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Health, Social Care and Sport Committee

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026 [draft]



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Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care.

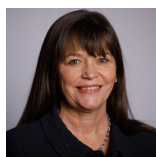


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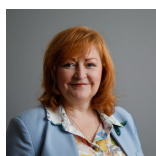
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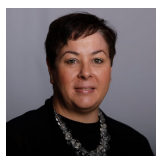
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Scottish Conservative
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Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of the following Scottish Statutory Instrument (SSI) at its meeting on 17 February 2026 - [The Community Care \(Personal Care and Nursing Care\) \(Scotland\) Amendment Regulations 2026 \[draft\]](#).
2. The instrument, laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
3. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will also be published on the Committee's webpages.

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026 [draft]

4. The purpose of this instrument (SSI) is to increase the value of payments for free personal care and nursing care by 2.23%.
5. The [Policy Note](#) accompanying the instrument further explains:
 - ” Emerging evidence in recent years shows that the cost of providing personal and nursing care has increased significantly and the payment made to providers by Local Authorities for self-funding residents has not kept pace with this. To help redress this it was decided to increase the weekly payment rates at levels above the GDP Deflator for 2021/22, 2022/23 and 2023/24. For 2024/2025 it was not possible to make an above GDP Deflator increase due to budgetary pressures; the rates were increased by 6.68%.

Again, due to budgetary pressures, it was not possible to make an above GDP Deflator increase for 2025/26, the rates were increased by the GDP Deflator of 2.37%. The Scottish Government allocated £10 million for this purpose.
6. The Policy Note concludes:
 - ” For 2026/27 the rates will again be increased by the GDP Deflator of 2.23%. The rate for personal care will increase from £254.60 to £260.30 and the rate for nursing care will increase from £114.55 to £117.10. The Scottish Government has budgeted £7 million for this purpose.
7. The Policy Note includes a summary of consultation undertaken on the instrument and the anticipated financial effects.
8. The following impact assessments have been carried out in relation to this instrument:
 - Child Rights and Wellbeing Impact Assessment (CRWIA).

Delegated Powers and Law Reform Committee Consideration

9. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
10. The DPLR Committee considered the instrument on 3 February and reported on it in its [16th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Health, Social Care and Sport Committee consideration

11. The Health, Social Care and Sport Committee is required to consider and report on the instrument.
12. The Committee took evidence on the instrument from the Minister for Social Care and Mental Wellbeing and supporting officials at its meeting on 17 February 2026.
13. At the meeting, the Minister informed the Committee that the draft regulations being considered would make routine annual increases to the rates for personal and nursing care. He further explained that these payments help cover the cost of those services for self-funding adults in residential care.
14. The Minister went on to inform the Committee that, this year, the Scottish Government was again proposing to apply an uplift based on the GDP deflator, which had been used historically as the inflationary measure to increase these rates.
15. The Minister concluded that, according to the latest available official statistics, there were 10,920 self-funding residents aged 18 and above in receipt of free personal nursing care payments in 2024-25 and that these residents should all benefit from these changes.
16. During the evidence session, the Minister was asked whether the Scottish Government had engaged with social care providers to establish whether the proposed uplift in payments would cover the actual cost of care. Christina McLaren, an official accompanying the Minister, highlighted an existing working group comprising Scottish Care alongside COSLA and local authority representatives, which she explained works with the Scottish Government every year on the process for this annual instrument. She described the representatives on that working group as having been "comfortable with the process" and the arrangements made.
17. Asked whether the funding would be ring-fenced, the Minister responded that the funding to support the uplift would be committed but went on to say that, ultimately, the level of funding allocated would depend on the level of uptake.
18. Christina McLaren added that the formula for calculating the level of funding to be allocated was based on the level of uptake the Scottish Government expected there to be in the coming year. She further noted that, in previous years, the level of uptake had been less than the level of funding allocated.
19. Christina McLaren further confirmed that the local authority would be obliged to pass on funding to anyone who claimed that funding as part of their financial assessment, to be used as a means of paying for their care.
20. Following the evidence session, the Minister moved motion [S6M-20534](#):

That the Health, Social Care and Sport Committee recommends that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026 [draft] be approved.

21. Contributing to the debate on the motion, Sandesh Gulhane said he supported the principle behind this instrument, but questioned whether the proposed uplift was sufficient to address the pressures currently facing the social care sector. He concluded that funding for personal care should take precedence over a number of other commitments and allocations of funding recently made by the Scottish Government in related areas of health and social care.
 22. Brian Whittle indicated his intention to support the instrument, arguing that an uplift in payments, no matter the level, was "crucial". However, he went on to argue that, in his view, the level of the uplift being proposed was "not nearly enough" to tackle the challenges currently being faced in social care.
 23. Winding up, the Minister responded by underlining his own recognition of the importance and value of investment in social care, both in terms of the benefit to individuals in receipt of social care services and its contribution to the overall functioning of the wider health and social care system. The Minister went on to highlight pressures on the public finances across multiple areas of spending which he argued were a result of economic and fiscal turbulence witnessed in recent years. He underlined the Scottish Government's commitment to work constructively with providers and local partners to maximise the resource available in the system. He invited any Member interested in making the case to the Scottish Government for additional resources to engage with the budgetary process in Parliament. He concluded by reiterating his acknowledgement of the points raised in the debate and welcoming the Committee's support for the instrument.
 24. Motion S6M-20534 was agreed to.
25. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026 be approved.

