



Personal Assistant (PA) working and CQC registration requirements

Introduction

The purpose of this note is to offer guidance in regard to personal assistant (PA) working and the need (or not) for CQC registration. It will be of use to people (individual employers) employing one or more PAs to meet their care and support needs; either via a direct payment, personal health budget (PHB), self-funding or other means. It will also be of use to organisations supporting individual employers and PAs including (though not limited to) local authorities, NHS organisations and user-led organisations (ULO).

The information within this note serves as guidance only. Anyone unsure of whether their working arrangements or the working arrangements they oversee require CQC registration should seek their own legal advice and can contact CQC to talk through the specifics of their particular situation.

There are some scenarios at the end of this document that may help you relate this guidance to your situation

Definition of employment

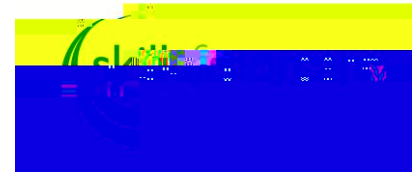
The term „employment“ can have different meanings and therefore different implications. When CQC refers to „**employment**“ of a personal assistant by an individual it does not carry the same meaning as „employment“ for purpose of HMRC activities and requirements. The CQC meaning is much broader in its scope and includes both people who are directly employed by an individual and also those who are self-employed¹ but have an agreement to work directly for an individual and to be paid directly by them. In this document the term „employed“ is used in this wider sense as used by CQC.

PAs who are employed directly by an individual and self-employed PAs with an agreement to work directly for an individual and to be paid directly by them.

PAs who are directly employed by an individual, or related third party, and self-employed PAs with an agreement to work directly for an individual do not need to be CQC registered.

This is because the current Regulated Activity² of „personal care“ sets out an exemption relating to PAs. The exemption applies in cases where a carer (PA) is employed by an

confirm this status with HRMC.



PAs who are required to support the employer (including with personal care) during a temporary stay in hospital or residential settings (e.g. as part of a respite arrangement)

There would be no requirement for the PA to be registered with CQC. The hospital or residential home would need to be satisfied as to the suitability of the person coming into the care home or hospital to undertake any type of work – just as any business, care home or hospital are required to do under current health and safety requirements. Related to this, the hospital or residential home would also need to provide any necessary training or supervision in carrying out any tasks in the hospital or care home.

Partnerships and agencies providing PA services

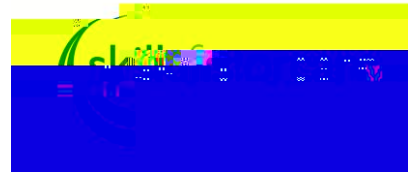
The regulated activity of „personal care“ has an exemption for people who introduce a carer to an individual, but who then have no “on-going role in the direction or control of the service provided”. To determine whether a partnership, agency or collaborative should be registered consideration needs to be given as to whether there is „an on-going role in the direction or control of the service provided“ .

When does this ‘ongoing role’ mean a provider must register for personal care?

The regulated activity of personal care **APPLIES** in the following circumstances:
A person, an employment agency or employment business (referred to as the provider), introduces a care worker to an individual who needs care, and the provider does **ANY** of the following:

Monitors the service provided to the individual and, as a result of this monitoring,

with the individual.



When does this 'ongoing role' mean a provider may not need to register for personal care?

The regulated activity of personal care **DOES NOT APPLY** in the following

