

Children (Care, Care Experience and Services Planning) (Scotland) Bill Stage 2 Debate, February 2026 (Part 1)

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.

A further briefing covering later amendments, likely to be debated in following weeks, will be made available in due course.

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 2: Kinship Care

Amendment 1, Natalie Don-Innes: Kinship care needs assessment

- SUPPORT

We welcome the Scottish Government's decision to introduce amendments on kinship care support, which Children First have been calling for from the outset of this Bill. This is a significant and positive step forward and will help recognise and value the role of kinship carers in Scotland's care system.

The introduction of a right to apply for kinship care assessment could help children and carers in kinship connect with the emotional, practical and financial support they need, which could make all the difference to the outcome of a kinship placement.

The Promise said it "heard from many kinship families about the lack of support they have in caring for children and the fear they sometimes have of asking for help." There is a possibility that the amendment as drafted might reinforce these existing barriers by requiring carers to apply before receiving a needs assessment. Asking carers to apply for an assessment may become a hurdle, especially for those who are unaware of the option or find it difficult to ask for help.

This could be addressed through strengthening the provision further at Stage 3 and restructuring it to allow a direct right to assessment. It would also be helpful to understand:

- What would happen if an application to request an assessment is turned down?
- How will the Scottish Government and local authorities make sure that assessments are not subject to high thresholds, because of the scarcity of resource and support?
- If an assessment highlights a need for support, but provision is limited locally, how will this be managed?

Crucially, this amendment needs to lead to work that ensures kinship carers feel confident in their ability to ask for help and not undermine them in those efforts. We respect that this will be largely down to the way it will be implemented though, so look forward to working with partners including the Scottish Government on this.

Amendment 2, Natalie Don-Innes: Guidance in relation to kinship care assistance.

- SUPPORT

While the effect of this amendment depends on further work after the Bill is passed, amendment 2 would help move towards a consistent offer of support for kinship carers that the community has long called for, by Children First and others.

A duty to have regard can be a powerful tool to build consistent practice across Scotland. However, it can also be dismissed in times of high pressure on system capacity. It's widely understood that children's services are under a huge amount of pressure, with workforce challenges and high demand. It would therefore be helpful to outline how the Scottish Government will help ensure that the guidance is being implemented, and what measures it will put in place to support this.

We would welcome further information from the Scottish Government on the expected timescales for this work, and any plans to ensure that the voices of children and young people, and their parents and carers, can be placed at the centre of this work.

The most important outcome from this must be kinship care assistance that is easier to understand, and more accessible to all kinship carers. If this outcome can be achieved through collaboration following this amendment, this could make a huge difference to the experiences of many children and families in kinship care, and the stability and success of their time in kinship.

Amendment 3, Natalie Don-Innes: Information sharing power

- SUPPORT

Kinship carers have long called for more transparency and consistency around the support available to them, and this amendment will be an important step forward towards achieving that.

It would be helpful to have further clarification about the information the Scottish Government would expect to gather from these reports, how regularly this information will be gathered and how the Scottish Government might support the publication of this information so as to inform wider policy and resourcing debates.

It may be that this amendment could go further, requiring transparency about issues like rates of payment, and the criteria local authorities apply to establish who qualifies as an eligible kinship carer, as we know this is not the same in every area.

It's also important that the Scottish Government continue to make efforts to stay informed about the perspectives from children and families in kinship as well as this can sometimes tell a different story to the information gathered through data and reporting.

Amendment 4, Jeremy Balfour: Foster care equivalence

- DO NOT SUPPORT (at this stage)

The principle that there should be parity in support available to kinship carers and foster carers has been debated and discussed by the kinship community for a long time. The Scottish Government's recent review of the Scottish Recommended Allowance highlighted ongoing debates in this area, so we recognise the principle behind it.

However, we do have questions about the effect this would have in practice. It's important to highlight the diversity of experiences that make up the kinship community. While there are lots of commonalities between the type of support that will be helpful to kinship carers, it is a fundamentally different option to foster care and it's important that this is recognised.

We would also have some concern about the way in which it would be established that one form of support is "less than" another, which could imply a hierarchy that might not be helpful. It's important to recognise that the assistance local authorities offer through section 71(1) of the Children and Young People (Scotland) Act 2014 can include a broad range of support options, that may be difficult to equivocate.

We would be interested in hearing more about the intention and purpose behind this amendment, and happy to contribute to further conversations ahead of Stage 3 to explore the questions around it.

Amendment 126, Miles Briggs: Requirement for Scottish Ministers to raise awareness of support available to kinship carers

- SUPPORT

Amendment 126 aims to ensure the Scottish Government actively improves how kinship carers find and access the support they need.

Children First have called for more to be 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.

This is needed because many of the kinship carers we work with find their way to support through word of mouth, rather than through a co-ordinated and deliberate offer of support in recognition of their contribution and role within the care system.

This amendment would help address this and would complement the work already planned through the draft Vision for Kinship Care, currently out for consultation and due to be finalised before the end of this parliamentary term.

To deliver on the Promise, Scotland must transform how kinship carers are recognised and supported—moving from a system where help arrives only in crisis to one where support is proactive, accessible, and meaningful.

Group 8: Public authorities: duties and guidance

Amendment 158, Miles Briggs: Extend guidance to include information to support provision of whole family support to kinship carers

- SUPPORT

The intention of the amendment is to ensure that kinship carers routinely receive offers of whole-family support, recognising that many currently feel isolated and hesitant to ask for help.

The Promise highlighted that kinship families often lack accessible support and should not have to struggle or “professionalise” themselves to access help and assistance. And yet, kinship carers continue to report difficulties in finding and accessing the support they need.

Support should be offered proactively, freely, and in a way that recognises the unique needs of kinship care arrangements. It’s welcome that the Scottish Government plans to include both formal and informal kinship families within new guidance, and with this recognition there is an opportunity to go further and define what meaningful support should look like.

We recognise efforts are now being made through the development of the Vision for Kinship Care, and this work might offer other chances to deliver the same guidance.

If Scotland is to keep the Promise—supporting more children to remain within their families—then proper investment in kinship care is essential; without it, increasing reliance on kinship arrangements risks setting families up to fail.

Group 10: Advocacy services for care experienced children

Amendment 150, Willie Rennie: Regulations to introduce advocacy services that are opt out

- DO NOT SUPPORT

This amendment says that that care experience advocacy services should prioritise long-term, relationship-based support built on trust and continuity, which is a policy that Children First would fully support and endorse.

However, this idea may stand at odds with the idea of advocacy being ‘opt-out’, which is also required by this amendment. Automatic appointment may cause unintended consequences, duplicating trusted voices already alongside children or undermining their role.

The Promise said “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.” Advocacy is helpful, but it must complement, not replace, the responsibility of everyone to listen directly to children, and those they trust.

Opt out provision might have knock on consequences for other forms of support, such as the Bairns Hoose Recovery and Advocacy role that’s in development across Scotland, for children who are being interviewed through the Scottish Child Interview Model, where there are care and protection concerns.

A core principle of the Bairns Hoose work is to stop flooding children’s experience of justice, care and protection with new professionals who they need to explain themselves to, and opt out provisions do not align with this.

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.

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