

Your rights in a care home

As a resident – or as a relative or friend – you need to know what care providers must do to ensure that residents' rights are protected when receiving personal care and living in a care home. This summary contains some of the most important rights under the current regulations as approved by Parliament. The numbers in brackets refer to the Regulation number. These Regulations are all mandatory. This means that providers must comply with them. They are not optional 'extras'.

NB. The term "provider" also means the manager throughout.

Registration is Essential for All Providers and Managers

1. All providers and their managers must be registered by the regulator: the Care Quality Commission (CQC). To run a care home without being registered is unlawful. The CQC is also responsible for inspecting all care homes.
2. The home must be run by a provider or a nominated person who must be of good character. This must be "*a fit and proper person*" and have the necessary qualifications, skills and experience. The manager in charge of the home must meet the same standards of fitness.
Part 3 Regulation 4, 5, 7

Abuse

3. You must be kept safe from any risk of abuse, ill-treatment or neglect or degrading or improper treatment. Providers must have systems to prevent and investigate any allegation or evidence of abuse. *Regulation 13*
4. Abuse includes sexual, physical and psychological abuse as well as theft and neglect.

Going into a care home feels like entering another world which has its own conventions and of course, its own governing legislation and guidance. So, however friendly and warm, it can still be difficult for residents and their relatives and friends to know what it's going to be like and what they have a right to expect.

Despite all the rhetoric, it is not like living in your own home. Most people now going into care homes are in their 80s and 90s, with more than 70% having some form of dementia, often with other disabilities and illnesses. As a result, they need skilled help and support with their personal care and activities of daily life from care workers.

5. You must be protected from the threat or use of force, deprivation or restriction of liberty, restraint or control.
Regulation 13 (6,7)

Assessment and Care Plan

6. You must get a proper assessment of your needs and a care plan that meets them. *Regulation 9 (3)*
7. Your safety and welfare must be ensured by the provider. Your care must also reflect best practice and avoid discrimination. *Regulation 9 (1)*

Choices, Communication, Dignity and Privacy

8. You must be treated with consideration, dignity and respect which protects your independence and privacy and enables you to make choices without discrimination due to your age, culture, disability, language, race, religion, sex or sexual orientation *Regulation 10 (1,2)*

Cleanliness of Premises and Infection Control

9. The home must be a safe and clean environment where you are protected



from infection. *Regulation 12 (1)(2)*. Premises must be suitable and secure. *Regulation 15 (a)-(e)*

Complaints, Listening and Responding

10. Your home must have a system to identify, receive, record, handle and respond effectively to complaints. The home must ensure that complaints are investigated and take steps to resolve them. *Regulation 16 (1) (2)*

Consent

11. Your home must get your consent to your care and treatment. Where you are unable to do this, they must ensure that they receive expert support to interpret what your consent would have been. *Regulation 11*

Equipment

12. All equipment used by the service provider must be clean, secure, suitable and properly maintained. *Regulation 15 (a)-(e)*

Feedback

13. The provider must seek and act on feedback to continually evaluate and improve their practice and the service. *Regulation (17(2) (e) (f)*

Food and Drink

14. Your reasonable requirements and preferences must be catered for, which meet your needs, culture and religion. You must also receive suitable and nutritious food and drink and, if needed, help with eating or drinking. *Regulation 9 (3) (i), 14 (1) (4)*

Medicines

15. There must be proper and safe management of medicines. They must also be provided safely and in sufficient

quantities to ensure safety and meet your needs. *Regulation 12*

Protecting the Resident

16. You must be protected from inappropriate or unsafe care. *Regulation 13 (1) a*

17. Your welfare and safety must be ensured by the provider who must see that your care reflects best practice and meets your needs and avoids unlawful discrimination. *Regulation 9 (3) (a)-(i)*

18. The provider must be open and honest about any incident affecting a resident which could result in moderate, severe or prolonged harm. *Regulation 20*

19. The provider must display the rating given by the inspectorate, the CQC.

Records

20. All records relating to your care and treatment must be accurate, complete and up to date and kept securely. *Regulation 17 (2) (a)-(f)*

Respecting and Involving Service Users

21. You must have your dignity, privacy and independence respected and your views, experiences and choices considered in all decisions about your care and treatment. *Regulation 17(2) (e)*

Staffing

22. The provider must ensure that there are enough suitably qualified, skilled and experienced staff at all times to care for you. They must also be of good character, competent to carry out their work and properly trained and supervised. *Regulation 18 (1) (2)*



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