

Joint Committee on Human Rights: Evidence Submission

- 1.1 **The National Care Forum (NCF)** is the membership organisation for not-for-profit organisations in the care and support sector. NCF supports its 130 members to improve social care provision and enhance the quality of life, choice, control and wellbeing of people who use care services.
- 1.2 The NCF has been at the forefront of efforts throughout the pandemic to enable safe and Infection Prevention and Control-compliant visiting to care homes by relatives and friends, striking a balance between the wellbeing of residents and protection from COVID-19 and respecting the rights of all involved.
- 1.3 The NCF is pleased to provide evidence to the Joint Committee on Human Rights for its enquiry into the impact of lockdown restrictions on human rights in relation to Care Home Visits.
- 1.4 The Committee asks: Has current Government guidance struck the correct balance between the right to private and family life and the right to life? Is it being applied fairly and consistently in practice?

2 Summary position:

- 2.1 Over the last eleven months of the pandemic, the NCF believes that the government has been too slow to enable and support visiting in care homes. Many groups, including the NCF, have advocated strongly to the Department of Health and Social Care that a better balance needed to be struck between managing the risk of harm from COVID-19 and managing the risk of harm from isolation and a lack of visits from loved ones.
- 2.2 It took until November 2020, eight months after the start of the pandemic, for the government to adopt a more enabling policy on care home visiting and even then, it was very restrictive and still allowed local blanket bans. In December 2020, visiting policy improved in terms of becoming more enabling but this never really had the chance to be properly implemented across the board due to issues with lateral flow tests and now we are back in national lockdown, visiting guidance means that visiting is again limited.
- 2.3 During the months of the pandemic, it has been clear that the experience of individual residents and their families has been very much a postcode lottery. While care providers across our membership and the wider sector have made huge efforts to facilitate visits in many innovative and imaginative ways, as their settings and staffing levels have allowed, it has taken far too long for policy makers to reach a default position that enables and supports visiting and that properly recognises the rights of all.

3 Why is visiting in a care home so important?

- 3.1** Isolation caused by restrictions on visits from loved ones is intrinsically harmful¹ and we have heard over and over again the extreme anguish this has caused and is continuing to cause.
- 3.2** People in care homes and their loved ones in the community have fundamental human rights, both as individuals and as a community, and a ban on visiting denies those rights. Visitors are more than people who make mere social calls into a care home – often they are spouses, children or long-held friends, who play a fundamental role in the everyday care of residents.²
- 3.3** In particular, for older people, the average length of stay in a care home is 2 years³. After 10 months of various visitor restrictions there is simply not enough time for many of those living in care homes today to watch and wait.
- 3.4** Policymakers have been understandably worried about the risk of COVID-19 in care homes but far too often decisions are made which curtail visiting.

4 The changing government position on visiting in care homes

- 4.1** Since the beginning of the pandemic, the government's position on visiting in care homes has changed a number of times and there is a complicated chronology which others will no doubt chart for the committee – by our count, the guidance has been updated at least seven times. However, a consistent theme throughout has been that the government's position on visiting in care homes has been too slow to recognise the very significant impact that visiting restrictions have had on people and their families and friends.

5 The social care provider perspective

- 5.1** The National Care Forum has, on behalf of its members, consistently advocated for a more flexible and enabling approach to the issue of visits into care homes since the early summer of 2020. Our members were alert very early on to the very real impact that lockdown and visiting restrictions were having on the overall health and wellbeing of residents and their families – and on the very important relationship between the care homes and the friends and families of those they were caring for.
- 5.2** In response to this, we led work across the Care Provider Alliance to issue a [visiting protocol](#) in June 2020 (current version [here](#)) to give some support to those care providers

¹ Gordon A et al: Commentary: COVID in care homes—challenges and dilemmas in healthcare deliver <https://academic.oup.com/ageing/article/49/5/701/5836695>

² Schlaudecker JD; Essential Family Caregivers in Long-Term Care During the COVID-19 pandemic. <https://www.sciencedirect.com/science/article/abs/pii/S1525861020304308>

³ <https://eprints.lse.ac.uk/33895/1/dp2769.pdf>

who were seeking to lead the way in opening up to visitors, carefully and safely, for the benefits of residents and their loved ones. And this has been an ongoing theme since then.

- 5.3 Rapidly changing Government guidance and a lack of clear, consistent leadership on this issue from the Department of Health and Social Care has proved incredibly difficult for care providers who are seeking to manage the balance of risk and upholding human rights, both of individuals and of the whole care homes community in their care.
- 5.4 It has proved hugely problematic in terms of openness, transparency and clarity with residents and their families, as providers sought to put in place appropriate risk assessments, communications, booking systems, logistical arrangements and staff to support safe visiting. Providers have invested in a range of visiting solutions in response to the government guidance, such as visiting pods or indoor visiting spaces, so that they can enable visits to their residents and this has been at significant costs.
- 5.5 The ability of Directors of Public Health to issue blanket visiting bans has often created an impossible situation in which care homes seek to support visiting, based on the context of their particular setting, their specific risks, the community living in the care setting and their own visiting solutions but wider local assessments have prevented this. This, and the ever-changing guidance, has created raised expectations which are then disappointed. It has also led to huge amount of work to try to get visits authorised, such as seeking to show the very real impact on individuals in order to gain visiting permission.
- 5.6 The uncertainty about the ability to visit has had a material impact on the ability of people who may need a care home to actually choose a care home when the time is right for them; one of our members even offered the chance for family members to come and stay in the care home while their loved one settled in so that they did not have to contend with the ever-changing rules on visiting.
- 5.7 Here at the NCF, we were so concerned about the impact that the government's policy on care home visiting was having on individual residents, their families, the staff and the whole community around the care home, we created a [coalition of shared voices](#) in November 2020 to campaign on the issue and ensure that care homes are supported to enable visits by families and loved ones, now and in the future
- 5.8 The government did finally move to a position on care home visiting that supported care homes to better support the human rights of both residents and their loved ones. The guidance issued on **1 December** was the guidance that was needed to ensure a balance between the risk of harm from COVID-19 and the risk of harm from isolation and a lack of meaningful visits. However, the guidance issued in December was never properly implemented due to a lack of resources, a lack of Lateral Flow Devices and a lack of time before the government changed the guidance again. As it stands, many care home

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residents have still not received meaningful care home visits 10 months after the first lockdown despite the intentions and hard-work of social care providers.

5.9 The constant change in the government's position has put an extraordinary strain on relatives, residents and the social care workforce. Families and loved ones are an integral part of the provision of high-quality person-centred care. In our view, the government has been too slow to ensure a fair balance between the risk of harm from COVID-19 and the risk of harm from isolation managing the risk of harm from isolation and a lack of visits from loved ones. This will have impacted negatively on the rights of all involved.

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