



Brighton & Hove City Council - Adult Social Care

A COUNCIL GUIDE TO CARE HOMES

YOUR RIGHTS AND WHAT TO EXPECT

INTRODUCTION

The following information is for you if you (or a member of your family or a friend) are considering moving into a care home, or already receive care, treatment or support in a care home, either permanently or for a short-term stay.

The information covers the following areas:

- What will happen if Social Services is organising and supporting your move into a care home
- What quality standards you can expect from living in a care home
- What your rights and responsibilities are
- Who you need to contact if you require further help or advice

WHAT WILL HAPPEN IF SOCIAL SERVICES IS ORGANISING AND SUPPORTING YOUR MOVE INTO A CARE HOME

If you are moving into a care home and this is being organised and supported by Social Services, the Council has an agreement with each care home to guarantee your place and to ensure that certain quality standards are met. This agreement is in the form of a contract between the Council and the care home. You are central to this agreement and will be asked to contribute to the contents of your written individual support plan, which sets out your individual needs and how these will be met.

You may be asking **‘What does it mean to have a contract?’** **‘What rights do I have under the contract?’** **‘What service and standards can I expect?’**

This information tries to answer the above questions. However, if you have any more queries there are contact numbers at the end of this booklet inside the back cover.

What does it mean to have a contract?

Your care manager or social worker from Social Services will have discussed with you what sort of service you are looking for, and you may have decided with them that your needs are best met in a care home. Once these decisions have been made you will have chosen, with their help and support, a care home which best meets your needs and which has agreed to contract with the Council.

A contract is then drawn up.

The Contract

The contract contains several parts:

- A “general” agreement between the care home and the Council setting out **legal terms and conditions of the contract** for all residents supported by the Council at the home. These terms and conditions are covered in more detail in Sections 4 and 5 of this booklet.
- This agreement also includes a section on **quality standards**. This is called the **Service Specification**. It tells the homeowner what standards of service the Council expects. This is covered in more detail under “What quality standards you can expect from living in a care home” on page of this information

This “general” agreement is known as a **Pre-Placement Contract**. If you would like a paper copy of the Pre-Placement Contract as well as this information please ring 296207 and we will arrange for a copy to be sent to you.

- An individual agreement about you. This is called an **Individual Placement Agreement** and confirms in writing the cost and starting date of the services. It is sent to the care home with a copy of your individual support plan (see next section). A copy of this individual placement agreement will also be sent to you for your records as soon as it has been processed by our Commissioning Support Unit.
- Your individual **Support Plan**. This sets out your care needs and how these should be met. You will have contributed to the writing of this with the care manager or social worker. You will be asked to sign the written

support plan, which along with the individual placement agreement forms the part of the contract relevant to your own individual services. You should have received a copy of this support plan from the care manager or social worker when you were admitted to the care home.

- Sometimes another person, for example a family member or friend may be helping to pay the care home's fees. This person is known as a "third party", and a **third party agreement** is made between that person, the care home and the Council regarding the amount they will contribute.

Financial Support

You will have already received information from the care manager or social worker about the **minimum amount you will be required to pay** towards the cost of your services at the care home.

Our Financial Assessment Team will have begun the process of deciding the exact amount you will have to contribute. This process usually takes around 28 days after the care manager or social worker has told the finance officer that you have been admitted to the care home. You will receive separate notification of this amount directly from the Financial Assessment Team.

WHAT QUALITY STANDARDS YOU CAN EXPECT FROM LIVING IN A CARE HOME

If your move into a care home is being organised and supported by Social Services, the contract which the Council has with the care home tells the homeowner what standards of service the Council expects.

In this respect, all care homes must be registered with the Care Quality Commission (CQC), which is the organisation that regulates care homes. The law about this has recently changed and says that:

“Everyone who provides services in care homes must make sure their services meet new essential standards of care that protect your safety and respect your dignity and rights.”

CQC have published a booklet entitled “What Standards to expect from the regulation of your care home”. This booklet explains the role of CQC and if you would like a copy this can be obtained from CQC directly in the following ways:

Phone: 03000 616161

Email: enquiries@cqc.org.uk

Website: www.cqc.org.uk

Post: Care Quality Commission
Finsbury Tower
103-105 Bunhill Row
London
EC1Y 8TG

Whilst these essential standards form the basis of the contract between the Council and the care home, the quality standards which the Council specifically expects are summarised as follows:

- Whether you are staying on a permanent or short-term basis, the staff must ensure that they understand your needs and help you enjoy life to the full.
- They should tailor the services provided to your individual needs and where possible your wishes.

This means they should talk to you about your preferences regarding:

- **Social and Leisure Activities**

Your preferences should be built into a programme of events for the home. If you decide not to participate they should respect your choice.

- **Food and Meal Times**

The menu should vary each day and each week. There should be an element of choice, which should include special diets and vegetarian meals. You should be able to eat meals in your room if you want and at the time you want. Should you miss a main mealtime, for instance if you are going out, you should be able to ask the care home to set a meal aside for you.

- **Drinks**

Hot and cold drinks of your choice e.g. tea, coffee and soft drinks should be available throughout the day. You should be allowed to provide your own alcoholic drinks, in accordance with your agreed support plan.

- **Personal Care**

If you need help with bathing, dressing or going to the toilet, this should be done by someone acceptable to you. A small team of the same staff members should care for you, so that you get to know each other and they understand the way you want to be looked after.

- **Independence**

The staff should find out how much you want to do, or can do for yourself and help you achieve this.

- **Involvement**

There should be opportunities for you to be involved in discussing plans and events for the care home. This may be through a regular residents' meeting.

- **Getting up and going to bed**

You should be able to choose when you get up and when you go to bed just as you would have done in your own home.

- **What the fees include**

The fees will include accommodation, full board, cleaning, catering and laundry, including continence supplies (where applicable) and staff available 24 hours a day to care for you, plus a programme of leisure and social activities. Any additional charges for services should be agreed with you before you move into the care home or subsequently and should be agreed in writing with you.

- **Additional Services**

e.g. hairdressing, chiropody...

You should be able to decide on where you get your hair done or your feet/nails done. There may be people who visit the care home to provide these services. You will normally have to pay for these services from your savings or personal expenses allowance.

- **Comments or Complaints**

The care home staff should also explain to you what to do if you are not satisfied with any of the services offered to you or if you want to comment on any aspect of the care home.

Monitoring the quality of the care home

The Council will check the quality of care homes in a number of ways:

- Through looking at the CQC's reports
- By asking Council staff in contact with the care homes what they think, including care managers and social workers, as well as staff from other Council teams such environmental health, health and safety, and training.
- By asking staff outside of the Council such as those working in the Primary Care Trust, South Downs Health, and the Sussex Partnership Trust.
- Through the care manager or social worker asking you for your views of the care home at your review meeting.

- Through the Commissioning Support Unit visiting care homes, which might include checking records, inspecting the surroundings, and talking to residents and staff.

We also welcome your comments directly, and if you would like to share these with us, please pull out the page at the back of this booklet and send it to us with your views.

YOUR RIGHTS

Under the contract you have a number of rights which should be respected and met.

You have a right to:

- **A trial period of 8 weeks from the date of arrival**
This is to ensure that you are happy with the care home. The trial period can be extended if you, the care home and the Council's representative agree. If your stay is short-term your stay may be extended if you, the care home and the Council's representative agree.
- **A single room**
The care home should not expect you to share a room unless this is your wish. However, there may be times when the care home does not have a single room available at the rates agreed by the Council. If this is the case, you may be asked if you want to share a room until a single room at the Council's fee rates becomes available. The care home must not ask you to move rooms without your agreement unless on a temporary basis for example for redecoration or repairs.
- **Bring items of your own furniture, ornaments, pictures and so on, for your room**
However, if your stay is short-term you may wish to bring just a few family photographs or other small personal items.
- **Position the furniture and ornaments in your room how you would like them**
Staff should not rearrange them without your permission, unless they pose a risk to your safety.
- **Have a key and be able to lock your room**
- **Have one lockable cupboard or drawer within your room**

- **Have your room kept for you if you go on holiday or into hospital**
Your room will be reserved for up to 6 consecutive weeks. If you are staying on a short-term basis and are admitted to hospital your room will be reserved for you if you are likely to be discharged before your short-stay is due to end. You will still be required to pay your service user contribution.
- **Use the communal lounges and dining room as you choose**
- **A clean comfortable living environment**
- **Have your care needs met as set out in your individual placement agreement and care plan – See Section 2**
- **Discuss your needs**
A review of your individual placement agreement should be held within 6 weeks of your admission to the care home and every year after that. You can request a review at any time. The service you are receiving should not be changed without your permission.
- **Match the care home to your needs**
If your needs change to such an extent that the care home you are in can no longer meet your needs, we will help you to find somewhere more appropriate for you to stay. For example, if you need nursing care that cannot be provided by the district nurses, and you are currently staying in a care home that does not provide nursing, we will help you to find a care home where your nursing needs can be met. Similarly, if you are staying in a care home with nursing, but become more healthy and independent, we will help you to move to a care home without nursing care.
- **Involve a representative, family member or friend in discussing your care needs with the care home's staff**
- **Be cared for by people you have confidence in**
If you are unhappy with the care arrangements you can ask the person in charge for changes.
- **Be treated courteously**
For example, staff should always knock and not enter your room until you respond. Staff should call you by the name of your choice. They should be polite and attentive.

- **Be treated fairly without discrimination, harassment, bullying or victimisation**

If you feel bullied or victimised in any way you, a friend or relative can contact the CQC or the Council in confidence, via the numbers on the inside back page.

- **Choose and wear your own clothes**
- **Have individual towels, bedding and toiletries**
- **Have your clothes and towels laundered separately from other resident's items**
- **Manage your own money if you are willing and able to do so**
If you require assistance in managing your finances your care manager or social worker will be able to advise you on the options available. You should receive an itemised bill for any additional services not covered under the contract, for example hairdressing.

- **Come and go as you please**

The care home should encourage you to come and go as you please, using local community facilities and services e.g. shops, community centres and clubs. You should let the care home know where you will be and when you are due back.

The care home staff should support you to keep previous friendships /relationships and start new ones as you wish.

There may be occasions when it is necessary for you to be accompanied or the care home staff consider that an activity might put you at risk. These situations should be fully discussed with you and any action agreed with you.

- **Go to church, synagogue, mosque, or other spiritual meeting and carry on practising your religious or spiritual beliefs.**
- **Vote in any local or national elections**
- **Manage your own medication if you are able and willing to do so.**
- **See your own doctor or dentist and see them in private if they visit you in the home**
If you need to arrange a new doctor or dentist the person in charge of the care home should be able to help you.

- **Receive visitors when you want and refuse visitors**
- **Make telephone calls in private without being overheard**
- **See personal information about you, which is held by the care home**
This should be given to you in a form you are able to use e.g. large print or on tape. Your views about the service should be recorded in your records.
- **Comment about the care home**
You may wish to make comments or suggestions about the care home. You should ask whether this is done through suggestion boxes, a regular residents' meeting, a comments book to write in, or another method.
- **Complain about the service**
You should be given a copy of the complaints procedure which should tell you how to complain directly to the care home. If you are still not happy you can contact the CQC or the Council on the numbers on the inside back cover of this booklet.
- **Change care homes if you continue to be unhappy there**
- **End the agreement by giving 21 days written notice**
If you decide you no longer wish to live in the care home you can end the agreement by giving 21 days written notice to the Council who will notify the care home. If you need help to find a new care home your care manager or social worker will assist you. You should note that the care home might also end the agreement by giving the Council 21 day's written notice. If this happens the care manager or social worker will notify you and help you find a new care home.

On rare occasions when a contract is ended immediately, we will work with you and the care home to ensure your interests are safeguarded.

YOUR RESPONSIBILITIES

You have a responsibility to:

- **Pay your contribution to the weekly care home fees directly to the care home**
The care manager or social worker will have worked with the Council's Financial Assessment Team and yourself to decide how much of the

care home's fees you will have to pay. This is based on national rules that take account of your income, savings and capital (e.g. property). Any benefits or pensions you receive will usually be used to pay for your care.

Your weekly contribution to the home's fees will normally increase in April each year. This is to take account of increases in the cost of living for the coming year.

- **Bill and Receipt**

We would expect you to pay the care home directly. They should provide you with a bill and following payment, a receipt.

If a relative or friend is also contributing to the fees as a 'third party', this person is responsible for paying their contribution. If they stop paying for any reason, unless the care home agrees to accept less or someone else agrees to pay, you may have to move to a less expensive home. Should this situation arise your care manager or social worker will help you choose a new care home and give you as much support as possible.

- **Give 21 days written notice to the Council who will notify the care home if you wish to move**

- **Abide by the care home's terms and conditions.** The care home will have their own conditions of stay which you should be aware of and have agreed to before you move into the care home. These terms and conditions may be additional to, but should not contradict anything in this booklet. If they do, please contact us on the number at the back of this booklet.

- **Keep the care home informed of your needs and wishes**

It is important that you express your views. This is to make sure that you get the service you require and that any problems the care home has in meeting your needs can be discussed and solutions found.

- **Pay for personal items**

Your own income or personal expenses allowance is expected to be used to pay for daily items for example toiletries, clothes, leisure and social activities additional to the home's programme, sweets and chocolates, hairdressing, private chiropody, newspapers and dry cleaning.

The home fee covers 24-hour care, accommodation, including maintenance and decorating, heating, lighting, cleaning, continence

supplies and laundry, food and soft drinks plus some leisure and social activities.

If you are unsure whether an item is covered in the care home fee ask the person in charge of the care home. If you are not satisfied with the answer contact the general enquiries number at the end of this booklet page.

- **Behave courteously to staff and other residents** and respect other's ethnic, cultural and other differences.
- **Keep your room tidy and free from hazards**
- **Not give gifts to members of staff**
However, staff are allowed to accept small tokens of appreciation such as chocolates or flowers. Under no circumstances should you offer, or should staff accept money or cheques.
- **Not involve staff in the writing or witnessing of your will**
If you don't know how to organise a will please contact your care manager or social worker.
- **Insure any personal possessions brought to the care home individually or collectively valued over £1,000.**
- **Keep the care home informed if you bring any items valued at £200 or more into the care home or if such items are taken away**

CONTACT NUMBERS

If you have any remaining queries please contact the Council's Adult Social Care Department.

The following contact numbers are listed by type of query:

Type of query	Who to contact	Phone	Email
Complaint about a care home	Commissioning Support Unit (Adult Social Care)	01273 296207	Socialcare.contractsunit@brighton-hove.gov
	Care Quality Commission (CQC)	03000 616161	enquiries@cqc.org.uk

Request for help and support from Social Services	Access Point	01273 295555 Minicom 01273 296388	accesspoint@brighton-hove.gov.uk
If you feel bullied or victimised	Access Point	01273 295555 Minicom 01273 296388	accesspoint@brighton-hove.gov.uk
Charges and/or financial assessment	Financial Assessment and Welfare Rights Team	01273 295660	ascincomessection@brighton-hove.gov
General enquiries	Commissioning Support Unit (Adult Social Care)	01273 296207	Socialcare.contractsunit@brighton-hove.gov

If you have any comments or suggestions about this booklet please fill in, cut out and mail the following pages to this address:

**The Commissioning Support Unit (Adult Social Care)
BRIGHTON & HOVE CITY COUNCIL
Ground Floor
Kings House
Grand Avenue
Hove BN3 2LS**

YOUR COMMENTS

We would be very pleased to hear your comments about this booklet.

If you have any comments about the care home you are staying in, please fill in this section, tear out this page, put it in an envelope and send it to the address on the preceding page.

Your comments will be **CONFIDENTIAL**

If you would like the care home to know about your comments, please tick this box

Your name: _____

Address: _____

Phone No: _____

Please forward to:

**The Commissioning Support Unit (Adult Social Care)
BRIGHTON & HOVE CITY COUNCIL
Ground Floor
Kings House
Grand Avenue
Hove BN3 2LS**

Alternatively you can email your comments to:
Socialcare.contractsunit@brighton-hove.gov