



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Peter Wyman CBE DL

Chair, Care Quality Commission

By email.

12 March 2021

Dear Peter,

Guidance on care home visiting

I am writing on behalf of the Joint Committee on Human Rights (JCHR) with regard to the new guidance on care home visiting, which came into force on 8 March 2021. The guidance sets out the Government's advice to support safe visiting, including the right of every resident to nominate a named visitor who will be able to enter the care home for regular visits.

The Committee welcomes this new guidance, particularly its emphasis that individualised risk assessments should be completed for more vulnerable residents where necessary and blanket bans should not be imposed. As we set out in our report last year, blanket visiting bans are contrary to the rights of both patients and their families under the European Convention on Human Rights, the Code of Practice to the Mental Health Act 1983, and NHS England guidance. Failure to adopt an individualised approach to the safety of visits risks breaching the right of patients, residents and their families to family life (Article 8 ECHR).

However, as the guidance does not currently have statutory force, it is vital that the Care Quality Commission fulfils its responsibility for promoting compliance within the care home sector. For this reason, please could you respond to this letter setting out your assessment of:

- How many care homes are now fully complying with the new guidance and how many are not?
- Of those complying with the guidance, how many care homes are allowing visits, and how many are not allowing visits? We recognise that it is possible that care homes may allow visits but not comply with the guidance, for example by only allowing visits with unduly onerous conditions such as screens, while others might not be allowing visits and comply with the requirements for an individualised risk assessment, for example were the conclusion of all of their assessments to be that no visit can be done without unacceptable risk;

- How many care homes have introduced more restrictive visiting procedures since the introduction of the new guidance? For example, we have heard reports of some care homes restricting the number of visitors for 'screen' or outdoor visits following the introduction of the named visitor procedure for visitors who can enter a care home.

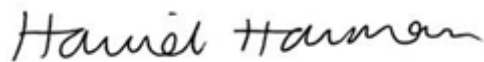
Please could you further set out the number of complaints the Care Quality Commission has received about visits, including:

- where visits have not been allowed at all;
- where visits have been permitted, but in a way which is unsatisfactory or not in accordance with the guidance;
- where complaints have been resolved in the complainants favour; and
- where complaints have not been resolved.

Finally, please could you also explain how the Care Quality Commission will fulfil its responsibility for promoting compliance within the sector over the coming weeks, including the specific measures you have put in place to urgently address the complaints you have received.

I would be grateful for a response to this letter by **24 March 2021**.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Harriet Harman', written in a cursive style.

Rt Hon Harriet Harman MP
Chair of the Joint Committee on Human Rights