

Written submission from Ella Macbain, Older People's Residential Services Manager 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

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?

The identification of an essential care supporter can be included with in the assessment process prior to admission into a care home. It can be included in practice currently relating to information gathering re POA, next of kin taking place prior to the commencement of a care home admission.

There should be no issue with this in the majority of admissions, however on occasion there can be residents admitted who have no connections and the legislation refers to such within 2 (1) (a) (i) and (ii). The impact specific to island communities has been considered.

On admission, the care home confirms these details and while the regulation provides friends/relatives appropriate involvement in the process, the challenge for the care home is that the service cannot insist that specific expectations of the essential care supporter (s) are fulfilled.

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?

Yes, in that it covers supporting/arranging/enabling visits to take place within and out with the care home.

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?

Yes – it enables and promotes a person centred approach to the circumstances and ensures visiting is assessed for each individual resident.

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

Yes, this ensures decisions are proportionate and appropriate to the circumstances.

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

Collaboration with the appropriate partners is current practice; for example, CSWO, Health Protection Team, Care Inspectorate and this is required for evidence based decision making. How the role of Social Care & SW Improvement Scot is relevant or practicable requires to be addressed.

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

The challenge is to have an appropriate essential visitor with the cultural knowledge and understanding in such circumstances and this will not always be possible.