



advice and support for older age
**Independent
Age**

Response to the Competition and Markets Authority's draft advice on Consumer Law

July 2018



About Independent Age

Whatever happens as we get older, we all want to remain independent and live life on our own terms. That's why, as well as offering regular friendly contact and a strong campaigning voice, Independent Age provides older people and their families with clear, free and impartial advice on issues that matter: care and support, money and benefits, health and mobility. A charity founded over 150 years ago, we're independent so that older people can be.

For more information, visit our website www.independentage.org

Helpline

We give free, confidential advice over the telephone for older people, their families and carers on issues such as getting help at home, adaptations, care assessments, paying for care, staying in touch with other people and welfare benefits.

Call our team of experts on 0800 319 6789, Monday to Friday, 8.30 am-6.30pm, and Saturdays, 9am-1pm, or email your query to advice@independentage.org

Registered charity number 210729.

Independent Age welcomes the opportunity to comment on the Competition and Market Authority (CMA) document titled *UK care home providers for the elderly – draft advice on consumer law: Helping care homes comply with their consumer law obligations*. We're pleased that this is being looked at and have been concerned that not all care homes have been following consumer law, particularly with respect to contracts and upfront information. The experiences of callers to our helpline have included contracts not been given to people before they have moved in, insufficient time between receiving a contract and being required to sign it, insufficient detail about pricing and price increases, and contracts being opaque and difficult for a lay reader to decipher. Overall we are really pleased with the draft advice and look forward to its final publication.

Key information

We welcome the information included under this section, particularly that about fees, including total weekly fees, and the staffing levels.

Prospective residents need to know what they will be expected to pay, additional charges for services and how fees may increase.

Explicitly limiting price increases to one per year is certainly welcome as is ensuring that how this is calculated is clearly explained. We do want to make sure, however, that this advice is not interpreted by providers to mean that they must increase fees annually or when a resident's needs change.

We are particularly pleased with staff to resident ratio information being a requirement. This will go a long way to giving consumers much needed clarity on the level of staffing and individual attention someone is likely to receive.

At present this is not something which consumers can easily find out – it is not included in Care Quality Commission reports, some care homes provide vague answers to the question when it is asked by prospective residents and their families, and importantly it is not something that all consumers think to ask about. From our experience it is often assumed by people shopping around for a care home that there are mandatory guidelines about staffing, which isn't the case, and it is not until someone has moved into a home that they realise how crucial the staffing levels are to the care received and wish they had asked about staffing levels and

qualifications. We would recommend that the staff to resident ratios pertain specifically to staff members providing care, and that other staff members such as admin staff, cooks and gardeners etc. be excluded from the ratio (but of course be included separately if a care home wishes to spell out how their homes are staffed). We would also welcome the training levels of staff being included as key information and would recommend that this be investigated.

We welcome the detail that it must be provided promptly and highlighted on website landing pages, within information packs and explained at first visits. Currently, the level of information presented to prospective customers is incredibly variable, and when it is provided, there is little way for consumers to easily compare homes.

We would however, like to see further clarity on what 'in good time' means with respect to being provided with information. We would like to see subjectivity removed and that a suggested maximum timeframe be included. Similarly, it would be good if something about quick turnaround admissions could be added. In order to cover these instances it would be useful for the document to spell out what a care home's obligations are and how it fits in with providing information 'in good time' to ensure that people making decisions about a care home in an even more time pressured way are still provided with the information and consumer protections they need.

A few other points of note:

We would suggest changing the phrase 'the elderly' to 'older people' in the title of the document. This is more reflective of current standards on language and is viewed as preferable by care service users themselves.

While we understand the need for this document to be detailed and we certainly welcome aspects such as examples of what terms are likely to be fair or unfair we worry that it will not be read in full by those who need it most. Some care providers have not been meeting their obligations, nor have some providers been proactive in finding out what these obligations are, and so we are keen to find out more about how this document will be disseminated. We hope that there will be a process to alert all care homes, regardless of their size or links to industry bodies, and that consumers will be alerted to its existence as well. We recommend that a consumer friendly version be made available for people looking for care

homes and that this be provided to people by GPs, hospitals, local authorities and care homes themselves, perhaps when contracts are handed over so that people are made aware of their rights and know the sort of information they should be provided with.