

## Scottish Covid-19 Inquiry

### Witness Statement

Statement taken at 1037hrs on Wednesday 5<sup>th</sup> July 2023 at Thompson Solicitors Office, 16-20 Castle Street, Edinburgh. Witness Number HSC0010 refers.

Witness interviewed by Witness Statement Taker [NR] Noted by Witness Statement Taker [NR] Consent Form signed.

Statement of Alison **LEITCH**

#### **Background**

1. My name is Alison Leitch. My address is [Personal Data] I am currently employed as a Community Link Worker assistant manager and have held this role for three years.
2. I have met today with witness statement takers from the Covid 19 Inquiry team and am happy to provide a statement about my experiences of the Pandemic. I have provided them with access to my meeting notes with Thompsons Solicitors and am happy that they also be included to assist in forming part of my statement.
3. I have signed the consent form provided. [Irrelevant]  
[Irrelevant] I would be happy to give evidence at a public hearing.
4. My mum is [Name Redacted] My mum's date of birth is the [PD] She lives at the [Name Redacted] It's owned privately by HC One and falls under Fife Council and NHS Fife Health Board.

#### **Prior to going into a Care home**

5. My mum was diagnosed with Alzheimer's at the age of sixty when I was living abroad. When she received her diagnosis, it was devastating but she was relatively okay. At this time, and living at home with my dad.
6. In 2011, my dad died suddenly and unexpectedly at the age of sixty-six.. I didn't appreciate how much support my mum required until I moved home after my dad died.
7. My brother and I were granted Power of Attorney shortly after my dad's death (continuing and welfare) and became responsible for every aspect of my mum's life. Thompsons have a copy of this if required.

8. We were thrown into mum's care. It was clear that I needed to move back to Scotland, so I resigned and became a full-time carer. I quickly became entrenched in the world of social care and organising support for my mum.
9. We were able to secure a full care package which allowed my mum to stay at home. In 2013, things started to decline, my mum would get confused as to which house was hers when coming home. As social work didn't want us to reach a crisis point we began to look at alternatives and my mum moved into supported living in autumn 2013.
10. My mum was only in this accommodation for 24 hours before she had to be admitted to hospital as she couldn't settle and didn't understand why she couldn't go home.
11. My mum's psychiatrist from the hospital was incredibly helpful. Rather than invoking his powers, he spoke to me for hours so I would agree to her being admitted to his ward in hospital. This was to allow us time to arrange an appropriate care home place.
12. We were able to look around at Care Homes and settled on Name Redacted where she moved to in November 2013. NR is a forty-bedroom home.

NR *Care Home*

13. My mum was still relatively young when she moved (66) and so we managed to keep some of the activities that we had arranged for her at home. She became settled in there quickly. She got on well with everyone and everyone loved her including the staff. My mum is very quiet and doesn't need much.

***Treatment, Care and visiting Pre-Pandemic***

14. Up until March 2020, my mum was out of the care home five or six times a week with me, my brother, a friend, or my uncle. She also had a befriender who visited. My mum was very physically well and could walk quite far completely unaided. She was able to play with her grandson and was doing okay.
15. My mum's mobility was fine prior to the pandemic, and she could walk a fair distance, unaided, however her dementia had pretty much destroyed her speech. Despite this, my mum's personality never changed, and she had an active social life and was able to enjoy life.
16. Mum's level of care was good and she was happy there.

***Treatment, Care and visiting during Pandemic***

17. On 12<sup>th</sup> March 2020, I visited my mum and was told I had to be escorted to her room. Whenever I visited my mum, I would always take her out. During this visit member of domestic staff told me that I wasn't allowed to take my mum out. I queried this with the manager who said that it was not recommended but I could as it had been arranged for that day already. I took her into garden for a walk around and some fresh air. We had heard of

some of the things going on around about a virus being in other countries so had an idea something was coming.

18. On St Patricks day, the following Monday, my mum's care home phoned me to say they were closing. They stated they had a tablet so I could book a Facetime call with my mum. I said to my brother that Mum would fall off a cliff if we couldn't have any contact.
19. My mum is practically nonverbal so I could not communicate with my mum through Facetime, she needs me to be beside her. My mum keeps her head down, so she isn't good with eye contact unless you are beside her. As with many people with dementia, body language and touch are essential.
20. I could see her through Facetime but I felt I was just a voice coming from nowhere, which often seemed to cause her distress. Her speech wasn't good, so communication was difficult. The staff would hold the tablet for her and do it but it wasn't great. I persevered though, as I wanted my mum to hear my voice. During some of the video calls, my mum would be rocking, holding her head and on a few occasions, it would look like she was clawing her face. It was hard to watch her being so distressed and not be able to do anything. She knew we weren't there and something was different. Even though has dementia has progressed, I have never seen her this distressed since the lockdown period.
21. No one else felt comfortable Facetiming my Mum so it was down to me to keep contact so that she didn't think we had all just disappeared. In addition to Facetiming during the week, I'd also go over every Sunday to drop stuff off. The care home staff would let me see her at the window. It was really difficult not to touch her. My mum felt the cold and they would open the window and she would pull back. In the early days, a carer once slipped my mum's hand out of the window so I could squeeze it but told me not to tell anyone.
22. Communication regarding updates and guidance was usually a call from staff or emails and letters from HC One Head office. The information was clear but constantly changing in the beginning which was confusing for everyone.
23. At the beginning of the Pandemic, it was believed that relatives could be of use to care homes. My mum's care home manager stated they might look for volunteers if staff were unable to work. I stated I would be happy to volunteer as I already had a PVG. However, nothing ever came of this and we began to be treated like unnecessary footfall in my opinion.
24. On 10 May 2020, I received a call from adult protection to say mum had unexplained bruising on her arm and they had a duty to notify me of it.
25. I understood that some of the residents can grab as you pass because of their illness. However, I asked to see her. The care staff in the home brought her to the foyer and the assistant manager initially told me to stand at the first door. However, he then said I could come in if I put a mask on and washed my hands, which I did.
26. The staff brought my mum out and she had a hand shaped bruise on her arm. I was shocked to see the size of it and became upset. She was quite a distance away but I stretched over to

give her a little rub on the arm with my fingertips to reassure her. Just then, a nurse came over to us and started shouting that I wasn't meant to be in the home and whisked my mum away. I left really upset.

27. The nurse phoned the head office, and my mum was stripped, showered and put in her bedroom to be isolated for two weeks because I slightly touched her arm. The assistant manager also told me that the nurse had reported me.
28. At that point, testing was available for NHS staff, and because of working with the NHS I was able to get tested the next day (Tuesday). I received the results on Thursday confirming that I was negative. I sent this to the manager and my Mum was released from isolation the next day. My mum's room was closed during this time and staff were going in and out in full PPE to see her and changing each time.
29. In total, my mum was isolated in her room for five days following that incident. Mum has spatial awareness issues and she wouldn't have been supervised in her room during that time.
30. I apologised to the Care home manager over the whole thing as I felt I started it by touching my mum and I felt awful for what happened to my mum after it. The whole thing was just so upsetting.
31. I continued with Facetime and the window visits to see my mum but the window then became closed to me and not open as before. When I asked about this, I was told it was in the government guidance.
32. During summer 2020, when garden visits were allowed, I was only allowed a car park visit. My mum would be sitting on a chair in the car park and I was not allowed out of the car. I didn't see any other families having to visit sitting in their cars.
33. A carer would sit beside my mum to supervise the visits and would often cuddle her. I didn't have any issue with my mum being supervised as she needed someone to keep her safe due to her poor spatial awareness.
34. When visits were increased to two people, my brother and I would visit and have to sit in our separate cars. We had to shout between ourselves and my mum, who was about two or three metres away. It was very difficult.
35. This wasn't very private as the care home was in a cul-de-sac alongside residential houses. Neighbours would be out and about in their gardens while we were shouting to my mum. Initially, garden visits were with one person for thirty minutes and this person couldn't be changed. I was just happy my mum was getting fresh air and happy for any little thing. It was better than being on screen but we always hated seeing my mum leave and saying goodbye.
36. In the summer of 2020, I contacted my mum's MSP about the lack of progress with visiting in care homes. However, they refused to speak to me as I wasn't a constituent, even though I explained I was my mum's Power of Attorney. I contacted my MSP and was given out-of-date



information. Emails of the correspondence I had with them are with my solicitor at Thompsons if required.

37. I also contacted the Government and the Human Rights Commission because things began to open up for the general public but nothing was changing for those in care homes. Jason Leitch had also been on the radio saying things were changing for care homes, but the date for changes came and went with no one mentioning anything.
38. I had one inside visit in the café room in August 2020 but there was police tape on the floor and a table for distancing. My mum's hair was so long it was way past her eyes. Sometimes the carers would take scissors to it. During this visit, my mum got up to walk towards me and I had to keep moving my chair back to keep 2 metres away. The care home staff had to restrain my mum to stop her coming near me and I just had to sit and watch. It was heartbreaking.
39. In early August I had conversation with Natasha Hamilton, who I knew through her blogs on early onset dementia. She told me about the Care Home Relatives Scotland (CHRS) Facebook group and suggested I join this. It was a huge relief to find other relatives who felt the same about the restrictions. Suddenly I was no longer alone in dealing with everything.
40. In late August 2020, I had a conversation with [NR] who is a senior member of Alzheimer's Scotland by phone. This arose due to my involvement in CHRS. He explained to me that care home residents with dementia were entitled to essential visits. Prior to this, I was unaware that guidance had come out in March 2020 which allowed essential visits for care home residents that were at the end of their life, were distressed, or had dementia. I just accepted what the manager told me about window visits and windows having to be shut as per the current guidance. I had relied on the information that HC One provided.
41. I didn't speak to the care home at this stage about essential visits as we were getting garden visits and we thought everything was slowly opening up.
42. By September 2020, there was enough CHRS members that felt so strongly about the lack of improvement for people in care homes that we arranged and attended the CHRS protest at the Parliament to protest about the lack of progress of things improving in care homes.
43. In October 2020, my mum trapped her hand and needed stitches. I wasn't allowed to take my mum to hospital, instead, the care home sent her and a carer in a taxi. No one could explain why it was ok for a taxi driver to be in the car with my mum but not me. I was concerned my mum would be made isolated after this hospital visit. Luckily, she didn't as the hospital prioritised her and she was seen straight away.
44. I continued with half hour garden visits and window visits like before wearing masks and PPE.
45. In October 2020, after CHRS started meeting with the Government, new guidance was published. This stated that residents were to receive 4 hours' worth of visits a week with touch. When the guidance came out HC-One said they would try it. [NR] CEO of HC One (who I had met in Gov meetings) asked if I would trial a visit with my mum.

46. I got to go in to visit my mum in the relative's room, sit next to her, and hold her hand for an hour. I didn't go near anyone for days before this visit. During this visit I was still covered from head to toe in plastic. The care home staff said my mum was so settled that night. I had three visits where I could sit next to my mum and hold her hand. I was only allowed inside by myself and for my brother to see my Mum, we had to be outside so we tried to have visits outside as much as possible. I had three touch visits in total.
47. On my mum's birthday that winter, my mum was able to see me, my brother and her grandson for the first time since February. We were outside in the garden with my next to my Mum and my brother and his son two metres away. No candles were allowed on her cake and we weren't allowed to take our masks off to eat the birthday cake.
48. After the birthday visit, HC-One decided that visits with touch were too risky and reintroduced two-metre distanced visits. One person could visit inside or two people could visit in the garden. I was told that they thought the Government was wrong and that testing needed to be in place before visits with touch could take place.
49. I questioned HC One's decision and highlighted that this was against Government guidance but didn't get anywhere.
50. During the longer visits with my Mum, I noticed that her mobility had declined a lot. In light of this, I requested essential visits from the home manager. At first, I didn't receive a response. I pursued this and I was told by the manager that my mum did not meet the criteria. I sent the care home manager the guidance and stated that my mum clearly met it. The care home manager replied that essential visits were for the end of life only and that she was keeping residents safe.
51. I told the care home manager that I would fight to see my mum. After this, my mum's care home manager wouldn't discuss essential visits with me, so I contacted **NR**.
52. **NR** stated he would get me essential visits if he could. After about a week or so **NR** **NR** emailed me to say that the care home manager had contacted the care inspectorate and social work for advice and both confirmed my mum didn't meet the criteria.
53. I'm unsure how Social Work and the Care Inspectorate were able to make this decision without knowing or assessing my mum, they also never asked my opinion.
54. Following this, I spent hours speaking with Social Work and the Care Inspectorate. I explained my role in CHRS and that this provided me with an understanding of the guidance and reiterated that I wanted to walk with my Mum in the garden to help with her mobility.
55. Both eventually agreed that they had made the wrong decision, however, the Care Inspectorate stated that it was not documented. This meant if I wanted to make a complaint I would have to go through the formal process. It was a duty social worker that made the initial decision, and I was told that this was recorded on my mum's file. I never made a formal complaint in the end.

56. My mum's care home manager stated that if she gave me essential visits, she would have to give everyone them. I stated that I didn't want in the building I just wanted to walk with my mum in the garden, but the decision was final. This was communicated on some of my emails. The CEO of HC One had also said it was a no. Fife Council wouldn't get involved with private care homes.
57. My relationship with the Care Home wasn't great after that. I never really spoke directly with care home manager after that.
58. I believe if I had been allowed to visit, my mum's mobility would not have deteriorated as significantly. I had constantly asked that my mum keep walking and get out into the garden whenever possible.
59. I cannot speak of the approach of HC-One as a whole, however, my mum's care home manager was only letting relatives of residents who were dying into the home. This was completely against the guidance.
60. In November 2020, my mum's care home continued with outside visits in a gazebo covering the residents in lots of blankets. During one visit with my brother, my mum was bouncing her knee up and down and carer kept pushing down on her knee. I asked her not to do that, but she replied that my mum was cold. I said she's wrapped up with a hot water bottle and that we wouldn't be staying long.
61. Afterwards I called the care home to explain what the member of staff was doing and explain that I wasn't happy with it. The duty nurse stated that it didn't sound like something this member of staff would do. They stated that if my mum was my priority, I wouldn't have her sitting out in the cold. I told the nurse I wasn't a liar and that I was doing my best so that my mum could see her children.
62. I was signed off of work the next day as it was all getting too much. I asked my mum's doctor if he could go in and see my mum. The doctor visited and told me that my mum and all the other residents seemed to be ok. He told me that he would be okay if it was their mum in the care home. He agreed that my mum's mobility had declined but stated her health was okay.
63. CHRS were becoming increasingly concerned that a large number of our members were not getting the visits that were set out in the October guidance. There was a variety of reasons for this and as a result the number of meetings we were attending increased. My work told me that I could have carers leave to be involved in the group, this meant that I didn't have to make up time for the meetings I was attending. I don't know what I would have done if I hadn't been able to be involved.
64. In December 2020, the assistant manager of the home stopped outdoor visits for everyone as it was too cold. This meant that residents could only see one family member inside.
65. NR, area director for HC-One called me on 23<sup>rd</sup> December 2020, in relation to Christmas day visits (which had been allocated with no formal notice to all families which I

had complained about). We ended up speaking at length about the decision to refuse essential visits to help with my mum's mobility.

66. He rang me back on Christmas eve 2020 and said I could have essential visits. This allowed me to walk with my mum in the garden once a week for 30 minutes. However, I am pretty sure that I was the only person getting these essential visits, I suspect due to my involvement in CHRS.
67. My whole aim was to keep my mum walking and moving.. One visit, it started snowing and I got upset because it was so ridiculous. I had to have my mum out in the snow to help her mobility so I just took her back after ten minutes. When the weather was bad, I asked to walk with my Mum inside, this was initially refused by the manager and only after I pointed out that essential visits were essential, I was allowed inside but thankfully this only had to happen on a couple of occasions. I didn't want to be in the building any more than I had to be.
68. Compared to others, I felt I was lucky as relatives in Glasgow never got out of level 4 for months which meant they didn't have the option of inside visits at all. It feels odd to think you were 'lucky' having a 30-minute slot to see your mum, but we were ground down so much that we would take any crumbs that were offered.
69. The first time I was able to take my mum out in the car was March 2021. At this time, we were still only allowed 30-minute visits within the home. I explained to the manager that I wanted to take my mum to the cemetery and that this would take at least 40 minutes just to get there and back and she allowed this. As part of CHRS, Sheila had worked with IPC experts to develop a document 'Enabling Safe Care' which included how to use IPC to take a resident out in the car. I had shared this with the manager who thought it was helpful and shared it with other relatives.
70. Before going out the whole car had to be anti-bacterial wiped and windows kept open. On our way back from the cemetery, I took my mum to see my brother, and my uncle, who hadn't seen my Mum in a year. The first few times I was able to get my Mum out were strange, it was as if the connection had been lost. I was also nervous that my mum might have forgotten how to get in and out of the car and would she tolerate being in a car after 12 months. However, everything was ok, and after just a few weeks of getting her out and about, she became more like her old self.
71. It seemed odd having to rebuild a relationship with your mum. It was always in the back of my mind if my Mum had forgotten how to hug or kiss. It was a few more months before I was able to check that. We were lucky as from this point on, we never reverted to restrictive visiting. At this time some relatives were still shouting from two metres through closed windows.
72. There would always be regular Care Plan reviews for my mum. One year after Covid, there was one with me over the phone but I felt I couldn't really comment properly as I hadn't really been able to be with her to gauge anything else. It was only by summer 2021 I felt I could comment. Social Work had been in to see my mum and review her care plan. I have access to them if required.



73. After I had taken my mum out in the car, I shared a picture on social media so my mum's family could see her, a friend messaged me to say that she was not allowed to see her sister inside her care home. Soon after this, she contacted me again to say that her sister's health had declined quite rapidly and was gravely ill. My friend was eventually given essential visitor status but still had to sit 2 metres away and was not allowed to touch her dying sister. The home stated that they would decide who else was allowed in and that no touch was allowed. With my friends' consent, I informed [NR] of Scottish Care of this on Sunday night, and by Monday lunchtime the whole family was allowed in and allowed to touch their relative. My friend's sister died the next day. My friend was called [NR] but I understand that the Inquiry will be speaking to her soon anyway.
74. Throughout the visiting restrictions, I could see that visiting slots were going unused. However, my mum's care home manager would not give me any of the spare slots stating I had already had my weekly visit. I raised this issue with [NR] who stated this shouldn't be happening. He stated that if there were free slots and staff to facilitate visits then these slots should be being offered. However, my mum's care home manager still refused to allow this.
75. When guidance eased to allow residents to leave the care home (for more than just a drive), residents were to be tested when they returned and then again, a few days later. I challenged this with Government as with my Mum we didn't go anywhere other than a run in the car or a walk outside of the grounds of the home.
76. The guidance was revised to say that testing was only necessary if the resident had been somewhere mixing with others. On one occasion a carer insisted that my mum was to be tested before we went out. I refused to allow them to test her as it wasn't in the guidance and I showed this to them. They said that they didn't follow government guidance and had to follow HC One guidance. This caused friction between staff and myself but after clarifying things with the manager, my mum wasn't to be tested but this highlighted the lack of understanding/confusion of guidance..
77. I had some knowledge thankfully, so I was able to fight to see my mum. Others weren't so lucky. Some of the staff didn't even know what we (as carers) could or couldn't do at some stages. I felt that they were sometimes uncertain of the changes and the rigidity of those changes. I felt staff were very fearful of getting something wrong.
78. In August 2021, I tested positive for covid. I had seen my mum two days before, so my Mum was classed as a close contact and was isolated in her room. This was the same week Nicola Sturgeon was deemed a close contact but she was able to take a lateral flow test and allowed to attend the book festival in Edinburgh. I contacted Public Health about testing my mum and they eventually said they would lateral flow my mum, but she wouldn't be allowed out of her room regardless of the result. My Mum didn't catch covid from me but was isolated in her room for 10 days. I raised this issue with Government and I believe the guidance was revised in October/November time.

79. In the run up to Christmas 2021, the general public was allowed to form support bubbles so that no one was alone. Nicola Sturgeon stated in parliament that people should not form bubbles if they were going to visit relatives in a care home. This was one of the very few times Nicola Sturgeon mentioned care homes in the same breath as the public.
80. Our relatives were rarely spoken about in the public briefings. This made me feel as though my mum didn't matter.
81. We raised this numerous times with the Scottish Government. Nicola Sturgeon used to state that the buck stopped with her when it came to covid decisions, we asked twice to meet with her, but the first request went unanswered and on the second occasion we were told that a meeting wasn't possible. When Natasha's mum, Anne (who Anne's Law is named after) passed away, Monica Lennon raised this in the parliament, Nicola Sturgeon did not acknowledge Anne's death despite starting every single briefing with the death stats and her condolences to everyone who had lost someone.
82. In February 2022, Covid eventually got into my mum's home. My mum was one of the first residents to catch covid. She seemed as if she just had a heavy cold thankfully, but my mum was not allowed to leave the building after her 10 days of having covid even though she had recovered as the home was still closed because of active cases (this wasn't a care home decision). The government guidance (public health guidance) stated that she was not allowed to leave the grounds of the home. This effectively meant that my mum could walk in the back garden but not in the front. No one could explain to me what the risks were of my Mum coming out in my car with me. She had had covid and recovered.
83. I raised this with the government team and a representative from public health stated that this was to prevent her from bringing an infection such as flu into the home. The back garden of my mum's home had no lights and an uneven path. This presented a significant risk when walking during dark winter nights. These rules, like many others, lacked common sense. No one thought about it before enforcing them. It required relatives to highlight the problems with the rules. This isn't our job. People are paid to consider the consequences of the rules before they introduce them. Guidance was revised soon after this.
84. In the week running up to Christmas 2022, my mums' home was closed to routine visits due to some care home residents having norovirus. As a result, all residents were only allowed three named visitors, with one visitor per day. On Christmas Eve my mum's care home phoned to say that public health had stated no visits were allowed. The person on the phone stated this was due to flu cases but also commented that they had never known a care home to close because of the flu. Public health reversed its decision on boxing day night with no explanation. Not a criticism of care home
85. I found out in late January that the decision had been made by a locum who made the decision on their own. This was the third Christmas in a row that had been disrupted by restrictions, I got in to see my mum as I had essential visits still marked on my mum's care plan, but no other relatives were in. It was heart-breaking to see the home so empty. Relatives had arranged to have their Christmas dinner with their loved ones, some were dealing with the



first Christmas of their relatives being in a home and some were planning for their last Christmas with their relative, but all this was ruined by someone making their own decision.

86. I contacted the Government team about the decision at my mums to highlight how the proposal for Anne's Law was worthless. This was escalated and eventually, a public health nurse in Fife apologised to me for what had happened. However, I wanted an apology from the individuals responsible for making the decision. To date, this hasn't happened.
87. Kevin Stewart, the minister responsible for delivering Anne's law was made aware of what had happened but stated that nothing like this happened anywhere else and that it was just a blip. I said that he couldn't say this for sure as the only reason he was aware of this was because I brought it to his attention. I told him that there were nineteen other families within the care home that hadn't brought any attention to it. I asked what was to say that this wasn't happening up and down the country.
88. This demonstrated that the proposal for Anne's law in its current format was worthless. My mum is not a lab rat for people to learn from their mistakes by. I shouldn't have to fight for her basic human rights. It's unfair that I got to see my mum when others didn't just because I knew the rules. Until Anne's Law is in place, relatives and friends will always be at the mercy of someone making a decision just because they can.
89. One of the main issues was that my mum's care home manager did not have to justify her decisions to anyone. She did not have to provide her decisions in writing and there was no way to appeal the decisions she made. CHRS advised people to make any requests to care homes in writing, quoting the guidance, and asking for a response in writing. We drafted a form to formalise requests to care homes but this was never taken forward.
90. When CHRS gave evidence at the health and sports committee last year, I read the guidance that was in place during the first few months of the pandemic for the first time. This stated that residents must stay in their rooms. I said to the committee that I didn't know if my mum was shut in her room. I wasn't ready to ask this question before Monday 3<sup>rd</sup> April 2023. Thankfully, my mum's care home had too many mobile people which resulted in a significant falls risk if all the residents were shut in their rooms without supervision. Therefore, the care home had to spread their chairs out in lounge and allow the residents in. The majority of care home residents were not that lucky. Even in February 2022 when the care home had its first covid outbreak residents couldn't be shut in their rooms due to the falls risk. However, by this time all residents had been vaccinated and thankfully only suffered from mild cold symptoms.

### ***Infection Prevention and Control***

91. In my view, the Care Home took enough measures in respect of this. PPE was always worn and social distancing enforced. Communication was clear in what was expected and what was being done. It was clearly communicated by staff when you visited and was on notice boards. If you used the visitor's room, it was fully cleaned and the fact they kept Covid out until February 2022 is a good example of how well they did.

***Problems with the Response to the Pandemic***

92. It shouldn't have taken CHRS protesting for the Scottish Government to take residents and their families rights into account. Even when we were meeting with the Scottish Government it took them a long time to implement changes to their guidance. While Jean Freeman met with us a number of times and genuinely seemed to care, it seemed that no one was accountable to her. This made it difficult to have CHRS' feedback implemented.
93. Despite SNP's 2021 manifesto promise to deliver Anne's Law, we still do not have Anne's Law. Two new care standards were introduced which are the foundations of Anne's law and have improved things but I think what happened at my Mum's care home in December 2022 evidences that we are still at risk of being locked out again. The First Minister stated in parliament that Anne's Law would give relatives and friends the same access rights to care homes as staff. The current proposal for Anne's Law allows the Minister to make directions on the advice of Public Health. Public Health don't tell staff if they can go to work so why should they be able to tell relatives if they can see their loved ones. I don't think anyone should have the right to cut my Mum off from those who mean the most to her ever again.
94. It was continually fed back to the Scottish Government to not send out care home guidance late on a Friday afternoon as managers normally received this just as they were finishing for the week (managers normally work office hours). However, they continued to do this. Often, our members would be aware of changes before managers as we would provide updates to the group. By This guidance was always lengthy and the government expected this to be implemented asap. Sheila Hall was often asked to look at government guidance and summarise it.
95. There was, and still is, a clear gap in support for relatives of care home residents that CHRS filled. Myself and other members of CHRS were being contacted by relatives for advice and assistance at all hours. Eventually this led to Jean Freeman providing funding for a helpline that we could signpost relatives to. The helpline was only funded for a few months and there still remains a huge need to support for families. We see an increase in membership anytime we have any media coverage and hear from families that didn't know their rights during lockdowns. Often this involves them telling lengthy traumatic stories that should be supported by professionals.
96. Care homes relied on Scottish Government guidance when it was restrictive. However, when the guidance lessened the restrictions, care homes could choose not to follow it.(general criticism) I have never understood why businesses, pubs and schools had to do what they were told but care home providers were able to do what they liked. No one enforced the guidance in care homes. It seemed that there were 14 directors of public health who were accountable to no one and could do what they wanted. Even our campaigning for residents to have essential visitors as a right through Anne's law, has been amended to be allowed at the discretion of Scottish Ministers who are advised by public health.
97. There were no enforcement mechanisms to ensure that public health and local authorities were following the Scottish Government guidance. It appeared that there was not one person

in charge of care homes or that had a clear understanding of care homes. Between public health and local authorities, there was no transparency on who was responsible for what decisions. This meant that it was difficult to hold individuals accountable for the decisions that were made.

98. It seemed the people who were making the decisions about care homes within public health did not fully understand care homes. There was no one within public health who was responsible for decisions that could be contacted when things went wrong. When my Mum's care home was closed in December 2022, I couldn't reach anyone by phone as they were all working from home and did not have mobiles. I would have to leave a message and if I missed a return phone call, I'd have to either email or leave another message. This meant that it took quite sometime to speak to anyone.
99. At one point as restrictions were easing, Barchester care homes stated that they would not let visitors in until they had been vaccinated. We complained to the Scottish Government in relation to this and Barchester received wider backlash from relatives because of this decision. Barchester then introduced screens which had never been part of the Scottish guidance. Jean Freeman quickly held a meeting with them and threatened to place restrictions on their registration in Scotland. They finally changed their practices, but only due to the potentially significant consequences. This was the first time I witnessed real consequences for a care provider disregarding the guidance.
100. For a significant period of the pandemic the Care inspectorate were only investigating 30% of complaints made. Kevin Stewart stated they would meet with Care Inspectorate every week. Families would tell us that they would phone for help and be told that they could not force homes to follow guidance, families felt very helpless.
101. Our group heard frequently that some care homes made care home residents remove their belongings, such as cushions, throws, photos, and ornaments from their rooms so that nothing was on the surfaces. This wasn't a measure implemented through government guidance. Care homes are people's homes, they are entitled to be comfortable and have furnishings. There were no Christmas decorations during the first Christmas of restrictions. Christmas presents had to be dropped off 72 hours beforehand to be decontaminated but staff could bring in their lunch from the supermarket on their way to work.
102. In 2021, all care home residents had to receive a social work review. However, social workers were brought in from all over the country to complete this. This meant many social workers that were carrying out these reviews did not understand the Scottish legislation or guidance. An example of this was the social worker who carried out my mum's review. This social worker was from England and recommended that my mum receive window visits. I had to explain to the social worker that Scottish guidance had moved on from this.
103. We were contacted by some relatives who were allowed to visit residents within the care home who were very ill, they would go home to get clothes and would be asked to take another lateral flow test on their return. This demonstrates a lack of common sense in approaches and almost as if relatives were the enemy.

104. During the pandemic, there was a distinct lack of support from organisations that are meant to support older people or protect the rights of vulnerable adults. No one spoke out about how care home residents were being treated. It felt like our relatives were being abandoned. At many points, prisoners had better visiting guidance than care homes.
105. People with dementia were disproportionately affected by the pandemic. The removal of routines and familiarity has a significant impact on an individual with dementia. Mum would have declined cognitively anyway due to her condition but I feel that she declined faster, especially in terms of her mobility due to the restrictions on her and in the home.
106. The Power of Attorney contains powers such as obtaining and paying for any goods or services which are of a benefit. It allows access to care and support services for my mum and consent to any medical or dental treatments. It includes making decisions on dress, diet and personal appearance.

I was unable to enforce any of my powers under the Power of Attorney as I was not able to have access to my mum to understand what she required.

Prior to Covid, I used to buy all my mum's toiletries and different snacks to eat. However, during the pandemic, I did not have access to my mum's room for over a year. This meant I couldn't see what she required to be able to purchase these. I had to rely on staff letting me know what she needed.

As I did not have access to my mum in so long, I was unaware if she was receiving any treatment (such as dental or podiatry). This prevented me from obtaining or consenting to any treatment that my mum required.

I was unable to make decisions on my mum's personal appearance as I was not allowed to get my mum access to a hairdresser (when the general public was able to access these services).

During the pandemic, my mum cut her hand. The care home would not let me take my mum to the hospital and instead sent her in a taxi. I was unaware what treatment and medical care my mum was receiving. Therefore, I was unable to make decisions in relation to this.

### ***Involvement with CHRS***

107. In early July 2020 I heard Natasha Hamilton on the radio talking about how guidance had come out for the general public, however, nothing had been released for care homes. Jason Leitch tweeted her to say guidance was coming but wouldn't give her a date. I contacted Natasha to ask what the situation was with her mum and she told me about the group. Soon after I joined a Facebook room call with Natasha and 4 others and it grew from there.
108. At this stage, anytime I spoke about my mum people would just say to me that at least she was safe. However, she had no quality of life, she wasn't able to see her family and was

effectively locked within 4 walls. I think it's very difficult for anyone to imagine what it feels like to have your Mum in care and what it felt like to be told what you were and weren't allowed to do, unless they've experienced it themselves.

109. We had our first protest at Holyrood on 16<sup>th</sup> September 2020. We mostly all wore masks even though we were outside as we were worried that a care home manager would not allow us to visit due to mixing at protest. Jean Freeman contacted Cathie that day to arrange a meeting for the end of September. I wasn't at that first meeting. I spoke to Natasha after it who said the meeting was a good starting point as it sounds as if Jean Freeman wants to make a difference. I knew prior to this meeting we had to capture an accurate picture of relatives' experiences, so we sent out the first survey to our Facebook group.
110. After the protest, myself and Sheila were interviewed by BBC Radio Scotland. I had never participated in anything like this protest before. I had never been on TV or radio before, my family have always been very private but our story had to be told to ensure it is never allowed to happen again. Many new people joined our group after the protest because of the media coverage, with many feeling that they had been alone in the previous 6 months.
111. CHRS was involved in a number of online meetings with Scottish Government on a regular basis. I told my mum's care home that I was involved in CHRS and have always been honest about the work we were doing. I have never had an issue with the care my mum receives from the care home and fully appreciate carers did their best they could during a very difficult time.
112. None of us expected to be involved in campaigning we just knew what was happening to our loved ones was wrong. My mum, when at her most vulnerable, was cut off from the most important people in her life and that is unforgivable.
113. I have the following correspondence available which I can make available to the Inquiry through my solicitor if/when required:
  - Relevant Social Work reports in relation to my mum.
  - Emails to Scottish Government in relation to mum's care home being locked down due to a false positive PCR test (16 February 2022).
  - Emails to the Scottish Government in relation to discrimination of Care Home residents due to being forced to isolate after negative PCR tests (22 August 2021).
  - Response from Kevin Stewart in relation to discrimination of Care Home residents who are classed as close contacts (6 October 2021).
  - Emails to mum's care home in relation to outdoor visits being cancelled due to norovirus (5 October 2020).

- Email chain to Scottish Care in relation to guidance being cascaded down to care companies (9 February 2021).
- Email to care home to ask if unused visiting slots can be allocated (23 September 2020).
- Email to care home in relation to visits with physical touch not being introduced and Alison requesting essential visits (9 -13 November 2020).
- Email to Monica Lennon to provide information on my mum (September 2020).
- Email to Care home in relation to my concerns in relation to initial lockdown (17-18 March 2020).
- Email to Care home in relation to lack of communication from Care Provider (24-25 June 2020).
- Email to Care home in relation to mum's isolation (13 May 2020).
- Email to Care home to ask for an update following initial lockdown (18 March 2020).
- Email to Care Provider in relation to lack of information (2 July - 22 July 2020).

[statement concludes]

Signed Alison Leitch

Date 19<sup>th</sup> October 2023