

3 Financial, Legal and Other Implications

3.1 Financial implications

There are no direct financial implications arising from this report.

Rod Pearson, Head of Finance ASC, Public Health & Housing

3.2 Legal implications

This report sets out the findings of the Scrutiny Commission as detailed in the report. It should be noted that in relation to paragraphs 1.1.2 and 1.2.2, the Council must follow its Contract Procedure Rules and public procurement law. It would be considered inconsistent with these to favour not-for-profit organisations over other potential providers.

It is possible to consider the weighting given to quality over price, compliant ways of introducing contract conditions and tender criteria that may be linked to the subject matter of the contract and which are permitted under the public procurement rules to try and achieve the outcomes alluded to in this report. This will need careful consideration and need to be looked at separately by ASC, corporate procurement and legal services.

Beena Adatia, Principal Solicitor, Commercial, Contracts & Capital

This report highlights the Council's Statutory duty towards individuals who are blind, deaf or dumb or who suffer from mental disorder of any description and other persons who are substantially and permanently handicapped by illness, injury, or congenital deformity or such other disabilities. Such individuals would fall under Section 29 of the National Assistance Act 1948 and Section 2 of the Chronically Sick & Disabled Act 1970 which provides for the provision of welfare services.

Pretty Patel, Principal Solicitor, Social Care and Safeguarding

3.3 Equalities implications

Older people are covered by the age protected characteristic and can also include disability, where relevant, as defined by the Equality Act. Much attention has been paid to Human Rights in recent years, with the main areas of focus on respect and dignity of older people. The Equality and Human Rights Commission carried out a detailed inquiry into home based care and support, and published the Closer to Home report and recommendations, as a result of this the first steps are being taken to mainstream human rights into home care.

The following human rights articles are of particular relevance: article 3 - no one shall be subject to inhuman or degrading treatment, article 5 - right to liberty and security and article 8 - right to a private and family life, home and correspondence. This area needs to be monitored to ensure older people are treated with respect and dignity, and their human rights are being met.

Domiciliary support is provided to those older people who meet the council's eligibility criteria and is based on the level of need identified in their care plan, this will differ for each person. The ending of 15 minute calls by Leicester City Council with contracted providers will help to improve the level of care received by older people and ensure their basic human rights are being met.

Contract management reports should include monitoring of the number, and profile of the older people taking up services across the city which will provide a more informed view of the equality implications. There is an expectation that older people be treated with dignity and respect and this be embedded in the contract process and monitored effectively.

Sukhi Biring, Equality Officer