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Covid-19: Government must learn lessons from deaths before winter, say MPs and peers

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The UK government should immediately organise a quick interim review into deaths from covid-19 to ensure that lessons are learned as soon as possible before a new autumn or winter peak of the pandemic, MPs and peers on an influential joint parliamentary committee have urged.¹

The Joint Committee on Human Rights, which issued its report after a six month inquiry into the government's response to covid-19, said that the review "should be swift, independent and must be published," and it urged the government to treat deaths in care homes as a priority in any inquiry or review.

Under article 2 of the European Convention on Human Rights, the government is under a duty to take the appropriate steps to safeguard lives. During the crisis it emerged that death rates among some groups, including older people and people from some ethnic minorities, were "startlingly high," the committee noted.

The most urgent of the government's procedural obligations to safeguard life in the covid-19 context was "to ensure lessons are being learned as soon as possible so as to avoid unnecessary deaths," the committee said. "It is therefore crucial that some form of swift lessons learned review is undertaken as soon as feasible and incorporated in the government's planning and response to any further wave of the pandemic."

The committee welcomed Boris Johnson's acceptance that there would need to be a fuller independent inquiry later and said this would need to include deaths from covid-19 of healthcare and care workers, transport workers, and police and security guards where the adequacy of personal protective equipment was an issue.

Other covid-19 deaths that an inquiry must look at were those in care homes related to early releases from hospitals and those in a detention setting, the committee said. Deaths of people who were denied critical care should also be covered.

The report branded the blanket use of "do not attempt cardiopulmonary resuscitation" (DNACPR) notices unlawful, adding that evidence indicated that its use in the pandemic was widespread. The Court of Appeal has held that there is no legal requirement on the government to implement a policy on the issue, but the report noted that "evidence suggests the absence of a policy has led to systematic violations of the rights of patients."

The committee called on the government to ensure that care homes were not implementing blanket bans on visiting. "Restrictions on visiting rights must only

be implemented on the basis of an individualised risk assessment, [which] must take into account the risks to the person's emotional wellbeing and mental health of not having visits."

The Coronavirus Act, passed in March, gave the government sweeping new powers to deal with the crisis. Many people had experienced "the widest and deepest set of government interferences with their rights in their lifetimes," the committee said.

The act must be renewed by a Commons vote every six months. A cross party group of MPs is threatening to block the renewal of some of its most controversial elements, such as the power to detain "potentially infectious" people, including children, when the motion to extend it comes before parliament later this month.

¹ Joint Committee on Human Rights. The government's response to covid-19: human rights implications: seventh report of session 2019-21. 21 Sep 2020. <https://committees.parliament.uk/publications/2649/documents/26337/default>.

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