

Comments on Update Paper – Care and Social Services Inspectorate Wales (CSSIW)

Dear CMA

The update paper captures our experience of the care sector and the intelligence we shared with you. It identifies:

- the vulnerability of people having to make choices under pressure
- the problems people face about the lack of clarity in relation to costs, confusion about top ups and health funding and
- the weak position people find themselves in when they complain with the threat of notices (which are given) when complaints are made.

We think the rights of those without capacity can be overlooked especially when disputes emerge between care home operators and family members.

As a regulator we find we have limited influence on what can become “contractual” issues. i.e. so long as things are written down (even if they are in technical language/ small print), however one sided, we cannot take action because it is “contractual”. The issues fall outside our regulatory ambit even when action appears unfair.

Any assistance that can be given to rebalancing care home contracts to strengthen consumer rights would be most welcome.

We look forward to continuing to work with you

David Francis