

Care Homes Briefing

Solicitors

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Does the Human Rights Act apply to private care homes?

We previously commented on the issue of the application of the Human Rights Act to private care homes in our Care Homes Briefing No 49 (available on our website at www.rlb-law.com). The courts had previously held that it did not apply but an appeal to the House of Lords was pending.

The court's decision in YL (by her litigation friend the official Solicitor)(FC) (Appellant v Birmingham City Council and others (Respondents) has now been published and the Human Rights Act does not apply to private care homes in England and Wales, the Law Lords have ruled.

The decision came in the case of an 84-year-old woman with Alzheimer's, known only as Mrs YL, in a case involving Southern Cross.

Her appeal was rejected by a 3-2 majority. The decision could affect as many as 300,000 care home residents who will not be able to rely on the Act in issues regarding their care and placement at a private sector care home, even where this is funded by a Local Authority.

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Out of office emergency advice available 24hrs on 07802 506 306.

Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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