attorney or other lawful authority to make arrangements on behalf of the individual receiving care and support;
- c) a group of individuals mentioned in either (a) or (b) who are making arrangements on behalf of no more than four named individuals receiving care and support;
- d) a trust established for the purpose of providing services to meet the care and support needs of a named individual.

Personal Assistant Agencies (including co-operative arrangements) are exempt providing they act solely to introduce individuals who provide a domiciliary support service to individuals who may wish to receive it, but have no ongoing role in the direction or control of the care and support provided. For more information on how we assess this, see our guidance on “Ongoing direction or control of care and support in Domiciliary Support Services” at Annex 4.



Whilst registration is doable, and I will support you the best I can to do this. My honest advice would be to just stick with a maximum of 4 clients at any one time.

But what I can say is when I've been asking them questions (as England, Scotland and Northern Ireland do not have this same rule of 4 people) they have been very responsive and helpful. And it is free to register with them so it may be a smaller job than the other regulators.

Also remember, if you register with the CIW you would then have to register with Social Care Wales (the care register) as you would now be working for a CIW regulated service.

You could go all in and register with CIW and you could then employ people to help with the care too, aka become a traditional care company. But that isn't what we focus on here, so I wouldn't really be the person to support you with that. Our niche is delivering quality care to a small clientele of people. And not having the stress or hassle of managing staff and ticking boxes with paperwork.

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 CIW 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. But you would only be able to serve 4 clients at one time.

So to summarise, currently self employed carers, or to use the CIW term, personal assistants or individual care workers, do not have to register with CIW as long as they are self employed/paid directly by the person receiving care and they work with 4 or less clients.



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.

But if you were to share clients, you are still only allowed to work with four people at a time without registering. Aka it wouldn't be 8 people because there are two of you. But you could share the higher needs people and have separate other people you see maybe.

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

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
- Make sure you only work with 4 clients at any one time
- 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

Wales: Social Care Wales Care Register

All social care workers in Wales need to apply to be on the register for Social Care Wales (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 Social Care Wales 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 Wales.

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 Social Care Wales!

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 Social Care Wales.

If the carer was to receive payment from a third party that is CIW (Care Inspectorate Wales) 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 Social Care Wales' 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 Social Care Wales?

Answer: No