V for life begins at 50



Self-Advocacy

A guide to protecting your vegan or vegetarian values and beliefs in care – for now, or in the future (Wales)



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Contents

Introduction	2
Your rights as a vegan or vegetarian receiving care	4
What if you experience issues with capacity or cognition?	5
Statement of Wishes	6
Protecting your rights: What you can do	8
Example complaint letter from a resident	10
Letter from a loved one to raise concerns	11
Useful contacts	12

For a full list of references used in this guide, visit vforlife.org.uk/pages/advocacy.

Introduction

This self-advocacy guide aims to empower vegans and vegetarians receiving care. Within it, you'll find details of the main laws and regulations that protect your and your loved one's rights to practice your beliefs. We explain the steps you can take to ensure that these rights are met.

Needing care can be a worrying experience. Among the challenges may be a sense of losing control over your diet. With less independence, people may be unable to shop, cook and ensure that their dietary values and beliefs are being met.

Some people are affected by conditions that limit their mental capacity or cause cognitive loss. Around 70% of people living in care homes have dementia or severe memory problems. They may be unable to explain their dietary beliefs or have periods where they are unable to remember their values.

In these circumstances, those receiving care or advocating for them need to know their rights and how to

V for Life
info@vegetarianforlife.org.uk | 0161 257 0887 | vforlife.org.uk
83 Ducie Street, Manchester M1 2JQ
@VfL_UK VfLUK
V for Life is a charity registered in England and Wales, number 1120687
Company number 6294709

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get their voices heard. If your beliefs, or those of a loved one, are not being respected, you need to know the rules that safeguard you as an individual.

In this guide, we have outlined the legislation and regulations designed to protect your dignity and choices in care. We have detailed step-by-step actions you can take to ensure that these laws are followed. We have also detailed advisory and advocacy organisations offering further support.

One of the most important things you can do now is plan for the future. We have included a template statement of wishes on page 6. This can be completed as a guide for those who will care for you, explaining how you wish to be treated and the beliefs you wish to live by.

We have also included a draft letter, illustrating how to raise concerns with those who care for you.

VfL is committed to fostering respect and dignity for people receiving care, and we work to support older vegans and vegetarians and their carers. We understand the difficulties that people may face when entering a care setting. For further details about the information in this guide, to share your care experiences, raise concerns, or seek support, please get in touch. You'll find our contact details at the bottom of page 2.

"Food is central to our identity and I would hope that stays with us for however long we live. I know this as a Jew and as a Rabbi and I am aware that is the same for my Muslim colleagues, and Hindu colleagues, and people of different religions.

"And then within that I am a passionate vegetarian with vegan leanings, and for the last year I have also been diabetic so I am conscious of the importance of what we eat.

"It's at the core of identity. Now, were it the case I was at some point living with dementia and had to move out of the family and community setting that has supported me and protected me and be dependent on the care of a home, I would deeply want all of those aspects of my identity to be respected. I'm sure nobody would think of giving me loads and loads of sugar, because medically it would be dangerous.

"But I feel at least as passionate, or more passionate, about being Kosher and about being vegetarian. Those things are the rhythm and meaning of my life.

"It's protected under the Human Rights Act to support people in their diet and their choices. But it's also a part of honouring someone's dignity and personhood. I would hope that personhood stays with us for however long we live."

Jonathan Wittenberg, Senior Rabbi, Masorti Judaism UK

Your rights as a vegan or vegetarian receiving care

As a vegan or vegetarian, your rights to practice your beliefs are protected by law and regulations. Here are the most important rules to be aware of.

EQUALITY ACT 2010

The Equality Act states that organisations must alter their practices to accommodate protected characteristics, such as religion. In a significant preliminary hearing judgement in the case of Casamitjana Costa v The League Against Cruel Sports 2020, 'ethical veganism' was recognised as a protected characteristic under the Equality Act 2010. While not setting a legal precedent, care homes, local authorities and other care providers should also recognise ethical veganism as a protected characteristic.

As a vegetarian or vegan you may also be protected under this Act, if you are practicing vegetarianism in accordance with religious beliefs that influence your entire lifestyle[1].

HUMAN RIGHTS ACT 1998

Under this Act, public authorities, including private care homes funded by public authorities, must ensure that your human rights are not breached.

As a vegan or vegetarian living in a care setting, your right to practice your beliefs is protected. Article 9 of the Human Rights Act protects the right to 'freedom of thought, conscience and belief'. Importantly, the right to 'manifest' your beliefs is safeguarded[2].

CARE REGULATIONS

Care services in Wales are regulated by the Care Inspectorate. The Care Inspectorate enforces the standards that care establishments must abide by. Many of these regulations are relevant to protecting vegans and vegetarians receiving care, especially around choice, independence, and dignity.

The Care Inspectorate enforces the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017:

- Regulation 15 states that each person in a care service will have a personal plan, detailing how they will be cared for. It must take into account the choices and preferences of individuals.
- Regulation 21 focuses on the safety and well-being of individuals. The guidance explains that cultural, religious, social or spiritual preferences must be respected. People should be respected as individuals and have their nutritional preferences understood.
- Regulation 25 states that individuals have the right to expect respect and sensitivity. Protected characteristics under the Equality Act must be respected[3].

What if you experience issues with capacity or cognition?



Conditions such as dementia may affect people's ability to make dietary choices according to their values. You might be concerned about losing the capacity to select a vegan or vegetarian diet when receiving care.

To safeguard vegans and vegetarians receiving care, carers should consider capacity and ensure that decisions are made in accordance with an individual's values and beliefs.

When you are no longer able to make informed decisions, those caring for you are guided by the Mental Capacity Act in England and Wales.

They must follow five principles regarding capacity:

1. Always assume that you can make the decision until they have proof that you cannot.
2. Try everything possible to support you to make the decision yourself.
3. Not assume that you do not have capacity to make a decision just because you make a decision that they think is unwise or wrong.
4. If they make a decision for someone who cannot make it themselves, the decision must always be in that person's [i.e. your] best interests.
5. Any decisions, treatment, or care for someone who lacks capacity must always follow the path that is the least restrictive of their basic rights and freedoms.

Guidance covers communicating to people appropriately and empowering people with limited capacity to make informed decisions[4].

The following pages detail what you can do as an individual to protect your vegan or vegetarian identity and rights.

Statement of Wishes

Your preferred care priorities: A non-legally binding document representing your future hopes and wishes. Keep this to hand and share with those involved in your care, including your GP. They may wish to keep a copy. Let them know when it is changed.

Your name

Address

Postcode

Do you have a Legal Advance Decision (Living Will) ☐ Yes ☐ No
If yes, where do you keep it and who has a copy?

Proxy/next of kin
Who else would you like to be involved if it ever becomes difficult to make decisions?

Contact 1 name

Relationship to you Telephone

Address

Postcode

Do they have Lasting Power of Attorney? ☐ Yes ☐ No
If yes, please state which type

Contact 2 name

Relationship to you Telephone

Address

Postcode

Do they have Lasting Power of Attorney? ☐ Yes ☐ No
If yes, please state which type

Do you have any special requests or preferences regarding your future care?

If your condition deteriorates where would you most like to be cared for?

Is there anything you would ideally like to avoid happening to you?

Do you have any comments or wishes that you would like to share with others?

Your name Date / /

Next of Kin/Carer signature (if present)
Signed Date / /

Health/Social Care Professional
Details of any other family members involved in Advance Care Planning discussions

Details of any healthcare professionals involved in Advance Care Planning discussions

Are you happy for the information in this document to be shared with relevant healthcare professionals? ☐ Yes ☐ No

Reviews
Signed Date / /

Signed Date / /

Signed Date / /

Remember to regularly review (e.g. every 3–6 months) to ensure that this document still represents your wishes. Sign and date any changes you make.

Protecting your rights: What you can do

There are many ways to ensure that care providers recognise your ethical beliefs. Here are the key steps, and sources of support.

1. PLAN FOR THE FUTURE

Select a care provider that respects your identity. Those that have signed VfL's Memory Care and Inclusivity Pledge[5] abide by five good practice points. This is to ensure that you'll be offered meals, drinks and snacks that uphold your beliefs, even if experiencing issues with capacity or cognition.

Good practice includes the opportunity to eat at a vegan-only, or vegetarian-only, table when possible. And in the event of an 'accidental' choice to eat meat, you should be offered an alternative dish that upholds your beliefs.

On VfL's website you'll find our 'UK List' – a directory of establishments that have committed to catering ethically for vegans and vegetarians[6].

Also complete a statement of wishes, explaining how you want to be cared for (see template on pages 6–7). You might adapt this sample wording, to suit your beliefs:

If I am experiencing issues with capacity or cognition, and accidentally choose a meat-based dish, or appear to ask for meat, I wish instead to be offered an alternative dish that upholds my philosophical beliefs. The alternative dish might make use of alternatives to meat and/or dairy, with my caterers providing appropriate [vegan/vegetarian] fortification of dishes when needed.

*If it is my preference, I wish to be given the opportunity to eat at a [vegan/vegetarian]-only table when possible, unless doing so would cause me distress. This involves having a table where people who selected the [vegan/vegetarian] option dine together.**

*This statement is suggested because VfL is aware of vegetarian residents experiencing issues with capacity or cognition, who may otherwise pick meat from others' plates.

2. SPEAK WITH CARE PROVIDERS

If worried that your or a loved one's beliefs are not being respected, raise concerns with the care provider directly. They may be unaware of your beliefs or need guidance about vegan or vegetarian diets. Don't assume that it is happening intentionally. Approaching concerns in a friendly manner can often resolve the issue with ease.

We know it's not always easy to get your voice heard. Contact VfL for help. We can offer advice and training to help your care provider support you.

3. HOSPITALS: COMMUNITY HEALTH COUNCIL

If your beliefs are not being respected in hospital, you can raise a complaint. The Community Health Council support service is available to support you with this process[7].

4. COMPLAINTS AND THE CARE INSPECTORATE

If you've raised concerns informally with a care provider, which have not been resolved, you can raise a formal complaint. Raise it in writing to the care services manager. Every health and care facility must have a complaints procedure, and you can request a copy.

If your care is local authority funded, and your concerns are not resolved after dialogue with the manager, raise them with the local council.

Once the complaints process has been followed to completion, if you do not receive a satisfactory response, you can go to the Ombudsman (see below). A draft letter is included on page 11.

You can inform the Care Inspectorate about your concerns, though they cannot oversee individual complaints[8].

5. OMBUDSMAN

If unsatisfied with the outcome of the complaint, you can report this to the Public Services Ombudsman for Wales, who will investigate further. They'll need details of the original complaint and any response. You can raise a complaint online, by phone, or post[9].

6. LEGAL HELP

If unhappy with the Ombudsman's response, you may need legal support to get the issues resolved. This can be costly and stressful. Seek advice if your complaint gets this far.

Support with advocacy and complaints

Multiple organisations offer support with this process. Here are some key contacts. Contact details are on the back cover.

VfL

VfL helps older vegans and vegetarians have their voices heard. We will be happy to work with you to ensure issues regarding your beliefs are resolved.

Member of Parliament (MP) and Senedd Member (MS)

You can raise care-related issues with a local MP or MS. Their offices can take forward issues in their constituencies and advocate for you.

Citizens Advice Bureau (CAB) and Age Cymru

The CAB offers advice about most aspects of care. Your local CAB can take on cases and advocate for you directly.

Age Cymru offers detailed advice about all areas of care. Its helpline could offer you specific advice.

Advocates

Contact the Older People's Commissioner for Wales if you or a loved one are affected by dementia and require an advocate to support you with making decisions.

Example complaint letter from a resident

Dear [Care Services Manager]
Re: Vegan and vegetarian beliefs
I am writing to raise a concern about the care that I am receiving from your service.

I am worried that my diet is no longer in accordance with my values [and this is causing me distress].

I have been [vegan/vegetarian] for [number] years. This has been an important part of my life and a central aspect of my identity. [I observe this diet because of my religious beliefs.] I have been deeply committed to these beliefs and it is important for me to live according to these beliefs while in your care.

[I have completed a statement of wishes expressing these desires to remain a vegan/vegetarian, which I have sent to you.]

People's beliefs, and right to manifest these beliefs, are protected by laws and regulations:

- **Ethical veganism meets the criteria to be a protected characteristic under the Equality Act 2010, such as in Casamitjana Costa v The League Against Cruel Sports 2020. Religious beliefs are also protected under this Act.**
- **The Statutory Guidance is clear that a person must be treated with dignity and their beliefs respected. They should have a diet according to their preferences.**
- **Article 9 of the Human Rights Act 1998 protects a person's right to their beliefs and their right to practice these beliefs.**

There may be concerns about my capacity to make decisions, now or in the future. If I ever appear to be choosing a diet contrary to my beliefs, it may be that I need someone to advocate for me because of a lack of capacity.

The charity Vegetarian for Life offers support for vegans and vegetarians. They will also advise on how to ensure that a person is able to make informed choices to protect their values.

I would be grateful if you would investigate these concerns in accordance with your complaints procedure.

I would appreciate a copy of the complaint response so that I can understand what the issues are and whether or not this needs to be progressed.

I wish to live according to the beliefs that have been important to me throughout my life.

Yours sincerely
[Full name]

Letter from a loved one to raise concerns

Dear [Care Services Manager]
Re: Vegan and vegetarian beliefs
I am writing to raise a concern in relation to [name] who is currently receiving care with you at [name of care establishment].

I have been informed that their [vegan/vegetarian] beliefs are not being respected by staff. Their diet is no longer in accordance with their wishes [and this is causing them distress].

[Name] has been [vegan/vegetarian] for [number] years. This has been an important part of their life and a central aspect of their identity. [They observe this diet because of their religious beliefs.] They have been deeply committed to these beliefs and it is clear that they expected to live according to these beliefs while in your care.

[They have completed a statement of wishes expressing their desire to remain a vegan/vegetarian, which I have sent to you.]

People's beliefs and right to manifest these beliefs are protected by laws and regulations:

- **Ethical veganism meets the criteria to be a protected characteristic under the Equality Act 2010, such as in Casamitjana Costa v The League Against Cruel Sports 2020. Religious beliefs are also protected under this Act.**
- **The Statutory Guidance is clear that a person must be treated with dignity and their beliefs respected. They should have a diet according to their preferences.**
- **Article 9 of the Human Rights Act 1998 protects people's right to their beliefs and their right to practice these beliefs.**

There may be concerns about [name]'s capacity to make decisions. If they appear to be choosing a diet contrary to their beliefs, it may be that they need increased support around advocacy and decision making.

The charity Vegetarian for Life offers support for vegans and vegetarians. They will also advise on how to ensure that a person is able to make informed choices to protect their values.

I would be grateful if you would investigate these concerns in accordance with your complaints procedure.

I would appreciate a copy of the complaint response so that we can understand what the issues are and whether or not this needs to be progressed.

I want [name] to live with dignity and according to the beliefs that were important to them throughout their life.

Yours sincerely
[Full name]

Useful contacts

V for Life
Email: info@vegetarianforlife.org.uk
Phone: 0161 257 0887
Website: vforlife.org.uk
vegetarianforlife.org.uk

Age Cymru
Email: advice@agecymru.org.uk
Phone: 0300 303 44 98
Website: ageuk.org.uk/cymru

Care Inspectorate
Email: ciw@gov.wales
Phone: 0300 7900 126
Website: careinspectorate.wales

Citizens Advice Bureau
Phone: 0800 702 2020
Website: citizensadvice.org.uk

Community Health Council
Email: enquiries@waleschc.org.uk
Phone: 02920 235 558
Website: boardchc.nhs.wales

Find your MP or Senedd Member
UK Parliament Website:
members.parliament.uk/FindYourMP
Senedd: senedd.wales/find-a-member-of-the-senedd

The Older People's Commissioner for Wales
Email: ask@olderpeoplewales.com
Phone: 03442 640 670
Website: olderpeoplewales.com

Public Services Ombudsman for Wales
Phone: 0300 790 0203
Email: ask@ombudsman.wales
Website: ombudsman.wales

V FOR LIFE UK LIST

On the VfL website, you can search for a care provider that has pledged to respect your identity. Care establishments that have signed VfL's Memory Care and Inclusivity Pledge abide by five simple good practice points. This is to ensure you that will be offered a choice of meals, drinks and snacks that uphold your ethical beliefs, even if you are experiencing issues with capacity or cognition.

You'll also find VfL's 'UK List' – a directory of establishments that have committed to catering for vegans and vegetarians in an ethical way.
Phone: 0161 257 0887
Website: vforlife.org.uk/uk-list

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