

Applying to register a care service

# Guidance for applicants



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## **Introduction**

### **About the Care Inspectorate**

The Care Inspectorate was set up in April 2011 to regulate care and social work services in Scotland under the Public Services Reform (Scotland) Act 2010 (the Act).

Our purpose is to regulate for the improvement of care and social work in Scotland.

Our aim is to raise standards of care and social work by involving people who are cared for, their families and carers and those who provide care.

Our principles are:

- keeping people safe
- promoting dignity and choice
- supporting independence.

Our vision is for care services to:

- improve people's lives
- be easy to reach and there when needed
- be innovative
- support independence
- offer choice
- be staffed by competent, reliable and trustworthy people.

Our main activities are:

### **Registration**

New care services must be registered with us before they can begin delivering services.

### **Inspection**

We inspect all social work services and registered care services to timescales agreed with the Scottish Government to monitor the quality of care given to people who use the services. We produce inspection reports after each inspection.

### **Investigating complaints**

Anyone can make a complaint about any care service regulated by the Care Inspectorate or about the Care Inspectorate itself.

### **Enforcement**

We take action to force services to improve the quality of their care. Otherwise, we can close them down.

The Care Inspectorate:

- provides information to the public and to Scottish Ministers about the availability and quality of care services and social work services
- takes the National Care Standards into account
- takes the Codes of Practice issued by the Scottish Social Services Council (SSSC) into account
- consults with the SSSC when carrying out its tasks.

For more information visit [www.careinspectorate.com](http://www.careinspectorate.com)

## About the National Care Standards

Each service type has its own National Care Standards, decided and published by Scottish Government, that set out what people can expect to receive. We inspect care services against the National Care Standards. You can find the definitions of care service types and the standards that apply to them on page 4 of this form.

You can get copies of the National Care Standards from:

Booksource

50 Cambuslang Road

Cambuslang Investment Park

Glasgow

G32 8NB

telephone 0845 370 0067

email: [scottishgovernment@booksource.net](mailto:scottishgovernment@booksource.net)

or download from [www.careinspectorate.com](http://www.careinspectorate.com) and follow the link for the National Care Standards.

## About registration

We have produced this guide to help those who want to register and operate a care service in Scotland. It is an offence under the Act to provide a care service that is not registered with us.

We give information and advice to people who provide care services, or who are considering becoming care service providers.

It is your responsibility to get relevant professional advice, such as legal, financial or architectural advice, before you apply. We advise that you don't make any financial or business commitment before your registration is granted.

To stay registered you must continue to deliver a standard of care that meets the National Care Standards and which complies with current legislation and other good practice guidelines.

As part of the registration process we check:

- whether the applicant and manager of the proposed care service are fit to provide or manage a care service. This includes assessing a potential provider's integrity, character and financial background and where the applicant will also manage the service, assessing their skills, knowledge and experience.
- whether the premises in which the proposed care service will be provided are fit to be used for that purpose.
- that the proposed service will make all the proper provisions for the health, welfare, independence, choice, privacy and dignity of everyone using the service.

### **The fees you must pay**

You must pay a fee when you apply. This is non-returnable and we will not process your application until we receive your payment.

All registered care services must also pay an annual continuation fee. For more information, please read our fees leaflet.

You must also pay for all PVG Scheme Record/Disclosure Scotland checks and bank fees incurred during the application process.

The following types of care services must be registered with the Care Inspectorate. Applicants must also refer to the Public Services Reform (Scotland) Act 2010, schedule 12.

## Services regulated by the Care Inspectorate

### 1. Childcare

- **Daycare of children**

A service which provides care for children on non-domestic premises for a total of more than two hours per day and on at least six days per year. Includes nursery classes, crèches, after school clubs and play groups and can be run on a public, private or voluntary basis. This definition does not include services which are part of school activities. Nor does it include activities where care is not provided such as sports clubs or uniformed activities such as Scouts or Guides.

National Care Standards: 'Early education & childcare up to age 16'

- **Childminding**

The provider of a childminding service is a person that looks after at least one child (up to the age of 16 years) for more than a total of two hours per day. They are paid to look after the child on domestic premises (usually their own home). Someone who looks after the child in the home of the child's parent(s) is not providing a childminding service. A parent, relative or foster carer who is caring for a child is not providing a childminding service.

National Care Standards: 'Early education & childcare up to age 16'

- **Childcare agency**

A child care agency supplies or introduces to parents someone who looks after a child up to the age of 16, wholly or mainly in the home of that child's parents. The care may occur regularly or occasionally and the carer may operate on a paid or voluntary basis. Childcare agency does not include nurse agencies. Examples of childcare agencies are: nanny agencies and sitter services.

National Care Standards: 'Childcare agencies'

- **School care accommodation service**

This service consists of providing accommodation to a pupil by a local authority or by an independent/grant-aided school. The accommodation is provided to enable the pupil to attend school. If the accommodation is provided by an independent school, this will only be regarded as a school care accommodation service if the pupil is also provided with personal care or support. For example a school for primary school aged children with emotional and behavioural problems provided by an independent provider. Local authority hostels are excluded from the definition as are special schools within the meaning of the Education (Scotland) Act 1980.

National Care Standards: 'School care accommodation services'

- **Secure accommodation service**

A service requiring the approval of the Scottish Ministers for providing and using accommodation to restrict the liberty of children in residential premises where care services are provided.

National Care Standards: 'School care accommodation services'

## 2. Adoption and fostering

- **Adoption service**

A service involved in making arrangements in connection with the adoption of children. Includes both local authority and not for profit adoption services. It does not include services where the proposed adopter is a relative of the child.

National Care Standards: 'Adoption services'

- **Fostering service**

A fostering service may provide a wide range of services in respect of children who are looked after by the local authority. The service is provided by a local authority or, on the local authority's behalf, by a voluntary organisation or a private not-for-profit organisation. The Care Inspectorate also regulates the services provided by the local authority in relation to private fostering arrangements. Fostering services may include recruiting, selecting, training and supporting foster carers; matching children to foster carers; monitoring, and providing support for, foster carers. Examples of fostering services are services which deliver long-term placements or short breaks; substitute care where a child's family is unable to provide care; complementary care to provide additional opportunities for a child; respite care to give parents a break; supporting kinship care.

National Care Standards: 'Foster care and family placement services'

## 3. Services for people who need care and accommodation

- **Care home service**

A service providing accommodation which includes nursing care, personal care or personal support to vulnerable children or adults. Hospitals and schools are not care at home services.

Types of care homes include:

- 'Care homes for people with physical and sensory impairments'
- 'Care homes for older people'
- 'Care homes for people with learning disabilities'
- 'Care homes for children and young people'
- 'Care homes for people with drug and alcohol misuse problems'



- 'Care homes for people with mental health problems'
- 'Short breaks and respite care services for adults'

There are National Care Standards for each of the types of care homes listed above. Their titles are the same as the list above.

- **Adult placement service**

A service which arranges accommodation and support for vulnerable adults (aged 16 or over) by placing them in the homes of families or individuals. The adult placement carer takes a vulnerable adult into his or her home where they will be part of the household, and where there is support and care. The adult placement service continues to make sure that both the person using the service and the carer receive support and help.

National Care Standards: 'Adult placement services'

#### 4. Care while remaining at home

- **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 the 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

National Care Standards: 'Support services'

National Care Standards: 'Care at home'

National Care Standards: 'Short breaks and respite care services for adults'

- **Housing support service**

A service which provides support, assistance, advice or counselling to enable a person to live in their own home in the community. Housing support may be provided to people living in, for example, sheltered housing, hostels for the homeless, accommodation for the learning disabled, women's refuges or in shared homes.

National Care Standards: 'Housing support services'

- **Offender accommodation service**

A service which provides advice, guidance or assistance to people such as ex-offenders, people on probation or those released from prison, who have been provided with accommodation by the local authority.

National Care Standards: 'Services for people in criminal justice supported accommodation'

- **Nurse agency**

A service which supplies or introduces registered nurses, midwives and health visitors to individuals or to organisations such as healthcare establishments or care homes. It does not include a National Health Service body which supplies nurses for its own use.

National Care Standards: 'Nurse agencies'

For copies of the National Care Standards contact:

Booksource, 50 Cambuslang Road, Cambuslang Investment Park, Glasgow, G32 8NB,  
telephone: 0845 370 0067.

Or download from [www.careinspectorate.com](http://www.careinspectorate.com) and follow the link for the National Care Standards.

For copies of the Public Services Reform (Scotland) Act 2010 visit [www.scotland.gov.uk](http://www.scotland.gov.uk)

For copies of the Scottish Social Services Council's Codes of Practice contact:

Scottish Social Services Council, telephone: 0845 60 30 891, or  
email: [enquiries@sssc.uk.com](mailto:enquiries@sssc.uk.com)

## Registration process

### 1. Initial enquiry

If you are thinking about applying to register a care service and haven't already contacted us, please do so and we will send you an application pack. We can also answer any questions you may have and give you general advice and information about care services.

Please do not make any financial or business commitment before your registration is granted. It is your responsibility to take all necessary legal, financial, architectural and other professional advice before applying.

We also advise that you carry out your own market research to make sure that your proposals are viable and that there is a need for the proposed service. A business advisor or your bank may be able to help you with this.

To help you decide if you want to go ahead and apply to register a care service you should read a copy of the relevant National Care Standards before you request an application form. These are available from [www.scswis.com](http://www.scswis.com) or Booksource, telephone: 0845 370 0067.

### 2. Application form

If you would like to apply to register a care service, complete and return the request form at the back of this booklet and we'll send you an application form. The application form contains all the information you need so that you know how we assess:

- whether or not the applicant is suitable to provide a care service
- whether or not the premises are fit to provide a care service
- whether the proposed service will make all the proper provisions for the health, welfare, independence, choice, privacy and dignity of people who use care services.

The application form has four parts.

- **Part 1 – Details of an individual applicant**

If you are one person (that is, a self-employed individual working as a sole trader) applying to register your own care service, you should complete this part of the form.

- **Part 2 – Details of an applicant who is not an individual**

If you are completing this form as an organisation: that is a company, association, club, partnership, committee, corporate body or unincorporated body, you should complete this part of the form.

- **Part 3 – Appointment of a manager**

If you intend to appoint a manager to run your service, you should complete this part of the form. This applies to both individual applicants and applicants who are not individuals. If you are appointing a manager we will not grant registration until the manager has been appointed.

- **Part 4 – Details of the service**

Every applicant must complete this part of the form.

Parts 1 – 4 must be completed and submitted with the fee.

### **Failure to submit information**

You must submit information to us about the proposed service, as outlined in section 59 (2) of the Public Services Reform (Scotland) Act 2010, otherwise we will not be able to proceed with your application, and it will be refused. Please note that application fees are not refundable.

### **Need some help?**

If you need help, we are happy to meet with you before you submit your application to discuss matters such as:

- identifying the type of care service and National Care Standards which are relevant to you
- discussing the aims and objectives of the care service
- discussing proposals relating to care practice, for example staffing
- accommodation to be provided.

We will explain the registration process, answer any specific questions you have and provide any other relevant information you need.

Once we receive your application form and fee, we will check it over to make sure that we have all the information we need at the time of application. The inspector that it is allocated to you will write to let you know that the application process has begun and that they are your contact. We may also ask for more information and can, at any time, ask to meet with you.

## **3. Assessments**

If you already have a care service registered with the Care Inspectorate, the full range of assessments may not be applied depending on the regulatory history of the service. We will always carry out a financial assessment.

### **Individual applicants**

We will assess you based on the information you provide, your references and from meetings we have with you.

You must give us names and contact details of two referees. A referee must fit one of the following criteria, and also must not be a relative. The referees will be asked about your good character and competence to provide a care service of the type you propose to provide.

- a) A previous employer who has employed you for a period of at least three months within the last five years. Where possible at least one referee should be a previous employer.
- b) A person who has known you for at least a year.

The Care Inspectorate will carry out a Protection of Vulnerable Groups (PVG) Scheme Record check on you. You must attend your nearest the Care Inspectorate office to do the check if asked to do so.

We will also ask you to give us a financial statement from your bank about your financial standing and reliability with regard to the operation of the proposed service. Your bank may charge you for this information. We will not ask for this if you are applying to register a childminding service.

Any business plan, financial statement and business accounts that you submit with the application (if we have asked for them) may be reviewed by our financial advisor.

We will ask you to meet with your inspector to discuss your application. We will write to you with the date, time and where the meeting will be held.

### **Applicants who are not individuals**

For applications for adoption or fostering services the application form requests the following.

- Companies: Articles and Memorandum of Association and Certificate of Incorporation (where applicable) or confirmation from Companies House.
- Partnerships: partnership agreement (where available).
- Organisations: constitution or working agreement including registration/charity registration numbers (where available).

For all other types of care service we will check this information in discussion with you.

We may hold a meeting with the applicant's nominated representative to collect information and discuss any concerns about the conduct of the organisation. We will write to confirm the date, time and location of this meeting.

We will carry out the checks detailed in Part 2 of the application form on some of the people who are in management and control of the applicant organisation. There will always need to be more than one person filling in the relevant pages. We therefore ask that you copy these pages so that all those who need to can complete them.

### **Assessment of whether the premises in which the proposed care service will be provided are fit to be used for that purpose**

Where appropriate, plans of the premises should be submitted with the application, for example for a proposed care home or a children's nursery. Your inspector will discuss any plans of premises submitted, and any plans and documentation relating to proposed building works. We will take into account legislation, National Care Standards and other good practice guidance. Discussions will focus on whether the accommodation meets the stated aims and objectives of the proposed service.

It is your responsibility to contact planning, building control and environmental health to ensure the premises comply with health and safety and other relevant legislation. We will ask you to submit a copy of these written reports which we will use to assess the fitness of the premises. The inspectors will carry out a site visit to consider its suitability.

You should also check the title deeds of the property to make sure there is nothing that would stop you from operating a care service from the property.

It is your responsibility to contact the fire officer and ensure the premises and all systems in place meet fire safety legislation.

We will send you a fire safety checklist and guidance on fire safety. You must send a copy of the completed check list to the local fire and rescue service. You will need to confirm on the application form that this check list has been submitted to the fire and rescue service.

### **Assessment of the proposed service's provisions for care systems and quality of care**

Statements, policies and procedures should reflect best practice guidelines where possible and should be regularly reviewed and updated. Details of what statements, policies and procedures we require for each service type in Part 5 of the application form. We will discuss these with you as well as your proposed quality assurance systems. We will agree with you the records you must keep about your service, where you will keep these, the information you will need to tell us in your annual return and information about the service you will need to notify to us throughout the year.

Once we have registered a service we continue to regulate it. This work includes inspections. You can find information on the inspection process on our website. Part 4 of the form asks the applicant to begin to plan for ongoing evaluation of the service and asks how the applicant intends to involve service users and staff in the process.

### **Withdrawing an application**

You can withdraw your application to register a care service at any time, by notifying us in writing. Fees are non refundable. Withdrawing an application does not affect future applications to register a care service.

### **Granting registration**

Your inspector will review all the information before deciding whether your registration will be granted or refused.

We may ask you to address any issues we find. We will prepare an assessment report recommending that the registration be either granted or refused.

Registrations can be granted either unconditionally; subject to agreed conditions; or subject to imposed conditions. Most commonly registration is granted subject to agreed conditions.

We will write to you, detailing the proposed conditions of the registration. We will ask you to check that the information is correct.

If you agree to the conditions, please return the form. We will grant your registration and send a registration certificate which must remain on public display in the service. We will send with the

certificate a list of the records you must keep about your service and a list of the matters you must notify us about.

If you do not agree to the proposed conditions you have 14 days to respond detailing why you disagree. You are deemed to receive our notice three days after posting. We will consider your response and write to you with our decision. If you don't agree with our decision, you must make an appeal to the Sheriff within 14 days. The Sheriff's decision is final. If you win the appeal, we will issue a Registration Certificate. The service cannot operate until a decision is made.

### **Application refusal**

If we decide that you have not provided enough information to demonstrate that the proposed service meets the registration requirements, or if you have failed to respond to requests to progress the application, we will write to tell you that we are refusing the application and provide the reasons for this. Your application fees are not refundable.

You have the right to make a written representation to the Care Inspectorate within 14 days. You are deemed to receive our notice three days after posting. This will be fully considered. If we decide that the registration will now be granted, we will write to let you know and issue your registration certificate.

If we decide not to grant the application, you can appeal to the Sheriff within 14 days. The Sheriff's decision is final.

### **Complaints**

If you are unhappy with the way we have processed your application or with the conduct of an inspector you can complain to:

Complaints Co-ordinator  
Care Inspectorate  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY  
Tel: 01382 207100

## Headquarters

Care Inspectorate  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY  
Tel: 01382 207100  
Fax: 01382 207289

We have offices across Scotland. To find your nearest office, visit our website or call our Care Inspectorate enquiries line.

**Website: [www.careinspectorate.com](http://www.careinspectorate.com)**

**Email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)**

**Care Inspectorate Enquiries: 0845 600 9527**

This publication is available in other formats and other languages on request.

Tha am foillseachadh seo ri fhaighinn ann an cruthannan is cànanan eile ma nithear iarrtas.

অনুরোধসাপেক্ষে এই প্রকাশনাটি অন্য ফরম্যাট এবং অন্যান্য ভাষায় পাওয়া যায়।

یہ اشاعت گزارش پر دیگر شکلوں اور دیگر زبانوں میں دستیاب ہے۔

ਬੇਨਤੀ 'ਤੇ ਇਹ ਪ੍ਰਕਾਸ਼ਨ ਹੋਰ ਰੂਪਾਂ ਅਤੇ ਹੋਰਨਾਂ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ।

هذا المنشور متوافر عند الطلب بتنسيقات وبلغات أخرى.

本出版品有其他格式和其他語言備索。

Na życzenie niniejsza publikacja dostępna jest także w innych formatach oraz językach.

