



Comisiynydd Pobl Hŷn Cymru
Older People's Commissioner for Wales

Know your rights: Living in a care home in Wales

**An independent voice and champion
for older people**

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
Cambrian Buildings
Mount Stuart Square
Cardiff
CF10 5FL**

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.

Knowing your rights can make all the difference

We all have rights. You do not lose your rights when you move into a care home.

Your rights are important and understanding them can help you ensure that you are treated fairly and protected if things go wrong.

Knowing your rights will help you, and anyone assisting you, get the information you need to make informed decisions when choosing and moving into your care home.

They can help ensure that you receive the right level of care and that you are supported to live as independently as possible. They can help ensure that you are able to do the things that matter to you and can see the people who are important to you.

If you want to complain about something, knowing your rights can help ensure that you are listened to and that your concerns are dealt with appropriately. If you decide to leave or you are asked to leave your care home, knowing your rights can help ensure that this is done in the most appropriate manner.

This guide provides a brief summary of the rights you have when moving into, living in or moving out of a care home, and what that should look like in practice.

We've also produced a larger guide that provides more detailed information, which you may also find helpful – if you'd like a copy, please get in touch.

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 **right to an assessment of your care and support needs** from your local authority, and to be involved in this.

You have a **right to ask your local authority to arrange a care home place for you**, which can help to further protect your rights.

(They may need to do an assessment before they arrange a care home place for you, and there may be a charge for making the arrangements on your behalf).

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 a range of different things, such as key staff in the home, getting health services, activities available inside and outside of the home, and how to make a complaint.

You have a **right to a Personal Plan (and to receive a copy of this)**, which provides information about your needs and preferences, the care and support you'll receive and the ways in which this will be provided. This can include things like your cultural or religious preferences.

You have a **right to be involved in making this plan** (with support from your family or a representative if you'd like) and it must be reviewed and updated when required (but at least every three months) to reflect any changes to your needs or preferences.

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**, which includes respecting your privacy and confidentiality, promoting your independence and communicating with you respectfully.

You have a **right for intimate personal care to be provided in a dignified way**, and to be supported to wash and use the toilet as independently as possible.

You have the **right to access technology and specialist equipment** so you can call for assistance and manage your own needs where possible, and a right to access aids and equipment to help you to communicate.

You have the **right to access treatment, advice and other services from any health care professional** as necessary and the right to be supported to access such services.

You have the **right to be safe and protected from abuse, neglect and improper treatment** and the **right not to be treated in an inhuman or degrading way**. This includes the **right not to be controlled or restrained** (by the use of physical, mechanical, chemical or psychological means) unless it is necessary to prevent a risk of harm posed to you or others.

You also have the **right not to be deprived of your liberty** when being provided with care, which means you cannot be restrained, or your movements restricted, unless the proper legal processes have been followed.

If you are living with dementia or sensory loss, you have the **right to be communicated with and responded to in an appropriate manner** by staff appropriately trained to understand cognitive and sensory impairment. You have the right for your care to be delivered in a positive and caring way and staff should take time to get to know you.

Making your voice heard

You have the **right to contribute your views** to help with the running of the care home if you choose.

If you need support to help you have your say in decisions about your care, an advocate can help put forward your views or speak for you and in some cases **you may have the right to an Independent Professional Advocate (IPA)**.

If you are unhappy with any aspect of the care you receive, you have the right to make a complaint (please see information on making a complaint below).

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 which is separate from your own room (you can refuse to see visitors if you wish).

You have the **right to respect for your private and family life**, which means you have the right to enjoy family relationships without interference from public bodies.

This includes the **right to regular contact with your family**.

However, this right can be limited if it is in the interests of public safety or for the protection of health or the rights and freedoms of others. All restrictions must be proportionate to the risk.

You also have the **right to liberty**, which means that you cannot be prevented from free movement, including leaving your care home without lawful authority.

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 services'**.

You have the **right to not be pressured into the purchase of additional services** as a condition of moving into the care home or continuing to remain in living in the care home.

If you have consented to the purchase of 'additional services', you have the **right to be provided with information on the actual cost of these**.

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 suffer victimisation or any other disadvantage, or the withdrawal or reduction of a service because of making a complaint.

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

Public Services Ombudsman for Wales

1 Old Field Rd,
Pencoed,
Bridgend
CF35 5LJ

Tel. 0300 790 0203

<https://www.ombudsman.wales/complaints/>

Care Inspectorate Wales (CIW)

Welsh Government office
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Tel. 0300 7900 126

<https://careinspectorate.wales/contact-us/raise-concern>

Trading Standards

To make a report to Trading Standards, you need to contact the Citizens Advice consumer service.

Contact the Citizens Advice consumer helpline: 0808 223 1133

Age Cymru

Ground Floor, Mariners House
Trident Court
East Moors Road
Cardiff, CF24 5TD

Tel. 0300 303 44 98

<https://www.ageuk.org.uk/cymru/contact-us/>

Find your local authority or health board

Find your local authority:

<https://www.gov.uk/find-local-council>

Find your health board:

<http://www.wales.nhs.uk/ourservices/directory>

(If you're having trouble finding your local authority / health board, please contact the Commissioner's Advice and Assistance Team)

