

	<p><b>Adults and Safeguarding Committee</b></p> <p><b>19 September 2016</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Retirement and sheltered housing – response to the Member’s Item raised by Cllr Ross Houston</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Commissioning Director, Adults and Health</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix A - Member’s Item – Cllr Ross Houston - Retirement and sheltered housing - Policy and Resources committee - 28 June 2016</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>James Mass – Assistant Director, Community &amp; Wellbeing Tel: 0208 359 4610. Email: <a href="mailto:james.mass@barnet.gov.uk">james.mass@barnet.gov.uk</a></p>

<p><b>Summary</b></p>
<p>A Member’s Item from Cllr Ross Houston was received by the Policy and Resources Committee on 28 June 2016 on Retirement and Sheltered Housing. This Committee resolved to request Adults and Safeguarding Committee to consider a short report on these matters. This report sets out a briefing note on the issues raised within the Member’s Item.</p>

<p><b>Recommendations</b></p>
<p><b>1. That the Adults and Safeguarding Committee notes the report.</b></p>

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Ross Houston has requested that a Member's Item be considered on the following matter:

*On 1 June 2016 the ARHM (Association of Retirement Home Managers) code received government approval and came into force in order to protect those living in Retirement homes.*

*While there are existing checks of Care Homes by among others, the Care Quality Commission, measured against national care standards such as:*

- a written agreement in a format you can understand that outlines your occupancy rights and the terms and conditions of your residence*
- be treated with dignity and respect at all times*
- have your privacy and property respected (for example, to have a lock on your bedroom door and for staff to knock and wait for permission to enter)*
- make informed choices about your life in the care home, how you spend your time and how you receive support*
- feel safe, secure and free from bullying, harassment and discrimination*
- make complaints without worrying about the consequences*

*These rights are often denied to residents in retirement properties where checks are not carried out, and elderly, vulnerable residents are often too timid to speak out fearing the consequences. There are also issues of the Health and Safety, provision of emergency support, management of finances, breaches of Age Discrimination and Data Protection, etc.*

*The ARHM (Association of Retirement Home Managers) Code of Practice for England, which was approved by the Government under the Leasehold, Housing and Urban Development Act 1993, aims to promote best practice in the management of leasehold retirement housing, regardless of whether the services are provided by private companies or housing associations. It not only sets out the statutory obligations that apply to the management of leasehold properties, but also sets out additional requirements which should be followed as a matter of good practice. The Code has just been updated and offers parameters against which the standard of retirement homes can be measured.'*

## 2. REASONS FOR RECOMMENDATIONS

### **The Care Quality Commission's role as inspector & regulator of registered provision**

- 2.1 The Care Quality Commission (CQC) is the national body responsible for the regulation of all services providing 'regulated activities' as listed in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Examples of regulated activities include the provision of personal care

and accommodation for persons who require nursing or personal care. The CQC monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and then publish comprehensive reports with a performance rating against each key area and an overall rating for the service.

- 2.2 Providers who deliver regulated activities include care homes, domiciliary care providers and some providers of supported living if they provide personal care. Services that provide accommodation without any element of regulated activity, such as retirement homes or sheltered housing are not regulated by CQC, though other providers may deliver regulated activity within the residence.
- 2.3 When the council purchases care and support services for vulnerable people, it will agree a contract with the provider of the service. This confers rights and obligations onto the council enabling it to monitor the service being provided and hold the provider to account.
- 2.4 As the council does not purchase retirement or sheltered accommodations we have no right of entry or powers to oversee, inspect or intervene unless safeguarding concerns are raised with respect to an individual resident.

#### **Duties under the Care Act 2014**

- 2.5 The Care Act 2014 introduces duties on local authorities to facilitate a vibrant, diverse and sustainable market for high quality care and support in their area. It also places a temporary duty on local authorities, to meet the care and support needs of an adult and the support needs of a carer when a registered care provider becomes unable to carry on a regulated activity, establishment or agency because of business failure. Where services are interrupted, there are quality failings with a provider or there is a risk of an emergency closure but business failure is not the cause, the council may also exercise its discretionary power to meet needs.
- 2.6 These duties, discretionary and otherwise, all relate to services providing care and support and do not extend to retirement schemes. Where a vulnerable person is suspected to be at risk, action would be taken to mitigate this risk and make the individual safe, no matter the nature of the accommodation. However the council has no power or duties allowing it to proactively monitor providers at a scheme-wide level, unless investigating risks posed to a specific individual or individuals, as a result of information received.
- 2.7 Apart from the cost and practical difficulties that would be associated with monitoring services provided by private sector providers of retirement housing, the council does not have any powers to regulate or enforce standards in the leasehold retirement home sector.

## **Association of Retirement Housing Managers**

- 2.8 The Association of Retirement Housing Managers is a trade body for providers of retirement housing in the private and housing association sectors. The ARHM code promotes good practice in the management of leasehold retirement homes, and has been in existence for many years; an updated version was produced recently and approved by the Government in June 2016. The code sets out the standards residents of leasehold retirement homes should expect, including in relation to fees, service charges, consultation, repairs and care and support. The code can be used by residents as evidence in court or a leasehold tribunal.
- 2.9 Membership of the ARHM is not obligatory, although as explained above, the code does set out the standards which providers would be expected to adhere to by a court or a tribunal. Housing Association providers are also regulated by the Homes and Communities Agency, and complaints about their services can be referred to the Housing Ombudsman. Housing related health and safety issues can be referred to the council's Private Sector Housing Team, although as a leaseholder will generally share some of the responsibility for resolving issues, the team tend to provide advice rather than taking formal action. The council will become involved in safeguarding issues where these are reported.

## **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 N/A

## **4 POST DECISION IMPLEMENTATION**

4.1 N/A

## **5 IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 N/A

### **5.2 Resources (Finance and Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 N/A

### **5.3 Social Value**

5.3.1 N/A

## **5.4 Legal and Constitutional References**

5.4.1 The [council's Constitution, in Part 15 Annex A, Responsibility for Functions, states](#) the functions of the Adults and Safeguarding Committee, including:

- promoting the best possible Adult Social Care services
- to ensure that the council's safeguarding responsibilities are taken into account.

5.4.2 The Committee's terms of reference include: To consider for approval any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.

5.4.3 As is set out in the body of the report, the ARHM code received Government approval in June 2016 and sets out the statutory obligations that apply to the management of leasehold properties, and the additional requirements which should be followed as a matter of good practice.

## **5.5 Risk Management**

5.5.1 The council has an established approach to risk management. Key corporate risks are assessed regularly and reported to Performance and Contract Management Committee on a quarterly basis.

## **5.6 Equalities and Diversity**

5.6.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

## **5.7 Consultation and Engagement**

5.7.1 N/A

## **6 BACKGROUND PAPERS**

6.1 [Member's Item – Cllr Ross Houston - Retirement and sheltered housing; Policy & Resources Committee; 28 June 2016](#)



