

businesscompanion

trading standards law explained

Introduction

In this section

[A new review of the market](#)

[Consequences of breaking consumer law](#)

The care homes sector across the UK offers an invaluable service to older people aged over-65 and their families.

When a person chooses to move into care, it will inevitably be one of the biggest and most emotionally charged decisions they, their family, or other representative acting on their behalf make, which is often taken at a time of crisis, or when a person is in poor health. Decisions are likely to be made with urgency and under extremely distressing and pressurised circumstances. This means that people's capacity and time available to read and understand information about your care home may become limited. If this information isn't provided with this in mind, it can lead to people making the wrong care home choices for their own, or their relative's, needs.

A new review of the market

Competition and consumer watchdog, the Competition and Markets Authority (CMA), considered these aspects when it conducted a review of the sector, which found that some residents were at risk of being treated unfairly. As a result, in November 2018, it issued new, in-depth guidance on a range of areas that have caused concern, to help care home owners and registered managers to comply with consumer law. Part of that guidance relates to how care homes should treat residents and their representatives fairly to comply with their obligations under consumer law and, in particular, ensuring that your contract terms are fair, clear to read and understand.

This guide intends to support you as a care home owner or registered manager in complying with this particular element of the CMA's guidance, and supplies a variety of practical staff training sheets and checklists to help you accomplish this.

Consequences of breaking consumer law

While this guidance is intended to support you, you should also consider what can happen should you be found to be infringing consumer law.

The consumer law discussed in this guide applies throughout the UK and sits alongside the sector-specific rules and guidance that apply to care homes in England and each of the devolved nations.

If you infringe consumer law, the CMA, local authority trading standards services, or the Department for the Economy in Northern Ireland may take enforcement action against you, either in 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.

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

At the time of writing, significant reform of adult social care was ongoing across all four UK nations. For example, the publication of a green paper (which is expected to define the long-term reforms of the social care system in England) was still awaited as this guide was being produced. To read more about the green paper, visit: www.gov.uk/government/news/government-to-set-out-proposals-to-reform-care-and-support; researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8002

[Treating residents fairly >](#)

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