

CCPC Sample letter – Nursing Homes Contracts of Care

07.05.19

Nursing Home

Main Street

Dublin

Dear Sir/Madam

I am writing to you about the Contract of Care provided by you to me. I enclose a copy of the Contract of Care for your information.

I am writing to you, because I believe this Contract of Care contains terms which are unfair, pursuant to the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995, and are harmful to my interests.

Specifically I am concerned about the following term(s) in the contract:

- *Clause 14 – “The proprietor reserves the right to apply a late payment interest charges to all such balances. The interest charge will be calculated in respect of any balances that are as defined above. The rate of interest shall be applied at a rate of 10% and may be varied at the discretion of the proprietor (acting reasonably) and in accordance with the provisions of this contract”*
- *Clause 22 – “We may terminate our contract for any reason upon notice in writing of six months to you”*

I consider that these terms are unfair for the following reasons:

- *Clause 14 – According to section 3.16 of the CCPC’s guidelines for contracts of care, “Terms which oblige residents to pay interest on any outstanding fees at an excessive or penal interest rate run the risk of being unfair since it means the resident will pay more than the actual cost of meeting the liability.”*
- *Clause 22 - According to section 3.19 of the CCPC’s guidelines for contracts of care, “It is essential that the circumstances in which a nursing home will end a contract are clearly set out so that the resident is aware of the grounds on which it may happen. Any term which allows a wide discretion for a nursing home to terminate the contract runs the risk of being considered unfair.”*

I would appreciate if you would review the contents of this letter and the attached Contract of Care and respond to my concerns at your earliest convenience. If you wish to discuss this further, I am contactable by return email or by phone at 086 00000000.

Yours sincerely,