

<b>REPORT TO:</b>	Safer Halton Policy & Performance Board
<b>DATE:</b>	17 January 2012
<b>REPORTING OFFICER:</b>	Strategic Director, Communities
<b>PORTFOLIO</b>	Health & Adults
<b>SUBJECT:</b>	Dignity and Human Rights
<b>WARD(S)</b>	Borough-wide

## 1.0 PURPOSE OF THE REPORT

1.1 To provide an update on Halton's involvement in the Equality and Human Rights Commission formal inquiry into older people and human rights in home care.

2.0 **RECOMMENDATION: That: the report be noted.**

## 3.0 SUPPORTING INFORMATION

3.1 The Commission launched the inquiry to investigate the extent to which the current legislative, regulatory and quality control systems provided sufficient human rights protection for older people requiring or receiving home care.

3.2 Stage 1 - in March '11 the Equality and Human Rights Commission wrote to request Halton's participation in this inquiry citing their legal powers for our involvement under section 16 of the Equality Act 2006 and included their Terms of Reference (Appendix A). This initial stage involved completion of an online survey which included human rights considerations for the following areas:

- Commissioning and procurement processes;
- Needs assessments;
- Complaints handling;
- Views on regulation;
- Staff training;
- Information, advice and advocacy;
- Funding of and eligibility for services;
- Examples of good practice within the local authority and in partnership with other organisations.

The response offered an ideal opportunity to highlight Halton's approach to dignity and human rights. In particular, that Halton was the only local authority in the country to have appointed a dedicated Dignity Co-ordinator with responsibility across both health and social care services working in partnership via a multi-agency Network. Also, to note the benefits this role offered:

- Increased the profile, level of understanding and awareness of dignity/respect and human rights amongst public, staff and agencies/organisations;
- Implementation of a Network Dignity Action Plan, Charter and whole system Best Practice case studies;

- Dignity Audit Frameworks and Questionnaires;
  - The positive outcomes evidenced in Halton's CQC Adult Social Care Inspection being awarded Excellent;
  - People and staff taking ownership to help embed dignity by signing up as Dignity Champions.
- 3.3 Stage 2 - in April '11 the Commission sought further documentary evidence towards the inquiry to support Halton's response and conducted an extensive interview with Halton's Dignity Co-ordinator and the Divisional Manager for Independent Living Services.
- 3.4 Stage 3 - in May '11 the Commission wrote to the Chief Executive stating how impressed they were with Halton's integration of the dignity and human rights based approach and sought permission to conduct interviews to gather further evidence towards the inquiry. In preparation for the interviews the Commission provided an Interview Framework detailing the thematic areas of evidence they wished to explore, with a particular emphasis on the integration of human rights (Appendix B). The Commission conducted the interviews during June/July '11 which included the following different roles:
- Elected member with responsibility for adult social care;
  - Chair of Health PPB;
  - Strategic Director, Communities;
  - Operational Director Commissioning and Complex Needs;
  - Operational Director Prevention and Assessment;
  - Officers with responsibility for equality/human rights;
  - Dignity Co-ordinator;
  - Safeguarding Co-ordinator;
  - Commissioning Manager;
  - Home Care Manager;
  - Contract Monitoring Manager;
  - Sure Start 2 Later Life Manager;
  - Adult Placement Service Manager;
  - Principal Manager Assessment
  - Social Worker;
  - Chair of Halton Dignity Champions' Network.

Interview based evidence was also sought from relevant bodies in the area for example, independent home care providers, third sector organisations including advocacy and advice giving bodies, older people and their families.

On completion of the interviews, the Commission informed the Dignity Co-ordinator that Halton had been selected as an exemplar of best practice and sought permission for the Council to be named within their published report due to be issued in November '11.

- 3.4 In November '11, prior to the report being published, the Commission contacted the Dignity Co-ordinator to advise that Halton was in fact the only local authority to be 'officially' named within their published report in terms of best practice. Although evidence had been sought from many other local authorities no others had 'ticked all the boxes'. This being due to Halton's whole-system dignity and human rights based approach, the Commission's 'Close to Home' report was published on 23 November '11. Halton is referenced on page 43, Part 3c: 'How well

do local authorities promote and protect older people's human rights?' and page 55 involving commissioning, procurement and contract management practices.

**Reference 1 (page 43):**

*Halton Borough Council employs a Dignity in Care Co-ordinator, whose role is to integrate a 'whole system' human rights based approach across all health and social care services including home care. All partner organisations and care providers work to embed dignity via a Dignity Champions' Network; having signed up to Halton's Dignity Charter and appointed Dignity Champions. Providers report back regularly on the practical steps they are taking to promote the human rights of people using their services. **A senior local authority manager highlighted the benefit of having a dedicated co-ordinator:** 'It (dignity) becomes the norm really for [us] ... It becomes the norm to recognise that within contracts and ... in the provision of services as well.'*

**Reference 2 (page 55):**

*Halton Borough Council uses the 'Dignity Challenge' approach pioneered by the Department of Health. **Halton Borough Council written evidence:** "In our commissioning and contracting, we include the 10-point Dignity Challenge in our service specifications for block contracts, within principles and standards, and within the outcomes required for spot contracts. Dignity and human rights are underlying themes – 'golden threads' in our Quality Assurance Framework [QAF]. This means that providers will be assessed according to the degree to which they meet these standards, being mainstreamed into the QAF rather than as a tick list. In the procurement of services prospective providers have to evidence how they meet these underlying themes prior to the award of a contract and this becomes part of the contract monitoring process. We also publicise the annual Dignity Day to providers to highlight its importance and to give providers the opportunity to showcase good practice."*

**4.0 POLICY IMPLICATIONS**

4.1 The development and modernisation of older peoples' and all adults' services involving the dignity and human rights based approach supports the council's commitment to provide appropriate, flexible care and support for older people. This improves their choices, health and avoids admission to long-term care.

4.2 Halton Dignity Champions' Network is the multi-agency strategic-level group responsible for driving forward the Dignity campaign ensuring that policies include dignity become embedded in practice.

**5.0 OTHER/FINANCIAL IMPLICATIONS**

5.1 The Co-ordinators' post is jointly funded through NHS and Council resources.

**6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**  
None identified.

6.2 **Employment, Learning & Skills in Halton**  
None identified.

### 6.3 **A Healthy Halton**

We continue to have a positive approach to dignity and human rights by working across the health and social care system in Halton. This enables people to be treated as individuals by offering a personalised service thus maintaining a maximum level of independence, choice and control over their lives.

### 6.4 **A Safer Halton**

By ensuring we continue to invest in the Dignity Campaign we will continue to have a positive impact on the key challenges in this area for example, acting to alleviate people's feelings of isolation and loneliness, having a zero tolerance against all forms of abuse and ensuring people feel able to complain without fear of retribution.

### 6.5 **Environment and Regeneration in Halton**

None identified.

### 7.0 **RISK ANALYSIS**

7.1 Failure to continue improving service provision may affect our CQC performance rating as measurement of users' experience of being treated with respect and dignity in their Health and Social Care which has become increasingly seen as central to the maintenance of high-quality care.

### 8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 The work in progress demonstrates that services to adults and older people across the borough are intolerant of indignity, age discrimination, promoting equality, diversity and human rights in services delivered.

### 9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act

## **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.

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

## **Interview framework**

All interviews will start with an exploration of the individual's role and the relevance of human rights to their specific context.

Interviews will end with interviewees being invited to share their thoughts on any barriers to the promotion and protection of human rights of older people receiving homecare and methods of overcoming these.

Interviews will include questions around:

- any challenges that may arise when operating in a rural context;
- the extent to which human rights that may be at risk when older people receive home care;
- training and support to support incorporation of human rights.

The following areas will be covered, with particular emphasis dependant on the role of the interviewee:

### Commissioning

The incorporation of older people's human rights in:

- commissioning strategy for home care;
- service specifications;
- contracts;
- contract monitoring systems;
- scrutiny and reporting;
- information/advice given to providers.

### Personalisation

The impact of personalisation on promotion and protection of human rights of older people.

### Assessments

The incorporation of older people's human rights in the needs assessment framework and how this works in practice.

### Information, advice and support for people seeking home care

- Availability of support e.g. advocacy or communication support.
- Information and advice offered to people seeking home care (including self funders).
- Complaints systems and how they operate, covering complaints against the authority as well as homecare providers.

### Regulation

The effectiveness/extent of current approaches and how these may be improved.