

'Animals Out of Place' Meeting

Time: Tues 31 July 2018, 1pm

Venue: School of the Arts Library, 19 Abercromby Square, University of Liverpool, L69 7ZG

Agenda:

1-2 pm: Buffet vegetarian/vegan lunch
2-2.30 pm: Introductions and outline of Dunhill Trust Project
2.30-4.30 (approx) Group Discussion

Dear Participant

Thank you for agreeing to attend this preliminary meeting of a Dunhill Medical Trust funded project on the implications of separating older people from their companion animals, led by Professor Marie Fox, School of Law and Social Justice, University of Liverpool and Professor Mo Ray, School of Health and Social Care, University of Lincoln.

The purpose of this preliminary meeting, funded by Research Development funding from the School of Law and Social Justice at Liverpool, is principally to start to form a network of people interested in companion animals, older people and care homes policy in order to generate expertise – academic and professional/third sector - on this issue.

The meeting, we hope, will facilitate us forming connections with other researchers and projects addressing cross species relationships, wellbeing and healthy aging; to formalise the parameters of our project, to finalise the relevant research questions and to press for legal and policy change to enable more thoughtful approaches to formulating housing and social care policy which impacts on cross-species relationships.

We include some info below which may act as a prompt to our discussion, but are very happy for participants to raise any issues they feel we should address.

Marie & Mo

Project Title: “He means the world to me”: Human rights implications of separating older people from their pets in residential care/nursing homes.’

Project Outline:

This project investigates the implications of separating older people from companion animal(s) when they move to a residential care home. It will examine variability in care home policies and what these mean in practice for the well-being of both the older person and their companion animal(s). This will be the first study to examine whether forcing a person to relinquish a much-loved pet may breach their human or legal rights (notably their right to a family life) and to consider the State’s obligation to remedy any such breach.

Project Objectives:

1. To ascertain the extent to which care homes in England are 'animal friendly'. We aim to interrogate the meaning of animal friendly policies and whether this equates to permitting animals to accompany their owners into care homes.
2. To enhance current understanding of the experiential reality of separating older people from their companion animals. Via an in-depth pilot study of care homes in two locations in England, we will explore the rationale for either permitting companion animals or not by conducting interviews with residents, their families, plus staff and managers of residential care homes in two locations (one urban – Liverpool; and one rural - Lincolnshire) in England. These interviews will explore the health, wellbeing and rights implications of residents being able to co-exist with their pets. Our interviews will seek to uncover the lived reality of separation from companion animals who an older person may have regarded as a friend or family member. The study will then go on to analyse whether separating older people from their pets potentially breaches care regulations and human rights law and the extent to which cross-species relationality should be considered as in making welfare assessments, where older people may lack capacity. It will consider how policies could be framed which are compliant with human rights standards and which recognise the shared vulnerability of older people and their companion animals. We will assess the arguments for and against legislation which would formally require care homes to implement a policy regarding companion animals.
3. To disseminate examples of good practice but identify the need for policy change elsewhere.
4. To investigate the human rights and welfare implications of denying older people the right to live with their companion animals, examining recent domestic and ECHE case law.
5. While our initial focus was on older people who are competent to make their own decisions but denied the right to do so in the case of sharing their lives with companion animals (and this will remain the focus of our interviews), we are also now interested to explore the extent to which cases involving separation from companion animals are heard before the Court of Protection and to what extent, if at all, there is awareness on the part of judges and lawyers of the importance of such cross-species connections.
6. To consider the welfare implications for companion animals of residing in care homes, and to consider the potential of robotic animals in facilitating the welfare of older people.
7. To evaluate the arguments for and against using legal initiatives such as the (failed) Care Homes and Sheltered Accommodation (Domestic Pets) Bill 2009-10 to compel a change in national policy.

Key Research Questions:

Our principal research questions can be broken down into practical empirical questions (Qs 1-4) and academic inquiry into legal doctrine and the potential for law reform (Qs 5-8):

1. What proportion of UK care homes currently allow/exclude animals?

2. What, in practice, does advertising a care home as 'animal friendly' mean?
3. What are the perceived benefits and challenges (including costs) associated with permitting companion animals to accompany older people into care homes?
4. What are the implications when older people are not allowed to take their companion animals with them when they move to care homes, a) for the older person and b) for the animal(s)?
5. To what extent are policies which exclude pets in conflict with the principles of person-centred care and human rights?
6. What role can law play in promoting improved care home policies, and what form should such legal interventions take?
7. What are the implications of animal companionship for legal definitions of 'family', particularly in later life?
8. To what extent can the developing notion of 'familial integrity' under Article 8 of the ECHR be mobilised to protect inter-species relationships?

Research Methods:

We propose that the project will use a mixed methods design to answer its research questions, comprising:

1. Literature review: There will be a tripartite review of relevant literature and online information:

Review (A) will identify relevant case law and legislative initiatives in the UK and in other comparable Western jurisdictions. It will employ doctrinal legal analysis to consider the scope of human rights principles and of legal definitions of 'family' in order to assess whether policies which prohibit pets in care homes may be challengeable on legal grounds.

Review (B) will identify relevant gerontological and social policy literature.

Review (C) will identify via the CQC website (<http://bit.ly/2uvojKg>) which care homes in England are 'animal friendly' and which are not, and explore what is meant by 'animal friendly'.

2. Empirical data collection:

a. Conduct 36 semi-structured interviews (4) in four residential care homes, two which are 'animal friendly' and two which are 'no animals allowed' care homes (one of each in Liverpool and Lincolnshire). The interviews will be conducted with residents (n=12), family members (n=12), care home staff/managers (n=12). These interviews will aim to unpack what 'animal friendly policies' mean in practice, and how these policies are explained to potential residents. They will seek to identify what benefits are believed to accrue to residents and staff in permitting companion animals, what challenges they pose, and the perceived obstacles to permitting animals in care homes. They will also seek to understand and compare the lived experience of older people who are allowed to keep their pets and those who are not. The chosen locations will enable us to analyse differences between care homes located in an urban city area with those in rural Lincolnshire.

b. Conduct stakeholder interviews (n=6) with representatives from: Age UK, Blue Cross, Cinnamon Trust, Oldies Club, Dogs Trust, RSPCA. These represent some of the leading charities which address the issues of animal and human health and the well-being of older people in relation to companion animals.

3. Data analysis: Interview data will be analysed using thematic analysis. Completed interviews will be transcribed, anonymized, and coded thematically in order to identify, understand, and report themes within the data. Our approach is informed by a realist perspective, that is, a focus on analysis of experience, meaning and realities of participants. Here, coding and identifying emerging and repeated patterns in participant narratives, is undertaken in conjunction with the research questions which underpin this study.

Involvement of older people:

In addition to the planned interviews with older people as care home residents, our project advisory group will include a cohort of older persons. They will be involved in the Advisory Group and developing appropriate training and support materials to support their confident participation. Furthermore, the Advisory Group will include representatives from Age UK, as well as from leading animal charities. This will allow for consultation with interested older citizens, their families and friends across the duration of the project. We will seek their feedback on our research processes and findings and involve them in supporting the development of appropriate research materials, lay summaries and other dissemination.

Indicative Questions for Participants:

Are there particular issues/questions that we should address that we are currently missing?

Who are the relevant stakeholders for such a study?

What are the potential ethical or practical challenges we need to be mindful of in conducting the research, particularly the research with care home residents and their carers?

What are the most appropriate methods to address these questions?

How does our project connect with that of other researchers/projects in the UK?

Is there value in comparative research on these issues?

How can legal arguments grounded in human rights, familial integrity, best interests etc be deployed to protect and support inter-species relationality?

Where do tensions and conflicts of interest arise in these interspecies-relationships?

How can this research involve and reach relevant policy-makers?

Prior Relevant Research:

McNicholas, J. Collis, G. M. & Morley, I.E., 1993. Pets and people in residential care. Joseph Rowntree Foundation, Social Care Findings, No. 44. December 1993.

McNicholas, J., 2014. Pets and older people in residential care. A project funded by the Society for Companion Animal Studies (SCAS) and the Pet Food Manufacturers' Association (PFMA). Available from: http://176.32.230.19/scas.org.uk/wp-content/uploads/2013/03/3.Pets_and_older_people_report.pdf

List of Participants:

Neil Allen, Barrister, 39 Essex Chambers, Senior Lecturer, University of Manchester

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Ian Brownhill, Barrister, No 5 Chambers, London.

Marie Fox, Professor, School of Law and Social Justice, University of Liverpool

Carol Gray, Vet, Doctoral Researcher, University of Birmingham

Pippa Hunter-Jones, Reader in Marketing, Liverpool Management School, University of Liverpool

Rob Kirk, Lecturer, Centre for the History of Science Technology and Medicine, University of Manchester.

Neil Pemberton, Research Fellow, Centre for the History of Science Technology and Medicine, University of Manchester.

Mo Ray, Professor of Health and Health & Social Care Integration, School of Health and Social Care, University of Lincoln.

Sarah Singh, Lecturer in Law, School of Law and Social Justice, University of Liverpool

Michael Toze, Research Fellow, School of Health and Social Care, University of Lincoln.

Carri Westgarth, Lecturer in Human-Animal Interaction, Department of Epidemiology and Population Health, Institute of Infection and Global Health, and School of Veterinary Science, University of Liverpool

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