



## **Response by the Equality Commission NI to the consultation by the Health and Social Care Board on *'Making Choices: Meeting the current and future accommodation needs of older people'*.**

### **Introduction**

1. The Equality Commission for Northern Ireland welcomes the opportunity to respond to the consultation. We acknowledge the range of documents issued as part of this exercise including an equality impact assessment and good practice guidance.
2. In our response to *'Transforming Your Care: From Vision to Action'*, the Commission endorsed the key principles and intended outcomes set out in the overall 'vision' of the proposals including the aspiration to make our health and social care system responsive to both the medium and long term demands on health and social care, providing more local provision affordable and accessible to all.
3. The Commission notes the proposed criteria and associated weightings to be taken into account by Health & Social Care Trusts when deciding whether or not to close residential homes for older people:
  - Criteria 1: Availability and accessibility of alternative services - 30 points
  - Criteria 2: Quality of care – 25 points

- Criteria 3: Care trends - 25 points
  - Criteria 4: Use of public money – 20 points
4. The Commission welcomes the acknowledgement in the consultation document (at page 58) that Trusts will need to decide whether there are problems of accessibility that apply to rural areas. This is important with respect to aspects of the obligations on Trusts under Article 25(c)<sup>1</sup> of the United Nations Convention on the Rights of Persons with Disabilities.

### **Specific comments and recommendations**

5. The *Review into achieving age equality in health and social care in Great Britain* undertaken by the Department of Health found that:
- Older people in particular were more likely to receive poor services;
  - That a transition from one service to another does not always meet the needs of individuals effectively<sup>2</sup>.
6. The Health and Social Care Board and the Health and Social Care Trusts must ensure that any current disadvantages experienced by equality constituencies in Northern Ireland are not compounded and new disadvantages are not created as a result of re-configuration of services from the public sector to the community and private sectors.
7. The Commission considers that it is imperative that the Board and Trusts ensure that the transition to community based health and social care providers using the mixed economy model of provision will not result in diminution of health and social care services to vulnerable groups.

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<sup>1</sup> To 'provide health services as close as possible to people's own communities, including in rural areas'.

<sup>2</sup> Carruthers, I. and Ormondroyd, J. (2009): *Achieving age equality in health and social care – A report to the Secretary of State for Health*, page 3; paragraph 3.12, pages 24-25; and paragraph 3.13, page 25

8. With reference to the proposed alternative options to statutory residential care e.g. care in people's own homes or supported housing or residential provision managed by private sector or voluntary organisations (as set out at page 12 of the consultation document), the Commission would welcome greater clarity with respect to the arrangements in place to guarantee the quality of care available in these settings i.e. the safeguards that are in place to ensure that people have both the capacity and support, as appropriate, to live at home and that the standard of private or third sector provision is no less than that available in the statutory sector.

9. Although the Good Practice Guide *'Reconfiguration of Statutory Residential Homes'* (Version 2.3, 23 September 2013) states that *'Trusts should provide detailed information about the characteristics of care homes, if possible including an indication of quality and facilities to support choice'* (page 6), an assessment of the quality of alternative care options does not appear to be factored into the criteria. The inclusion of such an assessment as part of the criteria would provide some assurance to both residents and relatives/carers that the quality of alternative provision would not be less than that provided in the statutory care home and mitigate potential adverse impact. The Commission recommends that the criteria are amended to include a transparent assessment of the quality of alternative provision.

10. Consideration could be given to the inclusion of quality of alternative care in either Criterion 1 or Criterion 2 together with the adjustment upwards of the weighting given to whichever criterion is chosen (in order to reflect the importance of an assessment of alternative care).

11. Similarly the inclusion in either criterion 1 or 2 of an assessment of the extent to which a care package that meets the needs of an individual resident will be addressed through alternative provision would provide some assurance to both residents and relatives/carers

that the quality of care would not be less than that provided in the statutory residential home and serve as a safeguard against potential adverse impact.

12. A checklist amalgamating elements of the constituent elements proposed to assess criterion 2 with elements drawn from the care home checklist developed by Age UK or the choosing care checklist developed by the Social Council Institute for Excellence (SCIE) (as referenced at page 6 of the Good Practice Guide) could be deployed to assess the quality of alternative care arrangements.
13. The Good Practice Guide stresses that *'There is a need for impartial and expert advice about the equality and appropriateness of new homes. Good advocacy will be important'* (page 6). The Commission would welcome further detailed information with regard to who is envisaged as providing such a service and how will it be resourced.
14. Furthermore, the Commission considers that if provision of advocacy services were required rather than recommended, this would constitute a more effective check/balance in the assessment process.
15. Finally, the Commission would welcome further information on the weight expected to be given to consultees views during consideration at Trust level (following a proposal to close a home).

**Paul Noonan & Tony O'Reilly**

**6 March 2014**

## **Annex 1: The Equality Commission for Northern Ireland**

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
  - keeping the legislation under review;
  - promoting good relations between people of different religious belief and / or political opinion.

The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland