
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”), and apply in relation to domiciliary care agencies in England only. Part I of the Act establishes, in relation to England, the National Care Standards Commission (“the Commission”) and Part II provides for the registration and inspection of establishments and agencies, including domiciliary care agencies, by the Commission. It also provides powers to make regulations governing the conduct of establishments and agencies.

Regulation 3 excepts certain agencies from being a domiciliary care agency.

By regulation 4, each agency must prepare a statement of purpose in relation to the matters set out in Schedule 1 and a service user’s guide to the agency (regulation 5). The agency must be carried on in a manner which is consistent with the statement of purpose.

Regulations 7 to 11 make provision about the fitness of the persons carrying on and managing an agency and require satisfactory information to be obtained in relation to the matters specified in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 7). Regulation 8 prescribes the circumstances where a manager must be appointed in respect of the agency, and regulation 9 makes provision concerning the fitness of the manager. Regulation 10 imposes general requirements in relation to the proper conduct of the agency, and the need for appropriate training.

Part III makes provision in relation to the conduct of agencies, in particular about the quality of services to be provided by an agency. Regulation 12 makes provision about the fitness of domiciliary care workers and requires satisfactory information to be obtained in relation to the matters specified in Schedule 3. Regulations 13 and 14 set out the arrangements that must be made by a registered person relating to the conduct of an agency generally and also the procedures which must be implemented in circumstances where domiciliary care workers are supplied to patients by an agency acting otherwise than as an employment agency. In addition, provision is made as to staffing (regulation 15), the staff handbook (regulation 16), the provision of information to service users (regulation 17), the identification of domiciliary care workers (regulation 18), record keeping (regulation 19 and Schedule 4) and complaints (regulation 20). Provision is also made about the suitability of premises (regulation 22) and the financial management of the agency (regulation 23). Regulations 24 to 27 deal with the giving of notices to the Commission.

Part IV deals with miscellaneous matters. In particular, regulation 29 provides for offences. A breach of regulations 4 to 6 and 11 to 25 may found an offence on the part of the registered person. However, no prosecution may be brought unless the Commission has given notice which sets out in what respect it is alleged he is not complying with a regulation, and what action (if any), and by when, the Commission considers is necessary in order to comply with the regulation.