

## Consultation response form

### Care Homes: Provision of information about prices/fees

The closing date for this consultation is 10 February 2006. Your comments must reach us by that date.

The information you send to us may need to be passed to colleagues within the Department of Health and/or published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

**Please insert 'X' if you want us to keep your response confidential**

**Please set out your reasons for wishing us to keep your response confidential**

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Please insert 'X' in **one** of the following boxes that best describes you as a respondent:

<input type="checkbox"/>	Local authority	<input type="checkbox"/>	Care home provider
<input type="checkbox"/>	Care home resident	<input type="checkbox"/>	Relative/friend of care home resident
<input type="checkbox"/>	Representative group		
<input checked="" type="checkbox"/>	Other (please specify)		Umbrella body with members from across the wider care sector, including local authorities, care home providers, care funders and advocacy and consumer bodies.

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## Introduction: Background

CCC welcomes the opportunity to respond to the Department of Health's consultation, *Care Homes: Provision of information about prices / fees*.



CCC is a broad-based, independent coalition of commercial, charitable and public service organisations that have a common interest in improving the care of older people in the UK based on an equitable and sustainable structure of funding. CCC has been acting as an advocate for managed change since it was established in 1992, as the Continuing Care Conference.

As long ago as 1995, CCC published a *Framework Contract between Residential Care Provider and Resident*, with a second edition published in 1998. CCC took forward the project, with active participation by care providers and those representing consumer interests, because of a strong belief in the right of consumers to exercise choice based on the best possible information and also the benefits to care providers of residents having realistic expectations of what will be provided and on what terms. Clarity and transparency of information are crucial principles on which to proceed.

CCC has wider concerns about levels of funding, various aspects of the care market; the position of self-funders; and the provision of financial information to consumers, especially at a point of crisis, such as when seeking to enter a care home. The relationship between the quality and cost of care is another element of particular concern to CCC (a survey CCC commissioned in 2000 found little correlation between the cost of local authority contracts and quality).

However, in response to this consultation, CCC's remarks are restricted to the questions given in the response sheet below and the practicality of implementing the specific proposals. It is important that proposals are realistic and practical, both for the provider and in terms of the needs of the consumer who often has to make decisions under conditions of distress or difficulty. In assessing what is realistic and practical, it should be borne in mind that a large number of care homes are small businesses, so the proposals should be "small-business proofed" as a matter of course.

Nevertheless, we are conscious of the need to address, by other means, the wider issues about price transparency across the independent sector, local authorities and the NHS, not just concentrate on the care home sector of the market. We very much hope that the wider challenge will be taken up.

### Question 1

Do you agree that the service user's guide should specify:

- the fees payable for accommodation (including the provision of food), personal care and, where available, nursing care,
- the overall care and services covered by these fees and whether the fees are net of any Registered Nursing Care Contributions paid by the NHS, and
- the arrangements for charging and paying for services over and above those included in these fees

within three months of the proposed regulations coming into effect (planned for April 2006)?

X Agree

Disagree

Not sure

### Comments

#### **General Points**

There was general agreement among those members who provided comments that the service user's guide should specify the above items and that the requirement to give information about fees should extend to all care homes, not just to those providing nursing care.

However, respondents from both the care provider and consumer perspectives made a fundamental distinction between the proposed requirements in relation to residents who pay care home fees privately and those who are funded by local authorities.

Where residents are fully self-funding, we agree that the care home should provide the information specified above. Ideally it should be provided at the time a resident enters into contractual arrangements for the care.

In the case of residents funded by local authorities, it is the local authority's responsibility to enter into contractual arrangements with them and means test them to establish whether they are responsible for paying any contribution towards their fees. The regulations, as currently drafted, cause problems for providers in cases where the local authority has failed to produce the terms and conditions it has entered into with residents. One large provider draws attention to instances in which CSCI inspectors have demanded inclusion of terms and conditions in service user guides which are not the terms and conditions that govern the resident's contractual arrangements (ie local authority contract).

The provision of generic information in service user guides as laid down in paragraph 21 is not problematic. However, concern has been expressed about confidentiality in relation to the provision "to any person" of information such as an individual resident's fees. In such cases, the service user guide should be made available only to the resident or to those connected with their care.



#### Question 4

Do you agree that failure to comply with any of the requirements proposed should be an offence?

Agree                       Disagree                      X      Not sure –  
agree, subject to limited application and strict limits.

#### Comments

##### ***Overall position***

Further information is required about offences and the nature and level of penalties. It is right that some penalties should be employed, but only after providers have been given an opportunity to rectify alleged faults, and in defined circumstances.

##### ***Compliance - factors outside the control of the care home***

Care providers in particular are concerned that failure to comply with any of the requirements proposed should be an offence – especially if their ability to comply may be constrained or compromised by the behaviour of other bodies and is therefore outside their control. Illustrative examples are given below.

Members report many instances of the RNCC assessment not being undertaken at the point when a resident enters the care home. If the assessment has not been done and consequently the information is not available, it would be unfair to penalise the provider if they are unable to provide it.

Also, in the case of the requirement to give one month's notice of increases in fees, one member notes the difficulties that may arise if a local authority fails to agree its budgets or does so late, with consequences for care home budget preparation. Providers would need time to assess the impact of available local authority funding, notably on whether to introduce or amend third party top-ups and by how much.

##### ***Implementation timetable***

As for the timescale for implementing the proposals (a transitional period of three months from April 2006), we take seriously comments made by member organisations representing care homes when they point out possible difficulties in making the necessary changes within the timescale proposed – ie that the timescale is not realistic for all homes and does not take into account the operational pressures that they face.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you tick the box below.

Please acknowledge this reply

X

Completed questionnaires and other responses should be sent by 10 February 2006, either by e-mail or to the postal address shown below.

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Any enquiries should be directed to the above address.

## **CCC - Current Members**

Age Concern England  
Anchor Trust  
Association of Directors of Social Services (ADSS)  
Assoc of Independent Care Advisers  
Assurance Medical Society  
British Geriatrics Society  
BUPA  
City of Bradford Metropolitan Council  
City of Sunderland Social Services  
Contact the Elderly  
Counsel and Care  
East Sussex Social Services  
Eastern Health & Social Services Board  
Elderly Accommodation Counsel  
English Community Care Association  
Grace Consulting  
HealthSystems Consultants Ltd  
Help the Aged  
IFACare  
Joseph Rowntree Foundation  
Laing & Buisson  
Local Government Association  
Long-term Healthcare Consultancy Services  
Metropolitan Borough of Wigan  
National Care Forum  
NHFA Ltd  
Partnership Assurance  
Pinders  
RB Kensington & Chelsea  
Registered Nursing Home Association  
Scottish Provident  
Social Care Association  
The Care & Nursing Home Service (CNHS)  
The Salvation Army  
Tunstall Group Ltd  
UNITE  
United Kingdom Home Care Association  
Western Health & Social Services Board  
Wigan Council – Social Services Department

**February 2006**