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## Health, Social Care and Sport Committee

# The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft]



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# Contents

<b>Introduction</b>	<b>1</b>
<b>The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft]</b>	<b>2</b>
Delegated Powers and Law Reform Committee Consideration	2
<b>Health, Social Care and Sport Committee consideration</b>	<b>3</b>
<b>Bibliography</b>	<b>5</b>

# 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.

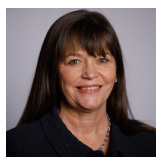


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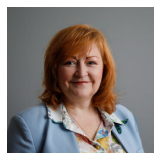
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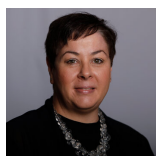
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# Introduction

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 4 March 2025- [The Community Care \(Personal Care and Nursing Care\) \(Scotland\) Amendment Regulations 2025](#).
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 be published on the Committee's webpages in due course.

# The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft]

4. The instrument, laid under the [Community Care and Health \(Scotland\) Act 2002](#) on 27 January 2025, makes provision to increase the value of payments for free personal care and nursing care by 2.37%.
5. The policy note sets out that "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".
6. The policy note sets out that 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, the Scottish Government decided to increase the weekly payment rates at levels above the GDP Deflator for 2021/22 and 2022/23. This resulted in increases of 7.5% for 2021/22 and 10% for 2022/23. For 2023/24 it was again decided to make an above GDP Deflator increase of 9.5% to these rates. For 2024/2025 the rates were increased by 6.68%; due to budgetary pressures it was not possible to make an above GDP Deflator increase.
7. The policy note further states that due to budgetary pressures, it was not possible to make an above GDP Deflator increase for 2025/26. The note explains that the rates will be increased by the GDP Deflator of 2.37% with rates increasing from £248.70 to £254.60 for personal care and increasing from £111.90 to £114.55 for nursing care.

## Delegated Powers and Law Reform Committee Consideration

8. 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.
9. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on 4 February 2025. The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

# Health, Social Care and Sport Committee consideration

10. The Health, Social Care and Sport Committee is required to consider and report on the instrument.
11. Maree Todd MSP, the Minister for Social Care, Mental Wellbeing and Sport ("the Minister"), has, by motion S6M-16242, proposed that the Committee recommends approval of the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft].
12. The Committee took evidence from the Minister, and supporting officials on both instruments at its meeting on 4 March 2025. During the evidence session, Members asked the Minister whether, in her view, increasing the value of payments for free personal care and nursing care this year by 2.37 per cent was sufficient for personal care to continue under the current model. The Minister restated the previous increases in the value of payments that had taken place from 2021 - 2025 as set out in the policy note accompanying the instrument. However, she further told the Committee:

” [...] we are operating in an extremely challenging financial context. As such, although there is no doubt that I would have preferred to increase it beyond that, it is simply not possible this year <sup>1</sup> .
13. Members also questioned the Minister over the use of the the gross domestic product (GDP) deflator as the inflationary measure used to calculate the increase in rates of payments for free personal care and nursing care. The Minister replied :

” The GDP deflator, which is a measure of general inflation in the domestic economy, has historically been used to increase the free personal and nursing care payments annually <sup>1</sup> .
14. Following the evidence session, the Minister moved motion S6M-16242:

That the Health, Social Care and Sport Committee recommends that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft] be approved.
15. During the debate, some Members expressed concerns about the long-term sustainability of these types of increases, particularly in the context of current financial pressures on the care system. Certain Members also expressed concerns about the Scottish Government’s methodology for calculating these increases, specifically its use of the gross domestic product (GDP) deflator as opposed to other alternative economic measures.
16. The motion was agreed to.
17. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Community Care (Personal Care and Nursing Care)



(Scotland) Amendment Regulations 2024 [draft] be approved.

## **Health, Social Care and Sport Committee**

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025 [draft] , 1st Report, 2025 (Session 6)

- [1] Scottish Parliament. (2025, March 4). Health, Social Care and Sport Committee, Official Report. Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16293>



