



Department
of Health &
Social Care

CARE

Department of Health and Social Care
Adult Social Care Delivery, 3rd Floor
39 Victoria Street
Westminster
London
SW1H 0EU

10 January 2024

Dear adult social care colleagues,

**Update on visiting regulations – the Health and Social Care Act 2008
(Regulated Activities) (Amendment) Regulations 2023**

I am writing to provide you with an update on the introduction of visiting as a new Care Quality Commission (CQC) fundamental standard.

As you will be aware, we held a consultation in June 2023 on visiting in care homes, hospitals and hospices. We received over 1,400 responses from people receiving care, their friends and families, and health and care staff, and noted clear support for introducing in law a new fundamental standard for visiting and accompanying. We heard the positive impact this policy would have on residents, patients and their loved ones. The full consultation response is available [here](#).

We know the vast majority of providers recognise that visiting is a crucial part of a person's care and are facilitating visits in line with [existing government guidance](#). However, we heard from respondents to the consultation about the detrimental effect restrictions to visiting had on them and their families during the pandemic. They were concerned that government guidance was unclear and that some people were still encountering barriers when trying to visit loved ones.

That is why, in December, we laid before Parliament the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) Regulations 2023](#), which sets a clear standard for visiting in care homes, hospitals and hospices. These regulations will commence on 6 April 2024.

CQC is now consulting on its proposed guidance for this legislation to help the health and social care sector understand what is required of them. CQC has published [draft guidance](#) and invites members of the public and providers, their representatives, and other stakeholders to give their feedback through the [online form](#) or [easy read](#).



The consultation will be open until **midday on 20 February**. We, and CQC, would greatly appreciate your views and feedback to ensure the guidance is helpful and supports providers to comply with the new standard.

A brief summary of the new fundamental standard is as follows:

- Providers will be required to facilitate visits to care homes, hospitals and hospices where their care or treatment involves an overnight stay or the provision of accommodation.
- Providers will be required to facilitate anyone attending hospice and hospital outpatient appointments, emergency department and diagnostic services to be accompanied by someone if they wish to be.
- Providers will be required to not discourage residents from taking visits out of the care home in line with their preferences, for example by ensuring that there are no onerous rules on return to the care home.
- Providers must put in place necessary and proportionate precautions to enable a resident or patient to receive visits or be accompanied safely.
- The regulations apply to care homes, hospitals (NHS and independent, for acute and mental health services), and hospices only.
- Providers are required to comply with the regulations unless there are exceptional circumstances which mean that they cannot safely do so. These circumstances are not set out in the regulations, but an example of an exceptional circumstance might be where a visit would pose a significant risk to the health, safety or wellbeing of a service user or an employee of the provider.
- The regulations will be enforced by CQC as part of its existing civil enforcement powers. CQC will be able to assess registered care homes, hospitals and hospices on their compliance with the standard as part of its existing inspection framework.

Thank you for taking the time to engage with this process and for your support in making sure we heard from a wide variety of people on this important issue.

If you have any questions, please contact the team at visiting@dhsc.gov.uk

Kind regards

Claire Armstrong

Director of Adult Social Care Delivery