



THE MALTA CHAMBER

## **FEEDBACK BY THE MALTA CHAMBER (TMC)**

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### **ASSISTIVE TRACKER DEVICES FOR OLDER PERSONS**

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The Malta Chamber (TMC) acknowledges the potential benefits that could arise from the introduction of Assistive Tracker Devices (ATDs) for older individuals, while recognising that numerous concerns exist which may outweigh certain perceived advantages of utilisation of such devices portrayed in the consultation document.

A pivotal aspect that has sparked considerable deliberation pertains to the **potential obligatory enforcement of ATDs within the premises of Care Homes** administered by Active Ageing and Community Care (AACC). The central inquiry revolves around whether the utilisation of these devices will be mandated for all residents residing within the care homes. TMC warrants careful consideration to the issue of **residents' rights in the event of mandatory implementation**. If the usage of ATDs becomes compulsory, it is crucial to determine whether all residents, regardless of their cognitive abilities, will be granted the **right to refuse such devices**. Safeguarding residents' autonomy and ensuring their freedom to make informed choices is of utmost importance. This concern emphasises the need for clear policies and guidelines that uphold residents' rights, even in situations where ATDs are mandated.

Another central issue arising from the potential implementation of ATDs is determining who would be granted **access to the data and the location information of the tracked residents**. To ensure the tracker effectively serves its intended purpose, it becomes imperative that the care homes themselves are granted access to such crucial information about their clients. By doing so, they can responsibly and proactively attend to the needs and safety of their residents, thereby upholding the highest standards of care and well-being. Nevertheless, irrespective of the entities having access to such data, it is of paramount importance to establish **robust safeguards that unequivocally prioritise data security and confidentiality**. These safeguards must be meticulously designed and rigorously implemented to effectively thwart any unauthorised access, breaches, or misappropriation of the highly sensitive information at hand.

The determination of consent raises the question of **responsibility of providing such consent**, whether it lies with the residents themselves or if it resides with their relatives. How will the consent be effectively acquired and documented? This crucial question being raised by TMC highlights the need to ascertain the procedure by which consent will be obtained, ensuring transparency and respect for the individuals involved.

Undoubtedly, the introduction of ATDs carries a **significant financial burden**. Referring to footnote one of the consultation paper, the approximate cost for 30 assistive tracker devices in the UK amounts to £7,000. TMC's primary concern in this regard lies in determining whether care home operators will bear the brunt of these costs, entirely. To ensure fairness and alleviate the financial strain on care home operators, it is imperative to establish schemes aimed at facilitating the affordability of ATD implementation. This becomes even more necessary if the implementation of ATDs is mandated for care home operators.

While it may be contended that the ethical justification for utilising tracker devices is stronger in certain cases, such as patients suffering from dementia, where the decision is made in the best interest of the elderly individuals involved, it is crucial to emphasise that there still exists a significant deficiency in effectively and comprehensively addressing the multifaceted **concerns encompassing stigma, autonomy, civil liberties, privacy, and dignity**.



TMC notes that there is a notable **absence of consensus regarding the ethical implications** of using tracker devices on older adults. This lack of agreement underscores the pressing need for improved policies that specifically address the intersection of technologies and individuals with cognitive impairment. To address this concern, a possible suggestion is to introduce, as part of care homes' standard operating procedures, a formal statement of intent prepared by each resident upon admission to the facility, that forms the basis for an advanced care plan for older adults. This approach would ensure that older adults who may develop cognitive impairment, receive comprehensive support aligned with their pre-established preferences, in the event that they are no longer able to articulate them. By implementing such measures, the rights and autonomy of older adults can be safeguarded, providing them with the necessary assistance and honouring their wishes, even during periods of cognitive decline. This approach emphasises the importance of person-centred care and acknowledges the evolving needs and desires of older adults as they navigate the complexities of cognitive impairment.

Finally, TMC remarks that while ATDs can be valuable tools, they should not be considered the sole solution for minimising the risk of incidents with residents. Private care homes already prioritise resident safety and have robust safety measures in place. Due to the multitude of concerns surrounding the implementation of ATDs, there is a growing belief among care home operators that their introduction may pose more burdens than benefits. Care homes have been operating successfully without the reliance on ATDs for a considerable period of time, and this prompts the question of whether their implementation is truly necessary.

In conclusion, TMC believes the primary focus of the legislator and the private industry should remain that of **strengthening existing safety practices and promoting person-centred care**, ensuring that residents receive the utmost support without compromising their independence and dignity. By providing more clarity on the aspects raised, stakeholders can gain a better understanding of the intentions, mechanisms, and implications of the tracking device rollout and implementation. This will help build trust, ensure accountability, and foster an environment where individuals' rights and concerns are respected and protected.