

Health & Social Care: Care providers

Toughening regulation and CQC

The care sector has always been subject to strict regulation and 2017/18 has seen CQC introduce multiple changes to the way it inspects and regulates providers.

Points to consider:

- The PIR has changed. You must now complete a "Provider Information Collection" on a regular basis.
- The Key Lines of Enquiry and prompts have been revised.
- CQC is taking a tougher stance on regulatory compliance action.
- CQC has assumed responsibility for prosecuting providers and managers for health and safety related incidents.
- A statement of financial viability has been introduced.

GDPR

The data that care providers hold about their staff, service users, and next of kin will be subject to greater scrutiny, particularly as much of the data is sensitive and must be protected.

Points to consider:

- Data security and processing agreements and policies for staff and service users
- Data breach reporting obligations
- The impact of compliance on CQC inspections
- The impact of compliance on the sale or purchase of a care business.

Sleep-in pay crisis

The latest development in the care sector sleep-in pay crisis saw the Government introduce the Social Care Compliance Scheme for providers who have not paid sleep-in shifts in compliance with the National Minimum Wage.

Points to consider:

- Have you audited your pay arrangements and calculated any financial exposure for non-compliance with the National Minimum Wage?
- Should you opt in to the Social Care Compliance Scheme? This decision should be part of a broader strategy on managing your liability.
- What steps can you take to become compliant and stem future liability?

Brexit

The UK's departure from the EU will exacerbate existing staffing challenges for the sector, which is heavily reliant on the European workforce.

Points to consider:

- How to improve recruitment and retention of staff to mitigate the impact of Brexit
- Future rules on the right of EU staff to work in the UK
- Right to work checks and compliance with Sponsorship Licence requirements.



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The changing legal and regulatory landscape means owners and managers are under huge pressure to keep up, ensure compliance and maintain profitability.

At Royds Withy King we specialise in providing expert, cost-effective advice to care providers and care home operators. Our aim is to become part of your trusted team, on hand to provide expert and practical advice when you need it.

We have vast experience advising on a complete range of legal and regulatory issues, acting for all types of care organisations, including nursing and residential homes, retirement villages, housing associations, domiciliary care and supported living providers, hospices and hospitals.

Our advice and services are tailored to suit the specific needs of our clients and cover a very wide range of issues. We advise clients in the social care sector on buying, selling and developing care businesses; employment law and HR issues; CQC registration and enforcement; fees and funding; safeguarding and inquests. Our multi-disciplinary team also has the expertise to help you deal with emerging issues affecting your business such as preparing for Brexit and the impact of the General Data Protection Regulation (GDPR).

Great service is a given. What differentiates us is our commitment to going the extra mile for our clients. For us, it's about building long lasting client relationships, understanding the regulation and market forces within your sector and adding value over time.

"I have worked with the team on a growing number of our care home acquisitions, disposals and re-finances, including our purchase of a portfolio of homes from Viridian Care. I have always found them to be accessible and quick to respond to any queries I may have during a transaction. I am very happy to recommend the Health & Social Care team at Royds Withy King to other care home operators."

Ravi Gidar, Director, Gold Care Homes

Pre-sale reorganisation and sale of Gold Care Holdings Limited

We advised the sellers of Gold Care Holdings Limited, a care home operator with 18 care homes, on the circa £90m sale of the Gold Care group to an overseas real estate investor. The transaction included a pre-sale reorganisation and property sale and leaseback of 18 care homes.

Gold Care Homes was established in 1999 and has since grown to operate 21 care homes through development, mergers and acquisitions. The homes are located throughout southern and central England, and focus on the private and public pay markets. The transaction involved 18 of the homes, located mainly in Southern England and Birmingham. The remaining homes will be operated outside the sale and leaseback agreement.

We worked closely with Gold Care Homes and their tax advisors to structure the deal and provide comprehensive pre-sale support, which included corporate and property advice. An important part of our work was advising the owners of Gold Care Homes on various regulation and compliance issues in relation to registering four new operating companies to run and administer the care homes.