

Written submission from Scottish Care 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?

Scottish Care agrees that the regulation provides a clear process for identifying an Essential Care Supporter (ECS) and appropriately centres the resident's wishes. The care home sector strongly values the role of Essential Care Supporters and recognises their importance to residents' wellbeing.

The identification requirements and criteria are sufficiently set out and we welcome the emphasis on consultation and choice. The success of the regulation depends on flexible, person-led implementation which recognises the diversity of relationships and circumstances.

To ensure smooth and fair implementation, statutory guidance should be co-produced with providers and families and should offer:

- practical examples for situations where relationships are complex;
- practical clarification, for instance around any upper limits of how many people can be an ECS, without being overly prescriptive
- accessible and compassionate communication expectations; and
- clarity on how providers can seek support when ECS identification is sensitive or disputed.

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. Regulation 3 clearly sets out a rights based expectation that visiting must be enabled. Scottish Care fully supports this principle and strongly affirms that maintaining connection is essential to quality of life.-based expectation that visiting must be enabled.

We would welcome guidance that offers practical, proportionate approaches for facilitation, ensuring consistency across diverse settings while preserving necessary flexibility for local circumstances. This can help to avoid unintentional barriers and set clear expectations for all parties.

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?

Scottish Care supports the clear framing that restrictions should only occur in circumstances of serious risk. The presumption of harm where ECS access is restricted is particularly important and aligns with the lived experience shared across the sector.

It should also be recognised that imposition of visiting restrictions may be at the instruction of other bodies, such as government-imposed restrictions. This could be strengthened to be made more explicit in the regulations, recognising the need for proportionate, evidence-based decision-making made in partnership with others.

Accompanying guidance should detail expectations for reviewing and communicating suspensions, and support understanding and accountability across all relevant parties involved in decision making and actions around suspensions.

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

The grounds for requesting a review are clear and appropriate. The review process must be simple, timely, and accessible. While written requests are reasonable, flexibility should exist for those unable to submit written communications.

We welcome a balanced approach in regulations and support continued development of guidance to ensure accessibility and clarity.

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

Scottish Care supports the notification requirements and the principle that decisions must be transparent and communicated promptly.

We welcome the inclusion of residents, representatives and Essential Care Supporters, which is equally essential.

We suggest that guidance should set out expectations for documenting who was consulted and why, especially where decisions involve public health authorities. This reinforces trust and ensures decisions are understood without placing unrealistic burdens on providers.

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

The regulations align with international human rights principles, particularly dignity, autonomy, participation, and the right to family life.

Successful implementation requires clear alignment between regulations, guidance and broader public health frameworks, ensuring parity across health and care settings and points of transition.

Scottish Care remains committed to supporting the implementation of Anne's Law in a way that is rights- based, compassionate, and sustainable for all involved.