

Individual budgets, self-funded nursing care or personal care and individual user trusts

Nursing care

A person can use their own finance or individual budget (provided by the local authority or health authority) and make their own arrangement for nursing care where a registered nurse works directly for them and under their control, without involving an agency or employer in managing or directing the care provided. In this case, the registered nurse **may** not need to register with CQC. However, this exception only applies to the regulated activity of Nursing care. If nursing activities involve treatment, then the regulated activity of Treatment of disease, disorder or injury is likely to apply instead. There is no exception from registration for the regulated activity of Treatment of disease, disorder or injury for nurses who are directly employed by an individual.

Personal care

A person, or a related third party on their behalf, can make their own arrangement for personal care where a care worker works directly for that person and under their control, without involving an agency or employer in managing or directing the care provided. In this case, the care worker does not need to register for the regulated activity of Personal care.

These exceptions for Personal care and Nursing care only apply where a person directly employs a care worker to provide their personal care or a nurse to provide them with nursing care. If the care worker or nurse stops working for the person in a directly employed capacity and instead sets up a limited company for business arrangements, they then work for their own company. The company then becomes responsible for providing personal or nursing care and has an ongoing role in how the service is provided. In this case, the company may be in scope for registration and need to register for the regulated activity of Personal care and/or Nursing care.

If directly employed individuals provide nursing or personal care in their own home overnight, they are providing the regulated activity of Accommodation for persons who require nursing or personal care, and they may be in scope for registration and need to register (unless the care is provided through a Shared Lives Scheme).

An individual user trust can be set up to make arrangements for services to meet the health or social care needs of a named person. The user trust is exempt from registration as it is the provider of the services and not the body of trustees that is carrying on the regulated activity. This is detailed in Regulation 4(4) of the Care Quality Commission (Registration) Regulations 2009.

Introductory or employment agencies

Employment agencies (sometimes known as introductory agencies) are exempt if:

- they only help people find registered nurses, nursing associates or care workers, and
- they do not have any role in managing or directing the nursing or personal care that a registered nurse, nursing associate or care worker provides.

[See further details of what we mean by having no ongoing role in providing a personal care service.](#)

