

businesscompanion

trading standards law explained

Introduction

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When a person chooses to move into a care home, it will inevitably be one of the biggest and most emotionally charged decisions they, their family, or other representatives acting on their behalf make.

These decisions are often taken at a time of crisis, or when a person is in poor health. While every effort is made to ensure people are treated fairly, and with dignity and respect, sometimes things go wrong, or are perceived to go wrong.

That is why it is important that there are accessible, effective and easy-to-use procedures in place to help residents and their representatives make a complaint when problems arise.

The regulatory landscape across the UK

In the UK, social services is a devolved matter, meaning that each nation has its own regulations and guidance in place to help ensure people aged over-65 who need, or choose, to live in a care home are able to do so while living their lives with dignity and respect.

While it is important that these rules are followed, there are also general principles of consumer law that apply across the UK that fundamentally underpin the different regulatory systems in each country.

Following its review of the sector, in November 2018 competition and consumer watchdog the Competition and Markets Authority (CMA) issued new, in-depth guidance on a range of areas to help the care homes sector for older people comply with consumer law.

This *Care homes* complaints booklet is designed to act as a complementary guide to handling complaints, highlighting key elements of each UK nation's regulatory framework, as well as the CMA's latest guidance.

Who is this booklet for?

In general, this booklet is aimed at owners and registered managers of care homes for older people, but it also contains useful resources for your staff to help them understand how the complaints landscape applies to all your residents, whether they pay for their own services, or if their services are funded by a statutory body.

For example, the Q and A supportive guide that accompanies this booklet can be filled in by your staff and kept as a record of their knowledge and as an indicator of future training requirements. There are also a

number of flowcharts that both senior management and frontline staff should find useful in understanding the different 'routes of complaint' that a resident should follow in each nation, which will be determined by the country your care home is based in, the nature of their complaint and how their service is funded.

Consequences of breaking consumer law

While this guide is intended to support you, you should also consider what can happen should you be found to be breaching consumer law. The CMA, local authority Trading Standards services, or the Department for the Economy in Northern Ireland may take enforcement action against you in either the civil or criminal courts. Enforcers of consumer law can also seek redress for residents who have suffered a loss as a result of breaches of consumer law.

Finally, if you treat your residents unfairly, your sector regulator may also take action in respect of any breaches of the relevant rules and regulations they are responsible for enforcing.

> Part 1: Key principles

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