

Equalities, Human Rights and Civil Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP
Via email: ehrcj.committee@parliament.scot

October 2025

Dear Convener,

We wrote to you in November 2024 as part of your call for evidence on the non-implementation of key Acts of the Scottish Parliament (the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020, the Domestic Abuse Protection (Scotland) Act 2021, and the Children (Scotland) Act 2020).

We welcome the scrutiny you have applied to Parliament on the subject of unimplemented legislation during Committee meetings in 2024 and 2025.

We are now writing to mark the fifth anniversary of the Children (Scotland) Act 2020, which commenced on the 1st October 2020.

The passage of the Act represented a promise from the Scottish Parliament: to improve children's experiences of navigating difficult proceedings, and to centre processes around children's rights. However, key elements - including the regulation of child welfare reporters and contact centres, and improvements to child advocacy services - have not been implemented. It is vital to consider the implications for women and children when the system does not protect them in situations of domestic abuse. Delays in implementing improvements to decision-making processes means that women and children continue to be endangered by child contact decisions which do not take full account of domestic abuse and so lead to further harm and trauma.

Your Committee has undertaken valuable work to shed light on the status of key provisions within the Act. We are aware of the work that is currently underway across Scottish Government teams to progress these commitments, and that officials continue to work hard to make these changes happen. We have sought to support this as best we can.

However, decisions about funding and resourcing continue to stand in the way of implementation. Children need real commitments. We are now marking the fifth anniversary of the Act with, for many of its key provisions, no tangible improvements to the experiences of children and families.

Our letter in November 2024 called for greater parliamentary responsibility and accountability for monitoring the progress of legislation. This will need to be a key priority for the remainder of this parliamentary term, and the next Parliament.

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We understand that your Committee is currently working on its budget response to the Scottish Government. We would request that you bring the previous work on non-implementation of key Acts into the scope of this. The failure to implement existing commitments must underpin any consideration of future budgetary and parliamentary plans, with transparency and accountability around funding decisions on legislation that has been passed but is yet to be implemented.

We would like to thank you again for your work to draw attention to this urgent issue. We would be happy to continue to discuss this, and to take any action that could help to encourage progress.

Kind regards,

Mary Glasgow
Chief Executive, Children First

Dr Marsha Scott
Chief Executive, Scottish Women's Aid

