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## STATUTORY INSTRUMENTS

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# 2002 No. 3214

## The Domiciliary Care Agencies Regulations 2002

### PART 1

### GENERAL

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Domiciliary Care Agencies Regulations 2002 and shall come into force on 1st April 2003.

(2) These Regulations apply to domiciliary care agencies in England only.

#### Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“agency” means a domiciliary care agency;

“agency premises” means the premises from which the activities of an agency are carried on;

“direct service provider” means a provider who supplies a domiciliary care worker who is employed by, and who acts for and under the control of, the provider;

“domiciliary care worker” means a person who—

(a) is employed by the agency to act for, and under the control of, another person;

(b) is introduced by an agency to a service user for employment by him; or

(c) is employed by a direct service provider,

in a position which is concerned with the provision of personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“registered manager”, in relation to an agency, means a person who is registered under Part II of the Act as the manager of the agency;

“registered person”, in relation to an agency, means any person who is registered as the provider or the manager of the agency;

“registered provider”, in relation to an agency, means a person who is registered under Part II of the Act as the person carrying on the agency;

“responsible individual” shall be construed in accordance with regulation 7(2);

“service user” means any person for whom an agency—

(a) supplies a domiciliary care worker who is employed by the agency (including domiciliary care workers supplied by a direct service provider); or

- (b) provides services for the purpose of supplying him with a domiciliary care worker for employment by him;

“service user’s guide” means the guide produced in accordance with regulation 5(1);

“statement of purpose” means the written statement compiled in accordance with regulation 4(1).

- (2) In these Regulations, references to the supply of a domiciliary care worker mean—

- (a) the supply of a domiciliary care worker who is employed by an agency to act for and under the control of another person;
- (b) the introduction of a domiciliary care worker by an agency to a service user for employment by him; and
- (c) the supply of a domiciliary care worker employed by a direct service provider to a service user.

(3) In these Regulations, the terms “employed” and “employment” include employment under a contract of service or a contract for services, or otherwise than under a contract and whether or not for payment.

### **Excepted undertakings**

3. For the purposes of the Act, an undertaking is excepted from the definition of “domiciliary care agency” in section 4(3) of the Act if the undertaking is carried on by an individual who—

- (a) carries it on otherwise than in partnership with others;
- (b) is not employed by an organisation to carry it on; and
- (c) does not employ any other person for the purpose of the undertaking.

### **Statement of purpose**

4.—(1) The registered person shall compile in relation to the agency a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered person shall supply a copy of the statement of purpose to the Commission and shall make a copy of it available on request for inspection at the agency premises by every service user and any person acting on behalf of a service user.

(3) Nothing in regulation 22 shall require or authorise the registered person to contravene, or not to comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

### **Service user’s guide**

5.—(1) The registered person shall produce a service user’s guide which shall include—

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of the services to be provided to service users, including as to the amount and method of payment of fees;
- (c) a summary of the complaints procedure established in accordance with regulation 20; and
- (d) the address and telephone number of the Commission.

(2) The registered person shall make a copy of the service user's guide available on request for inspection at the agency premises by every service user and any person acting on behalf of a service user.

**Review of statement of purpose and service user's guide**

6. The registered person shall—
  - (a) keep under review and, where appropriate, revise the statement of purpose and the service user's guide; and
  - (b) notify the Commission of any material revision within 28 days.