

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

Stage 1 Evidence, Education, Children and Young People Committee

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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.

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This briefing summarises key questions and recommendations based on Children First's written evidence on the Children (Care, Care Experience and Services Planning) (Scotland) Bill.

The Promise must be kept by 2030. Legislative change is essential to this work, and this Bill is an important chance to move forward. Our main concern about this Bill is not what has been set out, but the opportunities lost because of what has not been included.

Children in Scotland urgently need more early help and community-based support, before care and compulsory intervention sweep in. Without investment there, the care system will continue to struggle to offer children who need it the focus and support they need.

**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.**

At Stage 1, we urge the Committee to consider options to strengthen these systems through the Bill.

### About us

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.<sup>1</sup>
- Children First manage the **Safeguarder's Panel**. Safeguarders have a role in the Children's Hearing System set up to offer insights into children's rights and best interests. 998 Safeguarder appointments were made in 2024 -25.<sup>2</sup>
- Children First will, from September 2025, take on the national **Kinship Care Support Service** which will be available to kinship carers through our Support Line.<sup>3</sup>
- 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.<sup>4</sup>

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<sup>1</sup> [Impact of Family Group Decision Making | Children First](#)

<sup>2</sup> [Safeguarders Panel Team Annual Report 2024-2025 by children\\_first - Issuu](#)

<sup>3</sup> [Children First to manage Kinship Care Advice Service | Children First](#)

<sup>4</sup> [hearings-for-children-the-redesign-report.pdf](#)

## Aftercare

### **Aftercare needs better resource and more consistent decision making.**

- We support the proposal to extend Aftercare, which can be life-changing.
- However, we're concerned about limited resources. 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. Decisions may still be driven by resources rather than what's best for the child.

Aftercare can be a lifeline support for young people who are looking to get on with their lives, but who lack the emotional, practical and financial support structures that many people take for granted. For example, we worked alongside a young person who was successful at gaining a university place away from home. Under current Aftercare provisions, the local authority funded their accommodation which was crucial in them being able to attend and continue their learning.

However, the existing system of Aftercare support is not clear or consistent because it already lacks resource and capacity. Scottish Government data published this year shows a significant gap between those eligible and those in receipt of Aftercare, with less than half reported to be receiving this support.

Aftercare should be available to all care-experienced young people as a right, not as a request. Children should not suffer from inconsistent decision making, and there should be more accountability around Aftercare decisions. This of course needs to be carefully arranged so as not to add to the problem of lacking capacity.

## Hearing System Redesign and Family Group Decision Making

### **Amendments should be introduced to ensure more consistent consideration of Family Group Decision Making at the point of referral to the Children's Reporter.**

- Family Group Decision Making is a voluntary model, that can complement and support the Children's Hearings System and its ambition to shrink and specialise, by embedding an option that empowers families to develop a Family Plan and avoid the need for further intervention.
- Despite efforts to invest in Family Group Decision Making across Scotland, provision remains inconsistent. Children First have been calling for strengthened legislation to support more consistent access to Family Group Decision Making across Scotland.
- The Bill should be amended so that Family Group Decision Making is consistently considered at the point of referral to the Children's Reporter. This would be a powerful and practical way to support more children to stay with their families and communities, and without the need for compulsory intervention.

### **What is Family Group Decision Making?**

Family Group Decision Making is a voluntary model, designed to empower children and support families to develop a 'Family Plan'. It reduces the need for compulsory intervention and is based on strong international evidence.

The carefully designed model is set out in Scottish [National Standards and Practice Guidance](#). This draws on the original model from New Zealand, alongside widespread international best practice brought into a Scottish context.

With the support of an independent co-ordinator working 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 help them to 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.

**When offered to families, it consistently leads to reduced rates of children entering care, reducing cost and increasing support options.**

The Promise said "The Children's Hearings System often operates at crisis point, with children and families being asked their views in a process and setting that can feel unfamiliar and punitive. 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."

The [Steering Group](#) noted in their evidence "In Glasgow, the number of children and young people removed from home has been halved using FGDM as a core element of plans for transformational change." This echoes the findings from a large-scale [Randomised Control Trial](#), conducted in England and published in 2023 which found offers of Family Group Decision Making led to fewer care proceedings, reduced care entry and less time spent in care – because the model supported a stronger scaffolding around the child.

**It also increases participation from children and extended family members. One parent said, "It was the first time I've felt listened to in years". Another explained:**

*"The meeting has broken some barriers... We have a concrete plan now to redirect to and that helps me so much. When I need a break and (young person) doesn't want to go to her grans or dads usually I would feel bad and just let her stay here but now I can go back to the agreement. I can get the rest I need without feeling guilty. My mum and dad understand that although things are better, I won't ask for help, so the plan means it's in place and everyone is on board with it. I am six months sober now. It's given me a different perspective on my mum and a different awareness of her care for me. It really helped me even to hear just that my mum had expressed concerns.*

*"The structure around FGDM felt collaborative. It really was family focused and driven; it was us finding the right path that worked for us. It drew out of me what needed to be drawn out and it does what it says on the tin, puts families at the centre. It has made us realise despite our differences we are all on the same page."*

### **Stronger legislation is needed**

Although Family Group Decision Making has proven effective and is supported by both The Promise and the Hearings for Children report, it is not consistently available across Scotland.

There is a reference to family group decision making in a [2016 order](#) that followed the Children and Young People (Scotland) Act 2014, which asks local authorities to offer 'relevant services' to children at risk of becoming looked after. Yet it is still only available in around two thirds of local authorities, and some of these offers are very limited.

[Research](#) by Children First, which included a legal opinion by Janys Scott KC, shows that current laws are too vague to guarantee families' consistent access. Offers are often held back by limited resources and the lack a clear foothold within decision making structures.

[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 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

**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.

Kinship is one of the most common care arrangements in Scotland, and 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 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.

We have been providing support to kinship families across Scotland for over 30 years and are an established provider of kinship care support services. We supported over 500 kinship families in 2024. From September 2025 Children First will take over providing the Kinship Care Advice Service for Scotland.

Support for kinship carers is inconsistent and unequal. If the Promise is to be kept, kinship care needs to be significantly strengthened. Financial and practical help often depends on postcode, leaving many carers vulnerable. 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."

The suggested updates to Family Group Decision Making above, 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.

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