

C

People's Commissioner for Wales

Contact the Commissioner

If you have any concerns about your rights, or would like any further information about the help and support available, please contact the Commissioner's Advice and Assistance Team:

03442 640 670

ask@olderpeople.wales

**Older People's Commissioner for Wales
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About this guide

The information included in this guide is correct at the time of printing (September 2022), although some of the information may be subject to change. Please contact the Commissioner's Advice and Assistance team if you have any queries.



Getting the support you need

If you are thinking about the care and support you need, including whether to move into a care home, you can approach your council (local authority) to ask for help.

Your local authority must ensure that there is easily accessible information, advice and assistance about care and support services available.

You have the **right to access the information you need in a way that suits you** (e.g. online, telephone, face-to-face).

If you feel you may need care and support - and the local authority agree - you have the

Moving into a care home

When you move into your chosen care home, you have a right to receive several documents that provide important information on the service you will receive and how your needs will be met.

You have the **right to be given a signed copy of the service agreement**, which provides details of the care and other services that will be provided to you, as well as information about costs and other terms and conditions.

You have the **right to receive a written guide about the care home** and the services it provides, which includes information about

The care you receive

When you live in a care home, you should be enabled to live the life you want as independently as possible and supported to do the things that matter to you.

This means you have a **right to be involved in day-to-day decisions** about the care and support you receive, and your personal preferences.

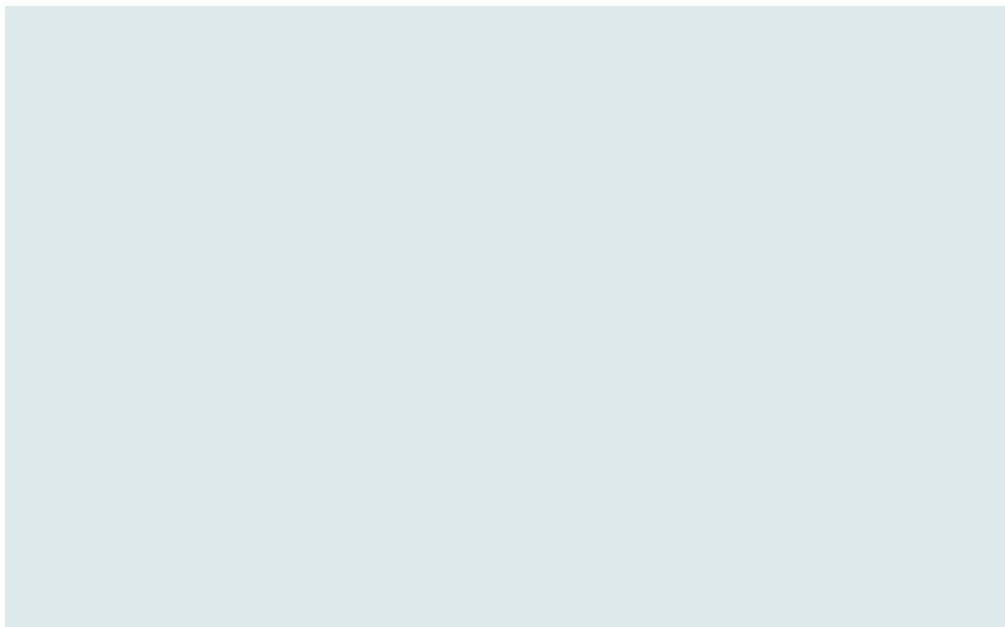
You have a **right to be treated with dignity and respect at all times**

If you are living with dementia or sensory loss, you have the **right to be communicated with and responded to in an appropriate manner**

Visitors and going 'out and about'

A care home is your home and should be treated as such. You should be able to come and go as often as you please, visit friends, go shopping or attend events/social activities, as long as your health allows this and no legal restrictions are in place.

Your care home must have space for you to meet visitors privately



Paying for your care

Your care home must provide you with key information including how much you will pay to stay in the home.

To determine your needs, you have the **right to a care and support assessment** from your local authority.

To determine whether you need to pay for your care, you have the **right to a financial assessment**, which will be undertaken by your local authority.

You have the **right to receive a written guide to the care home** which must detail how much you will pay to stay in the care home and any additional fees or costs payable by you and the notice period for any increases.

If you or your representative are paying for your care in full or partially you **must be given a written contract**.

You can also choose to pay for additional services and products that are not considered part of an agreed package of care, and you have **the right to decide whether or not to purchase these 'additional en21**

Raising concerns and making complaints

Your care home is required to have suitable arrangements in place to enable you to provide feedback on all aspects of service. It must take account of your views and the views of your representatives. All feedback must be acknowledged, recorded and responded to as appropriate.

You have the **right to raise concerns or complaints directly with your care home.**

When making a complaint, you have the **right to receive an appropriate response** and to be engaged with in an open and honest manner.

You have the **right to complain to the Local Authority** if your care is funded by the Local Authority (either partially or fully) or the Local Authority has been involved in arranging your care.

You may also want to raise a concern directly with Care Inspectorate Wales (CIW) who are responsible for inspecting the quality and safety of care homes in Wales. Whilst CIW do not investigate individual complaints, the information you provide will help inform their inspection work.

If you have pursued the care home or Local Authority complaints processes and are still unhappy, you have the right to escalate your complaint to the Public Services Ombudsman for Wales.

Providing feedback, raising a concern or making a complaint should not impact upon the care you receive at a care home, or the way that you are treated by your local authority. You have the right not to

Ending your residence

The circumstances in which a care home can terminate your service must be clearly explained in your contract. They must be limited to valid reasons, for example, where the care home can no longer meet your care needs even after making reasonable adjustments.

You have the **right not to be asked to leave without first being consulted** (including your representatives where appropriate) and a care home should ensure that their policies and procedures on how your service could be ended are clearly explained.

You have the **right to be given at least 28 days' written notice to leave** (unless you are staying on a trial period).

You also have the **right not to be asked to leave or have your visitors restricted in retaliation to a complaint.**

If you feel that you have been asked to leave your care home because you have raised concerns or have made a complaint, you can make a further complaint to the care home and/or your local authority or health board if they are involved in the funding of your care.

You may also want to raise a concern directly with Care Inspectorate Wales (CIW) who are responsible for inspecting the quality and safety of care homes in Wales.

If you feel that your care home is treating you unfairly by asking you to leave, then they may be in breach of consumer law. Your local Trading Standards Service will be the appropriate organisation to provide help in relation to consumer issues.

Useful Contacts

