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Children (Care, Care Experience and Services Planning) (Scotland) Bill: Consideration prior to Stage 3

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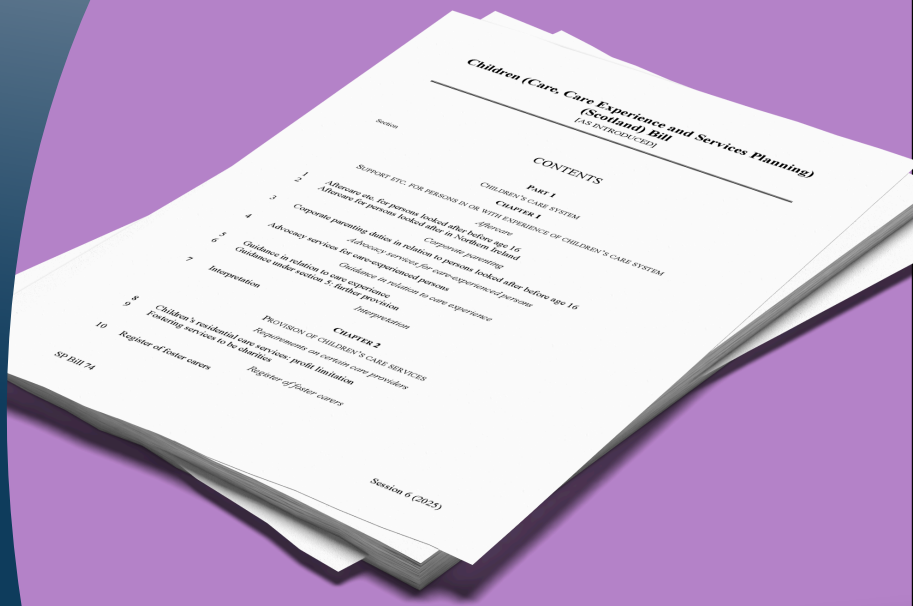
This briefing sets out parliamentary scrutiny of the Children (Care, Care Experience and Services Planning) (Scotland) Bill ahead of Stage 3. It recaps on Stage 1 Committee scrutiny and provides a summary of amendments at Stage 2.



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Overview of the Bill

The Children (Care, Care Experience and Services Planning) (Scotland) Bill was introduced to the Scottish Parliament on 17 June 2025. The Education, Children and Young People Committee was the designated lead committee scrutinising the Bill.

The Bill is in three parts:

- **Part 1, Chapter 1** extends eligibility for aftercare support for young people leaving care prior to their 16th birthday. It also extends corporate parenting duties for certain publicly funded organisations to include those leaving care prior to their 16th birthday, and puts a duty on Scottish Ministers to issue guidance in relation to care experience in order to aid understanding of their circumstances.
- **Part 1, Chapter 2** gives Scottish Ministers powers to make regulations requiring non-local authority residential care providers to provide financial and operational information through an initial information request. It introduces a requirement for Independent Fostering Agencies (IFAs) to be registered charities, and gives Scottish Ministers powers to establish a register of foster carers.
- **Part 1, Chapter 3** makes changes to the operation of the children's hearings system, including to the tests for referral to a hearing, the composition of panels, requirements around children's attendance at hearings, and terms of compulsory supervision orders (CSOs) and interim variation of CSOs.
- **Part 2** makes changes to planning arrangements for children's services, requiring any Integration Joint Boards (IJBs) covering an area to join local authorities and health boards on the list of bodies required to plan children's services.
- **Part 3** contains the final provisions for the Bill.

SPICe produced a briefing on the Bill following its introduction. This looks at the Bill provisions in more detail and can be viewed on the Scottish Parliament website.

The Scottish Government also launched two consultations relevant to the Bill following its introduction. These sought stakeholder views on financial transparency and profit limitation in children's residential care and the future of foster care. There has also been ongoing engagement relating to support for kinship carers, including a consultation on a vision for kinship care . During Stage 1 consideration of the Bill, several stakeholders noted their preference would have been for a consultation on profit limitation to be held prior to the Bill's introduction. [1]

Amendments agreed to at Stage 2 are explored in more detail in this briefing. They include (but are not limited to):

- strengthening of existing duties on local authorities to provide care leavers transitioning from childhood to adulthood with accommodation where needed
- measures to improve support for kinship carers including provision for kinship carers to request an assessment of their support needs, associated statutory guidance, and data reporting requirements

- extension of eligibility for aftercare support to all care leavers
- regulation-making powers for a national register of foster carers to be brought into scope of the UNCRC (Incorporation) (Scotland) Act 2024
- provision of guidance and training on corporate parenting
- a definition of 'independent advocacy'
- measures which put support for foster carers into statute and introduce powers relating to payments to foster and kinship carers, including requirements for transparency and a mechanism for annual uprating
- clarification on the process and selection of single member panels for children's hearings
- provisions to introduce family group decision making
- provisions around outcomes, reviewing and reporting of children's service plans.

Stage 1

The Education, Children and Young People (ECYP) Committee was the lead committee scrutinising the Bill at Stage 1.

The Committee ran a call for views on the Bill provisions from 27 June until 15 August 2025. There were four versions of the call for views: one for individuals with care experience, one for organisations and academics, a BSL version, and an Easy Read version. The Committee received 85 responses from organisations and academics, 32 responses from individuals with care experience and those supporting them, and one response to the Easy Read version. A summary of responses to the call for views can be found in the SPICe papers for the Committee's 10 September 2025 meeting [2] .

The Committee held three evidence sessions with stakeholders. These took place on 10 September, 17 September and 8 October 2025. The Minister for Children and Young People and The Promise, Natalie Don MSP, gave evidence on the Bill on 5 November 2025.

The Committee also held an engagement event with care experienced children, young people and adults on 7 October 2025. A note of the session is available on the Bill webpage.

The Delegated Powers and Law Reform Committee held evidence sessions on the Bill on 9 September 2025 and 7 October 2025 and published its report on 8 October 2025.

The Finance and Public Administration Committee wrote to the ECYP Committee about the Bill's Financial Memorandum on 30 October 2025.

The ECYP Committee's Stage 1 Report on the Bill was published on 17 December 2025.

Parliament agreed the general principles of the Bill at Stage 1 on 14 January 2026.

Education, Children and Young People Committee Stage 1 Report

The ECYP Committee Stage 1 Report on the Bill was published on 17 December 2025.

In the report, the Committee noted concerns from a number of stakeholders about a lack of engagement prior to the publication of the Bill.

The Committee report also [1] :

- called for the Scottish Government to explore how Bill provisions on aftercare and a register of foster carers could be brought within scope of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (UNCRC Act)
- asked for further information about aftercare eligibility, highlighting that under the provisions in the Bill, those leaving care prior to the age of 16 would have to request assessment before they could be considered for support

- called for further work to ensure costings for aftercare provisions were accurate, as stakeholders had raised concerns about figures used being an underestimate and out of date
- recommended mandatory training for all corporate parents
- asked the Scottish Government for a response to stakeholder concerns that expanded corporate parenting duties could lead to state intrusion
- recommended that the Bill should include a definition of 'independent advocacy' and, in the absence of this, there should be clarity around who qualifies for lifelong advocacy
- stated an opt-out model of advocacy should be explored for the children's hearings system
- stated that the Bill's lack of a clear definition of care experience was "unhelpful", suggesting the Bill could include a duty to develop regulations to define care experience
- sought further information on proposals to limit profit in residential care, including how the Scottish Government proposes to define 'excessive profit'
- stated the Committee's support for proposals requiring Independent Fostering Agencies (IFAs) to become registered charities, as long as there was sufficient lead-in time to secure a smooth transition
- called for further information about the proposed register of foster carers, including where responsibility for the register would lie
- raised concerns about proposals for single member panels in the children's hearings system, calling for the Scottish Government to respond to this and other concerns raised in relation to hearings system proposals
- expressed support for the introduction of paid Chairs in the hearings system, seeking further information about the plans for transition
- expressed uncertainty about the addition of paid specialist panel members to the children's hearings system, highlighting stakeholder concerns about the potential for power imbalances and calling for clarity from the Scottish Government on the role of specialist members
- welcomed the removal of the obligation for children and young people to attend their hearing, but stated the belief that this should be replaced with a presumption to attend (with the exception of babies and very young children) and steps should be taken to increase participation
- raised concerns about proposals for post-referral discussions with the Principal Reporter, stating that this should instead be an opportunity to meet with the Chair of the Hearing
- raised concerns about proposals around establishing 'grounds' for a children's hearing, stating these risked making the process "significantly more complex" and calling for section 14 of the Bill to be revisited

- stated support for automatic 'relevant person' status for parents or those with parental rights to attend hearings to be removed in prescribed circumstances
- highlighted concerns around proposed changes to the test for referral to the Principal Reporter meaning some children and young people may miss out on support
- welcomed the addition of 'support' to the statutory referral criteria of 'protection, guidance, treatment or control' and called for the Scottish Government to work toward removal of the terms 'treatment' and 'control'
- raised concerns in relation to a lack of understanding around the Bill's proposals for Integration Joint Boards (IJBs) to join local authorities and health boards on the list of bodies required to plan children's services, stating the intended purpose of the changes was unclear.

The Committee report also highlighted the Finance and Public Administration (FPA) Committee's letter [3] on the Financial Memorandum accompanying the Bill. The letter stated concerns relating to staff recruitment and capacity, pre-existing budget pressures and inaccurate assumptions around the costs of delivering certain aspects of the Bill including aftercare, costs to the Care Inspectorate, and uncertainty around the costs of advocacy and the register of foster carers.

Scottish Government response

The Scottish Government responded to the ECYP Committee's Stage 1 Report on 12 January 2026.

In the response, the Minister for Children and Young People and the Promise, Natalie Don MSP, stated that the Scottish Government had asked Professor Kenneth Norrie and the Centre for Excellence for Children's Care and Protection (CELCIS) to lead an independent review of the current legislative framework for the children's care system. This followed evidence from multiple stakeholders at Stage 1 of the Bill describing the current legislative landscape as "cluttered" and complex". [4] The Minister stated she expected the review to be concluded "within the next 12 months" [4] .

Key points within the response included:

- the Bill's provisions on aftercare and a register of foster carers were not in scope of the United Nations Convention on the Rights of the Child (UNCRC) as restating these provisions in a new Act could potentially undermine "their overall effectiveness, clarity and workability" [4] , however the issue would be given further consideration given concerns raised at Stage 1
- agreement that information about aftercare eligibility must be clearly provided and this would be factored in to implementation plans in numerous ways
- work to update costings for aftercare provisions would continue, and Parliament would be updated on progress
- commitment to produce new corporate parenting guidance should the Bill pass into law
- consideration was being given ahead of Stage 2 as to how to provide clarity on

independence of advocacy services without unintended consequences on existing provision

- regulation-making powers contained in the Bill would set out detail on the implementation of advocacy services for care experienced people and could be updated to reflect the needs of the care community in the future
- the Scottish Government did not believe an opt-out model of advocacy should be used in the children's hearings system
- the Minister was open to considering amendments at Stage 2 to improve provisions in the Bill dealing with profit limitations for residential care providers
- guidance on the registration of IFAs as charities would be published to support implementation and this would address issues such as monitoring compliance and cross-border issues that may arise
- the register of foster carers was not intended to create a 'placement maker' or drive out of area placements, data requirements would be subject to "rigorous privacy and data protection standards" [4] and stakeholders would be consulted about the information that would be gathered
- the operational detail of the register of foster carers would be set out in secondary legislation
- a working group on the register of foster carers would be set up to look at issues including scope, costs and governance
- the Scottish Government believes a children's hearing with three panel members should make "substantive" decisions on compulsory supervision orders and the measures contained within them
- enabling a single panel member to make a decision on an interim compulsory supervision order (ICSO): "... is anticipated to be helpful in minimising delay where the child requires urgent measures to protect them from risk of harm. This does not mean that all ICSOs will be decided by a single panel member, but that they can be if it is necessary for the urgent protection of the child"
- in the absence of a child, for a hearing to be satisfied that a ground has been accepted by a child there will need to be "robust evidence confirming the child's views" [4] , with the option to require the child's attendance at a further hearing where a hearing is not satisfied
- guidelines on the use of Specialist Panel Members would be developed, and the intention is that the National Convener of Children's Hearings Scotland would have access to "a small cohort" [4] of individuals identified as having expertise in a particular field such as neurodiversity, babies or infants, or cases involving domestic violence
- the role of the specialist panel member would be to provide "a practical, specialised view of the facts and evidence before the tribunal" [4]
- removing the child's obligation to attend hearings and proceedings before a sheriff is intended to "adapt the system to accommodate a child who chooses not to attend

their hearing" [4] , while the test for requiring a child to attend is intended to give the hearing discretion about where to apply the test (e.g. where it is necessary for a fair hearing) and this must be "used sparingly and proportionately" [4]

- proposals on post-referral discussions were intended to standardise the approach to engagement in the stages following a referral
- in relation to post-referral discussion of grounds, the Scottish Government would consider whether further amendments were needed to clarify that the hearing would not be compelled to act in a particular way based on the Principal Reporter's views
- in relation to concerns about power imbalances or potential self-incrimination, the Scottish Government stated the post-referral discussion was not compulsory and the Reporter's role is to offer information and support participation, not to secure acceptance of grounds
- from 30 March 2026, when the Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 3) Regulations 2025 come into force, children referred on offence grounds under the age of 18 would be no longer be able to waive the right to a solicitor during police interview
- on the complexity of the proposed grounds hearings provisions, the Scottish Government stated it was reflecting on the Committee's call for these to be revisited
- further consideration would be given to whether changes to language such as the phrases 'treatment' and 'control' could be introduced by the Bill
- Bill provisions on children's services planning were intended to provide "clarity in law on the expectation that all IJBs [Integration Joint Boards] must actively contribute to the planning of children's services and how that should be done" [4] , with the expectation that this would "therefore help to ensure a more joined-up approach to planning and commissioning across adult and children's services and support more effective data collection and sharing" [4] .

Supplementary Financial Memorandum

The Scottish Government published a supplementary Financial Memorandum for the Bill on 6 March 2026.

The original Financial Memorandum provided an overview of estimated costs associated with the Bill from 2026-30 [5] . However, following concerns raised at Stage 1 around the Bill's costings, the Minister for Children, Young People and The Promise, Natalie Don MSP, committed to update these. The Scottish Government worked with COSLA and Social Work Scotland to produce revised information prior to Stage 3.

The original Financial Memorandum stated overall total costs of the Bill would be:

- between £245,000 and £295,000 in 2026-27
- between £5,826,000 and £7,321,000 in 2027-28

- between £19,012,000 and £22,084,232 in 2028-29; and
- between £20,730,575 and £23,812,750 in 2029-30. [5]

Further information about the breakdown of costings in the original can be found in the SPICe briefing on the Bill as introduced.

The supplementary Financial Memorandum sets out significant increases in the costs of the Bill.

It states that **additional costs arising as a result of Stage 2 amendments** to the Bill are projected as follows[i]:

- between £4,500,000 and £4,510,000 in 2026-27
- between £142,360,000 and £143,760,000 in 2027-28
- between £187,762,000 and £187,958,000 in 2028-29; and
- between £219,774,000 and £222,482,000 in 2029-30. [6]

In addition to the costs arising from Stage 2 amendments, in a letter to the Education, Children and Young People Committee on 9 March 2026, the Scottish Government stated that updated data from local authorities and COSLA along with updated modelling on eligibility[ii] found:

> " ... an increase to the additional costs associated with extending Aftercare as introduced at Stage 1 are projected to be between £5 million higher in year 1 (2027-28) to £23 million in year 3 (2029-30) than previously estimated. [7] "

Stage 1 Debate

The Stage 1 debate was held on 14 January 2026 and the general principles were agreed to.

Opening the debate, the Minister highlighted that, in response to concerns raised at Stage 1 about the complexity of the legislative landscape, the Scottish Government had established an independent review of the legislative landscape for the children's care system:

> " I expect [the review] to consider points that were made at Stage 1, and for the review to report in 12 months' time, in order to give the next Parliament and Government time to legislate further in this area, if that is required. [8] "

During her speech, the Minister also stated:

- Bill provisions on aftercare and a register of foster carers would remain as

i Additional costs arising as a result of Stage 2 amendments can be found in Table 1 of the Supplementary Financial Memorandum.
ii Updated costs as a result of further work on the financial memorandum post-introduction can be found in Table 2 of the Supplementary Financial Memorandum.

amendments to the Children (Scotland) Act 1995 and therefore not in scope of UNCRC

- consideration would be given to areas not included in the Bill at Stage 1, including kinship carers and family group decision making.

Speaking on behalf of the Education, Children and Young People Committee, Convener Douglas Ross MSP highlighted stakeholder concerns about aftercare and a register of foster carers being outwith the scope of UNCRC and stated disappointment that the Scottish Government had not addressed these. He did not accept that the Scottish Government's announcement of a review of the legislative landscape and the announcement of a Children's Rights Scheme represented progress.

During his speech Douglas Ross MSP also highlighted:

- stakeholder reports of a lack of engagement from the Scottish Government prior to publication of the Bill
- the need for clear guidance on eligibility for aftercare
- stakeholder views that the Bill's proposals for the children's hearings system did not go far enough, and some proposals, such as proposals for post-referral discussions, presented potential problems.

During the debate, Members spoke of the likely need for another Bill in the next session of Parliament in order to keep the Promise by 2030. The need for the Bill to contain a definition of independent advocacy was also raised. Some Members also called for amendments on family group decision making to be brought forward at Stage 2. Clarification of what removing profit from residential care would mean in practice was also called for.

Costings used in the Bill's Financial Memorandum were highlighted as being out of date, and the Scottish Government's commitment to provide updated costings was welcomed. The Minister's work to engage with Members ahead of Stage 2 was welcomed.

At Decision Time, the general principles of the Children (Care, Care Experience and Services Planning) (Scotland) Bill and the Bill's Financial Resolution were both agreed to unanimously. [8]

Stage 2

Consideration of Stage 2 took place on 4 February, 11 February and 18 February 2026.

A number of amendments that were not moved/agreed to at Stage 2 were highlighted for further consideration ahead of Stage 3. These included:

- an addition to the general principles of the Bill that there should be a presumption against taking a child into care where possible
- information about support for kinship carers
- access to care experience advocacy
- provision for children's hearings in relation to infants
- support available to adopted people and their families
- adoption support.

Part 1: Children's care system

Part 1 of the Bill relates to the children's care system.

Before section 1

Three amendments in the name of the Minister for Children and Young People and The Promise, Natalie Don MSP, (the Minister) add provisions around kinship care assistance to the Bill:

- **Amendment 1** amends the Children and Young People (Scotland) Act 2014 (the 2014 Act) to add new section 71A on assessment for kinship care assistance. The intention of this is to strengthen the statutory framework for kinship care by introducing a right to a needs-based assessment for assistance.
- **Amendment 2** adds new section 73A to the 2014 Act placing a requirement on local authorities to have regard to guidance issued by the Scottish Government in relation to the provision of kinship care assistance.
- **Amendment 3** adds new section 73B to the 2014 Act, giving Scottish Ministers a regulation-making power to require local authorities to provide information relating to kinship care assistance.

Amendments 1, 2 and 3 were agreed to without division.

Section 1

Section 1 of the Bill amends the aftercare provisions in the 1995 Act to extend aftercare eligibility.

Amendments 127 and 128 in the name of Martin Whitfield MSP removed reference to aftercare supporting welfare needs and the provision of an 'assessment of needs' for 19-25 year olds.

While both of these amendments were agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote), **amendment 92** in the name of Roz McCall MSP was subsequently agreed to, removing the amended section 1 and replacing it with a new section 1.

Section 1 in the Bill as drafted amends the Children (Scotland) Act 1995, which pre-dates devolution. This means the provisions do not fall within the scope of the compatibility duty of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. **Amendment 92** brings the aftercare provisions in the Bill into scope of UNCRC.

Speaking to the amendment, Roz McCall MSP said:

> " Amendment 92 brings together the duties, applications, assessments and assistance into a single coherent framework. That matters because complexity in the law often translates into barriers in practice. For young people who are leaving care, clarity is not a luxury; it is essential. Amendment 92 would ensure that young people understand what assistance they are entitled to, how to access it and how long it will last. If we do not simplify and strengthen these provisions, aftercare will remain confusing and it will be de-prioritised all too easily. [9] "

The Minister stated she could not support amendment 92 as, while it and other amendments proposed by Roz McCall MSP would extend the reach of the UNCRC (Scotland) Act 2024's compatibility duties, doing so risked introducing complexity:

> " As I have explained previously, the approach taken in the bill to amending the Children (Scotland) Act 1995 is deliberate and necessary to maintain coherence with the existing legislative framework governing aftercare and foster care. Re-enacting those provisions as freestanding ones in this bill would introduce significant complexity, require duplication of related secondary legislation and risk fragmenting closely connected provisions across multiple acts. [9] "

Amendment 92 was agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote).

After section 1

Amendment 93 in the name of Roz McCall MSP repeals section 30 of the Children (Scotland) Act 1995 on local authority financial assistance for care experienced children and young people toward expenses for education and training, and copies the same provisions into this Bill.

This has the effect of bringing the financial assistance provisions into the scope of the UNCRC Act by inserting them into legislation made by the Scottish Parliament. Previously, the provisions were not in scope as the parent act was made in the UK Parliament. The Minister said she could not support this amendment for the same reasons outlined in section 1.

Amendment 93 was agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote).

Section 2

Section 2 of the Bill also deals with aftercare. It amends section 29 of the Children (Scotland) Act 1995 to include those between the ages of 16 and 18 who were looked after in Northern Ireland and are now resident in Scotland as a group eligible for aftercare support from a local authority. This brings parity with current provisions already in place for children from England and Wales.

An amendment in the name of Roz McCall MSP to remove section 2 was not agreed. There were no amendments agreed to in this section of the Bill.

After section 2

Amendments 131 to 134 in the name of Nicola Sturgeon MSP deal with provision of support for 16 and 17 year old children experiencing homelessness, care leavers transitioning from childhood to adulthood, and 18-20 year olds requiring accommodation support from Children's Services.

Speaking to **Amendment 131**, Nicola Sturgeon MSP stated it strengthens an existing duty in section 25 of the Children (Scotland) Act 1995:

> " ... by making it explicit that any child under 18 who is homeless or living in accommodation that "is not suitable for" their welfare must be accommodated as a child. That is intended to deal with the issue that if 16 and 17-year-olds, and in particular those with care experience, find themselves homeless, they are often routed through homelessness services, not through children's services. [9] "

Amendment 132 amends an existing power in the 1995 Act to provide accommodation to care experienced young people aged 18 to 21, making this a mandatory duty.

Amendment 133 extends continuing care to 18-20 year olds eligible for accommodation under Amendment 132, and a 'right to return' to their previous place of care for all 16-20 year olds.

Speaking to Amendment 133, Nicola Sturgeon stated that the new provision:

> " ... ensures that young people who return to care or accommodation are eligible for continuing care on the same basis as those who never left care. It would also allow continuing care to be provided in alternative accommodation where staying in the original home is not possible. [9] "

Amendment 134 creates a discretionary power for local authorities to provide continuing care up to age 25 in order to allow them flexibility to safeguard and promote a young person's welfare where this was required. Nicola Sturgeon MSP stated:

> “ ... that approach encompasses the notion that a care-experienced young person should have the same opportunities, at various stages of their life, that most of the rest of us are able to take for granted. [9] ”

The Minister stated support for the amendments, though added that further discussions would be held ahead of Stage 3.

Amendments 131, 132, 133 and 134 were agreed to without division.

Section 3

Section 3 of the Bill relates to corporate parenting duties owed by various publicly funded individuals and organisations to certain children and young people under 26.

Section 3 broadens the scope of these duties so that, for the first time, they apply to children and young people under 26 who were looked after but left care **before** turning 16.

Amendment 95, in the name of Roz McCall MSP, removes the age-related criterion in section 3 of being under 26. It substitutes it for such age as the local authority considers appropriate having regard to the person's individual needs.

This amendment was agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote).

Amendment 136, in the name of Martin Whitfield MSP, addresses situations where establishing a young person’s age is difficult. The amendment requires the local authority to presume that an individual is under 26 where there are reasonable grounds for believing that to be the case.

Although the reference to a person under 26 had previously been removed by amendment 95, amendment 136 was nevertheless agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote).

Amendments 137 and **138**, in the name of Ross Greer MSP and supported by Nicola Sturgeon MSP, concern Scottish Government guidance on corporate parenting, which corporate parents are currently required to have regard to under the Children and Young People (Scotland) Act 2014 ('the 2014 Act').

Amendment 137 alters the wording of the existing statutory provision, directing that the guidance **must**, rather than **may**, include advice or information on specified topics. **Amendment 138** adds training - including renewal of training - as one of the topics which the guidance must cover.

Amendments 137 and 138 were agreed to without division.

After section 3

Amendment 139, in the name of Paul O'Kane MSP, inserts a new provision into the Bill. This, in turn, adds further provisions to the 2014 Act.

The amendment requires corporate parents to put in place pathways and support to help care experienced young people move into employment and training. It also obliges corporate parents to appoint employment officers to deliver this support and to comply with duties set by the Scottish Ministers, who in turn must issue guidance on these new roles.

This amendment was disagreed to by division (For 4, Against 6; Abstentions 0).

Amendment 140, in the name of Martin Whitfield MSP, adds a new duty to the 2014 Act. The amendment requires corporate parents to uphold the rights of care experienced children and young people to their identity - including nationality - in line with Article 8 of the UN Convention on the Rights of the Child. It applies in cases of uncertain identity, but also more widely.

This amendment was agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote).

Section 4

Section 4 of the Bill says that Scottish Ministers must, by regulation, confer a right of access to what it refers to as **care experience advocacy services**. Much of the detail around the right is left to secondary legislation.

> This new right of access is not to be confused with **children's advocacy services**, associated with the children's hearing system, and discussed later in relation to section 14 and section 18 of the Bill.

Various non-government amendments - either withdrawn or not moved - related to the concept of independent advocacy, which was also a key policy issue of interest in relation to section 4 at Stage 1.

Amendment 147, in the name of Ross Greer MSP and supported by Nicola Sturgeon MSP, defines 'independent' advocacy services (in section 4(2)) as those provided by someone who is **not** a local authority, health board, NHS trust, their members, or anyone delivering medical treatment or social care to the individual under arrangements with these bodies.

This definition is taken from the Mental Health (Care and Treatment) (Scotland) Act 2003 in relation to a right to access mental health advocacy services conferred through that Act. The Minister stated that the Government support this amendment. However, adjustments would be required at Stage 3 to ensure that text that is specific to the mental health context is removed and that the amendment is updated to ensure that there are not any unintended consequences which would impact on existing independent advocacy provision.

This amendment was agreed to without division.

Amendment 10, in the name of Jeremy Balfour MSP, says that regulations must make provision to ensure care experience advocacy services are offered to those with a right of access at "the earliest appropriate opportunity."

This amendment was agreed to (For 5, Against 5, Abstentions 0; amendment agreed to on casting vote). The Minister advised that, whilst supporting this amendment, drafting adjustments may be required at Stage 3 to ensure that it is technically workable and committed to further discussions ahead of Stage 3.

Amendment 145, lodged by Paul O'Kane MSP, extends eligibility for care experience advocacy services to family members of a care experienced person.

Amendment 145 was moved and, no Member having objected, withdrawn. The Member stated his intention to "re-engage ahead of Stage 3" (Official Report, 4 February 2026, col 83).

Amendment 154, also lodged by Paul O'Kane MSP, would require that families of care experienced people, or families of those who may become so, be consulted before any regulations are made under section 4.

Amendment 154 was disagreed to by division (For 4, Against 5, Abstentions 0).

Amendments 152, 153 and 156, lodged by Ross Greer MSP, extend eligibility for care experience advocacy services - via regulations - to children who are currently, or adults who were as children, "cared for or supported because they were estranged from their family." In this context, 'estranged' usually refers to individuals who have severed all familial ties and do not receive the emotional or financial support that families would normally provide.

Amendment 152 was moved and, no Member having objected, withdrawn. Amendments 153 and 156 were not moved.

The Scottish Government considered that no changes to the Bill were required because Ministers already had authority under section 4 to define 'care experience' in a way that could include estranged young people as being eligible to access care experience advocacy services - if it was deemed appropriate following consultation and engagement. The Government would prefer to address this through the guidance that will be issued under section 5, to avoid unintended impacts on rights for care experienced young people, but it may still explore possible amendments at Stage 3 (Official Report, 11 February 2026, cols 9-10).

Amendment 9, in the name of Jeremy Balfour MSP, says that regulations made under section 4 must ensure that rights of access to care experience advocacy services are conferred on an **opt-in** basis. The member said that the policy aim was avoiding children and young people feeling forced into using advocacy services (Official Report, 4 February 2026, col 77).

This amendment was disagreed to by division (For 0, Against 10, Abstentions 0).

On the other hand, **amendment 150**, in the name of Willie Rennie MSP, requires regulations made under section 4 to provide independent, **opt-out** advocacy - meaning that a person is automatically referred unless they actively choose not to engage. The amendment further says that this advocacy must offer long-term, relationship-based support, enable advocates to take part in key decision-making processes, and be subject to transparent monitoring arrangements.

This amendment was not moved.

The Minister said that she would welcome further discussion on amendments 9 and 150, along with amendments 147 and 10, which were agreed to, before Stage 3 (Official Report, 4 February 2026, col 82).

Section 5

Section 5 of the Bill deals with guidance for public authorities and organisations exercising public functions in relation to care experience.

Amendment 100 in the name of Roz McCall MSP inserts reference to rights-based, trauma-informed practice, with the intention being to "embed such practice in statutory guidance" [9] .

The amendment was agreed to without division.

Amendment 160 and 161 in the name of Paul O'Kane MSP change the duty on public authorities to have due regard to care experience guidance published under section 5 of the Bill.

These amendments were agreed to without division.

After section 6

Amendment 166, in the name of Paul O'Kane MSP, requires Ministers to set, by regulations, requirements on corporate parents for collecting and annually reporting data. This must cover lifelong outcomes for care experienced people, equalities data, and - in the case of local authorities - use of advocacy services. Ministers must consult care experienced people, stakeholders, and corporate parents before making the regulations.

The amendment was disagreed to by division (For 3, Against 6, Abstentions 0).

Amendment 169, in the name of Willie Rennie MSP, requires Ministers to set data collection, reporting and planning duties for corporate parents. This must include data on care experienced people's views of their sibling relationships, how these views shape decisions, and the provision of independent advocacy. Ministers must consult COSLA before making the regulations.

The amendment was not moved.

After section 7

Amendments 11-16 in the name of Fulton MacGregor MSP focused on improving support around adoption.

Amendment 11 proposes adding 'specialist post-adoption support work' to the list of adoption support services under section 1 of the Adoption and Children (Scotland) Act 2007.

Amendment 12 adds 'peer support' to the list of adoption support services.

Amendment 13 would require local authorities, when carrying out their duty to provide an adoption service, to have regard to "the desirability of ensuring sustainable funding for adoption support services to prevent adoption breakdown" [10] .

Amendment 14 would require Ministers to make regulations ensuring adopted people are recognised as having care experienced status for the purposes of accessing services including mental health support.

Amendment 15 would require Ministers to insert a new section into the 2007 Act requiring Ministers to make regulations setting out a definition of 'adoption breakdown' and guidance on the collection and sharing of information.

Amendment 16 would require Ministers to produce a report on funding for therapeutic support as part of adoption support services, including consideration of whether Scotland should establish a national therapeutic support fund.

Responding to the amendments, the Minister stated:

> " ... as drafted, several of the amendments might not achieve the outcomes that we want, and others, such as amendment 12 on peer support and amendment 15 on defining adoption breakdown and setting data requirements, would require further engagement on purpose, scope and implementation before any statutory duties could be placed in legislation. That said, I do want to be constructive, and I know that Fulton MacGregor does, too. There might be something that we could consider in the broad space represented by amendments 12 and 15, and I would be happy to work with Mr MacGregor and other members ahead of stage 3 to refine their intent in a way that reflects established delivery models; is proportionate and workable; and is informed by adopted families' experiences. Separate to that, I am also open to considering a review of the 2011 adoption and looked-after children guidance and to exploring whether a stage 3 enabling power for statutory adoption support guidance, which local authorities must have regard to, might offer a more coherent and proportionate route to improving consistency in the matters that Fulton MacGregor has brought to our attention. I hope that the member agrees with that approach and that he will not press or move these amendments, so that we can continue to work together ahead of stage 3. [10] "

The amendments were not moved.

Section 8

Section 8 of the Bill enables Scottish Ministers, through regulations, to strengthen financial transparency requirements for residential care providers that are not run by local authorities. Residential care is one of the options available for looked after children.

If it is found that providers are making excessive profits, section 8 also empowers Ministers to introduce further regulations to limit those profits, after consultation with relevant stakeholders.

Amendment 17, in the name of the Scottish Government, brings secure accommodation

services within the scope of section 8. Secure accommodation is a highly controlled form of residential care for children under 18 whose own safety, or the safety of others, cannot be managed in any other setting. **Amendment 170**, lodged by Martin Whitfield MSP, achieves the same outcome, albeit with different drafting.

Amendment 17 was agreed to without division. Amendment 170 was not moved.

Amendment 171, in the name of Martin Whitfield MSP, allows currently unidentified care provision that could be profit making to be later added to the scope of section 8 via regulations. The Scottish Government said that, while it supports the amendment's intention, its drafting may require some refinement before Stage 3 (Official Report, 11 February 2026, col 31).

The amendment was agreed to without division.

Amendment 18, in the name of the Scottish Government, amends the Public Services Reform (Scotland) Act 2010 to update the definition of a child to be 18 years, for the purposes of those provisions to be inserted into the 2010 Act by section 8 of the Bill.

Amendment 18 was agreed to without division.

After section 9

Amendment 19 in the name of the Minister is intended to fix a technical problem with the definition of cross-border placement in the Public Services Reform (Scotland) Act 2010.

The current definition's reference to cross-border placements that are made into a residential establishment is too narrow to cover placements made into school care accommodation services. Amendment 19 corrects this to ensure that the new powers inserted into the 2010 Act by the Children (Care and Justice) (Scotland) Act 2024 can work as intended.

The amendment was agreed to without division.

Section 10

Section 10 inserts new section 30A into the 1995 Act to give Scottish Ministers the power to "make arrangements for the establishment and maintenance of a register of foster carers" in order to facilitate approval of carers and placement of children at local level.

Amendments 172 and 173 in the name of Martin Whitfield MSP set out further detail on how the register will operate. Amendment 172 clarifies that information about persons not approved as foster carers will only be included if the decision not to approve was based on concerns about their suitability to work with children.

Amendment 173 sets out that regulations making provisions for a register of foster carers may set out how foster carers can access and correct personal information held about them.

The amendments were agreed to without division.

However, **amendment 178** removes the amended section 10 from the Bill, replacing it with new section 10 making standalone provision for a register of foster carers without amending the 1995 Act. This has the effect of bringing the register into scope of the UNCRC Act.

This amendment was agreed to without division.

After section 10

Amendments 179 to 184 in the name of Martin Whitfield add new sections to the Bill after section 10, setting out further detail about the register of foster carers and how it should operate.

In the Bill as introduced, these were contained in section 10 as amendments to the 1995 Act. Amendments 179 to 184 insert these into the Bill as standalone provisions. As with the amendments to section 10, this brings the provisions into scope of the UNCRC Act.

Amendments 179 to 184 were agreed to without division.

Amendments 20 and 21 in the name of the Minister amend the Adoption and Children (Scotland) Act 2007 to add provisions for paying and uprating of allowances for foster and kinship carers.

Speaking to the amendments, the Minister said:

> " Amendments 20 and 21, in my name, strengthen the statutory basis for payments to foster and kinship carers. They introduce for the first time a clear and consistent mechanism for the annual uprating of allowance rates and form an important part of our wider programme of work to improve the experience of care in Scotland. [10] "

Amendment 20 amends section 110 of the 2007 Act to broaden the regulation-making power so that Scottish Ministers can make provision for payments and financial support made by local authorities to foster carers; currently, these payments can only be made solely in respect of a child. It also enables Ministers to require local authorities to publish the rates of payments made to foster and kinship carers.

The Minister said the aim of these changes is to ensure fairness, support recruitment of carers and help carers understand their entitlements. [10]

Amendment 21 introduces a statutory mechanism for annual uprating of allowances paid to foster and kinship carers, amending the Adoption and Children (Scotland) Act 2007 and the Children and Young People (Scotland) Act 2014 to apply the uprating calculation, publication and subordinate legislation requirements already established in sections 86A and 86B of the Social Security (Scotland) Act 2018 in respect of various devolved social security benefits.

Explaining the effect of this amendment, the Minister said:

> “ It means that allowance rates must be considered each year in line with inflation, using the established, structured and transparent framework that applies to devolved social security benefits. By maintaining the value of those allowances over time, we can help ensure that carers are supported with the real costs of caring and that financial strain does not impact the stability of placements. [10] ”

Amendments 20 and 21 were agreed without division.

Section 11

Currently, all children’s hearings, as well as pre-hearing panels - a form of initial hearing required for certain legal and procedural matters - must consist of **three members**.

Section 11 of the Bill makes various amendments to the Children's Hearings (Scotland) Act 2011 ('the 2011 Act') to allow children’s hearings and pre-hearing panels, in certain circumstances, to consist of only one member. This must be a member appointed to the children’s panel as a **chairing member**.

Amendment 27, in the name of the Scottish Government, adds new sections to the 2011 Act. The amendment allows the chairing member to request a full panel whenever they think the child’s situation or the seriousness of the decision requires it. This includes decisions such as whether to invite or excuse someone from attending a hearing.

When the chairing member believes a three-member hearing is needed, they provide their advice and recommendation to the National Convener of Children's Hearings Scotland ('the National Convener'). The National Convener - who is responsible for selecting panel members - must then arrange a three-member children’s hearing as soon as practicable.

This amendment was agreed to without division.

Relating to amendment 27, **amendment 26**, also in the name of the Scottish Government, amends another new provision of the 2011 Act (which was inserted by section 11 of the Bill). The amendment requires the National Convener to appoint a single chairing member for any hearing that does not need a three-member panel, removing the need to assess case-by-case panel composition.

This amendment was agreed to without division.

Amendments 22, 23 and **24**, again in the name of the Scottish Government, are consequential to amendments 27 and 26. **Amendments 29** and **32**, also in the Government's name, address minor typographical errors.

These amendments were all agreed to without division.

Amendment 25, in the name of Jeremy Balfour MSP, requires Scottish Ministers to define the chairing member’s functions in regulations. The Government believes this is unnecessary because Ministers already have the power to set hearing procedures under the 2011 Act. It will update the chairing member’s functions using those existing powers (Official Report, 11 February 2026, col 40).

This amendment was not moved.

Amendment 105, in the name of Roz McCall MSP, requires that when a children's hearing is deciding whether to appoint a **safeguarder**, the hearing must be made up of three members of the children's panel. A safeguarder is an independent person appointed to safeguard the interests of the child to whom the children's hearing relates.

The member's concern here related to possible difficulties in rural areas with people being appointed from outside the area. The Scottish Government committed to discussions on this topic in advance of Stage 3 (Official Report, 11 February 2026, cols 40-42).

The amendment was not moved.

Amendment 106, in the name of Roz McCall MSP and supported by Martin Whitfield MSP, aims to ensure that the most important cases are heard by three panel members.

Amendment 106 was not moved.

Amendment 28, in the name of the Scottish Government, is consequential on amendment 61. Amendment 61 (also agreed to) relates to **section 14 of the Bill** on changes to the process of establishing grounds, and is discussed later.

Amendment 28 was agreed to without division.

After section 11

Amendment 107, in the name of Roz McCall MSP, requires the National Convener to aim, where reasonably practicable, to have the same chairing member lead all children's hearings for the same child, where the National Convener believes that this would be in the child's best interests.

Similarly, **amendment 186**, in the name of Martin Whitfield MSP, says that the National Convener must, where reasonably practicable, ensure the same chair is selected for the same child if that chair has chaired previous hearings.

On both amendments, the Scottish Government committed to working with the relevant members in advance of Stage 3 (Official Report, 11 February 2026, col 43).

Both amendments were not moved.

Section 12

Section 12 of the Bill, by amending the 2011 Act, allows for panel members to be remunerated as well as paid allowances. The new powers of remuneration are, in particular, intended to apply to panel members fulfilling chairing member roles (as discussed earlier) and any **specialist members.**

The Bill does not define a specialist member. The Policy Memorandum (para 159) notes that it could be someone with a particular expertise in child services or healthcare. Alternatively, it could be an additional chairing member for a children's hearing whose particular legal competence is required in the event of an acutely complex case.

Amendments 187 and **227**, in the name of Martin Whitfield MSP, mean that the National Convener when, looking at the issue of remuneration for a chairing member, must consider whether they have relevant legal knowledge, certain tribunal skills, specific personal qualities (such as kindness and compassion) and any other skills and competencies the National Convener considers relevant.

These amendments were not moved.

Section 13

Section 13 of the Bill removes the current position requiring a child to attend children's hearings and sheriff court proceedings about their case, unless excused.

Instead, the child will have the right to attend but will no longer be obliged to do so - unless a children's hearing or sheriff require the child's attendance on specified grounds.

Amendment 34, in the name of the Scottish Government, aims to clarify that the decision to require a child's attendance can be made in advance of a children's hearing. **Amendments 35** to **38**, **47** and **49**, also in the name of the Scottish Government, are consequential on amendment 34.

These amendments were agreed to without division.

Amendments 39-46 and **amendment 48**, again in the name of the Scottish Government, make various minor changes relating to a child's attendance at a hearing before a sheriff.

These amendments were agreed to without division.

Amendment 188, in the name of Martin Whitfield MSP, would reinstate the child's duty to attend hearings unless excused.

The amendment was not moved.

Amendment 108, in the name of Roz McCall MSP, requires Scottish Ministers to publish guidance on children's attendance and, when a children's hearing is deciding whether to require a child's attendance, it must have regard to that guidance.

The amendment was disagreed to by division (For 3, Against 6, Abstentions 0).

Section 14

Section 14 of the Bill proposes various changes to the process of **establishing grounds**.

The process for establishing grounds in a children's hearing is an existing legal procedure ensuring that a child only becomes subject to a compulsory supervision order (CSO) if specific legal criteria are agreed or proven.

The **Principal Reporter** is the lead officer for the Scottish Children's Reporter Administration (SCRA), responsible for investigating, determining, and arranging compulsory supervision hearings for children in Scotland.

Under the current procedure, at the first children's hearing (the **grounds hearing**), the ground(s) for referral to the children's hearing system are put to child and relevant persons (such as a parent), as well as the facts supporting the ground(s). They are asked whether they accept them. If they do not, it is the sheriff court - on application by the Principal Reporter - who determines whether the grounds are established.

Section 14 of the Bill enhances the role of the Principal Reporter, who will meet with the child and their family before deciding to convene a children's hearing. In this meeting, they may discuss the statement of grounds and how the child will participate. The Principal Reporter must then produce a report that captures these discussions, along with any other relevant information.

Based on this engagement - and with section 14 revising certain elements of the existing procedure - the Principal Reporter may then:

- arrange a children's hearing if the grounds are likely to be accepted, with the focus on decision making for the child.
- convene a children's hearing if agreement is possible but uncertain, to clarify or resolve issues and, where appropriate, make decisions on compulsory measures.
- apply to the sheriff if agreement is unlikely, or if a relevant person cannot understand the grounds.

Amendment 53, in the name of Jeremy Balfour MSP, aims to ensure all regulations laid in respect of changes to the current procedure for establishing grounds are subject to the affirmative procedure.

This amendment was not moved.

Amendment 50, in the name of Jeremy Balfour MSP, aims to ensure that clear regulations are drafted on what can and cannot be said in a pre-hearing discussion with the Principal Reporter under the revised procedure.

This amendment was disagreed to (For 3; Against 6; Abstentions 0).

Amendment 52, in the name of the Scottish Government, modifies the Principal Reporter's new duties. The amendment allows the Reporter to forgo attempts to discuss relevant matters with the child or relevant persons before a children's hearing or sheriff court application where, in light of their response to an initial offer, such discussion would be inappropriate or ineffective.

This amendment was agreed to without division.

Children's advocacy services

The 2011 Act requires that every child or young person taking part in a hearing is told about the specialist advocacy services, known as **children's advocacy services**, available to help them participate.[iii] As mentioned earlier, they are distinct from the new care experience advocacy arrangements introduced in section 4 of the Bill.

Amendment 189, in the name of Ross Greer MSP and supported by Nicola Sturgeon MSP, together with **amendment 109**, in the name of Roz McCall MSP, removes the duty on the Principal Reporter to ask a child or relevant persons whether the child intends to use children's advocacy services.

Instead, the amendments establish an **opt-out** system in which the child is automatically referred to advocacy services unless they explicitly choose not to be.

Amendment 189 was moved and, no Member having objected, withdrawn. Amendment 109 was pre-empted.

Amendments 54 and **55,** in the name of the Scottish Government, clarify what the Principal Reporter must do when it looks like some of the stated grounds for a children's hearing will not be agreed to. They set out that the Reporter has to apply to the sheriff if either the child (provided they are able to understand the explanation) or the relevant persons involved are unlikely to accept one or more of those grounds.

These amendments were agreed to without division.

Amendment 69, in the name of the Scottish Government, relates to the situation when an interim compulsory supervision order is made by a children's hearing before a case goes to the sheriff court. It aims to make sure that the need for a further interim compulsory supervision order can be considered, by a children's hearing**,** again in advance of the sheriff court hearing.

This amendment was agreed to without division.

Under the 2011 Act, as amended by section 14 of the Bill, certain legal and procedural matters can be referred to a **pre-hearing panel** for a decision before a children's hearing, or before the sheriff considers an application.

Amendments 57 to 59, in the name of the Scottish Government, make certain changes in relation to pre-hearing panels. The intended effect of the amendments is to ensure that issues - such as deciding whether an individual is a relevant person - can be resolved early, so that the children's hearing or sheriff's consideration can proceed without delay.

These amendments were agreed to without division.

Amendment 56, in the name of the Scottish Government, updates the 2011 Act to require that the Principal Reporter's report - when a case is referred to a children's hearing or to the sheriff - includes details of the explanation given to the child about the statement of

iii Children's Hearing (Scotland) Act 2011, section 122; The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 SSI 2020/370.

grounds, along with the Reporter's view on whether the child understood or accepted those grounds. This applies regardless of whether the child has said they will attend the hearing, aiming to ensure that the report provides all relevant information for decision-makers at later stages.

This amendment was agreed to without division.

Amendment 60, in the name of the Scottish Government, gives the grounds hearing wider scope to appropriately consider the views of more people than just the Principal Reporter when considering the child's understanding of the grounds. That might include a child's advocacy worker, legal representative or safeguarder.

This amendment was agreed to without division.

Amendment 61, in the name of the Scottish Government, ensures that a grounds hearing is not required to move straight to considering a child's acceptance of the grounds when the child attends but has not discussed them with an appropriate person. It allows the hearing to give proper consideration to the child's capacity and acceptance before making a decision. **Amendments 62, 63** and **68** are consequential on amendment 61.

These amendments were all agreed to without division.

Amendments 191 and **192**, in the name of Martin Whitfield MSP, relate to the requirement at a grounds hearing to consider whether, having regard to a child's age and maturity, the child would be capable of understanding an explanation of each ground in the statement of grounds. Broadly, the amendments would restrict this requirement to situations where the child concerned was five years or over.

These amendments were not moved. The Scottish Government committed to further discussions around this issue, with a focus on non-legislative options, in advance of Stage 3 (Official Report, 11 February 2026, col 50).

Amendments 64 and **65,** in the name of the Scottish Government, give the chairing member more flexibility when explaining the grounds and supporting facts to the child and relevant persons. The aspiration is that such discussions can be less formal, and that these amendments allow for a more proportionate approach to each case, especially where there has been a lot of early work with the child and family to help them understand the grounds. **Amendments 66** and **67,** in the name of the Scottish Government, are consequential on those amendments.

These amendments were all agreed to without division.

Amendment 190, in the name of Martin Whitfield MSP, provides that a children's hearing must reach a decision, or a sheriff must make a determination, within **three months** of when the Principal Reporter prepared the statement of grounds. The Scottish Government committed to considering an alternative amendment it considered deliverable in advance of Stage 3 (Official Report, 11 February 2026, col 72).

The amendment was moved and, no member having objected, withdrawn.

Amendments 70 to **73**, in the name of the Scottish Government, correct minor typographical errors in section 14.

These amendments were agreed to without division.

Amendment 51 is consequential on **amendment 79**. Amendment 79 relates to **section 18 of the Bill**, on new information-sharing duties for certain public bodies, and is discussed later.

Amendment 51 was agreed to without division.

After section 15

Amendment 74, in the name of the Scottish Government, aims to ensure that a relevant person is unable to repeatedly request frivolous or vexatious reviews of a compulsory supervision order, where there is no real prospect that a review will result in a variation of that order.

This amendment was agreed to without division.

Section 16

Relevant persons

'Relevant persons' are defined in the 2011 Act as any **parent** of the child - whether or not they have parental rights or responsibilities - and any other person who has obtained these rights and responsibilities through the courts.[iv]

It is also possible for someone to be **deemed** a relevant person under the 2011 Act.[v] This is where the panel considers that the individual has (or has recently had) a significant involvement in the upbringing of the child.

Section 16 of the Bill enables **relevant person status** to be removed from someone who automatically has this status (see above). This removal is currently not possible, with only the status of those who are 'deemed' as relevant persons being able to be removed in certain circumstances.

Amendments 193 and **194**, in the name of Martin Whitfield MSP, relate to article 16 of the UNCRC, which provides for the right of children not to be subjected to unlawful interference in their private or family life. The amendments ensure that, when considering whether to prevent a relevant person from attending a hearing, the UNCRC would be considered on the same basis as article 8 of the ECHR, which also relates to a right to private and family life.

The amendments were agreed to without division. The Scottish Government indicated that amendments might be lodged at Stage 3 to tidy up the drafting (Official Report, 11 February 2026, col 74).

Amendments 75 and **76**, in the name of the Scottish Government, concern the timescales

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iv Children's Hearings (Scotland) Act 2011, section 200.

v Children's Hearings (Scotland) Act 2011, section 81.

for the court process when applying for, or appealing decisions about, the removal of relevant person status. At present, these timescales are set out on the face of the Bill. The amendments would remove them, with the intention that timescales are instead established through court rules.

Amendments 75 and 76 were agreed to without division.

After section 16

Children's legal aid is the type of financial assistance that is available in various types of court proceedings for a child or young person, and certain adults, if a child or young person's case was heard at a children's hearing and goes to court. With certain exceptions, it is means-tested.

Amendment 77, in the name of Jeremy Balfour MSP, makes children's legal aid automatically available (that is, without means or merit-testing) for court proceedings relating to the children's hearings system.

The amendment was moved and, no Member having objected, withdrawn.

Amendment 113, also in the name of Jeremy Balfour MSP, makes children's legal aid automatically available for children's hearings themselves when the child is alleged to have committed an offence.

The amendment was not moved.

Amendment 114, again in the name of Jeremy Balfour MSP, makes children's legal aid automatically available to every child who is subject to a children's hearing fixed by the children's reporter, including all deferred hearings (those rescheduled for a later date), irrespective of the grounds of referral.

The amendment was not moved.

In relation to all the amendments on legal aid, the Scottish Government indicated that, while it had policy concerns about the specific approach in the relevant amendments, especially the resource implications, it was willing to to explore opportunities to strengthen access to legal aid prior to stage 3 (Official Report, 11 February 2026, col 80).

Amendment 111, in the name of Roz McCall MSP, enables Scottish Ministers to introduce, via regulations, an accreditation system for solicitors representing children and relevant persons in children's hearings.

This amendment was not moved.

Amendment 112, in the name of Jeremy Balfour MSP, requires that solicitors may appear and act in children's hearings only if they have completed an approved training course on child-centred, trauma-informed practice. The National Convener is responsible for approving this training. The Law Society of Scotland must keep a publicly available list of solicitors who meet the requirement.

The amendment was not moved.

Amendment 110, in the name of Roz McCall MSP, would enable Scottish Ministers, via regulations, to create a specialised children's hearing process for infants.

The amendment was moved and, no Member having objected, withdrawn. Following an exchange with the Minister on the topic, the Member indicated her intention to return to the issue at Stage 3 (Official Report, 11 February 2026, col 85).

Amendment 195, in the name of Martin Whitfield MSP, requires the appointment of an infant safeguarder for any child under five in respect of whom a children's hearing has been arranged. It also covers the level of skills and training that infant safeguarders should have to ensure that they are the appropriate people to work in the role.

The amendment was not moved.

Amendment 197, also in the name of Roz McCall MSP, enables Scottish Ministers, via regulations, to provide for the appointment of trained, independent persons to represent an infant's interests in hearings.

The amendment was not moved.

Amendment 196, in the name of Martin Whitfield MSP, requires the Principal Reporter to produce a report within three months after any children's hearing where the child was not already in a permanent placement. The report must state whether the child has since achieved permanence, what further steps are needed if not, and which form of permanence would best serve the child. Scottish Ministers may provide guidance on the meaning of 'permanence' after consulting relevant parties.

The Scottish Government said this amendment was not in keeping with the Principal Reporter's current role and would create a significant administrative burden (Official Report, 11 February 2026, cols 17-18).

The amendment was not moved.

Amendment 198, in the name of Roz McCall MSP, requires that the Principal Reporter must publish annual reports on how long key stages in the children's hearings process take - from receiving a referral to preparing the statement of grounds, and from that point to the first hearing. Reports must include data by local authority and any extra information set by ministers. Ministers can also set rules, by regulations, on the reports' format and publication.

The amendment was not moved. The Scottish Government committed to working with the Member on an alternative amendment in advance of Stage 3 (Official Report, 11 February 2026, col 73).

Section 18

Section 18 of the Bill introduces new duties requiring local authorities, police constables, health boards, and the Principal Reporter to provide children - once they have been notified of their referral - with information about their referral, the children's hearings process, and the availability of children's advocacy services.

Currently, under the 2011 Act, the chairing member of the children's hearing must inform a

child about the availability of children's advocacy services at the hearing stage,[vi] but this may come too late for the child.

Amendment 115, in the name of Jeremy Balfour MSP, supported by Martin Whitfield MSP, adds the requirement to include information about the availability of child-centred advice and legal representation.

The amendment was agreed to without division. The Scottish Government said it intended to propose minor changes to the wording at Stage 3 (Official Report, 11 February 2026, col 81).

Amendments 200 and **202** to **204**, in the name of Martin Whitfield MSP, amend the new duties in section 18 to reflect an **opt-out** system of advocacy, where the child is informed of their referral to children's advocacy services, unless they object, rather than just the availability of those services.

These amendments were not moved.

Amendment 205, in the name of Ross Greer MSP, amends the definition of children's advocacy services to state explicitly that such services must be independent, and may include non-instructed advocacy where appropriate.

Non-instructed advocacy is a specialised form of advocacy that can be used to support children who are unable to express their views due to age, disability, illness, or trauma.

Amendment 205 was not moved.

The Scottish Government said that it supports the policy intention behind the amendment but considers that the drafting requires further development. It committed to discussions on this issue ahead of Stage 3 (Official Report, 11 February 2026, col 65).

After section 18

Amendment 78, in the name of the Scottish Government, inserts a new provision in the Bill with the effect that children's advocacy services can include non-instructed advocacy.

This amendment was not moved, as the Scottish Government is committed to discussing non-instructed advocacy further in advance of Stage 3.

Amendment 79, in the name of the Scottish Government, inserts a new section into the 2011 Act which, in turn, places a new duty on the Principal Reporter. This is to inform the person providing the children's advocacy service of the time and place of the children's hearing - or, where applicable, the hearing before the sheriff. This change is in order that the advocate can best support the child or young person.

The amendment was agreed to without division.

Amendment 80, in the name of Jeremy Balfour MSP, amends the existing statutory duty

vi Children's Hearing (Scotland) Act 2011, section 122(2).

on the chairing member to provide information about the availability of advocacy,[vii] to make it clear that the duty is to inform the child at the earliest possible opportunity.

The amendment was not moved.

Amendment 206, in the name of Martin Whitfield MSP, also amends the existing statutory duty on the chairing member. The amendment requires the chairing member of children's hearing to instead inform a child about the child's **referral** to children's advocacy services at the hearing stage, in keeping with an **opt-out** model of advocacy.

The amendment was not moved.

After section 21

Amendment 117, in the name of Roz McCall MSP, relates to the language associated with children's hearings and changes multiple statutory references in the 2011 Act to 'treatment or control' to 'nurture or support'.

Amendment 117 was moved and, no Member having objected, withdrawn.

Amendments 119 and **120**, in the name of Sue Webber MSP, amend section 38 and 39 of the 2011 Act. These provisions, in turn, relate to applications by a local authority or other person for a **child protection order**. This is an emergency court order allowing local authorities and others to immediately remove a child to a place of safety or keep them there, protecting them from imminent, significant harm (abuse or neglect).

Amendment 119 requires that the sheriff, when considering an application, must be satisfied by evidence on oath. Amendment 120 would require that any evidence provided by a social worker to a sheriff for the purposes of this consideration must be given on oath.

Amendment 119 was moved and, no Member having objected, withdrawn. Amendment 120 was not moved.

Amendment 199, in the name of Martin Whitfield MSP, says that Scottish Ministers must, by regulations, create a pilot scheme in relation to 'safe baby hearings'. A safe baby hearing is a defined as a hearing for a child under five years old, and looked after or at risk of becoming looked after.

The amendment was not moved.

Amendment 209, in the name of Wiliam Rennie MSP, amends the Criminal Justice (Scotland) Act 2016 to say that under-18s who are arrested must be taken to a 'place of safety' instead of a police station, unless no suitable alternative is available. A place of safety, defined by reference to the 2011 Act, is essentially any suitable location - including a council-run facility, hospital or doctor's surgery, or a willing person's home - where a child can be safely accommodated.[viii]

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vii Children's Hearings (Scotland) Act 2011, section 122.

viii Children's Hearings (Scotland) Act 2011, section 202(1).

Note that, under the Children (Care and Justice) (Scotland) Act 2024, children can already be taken to places of safety between being charged and going to court, with the relevant provisions due to commence on **30 March 2026**,[ix] but the amendment allows this to take place at an earlier stage of the process.

The Scottish Government said that it supported the policy intention underpinning the amendment. Furthermore, a working group is currently looking at alternatives to a police station but that the implications of a change are "truly complex" and consultation with Police Scotland is required on what constitutes a suitable place of safety. Cross-party discussions have been set up in advance of Stage 3 (Official Report, 18 February, cols 8-10).

The amendment was moved and, no Member having objected, withdrawn.

Part 1A: Family Group Decision Making

Family group decision making (FGDM) is a process which brings together a child or young person's extended family network to make decisions about a child's welfare, aiming to reduce out of home care and strengthen family connections.

A number of members lodged amendments relating to FGDM at Stage 2, some of which were supported by the Scottish Government. The Scottish Government also said it would bring amendments on FGDM at Stage 3 (Official Report, 18 February 2026, col 6).

Amendment 207, in the name of Miles Briggs MSP, supported by Martin Whitfield MSP and Roz McCall MSP, requires local authorities, when providing initial information to the Principal Reporter about a child, to also state whether FGDM is available, whether it has been or will be considered for the child, and any outputs from FGDM already carried out.

The amendment was agreed to without division.

Amendment 208, in the name of Miles Briggs MSP, relates to the point the Principal Reporter is investigating, with a view to making a determination. The amendment requires the Principal Reporter to ask whether FGDM is available and whether it has been offered to the child and their family.

Amendment 208A amends amendment 208 to further require the Principal Reporter, if FGDM has not been offered, to consider whether it should be offered during their investigation or recommended when deciding that a compulsory supervision order is not needed.

The Scottish Government said that FGDM is a valuable tool for supporting families, but it is not suitable in all situations - especially where there are risks such as coercive control or domestic abuse. For that reason, it did not support amendments 208 and 208A , as it considered that they would make the process mandatory rather than voluntary. They would

ix Children (Care and Justice) (Scotland) Act 2024, sections 12 and 15; Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 3) Regulations SSI 2025/379.

also shift responsibilities from local authorities to the Principal Reporter, which the Scottish Government thought would not be appropriate. (Official Report, 18 February 2026, col 6).

Amendments 208 and 208A were not moved.

Amendment 118, in the name of Roz McCall MSP, supported by Miles Briggs MSP and Martin Whitfield MSP, requires Scottish Ministers, within three years, to set national standards and practice guidance for FGDM through regulations, after consulting the national FGDM steering group, all local authorities, third-sector providers, the Principal Reporter, the National Convener, and other relevant stakeholders.

The amendment was not moved.

Amendment 210, in the name of Miles Briggs MSP, requires Scottish Ministers, within three years of Royal Assent, to publish and lay before Parliament a report on FGDM provision in Scotland, after consulting the national FGDM steering group, all local authorities, third sector providers, the Principal Reporter, the National Convener, and other relevant stakeholders.

Amendment 210A, amending amendment 210, in the name of Martin Whitfield MSP, requires this report to show which local authorities offer FGDM, whether services meet national standards and practice guidance, and what further steps are needed to make FGDM available everywhere.

Amendment 210, as amended by amendment 210A, was agreed to without division. Amendment 210A was itself agreed to by division (For 9, Against 0, Abstentions 1).

Amendment 212, in the name of Willie Rennie MSP, requires Scottish Ministers to publish guidance on FGDM. This guidance should define FGDM, explain how it is offered and how it supports early intervention and children's rights, outline measures for accessibility and consistency, and refer to existing national standards. It should also consider how FGDM links to child protection, pre-birth work, and planning for children returning home or leaving care.

The amendment was agreed to without division.

Amendment 213, in the name of Willie Rennie MSP, creates a duty for lead children's services planning bodies to ensure FGDM is available for children and families. It also requires children's services plans to report on how this duty has been met, and defines FGDM by reference to guidance.

This amendment was not moved.

Amendment 214, also in the name of Willie Rennie MSP, requires that local authorities must ensure that children at risk of entering care - and their parents or carers - know about family group decision-making services, but only when it is in the child's best interests. The information provided must be clear about what the process is, why it is used, and what it might lead to, and be defined by reference to guidance.

This amendment was not moved.

Amendment 215, again in the name of Willie Rennie MSP, requires Scottish Ministers to confer, via regulations, children at risk of entering care a right to access FGDM. The regulations will also define what those services include.

The amendment was not moved.

Part 2: Children's services planning

Part 2 of the Bill amends existing provisions in Part 3 of the Children and Young People (Scotland) Act 2014 (the 2014 Act) on the planning of children's services. It introduces the new term 'lead children's services planning bodies'. It also requires any Integration Joint Boards (IJBs) covering an area to join local authorities and health boards on the list of bodies required to plan children's services.

Section 22

In the Children and Young People (Scotland) Act 2014, 'integration joint boards' (IJBs) are listed as an 'other service provider' for the purposes of children's services planning.

Section 22 of the Bill amends Part 3 of the 2014 Act to change the status of IJBs in relation to children's services planning where there is a relevant IJB in the local authority area. This change will see IJBs join local authorities and health boards on the list of bodies required to plan children's services. Collectively, and to reflect service planning on the ground, the three bodies are to be known as 'lead children's services planning bodies'.

Amendments 81 and 82 in the name of the Minister are technical amendments. Amendment 82 updates section 59A of the Public Service Reform (Scotland) Act 2010 to reflect changes this Bill makes to the bodies responsible for children's services planning. Amendment 81 is consequential to amendment 82.

The amendments were agreed to without division.

After section 22

Amendments 83 to 85 in the name of Nicola Sturgeon MSP amend the Children and Young People (Scotland) Act 2014 to insert new provisions around outcomes, reviewing and reporting of children's service plans:

- **amendment 83** inserts regulation-making powers for Scottish Ministers, enabling them to set national outcomes, priorities and activities related to children's services and the wellbeing of children
- **amendment 84** inserts further provisions around the process and review of children's service plans
- **amendment 85** gives Scottish Ministers a regulation making power to prescribe other matters to be included in children's service plan reports

Speaking to the amendments, Nicola Sturgeon MSP said:

> “ Amendments 83 and 85 would significantly strengthen children’s services planning by providing the Scottish ministers with regulation-making powers to ensure greater national consistency and oversight in relation to the aims of children’s services plans while, of course, retaining the flexibility for local lead children’s services planning bodies to respond to their local priorities. The amendments would also enhance accountability in relation to reporting on the achievement and implementation of the plans. [11] ”

The amendments were agreed to without division.

Part 2A: Review of the Act

Amendment 217, in the name of Martin Whitfield MSP, provides that any part of the Act not covered by Part 4 of the UNCRC (Incorporation) (Scotland) Act 2024 will automatically expire on 5 February 2030. By 5 February 2029, the Scottish Ministers must present a statement to the Scottish Parliament identifying which provisions will expire and explaining what actions, if any, they plan to take to stop them from expiring.

The amendment was not moved.

Amendment 219, in the name of Ross Greer MSP, supported by Nicola Sturgeon MSP, requires Scottish Ministers to review how the Act is working within two years of the relevant section coming into force.

After completing the review, and as soon as reasonably practicable, Scottish Ministers must publish a report. The report must also state what further actions, if any, are needed to implement the recommendations of The Promise.

The amendment was agreed to by division (For 9, Against 1, Abstentions 0).

Amendment 220, in the name of Willie Rennie MSP, also requires Scottish Ministers to review how the Act is working within two years of the relevant section coming into force. After completing the review, and as soon as reasonably practicable, Scottish Ministers must publish a report.

The report must explain what further action is needed to fulfil The Promise by 2030. It must also describe progress in ending restraint of children in care and exclusion from education, provide long-term outcome data for care-experienced adults and how it informs policy, and include equalities data on care experienced people and their families.

The amendment was agreed to without division.

Stage 3

Stage 3 of the Bill will take place on 18 March 2026.

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