

Dear member

Primary Authority Partnership on CMA Consumer Guidance for Care Homes

As part of the Care Provider Alliance (CPA) Care England, NCA, NCF and RNHA are working together on a pilot project regarding the CMA Consumer guidance for Care Homes, to enter into a co – ordinated primary authority partnership on behalf of its members to support consistency in the enforcement of this consumer legislation and provide authoritative advice to members. . **All members of each association are receiving this same email.**

The legislation is being enforced locally by Trading Standards (although some may hear directly from the CMA, CQC, commissioners, residents and families) and hence there is a need for all regulators to consistently interpret the CMA Guidance for Care Homes. In order to do this we have entered into a Primary Authority (PA) partnership with Hampshire CC Trading Standards, to be a single point of contact for other regulators.

What does this mean for you?

We have developed a set of materials to support you in meeting the CMA guidance via your marketing materials, website and contracts to ensure you are compliant with the legislation. **Provided that you follow these materials then you can refer the local TS or other regulator who may take a different view and believe that you are non-compliant to Hampshire TS stating that you have followed the guidance provided and are a member of the Primary Authority partnership.**

In the event that this did not resolve the issue then you should give details to our central administrator at info@carehomescma.org.uk when we will consider the situation and determine a course of action.

You should be aware that the interpretation of this consumer legislation is subject to case law; remember Cheshire West! In any case we will continue to review/update the guidance in the future to ensure it reflects the current interpretation of the legislation.

In the event that you wish to deviate from the Primary Authority guidance then you will need to assure yourselves that you are compliant with the legislation. You can do this in a number of ways including requesting an opinion from your local Trading Standards, commissioning Hampshire Trading Standards (who are familiar with the guidance) or requesting an opinion from a solicitor or barrister. Any of these will be at your cost.

In the event that you consider your deviation from the Primary Authority guidance to be compliant and in common use then we will be pleased to consider incorporating such an amended wording within any updated guidance, at no cost to you. Please submit such amended wording to our central email address, info@carehomescma.org.uk.

Will there be a cost to me as a member?

Provided you have followed the Primary Authority guidance then there will be no charge to you as a member of the participating trade association and you are free to use all the materials that are made available as part of this project.

The Primary Authority Partnership is a membership benefit which we would recommend; however you are not obliged to participate in the scheme and therefore you have the right to opt out.

Managing the scheme

We are required to maintain a list of members of the scheme for use by the regulator. This list has been compiled from the membership lists of the four constituent trade associations. Your organisations details have been sent to the central contact coordinator to hold and manage. The list holds the date you joined the partnership. If at any time you want to withdraw from the partnership you must inform info@carehomescma.org.uk If you leave Care England/National Care Association/National Care Forum/Registered Nursing Home Association membership during the year of this pilot your company will be withdrawn from the partnership.