

Consumer law – processes, procedures and staff training

There are consequences for failing to follow your obligations under consumer law. This practical guide is designed to help you identify some of the key areas of consumer law you need to consider when writing your processes, procedures and training your staff. You must also comply with any sector-specific rules and regulations that apply.

Key consumer law checklist

Use the tick boxes below to check if you have considered the following points raised under consumer law when preparing information materials about your home and its services, when writing your policies and procedures and when training your staff:

Consumer Protection from Unfair Trading Regulations 2008:

- Banned practices
- Misleading actions
- Misleading omissions
- Aggressive practices
- General duty to trade fairly

Consumer Rights Act 2015:

- Consumer rights and remedies
- Unfair contract terms and notices

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

- Pre-contract information requirements
- Cancellation rights (where it is a distance or off-premises contract)
- Other provisions – premium rate telephone numbers and use of negative options, such as pre-ticked boxes

Additional consumer law checklist

- Provision of Services Regulations 2009** – sets out requirements for service providers to make certain information available to service recipients (including where they can send a complaint) and how they must deal with complaints (for example, responding to complaints as quickly as possible and making best efforts to find a satisfactory solution)
- The Electronic Commerce (EC Directive) Regulations 2002** – sets out some of the requirements to make certain information available where you sell or advertise services online
- Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015** – sets out the information you must provide regarding ADR

REMEMBER!

You can reduce your chances of infringing consumer law by trading fairly, using fair terms and notices and providing important information about your services to residents and their representatives at the right time so that they can take informed decisions, particularly on first contact with you.

See the *Care home communications* booklet on the Business Companion website [www.businesscompanion.info/focus/care-homes-communications] for practical guides to help train your staff on what, and when, information should be given to a potential resident and their representatives. Complying with consumer law will also demonstrate to potential residents that treating residents fairly and respecting their rights is important to you.

HAVE YOU DONE YOUR DUE DILIGENCE?

You can be held responsible for any practices carried out by your staff, and anyone acting on your behalf or in your name, so it is important to have clear processes in place to reduce the chances of infringing consumer law, and to check that these processes are being followed by all employees. You may also wish to ensure that employees, and anyone acting for you or in your name, are sufficiently trained in the key areas of consumer law, and that accurate and up-to-date training records are maintained.



You should ensure that your promotional material also complies with the Advertising Standards Authority's Codes of Practice, such as the UK Code of Non-broadcast advertising and Direct & Promotional Marketing. Further guidance relating to consumer law can be found on the Business Companion website [www.businesscompanion.info].