

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

Stage 3 Debate, 18th March 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.

- **Keeping the Promise by 2030 is essential.**

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.

- **The Bill has been strengthened through cross-party support collaboration.**

Throughout this Bill, Children First have been working to strengthen supports for kinship carers, and the law around Family Group Decision Making. Both are pillars of Scotland's early help and preventative support systems, which need to be prioritised in investment moving forward.

This Bill has been strengthened by amendments, and the cross-party support for this work has been remarkable. In our view, this has shown just how much agreement there is around the need to help prevent crisis rather than building a bigger system around how to react to it.

Early help and community-based support for children and families will be pivotal. 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.

- **The workforce needs stable, increased investment to deliver change.**

Children First strongly believe that Scotland's care system can be kinder *and* more effective. To achieve this, those working to support children urgently need more stable investment.

In the longer term, the measures set out in this Bill should help to reduce pressures on the care system but in the short term this legislation will undoubtedly place new pressures on those working to support children, and their families.

As the Promise said: "The workforce needs support, time and care to develop and maintain relationships. Scotland must hold the hands of those who hold the hand of the child."

As this legislation moves forward, and a new parliament begins, we urge all MSPs to reinforce their support for the Promise and continue working together to help this become a reality.

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.

Group 2: Provision of accommodation and continuing care

106, 108, Martin Whitfield: Continuing Care updates

- Support

While it has not been our central focus, Children First have been pleased to see children’s right to return debated.

Services like Family Group Decision Making can help strengthen networks around children, and secure lifelong support networks children can rely on. However, where those options are not available, people who have experience of care must have an alternative.

Our understanding is that these amendments will clarify and strengthen continuing care responsibilities, to complement the informal support networks services like Family Group Decision Making can establish, to break the cycle between care and homelessness.

Group 3: Family Group Decision-Making

Children First welcomes the clear cross-party commitment to strengthening the law on Family Group Decision Making. This collaboration is a powerful demonstration of Parliament’s shared determination to secure better outcomes for children and families.

Family Group Decision Making is a carefully designed voluntary decision-making model, set up to explore supports around the child, 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.

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](#)

Taken together, the amendments proposed by MSPs across the chamber should address the potential missed opportunity Children First highlighted. If these amendments pass at Stage 3, real progress can be made.

The policy ambition for Family Group Decision Making must now be unequivocal: every child should be able to access consistent, high-quality support that is available early, delivered reliably across Scotland, and grounded in what families tell us works best. We urge MSPs to maintain momentum and ensure these strengthened provisions are fully realised in the final legislation.

“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 Family Group Decision Making, which has resulted in one kinship placement being maintained, and one further child being able to remain safely at home.

10, Natalie Don-Innes: Right to request family group decision making services

- Strong support

We strongly support this amendment, which will introduce an individual right for children and families to request family group decision making services from a local authority.

This should be an empowering provision, helping families access the help they need in a way that suits them best. It should help services focus on early support and prevention, bringing the people around the child together to offer help and avoid the need for compulsory intervention or care wherever possible.

As one parent told us, “It should be a right for the families and children to have this opportunity.”

This is subject to two caveats, that need be addressed when these provisions are implemented:

1. This will, of course, **depend on robust resourcing for local authorities** to be enabled to provide these services, and clear guidance for local authorities on the services that should be delivered.
2. The power of this provision **should not be diluted by the overly broad definition** used in amendment 10. Children First have been clear throughout that we are advocating for the model of Family Group Decision Making as set out in the [National Standards and Practice Guidance](#), which sets out a 4-stage model with a strong international evidence base.

Notwithstanding those concerns around how this will be implemented, this amendment represents an extraordinary opportunity to make real progress towards keeping the Promise.

94, Willie Rennie: Promotion of family group decision-making services

- Strong support

This amendment will complement the Scottish Government's amendment 10 by ensuring that reasonable efforts are made to ensure that children and families who could benefit from Family Group Decision Making services are made aware of them.

Family Group Decision Making is built on the principle that when properly supported, families themselves are often best placed to understand their own strengths, identify safe solutions, and make sustainable plans for their children. This will help prevent crises, reduce the need for intervention, and deliver better long-term outcomes for children in a way that aligns well with the existing statutory duties local authorities hold.

For local authorities facing high demand and constrained budgets, promoting a strengths-based, family-led model is both a compassionate and pragmatic choice, that should support the best interests of children.

95 and 203 Willie Rennie: Guidance on family group decision making services

- Strong support

Amendment 95 re-states the amendment agreed at Stage 2 which would require Ministers to issue guidance on Family Group Decision Making services. Amendment 203 will remove the amendment added at Stage 2.

This will help make sure that the services around children are consistent, high-quality and delivered in line with the best international evidence. This guidance should also be an opportunity to build on efforts already made by the Scottish Family Group Decision Making Steering Group.

Clear guidance should help identify non-statutory points in decision making processes around children and families – like those discussed at Stage 2, such as pre-birth assessments and Interagency Referral Discussions – where consideration of Family Group Decision Making could actively benefit the child and family being considered, at an early stage.

79, 80, 81 and 82, Miles Briggs: Drafting changes to children's hearing accountability mechanism

- Strong support

These amendments change the wording of the amendment agreed at Stage 2, which requires specific account to be taken of Family Group Decision Making offers when local authorities provide information to children's hearings. Our understanding is that these will not change the intention of the amendment agreed at Stage 2.

83 and 84, Miles Briggs: Report on family group decision making services

- Strong support

These amendments re-state the amendment debated and agreed at Stage 2, which would require a report on Family Group Decision Making services to be delivered to parliament.

Our hope is that when this report is delivered, it will show concrete progress towards the cross-party ambitions we have heard during the debates on this Bill: an end to the postcode lottery around children's access to Family Group Decision Making, and that children and families are being empowered to make the better use of these services, where they can be helpful to them.

It's important that this report is substantial enough to offer parliamentarians a meaningful insight into how children and families are experiencing Family Group Decision Making services across Scotland, to inform future policy debates.

Group 4: Kinship care

11 and 12, Jeremy Balfour: Kinship Care Assessments

- Support

At Stage 2, Children First strongly welcomed amendments from the Scottish Government to introduce a new assessment process for all kinship carers, to help connect them with the support they need. As one kinship carer recently told Children First:

"I am very happy my grandson lives with me and, with help from my husband, my daughter (his mum), my aunt, friends, family and neighbours, I am trying to give him the best possible life. But it's not easy. Being a kinship carer is hard, often lonely, and involves rethinking your life, your career and your future. Kinship carers need, and deserve, all the support that can possibly be provided. Financially, practically and emotionally."

We did, however, raise some concerns about how this assessment process would be managed in practice. Amendment 11 and 12 build on that debate, in an attempt to build more certainty into this offer for kinship carers.

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." Children First continue to hold some concerns about unintended barriers that carers may still face with this new assessment process. It would 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?

These questions may be answered without legislation but will be critical to the effectiveness of these policies in practice. Crucially, kinship carers need to feel confident in their ability to ask for help and not undermined in those efforts. We look forward to working with partners including the Scottish Government on this.

Group 6: Advocacy services for care-experienced persons

114, Nicola Sturgeon: Advocacy services

- Do not support

115, Martin Whitfield: Advocacy services

- Do not support

We are concerned that these amendments would prevent high-quality advocacy services, already working in line with The Promise and the National Advocacy Framework, from continuing.

In our view, this Bill should increase advocacy support options, not reduce them. However, amendments 114, 115 and 29A would remove advocacy support options for children and young people by restricting who can provide these services.

Organisations that deliver both residential support and advocacy can do so with independence and integrity, and we are not aware of any evidence suggesting otherwise.

These amendments could have immediate and long-term consequences, reducing the flexibility of local areas to fund services that suit their needs best.

116: Jeremy Balfour: Promotion of advocacy services

- Support

Just as we support the need to promote Family Group Decision Making services, we can recognise the benefit of requiring local and national government to promote the availability of advocacy services.

24: Jeremy Balfour: Opt-in advocacy services

- Support

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.

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. Most importantly, it would create a system that operates on assumption as opposed to meaningful conversations with children and young people.

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

26, 27, 29, 86 Natalie Don-Innes: Independence of advocacy services

- Support

Following the debate at Stage 2 about the need to define what an independent advocacy service is, we support the Scottish Government’s proposal.

We still retain some concern about potential unintended consequences, where other forms of advocacy offered for example through the Bairns Hoose may cross over with advocacy services in the care system. We look forward to working with the Scottish Government and other stakeholders to better understand this in advance of implementation.

29A, Nicola Sturgeon: Advocacy services

- Do not support

See above, in relation to amendments 114 and 115.

Group 9: Permanence

134, Fulton MacGregor: Review in relation to permanence

135, Martin Whitfield: Review of permanence

- Support either

While we did not support the amendments proposed at Stage 2 to immediately introduce statutory timescales to permanence, we do agree that more work needs to be done to reduce the harm to children that occurs when systems work too slowly. A review may not need legislation but would be a helpful next step.

We would reiterate the concern we raised at Stage 2, which is that decision making processes around children and young people often appear to operate in each extreme, moving either very quickly or very slowly. Both can cause harm to children, and their families. Tackling these harms will be critical to keeping the Promise.

Group 15: Children’s hearings: composition, functions and location of members

45, Jeremy Balfour: Regulations to specify functions of the chairing member

- Support

As we shared at Stage 2, 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.

52, Roz McCall: Continuity of the Chair

162, 163, 164, 167, Martin Whitfield: Continuity of the Chair

- Support

As we shared at Stage 2, 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.”

Group 16: Children’s hearings: general

53, Roz McCall: Guidance on age and stage

- Support

While this may not need legislation to happen, guidance on age and stage to support decision making around children’s attendance may be a helpful support. The Children’s Hearing System stretches across whole childhoods, which is both a strength and a challenge and further guidance could help better support everyone involved.

76, Natalie Don-Innes: Inquisitorial system

- Do not support

Children First have, at various points, supported the call made by the Hearings for Children report to assert that the children’s hearing system should operate on an inquisitorial basis. Adversarial habits actively harm many children’s experiences of the system.

However, while we welcome the intention behind this amendment which has been long called for, we are aware of concerns that the language it uses places too many limitations on its overall ambition.

We would welcome further detail from the Scottish Government on how it plans to ensure the full ambition of the Hearings for Children report can be realised, and to make sure that this provision will not be side stepped.

Group 17: Children’s hearings: advocacy

169, 170, 186, 188, 191, 194, 198, Nicola Sturgeon (Ross Greer): Opt-out advocacy in relation to specific orders

- Do not support

We understand the purpose of automated advocacy appointments, but we do not support opt-out systems because they sidestep meaningful conversations with children and young people to explain support options available to them.

These amendments would mean children are automatically appointed an advocate when hearings are considering orders that would place certain restrictions on the child’s life. While we understand the motivation behind this, as well as our wider concern about opt-out provisions, our concerns are that:

- It is not always clear when a hearing will need to consider these questions in advance, and
- This might lead to a conflation between advocacy support and services that offer children legal advice.

185, 187, 190, 193, 196, 199, Martin Whitfield: Automatic advocacy referrals AND

78, Roz McCall: Automatic advocacy referrals

- Do not support

As above, we do not support automatic appointments of advocates. In our view, this would undermine children's choice and control.

197, Martin Whitfield: Offer of advocacy to children

- Support

In line with our view on opt-out advocacy above, we do support stronger provisions around making sure that a meaningful offer of advocacy is made, to give children the right information, choice and control about the support options that are best for them.

200, Ross Greer: Non-instructed advocacy

- Do not support

We have significant concerns about the concept of 'non-instructed advocacy' and would urge MSPs to seek further clarity on what is intended by these measures.

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.

Group 18: Children's hearings: timescales

171, Martin Whitfield: Time limit on concluding proceedings

- Do not support

At Stage 2, we raised concerns about amendments that would introduce hard time limits into a system while it is undergoing significant reform.

We understand the intention behind these amendments is to reduce delay where at all possible, and ensure that timely decisions are made to support vulnerable children. However, our view is that these time limits would introduce pressure without support for families, with possible unintended consequences.

As we shared at Stage 2, we do agree that more accountability around timescales would be helpful, but at this stage we do not believe that time limits would be in the best interests of children and their families.

181, Bill Kidd: Timescales for determination of application to sheriff

- Support

It is well recognised that the pressure Scottish courts are under leads to delays in decision making that harms children and their families. The knock-on consequences of this in the children's hearing system can be extremely challenging.

While statutory timescales like this are often overruled in practice because courts simply can't meet them, on balance this could still be a helpful support.

However, we would urge the Scottish Government to closely monitor the implementation of this provision, so as to ensure that it does not become meaningless in the face of the practice challenges courts are currently experiencing.

182, Roz McCall: Reports on timescales in children’s hearing system

- Support

Children First supported a similar amendment at Stage 2, on the basis that further transparency and accountability around timescales for children’s hearings would be helpful to identify where systems are working well, and where they are struggling.

We recognise that some of this information may already be available through SCRA’s annual reporting and legislation may not be necessary. However, with timescales under so much pressure and plans for significant reforms, in our view this further drive for transparency could be beneficial.

Group 19: Children’s hearings: infants

183, Roz McCall: Infant Safeguarders

- Do not support

We agree with the statement made in the Promise that “Scotland must make particular effort to understand and act upon quieter voices, including infants and nonverbal children and those with learning disabilities. No group should ever be considered ‘hard to reach’.”

Children First manage the Safeguarder’s panel and support the recruitment and appointment of Safeguarders for children’s hearings. Our position in relation to the proposal of new infant Safeguarders remains as we set out at Stage 2.

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. 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. In addition, 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. 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.

184, Roz McCall: Representation of Infants

- Do not support

Our view remains unchanged from Stage 2, where we said that 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 regulations which could help fill out the detail, we feel that further work is needed to establish whether another role is needed, and infants rights could not be fully upheld through roles that are already in place.

Group 22: children's services planning

204, Willie Rennie: Children's services planning

- Support

Children's services planning is an important tool for planning, accountability and transparency and this would be a helpful support to this work.

Group 23: Reviews and reporting in relation to the Act and the Promise

205, 206, Willie Rennie: Report on Act and the Promise

- Support

These amendments would offer important opportunities for accountability and transparency.

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