

Rt Hon Harriet Harman QC MP
Chair of the Joint Committee on Human Rights
By email: JCHR@parliament.uk

23 March 2021

Dear Harriet

Thank you for your letter dated 12 March regarding guidance on care home visiting.

We welcome the Government's new guidance on care home visiting and fully agree that being able to see loved ones is incredibly important to everyone's wellbeing.

Throughout the pandemic, we have been encouraging care homes to follow government guidance and making sure that they have in place an approach which considers the needs of each person in the service. Our local inspection teams have been reaching out to care homes to understand their approach to visiting; to ensure they are aware of the latest guidance, and to emphasise that all decisions need to stay under review as circumstances change.

Person centred care has never been more important and recognising that part of people's identity and wellbeing comes from their relationships is critical. Meeting people's holistic needs requires an individualised approach. Prior to the introduction of the new government guidance on care home visiting, we published a statement that outlined to providers that when thinking about visiting, for those entering care homes and those leaving to visit other places, they must start with a focus on the individual and how their needs will be met. We outlined that blanket bans are unacceptable and that care homes should follow government guidelines, give sufficient weight to local risks and advice from their Director of Public Health, as well as giving consideration to the home environment. We stated that the individual must be at the centre of the decision and all decisions need to stay under review as circumstances change.

Compliance with the new guidance

In your letter you asked 'how many care homes are now fully complying with the new guidance and how many are not?'. This is not data we collect and therefore I regret we cannot supply the information you have sought. Our role is to support care homes to implement the guidance and facilitate visits to the best of their ability. We are also providing examples of best practice where relevant.

We are aware of a growing number of concerns about possible blanket bans. Where we are made aware of concerns that blanket bans on visiting may be in place we are systematically following up with the provider and initiating an inspection where we need further assurance about the approach being taken. Where needed, this information will be escalated to the local authorities, the relevant government agencies

and our system partners. Where we have concerns, we can and will take swift regulatory action. Please find more information below on subsequent steps that we may take to address visitation concerns.

Our role in assessing how care home visits are facilitated

We have enhanced our approach when inspecting care homes to include a mandatory question on whether the service is 'facilitating visits to people living at the home in accordance with current guidance'. The findings from these inspections are published on each care home's individual page on our website. More information on the questions we ask when inspecting can be found on our website.¹

Our role in assessing concerns related to care homes visits

In your letter you also asked about the number of complaints we have received about visits, in particular you asked about the outcome of individual inspections following receipt of complaints. We are not able to take up formal complaints because we do not have powers under our legislation to investigate or resolve them.

Our role is to bring together a range of information to form a picture of how well a particular service cares for all the people who use it. We value all the information that is shared with us and use this to help us to decide where, when and what specific areas of a service to inspect.

Our regulatory response to concerns related to care home visits

In your letter you asked how we will 'fulfil our 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.'

We are asking people to raise concerns first with the provider, but if they are unhappy about the matter not being resolved then they should let us know. When we are made aware of concerns related to visiting, we make contact with the registered manager to explain our position, which is that:

- they review any blanket bans as they are not in line with government policy or our expectations;
- this is a human rights issue and all agencies involved have a duty to weigh-up those separate rights and how they apply to each individual;
- we expect them to follow best practice, which is person-centred care and a consideration of how each individual's holistic needs should be met, and
- we expect them to give us a clear plan as to how they are moving from their current position, without delay.

We will also tell providers that each time we are notified of a blanket ban we will look at the individual service and its circumstances. We will ask:

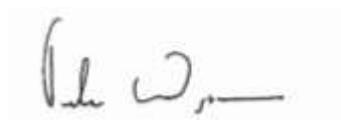
¹ <https://www.cqc.org.uk/guidance-providers/residential-adult-social-care/infection-prevention-control-care-homes>

- does this tell us that there could be a closed culture developing from the closed environment?² What else do we know about the service? Is this an early indicator of risk and therefore do we need to inspect?
- does this suggest that people's individual needs are not being properly recognised?

Both of these may lead to an inspection and if evidence is found to support the concerns we will consider if this is a breach of regulation and take enforcement action as necessary.

As I said above, we do not collect the data to enable me to give you all the information you have requested but nevertheless I hope that this reply has been helpful to you.

With best wishes



Peter Wyman CBE DL
Chair
Care Quality Commission

Cc

Ian Trenholm, Chief Executive, Care Quality Commission

Kate Terroni, Chief Inspector of Adult Social Care, Care Quality Commission

Michelle Dyson, Director General, Adult Social Care, Department of Health and Social Care

Lee McDonough, Director General, NHS Policy and Performance, Department of Health and Social Care

² <https://www.cqc.org.uk/publications/themes-care/our-work-closed-cultures>