

Important Information

Care home contracts for self-funding residents

If you are self-funding your care and have a contract with your care provider, it is important to speak to solicitors with experience in this field.

Any contract should explain: the cost of care, what services are included in the price and how often this is reviewed; what complaints procedure is in place; what your rights are and the obligations of the care provider under the contract; the procedure for cancelling a contract and the administering of medication.

How solicitors can help

A solicitor can give you impartial advice about wills, making gifts, estate planning and Powers of Attorney. Some can also offer guidance on immediate and long-term care plans, ensuring (if applicable) the NHS has made the correct contribution to your fees.

Lasting Powers of Attorney (LPA) allow you to appoint someone you trust to make decisions about your personal welfare, including healthcare and consent to medical treatment, and/ or your property and financial affairs. An LPA is only valid once registered with the Office of the Public Guardian. It allows for a person of your choice to make decisions on your behalf at a time when you may be unable.

The **Court of Protection** can issue Orders directing the management of a person's property and financial affairs if they are incapable of managing their own affairs should they not have a LPA. The Court procedure is presently very slow and the fees are quite expensive so preparing a LPA is always advisable, providing you have somebody sufficiently trustworthy to appoint as your attorney.

An '**advance directive**' allows you to communicate your wishes in respect of future medical treatment but it is not legally binding. You may instead wish to make a living will, properly known as an 'advance decision' setting out treatment that you do not want to receive in specified circumstances, which would legally have to be followed, even if you die as a result.

Any proposed **Gift** out of your estate needs careful consideration of the benefits, risks and implications, particularly on any future liability for care costs or tax liability.

Long-term care: whether you remain in your own home or move into sheltered accommodation or a care home, you may qualify for financial assistance in the form of social care and NHS-funded care and welfare benefits.

If you don't have your own solicitor, ask family or friends for their recommendations. Contact several firms, explain your situation and ask for an estimate of cost and an idea of time scales involved. Many firms will make home visits if necessary and will adapt their communications to meet your needs. It's important to find a solicitor who specialises in this area of the law. The Citizen's Advice Bureau offers an advice service and will be able to recommend solicitors in your area.

Comments, compliments and complaints

All organisations need to know how they are performing. They are happy to receive your feedback on their service whether they are compliments or complaints. Feel free to tell them what you think and your comments can be used constructively to improve the service.

If you do need to make a complaint you should feel able to complain about any aspect of your care which affects your happiness or comfort. This could be about the way you are treated by a staff member or the quality of the food you are served. You can also make comments and suggestions about possible improvements to your surroundings and the services provided.

Providers are required under essential standards of quality and safety to have a simple and easy to use complaints procedure which they will be happy to give you. If you are concerned about the care that you, a friend or a relative is receiving, it makes sense to speak to the manager before you take any further action. The problem may be resolved quite easily once they are made aware of it.

However, if you need to make a formal complaint, you should initially contact the registered owners of the service. They have a duty to respond to any complaints made.

***If you continue to be dissatisfied you can then contact:
Complaints, Freedom of Information & Data Protection
FREEPOST RTEA-UUEX-KBSU
Bradford
BD1 1HX
Tel. 01274 436820***