

Written submission from Age Scotland on the Care Home Services (Visits to and by Care Home Residents) (Scotland) Regulations 2026, 9 February 2026

Health Social Care and Sport Committee Call for Evidence

Question 1 – Regulation 2 states that the care provider must identify at least one individual as an Essential Care Supporter. Does this regulation provide/guarantee friends and relatives appropriate involvement in the process of identifying an Essential Care Supporter?

Yes, we agree that the regulation does provide for and guarantee friends and relatives appropriate involvement in the process of identifying an Essential Care Supporter. Under (3) (b) the regulation stipulates that the provider of a care home service for adults must consult such relatives and friends of the resident as may be set out in the residents' personal plan.

We would recommend that a review of the personal plan take place to ensure that friends and relatives noted are up to date to ensure that the correct people are consulted for identification of Essential Care Supporter.

Question 2 – Regulation 3 covers the right to visits in general. Does this regulation adequately describe what ‘facilitation’ of visiting does or does not entail?

While Regulation 3 (2) states fairly clearly what facilitation of external visiting does not entail, (1) is vague and would rely on understanding references in the Code of Practice. That document is not subject to legislative grounding and could be reviewed and amended in the future to change the nature of what “facilitate” means.

Question 3 – Do you think that the regulations around suspension of visiting (Regulations 4 and 5) provide adequate assurance to residents and their loved ones that

they will have the right to continue to care for and visit residents in the event of a suspension of visiting? For example, during an outbreak of infection?

Regulations 4 and 5 in particular '5 – Essential visits', are written with the intent to provide assurance to residents and their Essential Care Supporters in the event of suspension of visiting.

We feel reassured that the Code of Practice, as written, which complement these Regulations, provides sufficient guidance in this matter.

Question 4 – Do you think the duty to review decisions to suspend on receipt of a valid request is clear and appropriate?

Regulation 6 (2) is fairly clear and appropriate. With regards to a change of circumstances in 6 (2) (c), it may require further examples in the Code of Practice to help offer clarity to Essential Care Supporters to support their requests and reduce the potential of instances of interpretation from providers.

Question 5 – Do you think that the notification processes are appropriate and proportionate?

This offers a straightforward list of the most important people to receive notifications but vague and lacks timescales in Regulations. Details of what the notifications must include would be identified in the Code of Practice, including timescales, but could be subject to future change. That language needs to be robust and clear.

Question 6 – Do you have any comment on the regulations from an international human rights perspective?

We believe the regulations are helpful in ensuring that residents have the right to private and family life which is Article 8 of the European Convention on Human Rights and is incorporated in Scots Law through the Human Rights Act and Scotland Act. Anne's Law provides the enhanced protection residents; their relatives and friends need to support and sustain quality of life. It provides reassurance that should

another pandemic or need for suspension of visits occur, that this right is upheld and supported by the State and care providers.