



Minister Stephen Donnelly
Department of Health
Block 1, Miesian Plaza,
50 - 58 Lower Baggot Street
D02 XW14

10th March 2021

Re. IASW asks that the Government take immediate action to uphold rights and safeguard residents, within our inadequately regulated nursing home sector.

Dear Minister Donnelly,

Further to our previous correspondence with your office, I again write to **ask that the Government take immediate action to uphold rights and safeguard residents, within our inadequately regulated nursing home sector.** As a matter of urgency, the IASW request the following steps.

- 1) That Government request a review of nursing home visiting guidance (currently under review) from an independent body with human rights expertise (i.e. The Irish Human Rights and Equality Commission). Comparative analysis of rights based visiting practices in The Netherlands should be undertaken.
- 2) That Government put measures in place to mandate nursing homes to comply with visiting guidance and installation of safe visiting spaces.
- 3) That Government introduce emergency legislation to support mandatory reporting of abuse and neglect in nursing home and residential care settings and grant legal right of entry for social workers to all nursing homes.
- 4) That Government publish information on current trends in safeguarding reports from the nursing home sector and implement a strategic safeguarding response.
- 5) That Government establish a full root & branch inquiry into the nursing home sector, without delay.

Nursing Home Visitation:

As previously highlighted with your office, pre- existing concerns about the inadequacy of safeguarding & regulation in our nursing home sector were overlooked at the outset of the pandemic. There was also a failure to recognise the vital and irreplaceable protection offered by family life within that poorly regulated system. As such, clear red flags which should have highlighted the risks to residents posed by prolonged cocooning were overlooked.

Government policy choices further weakened the rights and safeguards available to residents. Ireland has had one of the most restrictive visiting policies in Europe, with one of the most

prolonged periods of cocooning. Rights based, safe visiting practices which have reunited families in The Netherlands, Scotland and in parts of Northern Ireland, without an increase in infection rates, have not been used in Ireland. Instead, visits have been facilitated on the basis of subjective compassion, rather than rights to family life. Funding was only provided for visiting spaces in Dec 2020. The Government failed to enforce compliance with visiting guidance or installation of visiting spaces. As a result, access to family life has been delivered on a postcode lottery basis to residents, depending on the response of their individual nursing home. Many residents have been denied the right to look safely through a window at their family members, while others have died alone, unnecessarily. This is a profound failure of the State to protect the rights of residents. Introducing measures without enforcement is a policy choice and one the IASW asks the government to change as a matter of urgency.

In recent correspondence in relation to the upcoming review of visiting guidance, the Health Protection Surveillance Centre advised IASW that 'the decision to suspend visiting to nursing homes except on critical and compassionate grounds is a Government decision.' We urge you now to take political action to safeguard the rights of residents. We attach the Scottish visiting guidance & international evidence base to support that decision.

The IASW call for an independent body to review Government visiting guidance from a human rights perspective. The Government must recognise that failure to act is a policy choice and must introduce measures to enforce compliance with visiting guidance and investment in visiting spaces in every regulated service provider.

Safeguarding of Nursing Home Residents:

There is a lack of real time information on reporting of safeguarding concerns from cocooned nursing homes during the pandemic. Tusla and domestic violence services have produced real time data throughout pandemic, to understand trends and plan responses for their relevant populations. Despite the work of the Department of Health Adult Safeguarding Steering Group and the HSE National Safeguarding Office, this information has not been published in relation to safeguarding of residents during the pandemic, despite the increased risks for institutional abuse posed by lockdown.

There has been no national messaging campaign to advise residents on how they might seek help or support during cocooning. There has been no targeted safeguarding training for nursing home staff highlighting increased risks of institutional abuse posed by cocooning.

One year into the pandemic, social workers continue to encounter confusion among professionals, care staff, family members and residents themselves about what constitutes abuse and how and who it should be reported to. This confusion is mirrored in the findings of the Dept. of Health Report on Adult Safeguarding Focus Group and recent Red C polls.

Organisational culture in some nursing homes makes it exceptionally challenging for staff to speak up and report abuse. Social workers are concerned that institutional abuse is minimised in context of crisis outbreaks, or inappropriately interpreted as poor quality care, rather than neglect. Residents have been cocooned into care settings and physically separated from family members in whom they usually confide and as high profile cases in the media have shown, find it difficult to seek help when care standards drop or abuse occurs.

The pandemic has amplified the weaknesses of our safeguarding and regulatory system – and residents are now more vulnerable, due to visiting restrictions.

Six years after Aras Attracta, the IASW continues to call for safeguarding legislation and an independent safeguarding authority. On an interim basis, emergency measures to introduce mandatory reporting of abuse and neglect in residential care settings is required, as are measures to allow social workers legal right of entry to private nursing homes.

The Need for Systemic Reform: A Call for an Inquiry:

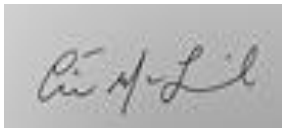
Our nursing home system is based on a flawed funding model, with poor governance, a lack of State oversight and a weak regulatory and safeguarding base. The sector views residents as passive recipients of care, rather than active citizens with rights. This is evidenced by the decision to cocoon people into a sector with known risks without any increased safeguarding measures, the failure to acknowledge the vital protection offered by family visits and the failure to provide enhanced Covid-19 specific safeguarding training to nursing home staff. There has also been a failure to analyse safeguarding trends over the course of the pandemic, a lack of integration of human rights and safeguarding expertise into the work of the Expert Panel Report or NPHE structures and a failure to mandate rights based visiting or access to visiting spaces. Residents have unequal access to health and social care services comparative to other members of the community, including the essential support of safeguarding social workers who lack legal right of entry to private nursing homes.

We recognise the current government inherited a flawed system, based on the policy choices of successive governments. Residents and families are experiencing harm within this system and this must be addressed without delay. This government is in a position to deliver systemic reform.

The IASW calls for a systemic inquiry, providing review and reform of our nursing home sector, led by human rights, safeguarding and lived experience expertise.

Despite the serious concerns the IASW have raised, we have not received a response to our several requests to meet with you over the course of the pandemic. We again request a meeting, as a matter of urgency.

Yours sincerely,



Aine McGuirk

Chair

CC; Minister Mary Butler, Dept. of Health with Responsibility for Mental Health & Older People

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