

Fair terms

This practical checklist is designed to help you assess whether your terms and conditions are likely to be fair under the Consumer Rights Act (CRA) and in line with the guidance issued by the Competition and Markets Authority (CMA).

Terms and conditions don'ts...

Ensure your terms **do not contain:**

- Any 'blacklisted' terms
- Terms that are in the CRA's 'grey list', or which have the same object or effect as a term in the grey list

... and dos

Ensure your terms **do...**

- Set out all the rights and obligations that you want to include in the contract
- Include upfront 'key facts' sections or executive summaries, highlighting particularly surprising or important terms at the beginning
- Set out all the price information clearly and prominently, so that residents know from the outset how much they will have to pay
- Explain clearly and prominently what services residents will get for their money
- Use plain and simple language so that an ordinary person would understand. Legal jargon, such as 'implied terms', 'indemnify', or 'joint and severally liable' should be avoided

- Explain any terminology used, such as what is meant by a 'top-up fee', 'guarantor' or 'funded nursing care.' Do not presume that your residents will understand terms that may be familiar to you
- Are clear about their meaning that cannot be interpreted in more than one way
- Use headings that are easy to understand, to help residents find their way through the sections
- Use short sentences that are easy to read
- Cater for the needs of your residents or potential residents. For example, this may mean having contracts in larger font for the visually impaired. You should also consider the font style, size, colour and background colour and ensure that printed terms are clear and can be read with ease



Important Information

To find out more about the grey list and blacklisted terms, see page 14 of the Fair trading for care homes booklet on the Business Companion website [www.businesscompanion.info/focus/care-homes-fair-trading]