

Freedom of Information (Scotland) Act 2002 (FOISA) for care home and care at home services

Consultation

Easy Read version



January 2026

Introduction



When the Government wants to make an important change, they must ask the people first. This is called a consultation.



The Freedom of Information (Scotland) Act 2002 (FOISA) is a law that gives people the right to get information from the government and public services in Scotland.



The Freedom of Information laws allow the Scottish Government to apply the law to other organisations. This can include organisations that provide public services.



The Scottish Government thinks social care services like care homes or care at home are important for our communities. Many of these services are given by private businesses or charities.



The Scottish Government is doing a consultation on making Freedom of Information law apply to these services. We think it is important for people to have access to information about all public services.



Your answers will help us decide if care home and care at home services should be covered by the Freedom of Information laws.



Local authorities and NHS Boards are already covered by Freedom of Information laws. This means they have to respond when people ask for information about their services.



The Government knows the challenges faced by many care services. This consultation wants to find the best way to make information available about care services, without making too much more work for them.

Care Home and Care at Home Services in Scotland



A care home service gives accommodation and care to meet a person's needs. This might include nursing or personal care or support.



A care at home service gives personal care or support to a person in their own home. This means help at home with everyday tasks like getting dressed, taking baths, and making meals.



Care at home services help people live independently. They give care that meets a person's needs, adds to their quality of life and respects their rights.



Many care homes and care at home services are provided by private companies or charity organisations.

Question 1: Do you agree that Freedom of Information law should cover care homes run by private and charity organisations?

Yes

No

No view

Please explain your answer in the box below:

Question 2: Do you agree that Freedom of Information law should cover care at home services run by private and charity organisations?

Yes

No

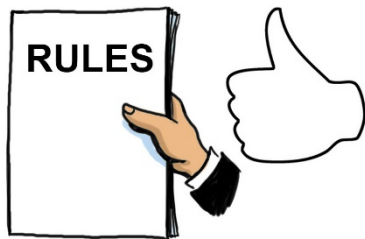
No view

Please explain your answer in the box below:

Public funding for public services



Lots of care homes and care at home services in Scotland are publicly funded. The funding is mainly provided by local authorities as part of local Health and Social Care Partnerships.



Care home and care at home services are important for those who need them. These services have rules about how they are run and how they spend their money.



Care home places are often partly funded by the public and partly funded by the person getting care. Some people in care homes pay for all their own care. A lot of care at home is funded by the local councils.

Question 3: Please tick the option below that you most agree with:

Freedom of Information law should cover all care home and care at home services no matter how much public funding they get.

Freedom of Information law should only cover care home and care at home services which are mainly publicly funded.

No view.

Please explain your answer in the box below:

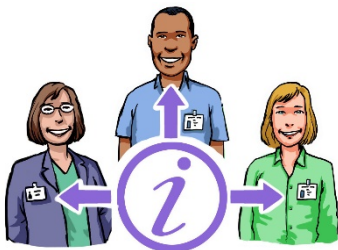
Services for children and young people



Care home and care at home services both sometimes provide care for children and young people under the age of 18. This does not include services like childcare.



Children's care homes are often small and only care for a small number of children. Some people might not think these small services should be covered by Freedom of Information laws.



Small services might find it hard to handle the work needed to follow Freedom of Information law. But small services probably would not get many requests for information.

Question 4: Do you agree that Freedom of Information laws should cover private and charity care home and care at home services for children and young people under 18?

Yes

No

No view

Please explain your answer in the box below:

Question 5: Are there any things about services for children and young people that we need to think about?

Please tell us about this in the box below:

Smaller care services



Care services run by private companies or charities can be any size. Care homes can have 1 to over 200 places. Some are run by organisations which run multiple services.



The best way to measure the size of a service is by looking at the number of staff they employ. Some have less than 10 staff and some have over 250.



Some people are worried about how the smaller services will cope with the extra work needed to follow Freedom of Information laws.

Question 6: Do you think both small and large private companies or charities should be covered by Freedom of Information law, if they run care home or care at home services?

Yes

No

No view

Please explain your answer in the box below:

Helping people with the changes



Changes to Freedom of Information laws would mean new duties for care services. They would also give people who use care services new rights to access information about those services.



Anyone who wanted more information about a care home or care at home service would have the right to ask for it.



We are looking at the best ways to make this work. We are thinking about how this would affect Data Protection laws.



Data protection law says how organisations collect, use and store your personal information.


Question 7: How can we help service providers follow Freedom of Information laws? Please give us your thoughts below



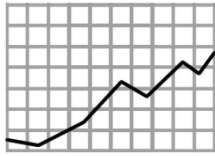
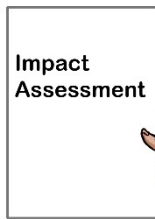
Question 8: How can we help service users to access their Freedom of Information rights? Please give us your thoughts below:



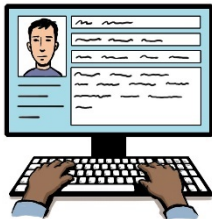
Question 9: What kind of information about care home and 'care at home' services would people want most? Please provide your thoughts below:

A large, empty rectangular box with a thin black border, intended for the respondent to provide their thoughts on the question above.

Impact Assessments



When the Government makes an important change, we have to look at how this will affect people. This is called an Impact Assessment.



We will do an Impact Assessment on how Freedom of Information law might affect businesses and charities providing care, by making them follow new duties.



We will also do Impact Assessments looking at how making Freedom of Information law apply to these services will affect people's rights and how fairly they are treated.




These would look at data protection, human rights and equality. Also, look at experiences of different people in society.

Question 10: How do you think changes to the Freedom of Information laws will affect businesses and charities? Please give us your thoughts below:



Question 11: How do you think making the Freedom of Information laws apply to care providers will affect people's rights?



Next steps



We will look at the answers we get to this consultation.
We will then make a report on what we will do next.

Responding to this consultation



This consultation will be open until **30th March 2026**.



You can respond to this consultation by completing the Easy Read Respondent Information Form and sending it to:

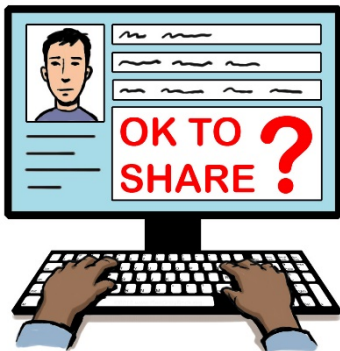
Email: foiconsultation@gov.scot

Post: Freedom of Information Unit,
Scottish Government
St Andrew's House, Regent Road
Edinburgh EH1 3DG.



You can also respond to the consultation online using our consultation hub, Citizen Space: [Extension of FOISA in the care sector - Scottish Government consultations - Citizen Space](#).

Handling your response



Please use the Respondent Information Form or the consultation hub's About You page to tell us if you are happy for your response to be published. If you ask for your response not to be published, we will keep it private.



The Scottish Government has to follow the Freedom of Information (Scotland) Act 2002. This law means we may have to share information about responses made to this consultation.



To find out how we handle your personal data you can view the privacy policy here: [Privacy - gov.scot](https://www.gov.scot/privacy)
(www.gov.scot)

Comments and complaints



If you have any comments or complaints about this consultation, please post or email them to the contact addresses above.



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