

## Comments on Update Paper – Hampshire Trading Standards Service

I appreciate that I have missed the date for views on your findings so far with regard to your market study into care homes for which I apologise, but I thought it might be useful to feed in our experiences dealing with domiciliary care providers.

For over 15 years we have been running a trader approval scheme which is operated and owned by Trading Standards. While the scheme started in Hampshire Trading Standards, it is now operated on a national basis. It is not a commercial scheme (of which there are several) but one run for consumer protection purposes. The businesses who apply to join have to go through a rigorous vetting process, including a face to fact visit from a Trading Standards Officer, before they are approved. They are then monitored on an ongoing basis. The details of the scheme can be found at [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk).

The scheme has been focused on the home maintenance and improvement sector as this was an area of consumer detriment.

About 2 years ago we started working with colleagues from our Adult Social Care department to develop an extension of the scheme to cover care providers, as this had been identified as an area of potential detriment. We now have the BWC +Care scheme, with businesses being assessed both by Trading Standards and Adult Social care colleagues before approval. <https://www.buywithconfidence.gov.uk/buy-with-confidence-care/https://www.buywithconfidence.gov.uk/buy-with-confidence-care/>

In the first instance we have concentrated on the domiciliary care sector, but plan to extend the scheme to other care services over time.

Our experience of this sector so far has been that the care providers have no awareness of consumer protection legislation and how it applies to their businesses. In particular we have found that care providers had no knowledge of or compliance with cancellation rights and that every set of terms and conditions that we reviewed were non compliant from a consumer protection point of view.

In my view, this lack of awareness stems in part from the fact that previously many providers had contracted with the local authority and so were not involved in consumer contracts. Changes in funding have meant that these relationships have changed and many care providers are now, for the first time, involved in business to consumer contracts, without any awareness that this brings legally obligations.

Most of the providers we have worked with have been keen to be comply and willing to take on board our advice. However, it is worth noting that some, who did not go on to become members of the scheme, seemed to misunderstand that the requirements apply whether they joined the scheme or not.

There is very clearly a knowledge gap amongst domiciliary care providers (and I would imagine other types of care providers) about consumer protection legislation and although, I suspect, non compliance is widespread, this is largely down to ignorance rather than deliberate attempts to avoid obligations. This gap needs to be

addressed and I approached the CQC as the organisation best placed to at least signpost providers to information on the requirements, but unfortunately I was unable to engage their interest in this.

As regards your question about making information about care homes more useful and easily accessible, I believe that a scheme such as BWC +Care provides an element of the answer. Decisions about care are often made at a crisis point, with time for research and planning very limited and stress levels high and this is even more so with care homes than domiciliary care providers. Some kind of endorsement that a provider has been vetted both from an adult social care and a trading standards perspective has the potential to make choosing a provider more straightforward and less stressful for consumers, as well as helping them to make better choices, which is particularly important in the case of care homes as moving care homes once a person has taken up residence can be very problematic.

If you would like any more information about the BWC +Care scheme or our experiences please do feel free to contact me.

Regards  
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