businesscompanion
trading standards law explained

Checklist three: offering a place

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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 when offering a place?

When 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. Checklists one and two cover the key and additional information that should be provided to residents and their representatives before a care needs assessment takes place.

Once a care needs assessment has taken place and the resident has selected their services, the following information should be provided:

- the final total amount that the resident will have to pay, including their total weekly fee rate and any up-front fees payable
- if they are a state-funded resident, details of the funding arrangements and what is being covered by the funding
- any information that has changed since you first provided the information to the resident and their representatives. Before accepting your offer and agreeing to the contract, they must expressly agree to any changes that have been made
- a copy of the final signed contract, if they accept your offer and enter into a contract with you

This 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. At this stage, this includes whether or not they decide to accept your offer and enter into a contract with you.

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 decide whether to accept your offer.

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 have provided 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 at this stage in the process

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

At this stage of the process, you should:

- confirm the offer to the resident and their representatives in person or on the phone, and also provide the final contract to them in writing
- ensure that the offer you are making has been clearly explained and understood
- ensure that you have received express consent from the resident and their representatives to proceed with any changes to the information that was initially given to them

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

You should have a clear plan in place, which ensures that the information residents and their representatives need to know is also provided in cases where there is an emergency / rapid admission.

< Checklist two: before offering a place

> Legislation etc

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Source URL: *https://www.businesscompanion.info/focus/care-homes/checklist-three-offering-a-place*