



UKHCA

New Business Pack

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Prepared for UKHCA member organisations and new businesses by:

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This factsheet is provided as a service to UKHCA member organisations and others. It does not attempt to be an exhaustive reference source or a statement of law. United Kingdom Homecare Association Limited accepts no liability for organisations acting or refraining from acting solely on the information contained in this document.

Introduction

Domiciliary care is a demanding but rewarding business, and presents particular challenges for new entrants because of the regulatory environment in which most businesses have to operate.

UKHCA has produced this pack of information for anyone thinking of starting in business or who has recently started a homecare business.

Researching the Domiciliary Care Market

Before setting up a new business or writing a business plan it is important to research the proposed market and establish the potential for growth. Domiciliary care organisations generally have two main categories of customers – local authorities and service users purchasing homecare, either with their own funds or, increasingly, using direct payments or personal budgets provided by the local authority.

UKHCA provides a free overview of the UK domiciliary care sector on its website. The headline statistics in the overview are aimed at researchers, management consultants and organisations considering entry into the homecare sector. The figures are a summary of the most recent analysis available and will be revised as new data becomes available. See: <http://www.ukhca.co.uk/researchers.aspx>

In addition, potential new businesses would be advised to check their local domiciliary care market, to establish the likelihood of obtaining local authority contracts to provide homecare – an important source of business. They may also want to assess the private market for homecare, perhaps by contacting voluntary agencies in touch with relevant service user groups, to see what level of demand is likely from private purchasers of care.

The onus on researching the market falls on those promoting a new business but there are consultants who can assist new businesses on a fee-paying basis, and organisations that specialise in domiciliary care market research. For more information see Resources below.

Advice on Starting your Business

For general practical advice on starting up a business, see:

England – Gov.UK www.gov.uk/browse/business/setting-up 0845 600 9 006

Wales – Business Support Wales – www.business.wales.gov.uk 03000 603000

Northern Ireland – NI Business Info www.nibusinessinfo.co.uk 0800 181 4422

Scotland – Bgateway – www.business.scotland.gov.uk 0845 609 6611

Regulation of Domiciliary Care

The provision of domiciliary care is regulated across the UK. There are specific mandatory requirements which must be satisfied if you wish to set up in domiciliary care and failure to comply is a criminal offence.

England

The law regulating domiciliary care changed from 1st October 2010.

From 1st October 2010 the provisions in the Care Standards Act 2000 (and its regulations) were replaced by the Health and Social Care Act 2008, The Care Quality Commission (Registration) Regulations 2009 and The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (the Regulated Activities Regulations).

The change meant that services ceased to be registered by type of service, for example, "domiciliary care agency" and instead had to register according to "Regulated Activity" or "Regulated Activities" undertaken at a particular location, as specified in Schedule 1 to the Regulated Activities Regulations. Social care providers registered under the previous legislation had to re-register with the Care Quality Commission on the new basis before 1st October 2010.

There are several types of "Regulated Activity", the most relevant to homecare agencies being "Personal Care", or for nurses' agencies, "Nursing Care". It is possible agencies may supply services that require registration for other Regulated Activities and providers should familiarise themselves with Schedule 1 to the Regulated Activities Regulations and take advice from the CQC, and/or legal advice to ensure they are correctly registered. Providers need to register for each of the Regulated Activities provided at each location.

Registration under the Health and Social Care Act 2008

Some services that previously had to register under the Care Standards Act 2000 do not have to register under the Health and Social Care Act 2008, and conversely some activities that were not regulated now have to register under the Health and Social Care Act 2008. For information on the scope of registration, see the Care Quality Commission's website and the latest edition of their document:

The Scope of Registration, CQC, August 2013

http://www.cqc.org.uk/sites/default/files/media/documents/20130717_100001_v5_0_scope_of_registration_guidance.pdf

The CQC's website contains a variety of guidance and information about the system of registration under the Health and Social Care Act 2008, so is worth reading carefully and thoroughly.

The Health and Social Care Act 2008 Act is available from:

<http://www.legislation.gov.uk/ukpga/2008/14/contents>

The main regulations governing social care are:

The Care Quality Commission (Registration) Regulations 2009

http://www.opsi.gov.uk/si/si2009/uksi_20093112_en_1

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/781/contents/made>

Services that carry out Regulated Activities have to comply with the Care Quality Commission's "Guidance about Compliance: Essential Standards of Quality and Safety" which replaced The National Minimum Standards for Domiciliary Care from 1st October 2010, available from:

www.cqcguidanceaboutcompliance.org.uk/

The above link enables organisations to produce versions of the Guidance tailored to the Regulated Activities provided, so it is important to print off Guidance which covers all the activities you will register. (NB providers need to describe their compliance with the Guidance at the time they complete their application to register.)

The Care Bill, which is close to enactment, and reforms to CQC registration and the standards that apply to health and social care providers, mean that there will be more changes in the coming months and years, so providers will need to be alert to current legislation. Reforms are also underway across the UK in the way the devolved nations operate and regulate social care.

For further details of registration in England, contact:

Care Quality Commission
National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne NE1 4PA

Tel: 03000 616161

www.cqc.org.uk

Wales

In Wales, there similar requirements to the pre-October 2010 ones for England requiring new domiciliary care agencies providing *personal care* to register with the Care and Social Services Inspectorate Wales. The National Minimum Standard for Domiciliary Care Agencies in Wales and Regulations which govern the delivery of care in Wales are available from:

<http://wales.gov.uk/subsites/caresocialservicesinspect/publications/nmsdomcare/nmsdomcare.pdf?lang=en>

New business and registration packs are available from CSSIW regional offices. For your local office, see:

<http://wales.gov.uk/cssiwsite/newcssiw/aboutus/contactus/location/?lang=en>

Scotland

In Scotland, care at home and housing support providers are required to register with the Social Care and Social Work Improvement Scotland (SCSWIS), known as the Care Inspectorate, and are governed by the National Care Standards – Care at Home. Registration packs are available from regional or local offices of SCSWIS.

Information on these offices, registration, and the Care at Home Standards, is available from www.scswis.com.

Tel: 0845 600 9527

Northern Ireland

The Regulation and Quality Improvement Authority registers domiciliary care agencies in Northern Ireland. The Standards for Domiciliary Care Agencies and Regulations which govern domiciliary care are available from:

<http://www.dhsspsni.gov.uk/index/phealth/sqs/sqsd-standards/sqsd-standards-care-standards.htm>

Information on registration and regulation is available from:

Regulation and Quality Improvement Authority
9th Floor, Riverside Tower
5 Lanyon Place
BELFAST
BT1 3BT
Email: info@rqia.org.uk Tel: 028 9051 7500 www.rqia.org.uk

Omagh Office
Regulation and Quality Improvement Authority
Hilltop
Tyrone and Fermanagh Hospital
Omagh
Co Tyrone BT79 0NS
Tel: (028) 8224 5828

Related Regulation

There are a range of regulatory requirements which apply to domiciliary care. Sources of information on some of the main areas are as follows:

Employing Staff

Northern Ireland, Scotland and Wales are moving to requiring social care managers and care staff to register individually with the appropriate care council. For more, see the registration pages of the websites for the Northern Ireland Social Care Council, Scottish Social Care Council and the Care Council for Wales.

NISCC: <http://www.niscc.info/Registration-2.aspx>

SSSC: <http://www.sssc.uk.com/Applying-for-registration/applying-for-registration.html>

CCW: <http://www.ccwales.org.uk/registration/>

Reforms in England that could lead to some form of workforce registration are under consideration at the moment.

For information on employing staff, see the following websites:

Department of Business, Innovation and Skills -

www.gov.uk/browse/employing-people

Chartered Institute of Personnel & Development – www.cipd.co.uk

Arbitration Conciliation & Advisory Service – www.acas.org.uk

Pay and VAT

For information about PAYE, National Insurance Contributions and VAT, see www.hmrc.gov.uk or call the Revenue & Customs enquiry helpline on **0845 010 9000**.

Criminal records disclosure

Domiciliary care organisations have to obtain criminal records checks for their staff if they are based in the UK.

For more information, contact:

England and Wales

Disclosure and Barring service – 0870 9090811

www.homeoffice.gov.uk/agencies-public-bodies/dbs/

Scotland

Disclosure Scotland – 0870 6096006

www.disclosurescotland.co.uk

Northern Ireland

Access NI - 0300 200 7888 (local call rate)

www.accessni.gov.uk

Those in Scotland who are joining the vulnerable groups' workforce for the first time, moving posts or whose circumstances have changed, are now required to join the Protecting Vulnerable Groups Scheme. Existing workers are being phased into membership over a three year period from 29 October 2012. For more, see: <http://www.disclosurescotland.co.uk/>

From spring 2013, a new system to provide online updates to individual disclosures came into operation for England and Wales. Northern Ireland is likely to follow suit. <http://www.homeoffice.gov.uk/publications/crime/disclosure-and-barring/>

Policies and Procedures

Domiciliary care organisations seeking to register with the Care Quality Commission, the Care and Social Services Inspectorate Wales, the Care Inspectorate (SCSWIS) and the Regulation and Quality Improvement Authority, are expected to have policies, procedures and documentation in place setting out how aspects their business are to be run. Examples are (this is not an exhaustive list):

Corporate Statement of Purpose, Business Plan

Employment Contracts, Job Descriptions

Range of activities, business marketing literature

Contracts for Services

Service User Plans or Personal Plan

Personal Safety while at work

Quality Assurance

Confidentiality

Non-discriminatory practice, equal opportunities

Health and Safety

Moving and Handling

Dealing with Accidents and Emergencies

Disclosure of Abuse and Bad Practice

Data Protection and Subject Access

Medication Administration

Handling Money and financial Matters

Record keeping, including records kept in the home

Acceptance of Gifts and Legacies

Dealing with Violence and Aggression

Entering and Leaving a Service User's Home

Safe Keeping of Keys

Complaints and Compliments

Discipline and Grievance

Training Plans and Staff Development

For a list of the documents needed by the relevant regulatory body, see the regulator's registration pack, care standards and website, as appropriate.

UKHCA produces a medication policy template to help members develop their own medication policy. We also distribute information on suppliers of policies and procedures – see **Resources** below. Purchasers of such systems are advised to check the documents are suitable for their needs and those of the appropriate regulatory body before purchasing.

For information on health and safety, including Risk Assessment and Writing a Safety Policy Statement, see www.hse.gov.uk

Resources

UKHCA produces a range of publications and web-based resources on the subject of domiciliary care, some of which are available free to download.

The following may be of interest to new businesses:

UKHCA Summary Paper: An overview of the UK domiciliary care sector
<http://www.ukhca.co.uk/pdfs/domiciliarycaresectoroverview.pdf>

Care is not a Commodity - UKHCA Commissioning Survey 2012
<http://www.ukhca.co.uk/pdfs/UKHCACommissioningSurvey2012.pdf>

UKHCA Briefing - A Minimum Price for Homecare (valid until 30th September 2014)
<http://www.ukhca.co.uk/pdfs/AMinimumPriceforHomecareVersion1020140202.pdf>

UKHCA Consultants and Suppliers Directory

Our online listing of services and products for the domiciliary care sector - includes business consultants, market research specialists, services producing pre-prepared policies and procedures, software houses, training providers etc.

The directory is available at: <http://www.ukhca.co.uk/supply.aspx>

The Homecare Workers' Handbook (2013) - The essential guide to care at home for careworkers. This comprehensive, 250 page handbook complements careworker's training and is a valuable reference book for more experienced members of your team.

Available to purchase from: <http://www.ukhca.co.uk/handbook.aspx?1=1>

See the Publications area of our website for a full listing of publications available to purchase:
www.ukhca.co.uk/publications

Discounts are available to UKHCA members.

Unfortunately we are unable to provide individual consultancy to new businesses. Many choose to join our Association when they are up and running, or very nearly so, for the on-going support and services that we provide.

Who Cares for the Homecare Sector?

We hope that new businesses setting up in domiciliary care will consider joining UKHCA, the only professional association dedicated to the needs of homecare providers. We offer:

- **Advice and Support** - through our telephone helplines, legal and human resources advice
- **Information Updates** – the latest policy news delivered by email and via the member only area of our website
- **Publications and Resources** – our bi-monthly magazine *Homecarer* contains a digest of information from the four nations of the UK and our research reports and factsheets offer guidance on key issues
- **Professional Representation** – our links with national and regional Government ensures that the voice of homecare providers is heard by policy makers and the media
- **Commitment to Quality** – UKHCA members subscribe to our Code of Practice and display our logo as their commitment to quality
- **Conferences and Events** – we offer an extensive range of conferences and workshops throughout the UK, with preferential rates for members
- **Training Fund** – we enable members to access funding for training. At the moment this service is limited to England, but we also distribute information on training funding opportunities for the rest of the UK
- **Criminal Record Checks**- we are a registered umbrella body for disclosure purposes in all four nations of the UK, and carry out pre-employment checks of recruits to the homecare sector and for current staff. 020 86618188.
- **Insurance** – our recommended insurance scheme has been designed exclusively for the sector and is only available to UKHCA members. There are special arrangements for temporary cover for new businesses applying to join UKHCA.
- **Advertising and client leads** – the public regularly use our website to find homecare providers in their area and we offer corporate advertising with Yellow Pages and the Thomson local directory.
- **Consultants and suppliers** – to the homecare sector advertise on our website and in *Homecarer* magazine.

The membership information that accompanies this pack describes the benefits of membership more extensively and contains details of how to join the Association. Although the Association is only able to admit to full membership those organisations that are already trading, new businesses can apply for interim

membership, pending the launch of their business and registration with the regulatory body, where appropriate.

Homecare providers who apply for membership are asked for a copy of their certificate of registration from the statutory regulator. We operate a vetting system for organisations applying to join UKHCA who supply services that are unregulated and who cannot supply a certificate of registration with a statutory regulator.

If you would like to find out more about membership or would like to order a publication, please contact:

United Kingdom Homecare Association
Sutton Business Centre
Restmor Way
Wallington
SM6 7AH

020 8661 8188
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www.ukhca.co.uk
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