

Submission 1 – Niall

Niall's mum suffers with Alzheimer's. Niall was responsible for organising nursing home care for her. Niall said he was aware he was entering into a contract when his Mum entered nursing home care. Niall said that the terms and conditions in the contract of care were not important when selecting a nursing home for his Mum as his Mum's admission was an emergency. Niall said the terms and conditions would have been important if he had time to examine them.

In selecting a nursing home for his Mum, Niall reported that the website of the nursing home made no mention of a contract. When Niall did receive a contract, he felt that a lot of the language in the document was legalistic. Niall felt there were important parts of the contract which he did not understand at all. Niall felt that the contract was not balanced. Niall decided to consult a solicitor for advice on the contract.

As Niall's mum suffered with Alzheimer's and Niall did not have a power of attorney, Niall had to act as guarantor to his mother's contract of care. Niall's solicitor advised him that a clause in the contract of care gave the nursing home permission to change the contract of care at any time without having to consult or obtain his agreement as the guarantor. Niall felt that this clause in the contract of care gave the nursing home a blank cheque to do as they wished. Due to the possible implications of the clause, Niall refused to sign the contract.

The Nursing home told him they would come back to him on the matter. Niall was asked to sign the same contract again. Again, Niall refused. The nursing home didn't address the matter with him.

Niall feels many people sign contracts with similar clauses to his Mum's contract without knowing what they are signing up to. Niall feels contracts of care should be revised to ensure fairness and be accompanied by a legally binding booklet explaining the contract in understandable English.