

To Helen Whately MP, Minister of State (Minister for Social Care) and Will Quince MP,  
Minister of State (Minister for Health and Secondary Care)  
Department of Health and Social Care  
By email only

28 June 2023

Dear Helen Whately MP and Will Quince MP,

Thank you for meeting with us on 21 June to let us know that your consultation 'Visiting in care homes, hospitals and hospices' was being published. We appreciated you taking the time to meet with us and listen to our apprehensions and questions about the planned consultation.

Having read the consultation document, we are writing to set out some of our concerns about the content and the process.

#### Content

We support the principle of protecting 'visiting' as a fundamental standard across CQC-registered settings. This would send an important message that welcoming family and friends is a vital part of delivering good care.

The consultation seems to go much further than this, however, and suggests a more thorough set of guidelines will be developed on how visiting must be facilitated. We are alarmed by the long and very broad list of restrictions on visiting and fear some of the proposals will breach existing legislation including the Mental Capacity Act, Care Act, Human Rights Act and Equality Act. This would put some of the most troubling elements of the Government guidance on visiting during the pandemic on a statutory footing. This could set a dangerous precedent leading to more restrictive visiting arrangements – the very opposite of your stated aim.

We are also concerned about the reliance on the Care Quality Commission to enforce the proposals without conferring any new powers on the regulator, such as the power to act on individual complaints. This will be vital to ensuring compliance but also to rebuilding trust in the regulator given their inaction during the pandemic.

#### Process

We are deeply concerned about the process being used for this consultation. There is no easy read version, which the website indicates will be available 'soon' but without any time frame. The consultation document is lengthy and only available on-line in HTML version, making it difficult to circulate/print for people who do not have access to the internet. The only way to respond is via a lengthy, on-line survey which excludes anyone who doesn't have access to the internet and a computer/other device.

These proposals will have a significant impact on people living in health and care settings, predominantly disabled people, older people, those affected by dementia, strokes or other cognitive impairments, people with a learning disability and/or autism or with mental or physical ill-health.

The lack of an easy read version and limited response options combined with the short time frame will make it incredibly difficult, if not impossible, for the very people you are targeting to understand and respond to the consultation. It does not appear to meet the Government's Consultation Principles, including that it should last for a proportionate amount of time, be targeted, and take account of the groups being consulted.

In its current form these proposals would be a step backwards. We urge you to reconsider your approach and would be happy to meet with you to discuss the above.

As we said when we met with you on 21 June, this consultation does not address our call for a new legal right to a Care Supporter. We are concerned by the impression given in some recent departmental communications that this consultation renders action to enshrine a right to a Care Supporter unnecessary. A 'visitor' and a Care Supporter are fundamentally different. Whilst both are vitally important, a Care Supporter is someone whom the person depends upon, who is essential to wellbeing, a carer who will act as an advocate when needed. We urge you to support the Care Supporter Bill, which will be published soon, and take this forward as Government policy as a matter of urgency.

We look forward to hearing from you.  
Kind regards,

Diane Mayhew (Rights For Residents Campaign Manager), Jenny Morrison (Engagement Lead) and Helen Wildbore (Director), Care Rights UK  
Julia Jones and Nicci Gerrard (co-founders), John's Campaign