



**Business in Focus**



# Care Homes

## Guidance on consumer law for owners and managers of care homes

This guidance is for England, Scotland and Wales



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# Introduction

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

## Background

As a responsible owner or manager of a care home, it is important that you ensure that your residents, potential residents and their representatives (which would include family members and anyone else who is making decisions, payments or entering into contracts for them) are treated fairly.

You are responsible for practices carried out by your staff, as well as anyone acting on your behalf or in your name, so you should have clear processes and procedures in place, to reduce the chances of you breaching consumer law.

To help you comply with your responsibilities, this guide sets out the key areas of consumer law that apply to care homes.

The first part of the guide looks at the effect of consumer law on care homes. The rest of the guide consists of three checklists, which cover the provision of:

- up-front information for prospective residents and their representatives
- additional information for prospective residents and their representatives before offering them a place in your care home
- information for prospective residents and their representatives when offering them a place in your care home

## Care homes and consumer law

The effect of consumer law on care homes

### Key consumer law requirements

This first part of the guide explains how consumer law applies to the day-to-day running of care homes, to ensure residents and their representatives are treated fairly.

### Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

These Regulations (often referred to as the CCRs) set out some key requirements relating to the information that you must provide to prospective residents and their representatives. Our detailed checklists (see the following parts of this guide) provide more details about what information should be provided and when. Some of these requirements come from the CCRs.

The CCRs:

- set out pre-contract information that must be provided before a resident enters into a contract with you
- require that the information is provided in a clear and easy to understand way, and in an appropriate manner
- require information provided on a durable medium to be legible

- categorise contracts into 'on-premises', 'off-premises' and 'distance' contracts, depending on how you are entering into contracts with residents
- set out cancellation rights and periods for certain contracts
- prohibit the use of negative options for additional charges, such as pre-ticked boxes
- prohibit charging any more than the basic rate for a telephone service that residents and their representatives can use to contact your care home about your services after they have entered into a contract with you

Examples of information to be provided:

- information about your complaint-handling policy (for more information on the requirements for complaint-handling policies, see the CMA guidance, which is linked to below)
- relevant codes of practice that you are required to follow
- any out-of-court complaint or redress mechanisms that apply, such as alternative dispute resolution (ADR) schemes, and how residents and their representatives can access these
- details of any cancellation rights that apply to residents and their representatives







### Helpful resources on the CCRs

For more information about pre-contract information and the other requirements in the CCRs, please see the following guides:

- [‘Consumer contracts: on-premises sales’](#)
- [‘Consumer contracts: off-premises sales’](#)
- [‘Consumer contracts: distance sales’](#)

### Digital Markets, Competition and Consumers Act 2024

This Act (known as the DMCCA) sets out key consumer protection requirements that aim to prevent unfair trading practices. The practices covered include the following.

#### Unfair trading practices

##### Misleading actions

You must ensure that the information you supply is accurate and clear. The information must not be false or misleading, nor presented in a way that could deceive a resident and their representatives, and be likely to cause the average resident, prospective resident or their representatives to take a transactional decision\* that they would not have taken otherwise.

Misleading actions also cover marketing a product that creates or is likely to create confusion with another trader, their product or distinguishing marks, and failing to comply with a code of conduct that you are claiming to comply with.

[\*See ‘Helpful resources on the DMCCA’ on page 6.]

##### Misleading omissions

You are required to give prospective residents and their representatives all the information that an average resident or representative needs in order to make an informed decision. You must also identify if you are contacting them with any commercial intent and give them with all the information you are required to provide them in law, such as information specified in consumer law and sector-specific law that applies to your care home.

If you do not meet these requirements, and this is likely to cause the resident or prospective resident and their representatives to take a transactional decision that they would not have taken otherwise, then you may breach the law. Furthermore, the information that you supply must not be untimely or unclear, as this may also cause you to breach the law.

##### Invitation to purchase

This is a commercial practice that provides information to a consumer, indicating the main characteristics of a product and its price; it enables, or purports to enable, consumers to purchase your product or take another transactional decision in relation to your care home or services.

An invitation to purchase could include, for example, details about your care home and the costs, which are set out on your website. Certain information must be provided if an invitation to purchase is made.

### Drip pricing

You must ensure that the information you provide about the price of your care home and your services in an invitation to purchase is the total price that residents have to pay, inclusive of any mandatory charges, such as taxes, service charges and administration fees.

If it is not possible to calculate the total price in advance, clear information about how it will be calculated must be given.

### Aggressive commercial practices

These are practices that intimidate or exploit residents through harassment, coercion and undue influence, which impairs the average resident's, prospective resident's or their representatives' ability to make an informed decision, and is likely to cause them to take a transactional decision that they would not have taken otherwise. For example, using threatening language or threatening to evict a resident, or imposing a ban on visitors unless a resident or their representatives withdraw a complaint.

### Banned practices

The DMCCA sets out 32 practices that are considered to be unfair in all circumstances. They are referred to as 'banned practices', and they always breach the law; they do not need to be likely to affect the resident's or their representatives' transactional decisions.

These practices include falsely stating that you are signed up to a trade body's code of conduct. They also include fake reviews and practices associated with them.

### General duty to trade fairly

You must act with the level of care and skill expected from a care home operator. This means acting in accordance with honest market practice, and in good faith towards your residents and their representatives.

### Helpful resources on the DMCCA

You can find out more about the above requirements in '[Protection from unfair trading \(criminal law\)](#)'; it includes information on all 32 banned practices and an explanation of the legal meaning of the term 'transactional decision'. See also our '[Unfair commercial practices](#)' Business in Focus guide.

### Other relevant law

A knowledge of contract law is essential for ensuring that your terms and conditions have been correctly incorporated into your contracts, and any surprising or important terms are brought to the resident's or their representatives' attention. For more information, see '[Consumer contracts: general](#)' and our Business in Focus guide '[Contract law basics](#)'.

The Consumer Rights Act 2015 sets out important rights and remedies for consumers relating to services (legally speaking, a care home is a 'service'). It also sets out important requirements relating to transparent, legible and fair consumer contract terms and consumer notices, to prevent residents from being put at a disadvantage. For more information, see '[Unfair contract terms](#)' (which includes links to guidance from the Competition and Markets Authority) and '[Supplying services](#)'.

### CMA guidance

The Competition and Markets Authority (CMA) has produced [UK Care Home Providers for Older People: Advice on Consumer Law - Helping Care Homes Comply with their Consumer Law Obligations](#).

The CMA also has a [consumer protection case](#) web page, detailing all of its work in the care home sector.

# Checklist one: first contact

Providing up-front information for prospective residents and their representatives

## 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 before 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 that 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 / 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.



## Checklist two: before offering a place

Providing additional information for prospective residents and their representatives before offering them a place in your care home

### 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 three: offering a place

Providing information for prospective residents and their representatives when offering them a place in your care home

### 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 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. 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.



# Legislation etc

The laws featured in this guide / update information

## Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '[Trading Standards: powers, enforcement and penalties](#)'.

## In this update

New guidance: October 2025

## Key legislation

- [Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#)
- [Consumer Rights Act 2015](#)
- [Digital Markets, Competition and Consumers Act 2024](#)

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

