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# Overview and Scrutiny Briefing Report

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## **Independent Care Homes in Leicester City**

OSC Date: 1 May 2025

Lead director: Laurence Jones

### **Useful information**

- Ward(s) affected: All
- Report author: Laurence Jones, Strategic Director, Social Care and Education
- Author contact details: [laurence.jones@leicester.gov.uk](mailto:laurence.jones@leicester.gov.uk)
- Report version number: 1.1

### **Summary**

- 1.1 Overview and Scrutiny Committee have requested this update regarding the local authority's role in the approval and oversight of care homes for children and adults in the city.

### **Recommended actions/decision**

- 2.1 Overview and Scrutiny Committee are recommended to note the report and to make suggestions for further action arising from its contents.

### **1. Scrutiny / stakeholder engagement**

- 3.1 This report has been written collaboratively with colleagues from development, planning and Transportation.

### **4. Background and options with supporting evidence**

- 4.1 Leicester City Council does not have any role in approving providers, registering or overseeing either independently run children's or adult care homes within the city regardless of their size or location. The registration and regulatory oversight is dealt with by OFSTED for children's care homes and supported accommodation for 16 and 17 year olds and by the Care Quality Commission for adult social care and nursing homes. These organisations are responsible for seeing that homes are managed to the required standard and can close or restrict the operation of homes if they are dissatisfied. They can also bring prosecutions against providers operating without approval.
- 4.2 The Council runs some children's homes for placing our own children who are in the care of the local authority. These need to be registered and inspected by OFSTED as described above. The Council invests in building relationships with neighbours and local residents and is committed to acting quickly on any concerns raised.
- 4.3 The local authority will not automatically be aware of all independent care homes operating in the city. Some homes may be occupied by those placed by authorities other than Leicester City or, in the case of adults, those funding their care home themselves. In some cases the Council may be able to identify the placing authority and to pass on concerns to them. If there is a serious safeguarding concern about an identified child, adult resident or member of staff and the legal threshold is met Leicester City may investigate alongside the placing local authority.
- 4.4 If Leicester City has made (or "commissioned") a placement with a provider who is causing concern for local residents it can investigate whether the contractual

obligations are being met and can liaise with the providers to make improvements or if their needs are not being met to find a different care placement.

- 4.5 Leicester City Council as Local Planning Authority will have a role in considering planning applications for a proposed change of use of an existing building to become a care home and new build care homes. Objections can be raised to planning permission being granted on relevant material grounds such as noise, amenity/anti-social behaviour, highways issues and flooding. Personal opinions on the applicant, concerns about property value changes, or objections based on factors like the applicant's business reputation are not valid grounds for an objection.
- 4.6 Social Care and Education are not regularly supplying comments of change of use applications in respect of care homes. Whilst the department cannot comment directly on material planning matters in most cases the comments can support decision making by highlighting:
- If the applicant or applicant organisation has a contractual relationship with the local authority
  - Whether there are any concerns about crime and anti-social behaviour in the area that might pose a risk to care home residents
  - The providers experience and therefore an observation about their ability to manage any noise or behaviours in the care home setting and the potential impact on the local community. Good care providers maintain good community relationship and are able to manage relationships with neighbours
  - The credibility of staffing plans and the likely impact of staffing and visitors on traffic and parking
  - Planning colleagues are also attempting to map saturation of care homes in any given area, although the local authority does not directly hold this information and it is not publicly available.
- 4.7 The advice to Elected Members if they are concerned about an existing care home setting is to:
- Check with officers if it is a setting that is run by or has a contractual relationship with the Council. If it does then officers will usually be able to make interventions to try and resolve the issues.
  - If the care home is not run by or has no contractual relationship with the local authority, or if the concerns are about a person placed by another authority, and direct contact with the provider has no alleviated your concerns you can contact OFTSED or the CQC directly.
  - If there is anti-social behaviour associated with the care home you can also contact your police neighbourhood inspector or beat manager. Or local ASB team?
  - If you are concerned that a care home resident may be at risk of serious harm due to abuse or neglect you should contact 0116 454 1004

## 5. Financial, legal, equalities, climate emergency and other implications

### 5.1 Financial implications

For any children's or adults care home where the council has made or commissioned a placement, there is a risk that, if they were to lose their Ofsted or CQC registration, the Council would have to find other providers which would most likely be at a higher cost. Therefore it is prudent for the Council to do conduct financial checks before entering into a contractual relationship with providers.

This risk does not extend, in a financial sense, to independent providers where the Council does not make or commission a placement.

Signed: Mohammed Irfan, Head of Finance

Dated: 16 April 2025

### 5.2 Legal implications

As set out in the report, oversight of independent care homes is by Ofsted and the CQC, and by the Council only where there is a contractual relationship with the care home.

The planning approvals process for all care homes within the City is dealt with under the Town and Country Planning Act 1990, either under delegated powers or by Planning Committee.

The Planning Committee can only consider material considerations which are relevant to the application such as those highlighted above at 4.5 and have to reject other considerations which fall outside the remit of Planning.

Signed: Kevin Carter

Dated: 17<sup>th</sup> April 2025

### 5.3 Equalities implications

The paper provides an update regarding the local authority's role in the approval and oversight of care homes for children and adults in the city. Council-run care homes, like all care providers, are legally obligated to ensure equality and diversity in their services and employment practices, adhering to the Equality Act 2010 and the Care Act 2014. This means treating residents with dignity and respect, providing equal access to care, and ensuring a diverse and inclusive workforce. The CQC, as a public authority, is also bound by the PSED when exercising its regulatory functions, including its inspections of health and social care providers. This means the CQC must consider the potential impact of its actions on people from different protected groups. Ofsted too is bound by the Equality Act 2010. As a public body, Ofsted has a legal duty to ensure equality, diversity, and inclusion in all its functions, including inspections and regulation. This duty requires them to have due regard to eliminating discrimination, promoting equality of opportunity, and fostering good relations between people with and without protected characteristics.

Signed: Equalities Officer, Surinder Singh, Ext 37 4148

Dated: 15 April 2025

### 5.4 Climate Emergency implications

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There are no climate emergency implications associated with this report.

Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249

Dated: 17<sup>th</sup> April 2025

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

**6. Background information and other papers:**

**7. Summary of appendice**



