

Advice for Care Homes – possible visits out of the care home over the Christmas period from DHSC

DHSC has published [guidance](#) on how to safely support residents making visits out of the care home – including over the Christmas period.

Prior to the announcement over the weekend (19 December), the planned relaxation for Christmas would have enabled some care home residents to undertake an outward visit from the care home for a Christmas gathering. Following recent developments, changes have been required to that policy.

Those changes include the creation of a new Tier 4, which contains an obligation on all individuals in a Tier 4 area to stay at home (i.e. including a care home) unless they have a reasonable excuse to leave. Unless travelling to a linked household, there is no exception enabling individuals to leave the home to gather over the Christmas period in Tier 4. Further, unlike in Tiers 1-3, there is no exemption from the gatherings restrictions in a Tier 4 area over the Christmas period.

Visits out of the care home for gathering at Christmas are not permitted in Tier 4, unless to gather as part of a support bubble. This affects any resident in a care home which is located in a Tier 4 area, or where the care home resident (regardless of which Tier their care home is located in) is planning to gather in a place which is within a Tier 4 area.

Within Tiers 1-3, the relaxation on the restrictions on gatherings for Christmas has also been reduced to apply for 25th December only.

Where outward visits *are* permitted by law (i.e. to gather as part of up to three households on 25th December only (Tiers 1-3 only), or as part of a support bubble on any day (permitted in all Tiers)), the DHSC guidance on such visits goes further – suggesting that visits out, particularly for older residents, should be avoided unless in exceptional circumstances. The guidance urges families to think carefully about whether a visit out is really the best thing to be doing, in light of the other opportunities there might be to get together, or to stay in contact

The guidance explains that if an outward visit does go ahead – the resident and their family must still adhere to whatever tiering regulations are in place in that area.

Although technically there are some situations in which a care home resident could be part of a support bubble – in practice this is only likely to apply to a small proportion of individual residents. The resident is already part of a multiple-person household (i.e., together with all the other residents in the care home – so they are not living alone); and no-one can form a support bubble with a household that is already part of another support bubble. This means no household (and that includes a care home) is allowed to be part of two or more support bubbles.

It may also be helpful to explain to families that if the resident were to leave the home for the day – the care home will ask them to isolate for 14 days when they return. This is necessary in order to protect other residents and the care home staff just in case – despite the care and best efforts of everyone involved – they inadvertently become infected with COVID while they are out of the care home. Similarly, the risks around the visit do not relate solely to the individual resident and their family – they could also affect other residents, staff and their families.

Should any difficulty arise from relatives understanding of the new rules, providers should contact their local authorities for support. The Principal Social Worker or indeed the individual's own social worker should be able to advise and respond if needed.

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Care Homes are not under a legal obligation *per se* to report instances where they feel the regulations are being broken. However, care home managers will already be aware of their wider safeguarding responsibilities towards their residents – and if they have concerns in that regard, should follow the processes already in place.

NCF note having sought further clarification

The advice provided still leaves some questions which might arise. Whilst our response below to this is not an official piece of advice from DHSC it reflects on a range of conversations and perspectives and is offered to help thinking and does not constitute legal advice.

Under the [regulations](#) laid before parliament on the 21st December there are a number of exceptions for leaving your home and travelling that apply in all tiers, including Tier 4. This includes visiting a person in a care home.

This means that the regulations allow for an exception to do this in all tiers and it is possible to travel between tiers to do this.

This means that travelling for this purpose is not breaking the law– but the right to travel does not give someone the ***right*** to enter the care home, that remains the responsibility of the manager who will be following DHSC guidance and possibly localised directions in the event of an outbreak etc.

It is also important to note that once in a different tier – it is vital that the individual follows the ‘stricter’ of the tiers guidance – which relates to either the tier they have come from, or the tier they have travelled to – whichever is the stricter.

This means if they have travelled from tier 4, that anything that they would not have been allowed to do in Tier 4, for example going to a restaurant, visiting non essential shops, meeting in groups indoor or outdoor, are not allowed even though they are now in a lesser tier.

If a resident wanted to leave their care home to make a visit there are other considerations in play. Firstly, depending on the tier they are in, the regulations may or may allow them to leave their own home. But suppose they do, and they are now standing on the pavement outside the care home – if where they want to visit is in Tier 4, they’re not allowed (generally) to gather indoors – so they therefore would be unable to come and visit for Christmas lunch or indeed stay over in a tier 4 household.

There is of course a further caveat where they could be in a support bubble if they lived in a single person regulated care provision – but this will have limited applicability.