

Please note:

Each regulated activity requires a separate registration – you may need to register for more than one

Personal care

Description

The regulated activity of personal care consists of the provision of personal care for people who are unable to provide it for themselves, because of old age, illness or disability, and which is provided to them in **the place where those people are living at the time when the care is provided**. As an example, this includes personal care provided by a domiciliary care agency. It also includes Shared Lives schemes.

A person managing a prison or other similar custodial establishment is exempt from having to register if **they** provide personal care for persons detained. However, for the purpose of the regulations, a prison will be considered where a person is living for the time that they are detained there. This means that if a domiciliary care agency provides personal care in prisons or similar custodial settings, the provider of the domiciliary care agency is required to register with CQC, because the exemption only applies to the person managing the prison.

A fostering agency that is inspected by OFSTED, whose services include the provision of personal care to children that are placed or being placed, is exempt from having to register with us for the activity of personal care.

You do not need to register for this activity if you are registered or registering to provide the people using your service with accommodation together with the personal care for example, 'accommodation for persons who require nursing or personal care' or 'accommodation and nursing or personal care in the further education sector'. You need to think about the service you provide and if you are registering to provide a service that is accommodation together with personal care but you also provide personal care services to people **in the place they live**, then you will also need to apply for 'personal care'.

CQC will normally impose conditions on a provider's registration that restrict a regulated activity to a given location. These conditions mean that if a provider runs a care home at location A as well as a domiciliary care service from location B, registering only for 'accommodation for persons who require nursing or personal care' at location A will not cover the provision of 'personal care' from location B. This needs to be registered as a separate regulated activity from this separate location (see guidance on locations at: www.cqc.org.uk/locations).

You may need to apply for other regulated activities if they are being provided to people at the location that forms the accommodation (such as 'diagnostic and screening procedures'). It may form part of a list of activities that a provider is registered for.

You should not register if you provide carers (in the role of an employment or introductory agency):

- To another organisation who will then be responsible for direct provision of the care, or
- To an individual who will then wholly take responsibility for the provision of their own care under a personal budget or private arrangement.

You should not register if you are a carer employed by an individual or a related third party (without the involvement of an employment agency or employment business) and working wholly under the direction and control of that individual or related third party in order to meet the individual's own personal care requirements. A related third party means:

- An individual with parental responsibility (within the meaning of section 3 of the Children Act 1989) for a child to whom personal care services are to be provided.
- An individual with power of attorney or other lawful authority to make arrangements on behalf of the person to whom personal care services are to be provided.
- A group of individuals mentioned in either of the above 2 bulleted points making arrangements on behalf of one or more persons to whom personal care services are to be provided.
- A trust established for the purpose of providing services to meet the health or social care needs of a named individual.

Adult placement schemes (known as shared lives schemes)

Shared lives schemes (referred to in The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 as 'Adult Placement Schemes') should register **only** for the regulated activity of 'Personal care' and **not** the regulated activity 'Accommodation for persons who require nursing or personal care'. This is because:

- The provider of the **scheme** is registered and not the owners or providers of the individual homes (the accommodation).
- The accommodation aspect of the service supplied by the shared lives carer (adult placement carer) is out of the scope of the regulations, and the homes where service users live are not 'regulated premises' that we can inspect.

However, shared lives schemes should **only** be registered for 'personal care' where they provide placements for people with personal care needs. If they do not provide this type of placement, they will be out of scope for this regulated activity.

Decision tree for 'personal care'

