

**Commissioning and Contracts Section**

**Policy of excluding placements in Care Homes that have a 0 quality  
rating from the Commission for Social Care Inspection**

**Equality Impact Assessment Report  
November 2008**

**Coordinator of Policy and Person carrying out Equality Impact  
Assessment: Y. Bonifas Commissioning and Contracts Officer**

**1. Introduction**

B&NES Council has a standard Care Home Contract under which it contracts with individual care homes for placements of disabled people. There is a proposal to amend this contract to include a provision under which B&NES reserves the right to terminate the contract of care homes which are awarded a quality rating from the Commission of Social Care Inspection (CSCI) of 0 stars, also known as a 'Poor' rating.

Homes with a Poor rating are still legally entitled to carry out their business, but the Council may decide to move in line with the many other local authorities who refused to use these homes in line with their duty of care to the service user, and to encourage higher standards in services generally.

This policy is currently implemented via an interim policy under which there is a general instruction to staff to discourage placements in such homes. Where service users and their families decide to select such a home, a set of procedures is implemented to ensure that users have all the information required to make an informed choice and that the Council has fulfilled its duty of care.

This Impact assessment has been carried out on the assumption that the contract will be amended as outlined above.

## **2. What data was analysed as part of this Equality Impact Assessment and what did it tell use?**

Consultation with Adult Care Teams and managers – this was informal.

Informal canvassing of opinion with relevant PCT managers.

Consultation will be carried out with providers via the Provider Forum or the Older Peoples Provider Forum which may shortly replace it.

Informal discussion with other local authorities via their Contracts Officers.

Data is available if required from the Carefirst client records database of ethnicity, religion, age, gender and disability of service users. This has not been examined in this context because as there should be no impact.

### **Key Issues**

One issue that have been raised by staff is possible dissatisfaction of service users and families when their choice of care home is constrained by this policy. Previous practice has been to give families a list of registered local providers and leave the choice to them, constrained only by price and legal registration.

A further possible issue is commercial damage which could ensue to care homes which are excluded from taking local authority residents, to the possible detriment of existing service users who then find themselves in a commercially weakened or non viable home.

### **Assessment of Impact on equality groups**

Race: None.

Gender: none. All care homes accept both genders equally.

Age: The majority of service users who enter care homes are older people, but not exclusively. Only a small minority of older people live in care homes. Their risks/benefits are as for disabled people.

Disability: All users of care homes are disabled. The implementation of this policy will affect all equally. In practice some kinds of disability has less provision in the market than others, e.g. for older people with dementia the choice of provider locally is far smaller than for an older person with largely physical disabilities. Disabled people requiring state funding for residential placements may find their choice of home restricted, but also may find their risks reduced by avoiding placement in a poor home.

Sexuality: At present we do not collect routinely data on all users' sexuality. All homes are required under national legislation and guidance and local

contract not to discriminate on grounds of sexuality, race, religion or ethnic origin.

### Religion/belief

Some homes are run by religion based organisations, e.g. Salvation Army, but are required not to discriminate. All homes are required to respect the cultural and religious needs of their residents.

### **Monitoring Arrangements**

There is an internal system for recording care homes status as red, green or amber. Poor rated homes are rated 'red' meaning placements embargoed. Past concerns are recorded separately

Poor homes will have an improvement/action plan agreed with CSCI and Social Services may be included in meetings. Contracts officers will contribute as necessary to monitoring action plans. The aim is to help homes to regain an acceptable standard.

No data is available that can assist in monitoring whether service users have been able to access their first choice of home, as this process often left to families. Numbers who would be affected are so small that any data would be invalid for indicating a trend.

In practice choice is almost always restricted by availability more than any other factor.

If the policy should lead to significant increases in e.g. delayed discharges that will become apparent to operational team managers.

Fortunately at the present time there are no homes within B&NES that are rated poor. We had one service user placed in the last year in a poor out of county home which subsequently closed. Recently we have had one more service user whose family have chosen a poor rated home in Wiltshire as they were unable to find a place in their home of choice which was within B&NES.

### **Conclusion**

The writer is unable to find any impact specifically on any of the 6 equalities groups, apart from some small risk to the degree of choice available to disabled people looking for a care home. The benefit of being protected from a systemically poor home

Due to the absence of current 0 rated homes within B&NES this policy is likely to have minimal impact, but may protect some disabled individuals from risk of poor care.

One home has been 0 rated in the recent past and may be considered at moderate risk of becoming so again. This home happens to be owned by proprietors who are members of an ethnic minority. However it would be

wrong to assume a correlation between BOME ownership and poor quality homes. Other homes in B&NES are either owned and or managed by persons belonging to BOME groups.

**Signed off by** Janet Rowse  
Deputy CEO  
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