

Written submission from the Care Inspectorate on the Care Home Services (Visits to and by Care Home Residents) (Scotland) Regulations 2026, 6 February 2026

Health Social Care and Sport Committee Call for Evidence

We note that we have been involved in the development of the Regulations and Code of Practice and have provided input and comments at various stages.

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?

Regulation 2 requires the identification where possible of at least one Essential Care Supporter, which must be in accordance with the resident's wishes or (where appropriate) those of their representative. While it does not explicitly guarantee the level of involvement of the resident, their family or significant others in the process, it is expected that this process will be covered in more detail in the Code of Practice, once finalised.

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?

"Facilitation" is not clearly defined in the regulation and could be open to differing interpretations. The Code of Practice is expected to expand upon this by defining facilitation and providing examples of what this means in practice, such as supporting residents to arrange visits, ensuring the environment is suitable, accommodating accessibility needs, or supporting a resident to get ready for a trip out.

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?

The regulations recognise that visiting must not be suspended or restricted lightly and any restrictions must be proportionate, necessary, and for the shortest possible time. There is a requirement to continue to facilitate visits where a suspension or restriction is likely to cause serious harm, and a presumption that restricting visits by an Essential Care Supporter is likely to cause such harm. This should provide assurance that these essential visits should continue, other than in the most exceptional circumstances.

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

The duty to review decisions on receipt of a valid request is welcome and reflects principles of fairness and accountability. Further clarity is required regarding timescales, criteria to be applied, and how outcomes should be communicated, which is expected to be contained in the Code of Practice.

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

The notification processes reflect the seriousness of decisions to restrict visiting and ensure appropriate regulatory oversight. It is necessary that notifications include clear information on the reasons for and likely duration of restrictions, and confirmation that those affected have received appropriate communication about the situation and information about their rights.

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

The regulations engage key rights, including the right to private and family life, liberty and security, and non-discrimination. They also engage relevant UN Convention

rights for older persons and people with disabilities. Along with the primary legislation they represent an important step towards embedding these rights in law and practice.