

Submission from the Orders of St John Care Trust.

Information about the Trust;

The Orders of St John Care Trust (OSJCT) was established in 1991. It is a charity sponsored by the Sovereign Order of Malta and the Venerable Order of St John. These two historic Orders have a long tradition of offering care and service and today provide the Trustees for OSJCT.

OSJCT's core activity is providing care for older people of any background, irrespective of race or religion. Having started in Lincolnshire, running 16 former local authority care homes, the Trust now operates 70 homes and 15 extra care housing schemes, across Lincolnshire, Oxfordshire, Gloucestershire and Wiltshire. OSJCT cares for nearly 4,000 residents, with an equivalent number of employees.

The Trust is dedicated to delivering the highest quality, person centred care. Our broad range of services includes specialist nursing and dementia care. We also provide intermediate, respite and day care. Our ethos of care, which underpins all our activities, is based on our belief that all older people living in our care homes, should be given care, both material and spiritual, that suits their individual needs. We also believe that our residents and day care visitors should enjoy life in an atmosphere of warmth, harmony and understanding, being cared for by people who appreciate their need for privacy and who will respect their dignity and freedom of choice.

To that end, OSJCT is currently involved in an extensive development programme, working in partnership with local authorities and other stakeholders to ensure that our residents and staff can live and work in a modern environment and can benefit from the latest care aids, equipment and technology. We are also committed to providing the best possible training opportunities for our staff in terms of their career progression and personal development.

Visit www.osjct.co.uk for more information about all of OSJCT's care homes, extra care home schemes and job opportunities.

Theme 1: Consumer protection issues in the care home sector

1. What are the main consumer protection issues in the care home sector? How widespread are these issues and what harm do they cause to residents and their families?

The main consumer protection issue is that people are making a decision about their living arrangements at a time when they may be very frail or living with a cognitive impairment such as dementia. Sometimes decisions have to be made quickly – in hospital or following a negative health event for example. Where people are paid for by the Local Authority they may not have as much choice over which care home is available to them as private payers. Relatives are often involved in decisions but sometimes there is conflict between family members or there are no relatives to help.

We do our best to ensure that all our residents are able to fully express their choices, including about whether they enter the care home in the first place. We try to ensure that people are fully informed about life in the care home before they arrive. We set out what our charges include and what might be extra like a newspaper, hairdresser or chiropody.

We want people to have control over their day to day care and express choice over things like what and where to eat, when they go out, how much time they spend in their room, who visits etc. Needs and preferences are recorded in Care Plans which are regularly reviewed (daily if necessary). We involve relatives in decision making and are open to visits at all times. Where people do not have capacity to consent to coming into

the care home or over their care needs we will carry out a Mental Capacity Assessment which may lead to a Best Interest decision and in some cases a DOLS (Deprivation of Liberty Statement). In some cases decisions have to be made quickly – when someone is being discharged from hospital for example, but assessments are still carried out and paperwork completed as soon as reasonable possible. Where people have dementia we involve specialist dementia nurses in those assessments and best interest decisions.

2. To what extent are care homes complying with consumer law, in particular in relation to the fairness of their contracts and their behaviour towards residents and their families?

We believe that we are complying fully with all legislation relating to contracts in particular:

- Unfair Terms in Consumer Contracts Regulations 1999
- Care Quality Commission (Registration) Regulations 2009: Regulation 19
- Care Act 2014 - whilst aimed at local authorities Section 8 of the Care Act guidance requires that the approach to charging should be clear, transparent and that people know what they will be charged. We have also applied these best practice principles to our residents who pay for their own care.
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013– 14 day cancellation right if not signed in the Home

We have recently updated our resident contract utilising expert legal advice. Our contracts must be signed by the person or their lasting power of attorney for financial affairs before they come into the care home. Fee increases are normally annual and are notified within good time (4 weeks). The contract is supported by a resident's handbook which sets out what the person can expect from the care home.

3. Are the current protections offered by consumer law and other measures (such as sector regulations) sufficient to address these issues?

CQC ensures that people have choice and that care is personalised. They look at how we deal with complaints. They look at care plans and determine how responsive we are to residents needs.

Consumer Contract regulations are the regulations behind the 14 day 'cooling off' period. Wherever a resident enters into a contract away from business premises (by phone, on the internet or at their own home) they have 14 days in which to cancel the contract and receive a full refund of any deposit. If a contract is concluded at business premises the resident and/or their Lasting Power of Attorney are taken through the terms of the contracts and the fees.

Best practice is to provide a trial period (usually 4 weeks/month) at the home with a contractual notice period. This is detailed in our contract.

4. Are there barriers to residents and their families raising complaints when something goes wrong, and how effective are the current complaint and redress systems for care home residents?

We seek and encourage feedback from residents and relatives. We display CQC ratings. We pay carehome.co.uk to manage feedback and publish it on their website to aid consumers in knowing about the Orders of St John Care Trust when they are choosing a home. We encourage complaints and deal with them in line with our Complaints Policy.

We monitor our response to Complaints which can be escalated to a more senior manager when the resident or their relative is not satisfied. We are happy to work with advocates if a person does not have any relatives.

Theme 2: Older people's decision making on care homes

5. What information and advice is available for older people and their representatives when deciding about entering or moving between care homes? Is it easy to access and understand this information? How can existing information/advice be improved? What further information would be useful?

- We provide brochures about our care homes.
- We supply information to agencies that help people to find care, including the Local Authority.
- We keep our website up to date (by home)
- We encourage people to complete reviews on carehome.co.uk
- We advertise.
- We hold coffee mornings and open days in our care homes.
- We work with GPs and other professionals eg hospital staff.
- We meet people in person and show them round. We talk to them about what is available and the fee.
- People can have visits, trial stays or respite before becoming a resident.
- We provide a brochure on 'Paying for your Care' which is available on our [website](#)

Choice of accommodation and the provision of information and advice are key elements of the Care Act and therefore information can also be found on Local Authority websites.

6. What other factors may impede older people in choosing a care home initially or subsequently in moving between care homes (if appropriate)?

The most likely problem is people having to make a decision in a hurry, eg if they are in hospital. We can offer a temporary stay to assess their needs and support people to move if necessary. Occasionally if a resident's needs change (eg they develop nursing needs) then they may have to move if the care home can no longer accommodate them safely.

As people are not tenants they have no right of residency and have to move if their needs cannot be met safely within the home. We aim for people to remain with us and in their original care home wherever possible.

People who are funded by their Local Authority may have restricted choice of homes which will be determined by the LA funding policy.

Theme 3: Regulation of care homes

7. What impact do regulations have on competition in this sector, particularly on price and quality?

Regulations help to ensure that people receive a good service. They generally cover the basics so we aspire to be the leading care provider of choice in the areas where we operate. We want to provide good quality so that our residents are well cared for, chose to live with us and we can attract a good calibre of employees.

Regulations also provide protection and transparency to residents.

8. How do local authorities' commissioning and procurement practices affect competition in this sector?

Local Authorities fee rates no longer cover the real cost of the care that we provide. Their fee increases have not kept up with inflation nor cover government led regulations such as the National Living Wage.

In 2016/17 not all Local Authorities chose to take advantage of the additional 2% council tax for social care and the recently announced flexibility in the 2017/18 settlement to bring forward council tax increases to 3% in 2017/18 and 2018/19 does not encourage Local Authorities to make long term decisions given the long term finances remain uncertain and therefore the individual needing long term care and support is not at the heart of the decision making.

9. To what extent is local authorities' 'market shaping' role affecting competition in the care homes sector?

Not in any helpful way.

Section 4 of the Care Act describes the Local Authorities duties for market shaping and commissioning and in particular their duty to ensure that there is a 'sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support'. We do not believe they are fulfilling their duties for sustainability and in doing so putting the wellbeing of individuals in jeopardy.