

Children (Care, Care Experience and Services Planning) (Scotland) Bill Stage 2 Debate, February 2026 (Part 2)

Children First is Scotland's national children's charity. We stand up for children, keep them safe and support them to recover from trauma and abuse through our national and local services.

When the Promise was published, it sparked hope for Scotland's children, families and those who work with them. It recognised the need for fundamental change in the way we approach care, protection and justice, and that at the moment, Scotland's care system isn't working.

The Promise must be kept by 2030. That was the commitment made by every level of government, and every political party. It's also essential to Scotland's wider aspirations, to reduce child poverty and deliver more cost-effective public services that can prevent harm as well as react to it.

Early help and community-based support for children and families will be pivotal to this work. At the moment, too many who reach for help struggle to find it. Challenges grow into crises, and more pressure is placed on the struggling care system. Without investment in prevention and the systems before care, services will continue to struggle to deliver the right intervention for those who need it.

Children First offer specific insights on this legislation through particular services we deliver:

- Children First are the lead third sector provider of **Family Group Decision Making**, which is a decision-making model that can complement and support decision making processes around children's care and protection.¹
- Children First manage the **Safeguarder's Panel**. Safeguarders can be appointed in Children's Hearings to offer insights into children's rights and best interests. 998 Safeguarder appointments were made in 2024 -25.²
- From September 2025 Children First began delivering the national **Kinship Care Support Service**, available to kinship carers through our Support Line.³
- We offer **Whole Family Support** across Scotland, which the Hearings for Children report made clear, a successful redesign of the hearing system is "entirely dependent" on.⁴

This briefing covers selective amendments, in line with these areas of experience and expertise.

¹ [Impact of Family Group Decision Making | Children First](#)

² [Safeguarders Panel Team Annual Report 2024-2025 by children_first - Issuu](#)

³ [Children First to manage Kinship Care Advice Service | Children First](#)

⁴ [hearings-for-children-the-redesign-report.pdf](#)

Group 12: Permanence

Amendment 167, and consequential amendment 222 Martin Whitfield: Timescales for decision on permanence.

- DO NOT SUPPORT (at this stage)

We agree that work needs to be done to reduce the harms that come from systems around children working slowly. However, while we recognise the intention behind amendment 167 and consequential amendment 222, we have questions about the effect of this in practice that we feel are important to answer before moving ahead with it.

The concern is that at the moment, decision making processes often operate in each extreme, moving either very quickly or very slowly. Both can cause harm to children, and their families.

While statutory timescales might deliver some improvements around slow decision-making, this could lead to unintended consequences. The Promise said, “The Care Review has heard from care experienced young adults where kinship opportunities were missed because of lack of exploration of available family willing to care.” Statutory timescales might act as a blunt tool leading to more of these experiences.

A core issue behind slow decision-making, or ‘drift and delay’, is the lack of support for families before they experience ‘crisis’. This can mean decision-makers struggle to act with confidence, and time is spent trying to catch up to where families are and what children need. We often hear that things would have been different for families “if only they had been offered help earlier”.

Our view is that urgent work should be undertaken to help move towards an effective middle ground, where opportunities for kin or community care are not missed but where care is needed children are always supported to move towards permanence as quickly as possible.

The Promise is building up towards an effective system of early help and prevention, with offers of whole family support and Family Group Decision Making available consistently across the country. When this is realised, this should help reduce the need for care through crisis prevention and clarify where care is the right decision in the best interests of the child in question because decision-makers can be assured that alternatives to care have been properly explored.

Amendment 196, Martin Whitfield: Post-hearing report on permanence

- SUPPORT

It’s important to recognise that not every child who is referred to the children’s hearing will be there for decisions about their residence and permanence, but for those who are it’s important that a clear plan is established. This can be done with the support of a Family Plan, developed through a Family Group Decision Making process, or a Child’s Plan.

The Hearings for Children report recommended that “The concept of a child’s ‘exit plan’ out of the Children’s Hearings System, with clear targets and timescales, should be developed and tested in local areas.” This could be explored further, alongside this amendment, ahead of Stage 3.

This could also go further, by extending some of the accountability mechanisms that exist within children's hearings to identify situations where children are being subject to repeat orders without progress or change. This should be recognised as an indicator that further support is needed, or other options need to be explored. For example, panels have the option to refer to the National Convener for advice, which could act as an alert system when there are issues.

Group 17: Allowances

Amendment 20 and 21, Natalie Don-Innes: Scottish Recommended Allowance Uplifts

- **SUPPORT**

Children First have called throughout this Bill for steps to be taken to ensure that the Scottish Recommended Allowance will be increased in line with inflation, just as other key financial supports like the Scottish Child Payment are. We strongly support the steps being taken by the Scottish Government to deliver this.

Group 18 Children's Hearing Composition

Amendment 25, Jeremy Balfour: Requirement for affirmative regulations, specifying functions of the Chairing Member

- **SUPPORT**

We do feel that more specificity is needed about the way this will operate in practice, and a regulation making power could be a helpful way to approach this.

Amendment 105, Roz McCall: Safeguarder appointments

- **DO NOT SUPPORT**

Children First manage the Safeguarder's panel and support the recruitment and appointment of Safeguarders for children's hearings.

This amendment seems to prevent the new single-member panels, created by the Bill, from being able to appoint a Safeguarder. While the new process and decision-making remit for single-member panels is yet to be established, we do feel there may be a benefit in some situations to have the option to appoint a Safeguarder at this early stage.

This would enable the Safeguarder to be appointed and begin working with the child and family as early as possible, to help support timely and effective decision making by the full hearing.

Amendment 107, Roz McCall: Continuity of children's hearing chair

AND

Amendment 186, Martin Whitfield: Continuity of children's hearing chair

- **STRONG SUPPORT**

Throughout our evidence on this Bill, Children First have highlighted the need to do more to support continuity of the Chair where at all possible. This is about helping children feel a sense of trust and reassurance and making sure they feel listened to and respected.

This view is informed in part by our work on implementing the Bairns Hoose model in Scotland, which aims to reduce how often children have to repeat their stories to different professionals.

This was a key recommendation in the Hearings for Children Report, which said “one message has come across consistently from almost all the large numbers of children, families, care experienced adults, and people working alongside them that the Group heard from. This was shared repeatedly, loudly, and clearly: the biggest difference that can be made is to ensure continuity of decision makers.”

Both amendment 107 and 186 appear to have the same effect, and we would support either form.

Group 20: Child’s attendance at children’s hearings

Amendment 34, Natalie Don-Innes: Where child must attend a hearing

- DO NOT SUPPORT

We have raised concerns about the proposal for children’s attendance to still be demanded ‘where it can be justified’. It is not clear enough what this justification might look like, and the risk is that this might lead to Panel Members forcing children to attend when that is not in the child’s best interests.

The Policy Memorandum says that the Scottish Government “recognise that there will be some situations where the child must attend, regardless of their preferences”, however gives no further detail about the situations in mind.

This amendment again does not make this clear enough, and further detail from the Scottish Government about the intended approach would be helpful to children, families and professionals looking to support children through hearing processes.

Amendment 108, Roz McCall: Guidance on children’s attendance, age and stage

- SUPPORT

We recognise that Children’s Hearings Scotland have published a practice guide to support very young children. However, questions around very young children’s voices continue to be raised.

Further guidance from the Scottish Government could be helpful, however care should be taken that this is done in a way that complements and does not cut across work that is already happening.

Group 22: Children’s Hearings Advocacy

Amendment 189, Ross Greer (Nicola Sturgeon): automatic advocacy referral

AND

Amendment 109, Roz McCall: automatic advocacy referral

AND

Amendment 206, Martin Whitfield: children’s advocacy services

- DO NOT SUPPORT

These amendments follow a similar idea to the ‘opt-out’ advocacy proposal already debated. While we appreciate the intention behind them, we had raised concern about this in relation to the amendments already debated, because of the assumption it makes about an advocate being the right trusted voice for children, and the burden this places on children to refuse and say no.

Advocacy can be a powerful service for children to strengthen the way their views are communicated, and it needs to be constantly available to children at any stage in the process. Making sure that children are listened to and taken seriously is a cornerstone of the Promise and Article 12 of the UNCRC. We also understand the evidence from organisations like Barnardos which points to the astonishing increase ‘opt out’ models had on take up rates when explored through a pilot.

However, we also agree with the Promise, which says “Active listening and engagement must be fundamental to the way Scotland makes decisions and supports children and families. There is no simple formula or standardised approach that will suit all.” Automatic appointment may cause unintended consequences, duplicating trusted voices already alongside children or undermining their role.

More could be done to make sure that children are routinely and repeatedly offered advocacy. However, this could be done without a legal opt out and through better meaningful engagement with children.

Amendment 205, Ross Greer (Supported by Nicola Sturgeon): Independent and Non-Instructed Advocacy

- DO NOT SUPPORT

We have concerns about both the debate around definitions of independence and potential unintended consequences this might have (potentially reducing the support available to children rather than extending it), and ‘Non-Instructed Advocacy’ as explained in more detail below, in relation to amendment 78.

Amendment 78, Natalie Don-Innes: Children’s capacity for advocacy services

- DO NOT SUPPORT

While the intention of this amendment is not entirely clear, it appears to follow ongoing debates around the concept of ‘Non-Instructed Advocacy’, which would establish advocacy services for children who are very young and without their own capacity.

Extreme care needs to be taken around any service that seeks to represent the views of very young children, and we are concerned that there is not yet the detail or clarity around this. There seems to be confusion about whether Non-Instructed Advocates should represent a child’s views or the child’s best interests, which is very different from the advocacy approach used for children who have capacity.

Without better direction, we are concerned that this amendment could lead to serious confusion within the system, which might inadvertently make children’s experiences worse.

We would urge committee members to seek further clarification around this amendment.

Group 23: Children’s hearings: timeframes

Amendment 190, Martin Whitfield: 3-month time limit

- DO NOT SUPPORT

While we understand the intention behind this amendment, we are concerned about the way this would practically impact children and families.

Decisions made by children's hearings carry huge consequences for children's lives, and while every effort should be made to make sure that decision-making is not delayed, hard timescales could distract from the need to hold the child's best interests as the paramount consideration.

Amendment 198, Roz McCall: Report on waiting times

- SUPPORT

Some of the information required by this amendment may already be published through SCRA's annual statistical analysis publication, however the principle of requiring some further transparency and accountability around waiting times is one we would support. We feel this would support implementation and further policy decisions, particularly with a new Grounds process to establish.

It might be necessary to re-frame this to include both the Scottish Courts and Tribunals Service and SCRA, in light of the significant impact court delays can have on timescales.

Group 24: Relevant persons

Amendment 74, Natalie Don-Innes: Protection against right to require CSO review

- SUPPORT

While it would be helpful to have a fuller explanation of the exact intention behind this amendment, it appears to offer a level of protection to children and families where rights to reviews are being abused, against the best interests of the child.

We know that legal processes are often exploited by perpetrators of domestic abuse, and any mechanism that can offer a level of protection against this – while maintaining the necessary legal rights to challenge – is something we would welcome.

Group 25: Children's Hearings: legal representation and legal aid

Amendment 111, Roz McCall: Accreditation of solicitors representing children and relevant persons

- SUPPORT

The Hearings for Children report called for a decisive move to an inquisitorial, rather than adversarial model. Legal representatives acting in a way that is not appropriate for a children's hearing is a constant challenge, and creates an adversarial atmosphere.

We're aware of work happening in recent years to try to address this, but further regulations to address this issue with a statutory underpinning would, in our view, be helpful.

Group 26: Special provision for infants

Amendment 195, Martin Whitfield: Infant Safeguarders

- DO NOT SUPPORT

Children First manage the Safeguarder's panel and support the recruitment and appointment of Safeguarders for children's hearings.

We agree that the Hearing Redesign needs to improve the way that infants are protected and safeguarded. However, we have concerns about the amendment drafted and have suggestions for how the purpose could be achieved through different means.

From the amendment as drafted, it is not clear whether the intention is for the infant safeguarder to fall within the existing role of the Children's Hearing Safeguarder, or a new and separate role.

Creating a new and separate role could:

- cause confusion alongside existing roles,
- pose risks due to unclear skills/experience requirements without enough rigour around the specific skills,
- lack robust appointment processes.

Given infants' vulnerability, it's critically important that anyone appointed must have a well-defined role and strong safeguards.

Scope to develop existing role of Safeguarder

As managers of the national Safeguarder Panel, we do feel there is scope to work some of these ideas into that existing role. This could be timely, given plans in development already to consider the specific needs of 16- and 17-year-olds when the Children (Care and Justice) (Scotland) Act 2024 is implemented. Safeguarders already work with children at all ages. Our last annual report showed that 24% of Safeguarder appointments were for children aged 0 – 3 (see [here](#)).

Safeguarders already receive training on child development and working with childhood trauma. There may be scope to develop this role further so that Safeguarders have more training and skills to do this work in a way that makes sure the very best understanding of infant views and needs are brought into the hearing room. This could help make sure the rights and needs of infants/young children could be given more focus and attention, and enhance their ability to ensure the best interests of young children are safeguarded in the children's hearing system.

This work could possibly include a pilot to look at:

- how to achieve increased Safeguarder appointment rates in infant cases, and any barriers that prevent appointment,
- clearer criteria for Panel Members and Sheriffs to identify when infants' voices are being overshadowed to bring the Safeguarder in to advocate for the child's best interests.

Our view is that this approach would meet the intention of the amendment more effectively and practically.

On this basis, we do not support this amendment.

Amendment 197, Roz McCall: Independent representation for infants

- DO NOT SUPPORT

Further to our comments related to amendment 78, we do not support the introduction of a further role for infant without a better understanding of how this role would work in practice, and how this would work alongside existing roles like Safeguarders, who are already appointed to work with infants.

While we appreciate that this amendment relies heavily on further regulations which could help fill out the detail, we feel that further work is needed to establish whether a further role is needed. We would be open to supporting further work on these issues ahead of Stage 3.

Group 29: Family Group Decision Making

Family Group Decision Making is a carefully designed voluntary decision-making model, set up to empower children and support families to develop a 'Family Plan'.

- It **consistently leads to fewer children entering care**, because options to remain safely in their community are identified and strengthened.
- Where care is still needed, it can still **improve communication and strengthen children's voices** in persistently adult-centred decision-making processes.

It is critical that this Bill goes further to support more consistent access to Family Group Decision Making, and we welcome the range of amendments that seek to do this at Stage 2.

Family Group Decision Making alongside Children's Hearings

Amendment 207, Miles Briggs (supported by Martin Whitfield and Roz McCall): Local authority responsibility to account for Family Group Decision Making

- STRONG SUPPORT

The intention behind this amendment is to introduce a simple accountability process, to make sure that local authorities make note of the availability of Family Group Decision Making services, and whether this is being considered for the child and family, when presenting information about a child who has been referred to a children's hearing.

Our view is that this is a sensible and proportionate approach, that builds on an existing process, that would help address the calls of the Promise, the Oversight Board and the Hearings for Children Report, and help move towards more consistent consideration of Family Group Decision Making.

This should help build a culture of awareness and better understanding around the model, reminding decision makers to question whether the model, and opportunities to explore voluntary, community-based options has been explored before moving children into a system of compulsion. Where services are not available, this should help build an awareness and understanding of the model and how it can complement the children's hearing system.

Amendment 208, Miles Briggs: Principal Reporter should consider whether FGDM should be offered.

- **STRONG SUPPORT**

As an extension of the duty in amendment 207, this amendment would also require Reporters to account for Family Group Decision Making when carrying out their responsibilities in responding to a referral.

While local authorities should retain discretion over whether a referral to these services is appropriate, because of their statutory responsibilities and their role in agreeing and implementing a Family Plan, decisions about whether and why Family Group Decision Making has been considered is not always transparent to families. This could help ensure that children and families have clearer visibility of how Family Group Decision Making has been considered in their case.

Although this change could potentially be achieved through practice alone, Reporters would benefit from having a legislative requirement clarify this for them. It also sends a clearer signal at a national level about the expectation that FGDM services and children's hearings should work in harmony.

Giving Reporters a role in noting or confirming what has been considered would make decision-making more open, accountable, and available for questions or challenge. We believe this is a proportionate and workable amendment, that could help Family Group Decision Making services more effectively synchronise with children's hearings.

We accept that further work will be required ahead of Stage 3 to clarify the intention of this amendment, for example by making it clear that the Principal Reporter should not have a role in directly offering Family Group Decision Making services to children and families. We accept this would be beyond the role of the Reporter, as it currently exists.

However, we strongly believe that there is a way to improve consistency and transparency through the role of the Reporter, and this could be a pivotal support to wider work on the Promise.

Amendment 208A, Martin Whitfield: Where FGDM is not offered, reporter should consider whether it should take place

- **DO NOT SUPPORT**

Directly advising or offering services to families would be beyond the remit of the Reporter, and so while we appreciate the intention behind it, we accept that this amendment would not be workable.

As noted in relation to amendment 208, we accept that care needs to be taken to clarify the way in which the Reporter should account for Family Group Decision Making services, within their existing role.

Requirement to produce statutory standards and guidance on Family Group Decision Making

Amendment 118, Roz McCall (supported by Miles Briggs and Martin Whitfield): Duty to introduce National Standards and Practice Guidance

(and amendment 125, Roz McCall: Consequential)

AND

Amendment 212, Willie Rennie: Guidance on Family Group Decision Making

- **STRONG SUPPORT**

Introducing national regulations and practice guidance for Family Group Decision Making is an important next step to deliver the recommendations of the Promise, the Hearings System Working Group and the Promise Oversight Board, and to ensure more consistent access to these services.

National Standards and Practice Guidance already exist but are not statutory. They offer a strong foundation for further work and were developed collaboratively by a combination of local authority leaders and third sector providers. Elevating those Standards and Guidance through this Bill would help promote a clear understanding of the model and high-quality practice as services grow.

It would also offer an opportunity to give children, families and those working with them a clear understanding of how Family Group Decision Making works in a Scottish context.

We accept that the Scottish Government may wish to take forward an amalgamation of the amendments proposed, to bring back a clear version ahead of Stage 3.

In particular, we would stress the importance of the assessment stages noted in Willie Rennie's amendment 212, which would help promote Family Group Decision Making as early as possible, and at points when we know it works well like pre-birth assessments and when planning a child's return from care.

Report on Family Group Decision Making

Amendment 210, Miles Briggs: Report on Family Group Decision Making

AND

Amendment 210A, Martin Whitfield: Report must set out extra details

AND

Amendment 211, Roz McCall: Report on Family Group Decision Making

- **STRONG SUPPORT**

We know that many areas in Scotland have some form of Family Group Decision Making service available, but the detail behind this is limited. Children First research published last year found that it

“is not consistently available across Scotland, despite having existed in some form for more than 25 years. Only two thirds of local authorities currently have services available and many of these offers are limited, which creates unequal opportunities for children and families. There are strong examples where FGDM has been embedded for a number of years and delivered powerful outcomes, but many services are relatively new with a handful of coordinators in place, reflecting vulnerability in current provision.”

A statutory reporting requirement will help cut through this challenge, and a properly resourced report, available to parliament, will make sure future policy and resource decisions can be made on an informed basis.

We accept that the Scottish Government will need some time to research and prepare this report, though would note that with less than 4 years to meet the Promise it's important this work is taken forward urgently. As above, we accept that the Scottish Government may wish to take forward a combination of these amendments at Stage 3 and would support this approach.

Further Duties and Rights around Family Group Decision Making

Amendment 213, Willie Rennie: Duty to provide Family Group Decision Making

- **STRONG SUPPORT**

We strongly support the principle behind this amendment, which would establish a clear duty to address the postcode lottery of access currently being experienced.

Every child in Scotland should be able to access Family Group Decision Making services, if they need them. Children First research shows significant, but inconsistent investment in these services as well as a lack of clarity in the law.

This amendment would offer an answer to both those challenges, clarifying the need to ensure that services are available nationwide. Without this, patchy provision leaves many families without an early, empowering route to resolve concerns before issues escalate into compulsory measures.

In England, a mandatory offer of Family Group Decision Making before court proceedings is currently being legislated for, through the Children's Wellbeing and Schools Bill. This amendment could help Scotland match the scale of work being undertaken south of the border.

Amendment 214, Willie Rennie: Duty to promote Family Group Decision Making

- **STRONG SUPPORT**

This amendment would require local authorities to take reasonable steps to make sure that children and families know about Family Group Decision Making services in the area.

Family Group Decision Making should be considered at key points in decisions about a child's care and protection, but it should also be available when families feel it's the right time for them. This would support principles of early intervention and prevention, meaning that families do not have to rely on meeting certain 'thresholds' to qualify for access.

We accept that services across the country need time to build up. However, this could be dealt with through a careful implementation plan that helps services build up to the point where this duty could be brought in.

Amendment 225, Willie Rennie: Right to access Family Group Decision Making (and consequential amendment 223)

- **STRONG SUPPORT**

We strongly support the principle behind these amendments, which build on the idea behind amendment 215, to establish services in a way that families can access as early as possible, to help avoid crisis and the need for care where at all possible.

For further information, questions or clarifications please contact lily.humphreys@childrenfirst.org.uk.