

Elderly home care failures breach human rights, report finds

Equality and Human Rights Commission says elderly people face unchecked 'ageism' from council-funded home care

- [Randeep Ramesh](#), social affairs editor
- [The Guardian](#), Wednesday 23 November 2011



There is chronic disregard for older people's privacy, the report said. Photograph: John Stillwell/PA

Elderly people are being robbed, left hungry and unwashed and face unchecked "ageism" from council-funded care that is meant to let them live in their own homes, a report has found.

The [Equality](#) and [Human Rights](#) Commission report into home care, which is commissioned by local authorities to help people dress, wash, eat and take medicines, said there was evidence of a "systematic failure" across the country and that elderly people's human rights were being breached.

The report which is partly based on the experiences of 1,200 [older people](#), their friends and family, found examples of treatment that including cases of physical and financial abuse. Findings included carers neglecting tasks because councils paid for too little of their time. There was also a chronic disregard for older people's privacy and a disregard for clients' dignity when carrying out intimate tasks.

Some instances of care appeared to be less about neglect and more about cruelty. The commission reported some care workers placed food in "front of older deaf/blind people, but did not let them know it was there, or left it in an inaccessible place".

There was also reporting of sporadic violence against the elderly and the infirm. "The cumulative impact on older people can be profoundly depressing and stressful: tears, frustration, expressions of a desire to die and feelings of being stripped of self-worth and dignity – much of which was avoidable," the report said. It also recommended greater legal protection for older people after discovering the Human Rights Act does not cover all home care situations. The commission said councils were reducing carers' hours, causing them to cut corners. Sometimes they were paid to spend as little as 15 minutes with individuals.

The National Pensioners Convention general secretary, Dot Gibson, said the report's findings were shocking: "The [social care](#) system is in urgent need of reform from improving the pay, training and qualifications of staff to better regulation and monitoring of care providers."

Ms Gibson said. Labour said it was "unacceptable for elderly people to be left for hours without food and drink or not to be properly cleaned". Liz Kendall, Labour's shadow minister for care and older people, said: "The government is cutting funding for older people's social care by £1.3bn in real terms [in] this parliament. These cuts are pushing the system to breaking point. Eight out of 10 councils are now only providing care for those with substantial and critical needs, and 15 minute home visits are all too often becoming the norm."

The government said it had ordered 250 immediate inspections of home care providers. The minister for care services, Paul Burstow said: "The EHCR's report exposes the good, bad and ugly sides of care in peoples own homes. This government won't tolerate poor care. I am determined to root out ageism and bad practice to drive up quality and dignity in care."

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'They know you are vulnerable' – plight of older people in home care

The Human Rights Act covers elderly people in residential care homes but not those who are cared for at home

- [Randeep Ramesh](#), social affairs editor
- [The Guardian](#), Wednesday 23 November 2011



Many elderly people are reluctant to complain about their treatment because they do not want to get their care workers into trouble. Photograph: Daniel Berehulak/Getty Images

Most of the women from the care agency, were, in the words of a 78-year-old, "nasty and rough". Whatever the carers' demeanour, the frail woman in a wheelchair did not expect attitude to translate to violence that left her bewildered and powerless.

"Rather than say 'sit in the chair', they'd push me back into the chair, that sort of thing, and I didn't like that ... I couldn't do anything about it. I can't even walk and I think they know this you see; they know you're vulnerable".

However, such tales were depressingly familiar in a damning indictment of council-funded home care across the country – the [Equality](#) and [Human Rights](#) Commission found evidence of a "[systematic failure](#)" in the way we look after the elderly.

The commission's report, "Close to home", painted a disturbing portrait of poor treatment of the old in their own homes, which breached their human rights.

It said that the 500,000 people receiving care at home were often bereft of a "voice" to get their concerns heard and lacked "choice" over the kind of support they wanted. Its inquiry said that around half of the 1,254 [older people](#), friends and family members questioned for the report were satisfied with their home care.

However, just as many were not, and there were examples of treatment that breached human rights, including physical and financial abuse.

Many affronts to dignity could be easily dealt with – such as covering an elderly person with a towel while washing them. There were others that were the result of a failure by councils to "apply a human rights approach" to commissioning care, with shocking stories of old people being robbed by the people employed to look after them, or being left marooned in their own homes for days on end.

There is sustained criticism that some councils limit care visits to 15 minutes – which is not enough time for carers to wash, dress or feed their "clients". This squeezing of tasks into short bursts had appalling consequences. The commission heard that one woman was left stuck on the toilet in her bathroom, as the care worker said she was too busy completing the list of care tasks to help her.

In some instances the approach appeared bizarre: older people were not being given food to eat and going hungry – particularly those with dementia – because of an "unfounded belief that health and safety restrictions prevent care workers preparing hot meals".

Many elderly people are reluctant to complain about their treatment because they did not want to get their care workers into trouble, fearing that they may then not get care at all.

The report says that part of the problem is that thanks to a legal loophole "hundreds of thousands" of people whose care is funded by local councils lack protection under the Human Rights act.

Although the act does apply to elderly people who are placed in residential care homes it does not cover those who are cared for at home. And although there currently is a duty to protect and promote "human rights" the commission is calling on the government to amend the law to ensure proper protected.

Given the abuse encountered it is also remarkable that although the Equality Act contains provisions banning age discrimination in services, these are yet to come into force – requiring a ministerial order that has been forestalled by critics who think it will add to "red tape".

Local authority managers admitted to the commission that "we are still ageist, there's no two ways about it ... you wouldn't think twice about younger people getting a lot of support around social interaction, about social networking... you wouldn't think twice about funding that. There's no way on this earth a) we could afford to, or b) we'd really have the inclination to do that [for older people]".

Such moves would also raise the cost of home care, which on average councils pay £145 a week towards, by more than a quarter. With deep cuts already in the pipeline – one in three local authorities have already cut back on home care spending and a further one in five planned to do so within the next year – the commission warns that the emphasis is already on

"saving pennies rather than providing a service which will meet the very real needs of our grandparents, our parents, and eventually all of us".

Charities said some of the blame had to lie with the regulator, the Care Quality Commission (CQC), which in a pre-emptive policy move designed to blunt criticism announced it would check on 250 companies that are paid to help people dress, wash, eat and take medicines. Emily Holzhausen, director of policy for the charity Carers UK, pointed out this represented less than 5% of the 6,000 companies who provide care.

"The system of the regulation is not working. How can these cases be uncovered and not resolved. The CQC has to address this," she said.

Councils said they were re-assessing home care. Matthew Ellis, the Tory councillor in charge of adult wellbeing at Staffordshire county council which pays for almost 5,000 elderly people to receive home care, told the Guardian that there had been "serious failures" in the past.

"We are trying to put things right. We will move to a system of tagging carers so that people know how long they have been in visits and also I will have talks with care providers to see whether we can raise pay. We don't think you get good care from underpaid staff. It's not perfect but we are getting much better."



Diane Harris, whose elderly parents receive home care Photograph: Christopher Thomond for the Guardian

Case study

Diane Harris says the provision of home care for her elderly parents has been at times incompetent, unreliable and dangerous. Her 86-year-old father, Les, who suffers from diabetes, is looked after most of the time by her mother, 83-year-old Joan. However the care service – towards which the Harrises pay £100 a week – is supposed to offer four half-hour slots of personal help seven days a week.

Instead, Diane says carers have not turned up, meals have not been made and in one instance her father was left unwashed for a week. "I don't blame the carers. They are on minimum wage. But the behind-the-scenes management has been atrocious," she says.

"Some of the care workers have good common sense, but others don't. When my dad was alone he must have slept in his wet bed more than once. It all depends who comes."

The chaos has been difficult for Les, who has suffered from a series of mini-strokes, and made life impossible to manage for his wife, who is his main carer. She was hospitalised with severe depression brought on by the stress of caring for her husband.

The family say provision has been at best inadequate and "at worst incompetent and at times negligent". Over the course of one month, Diane recorded 14 missed visits. The result has been a series of complaints to the local authority in Tameside, Greater Manchester, about the level of service. This made a difference at first, with the council dropping one company for another.

"This was much better but then in July Tameside went out to tender for new contracts and a large multinational company was appointed," Diane says. "That's when the problems started again."

The care for her parents, she says, has been dangerously unreliable. "The company is based just 10 miles away but suddenly carers were missing calls. People just don't turn up. Carers are not told about appointments. Obviously they are upset. My mother is very frail and when no one comes in the morning, who can get him up, dressed and washed? She cannot."

Diane, who is a teacher, said her brothers were self-employed and one was taking on no work because he was so concerned. While she was on school holidays, together they could battle the company and social services. They made a stream of complaints, including a table detailing the no-calls.

"The family all fought because we were able, but a lot of people are not able. It was only after threatening to go to the ombudsman that new company finally tried to sort out the care situation. The rota manager was suspended."