

PE1841/JJ

Elaine Macdonald submission of 14 March 2021

I support this petition from Natasha Hamilton because to put it bluntly it is the only way to guarantee that the rights of residents in care homes to continuing family relationships are protected.

In March 2019 when care homes across Scotland closed their doors none of us expected that this would be seen as a long-term solution to dealing with Covid 19 in a care setting and that elderly, vulnerable and often confused residents would be locked indoors for a year and their families would be locked out. What was a proportionate response a year ago is no longer justifiable.

This has been recognised by the Scottish Government and I welcome the current 'Open with Care' guidelines as a significant step forward. Efforts made by government to consult, collaborate and work with all stakeholders to produce the current set of guidelines are admirable and appreciated. They have made some difference and some care providers are now enabling more meaningful contact. However, a significant proportion of care providers have chosen to 'interpret' the guidelines rather than fully comply with them, offering much less than was intended, and some have ignored them altogether.

Imagine if you can a situation where someone has the power to prevent you from seeing those you love most, your husband, wife, son, daughter or grandparent. They have the right to decide regardless of their and your wishes, that your visits with them are non-essential, as if the right to be with your family is some kind of optional extra in life.

Imagine that you have Power of Attorney and had always made decisions on what was best regarding your family members care in collaboration with their care home.

Now imagine the shock when you actually find out that you have no power at all. All of the power lies with the care provider and they seem to be able to do exactly what they like.

"The government guidance is just guidance. We don't have to comply with it. We can decide on our own protocols." These words came from the manager of a family members care home at an online meeting for relatives on 2nd March 2021, and therein lies the problem.

Without having the right in law to continuing contact with family for residents, care homes can decide to disregard guidance at will and residents and their families will continue to live in fear of having visits withdrawn at any time. We will have no peace of mind.

I agree that continued efforts to collaborate, persuade and encourage all care providers to comply with the 'Open with Care' guidance is the best way forward, but failing that there must be a last resort in law to protect the rights of this vulnerable and largely voiceless group.

In my opinion, the Scottish Government has let care home residents and their families down so badly already. They have a moral duty and an opportunity to at least get this right.