



HWCGS Care (T/A Segal Gardens)

436 Fleet Lane, Parr, St Helens, nr Liverpool, Merseyside, WA92NH



Review Sheet

Last Reviewed
13 Mar '20Last Amended
13 Mar '20Next Planned Review in 12 months, or sooner
as required.Business
impact

MEDIUM IMPACT

Changes are important, but urgent implementation is not
required, incorporate into your existing workflow.Reason for
this review

Scheduled review

Were
changes
made?

Yes

Summary:

This policy has been updated to reflect the impact of temporary closure to visitors due to COVID-19, and the actions that must be taken to protect Service Users' Human Rights and ensure the Mental Capacity Act and Deprivation of Liberty Safeguards are followed.

Relevant
legislation:

- | The Care Act 2014
- | Civil Contingencies Act 2004
- | The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- | Human Rights Act 1998
- | Mental Capacity Act 2005

Underpinning
knowledge -
What have
we used to
ensure that
the policy is
current:

Author: Care Quality Commission, (2019), *Information on visiting rights in care homes*. [Online] Available from:
https://www.cqc.org.uk/sites/default/files/20191017_visiting_rights_information_2019_update.pdf [Accessed: 13/3/2020]
 Author: Kate Lampard and Ed Marsden, (2015), *Themes and lessons learnt from NHS investigations into matters relating to Jimmy Savile*. [Online] Available from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407209/KL_lessons_learned_report_FINAL.pdf [Accessed: 13/3/2020]

Suggested
action:

- | Encourage sharing the policy through the use of the QCS App
- | Share 'Key Facts' with all staff
- | Ensure relevant staff are aware of the content of the whole policy



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1. Purpose

1.1 To highlight the importance of visitors to HWCGS Care (T/A Segal Gardens) and the potential risks of visitors to Service Users and staff. This policy details how:

- | Staff protect Service Users whilst promoting their rights
- | Staff respond to any risks to themselves or their colleagues

1.2 To support HWCGS Care (T/A Segal Gardens) in meeting the following Key Lines of Enquiry:

| Key Question | Key Lines of Enquiry |
|--------------|---|
| SAFE | S2: How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected? |
| WELL-LED | W1: Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is person-centred, open, inclusive and empowering, which achieves good outcomes for people? |

1.3 To meet the legal requirements of the regulated activities that HWCGS Care (T/A Segal Gardens) is registered to provide:

- | The Care Act 2014
- | Civil Contingencies Act 2004
- | The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- | Human Rights Act 1998
- | Mental Capacity Act 2005



2. Scope

2.1 The following roles may be affected by this policy:

- | All staff

2.2 The following Service Users may be affected by this policy:

- | Service Users

2.3 The following stakeholders may be affected by this policy:

- | Family
- | Advocates
- | Representatives



3. Objectives

3.1 HWCGS Care (T/A Segal Gardens) recognises the importance of the sustained and supported involvement of families and carers of Service Users. HWCGS Care (T/A Segal Gardens) also recognises that Service Users have full choice over who they wish to see, and that staff have a duty to safeguard adults. Staff will be clear on the actions to take to support Service User choice, whilst ensuring that Service Users remain safe and free from abuse.

3.2 To ensure that the risk of transmission from visitors of Coronavirus, which is characterised as a pandemic is limited and the health and wellbeing of Service Users is protected.

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**4. Policy**

4.1 HWCGS Care (T/A Segal Gardens) acknowledges that HWCGS Care (T/A Segal Gardens) is the home of the Service User, and the flexibility and control that a person would exercise in their own home will be encouraged and supported.

4.2 HWCGS Care (T/A Segal Gardens) recognises that family and loved ones being able to visit the Service User is central to developing person-centred care.

4.3 HWCGS Care (T/A Segal Gardens) recognises the implications of the Lampard Enquiry for all services, not just NHS establishments. All visitors will be required to follow the procedure detailed within this policy no matter what their status, role or influence.

4.4 In order to comply with regulations, all visitors will sign in and out of the premises. During the coronavirus pandemic, any visitors must provide contact phone numbers. This information will be held securely in line with Data Protection.

4.5 Staff will respect the Service User's relationships and give them as much privacy as possible.

4.6 HWCGS Care (T/A Segal Gardens) will always respect the choices of the Service User, and if it is assessed that they do not have capacity in this area, then all decisions will be made in the Service User's best interests, following the principles of the Mental Capacity Act.

4.7 If there is conflict between visitors, the service, Service Users or staff members then HWCGS Care (T/A Segal Gardens) will seek to resolve the issues amicably and to the satisfaction of the person raising the concern, however, the primary focus is the welfare of the Service User.

4.8 Coronavirus and restricting visitors

HWCGS Care (T/A Segal Gardens) understands that Article 8 rights say that all of us have the right to live as we choose, to and stay in contact with the people we care about and this can be breached to maintain public health as well as to protect the health of the individual.

The Mental Capacity Act (MCA) encapsulates some specific protection for the rights of people lacking mental capacity. It is essential to test all restrictions, to be sure they are necessary to prevent harm to people, and a proportionate response to how likely that harm will be and how serious it will be. HWCGS Care (T/A Segal Gardens) will record the steps taken to ensure there is as much protection for basic human rights, for people who use HWCGS Care (T/A Segal Gardens) as possible.

Service Users lacking capacity may have a right to visits from an advocate, who is acting as an independent mental health advocate (IMHA) or independent mental capacity advocate (IMCA): in the absence of clear Government guidance, HWCGS Care (T/A Segal Gardens) will take legal advice if visitor restriction is to be implemented.



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5. Procedure

5.1 There will be no restrictions on visiting hours, other than those requested by Service Users collectively or individually.

The other rare exception may be in response to an infection outbreak. Staff will refer to the Outbreak Management and Barrier Nursing Policy and Procedure for further details.

5.2 Visitors will be encouraged to announce themselves to staff on entry to the establishment, and to sign in and out of the premises.

5.3 Unless specifically authorised by the Service User, visitors will be asked to wait in a reception area while staff ask the Service User if they wish to receive the visitor. If a Service User does not wish to be disturbed, the visitor will be told that the Service User has asked not to be disturbed at that moment.

5.4 Service User's views on which of their visitors, if any, may be given unannounced access to them will be noted in the Care Plan, and staff will not grant other people unannounced access.

5.5 If the Service User is assessed as not having capacity in the area of deciding who visits them, visits must still be enabled and encouraged, unless there are compelling reasons to say they are not in the Service User's best interest. The Mental Capacity Act decision-making process will always be followed in these circumstances.

5.6 Visitors are requested to declare to a member of staff all food and drink brought onto the premises for consumption by Service Users, in order for HWCGS Care (T/A Segal Gardens) to exercise its duty of care in this area.

5.7 To minimise the chance of any future misunderstanding, visitors are requested to declare to a member of staff any possessions taken from or given to Service Users.

5.8 Visitors, where possible, will be accompanied to see the Service User they are visiting.

5.9 On entering HWCGS Care (T/A Segal Gardens), visitors must agree to abide by the relevant policies and procedures.

5.10 In the event of a visitor presenting a risk to the Service User they are visiting, other people accommodated, or staff, Mr Damian Cummings Gillian Gilmore will talk to the visitor, who may not realise that what they are doing poses a risk.

If this continues, Mr Damian Cummings Gillian Gilmore would need to assess the level of risk and the impact on the Service User. In extreme cases, the matter will be referred to St Helens's safeguarding team. If criminal activity has taken place the police will be contacted and CQC informed.

5.11 Seeing a loved one in a care home can be distressing, especially in the beginning or as they become more dependent because of frailty, illness or decreasing capacity. Bearing this in mind, if issues or conflict develop, Mr Damian Cummings Gillian Gilmore will first meet with the visitor and try to resolve them. Conflict between staff and a family member or friend may be detrimental to the wellbeing of the Service User. If the visitor has concerns about a Service User's care, these will be acknowledged, understood and acted on.

5.12 If issues cannot be resolved, as an extreme measure, Mr Damian Cummings Gillian Gilmore may consider placing some conditions that restrict the visitor's ability to enter the premises if, for example, they believe (having sought advice from others, like the safeguarding team) that the visitor poses a risk to other Service Users and staff, or to the running of the service. For example, Mr Damian Cummings Gillian Gilmore could limit visits to take place in the Service User's room only.

5.13 Any conditions will be proportionate to the risks to other people or staff and kept under review. HWCGS Care (T/A Segal Gardens) must be able to demonstrate that any conditions are not a response to the visitor raising concerns about the service as this would be a breach of the regulations.

5.14 To promote the safety of and respect for all people using HWCGS Care (T/A Segal Gardens), visitors will only be allowed in the private accommodation of the Service User being visited, or the recognised communal areas of the service. Visitors will not be permitted into the private accommodation of any other Service User without the express permission of the Service User concerned.

5.15 If the visitor is a person who is looking at HWCGS Care (T/A Segal Gardens) providing a service for themselves or another person in the future, then these visitors will be accompanied at all times. They will only be permitted to communal areas and the impact on people using the service will be minimised.

5.16 If the visitor is a VIP, or other person with power and influence, then the same procedures for other visitors will be followed. They will be accompanied at all times and access will only be permitted to communal areas. Visits to Service Users in their personal accommodation will not be permitted without their express permission.

5.17 HWCGS Care (T/A Segal Gardens) will ensure that the Complaints, Suggestions and Compliments Policy and Procedure is available and accessible to Service Users, their visitors and their

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loved ones. HWCGS Care (T/A Segal Gardens) will ensure that the Complaints, Suggestions and Compliments Policy and Procedure is followed in the event that a complaint arises. They will make sure that the Service User's care is not negatively impacted as a result of any complaint being made, nor will their visitors or loved ones experience any negative treatment.

5.18 Where there are concerns about the visitors, HWCGS Care (T/A Segal Gardens) will follow St Helens procedures and seek advice from the safeguarding team.

The incident reporting system will be used to maintain a record of incidents.

5.19 Volunteers

Volunteers will comply with safer recruitment best practices which will include the need for Enhanced DBS checks if their role requires it. All new volunteers will undergo an induction, and this will include the need to maintain professional boundaries. In addition, staff supervising volunteers will need to be mindful of the volunteer's role and raise any concerns with Mr Damian Cummings Gillian Gilmore if they arise.

5.20 Temporary Closure to Visitors, Human Rights and Mental Capacity

In response to the Coronavirus Pandemic, the government has suggested the people at risk should be cocooned, in order to protect them from the virus. Where HWCGS Care (T/A Segal Gardens) plans to close to visitors the following steps will be taken first;

- | Service User will be consulted. Article 8 of the Human Rights Act can be breached to maintain public health but the benefit of non-symptomatic relatives visiting must be assessed against the risk of virus transmission
- | The least restrictive options must be considered and a proportionate response taken
- | Record any steps taken
- | Consider setting up other ways Service Users can stay in touch such as WhatsApp video calls, phone calls etc.
- | Try to keep up as many activities as possible
- | People with Lasting Power of Attorney must be considered and consulted
- | Review the Service User's with Lasting Power of Attorney for Health and Welfare in place
- | Review Service User's with Advance decisions in place and those who have expressed a right to refuse treatment. Make sure this is communicated to relevant staff
- | HWCGS Care (T/A Segal Gardens) encourages Service Users who have capacity to discuss how they would like to be treated if they become unwell
- | Service Users who lack capacity may have a right to a visit from an advocate who is acting as an independent mental capacity advocate or independent mental health advocate. In the absence of Government guidance HWCGS Care (T/A Segal Gardens) will seek legal advice if it intends to close and there is consideration that these people will be prevented from entering HWCGS Care (T/A Segal Gardens)
- | Deprivation of Liberty of Safeguards only relate to situations where there is the risk of harm to that individual and not to others. This means a ban on visitors or outings is harder to justify if there is no outbreak within HWCGS Care (T/A Segal Gardens)
- | Where Service Users have the capacity to say they will self-isolate, HWCGS Care (T/A Segal Gardens) will record this

For Service Users who lack capacity, any decision must be necessary and proportionate, HWCGS Care (T/A Segal Gardens) will consider if it is necessary and proportionate to deprive individuals who lack capacity of their liberty, as well as of their outside contacts, take every step possible to give them as much freedom as you can. Then consider whether, in spite of this, anybody newly meets the 'acid test' of deprivation of liberty, because they:

- | Lack capacity to consent to the necessary arrangements to give them essential care and treatment; and
- | Are not free to leave (staff would stop them if they decided to go and live somewhere else); and
- | Are subject to complete, or continuous, supervision and control (staff know where they are, and what they are doing, at all times, and control what they do)

If this is met, and HWCGS Care (T/A Segal Gardens) cannot reduce the level of restriction or supervision for this Service User, HWCGS Care (T/A Segal Gardens) will discuss with the DoLS team at St Helens (or,



where relevant, the DoLS team of the placing authority) whether or not HWCGS Care (T/A Segal Gardens) needs to request an authorisation.



6. Definitions

6.1 The Lampard Enquiry

- | An independent report into the themes and lessons learnt from NHS investigations into matters relating to Jimmy Savile and the abuse that took place which focused on the NHS and made recommendations for future practice to reduce the chances of similar happening again

6.2 COVID-19

- | Novel Coronavirus is a new strain of coronavirus first identified in Wuhan City, China. The virus was named severe acute respiratory coronavirus 2 (SARS-CoV-2). The disease it causes is called COVID-19

6.3 Pandemic

- | A pandemic is the worldwide spread of a new disease, COVID-19 was characterised as a Pandemic on 11th March 2020



Key Facts - Professionals

Professionals providing this service should be aware of the following:

- | Visitors must be encouraged and are central to providing a person-centred service. This must be reflected in the Care Plan where applicable
- | Visitors need to sign in and out when they visit
- | Visitors must only have access to communal areas and the private space of the Service User they are visiting
- | Visitors must be accompanied to the Service User they are visiting where possible
- | If a Service User does not want to see a visitor, then this must be respected
- | When a Service User is assessed as not having capacity to decide whether they see someone or not, then decisions must be made in their best interests following the principles of the Mental Capacity Act
- | When conflict occurs with a visitor, it must be managed sensitively and where possible, the wishes of the Service User followed
- | The safety of the Service User, other Service Users and staff is paramount
- | Service Users and visitors must not be adversely affected for making a complaint



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- | Visitors are encouraged at HWCGS Care (T/A Segal Gardens)
- | If you do not want to see someone then this choice will be respected, and staff will support you
- | You are encouraged to discuss any concerns or suggestions about visitors to HWCGS Care (T/A Segal Gardens) with Mr Damian Cummings Gillian Gilmore



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Care Quality Commission, Better care in my hands: A review of how people are involved in their care, May 2016:

<http://cqc.org.uk/content/better-care-my-hands-review-how-people-are-involved-their-care>

Care Quality Commission guidance on visiting someone in a care home:

<https://www.cqc.org.uk/help-advice/what-expect-good-care-services/visiting-someone-care-home>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- | The wide understanding of the policy is enabled by proactive use of the QCS App
- | The service is proactive in identifying visitors for Service Users and increasing their network of friends
- | Visits are facilitated in a highly flexible manner and in locations at the direction of the Service User
- | The service always discusses visitors with the Service User and consistently respects their wishes
- | There is wide evidence of visitors being extremely satisfied with the input of the service in maintaining relationships
- | There is evidence that feedback from visitors is used to improve services



Forms

Currently there is no form accompanied to this policy.