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trading standards law explained

Checklist one: first contact

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The purpose of this checklist

This checklist is designed to support care homes in complying with consumer law. These requirements are in addition to sector-specific legal requirements and standards that also apply to your care home.

This checklist should be read in conjunction with the other checklists and the guidance provided in the first part of this guide, as well as the detailed guidance produced by the Competition and Markets Authority (CMA), which provides more detail on the requirements listed below (see the link in the first part of this guide).

What information do you need to provide on first contact?

On first contact with your care home, you must provide prospective residents and their representatives with all the information they need to make an informed decision. This information is likely to include:

- whether you accept both self-funded and state-funded residents, and the details of these funding arrangements
- an overview of the key features / main characteristics of your service, such as the types of care needs that you can provide for, the number of beds in your care home and your staffing arrangements
- where applicable, your care home's latest overall inspection rating or grade from the relevant sector regulator and the website address or a link to your most recent performance inspection report
- a clear summary of the terms and conditions, particularly those that prospective residents or their representatives might find surprising, or terms and conditions that are important to bring to their attention. For example, any minimum periods that apply, whether a guarantor is needed and how a resident's fees may change over time
- an accurate and up-to-date indication of the total weekly fee rates charged to self-funding residents, inclusive of all applicable fees, charges, etc. To comply with consumer law, it is important that any mandatory fees that are not genuinely optional are included in your weekly fees
- an explanation of the services included in the weekly fees and any optional extras or additions that would need to be paid for separately, such as hairdressing services or being accompanied on hospital visits. If it is not possible to calculate these optional charges in advance, then a clear statement that such charges are payable must be given
- details of any other mandatory fee requirements, such as the need to pay a certain number of

weeks' fees in advance of taking up residency, or any other deposit that is required
- if you have made an 'invitation to purchase' (see the first part of this guide), you must provide additional information, such as your address, email address, details of anyone you are acting on behalf of, any relevant cancellation rights, and any deviations from your published practices. You must also provide any other information you are required to give by law

This is not an exhaustive list. You should ensure that you provide all the information that a prospective consumer and their representatives will need to make an informed decision about whether to take any action. This includes, for example, deciding whether to visit your website or to call or visit your care home.

How must you provide this information?

You must consider the many different ways that prospective residents and their representatives may make their first contact with you, and ensure that the key information requirements are provided. To assist you, some examples of different contact methods and factors to consider are provided in this checklist.

For all methods of initial contact, you must ensure that:

- all information is accurate, truthful, up to date, clear and written in simple terms
- the information is not presented in a way that is unclear, misleading, obscured or hidden
- you have considered the needs of your prospective residents and their representatives. For example, you could make information available in different formats, such as large print, audio, etc. If you cater for non-English speaking residents, you could make information available in different languages
- you have provided clear and easy information on finding contact details for your care home, so prospective residents and their representatives can contact you to ask questions
- your staff are suitably trained and can answer any questions that potential residents and their representatives may have

Information that you provide, in any format, must comply with consumer law.

On your website, you should consider:

- is all the key information prominently displayed?
- is it only one click away from the home page / landing page?
- is it written and presented clearly?
- are you drawing prospective residents' and their representatives' attention to the key information, such as by having a clearly titled tab or heading on your home page / landing page?

Over the telephone or email, you should consider:

- is the key information being explained clearly and in a way that is easy to understand during a first call / email to your care home?
- are you offering to send the caller further information, such as a 'key facts' sheet, a brochure or a link to the key information on your website (depending on their preference)? If in a brochure, the key information must be brought to the reader's attention

During prospective residents' and/or their representatives' first visit to your care home, you should consider:

- is the key information being explained clearly to prospective residents and their representatives when they first visit your care home? Is it provided in a way that is easy to understand?
- are you providing further information (such as a 'key facts' sheet or a brochure) confirming the information that you have given during the visit, or a link to the key information on your website, if

they prefer. If in a brochure, the key information must be brought to the consumer's attention

You should also provide any other important information, where potential residents or their representatives want or ask for that information.

< Care homes and consumer law

> Checklist two: before offering a place

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