



Royal Courts of Justice Rebutts Assertion that 'Village Communities are Isolated and Remote from the Community'

These are one of the rationales that a variety of charities have given to close down Village Communities.

These justifications were considered and interpreted in the case of ***Centurion Health Care Limited v CQC (2018) UKFTT 615 (HESC) heard by the First Tier Tribunal (Health, Education, and Social Care at the Royal Courts of Justice.***

Context

The CQC had refused permission to build a second care home on the basis that it would constitute a 'congregate setting', reinforced by its relatively isolated location and the home would be 'separate from communities and without access to options, choices, dignity and independence that most people take for granted in their lives'

The Tribunal rejected this argument saying:

'A number of issues arise from this. The first is one of choice. This is a fundamental principle of the guidance. Some people chose to live in cities, some in towns, some in villages and some in the country. If they are economically able that is their choice. If the CQC argument is followed this choice is denied to this group of service users..... Given the sensory needs of many people with disorders they cater for, the peace of a rural setting may meet their needs far better than the hustle and bustle of a town house.'

The Tribunal also rejected CQC's assertion that equated geographic isolation with lack of engagement with the community.

What this demonstrates is that the test of isolation is not geographic. It concerns the degree of engagement with the community which is possible at the site in question for people with the disabilities of the residents.