

Written submission on the Care Home Services (Visits to and by Care Home Residents) (Scotland) Regulations 2026 from Argyll and Bute HSCP, 5 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?

It is our view that Regulation 2 can be interpreted that as the Essential Care Supporter identified is in accordance with the residents wishes, or where appropriate, those of their representative, that not all friends or relatives will be involved in the process.

Regulation 2 refers only to the identification of a friend or relative but does not make it clear that they should be involved in the process at that stage.

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?

It is our view that Regulation 3 should be supported by a further interpretation of what ‘facilitation’ of visiting does entail specifically in relation to external visits and the role of the provider in facilitating an external visit.

We feel there needs to be clarity in respect of what is meant by an external visit e.g specifically to visit Essential Care Supporter or any other external visit e.g social events, medical appointments, appointments to deal with personal affairs.

In our view, it is clear what facilitation is not meant to be as per Regulation 3 (2) (a)(b):

(a) take or accompany a resident somewhere outwith the accommodation provided by the care home service, or

(b) arrange or pay for someone else to do so.

However, it is not evidently clear what is expected by the provider in terms of 'facilitation' of external visits. Our interpretation of this relates to the provider ensuring the resident's needs have been met prior to the visit and has all personal effects, and or aids to support them on that visit.

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?

It is our view that Regulation 4 and 5 does not provide adequate assurance to the resident and their loved ones in relation to their rights to visits being continued.

The regulation states that the provider has the power to suspend visits as described in regulation 4(1) however there is no reference to the resident's views and wishes in relation to the risk or appropriate supported decision making with other professionals relating to the risk that has been identified.

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

It is our view that Regulation 6 is clear however we do not feel that it is appropriate to expect all requests to be in writing unless there is an easily accessible template / format that can be submitted.

We would recommend that this accompanies any correspondence communicated with residents as per Regulation 7 (1) (a)

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

It is our view that the notification processes described in Regulation 7 are appropriate and proportionate.

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

We believe that regulations are required in order to uphold human rights and comply with international human rights. These regulations, with amendments as suggested would meet those requirements.