

## **Terms of Reference: Equality and Human Rights section 16 Inquiry**

To inquire into the extent to which the human rights of older people<sup>i</sup> who require or receive home-based care and support, however funded, are promoted and protected by public authorities, working singly or with others, and the adequacy of the legal and regulatory framework within which they are required and empowered to do so.

In particular to identify:

1. The extent to which public authorities are effective in protecting and promoting the human rights of older people , including those paying for their own services, in the initial and ongoing assessment of their needs, commissioning home based care and support and subsequent contract management;
2. Good practice in the promotion and protection of human rights of older people in home based care, including by reference to examples of how public authorities have addressed human rights matters in discharging their existing duties to promote race, gender and disability equality or through the development of single equality schemes;
3. Public authorities' understanding of their duties under the Human Rights Act in relation to promoting and protecting the human rights of older people requiring or receiving home based care and support;
4. The extent to which the legal framework for human rights and community care adequately protects and promotes the human rights of older people requiring or receiving home based care and support services;
5. The extent to which appropriate information, advice and advocacy is provided to older people directly purchasing home based care and support in order to protect and promote their human rights;
6. The extent to which inspectorate and regulatory bodies, including professional regulatory bodies, protect and promote the human rights of older people requiring or receiving home based care and support services and the extent to which it is appropriate for them to do so.
7. The scope for enhancing the role of inspectorate and regulatory bodies, including professional regulatory bodies, individually and collectively, in promoting and protecting the human rights of older people receiving home based care and support;
8. The extent to which people, including the families of older people requiring or receiving care and support, based on their experience, have confidence that the system will promote and protect their human rights.

In carrying out the inquiry the Commission will have regard to the extent to which the diverse experiences and needs of older people related to their disability, age, gender, gender identity, race or ethnicity, religion or belief and sexual orientation are effectively incorporated.

---

<sup>i</sup> By older people we mean people who are ages 65 and over.