businesscompanion
trading standards law explained

Checklist two: before offering a place

In this section

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 additional information do you need to provide before offering a place?

Before offering a place in your care home, you must provide prospective residents and their representatives with all the information they need to make an informed decision. Checklist one covers the key information that should be provided to residents and their representatives on their first contact with you.

However, there is additional information that should be supplied to them in good time before you offer them a place in your care home. Sometimes this information may need to be provided during the initial contact. If not already provided, the additional information is likely to include:

- details of any relevant trial periods, including the length of the trial period, notice requirements, circumstances when the trial period can be brought to an end by either party, and arrangements for refunding any pre-payments and deposit paid
- information about what happens if there are any changes to the resident's funding during their stay in your care home - for example, if a self-funded resident becomes eligible for funding
- details of your complaint-handling policy, including details of any alternative dispute resolution (ADR) providers used and contact details and role of the relevant ombudsman service. For more information on the requirements for complaint-handling policies, see the CMA guidance, a link to which can be found in the first part of this guide
- reasons why the contract between you and the resident can be brought to an end by either party, and any conditions that apply, such as relevant notice periods

- your trading name, details of anyone you are acting on behalf of, your address and your contact details, including your telephone number and email address
- information about how your care home is regulated and by which regulator
- the details of who is registered as running the care home and whether there is a registered manager in post; if there is no registered manager, what the alternative arrangements are
- the latest food hygiene rating score achieved by your care home
- relevant information about contents insurance and whether the resident needs to arrange their own cover for their personal belongings. If you provide cover for residents, you must provide them with information about the policy, such as the value of goods covered, any excess payable by the resident, and what goods are and are not covered
- choices available to residents, including whether they can bring any pets with them, choose the gender of their carers, or have their religious or specific dietary requirements catered for
- where to find a copy of your full standard terms and conditions or contract pro forma for self-funding residents. At the latest, terms and conditions must be provided to a resident and their representatives by the time that the care needs assessment takes place. They must have a real opportunity to familiarise themselves with the terms and conditions before being asked to agree to them, otherwise they may not be enforceable
- any additional information specifically required to be provided by sector-specific regulations, rules or guidance, to help residents and their representatives to make informed decisions
- any other information required to be provided under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (see the first part of this guide)

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 further action. This includes, for example, deciding to request a care needs assessment or whether or not to accept an offer for a place in your care home.

How must you provide this information?

You must ensure that this additional information is provided to residents and their representatives in a timely manner, so they have the information when they need it. This information should, therefore, be provided before they agree to a care needs assessment. To assist you, some examples of different contact methods and factors to consider are provided in this checklist.

For all methods of 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 provide clear and easy to find 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 additional information clearly displayed and signposted?
- is it easy to access and find? For example, you could use a clearly labelled tab
- is it written and presented clearly?

- is it regularly reviewed and accurate?

Over the telephone or email, you should consider:

- are you telling residents and their representatives how to locate and access this additional information, such as on your website or by offering to send out an information pack / sheet, if they prefer?
- are staff trained to provide this additional information and answer questions that residents and their representatives may have?

During a follow-up visit to your care home, you should consider:

- is the additional information being explained clearly and in a way that is easy to understand when prospective residents and their representatives make a follow-up visit to your care home?
- if prospective residents and their representatives need any additional information to make an informed decision that is specific to their circumstances (such as the need for a third-party contributor), is this being explained to them at the start of their visit?
- are you providing the additional information in a written format (such as in an information pack) confirming the information you have given during the visit, or a link to the additional information on your website, if they prefer?

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

< Checklist one: first contact

> Checklist three: offering a place

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