

businesscompanion

trading standards law explained

Information you need to provide

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To comply with consumer law, the information you give about your home and its services should be clear, simple, accurate and easy to find. It should also be given in a way and at a time that ensures a potential resident and their representatives can understand and engage with it, enabling them to make informed decisions when they need to.

Key information about your home

To comply with your consumer law obligations, there is certain 'key information' about your home and its services that you should provide on first contact. This means when a potential resident and their representatives first make contact with you. This can be on an initial phone call, where someone drops into your home for a first visit, when they visit your website, or at an open day.

People need to be able to quickly identify key information, including an overview of the key features of your services, whether they are within their budget, and how this compares with other homes they may be considering. Key information should be prominently highlighted on your website and in other written materials you give people or send to them when they first get in touch, and should be drawn to people's attention and explained when they first contact you by phone or email or at the start of their first visit to your home.

Having key information enables people to make informed decisions about their care home choices without becoming 'overloaded' with unhelpful or unnecessary information at this initial enquiry stage. Crucially, it helps them to quickly identify whether or not to:

- include your home on their shortlist of preferred homes
- make further enquiries about your home
- arrange a visit to your home

Time pressure

While timings may vary depending on individual circumstances, it's important to remember that potential residents and their representatives are likely to be under considerable time pressure to find the right home.

Important, additional information about your home

Important, additional information about your home and your services (including your pro-forma contract) must be provided to a potential resident, family member or representative when they want or need it, and 'in good time' before you offer them a place in your home. In practice, this means that it should be easy for people to find from the start of their research - for example, it should be clearly signposted on your website and highlighted in information packs that you send to enquirers, and even given to someone earlier in the enquiry process if it is requested.

Where you fail to provide this key information on first contact, any potential resident and their representatives will be unable to make informed decisions. For example, this may result in them shortlisting or making appointments to view homes that are not affordable or suitable to their needs, or not considering other homes that may be more appropriate; infringing consumer law.

The care needs assessment

If a potential resident decides they would like a place at your home, they will need to have a care needs assessment and choose the particular services they want to receive - for example, if they want an en-suite room.

Confirming and finalising an offer

Once a care needs assessment is complete, both you and the potential resident should know what services they would like to receive, and all the final costs associated with supplying these. This means you should both know:

- the type of accommodation they wish to stay in
- the final, total amount that the resident will have to pay, including the total weekly fee rate inclusive of taxes; and any permissible upfront payments, such as a deposit
- for state-funded residents, confirmation of what has been agreed between you and the funding body, as it relates to the resident's care and any 'extras' they have agreed to pay for

People need to be able to calculate, upfront, how much staying in your care home is likely to cost them.

Before a contract is signed

The terms of any final offer must be explained to the resident and their representatives by a trained member of staff, who must ensure they understand them. Where any information has changed, this must be pointed out to the resident and their representatives, who must agree to the changes before they accept the offer of a place in your home, or sign a contract.

Once a contract is signed, your new resident or their representatives should be given a copy of the signed contract or agreement.

The CMA Says:

Generally speaking, if a public funding body (such as a local authority) is responsible for funding a resident, they should supply information and advice relating to care, including the types of care and support available (and the choice of homes) in their local area.

Your marketing materials

What you say in your marketing to potential residents and their representatives must be truthful, accurate and up-to-date; you must not mislead people. This includes what you or your staff tell people, for example at an open day or when they first get in touch. This also includes information in any brochure or information pack, on a website, resident's handbook, service user guide, statement of purpose or a range of other documents that are used to inform residents and potential residents about your service. You should review these documents to ensure they comply with the CMA's guidance.

The CMA Says:

In 'good time' means that a potential resident and their representatives have a genuine and reasonable opportunity to consider all the information supplied, and to evaluate any practical implications. It is imperative that they are not pressured into making quick or uninformed decisions. In this context, important, additional information must be supplied (at the latest) by the time a potential resident or their representatives agree to have a care needs assessment.

Under consumer law, information about the total price of your service will be binding on you as a term of the contract where the resident accepts an offer of a place in your home. If this information changes before the contract is agreed (for example, because you want to increase the weekly fee that you quoted following the care needs assessment) you need to get the resident's express agreement to the change. For more information about the law in this instance, see the *UK Care Home Providers for Older People - Advice on Consumer Law: Helping Care Homes Comply with Their Consumer Law Obligations* Booklet.

Sector regulations specific to each devolved UK nation may also require you to supply specific information about your home in a particular way. For example, see statutory guidance issued by the Welsh government relating to reg.20 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.

In any event, you must ensure that residents and their representatives are not pressured into making quick or uninformed decisions, infringing consumer law.

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[**> Introduction to 'Key information'**](#)

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