

R&RA Press Release

EMBARGOED UNTIL MONDAY 12 JUNE 2PM



WHOSE HUMAN RIGHTS? - Amending the Human Rights Act to protect residents in independently run care homes

MPs and others were brought face to face today with some of the human rights abuses suffered by older people in residential care. At a parliamentary seminar, organised by the Relatives & Residents Association and hosted by Paul Burstow MP, they heard moving stories about how the human rights of care home residents are frequently ignored by the very people employed to protect them. A high-powered audience of lawyers, human rights organisations, MPs, care home providers, relatives and others listened to accounts of how very elderly men and women had been left to fend for themselves, went unfed and unwashed, were sometimes physically abused and, even though suffering from advanced dementia, were not given the protection, security and safety that they had been promised. Many were too frightened to complain and where they did, their complaints often went unheard and unrecorded.

Particularly vulnerable, the audience was told, are care home residents who pay for their own care. 'Self-funders' do not have the protection of their council's social services complaints procedures and because they are not funded, or provided for, by a 'public authority', they cannot seek redress for any breach of their human rights under the Human Rights Act. A 10 minute rule bill introduced in Parliament this session by Paul Burstow seeks to address this anomaly.

Paul Burstow MP said 'cross the threshold of a private care home, and the Human Rights Act does not apply – and yet 9 out of 10 care homes are operated by private organisations. Care homes are places where human rights can lawfully be denied'

Chair of R&RA, Judy Downey said 'older people in residential care are an invisible minority. It seems to be a case of 'out of sight, out of mind'. Older people in residential care need the protection of the Human Rights Act just as much as anyone else – if not more. They are frail and vulnerable and all too often open to exploitation.'

'Who is going to protect the frail 95 year old lady with dementia when she is left lying unwashed in bed, unable to feed herself and shouted at by a care assistant for being 'naughty'? Any person whose dignity and safety is jeopardised should have the right of protection under the law. The fact that she is paying for herself and living in an independently operated home should make no difference – but as far as the Human Rights Act is concerned – it does.' – Gillian Dalley, Chief Executive, R&RA

Notes for editors:

1. R&RA exists to promote the wellbeing of older people in residential care and provided support to their relatives. It does this through the provision of advice, information and support through its telephone advice line, campaigning for higher standards in care homes and project work to improve the quality of care received.
2. Relatives of care home residents who spoke at the seminar are available for interview and can be contacted via the R&RA office on 0207 359 8148.
3. The Care of Older and Incapacitated People (Human Rights) Bill, published in January 2006 and introduced in the House of Commons by Paul Burstow MP, seeks to amend the Human Rights Act 1998 to extend the definition of public authority to include any body that is regulated under the Care Standards Act 2000.
<http://www.publications.parliament.uk/pa/cm200506/cmbills/112/2006112.pdf>
www.paulburstow.com
4. R&RA Chair, Judy Downey, can be contacted on 020 8883 9401 or 0781 2580307
5. R&RA Chief Executive, Gillian Dalley, can be contacted on 020 7359 8148 or 07971 055072

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