

# Close to Home

An inquiry into older  
people and human  
rights in home care



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*“Where, after all, do universal human rights begin? In small places, close to home... Unless these rights have meaning there, they have little meaning anywhere.”*

Eleanor Roosevelt



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# How we conducted the Inquiry

Our findings and recommendations have been drawn from a broad evidence base that was gathered from 1,254 individuals, local authorities, care providers and other organisations across England by means of:

- Inviting written evidence
- Conducting focus groups
- Interviews
- Surveys

# Findings

Many older people are very happy with the home care service they receive

*Both my parents have been enabled to stay independent as long as they can due to the care they have been provided with... [They] are able to enjoy a dignified life, in their communities, at little cost to the state, and remain in control and as independent as they can be.*

**Daughter whose parents receive home care, Midlands**



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# Findings

## Causes for concern included

- Older people not being given adequate support to eat and drink
- Neglect
- Financial abuse
- Disregard for older people's privacy and dignity
- Talking over older people
- Little attention to older people's choices
- Risks to personal security
- Physical abuse

Many incidents amounted to human rights breaches.

# Findings

## **Pervasive social isolation and loneliness**

*“I’m stuck here all day long, and I look at the sun and I think, I wish I could get out there ... if you’re stuck between four walls of a day, every day, that is like living in a box being squeezed in.”*

**Woman, 78, lives alone, local authority funded**

# Impact on older people

*“I felt worse than a baby ... a package that was just left there. They would come in and do this and that, and go again, and then come back. I just wanted to curl up and die. I was diminished. I wasn’t me any more ... not quite a human being. My life was ... taken over.”*

**Woman, 76, lives with partner, direct payments from Independent Living Fund**



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# Effects of commissioning practices

The Human Rights Act gives local authorities positive obligations to promote and protect human rights.

Many of these problems could be resolved if local authorities made more of the opportunities they have to promote and protect older people's human rights in:

- the way home care is commissioned
- the way home care contracts are procured and monitored.



# Commissioning practices

- Quality/cost
- ‘Time and task’
- Monitoring of contracts
- Clear need for supportive senior leadership
- Good practice underpinned by proper understanding of human rights obligations, and what it means to have a ‘human rights approach’ to home care.



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# Views of providers

- Low rates

*“We just are not prepared to reduce what we feel are our essential quality standards to be cheaper.”*

**Manager, small voluntary sector care provider, North of England**

- Partnership approach

*Rather than just saying, ‘There you go, go and do that’, they ask us first, ‘Do you think this will work? What are the best ways to do it?’*

**Small private sector provider,**



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# Other contributing factors

A number of other interlinked factors are contributing to the human rights risks identified in our findings:

- Differential treatment related to age.
- Inadequate information for older people and their families on the different processes and options for obtaining care.
- Patchy or no advocacy or age-appropriate brokerage support.
- A lack of investment in care workers.

# Key recommendations

- Proper legal protection
- More effective monitoring
- Better guidance



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# Proper legal protection

The Human Rights Act applies to public authorities *and* to other organisations when they are carrying out ‘public functions’.

Our primary recommendation is that the definition of ‘public function’ should be extended to include the provision of home care by private and voluntary sector organisations, at least when this is publicly arranged.

We are also calling for provisions in the Equality Act 2010 outlawing age discrimination in services to be implemented.

# More effective monitoring

- Local authorities need to do more to incorporate human rights into the ways in which they commission care services and need to overcome the barriers which many older people face when raising concerns or making complaints.
- The CQC risk-based approach to the regulation of home care needs to place more reliance on inspection of care providers and obtaining the unconstrained voices of service users.

# Better guidance

Much more consumer information should be compiled and made accessible about the quality of care providers and their specialist areas to enable home care users to make an informed choice.

# Follow up

- Work with partners to deliver recommendations
- EHRC will create and distribute targeted guidance
  - Guidance empowering older people
  - Guidance containing voluntary national standards for local authorities on commissioning



# How do I find out more?

The final report and executive summary are available from EHRC's website at:

<http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/>



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