

# Guidance for applicants on applying to register a care service

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## Introduction

We are the national regulator for care services in Scotland. Care services cannot operate unless they are registered by us. We inspect services and evaluate the quality of care they deliver. We support improvement in individual services and across the care sector nationally.

Where care is not good enough, we can deal with complaints and carry out enforcement action.

The registration process is the first step to ensure that services are 'fit' from the onset.

By law, care services in Scotland must be registered with the Care Inspectorate. You must not provide a care service if you are not registered.

We regulate care services according to the [Public Services Reform \(Scotland\) Act 2010 \(the Act\)](#). We assess the quality of services to make sure they meet the Health and Social Care Standards which are published by the Scottish Government.

Caring for vulnerable people is an important responsibility and there are various requirements that you must meet before you can begin.

We can give information and advice to potential care service providers. It's your responsibility to seek relevant professional advice, for instance, legal, financial or architectural before applying. You should carefully consider before making any financial or business commitments in advance of applying. There is no guarantee that registration will be granted.

We have produced this guide to help those who want to apply to register and operate a care service in Scotland.

### Registration – before you apply

If you are thinking about applying to register a care service, we strongly advise you to look at our website [www.careinspectorate.com](http://www.careinspectorate.com) and read and consider all the information about the registration process before you apply.

We advise that you carry out your own market research to ensure your proposals are viable and that there is a need for the proposed service in the locality you plan to operate. 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 must obtain and read a copy of the relevant Health and Social Care Standards and legislation. These are available from our hub <https://hub.careinspectorate.com/>.

## Pre –application advice

If required, pre-application advice should **only** be sought in the following circumstances:

- By those applicants who propose to use premises to provide their service such as care homes or day care services for either adults or children. Advice will be given regarding the suitability of any proposed premises, and we will ask you to provide us with detailed plans.
- By those applicants who have never applied to register a care service before.

## General registration enquiries should be directed to our Contact Centre

### Completing the application

When you apply to register you will have to complete an application form and **pay the fee** before we will begin the registration process.

The application and registration process may seem daunting to you at first. This guide will help you understand what you need to do.

The application form, along with the associated documentation and guidance is available to complete online via our website. You will initially require to create an online portal account via our website [here](#). This account will allow you to manage this and any future applications and services:

<https://www.careinspectorate.com/images/documents/6026/How%20to%20grant%20access%20to%20the%20portal%20-%20revised%20May%202021.pdf>.

Completing the application may take some time and you need to be prepared in advance.

As part of the registration process we assess, that:

- 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
- the premises in which the proposed care service will be provided are fit to be used for that purpose
- the proposed service will make all the proper provisions for the health, welfare, independence, choice, privacy, and dignity of everyone using the service.

Where you complete the application form online you will be presented with, and only need to complete sections and questions relevant to the type of applicant you are (e.g. whether you are an individual or an organisation) and to the type of care service you propose to provide.

The questions asked and the information required within the application are dependent upon both the applicant type and the care service type. If you provide inaccurate or

inadequate information, it may be necessary to reject your application once received and you may be required to start the process again.

## Applicant type

The information to be provided within the application is dependent upon who is proposing to provide the service, **not** who is completing the form. It is important to be clear from the start **who** is going to **provide** the service. Where this is complex, we advise you seek your own legal advice prior to completing and submitting the form.

### Details of an individual applicant

Complete this part only if you are **one** person (that is a self-employed individual working as a sole trader applying to register your own care service and not an Organisation or a Director/Trustee of an organisation) applying to register your own care service.

### Details of an applicant who is not an individual

Complete this part if doing so **as, or on behalf of** an 'organisation'. That is; a company, association, firm, club, partnership, committee, corporate body, unincorporated body, or a Local Authority.

**This part also applies where you are the sole director of a company.**

**If you are applying as a 'partnership' to register a childminding service this part would also apply.**

Contact information recorded within any application should reflect that held on e.g. Companies House or OSCR (Office Scottish Charity Regulator) as the formal 'registered address', and the identified representative of that organisation should be e.g. the Chief Executive; Chairperson etc.

Where applying on behalf of a local authority the applicant should ensure that the Organisation contact details reflect those of the chief executive and the registered address of the local authority's headquarters.

### Provider of existing registered services

Some applicants may already provide registered care services. This may be as an individual or through an existing or range of companies or entities.

When applying for registration of a new service and this new service is to be provided by the same individual or provider entity, the information supplied within the application must match that already held for this entity i.e. applicant/provider name; registered address and contact details all reflect those detailed on the certificate of registration for all other existing registered services you provide. Where the 'applicant entity' is a 'new' one you should answer the question as to whether you already provide services as 'NO'. Similarly, where you are asked to record your existing SP (service provider) number in the application, you must ensure this is the same as that for your existing services. Again, this is only where this new service is to be provided by the exact same legal provider entity. This allows our database to 'link' these services to the same provider.

**Entering inaccurate information here may inadvertently link your service to the wrong provider** (particularly, for instance, if you are formally registered to provide services as multiple entities).

If the applicant for this case is a new entity, not already registered to provide care services, then you must record that you are **not** the provider of existing registered services

**Note your SP (provider) number begins with the letters SP, you must not record your individual service number which starts CS.**

### Appointment of a manager

Note: where applying to register a childminding service where you are the sole applicant it is not normally appropriate to complete this part of the application.

Where you are not proposing yourself, but instead intend to appoint a manager to run your service, you should complete this part of the form.

This part of the form can either be submitted at the point of application or if a manager has not yet been appointed the required information can be provided at a later point in the process. However, we will not complete the registration process until a suitable manager has been appointed.

Where providing the information later you must do so by updating the relevant section within the original online application.

The applicant must ensure the fitness and suitability of any proposed manager including undertaking appropriate Disclosure Scotland checks etc. Applicants must ensure the person they propose to appoint as manager has the relevant knowledge, skills and experience to manage the service and already hold, as a minimum, a level 7 practitioner qualification (meeting SSSC criteria).

The applicant's 'safer recruitment' policy should reflect this.

### Details of the service

Every applicant must complete this part of the form providing detailed information based on how they intend to operate the service. If you intend to provide a 'housing support service' and a 'support service – care at home' these require individual applications even where these are to be operated as a 'combined service'

You must pay the associated application to register fee at the time you apply. The fee is non-returnable, and we will not process your application until we receive payment. For advice as to methods of payment available please refer to information on our website or contact our finance team on 0345 603 6979.

In the majority of scenarios, you must pay the application fee upfront and **only in exceptional circumstances** will we invoice you for this fee and doing so will delay the application process until such time as the fee is subsequently paid.

However where you are applying for e.g. a 'combined' housing support and support service (care at home), we will invoice you for this as we will need to determine the overall applicable fee (based on the overall staff whole time equivalent (WTE) necessary to provide the service – in these specific applications you should record the full staff WTE in the housing support application and 0.1 WTE in the support service application). You are also responsible for paying all Disclosure Scotland checks appropriate to your application i.e. for applicant(s) medical reference/declaration fees and any bank reference fees that might be incurred during the process. We will provide you with more information about these as appropriate.

Once we receive your application form and fee, we will check it over to make sure we have all the information to start the application process.

The more prepared you are in advance, the more likely your application will be processed with minimal delays.

We will consider an application to be complete when you have:

- paid the correct fee
- completed all appropriate parts
- provided all declarations for all relevant individuals (directors, committee members etc) directly associated with the applicant entity
- supplied appropriate reference details for relevant individuals
- submitted all financial information/declarations
- enclosed the aims and objectives of the service
- enclosed premises plans, where applicable and available, and other relevant reports (for example, environmental health report, planning permission, building warrant, completion certificate or permission from your landlord)
- identified the type of care service you want to provide
- enclosed copies of policies/procedures relating to:
  - complaints
  - child and/or adult protection
  - medication
  - infection control
  - food and nutrition
  - promoting positive behaviour / use of restrictive practices (service dependant)
  - recruitment (only applicable to childminders where they are employing an assistant).

The above policies and procedures, along with any other we may subsequently request, will be assessed at stage 2 of the application process by an inspector.

Where we consider that your application is not competent e.g. you have applied as an incorrect entity (individual instead of organisation or vice versa; wrong applicant name/SP number (if an existing provider); missing declarations or you have applied for an incorrect service type etc we will require to return your application for edit at this stage.

Alternatively, as many of the questions within the application form are conditional upon specific responses we may 'reject' it entirely and you will need to complete a new application. There is a facility within the App to 'copy' details over from an existing application which may make this process simpler.

## The application process – what happens next

### Stage 1 – review of application/collation of information

Once received, we will check the application is complete and that the basic supporting information and all the relevant fitness declarations etc. have been provided.

We will contact you to identify any areas outstanding and to provide you with additional documentation relating to the standard fitness checks as appropriate to the applicant entity type e.g. health and social work declarations; Disclosure Scotland checks etc

**Note - it is important that you do not apply directly to Disclosure Scotland for PVG Scheme membership or to undertake checks yourself.**

We will give you timescales for providing any required information. We will expect you to meet these timescales otherwise your application will not progress.

### Childminding applicants and/or applicants who also intend to manage the service

We will assess your ability to provide and manage a care service based on the information you provide, your references and from meetings we have with you.

We ask you to provide the name and contact details of two people who can give references about your integrity, good character and competence to provide a care service.

- A referee must not be a relative
- One referee must be your current employer. If you are not currently employed your referee must be from an employer who has employed you for a period of at least three months within the last five years;
- Your second referee must be from a person who has known you for at least one year.

We will:

- initiate an application for a Protection of Vulnerable Groups (PVG) Scheme Record or Scheme update check on you. You will be responsible for making payment for this directly to Disclosure Scotland via their online process.
- write to you outlining the process. **Do not** apply for Scheme Membership directly via Disclosure Scotland as the Care Inspectorate requires to initiate this as the counter signatory. Disclosure Scotland will subsequently send a link to complete the online application. Note – this link is only active for 7 days, otherwise you will need to contact the Care Inspectorate to recommence the process.
- as part of the Disclosure process, you will need to provide us with relevant evidence of your identity, again we will send you details of the required information which is required to be provided by you.

If you are applying to provide a childminding service, all members of your household, age 16 years and over, as well as for any assistants you may propose to employ, will require to undertake the relevant Disclosure checks (Enhanced

Disclosure for residents of household over 16 years/PVG Scheme membership/Record for anyone 'employed' as an assistant).

Note: in accordance with SSI 2011/No. 210, Reg 12 'a provider of childminding must not permit any person who is unfit to be in the proximity of children to live at the premises which are used for the provision of the service'.

Where you are a registered counter signatory you will be able to process the checks for any assistants yourself. Alternatively, the Care Inspectorate can undertake these on your behalf, or you can do so via an 'umbrella counter signatory organisation'.

- check information against any details which may be held on the databases of other professional bodies e.g. Scottish Social Services Council (SSSC) etc.
- review any previous regulatory history you may have held with Care Inspectorate or previous regulatory bodies.
- ask you to give us a self-declaration relating to your physical and mental health and wellbeing in respect of providing a care service. This will include confirmation of your consent to us receiving feedback from your General Practitioner (GP) corroborating, or otherwise, the information you have supplied. Your GP may charge you a fee for this.
- provide you with documentation to give to your GP for them to complete and return to us. You should also provide them with a copy of the self-declaration that you have sent to us. If we have any subsequent concerns, we may discuss this further with your GP. (Note: at this stage contacting your GP for feedback on your self-declaration will be standard practice however, in the future we may only do this where there are specific issues or concerns highlighted within your declaration).
- ask you to complete a self-declaration relating to any involvement social work services may have had with you previously. This will include your consent to approach the social work department of any Scottish local authority area you have lived in within the last five years, to corroborate the information you provide.

**The latter aspects only apply to childminding applicants and those individual applicants who also propose to manage the care service.**

We will:

- as appropriate, ask you to complete a financial self-declaration as to your financial standing and reliability in respect of operation of such a service as part of the application, we also ask that you to give us some additional financial information i.e. business plan and a three-year financial forecasts.

**We will not ask for these if you are applying to register a childminding service nor if the applicant is a local authority.**

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.

This is not an exhaustive list of checks we can undertake or information we may request but indicates those carried out as standard.

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

For example, partnerships, committees, association, companies, Scottish Charitable Incorporated Organisation (SCIO) etc.

It is the organisation as a legal entity that is being assessed as 'fit', not the individual completing the form on behalf of the organisation.

Declarations/statements within the application form as to fitness/suitability **must** be completed by or on behalf of each member of the organisation, regardless of whether they are already known to us and/or have completed such declarations/statements previously. Information must be provided for every director etc as identified via Companies House etc, where any are missing or there are discrepancies with the information recorded on Companies House, we will return your application to be amended or will reject it in full.

We will carry out additional fitness check(s) as appropriate on individual(s) within the organisation. This will routinely be on the most senior representative (e.g. chairperson or chief executive) but may be on other members if considered necessary/appropriate. Where applicants are involved in the actual delivery of the service/care, it is likely we will progress additional checks on all those so involved.

Checks will include:

- obtaining references as to the individual(s)'s integrity, good character and competence to provide a care service
- undertaking Disclosure Scotland/PVG Scheme membership checks (unless the Care Inspectorate has previously been counter signatory to the individual's membership).

We will ask for some financial information i.e. business plan and three-year financial forecasts. We will also require a financial declaration about the applicant's financial standing and reliability with regard to the operation of the proposed service.

**We will not ask for this if the applicant is a childminding service or local authority.**

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.

You will also need to provide us with the following:

- companies should give us: Articles and Memorandum of Association and Certificate of Incorporation (where applicable) or confirmation from Companies House
- partnerships should give us a formal partnership agreement
- organisations - constitution or working agreement including registration/charity registration numbers (where available).

We may hold a meeting with your nominated representative to collect additional information and discuss any concerns about the conduct of the organisation.

Where an applicant is already known to us as a provider of registered care service(s), whilst the full range of fitness/suitability checks on the applicant may not be necessary, an 'application for registration' form relating to this new service must be completed and all appropriate fitness declarations and statements on behalf of each member of the organisation must still be completed.

The Care Inspectorate will then identify what additional fitness checks (e.g. Disclosure checks; references etc.) may be required and on which representatives of the organisation (e.g. chairperson; chief executive). Where applicants are involved in the actual delivery of the service/care, it may be likely that we will seek these enhanced checks on all involved.

Within 10 working days of all documentation having been received and processed successfully, we will contact you to advise which inspector has been allocated to access your application at stage 2.

**An inspector will not be allocated until such time as all fitness check documentation has been received.**

Within a further seven days, they will be in contact with you to arrange to meet and/or ask for any additional information.

### Changes to an application

There may be scenarios where we are able/required to release the application back at the initial stage for minor amendments otherwise we will require to reject this, and you will need to begin a new application.

Where there are substantial changes required to an application form, for instance, you have applied for incorrect service type; incorrect entity type or have indicated that this applicant is already a registered provider when they are not, we will require to reject your application and a new application for registration will be required.

**Note: You may also be required to pay a further application fee**

### Applications for registration of an existing operating service.

Where you are applying to register a service which is currently registered and operating e.g. internal change of legal entity (where for an example a service previously provided by an association is now to be operated as a SCIO; or a previous partnership is now an individual; or an association is now a limited company etc) or due to the sale of the service to a new provider, it is necessary for the existing provider to apply to cancel their registration via their online portal account.

The 'new' applicant **must** identify within the application for registration the existing (*cancelling*) registered service number (CSxxxxxxxxxx) in order to ensure that the date of cancellation and the date of granting registration coincide. This will likely be necessary for continuity of care.

## Stage 2 – assessment

We assess:

- the fitness of applicant(s) based on the information provided previously as part of the stage 1 process.
- whether the applicant has recruited and appointed a suitable manager of the care service as well as how they propose to recruit staff.
- whether the premises in which the proposed care service is to be provided are fit to be used for that purpose. This is based on the aims and objectives of the service and includes all residential and day-care settings including childminding services.

Note: where an applicant is purchasing an existing residential or day-care setting-based service, recently closed or older property **we would expect you to meet current requirements and best practice**. This may mean improvements would be necessary and/or a mutually agreed plan of refurbishments over time as part of the conditions of registration

- how you propose to operate the service. The aims and objectives of the service are critical to the assessment of the application to register as they define what, where and how the service is to be provided in line with legislation and best practice.
- the proposed service's provision for care systems and quality of care in line with the aims and objectives of the service.

### Assessment of appointment of manager

Where you intend to appoint a manager in full-time day to day charge of the care service, you must complete the relevant section of the application either at the time of the initial application, or by updating this section online during the subsequent process.

This provides us with confirmation that through robust and thorough selection and recruitment procedures and practices, you have employed a fit and suitable person to act as manager of the care service who has the requisite knowledge, skills and experience for the service type. See [safer recruitment through better recruitment](#). We may discuss this with you.

We expect managers to hold, as a minimum, a level 7 practitioner qualification for the specific registration category, in line with the SSSC qualifications criteria. See the [SSSC qualifications criteria](#). We may discuss this with you.

It is your responsibility to ensure that the manager is a PVG Scheme member. You should also ensure that the individual is registered with the SSSC or other professional body, as appropriate.

It may be that at the initial point of application no manager has yet been appointed and if so, it is acceptable for this section of the application to be submitted in due course.

**Registration will not be granted until such time as an appropriate manager is in post.**

### **Assessment of proposed service**

This part of the form tells us about the proposed service. For example, its proposed name and where it will be located. It will also give us information about how you propose to set up the service to begin to operate.

The Social Care and Social Work Improvement Scotland (Applications) Order 2011 (SSI 2011/29) states that applicants will be asked to provide the aims and objectives of the care service. Where applying for registration we expect applicants to be clear about the service they intend to provide, how it will be provided, who will provide it and to whom the service will be available.

### **Type of care service**

You need to check that the type of service you want to register matches with the aims and objectives of the service. When making an application, refer to [Schedule 12 'Care Services – Definitions'](#). (see also Appendix 1).

You must make a separate application for each service type applied for. This is particularly important where there is intention to provide a housing support service (HSS) and a support service (care at home).

### **Service start date**

You must identify the date when you propose to start operating the service. This will be formally agreed with the Care Inspectorate based on each individual application. For example, there may be a link between the cancellation of an existing service and the registration of the new service.

### **Statement of aims and objectives**

You must give us this statement as part of the original application submission. The aims and objectives of the proposed service will help to determine the type of care service you intend to operate. See our [guidance for providers and applicants on aims and objectives](#).

### **Information about the people who use the service**

You need to tell us about the types of people who you intend to provide the service for.

### **Authorised Establishment (principally applies to care homes for adults)**

[Part 4 of the Adults with Incapacity \(Scotland\) Act 2000](#) provides a means of lawful intervention to manage certain financial affairs of an adult with incapacity.

Part 4 of the Adults with Incapacity (Scotland) Act 2000 applies to a care home service and a limited registration service (a service not delivering care for which it requires to be registered, but which has registered principally to manage a person's money). The registration certificates for these service types will therefore give the service's status under

Part 4 of the Adults with Incapacity (Scotland) Act 2000 as one of the following two options:

1. Authorised Establishment
2. Authorised Establishment Opted Out.

As a default position, all such establishments are considered to be 'Authorised Establishments' unless they have advised us that they wish to opt out. Providers must ensure current (where applicable) and potential residents, carers and care management staff are aware of the service status and its implications for care provision, should they choose to opt out.

Before managers can intervene under Part 4, the establishment itself must be an authorised establishment and the manager must apply to the Care Inspectorate for a certificate of authority. There is, however, no obligation on services to manage resident's financial affairs and Section 35(3) of the Act allows registered establishments to opt out. The matter of opting out of the provisions of the Act may be raised and dealt with during the process of initial registration. You should ensure that you understand the implications of being an authorised establishment and the implications should you choose to opt out. There is currently no mechanism for opting back in.

It is important to note that, where staff in a registered service (whether or it is an authorised establishment or not) are involved, to any extent, in supporting a service user in managing their funds, the Care Inspectorate expects the services to operate rigorous and robust financial policies, procedures and controls. Guidance on options available for people who use services to receive support with managing their finances is outlined in the [Mental Welfare Commission](#) (MWC) publication '[Money Matters](#)'.

## Staffing

You need to tell us about the proposed staffing. There should be reference to all types of staff, for instance managers, care staff, ancillary, and administrative staff. You should also state the number of hours to be given to the manager specifically to carry out management tasks.

For childminders, you need to tell us about any assistants you may have helping you/propose to employ. This includes the involvement of any family/household members assisting in the service.

## Staffing levels and needs of people using the service

To comply with Regulation 15 SSI No. 210, a provider must, considering the 'size and nature of the care service, the statement of aims and objectives and the number and needs of service users - ensure that at all times suitably qualified and competent persons are working in the care service in such number as are appropriate for the health and welfare of service users'

**Applications to register childminding services:** adult: child ratios in domestic premises: 1:6 for children under 12 of whom no more than three are not yet attending primary school and of whom no more than one is under one.

**Applications to register daycare of children services:** the Care Inspectorate will expect as a minimum, with ratios being increased as appropriate depending on needs, the following adult: child ratios:

Age	Ratio
Under 2s	1:3
2 to under 3s	1:5
*3 and over	1:8
If all children are 8 or over	1:10

\*where children aged three and over attend facilities providing day care for a session which is less than a continuous period of four hours in any day the adult:child ratio may be 1:10, providing individual children do not attend more than one session per day.

Two adults to be in attendance at any one time. Only adults in contact with children for the majority of the session should count towards the ratios.

**Applications to register residential care services:** you should provide us with your proposed method for assessing the needs of people using the proposed service and how you will use this information to work out staffing levels and skill mix.

You will be required to keep records of four weekly assessment of needs. See our guidance on [records that all registered care services \(except childminding\) must keep and guidance on notification reporting](#).

### Employing staffing

You may not know at this stage what job titles and roles you will give staff. We need to make sure that you have considered this aspect of the service and be able to provide information about the whole time equivalent (WTE) number of staff in as much detail as possible before we process your application.

It is important at this stage of the application that you have considered how many staff will be required for the numbers of service users. Not all services will start at full capacity, and you may therefore propose to increase the numbers of staff as and when the numbers of service users increase.

Note: for the purpose of calculating the WTE number of staff 40 hours per week = 1 WTE staff member.

### Staff recruitment, training and development

Where you intend to employ staff, you must provide a policy and procedure on safer recruitment. You must be able to demonstrate a good understanding of safer recruitment practices. See [safer recruitment through better recruitment](#).

You must also provide a programme detailing the induction period and ongoing training and development for staff.

## Assessment of the premises used for the provision of a care service

### Premises

Plans of the premises should have been submitted and discussed at the pre-application stage, for all residential and day-care settings, other than childminding. If not submitted pre-application, then you must submit them with your application. Your inspector will discuss any plans of premises submitted and documentation relating to proposed building works. We will take into account legislation, Health and Social Care Standards and other good practice guidance. Discussions will focus on whether the accommodation meets the stated aims and objectives of the proposed service to support best outcomes for people using the service.

Note: where an applicant is purchasing an existing residential or day-care setting service, recently closed or an older property, **we would expect you to meet current requirements and best practice**. This may mean making improvements and/or produce a mutually agreed plan of refurbishments as part of the conditions of registration.

Residential and daycare setting services must comply with the space standards.

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.

If you propose to lease the building to provide a care service, we will require a copy of the lease agreement from the landlord along with the application. We will require a copy of the signed lease prior to the registration being granted.

### Site visit

For services that include premises, a site visit will likely be undertaken at some point during the registration process. The focus of this is to assess how the premises support the best outcomes for people using the service.

Areas we will consider during the site visit will include:

- aims and objectives of the proposed service
- how the service plans to meet the Health and Social Care Standards
- current legislation and guidance; security of the premises
- overall design, layout and location, readiness for operation.

Following the site visit you will be contacted regarding the findings and any discussions had during the site visit.

## Maintenance

During the site visit, or otherwise, we will ask what arrangements and recording systems are in place for maintenance. This will include, as appropriate:

- central heating/gas fire/carbon monoxide testing
- boiler
- lift(s)
- fire equipment
- care call systems
- storage and disposal of hazardous materials; specialist and other equipment.

## Fire safety

It is your responsibility to contact and liaise with your local Fire Service office and to ensure the premises and systems meet fire safety legislation requirements. Guidance and a checklist are available from our website. You will need to send a copy of the completed checklist to your local Fire and Rescue Service and confirm to us in writing that you have done this. See our [fire safety guidance](#). Additionally, for 24-hour residential based services we will require confirmation from Fire Scotland that there is no reason why the premises should not be registered.

## People who live at the premises but do not use the service

It is your responsibility to determine if other people who live on the premise, but do not use the service, are fit to be in the proximity of people who do use the service. This applies particularly to services involving the use of family homes. For example, adoption, fostering, adult placement and childminding services.

For childminding services it is important to know details of the applicants own children as these may be taken into account when ultimately agreeing registered numbers

We will assist applicants who want to provide a childminding service by arranging a Disclosure Scotland check for people over 16 years of age who live in the household but do not use the service. The applicant must pay for the checks.

## Assessment of the proposed services provision for care systems and quality of care

Statements, policies and procedures should reflect best practice guidelines and be regularly reviewed and updated. Details of the statements, policies and procedures we require for each service type are detailed within the application form itself. The core documents required at the point of initial application are as outlined elsewhere in his guidance.

We will discuss these with you as well as your proposed systems for monitoring and assessing the quality of your service. We will discuss and advise you as to 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.

See our guidance:

- [records childminding services must keep and guidance on notification reporting](#)
- [records that all registered care services \(except childminding\) must keep and guidance on notification reporting](#).

## Stage 3 – what happens next

### Granting, refusing or withdrawing registration

Your inspector will assess and review all the information provided and collated during the process before deciding whether your registration will be granted or refused.

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

### Granting registration

Registration can be granted either:

- unconditionally
- subject to agreed conditions
- subject to imposed conditions.

Most commonly registration is granted subject to agreed conditions, these conditions will be fairly standard and relate to for example registered maximum numbers. However, there will be occasions when we will propose specific conditions either temporarily or permanently for the service.

We will discuss with you the proposed conditions and we will communicate these to you via the portal/your online account. This will also identify the proposed registered provider and service name and address information. Where you identify any error(s) you should contact your inspector immediately to discuss. Once you 'accept' the conditions you will be automatically registered and confirmation of this will be issued. Your Certificate of Registration will be made available to you via your account.

If you do not agree to the proposed conditions, you have 14 days to respond detailing why you disagree. 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 your appeal is successful, we will issue a registration certificate. The service cannot operate until a decision is made.

The registration certificate will be made available to you via our portal. This should be printed and put on public display in the service.

You will also be notified of the list of the records you must keep about your service and a list of the matters you must notify us about.

## Refusing registration

If we decide that you have not provided enough information to demonstrate 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 proposing to refuse the application and provide the reasons for this. **Your application fees are non-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. Your written representation will be fully considered. If we decide that the registration should 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.

## Withdrawing an application

Your plans may change, and you may decide that you no longer wish to proceed with your registration. You can withdraw your application to register a care service at any time via the portal. Remember any fees paid are non-refundable. Withdrawing an application does not affect future applications to register a care service.

If you have not provided us with all required information or have not responded to our written communications timeously, we may write to you asking whether you wish to withdraw your application. Continued delays or non-response may lead us to deciding to implement formal refusal of your application on the grounds of lack of sufficient evidence or information.

If you need to delay processes significantly you must let us know and it may be that we advise that you need to consider withdrawing your application.

## Complaints about the Care Inspectorate

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

Professional Standards (Lead) Care Inspectorate  
Princes Gate Castle Street Hamilton ML3 6BU  
[Complaints.CI@careinspectorate.gov.scot](mailto:Complaints.CI@careinspectorate.gov.scot)

## Now that you are registered, what might happen in the future?

Now that you are registered you may come across the following scenarios, situations and incidents related to the provision of your service.

Some of these may impact directly on your registration, for instance, change of legal entity; application for variation/cancellation, while others only require you to tell us about it (via our portal) e.g. change of manager.

If you require any further information or clarification visit our website or phone our Contact Centre for advice on 0345 600 9527.

## Change of legal entity

Where there is to be any change to the legal entity providing a service, for example:

- where the existing registered provider is a 'partnership' and someone in the partnership leaves/new individuals join or the partnership dissolves
- an individual provider changes to form a 'partnership' or a 'Limited Company'
- the existing registered provider is an association but decides to apply to become a Scottish Charitable Incorporated Organisation (SCIO)
- the existing registered provider is a limited company and changes to a PLC or other type of organisation
- the existing provider decides to sell the service to someone else including to another company/organisation.

It is likely all such scenarios will require you to cancel your existing registration and the 'new' provider to formally submit an application for registration (and fee). It is illegal to provide a service that is not registered. Until such times as your cancellation is approved and a new application for registration is granted the original registered provider will be considered legally responsible for the service. If any changes are being considered, it is in your interests to discuss these with us at an early stage. We also advise that you seek your own independent legal advice.

## Change of relevant individual

Where the legal provider of a service is an 'organisation e.g. a limited company; an incorporated/unincorporated association; a committee etc. and there is a change to one of the individual 'members' (e.g. director; committee members) you must tell us. To do so you must complete and submit an 'amend manager, provider or service details' application. You can access this via our portal. We will then review this and decide whether we need to carry out further suitability checks on the fitness of this individual e.g. Disclosure checks. This will depend on e.g. whether the change relates to individuals we checked as part of the original registration process.

## Variations

As your service develops you may want to add, change or remove a condition as detailed on your Certificate of Registration. For example, apply to change your registered numbers or change the age groups of people who use the service. You will have to complete and submit an application to vary, via your online account/portal for the relevant service. You must give a minimum of three months' notice of your intention to do so. This is required under Scottish Statutory Instrument 29 (SSI).

We will consider your application to vary, we may ask for more information and we will then let you know whether we are going to grant or refuse it. If we grant it, you will be issued with a new Certificate of Registration. If we refuse it, 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. Your written representation will be fully considered. If we decide that the variation should now be granted, we will write to let you know and issue your amended 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. It is only possible to have one application in progress at any time.

### **Inactive services**

There may be times, particularly for childminders, where you are not able to provide a service, but you do not wish to formally cancel your registration. When this happens, you must tell us. We will consider your request and may allow you to remain as 'inactive' for a period of time (up to a maximum of 12 months). You will still require to pay your annual continuation fee and comply with regulations/requirements including submitting your annual return and notifying us of any significant changes. After the agreed period of time you must either start to provide the service again or cancel your registration.

You can apply to become inactive/active via your online portal account for the service.

### **Cancellation of your service**

Where you decide you want to stop providing your service you can apply to cancel via your online portal account for the service. To ensure continuity of support for people experiencing care, and as detailed in [The Social Care and Social Work Improvement Scotland \(Applications\) Order 2011](#), you must give us at least three months' notice of your decision. You will have an opportunity to discuss this further with your inspector and where mutually agreeable amend this date.

You will need to tell the people who use your service, as well as any other interested parties e.g. relatives, social work departments that you plan to stop providing a service. You may have to work with people using the service to help them find an alternative service.

If we have significant concerns about your service, we may take enforcement action which may lead to us deciding to cancel your registration. This would be a formal legal process.

### **Notifications you must submit**

At the time of being registered you will be provided with a list detailing the various changes in your service that legally you must notify the Care Inspectorate about. These may change at the discretion of the Care Inspectorate.

These differ depending on the type of service you are providing but can range from telling us when anyone living in your home reaches 16 years of age (where you are a childminder) to telling us about any change in name of a provider (for instance, if you get married) or a change of provider address (remember that where a service is premises based any change of address constitutes the need for a formal application for variation not just a notification) or where there have been accidents to service users.

Note some 'notifications' should be submitted via your online portal account whereas others are submitted via our Eform system. Guidance on these is available on our website

## **Change of manager**

Where a service 'employs' a manager (this individual will be named on your Certificate of Registration) and you decide to change/appoint a new manager, you must tell us. This should be done by submitting an 'application to amend manager, provider or service details' via your online portal account

## **Inspection**

Once you are registered you are required to make all aspects of the service available for us to inspect. The frequency and intensity of inspection will be determined by your service type, size of service and how well you are performing. You will be required to complete an annual return, providing up-to-date statistical and other information about you and your service. You will be advised when to submit this to us.

More information relating to the inspection process can be found on our website.

## **Complaints**

You will be expected to produce your own complaint procedure and process identifying how you will handle any complaints or concerns about the service you provide. It is possible that people may make complaints directly to the Care Inspectorate. The Care Inspectorate has a duty to investigate complaints made about registered services and how we do this is detailed in our own policy and procedure.

## **Enforcement**

Where a service is not performing well and/or where there are significant concerns or non-compliance the Care Inspectorate may decide to implement formal enforcement action. This may lead to us proposing to cancel your service if the concerns are not addressed or the service does not comply with legislation or standards.

## **Continuation fees**

All care services are subject to payment of annual continuation fees. The maximum level of these fees is determined by Scottish Ministers and it is for the Care Inspectorate to decide and publish the fees it will charge. Detail of the fee levels related to each service type can be found on our website.

## Appendix 1

### Services regulated by the Care Inspectorate

Care service definitions are formally detailed within [Schedule 12 of the Public Services Reform \(Scotland\) Act 2010](#).

#### 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.

#### Adult placement service

A service which arranges accommodation and support for vulnerable adults (aged 16 years 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.

#### 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 home services.

Care homes can provide care for people with a range of care needs, for instance

- care homes for people with physical and sensory impairments
- care homes for older people
- care homes for children and young people
- care homes for people with learning disabilities
- 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.

#### 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 'rewarded', in money or kind, to look after the child on domestic premises (usually their own home).

It does not include:

- caring for children closely related to you
- fostering children
- caring for children in their own home.

It may though include caring for children over weekends and/or holiday periods who attend boarding school.

## **Childcare agency**

A childcare agency supplies or introduces to parents someone who looks after a child up to the age of 16 years, 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.

## **Day care 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, creches, after school clubs and playgroups 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.

## **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 a 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.

## **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.

## **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.

## **School care accommodation services**

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 a special schools within the meaning of the Education (Scotland) Act 1980.

### **Secure accommodation**

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.

### **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.

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