



Right to maintain contact

The use of separation and isolation as a means of infection control since March 2020 have taught us more than we might ever have wanted to know about their damaging effect on individuals, particularly those who are deemed vulnerable and on whom the restrictions have borne hardest. This includes older and disabled people, those affected by dementia, stroke or other cognitive impairments, people with a learning disability and/or autism or with mental or physical ill-health regardless of age. Various policy initiatives, such as Essential Care Giver status in care homes, have attempted amelioration but their rollout has been patchy. In the NHS some hospitals and wards will continue to welcome family carers; others, often next door, will shut them out. People move through different institutions of the health and social care system encountering different sets of 'rules' along the way. We therefore propose a new approach – a right to maintain contact which would apply across all health and care settings.

What we want to see:

- A legal right for a person who needs care and support to unrestricted in-person support from at least one essential 'care supporter' (a person important to them such as a relative or friend), in private if the person chooses
- A duty on the health and care system, including providers, to facilitate this contact wherever the person is receiving care and support, and regardless of how it is funded (such as hospitals, mental health facilities, care settings, when receiving care in their own home)
- The exercise of the duty on health and care providers to be monitored and enforced by the regulator
- Restrictions on this right to only be permitted where it is necessary to protect from a known and immediate risk of harm from the care supporter (they are infectious or for safeguarding) and must be proportionate to that risk
- An individual assessment must be carried out when considering a restriction on this right, involving the person and those important to them
- Where a restriction on this right is necessary and proportionate, an individual assessment must take place to agree alternative means of contact with that person and an alternative care supporter for private in-person contact

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