

Children (Care, Care Experience and Services Planning) (Scotland) Bill

Stage 1 Debate, 14th January 2026

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.

We recognise that this Bill cannot cover every element of what is required to keep the Promise. But legislative change is essential, and this Bill is an important chance to make progress. Our main concern is not what has been set out, but the opportunities lost in what has not been included.

Most pressingly, Family Group Decision Making and support for kinship carers are missing from the Bill, despite being vital supports to the care system and urgently in need of legislative reform.

Children First can 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

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](#)

Hearing System Redesign and Family Group Decision Making

The Promise said “There must be an approach to care and support that is based on early intervention and prevention. In the long term, The Children’s Hearing System must plan to shrink and to specialise.” It also says that Family Group Decision Making needs to be more accessible to families.

More children need to be able to find help before they reach Children’s Hearing System. Opportunities have been missed to bring Family Group Decision Making into this Bill. Amendments should be introduced to ensure more consistent consideration of this model, which is voluntary and can help reduce the need for care.

“Me and the weans enjoy contact more. Neither of us feel like we are being watched. I think my mum listens more and we really share things with the kids. I feel as if the social workers are listening now. I feel action has happened through Family Group Decision Making and having (the co-ordinator) helped in the conversations with the social worker and family...

“I wouldn’t have thought last year me and my mum would have been talking to each other and now we are working together for the kids. Now the kids talk more openly about everyone as a caring family that like each other, I think before they were scared. I really don’t think things would have changed had it not been for Family Group Decision Making.”

One Mum’s feedback after her experience of Family Group Decision Making, which has resulted in one kinship placement being maintained, and one further child being able to remain safely at home.

What is 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.

With the support of an independent co-ordinator who works alongside the family and any relevant agencies around them, families collaboratively develop solutions to support children to remain safely with their family networks. Together, they explore the network around the child and what needs done to help keep children safe. Importantly, it holds children and families’ voices at the centre and empowers them to play an active role in decision-making that affects them.

It is based on strong international evidence, and in Scotland has been set out in the Scottish [National Standards and Practice Guidance](#) which was developed collaboratively by a combination of local authority and third sector practitioners, through the National Steering Group.

What does the Promise say?

Family Group Decision Making has been consistently recommended by the Promise.

- When first published in 2020, [the Promise](#) said “Kinship family decision making must be supported by and characterised by family group decision making to explore the breadth and consequences of decisions about where children should live.”
- The last [Promise Oversight Board Report](#) said, “there is a need to ensure it is available to everyone who would benefit from it wherever they live in Scotland, and that it is sustainably funded.”
- The [Promise Plan 24-30](#) says that by 2030, Scotland needs to make sure that “Decision making challenges traditional power dynamics. Family Group Decision Making is accessible to all children and families who want it in every local area in Scotland.”

What's the current position?

Children First [research](#) found only two-thirds of local authorities have a service available, and many of these are vulnerable due to funding and capacity pressures. It is offered by a mix of local authority and third sector providers including Children First. Some areas, like Edinburgh and Glasgow, have services that are well embedded, but many in many other areas services are small, vulnerable or non-existent.

In [evidence](#) to Committee at Stage 1, the Minister for Children, Young People and the Promise said that the Scottish Government's preference was for Family Group Decision Making “to grow organically from a local authority perspective”.

From Children First's research and experience, we are clear that without stronger legislative and accountability mechanisms, and better funding structures to allow local services to develop fully, there is no prospect of Scotland making the progress needed by children and expected by the Promise.

What needs to happen next?

Legislation needs to be clearer about how and when Family Group Decision Making is offered, and local services need more consistent, co-ordinated support from the Scottish Government.

Our recommendations for amendments at Stage 2 include asking local authorities to account for FGDM in reports to the Children's Reporter and introducing a duty for the Reporter to ask whether FGDM has been offered and consider it before hearings. These are practical steps to move forward, and possible to implement.

We also suggest that giving Scottish Ministers the power to upgrade FGDM National Standards and Practice Guidance to a statutory footing and require Scottish Ministers to publish a national report on FGDM provision within three years of Royal Assent would help improve accountability.

[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 means all families will be offered Family Group Decision Making before court proceedings, so that where possible they can be supported to develop their own solutions without relying on a system of intervention.

Embedding this so it is consistently considered at the point of referral to the Children's Reporter would ensure equitable access across Scotland, uphold children's rights to family life and participation in decisions affecting them and help the hearing system focus on children who need it.

Kinship Care

Kinship carers are essential to the care system but often feel forgotten and unsupported.

Amendments should be introduced to strengthen support for kinship carers, by ensuring the Scottish Recommended Allowance increases in line with inflation, and that there is more consistent support for kinship carers regardless of the order they are on.

"It's the same stories you hear over and over again. They push for the kinship, and then it's like just get on with it now... waiting until it gets to a crisis, and then somebody might not be able to cope, and the child might end up back in care. That's where you don't want it to go.

"You want it to be there for the child and for the family so that you are getting support, and you are getting listened to and it's not just, oh well, we'll leave it until it gets to crisis because where do you go from there.

One kinship carer, supported by Children First through a peer support group.

We have been providing support to kinship families across Scotland for over 30 years, and supported over 500 kinship families in 2024. From September 2025 Children First began providing the Kinship Care Advice Service for Scotland.

Kinship is one of the most common care arrangements in Scotland, and accounts for 35% of all children who are looked after in the community. On top of this, there are a significant number of informal arrangements, where there may be minimal or no social service involvement, which means that the true scale of kinship care is not fully known.

It often comes with real practical, emotional and financial challenge. Scotland relies heavily on kinship carers, yet many feel undervalued. This needs to be given more consideration as part of this Bill.

Kinship carers step in, often during times of crisis or high stress, to provide love, stability and safety for children who cannot live with their birth parents. These families are often navigating trauma, grief, and complex relationships. Often, even where children are able to live safely with voluntary arrangements, within their close family network, kinship placements come with many additional challenges like unsuitable housing and a lack of emotional, practical or financial support. Despite this, the support available to kinship carers in Scotland remains inconsistent, fragmented, and often dependent on postcode.

Currently, carers of "looked after" children placed by the local authority may receive financial allowances and social work support, while those caring informally or under Section 11 Orders often face barriers to accessing help. This two-tier system is unjust and fails to recognise the emotional permanence and stability kinship care provides.

If the Promise is to be kept, the support systems around kinship carers need to be strengthened. We welcome the publication of a draft Vision for Kinship Care in Scotland, which could be an important step forward for ensuring kinship families have the recognition and support they need. This is an opportunity to be clear that for any child in Scotland where there is a concern about their safety and wellbeing it is their right that their wider family network is fully considered as support, care and protection where possible to keep children with their family networks.

In terms of this Bill, and the steps that need taken through legislation:

- Financial and peer support must be strengthened, including inflation-linked increases to the Scottish Recommended Allowance and better recognition of carers' rights and needs.
- The Promise said, "Kinship family decision making must be supported by and characterised by family group decision making to explore the breadth and consequences of decisions about where children should live." Improving consistency of Family Group Decision Making offers would also help support kinship carers by ensuring that a supported plan was available to families to help them navigate the complexities of this type of care arrangement successfully.
- While local authority supports for kinship carers may vary widely, more needs done to increase awareness of kinship care support offers available, and to establish a basic level of support that every kinship carer can be guaranteed – no matter what form of arrangement they have.

Other changes to consider

As well as improvements to Family Group Decision Making and kinship care, there are a number of o

- **Aftercare:** We welcome the extension of Aftercare, which can be life-changing for children who are leaving care. As many others have raised, we have concerns about whether this will be resourced enough to mean it can be realised fully. Even now, Aftercare varies widely between and within local authorities. This inconsistency affects young people's experiences and makes it hard to give reliable advice, as decisions are often unpredictable. Making the extension subject to application and assessment risks reinforcing these issues, as well as creating a divide between those who are still in care at 16 and those who have left it.
- **UNCRC Actionability:** We echo the concerns from Together (Scotland's Alliance for Children's Rights) in relation to the elements of this legislation that are not in scope under the UNCRC (Incorporation) (Scotland) Act 2024.
- **Other Children's Hearing changes:**
 - **Continuity of the Chair.** One key recommendation in the Hearings for Children report was that efforts should be made to ensure that children had consistent decision makers, to help build familiarity and trust between the Panel and the child and those around them. This is missing from the redesign plan. This should be considered by the committee ahead of Stage 2, and if possible options for amendments to take forward this recommendation should be explored.

- **Grounds Hearings:** We are concerned that the proposed new process might add more complexity. This needs attention ahead of Stage 2, and 3. We fully support the findings of the Hearings for Children report, which found that Grounds Hearings can be confusing, stressful, and feel confrontational for children and their families, especially when cases are referred to Sheriff Courts for a Proof Hearing, where the process can resemble a criminal trial. One recent example from a family supported by Children First showed just how disjointed, confusing and challenging this can be for families.

“Court happened via video link there was a wait of 5 hours online and when I phoned to query this we were told the sheriff had already made a decision on the grounds. The court would not tell us the decision we had to wait 3 days to get the information from the reporter about what had been decided. 4 out of 7 grounds were thrown out and 3 out of 7 were upheld. The whole process was confusing and unclear. The grounds when they were initially presented to me were hard to understand with lots of jargon.”

- **Children’s attendance:** We support the removal of the duty for the child to attend their hearing but have 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. 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. These needs clarified. A presumption, as recommended by the Committee and in line with the recommendation in the Hearings for Children report, should be considered.

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