



Dear Harriet and Members of the JCHR

The group of over 11,000 families that have come together under the Rights for Residents Campaign are hugely grateful for the work your Committee undertook to produce a powerful report that argued for the importance of care home visits and the rights of care home residents to a family life. We welcomed the Committee's call to change the law to end to blanket bans on care home visits. In addition to the efforts of yourselves, the campaigning families, MPs and many supportive reporters, journalists and editors the situation has improved for many and I want to thank you for your contribution to these changes.

However for too many the situation has not improved and residents and families are still being denied the contact outlined in the official Government guidance - which remains advisory.

In the latest round of guidance the Government stated that every resident can nominate an Essential Care Giver that can offer "companionship" and can visit in any situation, including outbreaks. This was a welcome development. However, in a survey published by Rights for Residents on 3rd September, of those asking to be ECGs / Essential Visitors - 23% of requests were denied by their care home. Inevitably, as outbreaks in care homes are on the increase, those residents without an ECG are once again being left isolated as all visits are stopped. Even within those care homes that are allowing Essential Visitors (ECGs) - a third of them are stopping those visits during an outbreak – which is completely contrary to official Government Guidelines. In some cases, local Directors of Public health are advising care homes to stop these "essential" visits.

The survey also highlights the continuing failure of the regulator / CQC to ensure compliance with the visiting guidance. Of those relatives that reported breaches of guidance to the CQC, 77% said they had received no response to their complaint. In the 23% of cases where the CQC did contact the offending care home, they still refused the resident the right to have an Essential Visitor / Essential Care Giver.

Many homes simply refuse to follow the Government Guidance - as it is advisory and not law – choosing to impose their own more restrictive visiting regime. We are at a loss as to why the Government are allowing this situation to continue. Visiting policies are still left to the whims of individual care companies when lives and liberties are at stake. The following statement your report sums up the feelings of affected residents and families:

"without statutory force, there is no legal recourse for residents to require their providers to implement the guidance. It is completely unacceptable for care home providers to argue that it is not yet safe to follow it and deny residents important family links as part of their right to family life. The Government has a duty to protect the lives of residents in care homes, but it also has an obligation to uphold their right to family life and ensure it is facilitated in practice"

I implore you, once again, to take action to help end the shocking abuse of the human rights of those living in care, which continues eighteen months into the pandemic. The enforced and prolonged separation my mum endured during the pandemic is unacceptable and the denial of the rights of residents to a family life should never be repeated. sadly, my own mum who passed away four weeks ago - but I continue to lobby for change in her memory.

It was staggering that the rights of care home residents were completely absent from the Prime Minister's thoughts on so called "Freedom Day". From 19th July every other member of our society has enjoyed complete freedom from Covid restrictions – regardless of whether or not they've been vaccinated.

Despite being the first group to be fully vaccinated, many care home residents remain subject to harsh visiting restrictions. Why have the Government bothered to vaccinate vulnerable people if they're not going to ensure they can live a meaningful life. There is no other mitigating precaution any of us can take against the virus – this is as good as it's going to get. Like everyone else they should be free to manage their own risks. It's a question of equality and fairness.

The Government have rammed home the point that we must ALL learn to live with the virus if we are to enjoy meaningful lives:

"there comes a point when restrictions no longer prevent hospitalisations and deaths, but simply delay the inevitable. And so we have to ask ourselves the question: if not now, when?" (Boris Johnson 19th July 2021)

There's been no "Freedom day" for care home residents – young and old – many of whom still feel as though they're trapped in a dystopian nightmare. Residents and their families still have to plead with care home managers to be "allowed" to sit in their own room together. Some care homes are also limiting the number of visits, despite Government guidance clearly stating "There is no limit on the number of 'named visitors' that a single resident can have and no nationally set limit on the number who can visit in a single day"

Some residents are still limited to a 30 or 60 minute visit, every two or three weeks, in a faceless, designated room, even if all parties being fully vaccinated. Despite clear advice from the Government. Others, receiving end of life care, are still subject to timed visits. All of this is contrary to official Government guidance and families have no recourse to challenge these decisions in law. After eighteen months of battling they are suffering mental and emotional exhaustion while their loved one remains isolated.

Even the most vulnerable living in the community can enjoy endless opportunities to mingle. The same principle must be urgently applied to those living in care settings as there is no risk-free solution for any of us. The alternative is that those living in care homes will be locked away indefinitely, with no end in sight. Families have to sit back and watch while thousands attend concerts and sporting events - without any requirement whatsoever to be vaccinated or tested - and all they want to do is spend time with one of the people they hold most dear.

It's morally wrong to make care home residents pay the price for the unfettered freedoms of everyone else and they desperately need you to take further action to help end the current disparity of treatment and rights. The minimal risk of fully vaccinated residents contracting Covid must be weighed against the huge deterioration in people's mental and physical health that results from isolation.

We have met with the Minister for Care several times, in addition to Sir David Pearson. While they have listened to our concerns, the Government refuse to mandate the care home guidance or to give residents legally binding rights to have essential visits. Helen Whately and Sir David say they prefer to use the carrot rather than the stick to "persuade" care home operators to follow their own guidance. Eighteen months into the pandemic it's clear that this approach has completely failed and many will never be persuaded.

How can it be fair that during the last three months of mum's life, her care home allowed unlimited family visits (in line with the guidance) and yet others are restricted to the number and duration of visits, even during the last few hours of life.

Joint Committee on Human Rights Statutory instrument

We support the draft instrument prepared by the Joint Committee on Human Rights "that seeks to secure legal protection for care home residents deprived of family visits, and therefore, their human rights". We're also keen for an update on any progress made in terms of having the Government adopt it.

We do have one small element of concern about the draft proposal however. Families are anxious that if it was to be added as an amendment, in its current form, it may still give the "registered person" the power to conduct risk assessments independently and to make assessments on the "service user's needs and preferences" with little room for challenge.

"(j) facilitating face to face contact between the service user and persons significant to the service user so as to meet the service user's needs and preferences, having particular regard to their emotional and psychological needs;

As we're not well versed in legal matters we're unclear as to whether this would be enough to protect residents in the care of managers / companies who continue to state that ECGs are only to be accepted if they are prepared to provide "personal care" for example. We have many examples also of managers and care companies denying essential visits because "in their opinion" care staff provide all that's needed in the way of mental health support and companionship.

Rights For Residents Petition Delivery and Protest 16th September - 10 Downing Street / Richmond Terrace - 1-4pm

We maintain that this is not a party-political issue – it's an issue of morality, equality and fairness - as has been shown in the huge cross-party support the **Rights for Residents Campaign** has had from MPs and the media so far. With this in mind, we invite members of the committee to meet and support some of the families affected by this issue at the protest next Thursday.

It will be a peaceful protest of approximately 300 people and many journalists and reporters will be attending throughout the day. I'd like to stress that we are in no way affiliated with those who promote anti vaccination, anti lockdown, anti infection control measures etc. We believe in proportionate and sensible restrictions. Hence, why we have waited for restrictions to be lifted before organising our protest.

In terms of our Campaign and petition – our central aim remains that every resident should have the legal right to the support of at least one Essential Visitor - that can visit in any situation.

What we want the Government to do

Our petition now has almost 270,000 signatures (www.change.org/p/please-let-me-hug-my-family-before-it-s-too-late). We're calling on the Government to take the following urgent action before more lives are lost through loneliness and isolation:

- Pass legislation (Gloria's law) that gives every care home resident the legal right to nominate an Essential Care Giver / Visitor that can visit in ALL circumstances, regardless of outbreaks, tier restrictions, lockdowns or variants.
- Produce official care home visiting guidance that brings those living in care settings in line with the rest of society who are no longer subject to any Covid restrictions.
- Mandate the Government visiting guidance to care homes and introduce clear penalties for those that refuse to implement it.

Once again, I'd like to thank you all for the work you have previously done on this issue and look forward to your response.

Kind regards

Jenny Morrison

Co-founder Rights for Residents