

Convenor and Members of Education, Children and Young People Committee,
The Scottish Parliament

14 November 2025

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

Dear Convenor,

At the meeting of the Education, Children and Young People Committee of 5 November you heard further evidence in respect of the Children (Care, Care Experience and Service Planning) (Scotland) Bill. Having listened to the session, I note that an official from the Scottish Government made a number of comments about the evidence I provided to you, as the representative of Social Work Scotland, at your meeting of 8 October 2025. I was disappointed to hear them suggest that the concerns I expressed about the Scottish Government's approach to the development of the Bill were unmerited. It was also implied that inadequacies with the financial memorandum reflected local government failings to provide data. I feel compelled to address these comments directly, providing the Committee with what I hope will be useful clarification and expansion on our previous statements.

I recognise that this is an unusual step for a professional association to take. I do so in the hope that the Committee is able to consider the clarifications in the preparation of your Stage 1 report. Social Work Scotland remains deeply committed to the Promise, and to that end, also to working constructively with the Scottish Government to progress the Bill through its stages. With amendments the Bill can provide further impetus for delivering the Promise, and all of us who are committed to making that happen must make the most of this opportunity.

Engagement in the development of the Bill

On 8 October, when giving evidence to the Committee, I noted that *"the Government did not do sufficient engagement with a range of stakeholders during the development of the bill"*, and that *"the bill could have been strengthened had the Government engaged across*

the professional bodies that work to support Scotland's children, young people and care-experienced adults". This repeated what Social Work Scotland has noted in written evidence, and in communications with officials and the Minister.

The response from Scottish Government officials to our concerns about engagement has been to suggest, as they did to your committee two weeks ago, that (a) engagement on the detail of the Bill was not possible due to the privileged nature of the parliamentary process, but that also (b) engagement did take place. From which the Committee and others are invited to infer that we and other stakeholders are either mistaken or are exaggerating this issue for some ulterior purpose.

The deficiencies in officials' approach to stakeholder management are substantiated by the accounts of many unconnected organisations and individuals who have provided evidence to you. But this problem is not specific to the Bill. The Committee may be interested to know that, prior to the publication of the Bill, the Scottish Government's "Keeping the Promise" team had not sought to engage directly with Scotland's thirty-two Chief Social Work Officers, on any matter related to the Promise. Considering the critical role this group of stakeholders holds in delivering the Promise, and the Scottish Government's own requirements to assess the impact of the policies it brings forward, this absence of engagement has been notable. Indeed, I believe it illustrates the systematic problems recently identified by Audit Scotland (October, 2025).

However, our concern has primarily been about the quality of engagement, rather than its quantity. In our written evidence to you we noted that *"it has taken Scottish Government five years to bring forward legislation to facilitate delivery the Promise, and in that time there has been little appetite for discussing or addressing the kind of issues"* we believe need to be addressed. It is this reluctance, from some in Scottish Government, to engage in brave, substantive discussions, which prompts our criticism of their approach. We have articulated this specific concern to Scottish Government officials many times, and are aware that other partners have too. It was therefore doubly disappointing to hear Scottish Government Promise Team officials characterise our position as discontent over a lack of privileged access to the detail of the Bill. That is not the case. Our point has and continues to be that Scottish Government officials failed at the start of this Bill process, long before any words were drafted for the Bill.

Furthermore, in respect of the argument made about the privileged nature of the parliamentary process, this has left me and Social Work Scotland colleagues perplexed. Never before have Social Work Scotland members, in our considerable collective experience, experienced a Bill development process like the one preceding publication of the Children (Care, Care Experience and Services Planning) Scotland Bill. Ordinarily, Scottish Government officials are open and collaborative in their policy development, valuing the insight local authority social workers can offer, and understanding social workers' critical role in the implementation of policy. We never expect to see the wording of Bills before their publication in Parliament, but we do very regularly comment on the policy instructions which are to be sent to legislative drafters. Such engagement seems a

routine and sensible part of ensuring draft legislative provisions are as strong as possible. With this Bill, there has been no such engagement.

Finally, at the meeting of 5 November the Minister noted that Social Work Scotland staff and members are in contact with officials on an “almost hourly or daily” basis, and that this therefore illustrated *“conflicting stories about the level of engagement between [Social Work Scotland] and me and my officials”*. It is true that we do meet, very regularly, with Scottish Government officials. A high level of interaction between Scottish Government and Social Work Scotland is to be expected, considering the centrality of social work to many aspects of the care system, and our members’ connection through to the lives of children and families. As alluded to above, on a day-to-day basis Scottish Government officials in the Children and Families Directorate are good and trusted partners, and they request our input frequently. But the regular contact we have has not been about this Bill. There is a distinction between our engagement with children and families’ officials per se, and engagement around this Bill. I believe some of the evidence you heard from Scottish Government officials may have conflated these two strands.

Financial Memorandum

Later in the session, in response to questions from Mr Mason MSP about the financial memorandum, the Minister replied *“the figures were provided by local authorities. We asked for the most up-to-date information, so that was the best information that we had to go on. [...] Based on the figures that were provided, a good effort was made to realistically envision those costs, but I have been clear that further work, especially in relation to aftercare, is on-going with COSLA to tighten those up a little.”*

I assume this statement reflects how the Minister had been briefed by her officials, in the same manner in which she was briefed about overall engagement. I can confirm categorically that no request for up-to-date expenditure or demand information was sent to Social Work Scotland, or our members directly, prior to the Bill’s publication. Consistent with the Bill team’s broader approach, the financial memorandum was developed on a closed, internal basis, with no formal involvement from local government partners. The data used was either historic (e.g. provided for the Children and Young People (Scotland) Act 2014) or re-purposed from other costing exercises (e.g. Children’s Care and Justice (Scotland) Act 2024). We believe it is therefore unreliable as the basis for costing this Bill’s provisions.

Conclusion

Roz McCall MSP made a number of important observations last week about implementation, which I thoroughly endorse. If we are committed to delivering real change for families and care experienced people, the practical deliverability of proposals must be our central concern. And it is because of this that Social Work Scotland members are somewhat downbeat about the Bill, and frustrated at the Scottish Government’s response to our concerns. Our shared objective is to advance proposals which will, when implemented, transform how we support children and their families, and people with care

experience. To do that requires close, open partnership among all those who have a role in implementing change. But the development of this Bill reflects a very different approach by the Scottish Government. I hope that the Committee's Stage 1 report, combined with Audit Scotland's recent findings, provide the necessary impetus for a fundamental re-think within Scottish Government about the role it plays in delivery of the Promise.

In my opening comments above I re-stated the commitment of Social Work Scotland to delivering the Promise. If Scotland does not deliver on the Promise, we put at risk the futures of those in our care today, those who have moved into adulthood carrying their experience of care, and those who will need our care tomorrow. With bravery, and genuine partnership between national and local government, we can transform the care system into what care experienced people, their families, and carers, have told us they want it to be. They are now watching with interest to see how the Scottish Parliament helps deliver this commitment to them. At the meeting on 5 November 2025 the Minister indicated that she will ensure her officials engage fully with all stakeholders. I welcome this commitment, and assure the Committee that, should the Bill proceed to Stage 2, Social Work Scotland will engage constructively.

Yours sincerely,

John Trainer

Convenor, Social Work Scotland