



Care Home Contracts. A guide for people paying for their care (self-funding).

If you are thinking about moving into a care home as a self-funding resident, this guide is for you. It contains information on your consumer rights including the key information that you should know to help you decide on the right home. This information should be provided to you when you first get in touch with the home and prominently highlighted on their website.

This guide also provides information of where to get further help and support about the right care for you. If you need care, contact your local Health and Social Care Partnership for an assessment of your care needs. They can advise whether you could have support to live safely and comfortably at home and provide information if you are thinking about moving into a care home. They can also provide information on the care homes in your area and whether you may qualify for help towards your care costs.

For further information to help you plan your future care needs contact Care Information Scotland helpline on **0800 011 3200** with any questions or visit their website **www.careinfoscotland.scot** and use webchat.

Deciding on the right care home for you

If you have decided that a care home is the right choice for you then the information in this guide should help you decide on the right home. It is also important to visit

the care home, meet the staff and residents and get a 'feel' for the place. Some care homes may let you try out living there for a fee before you make a final decision. It is your right to choose the care home you want to live in providing it is suitable to meet your needs, the care home is available, and you can pay the weekly fee.

The Care Inspectorate are responsible for inspecting every care home in Scotland, these inspections will be carried out at least once a year. The latest inspection reports are public and can be accessed through the Care Inspectorate website www.careinspectorate.com. These reports contain information that can help you make your decision.

Age Scotland have a series of helpful guides on moving into a care home and care home funding. For further information and advice call their helpline on **0800 12 44 222** or visit **www.agescotland.org.uk**



Things you should know before signing a contract with a care home...

1 Will the Health and Social Care Partnership or Scottish Government pay towards my care costs?

2 How much will I have to pay?

3 What does this payment include?

4 Will I have to make other payments at the start of the contract?

5 Do I have to guarantee the payments for a period of time?

6 When will the fee increase and by how much?

7 Do I still have to pay fees if I am absent from the care home?

8 What happens if my money starts to run out?

9 Will fees be charged after my death, if so how long for?

10 What happens if I want to leave the care home?

11 What happens if the care home wants me to leave?

12 What do I do if I'm unhappy?

13 How will information on the contract be given to me?

14 If I have a Power of Attorney or Guardianship how will the care home communicate with them?

1 Will the Health and Social Care Partnership or Scottish Government pay towards my care costs?

In Scotland you may be entitled to free personal or free personal and nursing care payments if you have been assessed by your local Health and Social Care Partnership and meet certain criteria. These payments are not based on the amount of income or savings you have. If you are unsure whether you qualify for these payments contact your local Health and Social Care Partnership and ask for an assessment of your care needs. If you qualify for help, these payments will be made directly to the care home and you will pay the remainder of your fees.

For further information on free personal or free personal and nursing care contact Care Information Scotland helpline on **0800 011 3200** with any questions or visit their website www.careinfoscotland.scot and use webchat.

You should contact the Department for Work and Pensions **www.gov.uk/contact-pension-service** or call **0800 731 0469** as soon as you move into a care home as it may affect the payments you receive.



2 How much will I have to pay?

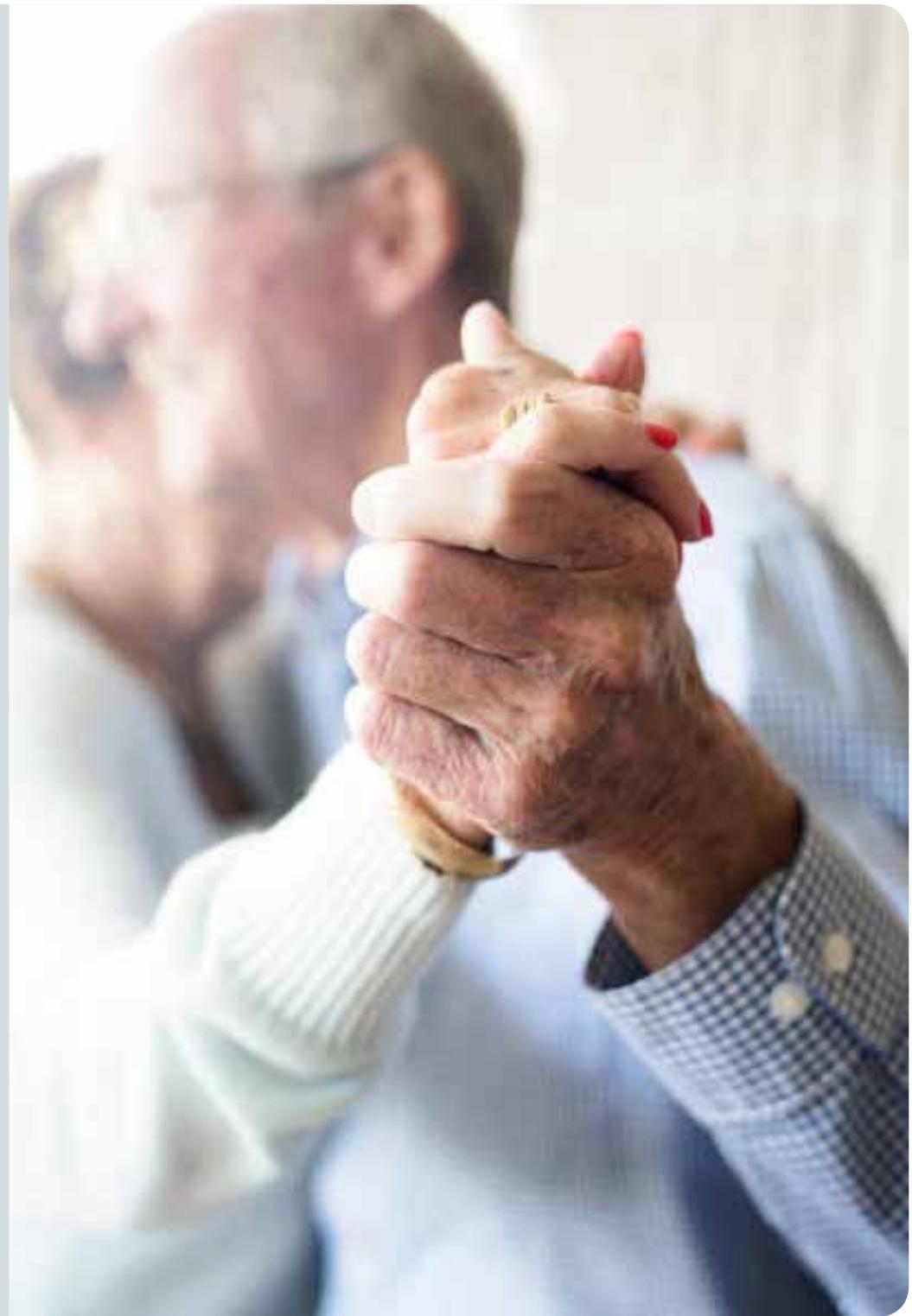
The care home should give you an indication of how much the weekly fee is. Guide prices should be on the care home's website and brochures. You can also phone them directly to get this information. The type of room you choose and type of care you need may affect the weekly cost.

3 What does this payment include?

The care home will let you know at the earliest opportunity what is included in the weekly fee. It is likely there will be additional costs for services such as hairdresser appointments, additional activities, chiropody or transport to hospital appointments. The care home should let you know what these are and how much they cost.

4 Will I have to make other payments at the start of the contract?

If the care home charges a deposit or asks for an advanced payment of weekly fees, this should be made clear to you when you first get in touch. If a deposit has been requested they should let you know why it has been taken and how this will be refunded to you.





5 Do I have to guarantee the payments for a period of time?

When you are paying for your own care you may need to demonstrate that you can afford to pay your fees for a period of time. The care home should let you know what will happen if you can no longer pay the fees. Where family members are asked to act as a guarantor of care home fees, this must be made clear at the earliest opportunity and discussed before signing any contract or agreeing a place in the care home. If you are unsure of what this means you can seek legal advice.

6 When will the fee increase and by how much?

Care home fees may increase over time. The contract should be clear about when fees are likely to increase, the reason for this, how the increases are worked out and how much notice you will be given. If you feel a fee increase is unjustified then you should first speak to the care home.

If you are still unhappy contact Advice Direct Scotland on **0808 164 6000** or **www.advice.scot** for help. Depending on the nature of your concern, Advice Direct Scotland may pass your complaint onto your local Trading Standards service.

7 Do I still have to pay fees if I am absent from the care home?

The care home should let you know what happens when you are absent from the care home (for example on holiday or in hospital) and how much you will have to pay when you are.

8 What happens if my money starts to run out?

Before you sign a contract or move into the care home they will let you know what would happen if your money starts to run low and you are no longer able to afford to pay your fees. Some care homes will only accept people who are able to pay for their own care for a certain period of time and you may have to move rooms or homes. However, many will allow you to stay and receive means tested help from your Health and Social Care Partnership to help pay for your fees.

When your capital starts to reach a limit set by Scottish Government you should contact your local Health and Social Care Partnership to ask for a financial assessment for help towards your care costs.

For full information on how this assessment is carried out call the Age Scotland helpline on **0800 12 44 222** or see Age Scotland's Care home funding guide at **www.agescotland.org.uk**





9 Will fees be charged after my death, if so for how long?

The contract should clearly explain how long fees will be charged for after someone dies. For example, it is likely to be reasonable for a care home to charge fees for a short period of time. The Competition and Markets Authority have published consumer law advice to care homes which states this should normally be no more than 3 days or less if the room is reoccupied during this period.

10 What happens if I want to leave the care home?

Your contract with the care home should provide information about what to do if you want to move out of the care home including how much notice you must give.

11 What happens if the care home wants me to leave?

You should be able to continue living in the care home, however there may be exceptions where the care home may ask you to move. The contract should clearly state the reasons this decision would be taken such as if the care home can no longer care for you safely or repeated non-payment of the weekly fees. In the unlikely event that it is necessary to move, this should be discussed fully with you and you should be provided with a reasonable notice period along with support and advice to find an alternative home.

12 What do I do if I'm unhappy?

The Health and Social Care Standards for Scotland set out the standards you should expect when you are receiving any health or social care support and describe the high quality care you are entitled to experience. The standards set out your right to be treated with compassion, dignity and respect at all times and to be fully involved in making decisions about your care.



You should be fully involved in discussions about your care and support in the care home and give regular feedback or raise any concerns directly with the people who are caring for you. Sometimes any issue can be resolved quickly by bringing it to the care homes attention. The care home will also let you know the best way to make comments and suggestions or raise any concerns with them through their complaint process.

If you don't feel the issue is being addressed properly then you can contact the Care Inspectorate. The Care Inspectorate regulate the care homes in Scotland to ensure they are providing good quality care. They have a guide which gives further information if you are unhappy about the care you are receiving.

If you feel that any of the care home contract's terms and conditions are unfair or have not been made clear to you then you can contact Advice Direct Scotland on **0808 164 6000** or **www.advice.scot** who can pass this on to your local Trading Standards service.

Your local Health and Social Care Partnership can also be contacted if they have completed an assessment. They will have a complaints procedure if you are unhappy with any decisions about an assessment they have completed.

13 How will information on the contract be given to me?

All information in the contract should be given to you at the earliest opportunity in a way that is clear and easy to understand. You should always make sure you understand the contract's terms and conditions before you sign, so you can make the right choice of care home.

If you have not been provided with any of this information don't be afraid to ask the care home for the information you need. You can also contact an advocacy service for further advice and support.

14 If I have a Power of Attorney or Guardianship how will the care home communicate with them?

You should notify the home if you have a power of attorney or Guardianship in place and they will be able to contact them. You should still be involved with decisions about your care and support in the care home.

For full information on Power of Attorney and Guardianship see www.publicguardian-scotland.gov.uk



Useful Contacts

Age Scotland is a charity representing older people in Scotland and supporting their rights and interests.
www.ageuk.org.uk/scotland/information-advice/care-and-support/care-homes

Age Scotland helpline **0800 12 44 222**

Care Information Scotland can provide information and advice if you need care or are planning for your future care needs. They also have a guide for people moving from hospital into a care home. www.careinfoscotland.scot
Care Information Scotland helpline **0800 011 3200**

Care Inspectorate are the scrutiny body in Scotland who look after the quality of care in Scotland to ensure it is a high standard. www.careinspectorate.com

Care Inspectorate enquiries **0345 600 9257**

(charges may apply)

Trading Standards is the local government service that works to protect consumers and support legitimate business. To find your local Trading Standards service visit www.gov.uk/find-local-trading-standards-office

To make a complaint visit Advice Direct Scotland **0808 164 6000** or www.advice.scot

Competition and Markets Authority Care homes: short guide to consumer rights for residents

Department for Work and Pension are responsible for administering state pension and welfare benefits.

www.gov.uk/contact-pension-service

Pension Service **0800 731 0469**

Office of the Public Guardian Scotland maintain, register and supervise power of attorney's in Scotland.

www.publicguardian-scotland.gov.uk

For further information on Power of Attorney see www.mypowerofattorney.org.uk

Citizens Advice Scotland are an independent advice service www.citizensadvice.org.uk/scotland





Glossary

Self-funding

Someone who is classed as self-funding their care home place may have entered into a private contract directly with the care home without contacting the Health and Social Care Partnership. This may be because they have chosen not to contact the Health and Social Care Partnership or because they may not qualify for a placement based on the care assessment.

A person can also be classed as self-funding when they are in receipt of free personal or free personal and nursing care payments only. This may be due to their financial circumstances if they have capital over a limit set annually by the Scottish Government. The terms and conditions of the placement and associated fee will be different from someone placed by the Health and Social Care Partnership.

Health and Social Care Partnership

The organisation responsible for planning and delivering for health and social care. They are jointly run by the NHS and Local Authority in your local area. They are the organisation responsible for completing a care needs assessment and a financial assessment for you.

Contract

A contract is a written agreement between you and the care home. This is often called a residency agreement. It will contain all the terms and conditions of your agreement with the care home and should be written clearly so you understand your rights and responsibilities. You should be given written notice if there are any changes to the contract during your stay.

Power of Attorney

A written legal document giving someone else authority to take action or make decisions on behalf of you. It is your choice who is given these powers and what you would want them to make decisions about.