

# Self-employed carer guide

This guide is designed to support self-employed care and support workers in England by providing clear, consistent advice on operating legally and safely within the current regulatory framework.

It is particularly relevant for individuals delivering personal care under direct arrangements with clients, without the involvement of third-party agencies. The guide outlines key responsibilities, legal boundaries, and best practices, helping carers understand when Care Quality Commission (CQC) registration is required and how to maintain professional standards in unregulated care settings.

## IMPORTANT

**Employment status (to be employed or self-employed) is determined by the facts of the working relationship - such as the level of control, the nature of the work, how the worker is paid, and how the parties operate in practice - not by the title or label they give it. When there is a dispute about a worker's status, it can be assessed by HMRC and the employment tribunal.**

## Knowing your boundaries

The essentials for running a safe, legal, high-quality self-employed care and support service in England.

### 1. As a self-employed care worker do I need to be regulated by the social care regulator the Care Quality Commission (CQC)?

Delivering physical assistance with daily living (Personal Care) is a regulated activity. All services that coordinate, manage and direct care are legally required to register with the Care Quality Commission.

CQC have created an exemption for individuals (employed or self-employed) who work wholly under the control and direction of the person receiving support, without any third-party employment agency or employment business management. Found out more about this at [Personal care: ongoing role, introductory agencies and individual care workers - Care Quality Commission](#).

## 2. What does this exemption from regulation mean for me and my service?

It means you can only deliver personal care in very specific circumstances. For a guide in what is classed as Personal Care see: [Definition of Personal Care](#)).

| Legally able to provide personal care   | Not legally able to provide personal care unless CQC regulated                    |
|---|---|
| You are an individual (either a sole trader, or direct employee) working for the person receiving care (or their legal representative). | You are a limited company, or partnership with others.                            |
| Tasks are agreed and directed by the person receiving care (or their legal representative).   | Tasks managed, directed by care worker.   |
| The person receiving care has direct contract of services with or has employed the care worker.   | Employment Agency or Business (third party) manages or directs care arrangements. |

## 3. Does this exemption affect who I can deliver support to?

Yes – you are only able to work for people who have the capacity, ability and willingness to self-direct their care. Before accepting any support arrangement, you need to be able to answer yes to the following questions.

| Yes  | No  |
|--|---|
| <b>The person engaging your service (or their legal representative)...</b>   |   |
| is able to source their care and assess your suitability (interview you, check your service portfolio – DBS, insurance, training etc) and make an informed decision about your service.                        | is unable or unwilling to do this, or reliant on a professional or someone without lasting power of attorney to do this on their behalf.  |
| has a clear idea about the care and support they want, when they want it and how. They are able to co-create a support plan and give clear instructions around the support they require.                       | is unable or unwilling to instruct the care worker around the tasks or support requirements.  |
| is able to co-ordinate and manage their care on an 'ongoing basis'. They are responsible for building their care teams and working with you to find a replacement for sickness, holiday or personal emergency. | is unable or unwilling to manage their care or make changes when this is needed. A good indicator is if you are being asked to co-ordinate care, manage other care workers or create rotas. |
| understands the risks and responsibilities of using services that have not been regulated in the same way as CQC registered services have.   | is not aware of the fact that the checks have not been made on self-employed or employed care workers, and they need to do this and be responsible for the support/ care delivered.         |

#### 4. Can I work alongside other care workers under the exemption from CQC regulation?

| Yes   | No  |
|---|---|
| You have separate individual contracts with the person receiving care.  | You are working in a 'formal partnership' with other care workers (sharing profit/ loss, costs, decision making). |
| The person receiving care directs your and any other care workers work.   | You oversee or monitor the work of other care worker  |
| To cover any sickness or planned absence you introduce a replacement worker - the employer as the person receiving care and support makes a decision to accept or reject your substitution. | Charge for the services delivered by other care workers   |
| You are employed to provide care and support on certain days and times, and another care worker has also been contracted to work the same days and times.                                   | Arranging rotas of care workers on behalf of people who receive care.   |

#### 5. If I/my service falls outside of regulation with the CQC, what are my legal responsibilities?

Your legal responsibilities are having the correct employment status and being registered for tax. If you are self-employed you need to make sure that the way you are running your service meets the requirements for self-employment (see [Check employment status for tax - GOV.UK](#)). As a guide this looks like:

- Having two or more customers
- Actively promoting and marketing your service
- Negotiating your support agreements around other clients/ responsibilities.
- Paying for training, public liability insurance, DBS business related expenses
- You provide your own contract or terms of services for both parties to sign.
- Invoice for work delivered on the basis that if you don't work you don't get paid. Invoice to include your contact details, hourly rate of pay, date and times you worked and a description of the service you provided with a complete cost breakdown and total.



## 6. What training, qualifications or standards do I have to have?

There are no legal or set rules around unregistered care and support. However, as a growing market we encourage you to join local and national lists, directories and accreditation programmes. There are some [suggested learning opportunities](#) listed on the government's Personal Assistants role category information.

As a minimum we expect all independent care and support workers to be trained and competent to deliver services and meet the [Code of Conduct](#) for support workers in England. Best practice is all independent care and support workers to have a portfolio that includes:

- enhanced DBS check
- public liability insurance
- references and testimonials
- assessment and support plans
- risk assessment
- complaints procedures
- safeguarding procedures.

## 7. What happens if the person I support loses capacity to self-direct their care or the families are no longer able to direct my and other care workers work?

At the outset of this engagement, you should have a contingency plan for if or when peoples needs change. If care is becoming more complex or the families are no longer able to self-manage, it is a likely indicator that a Care Quality Commission (CQC) registered service is needed. Being CQC registered gives a service the legal ability to take responsibility for managing, directing and coordinating the care. You should support families to make this arrangement.

## 8. Can I legally get work through an introductory service without them being registered with CQC?

There is a proliferation of introductory type agencies. There is an exemption from CQC regulation for intermediaries that make introductions between care workers and care seekers, but have no ongoing control and direction (see: Personal care: ongoing role, introductory agencies and individual care workers - Care Quality Commission). There is a national conversation around the legal basis these arrangements in terms of employment status, CQC and employment agency standard (EAS) regulations. The Low Income Tax Reform Group have published some very useful guidance, which we recommend you read [Using an agency to find a carer | Low Incomes Tax Reform Group](#).

## 9. What happens if I have a concern that a provider is providing care illegally and should be regulated by CQC.

You should report this to the Care Quality Commission Report an unregistered service - Care Quality Commission. Providers that are found to be delivering services that should be registered with CQC are liable to fines of up to £50,000.