

Written submission from the Care Home Tactical Team, Dumfries and Galloway Health and Social Care Partnership 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?

Unsure if 'guarantee' is an appropriate term of language for use, however overall, it is clear that there is legal requirement and expectation that this is in place and therefore empowers residents and their family / friends to challenge if this is not in place.

Would be good to know how implementation of/adherence to this is to be achieved – i.e. whether this will be included within inspection process by the regulatory body (Care Inspectorate) or reliant on any challenge from residents / their support networks.

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?

Short and to the point – appears to be clear.

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?

Regulation 4 & 5 –

Unsure in what circumstances the care home would be responsible for making this decision and there is lack of clarification / outline of other professional bodies responsibilities and decision making re: this. For example, infectious outbreak would be Health Protection decision, Adult Support & Protection would be Social Work decision...however possibly the care home may need to temporarily take action / put something in place pending Social Work decision or Police action (?). Therefore, potentially supplementary guidance is required to support the legislation and/or specific reference to other existing legislation.

Health Protection Teams and Social Work are well aware of legislation and fully support continued visiting where possible and safe to do so. Visiting is taken into consideration at all times and least restrictive measures put in place. Locally care Homes aware of people's rights and not aware of these rights not being respected.

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

Regulation 6 – The manner in which this is currently written reads as though review is only by request of an external party in writing. Previous regulations note that the care home provider should keep restrictions to minimal duration required but would suggest this section should reiterate and be clear about responsibility for this to be proactively reviewed and not just on receipt of as formal written request.

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

Would query whether it would be appropriate for this to also include the Regularly Body (Care Inspectorate).

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

Would appear to be in alignment / supportive of rights in respect of private and family life.