

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

Stage 1 Education, Children and Young People Committee, August 2025

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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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### Key Messages

- The Promise must be kept by 2030. This Bill represents an important opportunity to move forward with that journey.
- If this Bill were to pass as introduced, our main concern would not be about the changes that are set out, but about the opportunities lost because of what has not been included.
- The main example of this is the missed opportunity to strengthen legislation on Family Group Decision Making, and the improve consistency of peer and financial support for kinship carers.

### Actions the Education, Children and Young People Committee/Scottish Government should take:

1. **Amendments should be introduced to ensure more consistent consideration of Family Group Decision Making.** The Promise was clear that "FGDM should become a more common part of decision-making." The Hearings for Children Report said that it should be more consistently available in advance of children's hearing. Children First research has shown that there is a legislative weakness around Family Group Decision Making, and a real vulnerability and inconsistency in current provision. The Bill should be amended so that Family Group Decision Making is a consistent consideration at the point of referral to the Children's Reporter.
1. **Aftercare needs better resource and more consistent decision making.** This should be addressed in the financial memorandum and could be supported by clearer legislative provisions – though this would need to be balanced against the root of the problem, which is that social work teams are already struggling with capacity.
2. **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.

## About us

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.

Children First was involved in the development of the Independent Care Review and welcomed the findings when the Promise was published. We strongly welcomed the commitment offered by both the Scottish Government and the Scottish Parliament to Keep the Promise and do everything we can collectively to ensure that Scotland is better able to love, care and support children in care.

Children First can offer a number of specific insights through particular services we have a history of delivering, in partnership with local and national government:

- 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](#)

## Part 1 Chapter 1: What are your views on the aftercare provisions set out in the Bill?

### Key Messages:

- We support the proposal to extend Aftercare. It can be life-changing for care-experienced children.
- 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.

### Extending Aftercare will help keep the Promise

We welcome and support the extension of Aftercare provisions. We know, from our services working to support families across Scotland that 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.

This could be particularly helpful to those in kinship care or looked after at home who may 'leave' care early and have historically been excluded from vital support, even though they face many of the same challenges as their peers who remain in care until 16 or beyond. Informal and voluntary kinship arrangements account for a significant proportion of the care system, and so this is a significant step forward.

### Resource is already a barrier

We recognise though, that the existing system of Aftercare support is not clear or consistent, largely due to a well-recognised lack of 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.<sup>5</sup> It's also worth noting that the number of children eligible has increased significantly, indicating an already unsustainable demand.

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<sup>5</sup> [Scottish Government Children's Social Work Statistics 2023-24](#)

In our experience, many young people are not aware of Aftercare or find out about the potential for this support through their friends. There is an impression that sometimes, Aftercare access is kept quiet because if there was a wider awareness then demand would quickly outstrip the resource.<sup>6</sup>

In this context, the funding of the Aftercare extension needs to be carefully thought through and properly resourced. The additional resource suggested by the financial memorandum would not, in our view, be enough to make sure it becomes available in a clear and consistent way, for all who need it.

We believe that Aftercare should be available to all care-experienced young people as a right, not as a request, and that the system should be set up to support young people proactively in recognition of the clear and consistent evidence of the additional barriers they face.

We feel that making the extension “subject to an assessment of their needs” will, inevitably, continue to serve as a barrier to support for some. The risk is that decision making is resource led.

Our view is that this extension should not be subject to application and assessment but should be open to all who need it. This could be set up as an ‘opt in’ service for children at the point that they leave care, but also as an option open to them in future if they would like it.

### **Inconsistencies in decision-making**

The Promise said, “There must be a streamlining and clear communication of the variety of financial support available to those with care experience.” There is a long way to go to make this a reality.

We know that asking for help is difficult to do, and that reaching out for financial and practical support can come with a ‘guilt’. Many families we work with tell us that initially they find it very difficult to accept support, even though they are really struggling. One kinship carer told us “I felt like nobody was bothering me, so I must be alright. Until you realise you’re not alright.” The process of Aftercare support needs to be made as open as possible, to make sure children and young people don’t feel that they need to bottle up the challenges they face.

If authorities need to justify the support they offer, decisions to limit this support should be made clearly and transparently, so that children do not suffer from arbitrary or inconsistent decision making, and that authorities are clearly and consistently prioritising the best interests of the child.

There should be more accountability around Aftercare decisions, though this of course would need to be carefully arranged so as not to add to the problem of lacking capacity. Consistent feedback arrangements, perhaps attached to existing Corporate Parenting responsibilities, could offer helpful transparency around the decision-making processes and insight into the resource challenge as it is.

### **Implementation planning must focus on awareness raising**

The Promise said, “Aftercare must take a person-centred approach, with thoughtful planning so that there are no cliff edges out of care and support.”

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<sup>6</sup> [Childrens Services Reform Research reports :: Celcis](#)

It is not clear what the expected uptake is, and what will be done to make sure children are aware of this support. From our experience across many services, we find children – particularly when they have experienced formal or informal kinship care – are not aware.

It would be helpful to be clear on the expected uptake, and the planned approach to awareness raising for this to help the work to implement this effectively. It is essential that the best interests of the child are clearly always prioritised.

### **Aftercare alongside Whole Family Support**

The Promise said, “Scotland must ensure that there is ‘no wrong door’ for care experienced young people and that Scotland’s parenting responsibilities are life long and holistic for the young people that Scotland has cared for. “Aftercare is a specialist support in recognition of the specific needs following experiences of care. But it should go hand in hand with a national offer of whole family support.

Children First believe that there is a need to re-set the whole family support offer around the needs of children and families, through a national front door that could offer support to children and families without the need for referrals, applications or assessments. In our view, this work needs to be strengthened but if it was successful, this would benefit Aftercare opportunities too.

## **What are your views on the corporate parenting provisions set out in the Bill?**

Every child and young person who has experience of care deserves to grow up safe, loved, and respected, and to be supported by a system that recognises and responds to their needs throughout their lives. The extension of corporate parenting responsibilities to ensure it reflects those who are no longer ‘in care’ is welcome, though it is undoubtedly true that many people who have experience in care will feel an impact throughout their life so to an extent and not just up to the age of 26.

Updating corporate parenting responsibilities in this way might be a useful point to reflect on whether corporate parenting in practice is fulfilling the ambitions it set out to achieve, to reset and concentrate on further improvements to the way in which these responsibilities are acted upon. Now that corporate parenting responsibilities have been in place for a number of years, and responsible organisations have had time to consider what this means for them, this might be an important opportunity to pause and reflect ahead of 2030.

## **What are your views on the advocacy proposals set out in the Bill?**

### **Key Messages:**

- Advocacy is helpful, but it must complement, not replace, the responsibility of systems and professionals to listen directly to children and the lifelong needs of those with care experience.
- Cultural change is still needed, particularly around listening to children. Adult and professional voices continue to dominate, especially in justice, care, and protection systems.
- Very young and non-verbal children require careful, skilled approaches to ensure their views are understood, and not replaced or misinterpreted.
- Further clarity is needed on how advocacy will be implemented, especially because this is very reliant on secondary legislation.

### **Advocacy can be a much-needed support**

The Promise said: “Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what they want and need. There must be a compassionate and caring decision-making culture focussed on children and those they trust.”

We support the introduction of a right to advocacy as a vital safeguard for care-experienced children and young people. Every child has the right to be listened to and respected, as set out in Article 12 of the UNCRC. Advocacy is a much-needed support for many children and young people and the assurance that children’s views will be shared and respected can be life-changing.

This will be particularly true for older care-experienced children and adults who are no longer at an intensive point of the care system, with the specific roles and supports that come with this.

### **The need for wider cultural change is still needed**

Advocacy alone cannot address the deeper cultural barriers that continue to reduce the voices of children. As the Promise said: “The way Scotland cares must not be built on a presumption that rights and entitlements can only be achieved through advocacy and litigation. Scotland must create and enable a culture where children’s rights are respected and upheld as a matter of course.”

The Promise also 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.” We are cautious about the extent to which a blanket advocacy offer might be seen as ‘job done’ in relation to listening to children. Systems and decision-makers themselves must change to become more inclusive and adaptable to children’s needs and preferences, and the lifelong needs of those with care-experience.

Our concern is that advocacy may become a crutch for systems that are resistant to listening to and respecting children’s views directly. The wider system needs to continue to improve the way it listens to children because too often children’s views are overlooked, minimised, or filtered through adult priorities or systems that have not been designed to support full participation.

Adult voices continue to be the loudest, and we include professional voices in this. This is especially true in the justice, care, and protection systems, where professional voices still dominate, and adult concerns often take precedence. We know from our work alongside children and families that:

- Children are not always given the time, space, or support to express their views.
- When they do speak up, their views are frequently dismissed or overridden.
- There is still a lack of adequate skills, confidence and consistency among professionals in how to engage with children meaningfully. This can lead to children's views or perspectives being wrongly attributed or misinterpreted.

While there has been progress through the Promise and efforts to incorporate the UNCRC into Scots law, there is still a long way to go. Some processes that would better support children's voices such as the Children (Scotland) Act 2020 and the register for Child Welfare Reporters have stalled or failed to be implemented.

The Scottish Government's commitment to make sure this extension does not create duplication is welcome, and we agree that this will be critical to avoid unintended consequences. We know from our work opening Scotland's first Bairns Hoose how damaging it can be when children are repeatedly asked to share their views in a system that doesn't efficiently listen.

There are many ways in which social workers, Reporters, Panel Members, Safeguarders and other professionals are asked to consider the views and needs of the child when making decisions. Many of these professionals may need to gather children's views themselves, and the combination of these obligations and supports can easily lead to children repeatedly being asked to meet and share their views with a number of professionals.

Our view is that systems need to be built and structured in a way that is responsive to and inclusive of children. Only when there is an additional need, should we be considering bringing in new professionals like advocates in. Any expansion of advocacy must complement the other roles already in place to ensure that the job of listening to the child does not become more fractured or frustrating.

### **Very young children need different supports**

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'."

However, we share the concerns raised by NSPCC and others in relation to how 'Non-Instructed Advocacy' for infant or very young children might operate. All children, including those who are very young, have the right to be heard and respected under Article 12. However, very young and non-verbal children cannot take part in advocacy in the same way as older children, as they may not be able to and should not be expected to share a view.

The way that Article 12 will be upheld for these children needs detailed and careful consideration. So far, we are not convinced that there is enough clarity or detail about how advocacy would work in this

context to support it. There seems to be a confusion around whether Non-Instructed Advocates would represent views, or the child's best interests with the latter being very different to advocacy work in any other context. It is based on spending time with children, but the risk is that in practice this will only be a 'snapshot', which can be very easily misinterpreted. In our view, this poses a real risk to rights-based decision making.

The Promise said "Scotland must recognise the particular challenges of listening to babies, infants and young children. Scotland must ensure that trusted adults who interpret their voices and behaviours do so with care and consideration. The overall context of their care and the assets of their parents must be actively considered".

We agree that more can and should be done to make sure very young children are not lost in amongst adult voices, particularly when key decisions are being made about their lives. The Getting it Right for Every Child Framework should help make sure that all decisions are child centred. Alongside this, Safeguarders in children's hearings are appointed to be independent advocates for children's best interests and already work with children at all ages. There may be scope to develop this work 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. It would be possible to develop specific training for Safeguarders about early child development. This could enhance their ability to ensure the best interests of young children are safeguarded in the children's hearing system.

#### **Further information about how this will be set up is still needed**

The proposals on advocacy are heavily reliant on future work. There needs to be more clarity about how and when the Scottish Government intend to develop and bring forward the secondary legislation to set this up. It would be helpful for discussions to be free of jargon and to be frank and transparent.

We appreciate the commitments already offered by the Scottish Government to make sure this work happens quickly, and without duplicating the many roles that are also responsible for ensuring the views of children are heard and respected, like social workers, Children's Hearing Advocacy workers, Safeguarders and Independent Report Writers. However, our experience in setting up the national Safeguarder Panel has demonstrated that this type of national offer will take time to establish, recruit and train for. This needs to be factored into the resourcing and planning of this legislation.

**What are your views on the proposals for guidance in relation to care experience?**

#### **Key Messages:**

- A rigid statutory definition of care experience could exclude children with diverse care journeys, and as CELCIS and others have highlighted this could have unintended consequences.



- The current care system is complex and confusing for both families and professionals, creating barriers to accessing support and understanding rights. New guidance should help streamline the system, not reinforce its existing inconsistencies.
- Guidance should be co-produced with children and families, grounded in UNCRC rights, and supported by training, resources, and inclusion of informal care arrangements.

We agree with the decision not to create a rigid, statutory definition of care experience. Children and young people's experiences of care are diverse, and a fixed legal definition could very quickly accidentally limit or exclude children who may not meet technical thresholds but who are experiencing a form of care.

The Promise was clear that Scotland's care system is fragmented, complicated, and poorly explained and that this needs to change. It also said that "There must be a more universal, commonly understood definition as it relates to rights and entitlements."

Clarity around rights, entitlements and definitions is however sorely needed. At the moment, many children and families feel lost in the system that is there to support them. This lack of clarity is also a barrier for professionals who themselves struggle with the layers of legislation and the siloed systems, and as a result may not be able to support families in the way they would want to.

New guidance may be able to help with this, to some extent, if it could offer a single, authoritative source of clear information. But guidance alone will fall short if all it can do is act as a mirror to the current system, with all its inconsistencies and complexities. The Scottish Government's focus should continue to be on simplifying the system rather than on putting the burden on children and families to better understand.

More complexity is often the outcome when new legislation and guidance 'layers up'. This is a concern, given the recommendations of the Promise that appear to have not been taken forward in relation to decluttering and simplifying the wider care landscape. The status of this guidance may also be in question, given that it is being introduced via legislation but is not to have an effect on legal definitions. This would appear to contradict the Scottish Government's stated approach, to only legislate for what is strictly necessary.

The commitment to coproduction is welcome, and grounding this work in the views and experiences of children and their families will help give the guidance a focus on its usefulness in practice. Children and families who are in informal and voluntary arrangements must also be included, as these arrangements are where clarity is most urgently needed. However, the burden to translate and simplify the system for the purposes of this guidance should not rest on the care community.

It should also be grounded in children's rights and connected with the rights and responsibilities set out in the UNCRC Incorporation (Scotland) Act 2024. To be effective, the guidance should also be accompanied by training and awareness raising, as well as resources and support for organisations to ensure their role and responsibilities connect with the guidance that has been developed. This could follow on from the existing duties around corporate parenting.

## **Chapter 2 What are your views on proposals designed to limit profits for children’s residential care services?**

Children’s residential care should never be a source of profit. It should be a place of stability, and support, with a focus on the best interests of children.

We welcome the Scottish Government’s proposals to collect financial information from residential care providers and to consider imposing profit caps where excessive profits are identified. This would be a step toward strengthening the culture of care to ensure that it focusses on the strength of relationships and support made available to some of the most vulnerable children in our society.

Children and young people in care have told us that they can feel lost in a system driven by placements that suit the system rather than by what they need themselves. More research is needed to understand the extent to which profit and the ‘market’ for care drives decision makers. We do not believe that there is a clear enough understanding of the extent to which providers proactively build residential care houses, driving the market by creating spaces that are then filled.

These proposals could go further. As it stands, there is very little reassurance in the legislation to guarantee further research, assessment and intervention. As well as this, caps on profit could, for example, be part of a wider system transformation that involves greater transparency and accountability from all care providers and a redirection of resource towards preventative, whole family support that can reduce the need for care in the first place.

Children First would support strengthening these proposals as the Bill moves forward.

## **What are your views on proposals to require fostering services to be charities?**

Many fostering services in Scotland already operate as charities. This would be a welcome step to align those that do not with the majority of the sector and ensure that Scotland’s care system is not motivated by profit in line with the Promise’s recommendation.

## **What are your views on proposals to maintain a register of foster carers?**

### **Key Messages**

- We welcome the introduction of a national register of foster carers to support better outcomes for children, particularly in light of the critical shortage of foster carers in Scotland and the challenges in keeping siblings together.
- The register could help identify placement patterns, supports sibling relationships, and flags when additional support is needed for carers and children experiencing frequent moves.
- The register should use accessible, respectful language shaped by children's voices, as demonstrated in our own "Recording our Work" project, and must uphold the highest standards of data privacy and security.

We welcome the proposal to introduce a national register of foster carers, and the intention to strengthen safeguarding, improve transparency and support better outcomes for children.

We know that the number of foster carers available to support children is perilously low in Scotland. Similar to kinship carers, many foster carers do not have the space to keep siblings together, and children may experience a number of short-term placements which is obviously unsettling for both children and those giving care. Anything that will improve the quality and consistency of these placements is something we would welcome.

We would encourage Ministers to consider ways in which the register could support the promotion and maintenance of sibling connections, and identify patterns and problems, for example where children are moved around excessively. This could be a sign that more support is needed for both foster carers and for the children in their care.

We would also encourage the Minister to consider the language used in this register, and how it might support wider work on improving the language used across the care system. Even though this register may be designed to focus on professional use and the role of foster carers, it needs to be recognised that children and families are entitled to seek access to this information, particularly with the increasing awareness and use of Subject Access Requests.

Children First recently set up an entirely new recording system, based on language that children and families could identify with. Our new way of recording our work is as relational as our practice and truly reflects the connections we build with the children, young people and families we support. Our approach was informed and shaped by talking to children and families, who told us they find it hard to understand jargon used by professionals to describe their lives. One young person told us "I would prefer to know about what people say and write about me. I'll know that you have listened and that you get me."

We have updated the language we use in our internal recording systems to reflect this. Instead of talking about 'referrals', we talk about 'introductions'. Instead of 'assessments', we talk about 'getting to know you'. We would strongly advocate for a similar approach to be taken to the development of any new recording system and would be pleased to share our learning from our Recording our Work project.

Children's right to privacy needs to be ensured, particularly in a world where even secure data is vulnerable to hacks and leaks. The sensitivity of this information means that whatever is built must be robust enough to ensure that children's data is never compromised.

## Chapter 3: What are your views on the proposed changes to the Children's Hearings system?

### Key Messages:

- A strong redesign of the children's hearing system is essential to keep The Promise. The current system is under strain, with increased complexity in children's lives and a changing volunteering landscape.
- Children First supports many of the changes proposed, such as single Panel Members for procedural decisions, remuneration for Chairs, and revised attendance obligations, but these alone are not enough.
- The Bill should go further by strengthening legislative options for early intervention, including consistent access to Family Group Decision Making at the point of referral, to help families stay together and reduce the need for compulsory measures.

### Overview

The Promise said, "For Scotland to truly to be the best place in the world for children to grow up, a fundamental shift is required in how decisions are made about children and families." The children's hearing system is central to children's care and protection, and so a successful, strong redesign is one of the best ways to make this happen.

It also needs to be recognised that the children's hearing system is teetering on the brink. Scotland has benefitted hugely from generations of volunteers who have donated their time and invested their care. However, the volunteering landscape has changed,<sup>7</sup> and the complexity in the system and in children's lives has increased.<sup>8</sup> A strong redesign of the children's hearing is now essential for good, safe and supportive decisions to be made about children's lives now, and in the longer term.

We agree with many of the changes proposed in relation to children's hearings, including the use of single Panel Members for procedural decisions, remuneration for Chairs and changes to the obligations for children to attend hearings, in recognition of the difference between attendance and participation. Many of these proposed changes are necessary, sensible steps to take.

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<sup>7</sup> Volunteer Scotland, 'State of Volunteering in 2025' [The State of Volunteering in Scotland 2025 report](#)

<sup>8</sup> SCRA 'Complexity in the lives of looked after children and their families: 2003 to 2016: [Complexity-in-the-lives-of-looked-after-children-and-their-families.pdf](#)

However, we do not feel that the changes laid out go far enough. In particular, this Bill does not take the opportunity to invest and strengthen the system of early help and prevention, even though the Promise was clear that:

“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.”

**Children First have been calling for strengthened legislation to support more consistent access to Family Group Decision Making across Scotland, as part of the Children (Care, Care Experience and Services) (Scotland) Bill.**

**The Bill should be amended so that Family Group Decision Making is a consistent consideration at the point of referral to the Children’s Reporter. This would be a powerful and practical way to support more families to stay with their families and communities, and without the need for compulsory intervention.**

**As the Promise said: “For lives and futures to change, Scotland must change the way it supports families to stay together. Because despite Scotland’s aspiration for early intervention and prevention, its good intentions, and the hard work of many, the experience of far too many children and families is of a fractured, bureaucratic, unfeeling ‘care system’ that operates when children and families are facing crisis.”**

#### **a) Specialist Panel Members**

There are some proposals that need further detail to be clear on their scope and purpose – in particular, the idea of specialist Panel Members. This needs to be clarified significantly.

It is not clear what level of specialism would be developed and how this would work alongside both the existing expertise many Panel Members may hold, and the many other roles that already exist in the hearing system. It is also not clear why or when the National Convenor might consider it necessary to set up specialisms, how they would be recruited or retrained and why some children’s panels might be considered in need of certain specialisms. The examples given in the policy memorandum – children’s services or healthcare – are not clear enough to offer insight into how and when specialist Panel Members might come into children’s lives, and the impact this might have.

We are not opposed to the idea as a whole but can see many possible challenges with the implementation of this and feel that this needs to be made much clearer as the Bill goes through parliament. At the moment, the Bill would open the door to what could be a significant change to children’s hearings without clarity on purpose, resource or timing. We would note that the Hearings for Children suggested this could be trialled by pilot, which may be a better way forward than via primary legislation.

#### **b) Participation and attendance**

We support the removal of the duty for the child to attend their hearing, in favour of a more flexible and adaptable way of incorporating children's views. We're pleased to see a recognition that attendance doesn't mean children feel able to share their views, but this change must be accompanied by demonstrable steps taken to engage with the child and consider how and whether they would prefer to attend with assurances that the child can change their mind at any time. There needs to be a more child-friendly and trauma-informed way of working, that puts the needs of the child at the centre.

Efforts should be made to make hearings as accessible as possible. It's important to recognise that these meetings may remain intimidating spaces for children who are being asked to be honest about complex and emotional issues, in front of people who they may have complex relationships with. It is essential that resource and time is committed to the processes around gathering the views of the child outwith as well as ensuring that the offer to attend the hearing is as flexible and adaptable to the child's needs as possible. There needs to be a clearer co-ordination process, which could be supported by the Lundy Model of participation and supported by the Reporter.

We 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, 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. These needs clarified.

More must also be done to communicate the decisions made by hearings, in a way that children can understand to the best of their ability depending on their age and stage. There should be a range of options in place to make sure this can be done flexibly to suit the child, and their carers, and that those they trust can be involved to help seek answers to any questions that may follow.

### **c) Preparation with the Reporter**

#### **i) Need for more deliberate, consistent information gathering**

We welcome the proposal to introduce more preparation for the hearing, through the role of the Reporter. We strongly agree with the finding of the Hearings for Children report that more needs to be done as part of the preparation phase to understand the child's views, and their network.

Research by Children First, in collaboration with parents whose children were removed from their care, found that the hearing system lacked a clear understanding of family structures. This report recommended that "The hearing needs to understand the child's family structure and relationships and involve the workers connected to siblings where relevant. Where there are gaps in knowledge about a family structure then these need to be addressed prior to the hearing so that well informed legal decisions can be made."<sup>9</sup>

Information gathered through the 'investigation' phase varies significantly between and within local authorities and mean that children have an uneven start to the hearings process. This would benefit

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<sup>9</sup> Children First 'Oor Lives, Oor Ane' Report: [Oor Lives, Oor Ane | Children First](#).

from more consistency and more collaboration between children, families, social workers and Reporters, backed by clearer legislative expectations on what this should involve.

**ii) Potential to synchronise better with Family Group Decision Making processes, to ensure children and families voices are heard**

One way to make sure that children and families are empowered to share their views and can suggest solutions that are right for them would be by strengthening the legislation in relation to Family Group Decision Making.

Research shows that Family Group Decision Making is linked to a significant reduction in children entering or remaining in care, and functions based on extended family involvement, meaning the voices of family members who are typically overlooked are included in decision making.

One parent said of FGDM, “It was the first time I’ve felt listened to in years”. At the moment, there is a very limited offer of each of these models and this varies significantly between local authorities. Where it is available, it doesn’t always synchronise well with hearings, with Family Plans being left out of Hearing papers or duplicated through separate hearing processes. It is critically important that where processes of meaningful engagement have taken place in advance of a hearing, the information and feedback gathered are properly incorporated by the Reporter.

The Promise was clear that “FGDM should become a more common part of decision-making.” The Hearings for Children report said “FGDM should be routinely and consistently offered to children and families, in line with the National Standards produced by the National FGDM Steering Group, as an option to help find innovative and creative ways to solve their problems well in advance of any statutory involvement of the Children’s Hearings System.”<sup>10</sup>

Children First co-ordinated a pilot in South East of Scotland where we explored whether a referral to Family Group Decision Making would help improve the way that children and families felt listened to and respected.<sup>11</sup> One parent shared that in children’s hearings “I didn’t feel that I can get my point across, there was just negatives being thrown about, I had a load of positives that I wanted to share but no one wanted to hear.”

Family Group Decision Making is supported by National Standards and available in around two thirds of local authorities. However, it doesn’t have a clear foothold in care and protection processes meaning that children have inconsistent access. We are calling for amendments to be made to this Bill, to ensure Family Group Decision Making is more consistently available and better synchronised with Children’s Hearings.

**iii) The need for co-ordination and a trauma-informed approach**

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<sup>10</sup> Hearing System Working Group’s Redesign Report, Hearings for Children: [hearings-for-children-the-redesign-report.pdf](#).

<sup>11</sup> This small test of change ran from 2020 to 2021 across East Lothian, Edinburgh, Midlothian and the Scottish Borders, and focussed on ensuring children and family voices were not lost in the context of remote hearings launched as a result of the pandemic.

We have witnessed experiences where children have been asked to repeat their views to a series of professionals and are concerned that there isn't always enough co-ordination between professionals to reduce the need for children to repeat their stories.

Information gathering for hearings needs to be sensitive to the possibility that this might involve difficult memories. One Children First practitioner said that "Dragging up the past is one of the hardest things to go through in panels. Mentally it can have a massive detrimental effect."

Better information gathering and participation doesn't mean building reports that include exhaustive details about the family history. In the 'Oor Lives, Oor Ane' research, Children First spoke with parents who shared how damaging it was to see out-of-date chronologies and assessments included in social work reports.

One example, given by a parent, of how parts of their own care records were shared in meetings and decision-making processes for their child within a chronology shared with her child's nursery. This included details about the parent as a young person who had experienced trauma and abuse and had been removed from her own parents' care, as well as incidents when she had come to the attention of the police as a teenager. It didn't feel relevant or respectful that this was the first piece of information that nursery staff caring for her three-year-old would read. She spoke up about this and asked that the chronology be summarised rather than shared in full to avoid the sharing of detailed information that she didn't feel was relevant. This was agreed by social work and by the reviewing officer, but only after this information had already been shared.<sup>12</sup>

#### **d) Grounds Hearings**

We fully support the findings of Hearings for Children, which highlight 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.

This sets the wrong tone and is out of sync with the intention behind the system overall which is to concentrate on 'needs not deeds'. Adversarial, court-like or court-based processes are not the best way to gather children's views or evidence, can be traumatising in themselves.

We are not sure that the changes proposed reflect the scale of change called for by the Hearings for Children report. The 'rights-based' approach that Sheriff Mackie called for may be more possible with the extended role for the Reporter, but we have concerns about the volume of cases that will remain in an adversarial process of proof decided by a Sheriff.

It will be important to consider exactly what the process will look like for children when grounds still need to be agreed via a Sheriff, and how children and their families will be supported to share views and offer evidence. We are aware that there has been research conducted by SCRA into the experiences of children and families in grounds hearings, which may help the Committee in their work on this.

Children and families need more clarity about the process, and how they will be supported to give 'evidence' when grounds still need to be agreed by a Sheriff. Children should not be required to attend

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<sup>12</sup> Children First 'Oor Lives, Oor Ane' Report: [Oor Lives, Oor Ane | Children First](#).



court unless absolutely and unavoidably necessary, and opportunities to link with the Bairns Hoose should be explored. The Committee may find it helpful to consider forthcoming research by SCRA on the experiences of children and families in grounds hearings.

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.”*

Safeguarders can plan an important role in helping children and families understand grounds, and their support can complement the Reporter’s role.

The new ‘middle’ process (where grounds are established collaboratively between the child, their family, the Reporter, and the Chair) needs proper training and resources to ensure it feels rights-based and supportive. We know that managing complex family dynamics takes significant skill, support, and experience.

**e) Missed opportunities for Children’s Hearing Redesign**

**i) Strengthen Legislation on Family Group Decision Making**

The Promise was clear that “FGDM should become a more common part of decision-making.” The Hearings for Children Report said that it should be more consistently available in advance of children’s hearing. Children First research has shown that there is a legislative weakness around Family Group Decision Making, and a real vulnerability and inconsistency in current provision.

Amendments should be made at Stage 2 to address this, to support the aims of the promise to shrink and specialise the Hearing system, empower children and families and make sure that “Where children are safe in their families and feel loved they must stay”.

**Background**

When the Promise sparked the review of the Children’s Hearing System, it said that “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.” Alongside this, the Promise said it “heard from care experienced young adults where kinship opportunities were missed because of lack of exploration of available family willing to care.”

Recent research asked, “whether opportunities were missed to enable them (families) to stay together after the child had been born”.<sup>13</sup> The concern is that this is because social work teams are stretched, and struggle to spend time working beyond the most immediate crises in children and families lives.<sup>14</sup>

The Hearings for Children report said that redesign is “entirely dependent” on early help and support systems to reduce the need for compulsion and intervention at all. This is missing from the plan so far. This means the hearing system is at risk of being overwhelmed before it can reduce.

As the lead third sector provider, Children First have been calling for Family Group Decision Making (sometimes referred to as Family Group Conferencing, or FGC) to be better embedded prior to and alongside the children’s hearing system. This will not only make sure that children’s outcomes are improved, but it will also make the remaining system much more able to do its job well, because the volume of children who it needs to consider will be reduced, so hearings can focus on effective compulsory interventions where they are necessary, proportionate and in the child’s best interests. As one parent told us, “It should be a right for the families and children to have this opportunity.”

There is a growing view that Family Group Decision Making would help to address this, in keeping with the wider aims of the Promise.

- Two thirds of local authorities currently offer some form of Family Group Decision Making, showing the value already placed on this model across Scotland. However, unclear legislation means provision is inconsistent, vulnerable.
- The Promise was clear that “FGDM should become a more common part of decision-making.” The Promise said “Family Group Decision Making (FGDM) must be consistently available for all children and families across Scotland. The Promise Scotland favours a legislative approach where children and families have a right to access FGDM and local authorities have a duty to provide it.”
- The Hearings for Children report said “FGDM should be routinely and consistently offered to children and families, in line with the National Standards produced by the National FGDM Steering Group, as an option to help find innovative and creative ways to solve their problems well in advance of any statutory involvement of the Children’s Hearings System.”
- The Promise Oversight Board said in its most recent report, “We welcome the publication of national standards for family group decision making and, while it now exists in some form in 23 local authorities, 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 Model and Evidence

Family Group Decision Making is way of building capacity in families and in systems to listen to children and families and empower them to develop their own plan.

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<sup>13</sup> Cusworth et al. (2022) [Born into care in Scotland: Circumstances, recurrence and pathways \(www.gov.scot\)](https://www.gov.scot/publications/born-into-care-in-scotland/circumstances-recurrence-and-pathways/pages/12.aspx).

<sup>14</sup> CELCIS Children’s Services Reform Research: [CSRR Concluding Report - CELCIS - 13 December 2023.pdf](#).

It supports families to broaden their supportive networks and develop a Family Plan. This happens with agreement from social work and through the intensive support from a trained and independent Co-ordinator, following National Standards.<sup>15</sup>

This is explained by one mum whose family were supported through the Family Group Decision Making process in South Lanarkshire, supported by Children First.

*"The meeting couldn't have gone any better because we are not talkers. I am so glad (young person) came along to the meeting, It helped her clarify everything and she heard everything first hand at the same time in the same place. I didn't quite appreciate how important that was. The meeting has broken some barriers. It was so reassuring (the meeting) and took the decision making out of my hands and help me accept the help I needed. 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."*

Children are less likely to be removed from their family following an offer of Family Group Decision Making. This has been demonstrated empirically through a wealth of international evidence, including a large-scale Randomised Control Trial concluded in England in 2023, and through a small-scale pilot undertaken by Children First in partnership with SCRA and CHS.<sup>16</sup>

Through FGDM, co-ordinators spend time working with the whole family network, gathering views and services involved to strengthen support and resilience around children. This means families are empowered to families to create their own unique solutions to their own challenges, and also means families are more able to realise the plans they create. The co-ordinator's accredited training and independence helps people to listen to each other, and make sure that everyone is included. Families told us:

- "What my family needed was for someone neutral and objective to listen to every member so we could then hear each other. We tried to do this ourselves but there were too many emotions involved and we would end up arguing." Parent

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<sup>15</sup> Family Group Decision Making National Standards and Practice Guidance: [Family Group Decision Making \(FDGM\) Scotland](#).

<sup>16</sup> Taylor et al. (2023) [RCT of Family Group Conferencing at Pre-proceedings stage \(foundations.org.uk\)](#). Following the evidence of the Randomised Control Trial, the UK Government are currently legislating for a consistent offer of Family Group Decision Making to be made 'pre-proceedings', though the Children's Wellbeing and Schools Bill.

- “We needed someone to come in and help us listen to each other.” Parent
- ‘It stopped everyone fighting.’ Young person

Importantly, this helps children to feel empowered, and that they can contribute to the discussion.

- “I had a choice and felt in control about what we talked about.” Child
- “I had enough time to share my views.” Child

More widely, we know that:

- **Public care is reduced, and fewer children require to be removed from their family.** Through FGDM fewer children are separated from their family, as it is more likely to lead families to find safe, happy and loving alternatives to state care.<sup>17</sup> With better support and decision-making processes, evidence shows that the number of children who are unnecessarily looked after away from home can be reduced.<sup>18</sup> This was shown in the South East Scotland collaboration between SCRA and Children First.<sup>19</sup> FGDM has also been shown to help reunite children with their families after being placed in care.<sup>20</sup> Wider evidence also shows the same pattern. A Randomised Control Trial run in England and published in 2023 found that children who had an FGDM were less likely to go into care and for those children in care who had an FGDM they were more likely to have a shorter period in state care.<sup>21</sup> As well as improving outcomes for children, this has cost reduction consequences for services, and Children First and others evidence this through within the services we provide. The Independent Care Review found the economic cost of the failure of the care system amounted to £875 million per annum.<sup>22</sup>
- **Children participate more in FGDM than in other decision-making meetings.** Children find FGDM easier to participate in than other meetings and know how they can influence things and have a voice.<sup>23</sup> A central aim is to improve family participation families feel positive about a meeting including extended family, that it is good to get family problems out in the open and to identify any possible sources of help and support.<sup>24</sup> Leeds Family Valued Evaluation found that 98% of families who participated in FGC felt more involved in the process and that their values had been respected.<sup>25</sup> This compares to other decision-making forums, where children report

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<sup>17</sup> Harris et al. (2018) [Family Group Conferencing in Australia, 15 years on](#); Morris et al. (2017) [Working with the Whole Family, What Case Files Tell us about Social Work Practices](#).

<sup>18</sup> Lawrence et al. (2020) [Family Group Conferencing in pre-proceedings](#), found that 73% of children who were at risk of being removed who had engaged with FGDM, were living with family, compared with 43% of children who did not have FGDM, this was maintained at a 3 year follow up. In Mason (2017), an evaluation of the [Leeds Family Valued](#) found that statistically significant reductions in the number of looked after children.

<sup>19</sup> Transforming the Children’s Hearing System: The Role of Family Group Decision Making, Unpublished (2019).

<sup>20</sup> LaBrentz and Fong (2016) [Outcomes of family centred meetings for families referred to Child Protective Services](#); Olson (2020) [Family Engagement and Collaborative Decision Making Processes](#).

<sup>21</sup> Taylor et al. (2023) [RCT of Family Group Conferencing at Pre-proceedings stage \(foundations.org.uk\)](#).

<sup>22</sup> Independent Care Review (2020) [Follow the Money](#).

<sup>23</sup> Mitchell (2018) [Reimagining Family Group Conferencing ‘outcomes’](#).

<sup>24</sup> Children First West Lothian Family Group Decision Making Service.

<sup>25</sup> Mason (2017) [Leeds Family Valued](#).

struggling to have their voices heard.<sup>26</sup> Research also shows FGDM increases engagement with Dads who disengage with other processes.<sup>27</sup>

### Current Provision

Children First published a report on Family Group Decision Making in Scotland in early 2025, setting out survey-based research on the current provision across Scotland alongside the findings of a Legal Opinion by Janys Scott KC.

This showed that offers vary significantly in scale and form. Services often fluctuate, and struggle to ensure a consistent offer is made to families even where the evidence is clear that when this is done, family outcomes can be improved. Around two thirds of local authorities currently offer Family Group Decision Making. Despite significant efforts to invest in it, many struggle to sustain the approach due to limited resources. This demonstrates a clear commitment from Local Authorities and highlights an opportunity for the Scottish Government to provide support and help it grow.

### Current Law

Scotland has had a legislative reference to family group decision making since 2016, when an SSI was passed to follow the Children and Young People (Scotland) Act 2014.<sup>28</sup> This should mean that every local authority ensures a family group decision making service is provided. However, as Children First's research has found, a third of local authorities still have no offer, and services in many areas are vulnerable or very small.

The legal opinion commissioned by Children First said that even though this should mean local authorities offer family group decision making, the provision lacked specificity and enforceability. The current law is not enough to support a consistent offer in practice.

The legal opinion also said that where Family Group Decision Making has been offered but care or intervention is still required, the offer can help show that children's right to stay with their family and their community has been properly explored. This means that decisions can be made more safely in the knowledge that removal is a last resort.

Amendments are needed in this Bill to make the legislation and provision clearer and more consistent, and make sure that children have consistent opportunities no matter where they are in Scotland, to make best use of the evidence-based models of working that can help uphold the Promise and children's rights.

Embedding FGDM into law as a pre-hearing step would complement these hearing redesign reforms and ensure that families are given every opportunity to resolve issues collaboratively before the state intervenes. We would strongly recommend the Committee consider this as an option for amendment at Stage 2 of this Bill.

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<sup>26</sup> Our Hearings, Our Voice (2021) [Calls to Action](#).

<sup>27</sup> Ross (2006) [Engaging with Fathers](#), Men in the FGC Process.

<sup>28</sup> [The Children and Young People \(Scotland\) Act 2014 \(Relevant Services in relation to Children at Risk of Becoming Looked After etc.\) Order 2016](#)

### Next Steps

Our view is that a comprehensive system of whole family support, and Family Group Decision Making, should be on offer across Scotland to support the hearing redesign. There should be consistent pathways for this before hearings are called.

Our view is that the best way to do this would be by building in consistent consideration of Family Group Decision Making at the point of referral to the Reporter. Children's hearings remain the most consistent decision-making space across Scotland and so building in a question of whether Family Group Decision Making has been offered, and whether it would be helpful to the family would build in a consistency and a safety net in a context where at the moment, there is none.

#### **ii) 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.

### **Part 2: What are your views on the proposed changes to Children's Services Planning set out in section 22 of the Bill?**

Children's Services Plans must be developed in coordination with the local community, the care community and the third sector—this must be meaningful.

This Bill was an opportunity to streamline reporting requirements and consider the way in which children's service plans could connect with other national agendas like tackling child poverty and upholding children's rights.

We know that current reporting requirements are very burdensome – in part because sometimes this burden is passed to the third sector. We are concerned that there is an industry around commissioning and reporting which sustains itself but distracts from the actual ability of services to focus on the needs of families.

### **Other: Are there any other comments you would like to make in relation to this Bill?**

If this Bill were to pass as introduced, our main concern would not be about the changes that are set out, but about the lost opportunities in what's not included.

The Bill as introduced has a focus on changes to the system after the care system has already been engaged. It will not help or improve the supports available to children and families to avoid the need for care in the first place.

As we have already set out, we believe that Family Group Decision Making would offer strength to the redesign of the hearing system, by aligning and synchronising this voluntary process with that system of compulsory interventions. However, it may also be possible to consider Family Group Decision Making as a free-standing provision and we would be open to exploring those options with the Committee and the Scottish Government.

Alongside this, we would like to see further amendments made to improve provision for kinship carers, and to address the fact that two key provisions have been drafted in a way that means they will fall outside the scope of the UNCRC (Incorporation) (Scotland) Act 2024 (UNCRC Act).

**a) Kinship Care**

- 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.”
- Kinship one of the most common care arrangements in Scotland, and often comes with real practical, emotional and financial challenge. Scotland relies heavily on these arrangements, yet it remains undervalued and needs to be given more consideration as part of this Bill.
- 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.

More could be done to strengthen the provisions around kinship care. We are concerned by how little this Bill looks to improve kinship care, because it remains one of the most common forms of care experience in Scotland. Kinship accounts for 35% of all children who are looked after in the community.<sup>29</sup> 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.

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

Kinship carers hold huge responsibilities, that often do not come with appropriate resource or support. Kinship carers often tell us that they feel forgotten about or left to get on with things. Carers experience

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<sup>29</sup> [Looked after children - Children's Social Work Statistics: Looked After Children 2023/24 - gov.scot](#)

intensive intervention and attention up to the point at which they take on kinship care responsibility. From this point, many who we work with tell us they feel a sense of abandonment. Their role is not always well recognised, which is partly why it is disappointing that kinship care is not more considered in 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.

We noted and welcomed the Minister for Children, Young People and the Promise's call for the UK Government to amend the rules around parental leave to ensure they apply to kinship carers.<sup>30</sup> We are hopeful that this indicates a willingness from the Scottish Government to do everything in their power to make sure kinship carers are well supported practically and financially.

The Scottish Recommended Allowance is a welcome addition to the support available to kinship carers. It forms part of a strong suite of Scottish social security offers, like the Scottish Child Payment. However, unlike the Scottish Child Payment the Scottish Recommended Allowance does not automatically increase in line with inflation under legislation. This means this valuable financial support, for a system of care that Scotland is already very reliant on, is vulnerable to dilution over time. We strongly feel that the Scottish Government should commit to increasing the Scottish Recommended Allowance annually in line with inflation.<sup>31</sup>

Carers should not have to choose between claiming an allowance and losing other benefits. We know that many kinship carers decide to leave employment, because they are needed in a full-time caring role. However, the relationship between kinship care and benefits is not clear, meaning many find themselves financially vulnerable

We know that many carers find it difficult to plan. They may be stepping in to offer help at a time of crisis, or to offer temporary respite in the knowledge that longer term care might not be possible. Taking on a kinship role can involve complex emotions, as their relationship with both the child they are caring for, and their parent changes. It also involves taking more responsibility and stepping back from other personal opportunities like work or retirement. All of this is done to help a child who needs support, so that they don't need to become the responsibility of the state. This needs to be better recognised

All kinship carers should have equitable support. But practical and financial support varies hugely both within and between local authority areas. Currently, carers of "looked after" children placed by the local authority may receive financial allowances and social work support, while those caring informally or

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<sup>30</sup> [Family leave for kinship carers: letter to UK Government - gov.scot](#)

<sup>31</sup> The Scottish Child Payment has to be uprated annually as set out in the Social Security (Scotland) Act 2018. However, the Scottish Recommended Allowance was increased this year, but not last year. This should not depend on year-to-year decision making. Without increases in line with inflation, the commitment will dilute.



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.

Peer support networks offered by organisations like Children First can be an invaluable and transformative space for kinship carers to share challenges and find support to navigate them. In part, this is because support systems are so inconsistent that carers make a deliberate effort to share information and advice, because they want others to know what they know.

One kinship carer told us “When you’ve got all that, when you’re trying to support your granddaughter and you’re trying to reassure a wee five-year-old when this is all going on and when they’re feeling like they’ve done something wrong, it’s just having that support.”

Sometimes, peer support can just be a space to connect and relax. With the pressures many kinship carers are managing, “It’s helped so much. Coming to this group has helped me, helped me feel like I’ve got something like I’ve got friends. This is a small group, and I just find it relaxing being able to talk and have a laugh.”

More support should be made available to help these networks develop, because at the moment they are few and far between. Kinship carers often struggle to ask for help, because they are worried that if they are not seen to be ‘coping’, the care system will sweep in and decisions will be made to take children into another form of placement. Peer support groups are a safe space, that can be invaluable for the sustainability of kinship arrangements.

The CELCIS report on growing up in kinship care found that children often experience a lack of understanding from schools and professionals, contributing to feelings of exclusion. One young person working alongside Children First expressed to us her frustrations that often teachers would not understand what kinship care is, or the complexity of how these situations came to be, sharing: “when I was in primary school, there were 3 children in my class who were in kinship. We were still told to take letter home to our ‘mums and dads’”. These seemingly simple turns of phrase can have profound impacts on children, and their kinship carers who often spend significant time and energy ensuring children feel included.

Kinship Care Orders also need to extend to children up to the age of 18, in line with the recognised age of the child under the UNCRC, and recent changes to extend the Children’s Hearing System.

#### **b) 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. We refer to their briefing on this Bill on this.<sup>32</sup>

It is essential that Scottish Government take steps to address this issue in relation to Section 1 and Section 10 as set out by Together. The Scottish Government should also make sure that a commitment is made to address this type of issue in all future legislation, so that this does not have to be identified

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<sup>32</sup> Together (Scotland’s Alliance for Children’s Rights) Children (Care, Care Experience and Services Planning) (Scotland) Bill briefing [cccesp\\_uncrc\\_scope\\_final.pdf](#).

and debated on a case-by-case basis, and the ethos and intention of the Incorporation Act can be upheld as far as possible.

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