

## Guidance Sheet 1 – Keeping it Legal (Compliance)

You have decided to start your own business, to be your own boss. Although this means that you have control over what work you take on, what hours you work, and the opportunity to work around family commitments, there are still things that you will need to do to make sure you run your business safely, and legally.

This guidance sheet will provide an overview of the following requirements and where to go for further support:

1. Registering with HMRC (Her Majesty's Revenue & Customs)
2. Insurance
3. General Data Protection Regulations (GDPR) General Data Protection Regulations (GDPR)
4. DBS (Disclosure & Barring Services) Check
5. Business Support

### 1. Registering with HMRC (Her Majesty's Revenue & Customs)

Registering with HMRC is an on-line process. The registration process will ask for information about you, and your business. Tax records will be set up using this information so it must be accurate. By registering with HMRC you are registering for Self-Assessment tax, paying taxes as an employer and NIC (National Insurance Contributions).

All Micro-care providers will need to register with HMRC. You will register as **one** of the following:

**Sole Trader** - This means you will have self-employed status. It is the easiest way to start a business. It is important to note that self-employed people can employ additional staff.

**Partnership** - A partnership can be formed by two or more people starting a business together.

**Limited Company** - This gives the business a separate identity. It is more complex to manage, requiring stringent record keeping and reporting annually to Companies House, open to public scrutiny.

### Further information

For full guidance and to register:

- Self-employment [Click here](#)
- Partnership [Click here](#)
- Limited Company [Click here](#)

## 2. Insurance

Any business activity is open to risk at some level and will require insurance cover. Insurances you need to consider and purchase include:

- Public Liability (£5m) including cover for medication errors. This is because there are some risks associated with a carer's role e.g. administering medications, helping people to move around their home or outside. These are situations for example, where personal injury, errors **or accidents may happen.**
- Employer Liability (5m) – **ONLY** if employing staff
- Business insurance on your car
- If you are offering support services regarding animals, consider having pet insurance

### Further information

Some insurers that sell Public Liability Insurance for carers:

- Fish Insurance [Click here](#)
- Mark Bates Limited [Click here](#)

## 3. General Data Protection Regulation (GDPR)

Whether you are a sole trader, or employing people, the Data Protection Act 2018 controls how personal information is used by organisations, businesses, or the government.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

Everyone responsible for using personal data has to follow strict rules called '**data protection principles.**' They must make sure the information is used fairly, lawfully, and transparently:

- used for specified, explicit purposes
- used in a way that is adequate, relevant, and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction, or damage

There is stronger legal protection for more sensitive information, such as:

- race
- genetics

- ethnic background
- political opinions
- religious beliefs
- trade union membership
- biometrics (where used for identification)
- health
- sex life or orientation

#### Further information

Information Commissioners Office [Click here](#)

#### 4. Disclosing and Barring Service (DBS) Check (Police Act)

Individuals planning to work in the care sector will require an enhanced DBS check. The aim of the DBS check is to provide reassurance to customers/clients you are working with. It is also a requirement of Flintshire County Council if you plan to take on any work associated with the authority when working with vulnerable people. The DBS replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Access to the enhanced DBS checking service is only available to registered employers who are entitled by law to ask an individual to reveal their full criminal history, including spent convictions. Although Flintshire County Council will not be your employer, they will apply for an enhanced DBS certificate on your behalf, for the purpose of assessing your suitability to undertake self-employed Micro-care service.

#### Further information

If you live or work in **England or Wales** you need to apply for a 'Basic Check Certificate' from the Disclosure and Barring Service (DBS). You must be 16 or over to apply.

For full information about the Data and Barring Service [Click here](#)

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## Business Support

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