

Policy on registration requirements for mixed-age care homes

Policy on requirements for Care home services that look after children and adults at the same place.

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1. Purpose

This policy sets out the CIW's approach to monitoring care homes that support both children (aged 0–17) and young adults (aged 18+) in the same place after the **Health and Social Care (Wales) Act 2025** (<https://law.gov.wales/health-and-social-care-wales-act-2025>) (“the 2025 Act”) comes into force on 1 April 2026.

2. Scope

2.1. Restricted children's services

The 2025 Act defines “restricted children’s service” as:

- a care home service in so far as the service is a children’s home service (provided wholly or mainly to children),
- a fostering service, or
- a secure accommodation service,

and introduces restrictions to these services in a phased way if they are provided by a for-profit legal entity (registered or applied to register prior to 1 April 2026).

From 1 April 2026:

- No new for-profit providers will be able to register to provide a “restricted children’s service” in Wales and existing for-profit providers will not be able to vary their registration to add a restricted children’s service.

From 1 April 2027:

- Existing for-profit providers of a restricted children service will not be able to increase their max capacity/no new foster carers approved.

By 1 April 2030:

- No more children placed in for-profit restricted children’s services unless Welsh Ministers approve the placement through the new supplementary placement application process, including placements from English local authorities unless there are exceptional circumstances.

These changes create a very important distinction between providers who provide a care home service at places where the service is provided for adults and those who provide the service at places where it is provided for children.

As of 1 April 2026, the service subtype “Adults and Children’s care home” will cease to exist in CIW. Providers will have to declare, for each individual place where they provide a care home service, whether they are a

- Care home for children – children’s home service (wholly or mainly for children (0-17) (only not-for-profit legal entities), or
- Care home for adults - intend to provide services mainly to adults (18 years or over)

Providers will be able to choose from a range of service needs to be able to describe who they provide a service for.

Example 1

A service intending to provide a care home wholly or mainly for children, but who may also have some young adults will be categorised as a **Care home for children** and will choose the range of needs they provide for including ‘care for children with some younger adults (up to age 25)’

Example 2

A service intending to provide a care home mainly to adults, but who may also have some children will be categorised as a **Care home for adults** and will choose the range of needs they provide for including ‘care for children.’ This guidance sets out how CIW will manage situations where the balance of children and adults living in a care home change.

3 Monitoring and enforcement

3.1. Existing mixed-age care homes provided by a ‘for-profit’ provider as of 1 April 2026

Scenario A

If, on 1 April 2026, a for-profit provider provides a ‘**Care home for children**’ and their statement of purpose reflects they also provide care to some young adults up to the age of 25, as a restricted children’s service they will be subject to the restrictions the Act introduces from 1 April 2026 onward, which will be shown on the CIW directory.

If the cohort of people at that care home subsequently changes so the care home is looking after more young adults than children over a 12-month period

- The provider must inform CIW about the plan to resolve the fluctuation i.e. young adults move on plans which may include concluding their education before moving to ensure the service provided is consistent with the statement of purpose.

- If the change is not intended to be permanent, there is no further action.
- If the change is intended to be permanent:
 - The provider must change their Statement of Purpose to show they now intend to provide the care home service, at that place, mainly to adults.
 - As the provider is no longer providing, or intending to provide, a children's home service at that place, CIW will update the register to reflect the provider is no longer subject to the 2025 Act restrictions
 - It is important to note if the for-profit provider subsequently decided it wanted to return to providing a children's home service wholly or mainly to children, at that place, it would not be able to do so unless it established a separate not-for-profit entity that meets the requirements of section 6A and register this new entity with CIW, before transferring the service to the new entity.

Scenario B

If, on 1 April 2026, a for-profit provider provides at least one **Care home for adults** (mainly to adults) and has a statement of purpose which reflects they also provide care for some children, they are not classed as children's home service. If subsequently their cohort of resident's changes so they are looking after more children than adults, over a 12-month period the following applies.

If the change is permanent:

- They would be determined as operating a restricted children's service and in breach of the not-for-profit requirement. This would mean they would not be able to continue to provide the service unless they established a separate not-for-profit entity which meets the requirements of section 6A of the Regulation and Inspection of Social Care (Wales) Act 2016 and transferred the care home for children service to this new entity.
- An application to register this new 'not-for-profit' legal entity must be submitted.
- Their Statement of Purpose would need to show that they intend to provider a children's home service (wholly or mainly for children).
- Once registered they will have conditions on their registration to require them to inform CIW if they no longer meet the requirements of section 6A (not-for-profit requirements) and this would be reflected on the CIW service directory.

If the change is not permanent:

If they are not intending to make this a permanent arrangement and the current situation is a temporary fluctuation and they still want to look after mainly adults, they are then operating outside the terms of their statement of purpose and without meeting the section 6A requirement to be a not-for-profit entity. This is because at that point in time

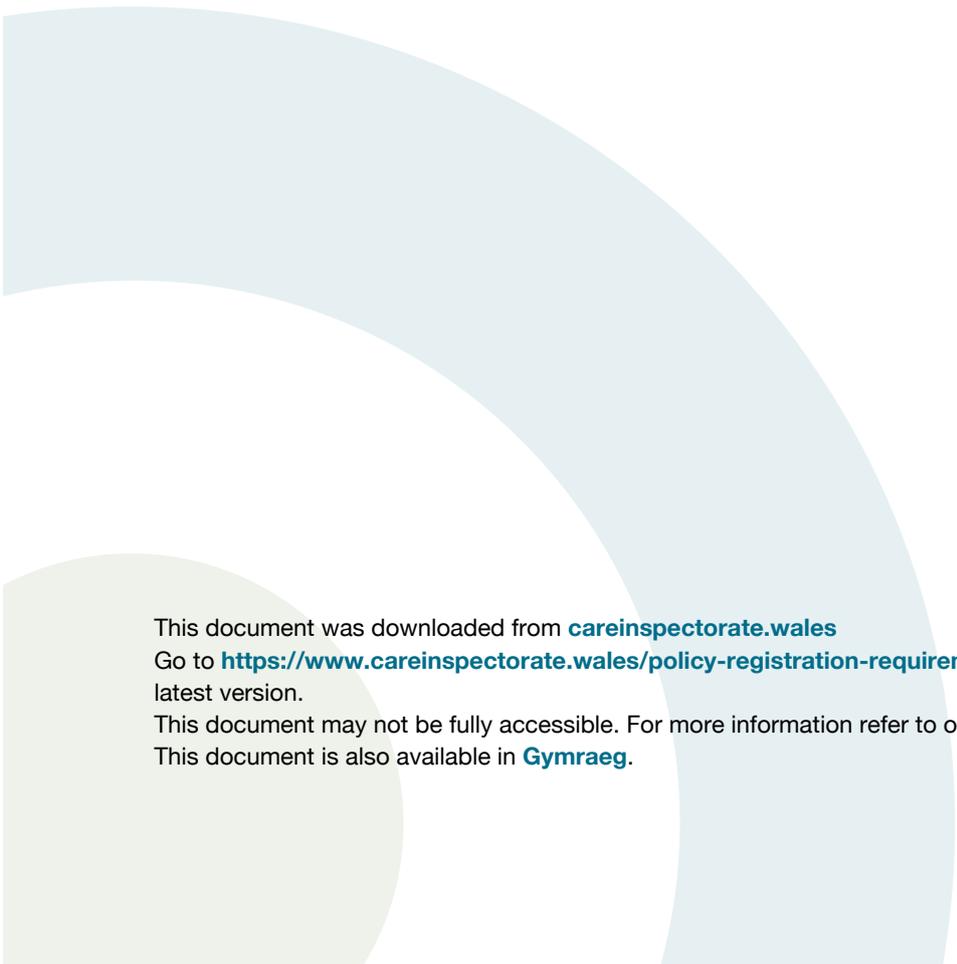
with mainly children being cared for, the care home would be classified as a children's home service (which is a restricted children's service). In this situation the following applies.

- CIW will ascertain what the provider's plans are to redress the imbalance in the number of adults and children, this will include a discussion around timeframes. CIW will ensure the timescales to address the issue are reasonable, fair and proportionate and will normally expect this to take place within 6 months.
- CIW will monitor this situation. CIW may impose conditions on the provider's registration in relation to the place in question to prevent admissions which would prevent the situation being redressed.
- If the provider **fails to follow through within the agreed timescale**, CIW will inform the provider they are now operating a restricted children service and therefore would be in breach of the not-for-profit requirements and are liable to enforcement action including having their registration varied to remove the service at that place.
- Where a provider says that it intends to establish a new not-for-profit entity which meets the requirements of section 6A of the Regulation and Inspection of Social Care (Wales) Act 2016 and transfer the care home service to that entity, CIW may take this into account in deciding what enforcement action to pursue. The provider would need to submit an application to CIW to register the new not-for-profit entity.
- If the provider has no intention of transferring the care home to a not-for-profit entity at all or within a reasonable time period, CIW will consider their full range of enforcement options, adopting a proportionate approach. This could include imposing conditions on the provider's registration preventing the provider from taking any new placements of children, giving a notice of proposal informing them of CIW's intention to cancel their registration or vary their registration to remove that service, through to prosecuting the provider for operating a service without being registered in accordance with Chapter 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 in breach of section 5 of that Act.

3.2. All new registrations of care homes registered from 1 April 2026

All new registrations of restricted children's service after 1 April 2026 will be one of the 4 Welsh Government approved legal entities and have no restrictions placed on them. If they chose to move to a position whereby, they are looking after more adults than children and this is going to be a permanent change, they should submit a statement of purpose to reflect the change.

All applications to register a care home for adults where the provider also intends to provide care to some children will not be required to be a not-for-profit legal entity, but must be aware they will be subject to the same enforcement approach outlined in Scenario B in section 3.1 above if their cohort of people living at the service permanently change so they are then providing the service wholly or mainly to children.



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