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PRESS RELEASE

The Conseil d'État suspends the blanket ban on outings from elderly care homes

The urgent applications judge of the Conseil d'État is suspending the ban on outings imposed on EHPAD (French elderly care home) residents, recommended by the French Ministry for solidarity and health, following an appeal by the children of a resident. This blanket ban is disproportionate, since the majority of residents have been vaccinated and the positive effects of vaccination have been demonstrated. Appropriate measures can thus be taken on a case by case basis by care home managers.

The recommendations issued by the French ministry for solidarity and health to residential care facilities for the elderly, particularly those looking after dependent elderly people (EHPAD), stipulate that outings to visit family and activities outside the facility are suspended until further notice.

The urgent applications judge of the Conseil d'État has now deemed this blanket ban to be disproportionate and suspended it.

According to the available scientific data, the vaccines currently being used are effective in terms of reducing both the risks of infection and the development of serious forms of the disease in the event of infection.

The judge also pointed out that at the beginning of March 2021, more than 80% of EHPAD and long-term care facility residents and 43% of care workers had been given at least one dose of the vaccine, while more than 50% of residents and 23% of care workers had been given both the doses required to be considered as fully vaccinated.

Accordingly, while it is up to EHPAD managers to authorise outings depending, in particular, on the local health situation and characteristics of their particular facility (vaccination rate, for example), the urgent applications judge finds that some outings, particularly those made by vaccinated residents, can be compatible with the safety of all residents and staff provided appropriate protective measures have been defined.

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