

**Vaughan Gething MS**

Minister for Health and Social Services  
Welsh Government

20 July 2020

Dear Minister,

We write further to our previous letters to you about the impact of the Covid-19 pandemic on older people in care homes. We have valued our respective discussions with Welsh Government officers and the further information shared with us.

We have significant concerns about the experiences of older people during the Covid-19 pandemic, in particular those living in care homes, and we have agreed to work together to consider whether the Welsh Government and public bodies in Wales have met their responsibilities with regards to equality legislation and to uphold the human rights of older people.

To support our understanding of your decision making processes we would be grateful if you could share with us the following information and documents:

1. Please provide your equality impact assessments and scientific evidence for all decision making linked to care homes – as set out in the attached timeline.
2. If there is no equality impact assessment, please provide evidence of how due regard was given to the three needs of the public sector

equality duty – the need to eliminate discrimination, to advance equality of opportunity and to foster good relations – in the decision making process around protecting care homes by Welsh Government.

3. Please provide us with details of the arrangements you have in place to review and revise your policies to ensure they comply with the public sector equality duty and specific duties.

We welcome the recent ministerial statement which highlighted the Welsh Government's commitment to an action plan and an independent expert rapid review of the care home operational experience between March and June. It is vital that the rapid review examines how older people's rights have been upheld during this period. The review should also consider how due regard was given to the three aims of the public sector equality duty when making decisions and formulating policy.

Equality and ensuring older people's human rights are upheld should be central to the development of the action plan and any future decisions made by Welsh Ministers.

The publication of a care home action plan should address the specific issues that are affecting the care home sector now and in the months ahead. The action plan should clearly set out the action being taken across a number of key areas that are crucial in protecting and supporting people living and working in care homes including:

- Ongoing testing of residents and care home staff
- Ongoing supply of PPE
- Access to healthcare services including GP support and hospital treatment
- Access to mental health support (including bereavement support)

- Guidance, information and support for care homes, older people and their families and friends to enable safe visiting
- Measures to enable safe visiting from social workers, other advocates and inspections from Care Inspectorate Wales
- Access to ongoing training and peer support for care home managers and staff
- Provision of temporary care facilities / step down facilities to support safe discharges from hospital
- Provisions for care homes to ensure sustainability during this pandemic

It is vital that this action plan includes the voices of those that live and work in care homes and provides clear accountability and timeframes for any proposed actions.

We would be happy to discuss these matters further or to meet with you if you would find it helpful. We would appreciate a response by 10 August, to be addressed to both offices.

Yours sincerely



Ruth Coombs  
EHRC Head of Wales



Heléna Herklots  
Older People's Commissioner for Wales

cc: Julie Morgan MS, Deputy Minister for Health and Social Services

## COVID-19 Care Home Decision Timeline

31<sup>st</sup> January 2020 First two cases in UK – first CMO [statement](#)

28<sup>th</sup> February 2020 Wales first COVID-19 case [announced](#)

3<sup>rd</sup> March 2020 Joint action plan

5<sup>th</sup> March 2020 Wales second COVID-19 case [announced](#)

9<sup>th</sup> March 2020 PPE for GPs [announced](#) as part of infection control measures

13<sup>th</sup> March 2020 [Written statement](#) moving from contain to delay phase of action plan – “vital that our health and social care system in Wales is prepared” – key care home points -

- Expedite discharge of vulnerable patients from acute and community hospitals
- Relax targets and monitoring arrangements across the health and care system
- Minimise regulation requirements for health and care settings
- Fast track placements to care homes by suspending the current protocol which gives the right to a choice of home
- Permission to cancel internal and professional events, including study leave, to free up staff for preparations.

16<sup>th</sup> March 2020 First COVID-19 death in Wales [announced](#)

17<sup>th</sup> March 2020 Wales Health Minister declares that the incidence or transmission of novel Coronavirus constitutes a serious and imminent threat to public health, and makes regulations that are considered as an effective means of delaying or preventing further transmission of the virus.

18<sup>th</sup> March 2020 Health Minister first [statement](#) on testing - testing in Wales has been prioritised for individuals requiring admission to hospital. Keeping essential service workers off work for 7/14 days will be detrimental to the running of those services compared to providing a negative result that would allow them to return to work. Therefore, based on careful risk assessment, a phased rollout of testing will commence starting with health care workers involved in frontline patient facing clinical care. Testing capacity is being expanded and is currently prioritised for patients, health care workers involved in frontline patient facing clinical care

21<sup>st</sup> March 2020 [Statement](#) on welcoming back former and future health and social care professionals needed to help Wales respond to coronavirus – *“I want to reassure our dedicated social care sector that we are working with partners to ensure we protect our frontline social care staff, who play such a crucial role in caring for and supporting the vulnerable in society.”*

[Statement](#) on COVID-19: Distribution of Personal Protective Equipment (PPE) to social care settings *“I want to be clear about the guidelines for the use of PPE in social care. If neither the care worker nor the individual receiving care and support is symptomatic, then no PPE is required above and beyond normal good hygiene practices.”*

23<sup>rd</sup> March 2020 UK wide lockdown and Health Minister gives guidance for visiting care homes and confirming only essential visits should be allowed you stated:

*“The task of protecting the most vulnerable people in Wales who live in our care homes cannot be underestimated and robust protection measures must now be in place at all times to reduce the devastating impact of Coronavirus.”*

24<sup>th</sup> March 2020 Statement confirming shielding letters to most vulnerable would be issued

25<sup>th</sup> March 2020 [Statement](#) from Minister for Housing and Local Government – extra funding and health and social care working together and further [statement](#) from Health Minister on PPE confirming it would be issued to social care staff.

28<sup>th</sup> March 2020 – [statement](#) about antibody test being developed – will help health and social care staff and further [statement](#) on PPE from CMO – still advice is it is not needed if not working with COVID-19 patients.

2<sup>nd</sup> April 2020 – New PPE guidance endorsed by WHO and [statement](#) from health minister – “All health and social care staff within 2m of a suspected or confirmed coronavirus patient should wear an apron, gloves, fluid repellent surgical mask and

eye protection (previously PPE was only required for the care of those people with symptoms)”

7<sup>th</sup> April 2020 – Health Minister’s [statement](#) on testing to identify those who are currently infected by the virus (swab test). This will enable us to prioritise care and identify which of our key frontline staff are able to come back to work early, and to identify those that have had COVID-19 and have developed an immune response (antibody test) – in line with UK [testing strategy](#)

22<sup>nd</sup> April 2020 Health Minister “[weekly update](#)” on testing. Our current phase of activity of the testing plan is focussed on our critical workers, symptomatic patients in hospital and care homes. As of 20<sup>th</sup> April, 264 care home residents tested and 429 care home workers

29<sup>th</sup> April 2020 – Health Minister’s [statement](#) on supporting social care during the coronavirus outbreak – includes mention of testing.

2<sup>nd</sup> May 2020 - Written [Statement](#): COVID and BAME – measures to protect the Health and Social Care workforce – risk assessments and cautious approach

[Testing statement](#) on Care Homes – still only symptomatic testing – evidence does not support asymptomatic testing. However also – “In the case of care homes, where a number of older people are living closely together, many of whom will have underlying health conditions, if the results of the tests are positive, we should assume – and take actions – as if everyone in the home has tested positive.”

16<sup>th</sup> May 2020 – [Statement](#) confirming Testing extended to all care homes and provides [update](#) – stating change is due to change in scientific advice.

5<sup>th</sup> June 2020 – Announcement that Care home staff to receive £500 extra payment

16<sup>th</sup> June 2020 – Announcement that Care homes Care homes across Wales are benefiting from digital devices being delivered to them as part of a Welsh Government scheme to help residents keep in touch with friends and family, and to assist with video medical consultations

18<sup>th</sup> June 2020 – Written statement on Care home testing – “There are more than 1050 registered adult care homes in Wales. All of our registered adult care homes have been offered testing and testing is almost complete. We are aware of 30 care homes where testing is still underway and we are working closely with staff to complete these as soon as possible. . .It has been a mammoth exercise to mobilise this programme, completing over 51,000 tests by 14 June, 22,887 tests on residents and 28,781 tests on care home staff. Of this number 5% of residents and 4% of staff have tested positive and we are taking every step to ensure there are robust infection control measures in place for all care homes to protect them from the risk of future harm. It is vital that we are vigilant in ensuring that care homes are protected from any new outbreaks, therefore from 15th June all care home staff are now offered a weekly antigen test for four weeks.”