



Department of Health & Social Care

5th December
2023

Dear Chair,

You will be aware that we have conducted a public consultation on introducing secondary legislation to protect visiting as a fundamental standard across care homes, hospitals and hospices. The consultation ran for eight weeks from 21 June and received over 1,400 responses. Today, we are publishing a Command Paper in response to the consultation, and I am writing to set out the key findings from the consultation and the work the Government will now take forward.

Firstly, no one should be denied reasonable access to visitors while they are a resident in a care home, or a patient in a hospital or hospice. We know loved ones often play an essential role as 'care supporters', providing assistance, support and advocacy for those accessing care. We have been working hard to ensure visiting restrictions that were in place during the height of the COVID-19 pandemic cannot be commonplace again. But, we know how upsetting and distressing it can be to have those crucial visits restricted. That is why we consulted on introducing secondary legislation to protect visiting as a fundamental standard; to create a better environment for visiting.

Through the consultation, we heard from the respondents of the various barriers to visiting in care homes and hospitals and how mechanisms to complain to providers about their experiences are not overly clear. To that end, most responses in the consultation supported the Government's proposal to introduce a fundamental standard on visiting. In the consultation, we confirmed the intention for the new fundamental standard to be enforced by CQC as part of its existing civil enforcement powers. This will highlight the importance of visiting to providers and all stakeholders and ensure that providers account for the vital role that visiting plays. Through this new standard, CQC will be able to specifically include visiting considerations as part of its wider regulatory assessment of providers. This could include using civil enforcement powers in line with its published enforcement policy when it is necessary and proportionate to do so.

The Government will, therefore, now work with CQC to develop and introduce a new fundamental standard. We plan to lay the necessary regulations in Parliament to introduce this additional standard as soon as possible. We will also work with CQC to publish the necessary guidance to the health and social care sector to ensure this new standard is clear and upheld. The new standard will not only cover inpatients, but it will also take into account the need to enable patients attending hospice and hospital outpatient appointments, emergency department and diagnostic services to be accompanied by someone if they need or wish to be.

I hope members will be assured of the Government's commitment to visiting and the important role it plays in wellbeing and recovery. I would like to thank all respondents to the consultation and stakeholders, in particular John's Campaign and Rights for Residents, for their continued engagement on this issue.

Yours,



Helen Whately MP

**Minister of State for Social
Care**



The Rt Hon Andrew Stephenson CBE MP

**Minister of State for Health and
Secondary Care**