



Commissioner for Older People  
for Northern Ireland

24 March 2021

Mr Robin Swann, MLA  
Minister of Health  
Department of Health  
Castle Buildings  
Stormont  
Belfast  
BT4 3SQ

By email: [private.office@health-ni.gov.uk](mailto:private.office@health-ni.gov.uk)

Dear Minister Swann,

RE: CARE HOME VISITING

I hope you are keeping well.

I am writing to you in relation to the ongoing concerns I have about the pace and scale of implementation of the Department's guidance to care homes to permit limited, safe visiting of residents, and the provision of care partner status to specific family members and carers. Since September of 2020, I have been asked to assist many families, who were unable to avail of limited, safe visiting of their relatives in line with your Department's guidance.

Although there have been weekly meetings with officials, both within the process set out by the Patient Client Council, and by COPNI separately, I was unable to get sufficient assurance that enough was being done to focus on this matter.

Despite being frequently told that the matter was a priority for all the relevant authorities, it did not appear that the actions being taken were resolving the matter across the sector. During this time my office continued to receive visiting issues from many families, and while my team was able to advocate successfully to resolve many of the individual problems it was clear there were still many homes not facilitating visiting as they should be.

Further analysis during this process revealed that some providers were interpreting the guidance issued by your Department to mean that visiting was not to be facilitated. It was this, along with concerns around the reliability of data on the level of visiting being facilitated that led me to raise the issue publicly to try to gain a better understanding of the scale of the issue.

My call for evidence on care home visiting has revealed a concerning situation across a number of care home providers. I have included this information for yourself and your officials in the appendix included with this letter. You will see that within a matter of days my office got contacted about concerns about twenty eight care homes not

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implementing the guidance. While this may be a minority of care homes overall, it is still affecting many hundreds of residents and families who are desperate to see their loved ones after an extended spell of restricted visiting. It would also be reasonable to assume that there are other care homes that are also not implementing the guidance in full given the response to my office in a short period of time. This continues to give me serious concerns that the human rights of older people living in these homes may be being breached as a result of these ongoing restrictions.

I am concerned that despite the authorities claiming that care home visiting was a priority, none of them had uncovered the scope or scale of the number of homes still preventing visiting. In fact, conversations with some authorities has inferred that there has been no staffing resource dedicated to resolving these problems, something which I find completely unacceptable given the importance of this matter.

Furthermore, we have discovered a case where the care home provider was not giving the regulator an accurate picture of their care home policy, which resulted in an ongoing 'blanket ban' on visiting and care partners across all their care homes. This case naturally raises questions as to the level of detail or importance given to the scrutiny and oversight of visiting in care homes.

Whilst it is clear that some care homes are complying with the guidance and providing access to safe visiting and care partner arrangements, the recent contact I have received from families' highlights the impact of the failure to clarify to providers the practical implementation of the guidance, or to issue such clarification when it was reported. The recent letter received from your Department also highlights worrying gaps in data collection.

My team has successfully used advocacy to resolve visit arrangements in most of the cases brought to my office. However, resolving cases on an individual basis is not a sustainable solution. It does show however that where there is focus put on this matter that resolutions that greatly benefit the resident and their family can be achieved.

I remain concerned that there are many families who are unaware of what visiting entitlements they should now have. The findings of the call for evidence suggests that in some cases, families have been misled by care homes about their visitation rights.

In line with my duties under the 2011 COPNI Act, I am strongly advising for the following steps to be taken immediately to address the visiting problems existing in some care homes that could be breaching the human rights of residents.

- **Better Communication** - Immediate remedial action is required for much clearer guidance to be issued to care home providers. It should be framed in positive, permissive language and allow no room for misinterpretation. Where

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any confusion or doubt remains, there should be a direct line contact to an appropriately informed official that providers can contact.

- **Monitoring of Visits** - Effective monitoring by a dedicated team of regulator staff who actively attend specific homes and investigate complaints of non-compliance with the visiting guidance. The results of the compliance team should be reported to a senior officer in the RQIA on a weekly basis. Where necessary, enforcement action should be initiated for non-compliance with the visiting policy.
- **Task Force** - A task force should be established to oversee the implementation of visiting policies in care homes both in the short and longer term. This task force should address the issues of visiting, care partners, isolation of new residents and all issues regarding the welfare and rights of older people living in care settings. It should also be tasked with troubleshooting any emerging issues in relation to visiting policy or practice.

In order to reassure me as Commissioner that this vitally important issue is being addressed adequately, I would request regular updates from your Department on how the guidance is being implemented across Northern Ireland. This update should include robust data on care home visits and arrangements for care partners.

There is no doubt that the pandemic has taken a heavy toll on care home residents, and its effects on visiting policy will continue into the foreseeable future. This is also why I believe there needs to be a more strategic focus on this matter so that older people can have their human rights protected in the medium and longer term as well. The task force should ensure that there is meaningful and ongoing engagement with all key stakeholders including older people, their families and providers on this work to ensure older people in care homes can continue to have meaningful contact with their families and loved ones.

I trust you will consider this advice seriously and I would request a meeting with yourself in the near future to discuss this matter in further detail.

Yours sincerely,

Personal Data

**Eddie Lynch**  
Commissioner for Older People for Northern Ireland

cc Evelyn Hoy

Name  
Redacted

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