

Education, Children and Young People Committee
Wednesday 5 November 2025
31st Meeting, 2025 (Session 6)

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

Introduction

1. The Scottish Government introduced the Children (Care, Care Experience and Services Planning) (Scotland) Bill on 17 June 2025.
2. The Bill aims to make changes in the law in relation to the children's care system. It also aims to change who is responsible for the planning of children's services.
3. The Education, Children and Young People Committee has been designated as the lead committee for the Bill at Stage 1.

Call for views

4. The Committee issued calls for views on the provisions of the Bill, which ran from 27 June 2025 until 15 August 2025.
5. There was a call for views aimed at [individuals with care experience and those providing support](#) and a call for views for [organisations and academics](#). The Committee also produced [easy read](#) and [BSL](#) versions of the call for views.
6. The responses to the calls for views have been published. Summaries of the responses received are included at Annexe A of the [meeting papers for 10 September](#).

Committee meeting

7. The Committee took evidence at its meetings on [10 September](#), [17 September](#) and [8 October](#).
8. At today's meeting, the Committee will take evidence from Natalie Don-Innes MSP, Minister for Children, Young People and the Promise, and her officials:
 - Gavin Henderson, Deputy Director, Keeping The Promise
 - Iona Colvin, Chief Social Work Adviser
 - Tom McNamara, Head of Youth Justice & Children's Hearings
 - Barry McCaffrey, Lawyer, Scottish Government Legal Directorate

Supporting information

9. SPICe has produced a [background briefing on the Bill](#) which is published on the website. SPICe has also produced a briefing paper for this session which is included at **Annexe A**.
10. The Committee also met with care experienced people on 7 October at an informal meeting, to hear their views on the Bill. An anonymised note of that meeting has been published and is included at **Annexe B**.
11. The Scottish Government has recently provided a written submission, outlining its engagement with stakeholders on the Bill, both pre- and post-introduction of the Bill. This is included at **Annexe C**.
12. The Committee has also received a submission from Martin Barrow, who has published several articles around the issue of profit-making in care. This is included at **Annexe D**.

Other committee consideration

Delegated Powers

13. The Delegated Powers and Law Reform Committee considered the delegated powers in the Bill at its meetings on 9 September and 7 October 2025 and [reported to the lead Committee](#) on 8 October 2025, under Rule 9.6.2 of Standing Orders.

Financial Memorandum

14. The Finance and Public Administration Committee issued a call for views on the Financial Memorandum (FM) and received eight responses which have been [published](#).
15. The Finance and Public Administration Committee highlighted the evidence it received in a letter to the lead Committee. This letter has been included at **Annexe E**.

Clerks to the Committee October 2025

Annexe A



Education, Children and Young People Committee
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31st Meeting, 2025 (Session 6)

Children (Care, Care Experience and Services Planning) (Scotland) Bill – Stage 1 (Session 4)

Introduction

This paper is intended to support members during the Committee's scrutiny of the Children (Care, Care Experience and Services Planning) (Scotland) Bill at Stage 1. A [SPICe briefing on the Bill](#) is available to read in full on the SPICe website, and a further summary of Bill provisions can be found in the [SPICe papers for the Committee's 17 September 2025 meeting](#). Summaries of responses to the Committee's call for views can be found in the [SPICe papers for the Committee's 10 September 2025](#).

The Committee will hear from the Minister for Children, Young People and The Promise Natalie Don-Innes MSP and her officials.

Audit Scotland report: Promise progress

Audit Scotland published the report [Improving Care Experience: Delivering The Promise](#) on 8 October 2025.

The report looked at governance and accountability arrangements, measuring and reporting of progress and trends in spending and resourcing.

Key messages from the report are:

- Initial planning for The Promise by the Scottish Government and COSLA did not “give sufficient thought” to how it would be delivered and resourced. As a result, public bodies were not given a strong foundation to work from and progress has been slow.
- Further development of plans and a monitoring framework is expected at the end of 2025, and the report states these must be “a catalyst for greater pace and momentum”.
- While organisations and individuals are committed to and supportive of The Promise, Plan 21-24 and Plan 24-30 have not provided clarity needed, and there has not been a “consistent and shared understanding” of what delivery of The Promise would look like and how it would be achieved. In addition, the web-based format of Plan 24-30 was challenging to navigate.

- There has been a lack of clarity about the roles and responsibilities of new structures set up to help deliver The Promise: The Promise Scotland, The Oversight Board and an Independent Strategic Advisor. In addition, the policy and legislative environment, along with complex governance arrangements, mean “collective responsibility and accountability is challenging and actions to address this have been insufficient”.
- Available data is not sufficient to assess the impact of services on care experienced people. A framework to measure progress was slow to develop and only finalised in December 2024, with further development of the framework underway.
- Funding for delivery of The Promise is difficult to quantify and track, and Audit Scotland found: “the short-term and complex nature of multiple disparate funding streams is a barrier to effective use of resources”.
- It is unclear how the £500m pledge figure for the Whole Family Wellbeing Fund was arrived at, and so far only £148m has been allocated. However, Audit Scotland also found: “There are strong arrangements in place to evaluate the fund and to share positive learning.”
- A timeline on page 10 of the report (Exhibit 2) sets out the key dates, events and activities since the publication of the Independent Care Review findings in February 2020.
- A diagram on page 16 of the report (Exhibit 3) sets out an overview of governance, reporting lines and bodies involved in delivering The Promise.

The report recommends:

- **In the next six months, the Scottish Government and COSLA, with support from The Promise Scotland,** should work to identify where resources need to be targeted, setting out which actions will be delivered and how. Roles and responsibilities for overseeing and monitoring progress at national level should also be clarified. Work to streamline the remit and status of governance groups and to coordinate and align various data projects underway and align this with the story of overall progress.
- **In the next six months the Scottish Government should,** should evaluate the “appropriateness and adequacy” of the Whole Family Wellbeing Fund. It should also provide clearer reporting on spending on care experience and support to enable effective focus of funding.
- **In the next six months the Scottish Government should work with the Independent Strategic Advisor (ISA)** to align strategies and approach and establish clarity as to how the Scottish Government will respond to recommendations made by the ISA.
- **In the next 12 months bodies within Children’s Services Planning Partnerships should** set out in local plans how the views of care experienced people will be sought, and priority areas for investment to deliver The Promise. Plan 24-30 Route Maps (due to be published by the end of 2025) should also be used to ensure clarity of roles and improve accountability.

The Promise Scotland, the Independent Strategic Advisor on the Promise, Scottish Government, COSLA and SOLACE [issued a joint statement in response to the report](#). The response stated that the recommendations would be reviewed and responded to, and that:

“...in doing so, we will ensure that everyone working to keep the promise has the clarity needed. We remain steadfastly committed to working in partnership to keep the promise.” – [Joint statement, 8/10/25](#)

Chief Executive of The Promise Scotland Fraser McKinlay said that changes to Plan 24-30, “significant development” to route maps and updates to the Promise Story of Progress would be published in December.

The [Promise Scotland also published updates on areas highlighted in the Audit Scotland report](#), setting out planned actions for the coming months. This includes the development of a data map, an information sharing project, information about updates to Plan 24-30, and clarity around roles and protocols.

Martin Barrow’s work on profit in care

Martin Barrow, a journalist/writer, campaigner and long-term foster carer, has submitted written evidence to the Committee on the Bill, dated October 2025.

Martin’s writing and campaigning work often examines the impact of privatisation and profit-making in children’s services. He believes that examples of his experiences in England have potential relevance in the Scottish policy context.

His written submission reports that around 80% of children’s homes in England are privately owned and states these are “dominated by large companies” and “mostly run for profit”. (Note that separate data from 2022, not quoted in Martin’s submission, [suggests that 35% of children’s home places in Scotland are provided by the private sector](#).)

Martin’s submission also says that many of these large companies operating in England have “millions of pounds of debt”, with interest charges consuming much of the money that local authorities pay in fees.

The submission also refers to [a 2020 report from the Children’s Commissioner for England](#). This says that best available estimates suggest that large private providers make a profit margin of around 17% on the fees they receive from local authorities. (Note that the report itself caveats this by saying that is an average figure across several different companies and does not describe the experience of every firm.) As Martin’s submission states, the report also says that chains of ownership are made complex by mergers and acquisitions, and the lack of transparency can make it more difficult for those commissioning services to make informed decision about where their money is spent.

Martin believes that the money local authorities are paying to private companies is not being directly invested into the care of the children they support, but rather, goes into bank accounts and offshore accounts.

He states that there are a number of recent examples in England that demonstrate the concerning links between private ownership of residential children's homes and poor quality of care.

Martin's submission also reports that private provision of children's residential homes is concentrated in the north of England (where property is cheaper and wages lower), meaning children are being sent many miles away from their families, friends and communities and may move multiple times. The submission refers to [Managing children's residential care](#) by the National Audit Office (2025). It says that, in March 2024, around half of children in residential homes in England were more than 20 miles away from their original family homes.

Martin's key policy arguments include that profit should be removed from the children's care system. He believes that caring for children and young people should never be a commodity, and that profit has no place in protecting vulnerable children. He argues that private providers charging a high price to councils are not always motivated by the best interests of children in their care. He states that:

“if Scotland continues on its current trajectory of profiteering in the children's care system, the country will undoubtedly face similar challenges to those being experienced in England.”

Summary of evidence

A brief outline of each provision in the Bill is given below, along with relevant key points from evidence submitted to the [Committee's call for views](#) and heard by the Committee at its 10 and 17 September 2025 meetings.

On [10 September 2025, the Committee heard from](#) The Promise Scotland, chair of the Hearings System Working Group Sheriff David Mackie, CELCIS, the Children and Young People's Commissioner Scotland, Clan Childlaw and the Law Society of Scotland.

On [17 September 2025, the Committee heard from](#) Children's Hearings Scotland (CHS), NSPCC Scotland, Partners in Advocacy, Scottish Children's Reporter Administration (SCRA), Who Cares? Scotland, Aberlour, Duncan Dunlop, The Fostering Network, and the Scottish Throughcare and Aftercare Forum (Staf).

On [8 October 2025, the Committee heard from](#) COSLA, SOLACE, Orkney Integration Joint Board (IJB), Dundee Integration Joint Board (IJB), South Lanarkshire Council, Social Work Scotland (SWS), the Care Inspectorate, and the Scottish Social Services Council (SSSC).

General comments

Sheriff David Mackie, The Promise Scotland, COSLA, SOLACE, SWS and others highlighted a lack of engagement from the Scottish Government prior to the publication of the Bill, resulting in a lack of knowledge of what would be included in it.

The Promise Scotland told the Committee that further legislation would likely be needed to keep the promise, suggesting that this should include streamlining care system legislation in the next session of Parliament.

Witnesses including The Promise Scotland, SSSC and SWS said the financial memorandum accompanying the Bill likely underestimated costs in areas including aftercare and advocacy.

CELCIS and others commented on a lack of focus on kinship care in the Bill. The Fostering Network said foster carer finances was another area missing from the Bill.

Who Cares? Scotland called for post-legislative scrutiny, better data collection and reporting, and embedding accountability in the Bill to ensure the Bill's promises are upheld.

SWS described the Bill as “frustrating”, suggesting that the necessary coordination of services was missing, it was a missed opportunity to declutter the landscape and potentially added to the current complexity of the sector. The Care Inspectorate agreed that there was a risk that the Bill would add to the cluttered landscape, but that the Bill could also be viewed as an incremental step forward.

A number of witnesses including SOLACE, SWS, COSLA, South Lanarkshire Council, SSSC highlighted the current recruitment and retention challenges facing social work and the need to address these. SWS and SSSC welcomed the recent introduction of the [Graduate Apprenticeship in Social Work](#).

The Independent Strategic Advisor on The Promise said that, while the workforce was committed to delivering the promise, there was a:

“...risk...that a new layer of legislation will add more bureaucracy and reporting requirements on to an already exhausted workforce that is struggling with vacancies.” – [Official Report, 10/09/25](#)

UNCRC

Bill sections 1 and 2 (on aftercare) and section 10 (on the register of foster carers) amend the Children (Scotland) Act 1995. As this is pre-devolution UK legislation, it falls outside the scope of the UNCRC Act 2024.

Concerns about this were raised by the Children and Young People's Commissioner Scotland (CYPCS), the Law Society of Scotland and Clan Childlaw.

Who Cares? Scotland and Aberlour also said that the rights in pre-devolution legislation to be amended by the Bill should be restated in the Bill as freestanding rights, to bring them within the scope of the UNCRC Act 2024. Aberlour said that failure to ensure compliance with UNCRC would be a significant concern.

Aftercare

[Sections 1 and 2 of the Bill](#) deal with aftercare. Aftercare is the term used to describe advice, guidance and assistance beyond universal services provided to children who leave care on or after their 16th birthday. Currently those leaving care prior to their 16th birthday are not eligible.

Responses to the Committee's call for views generally supported provisions to expand aftercare eligibility, highlighting that current legislation excludes many young people from support. However, several responses highlighted that, as drafted, the Bill's aftercare provisions would be out of scope of UNCRC as they relate to a parent act not made in the Scottish Parliament.

The submission from SOLACE cautioned against "creating a system that incentivises formal care measures" as a requirement to access support, suggesting assessment of need would be more appropriate.

In evidence to the Committee, several witnesses said planning the implementation of these provisions in the Bill would be crucial to ensure the system is not overwhelmed.

Clan Childlaw expressed concerns that, as drafted, the provisions would impact those currently eligible for aftercare, removing their right to support in some cases and leaving them instead with only the ability to request an assessment. Witnesses said all 16- and 17-year-olds need to be able to access the mandatory aftercare provision. Clan also said that someone coming off a CSO before age 16 will not be eligible for continuing care, and the Bill did not consider continuing care.

SWS said that existing legislation did allow some support to be provided, and legislation alone cannot ensure transitions are handled in a way that provides better outcomes. SSSC agreed with the principles of the aftercare provisions, but expressed concern about the practicalities of delivery and said extension of provision must come with support to enable the workforce to deliver what is expected of it.

Witnesses including South Lanarkshire Council and COSLA also noted the lack of provision in the Bill around housing/homelessness, highlighting this as a major issue for those leaving the care system. South Lanarkshire Council said it was looking at developing a pathway for care leavers to help them avoid homelessness. COSLA said extending aftercare would not address housing needs, and clarity "about what we are trying to address with the Bill" was needed.

On funding, Who Cares? Scotland said that the financial memorandum did not provide additional resource for the expansion of aftercare, describing this as an "oversight" and calling for assurances that the required funding would be provided. Staf echoed this concern. SWS, CELCIS and the Law Society also said further clarity was needed on resourcing required. COSLA said work with Scottish Government officials was underway to update the costings.

Who Cares? Scotland said eligibility for support should not be restrictive, and that clarity was needed on aftercare eligibility, and the guidance in relation to care experience could look at how people who, for example, have received informal kinship care or who have been in situations of adoption breakdown can receive aftercare support. SWS also called for clarity around which groups of care experienced young people would be covered.

NSPCC Scotland said aftercare should be lifelong and there should not be a “cliff-edge” of support. Duncan Dunlop, the Fostering Network and Staf agreed care experienced people should have the right to return to care. The Fostering Network said young people leaving care under 16 should not have to apply for foster care, as the Bill proposes.

The Fostering Network highlighted the lack of continuing care provisions in the Bill.

A number of responses to the Committee’s call for views also called for clarity around the eligibility of unaccompanied asylum-seeking children.

Corporate parenting

[Section 3 of the Bill](#) covers corporate parenting. A corporate parent is one of [the publicly funded individuals or organisations](#) with legal responsibilities (‘corporate parenting duties’) under the Children and Young People (Scotland) Act 2014. The duties aim to ensure that [looked after children](#), and young people leaving care from age 16, receive the same support and opportunities as any good parent would provide.

Many organisations responding to the call for views supported the idea of extending corporate parenting duties to align with aftercare provisions in sections 1 and 2 of the Bill, but most also raised concerns, echoed in some of the oral evidence. Many of the concerns related to the proportionality of what is proposed.

SWS, COSLA, CELCIS and SOLACE were among those who thought the proposal risks contradicting the principle of minimum state intervention, with SWS and CELCIS highlighting it as a potential human rights issue.

COSLA was unsure how section 3 might affect existing parental rights and responsibilities, particularly for children not recently in care, and noted an apparent lack of analysis on how it fits with current legislation.

South Lanarkshire Council called for a balanced approach to corporate parenting, supporting young people's independence while ensuring the right type and level of support is available when needed. Referring to the example of someone returning to a children's home for a visit, SWS cautioned that broad efforts to maintain childhood connections for care-experienced individuals may lose their impact if not carefully considered. SOLACE wanted to see families, communities, and society being empowered to support children effectively.

CELCIS stated it was not clear what problem the corporate parenting provision is trying to solve. It, along with SWS, said that the proposals would also mean local authorities would have to have due regard to all CE young people and this could include those adopted as babies or subject to other short-term interventions. They questioned the need for this.

Who Cares? Scotland, The Fostering Network and NSPCC said that extending corporate parenting to cover formerly looked-after children and young people up to 26 is very welcome.

Who Cares? Scotland and the NSPCC emphasised that all individuals who have experienced foster care or adoption, even those adopted at or under five, should continue to be recognised by corporate parents. For these organisations, this is not about unnecessary state intervention, but about ensuring that support is available when needed, especially in cases where adoptions break down. They highlighted that going through foster care or adoption, even at a very young age, can involve significant adverse experiences that may have lasting effects, and therefore these individuals should not lose visibility within the system.

Who Cares? Scotland and The Fostering Network called for an even more ambitious approach for section 3, which extends corporate parenting duties to cover care-experienced people's whole lifespan.

SOLACE, the Care Inspectorate and SWS were less sure about the merits of the provision. They acknowledged that support needs can continue beyond 26, and the Care Inspectorate said this was reflected in its own approach. SWS concluded that relying on individual practices by professionals was insufficient. However, the main concern was whether there were the resources to implement such an expanded proposal effectively. SOLACE emphasised the importance of considering alternative support methods that don't necessarily require re-entering care structures.

South Lanarkshire Council said that early intervention, when properly resourced and evidence-based, can reduce long-term costs and improve outcomes. However, they emphasised that short- to medium-term funding is crucial to redesign services effectively.

Some witnesses made more general points about corporate parenting. Duncan Dunlop wanted the concept renamed 'community parenting'. Who Cares? Scotland favoured streamlined accountability requirements for corporate parenting, for example, combining corporate parenting and The Promise-related plans to avoid duplication.

Who Cares? Scotland recommended a duty on Ministers to produce guidance ensuring regular renewal of training for corporate parents, particularly those in senior leadership. Dundee IJB supported improving current practices through clearer guidance but questioned whether legislation was necessary on this.

In response to the call for views, a number of councils highlighted the need to ensure that the responsibilities are understood, with national guidance, appropriate resources, monitoring and the development of a shared understanding of good corporate parenting in practice. In evidence to the Committee, SOLACE highlighted the need for a clearer understanding of existing responsibilities and stronger accountability to ensure consistent, responsible practice across Scotland.

Staf spoke of current inconsistencies across the country between corporate parents and how they understand their role, suggesting that best practice needed to be shared across a flexible country-wide system.

South Lanarkshire Council and COSLA stressed the importance of building trusting relationships and a supportive culture within services for effective corporate parenting. South Lanarkshire Council questioned whether legislation is the best way to promote this.

Advocacy

[Section 4 of the Bill](#) says that Scottish Ministers must, by regulations, confer rights of access to what it refers to as care experience advocacy services. This relates to the recommendation from The Promise that care-experienced individuals should have a statutory right to advocacy throughout their care journey and beyond.

The majority of respondents to the Committee's call for views were supportive of the principle of extending or promoting advocacy, and this was also explicitly welcomed by a range of witnesses. For example, Who Cares? Scotland linked section 4 of the Bill to upholding Article 12 of the UNCRC (on the child or young person's right to express views).

Sheriff Mackie and others said that advocacy needed to be available as early as possible for a young person, adding that access to legal advocacy was also sometimes required. Who Cares? Scotland stressed that lay advocates are trained by lawyers to identify when legal representation is needed. The Promise Scotland highlighted the knock-on impact successful advocacy could have on other policy areas. CELCIS said independent advocacy should not be a one-off offer to families.

South Lanarkshire Council noted young people's frustrations with complex systems for providing support and delays in accessing support. It emphasised that simplifying processes and increasing resources should be the top priority, though advocacy remains important. Likewise, SOLACE suggested that public services should be improved so advocacy is needed only proportionately, not due to excessive complexity or bureaucracy.

Organisations including Adoption UK Scotland, South Ayrshire Council and H&SCP, SWS, COSLA, Children First, UNISON Scotland and SOLACE expressed concerns about the detail of advocacy provision being left to subsequent regulations. For example, SOLACE said that the Bill lacks clarity on who qualifies for advocacy, as well as how it will be delivered and funded.

Who Cares? Scotland said “lifelong” should be kept in section 4 and “relationships-based” could usefully be added to it. Duncan Dunlop also emphasised the importance of relationships-based advocacy in principle.

Who Cares? Scotland also acknowledged that regulations are easier to update than legislation, especially as the definition of “care experience” continues to evolve.

Partners in Advocacy highlighted that restrictive criteria often prevent those in need from accessing advocacy, calling for more flexible and meaningful provision.

The Fostering Network said the definition of “care experience” should include anyone who has been looked after, including at home, in formal or informal kinship care, in foster care or in residential care.

Various witnesses, including Who Cares? Scotland, the Care Inspectorate and the Fostering Network, stressed the need to protect and clearly define independent advocacy in the Bill. They referred to various existing definitions and standards in this regard, including those in the Mental Health (Care and Treatment) (Scotland) Act 2003, the existing definition of advocacy used in the children’s hearings system and from the Scottish Independent Advocacy Alliance.

Who Cares? Scotland argued, for example, that independence is crucial because local authority employees may face limits in fully upholding a young person’s rights. It said that, since 2020, there have been cuts to independent advocacy for care-experienced people, despite commitments to support it.

SOLACE, COSLA, and South Lanarkshire Council also valued formal, especially independent, advocacy but felt that the everyday advocacy role of social workers and other professionals is often overlooked and should be better recognised. SOLACE and South Lanarkshire Council both challenged the idea that a need to deliver within budget comprised officials in this role.

Aberlour Children’s Charity and Staf emphasised the importance of choice for a care-experienced person, so that support from other significant adults and advocacy work together effectively.

SOLACE and COSLA thought that advocacy services should be streamlined, avoiding confusing duplication or overlap and, for SOLACE, stigmatising care-experienced individuals. SOLACE also said it was important to pilot integrated advocacy models with adult services, co-design a national framework with local partners, and ensure the service is properly resourced.

The Care Inspectorate, based on a recent review, said there were gaps in advocacy support, particularly for children and young people with communication differences, and stressed the importance of maintaining advocacy relationships when individuals move between local authority areas.

A range of organisations, including Who Cares? Scotland, Partners in Advocacy, the Care Inspectorate, SSSC and Staf stressed that increased advocacy as set in the Bill must be matched with adequate resources. Related to this, Partners in Advocacy stated that current demand exceeds capacity in Scotland. A number of witnesses also said that many advocacy organisations are small, funding is precarious, and this issue is not addressed in the Bill.

Some witnesses discussed whether advocacy services should be commissioned nationally or locally, and how prescriptive the Bill should be on this issue. SOLACE and COSLA emphasised that advocacy services should reflect local diversity, as different communities support young people in different ways. On the other hand, SWS questioned whether services commissioned by local authorities could ever be truly independent as advocacy providers.

SWA, COSLA, and SOLACE offered mixed views on involving children in commissioning and evaluation. For example, COSLA highlighted good practice in engaging young people directly, while SWS suggested that a 'hands-off' approach, measured by service uptake, can also be effective. Reflecting a key theme for section 4, COSLA argued that the decision to commission advocacy services locally or nationally is too important to be left to secondary legislation, due to the potential resource implications for local authorities.

SWS said that extending care-experienced advocacy beyond age 26 would be challenging but noted that many individuals already receive advocacy through other services, such as mental health or addiction support. Dundee IJB highlighted that ongoing independent advocacy had potential resource implications for adult services too.

NSPCC was concerned that the Bill lacks measures, such as infant safeguarders, to ensure infants' voices and experiences are represented. Who Cares? Scotland and Partners in Advocacy saw such measures as distinct from, but complementary to, traditional forms of advocacy.

In children's hearings, especially for those facing offence grounds or deprivation of liberty orders, Who Cares? Scotland wanted an opt-out model of advocacy (as used in England and Wales) due to the serious impact on rights. Duncan Dunlop supported an opt-out model of advocacy more generally.

Guidance in relation to care experience

[Sections 5 and 6 of the Bill](#) deal with guidance for public authorities and organisations exercising public functions in relation to care experience, including putting a requirement on Ministers to issue guidance relating to care experienced people and their experiences, in order to promote understanding.

Many respondents to the call for views were broadly supportive of the proposals for guidance in relation to care experience, however there were several specific

concerns raised and there was disappointment that the Bill did not include a universal definition, instead leaving this to secondary legislation.

Many of those with positive comments placed an emphasis on the importance of co-production with those who have experience of care. This included responses from SSSC and the Care Inspectorate.

There were differences of opinion regarding who should be included in any definition of 'care experienced', with some organisations including Adoption UK Scotland and Aberdeenshire Council favouring a broad definition, while organisations including SWS and COSLA were concerned this could lead to the inclusion of those who have not been looked after and never had state intervention in their lives. SOLACE stated that care experience should be defined with clear parameters in primary legislation.

SASW, SWS and the Scottish Refugee Council highlighted the need for best practice in relation to Unaccompanied Asylum-Seeking Children.

Witnesses giving evidence to the committee had mixed views. The Promise Scotland and others pointed to the need to ensure a definition is broad and inclusive, whilst avoiding stigma. CELCIS said that a definition of care experience would likely be helpful but questioned what value it would add and whether the test for legislation had been passed. The Law Society said clear and concise law making was needed and only rights that are going to be implemented should be included.

South Lanarkshire Council said that the definition in the Children (Scotland) Act 1995 and the existing statutory guidance for looked-after and adopted children in respect of the Adoption and Children (Scotland) Act 2007 are sufficient and questioned whether further legislation was required. SOLACE echoed this, and COSLA and SOLACE also voiced concerns about leaving a definition to secondary legislation.

Who Cares? Scotland said, rather than producing more guidance, the Bill should include a duty to develop regulations that define care experience. These regulations could contain a 'due regard' on public bodies, promote rights-based practice and be inclusive of all care types.

CYPCS said any definition needs to acknowledge that use of language such as care experienced is a choice and privacy of individuals needs to be respected. CYPCS also expressed uncertainty around the benefits of having a definition unless it is linked to eligibility for various supports, stating any definition needs to bring clarity not confusion. SWS acknowledged creating a definition accepted by everyone would be difficult. The interaction between the definition and eligibility for support was also discussed by witnesses including The Promise Scotland.

SSSC and the Care Inspectorate sought additional clarity on the definition, with SSSC stating it looked as though the government "is heading down a route that involves a very broad definition", and more work was needed to provide clarity and enable the required resources. The Care Inspectorate said the development of shared understanding of a definition would be helpful.

Staf and Dundee HSCP also said the definition needed be clear, with Staf highlighting the importance of young people being able to clearly understand their rights and entitlements.

SOLACE said there was a need to ensure the Bill did not incentivise people to become part of the care system and support should be person-centred and appropriate.

Profit limitation: residential care

[Section 8 of the Bill](#) would enable Scottish Ministers, through regulations, to enhance the financial transparency of (non-local authority) residential care providers. Should excessive profits be identified, section 8 allows Scottish Ministers to introduce further regulations to limit residential care providers' profits.

CELCIS and The Law Society said that the proposals had not been fully consulted on before going into the Bill, pointing out the consultation was due to close in October 2025.

Several responses to the call for views called for greater clarity regarding the measures in the Bill to gather and use data on the profits of private residential care services.

Many organisations, including Who Cares? Scotland, said that the Bill needed to be clearer in its definition of “excessive profit.” The Care Inspectorate highlighted that the definition of ‘profit’ under the Welsh approach might be helpful in this context.

Witnesses emphasised the importance of distinguishing between reinvesting surplus to improve care and distributing profits to shareholders, often framed as the difference between ‘profit’ and ‘profiteering’. The Fostering Network, SCRA, NSPCC, the Care Inspectorate, and Aberlour stressed that reinvestment is vital for maintaining service quality, financial stability, and long-term sustainability, especially in the context of short-term funding challenges.

Dundee IJB raised concerns about ‘hidden profit’ arising from high management or administrative fees. It also noted the difficulty in clearly defining excessive profit, as some level of reinvestment is necessary to improve services.

Organisations including COSLA, Glasgow City HSCP, SOLACE and SSSC warned that the legislation could lead providers to exit the market or shift focus to adult care or cross-border placements, reducing availability of residential places for children and young people. Dundee IJB and South Lanarkshire Council stressed that the policy of allowing profit in adult care but not in children’s services could create an imbalance.

The Care Inspectorate said that planning should consider potential provider withdrawal. South Lanarkshire Council warned that changes to the current system must be handled with great care to avoid disrupting care for vulnerable young people. SOLACE recommended a phased, risk-assessed approach, involving

thorough planning, stakeholder engagement, and learning from other jurisdictions before legislating.

SWS called for greater financial transparency in care costs, including staff wages, to help manage potential market disruption. Separately, it also emphasised that workforce pay should fairly reflect the trauma experienced by staff in their roles.

Some organisations questioned why the Bill treats Independent Fostering Agencies (IFAs) and residential care differently. COSLA found the reasoning unclear. The Care Inspectorate speculated it might be due to IFAs already operating on a not-for-profit basis, although it was not certain this was the reason.

COSLA and others suggested residential care services register as charities, like IFAs in the Bill (section 9). However, NSPCC noted limited evidence on care outcomes. Aberlour and Duncan Dunlop stressed that quality of care matters more than profit or status, with Mr Dunlop also opposing institutional care as a matter of principle.

The Fostering Network supported strengthening section 8 but preferred a not-for-profit model like Wales.

Witnesses reflected more generally on provider performance. COSLA cited [the Competition and Markets Authority \(CMA\)'s 2022 report](#) showing minimal differences across provider types but noted more Scottish data may be needed. Dundee IJB felt umbrella companies may prioritise profit over quality but said it would not use providers consistently receiving low gradings from the Care Inspectorate.

The Care Inspectorate reported that, based on inspection grades, the voluntary sector slightly outperforms the private sector, which in turn slightly outperforms the public sector, adding:

“...the gap has been closing over the past few years, so, at the moment, there is not a huge difference.” – [Official Report, 8/10/25](#)

SWS argued that public sector services face unique pressures, as they cannot decline to provide care to children with complex needs, unlike private and voluntary providers.

South Lanarkshire Council said high-cost independent placements are often necessary due to specialised support needs. It raised concerns about rising costs and reliance on the independent sector, regardless of profit levels.

Staf reported no strong views on this part of the Bill but agreed that care quality is crucial. It also highlighted the carer shortage and urged policymakers to consider this in their response.

The Care Inspectorate stressed that any new role for it in financial transparency or profit regulation would have resource implications, potentially requiring changes to methodology, more inspectors, and additional training for them.

IFAs as charities

[Section 9 of the Bill](#) requires Independent Fostering Agencies (IFAs) to be registered charities in the UK.

While fewer organisations addressed section 9 specifically in their submissions or oral evidence, most who did, including The Fostering Network, were broadly supportive of the proposal.

The Promise said section 9 would close system loopholes, and CELCIS viewed it as pragmatic and similar to Welsh reforms. The Fostering Network welcomed that section 9 goes further than the Welsh proposals.

Many organisations responding to the call for views, including COSLA, expressed concern that the changes could lead to some providers closing. Some witnesses also said more understanding is needed to assess this risk.

Some organisations responding to the call for views questioned how progress would be monitored and what would happen if IFAs chose not to register.

There was broad agreement among organisations that changes must not harm children in foster care.

SWS and Aberdeenshire Council stressed the need for time and clear guidance to transition IFAs to the charity model. The Fostering Network supported a phased approach to implementation and emphasised the importance of still allowing charities to reinvest surpluses into children's services.

The Fostering Network and COSLA expressed concern that potential loopholes may still exist despite stronger reporting requirements for charities under section 9. COSLA highlighted that, although fostering agencies must be non-profit, profit-related issues persist due to links with profit-making entities.

When asked about the differences of approach between sections 8 and 9, The Care Inspectorate said that the key issue was for Government to carefully consider both potential loopholes and unintended consequences, whatever the chosen approach.

NSPCC stressed the need to ensure any measures in section 9 did not prevent foster carers from becoming adoptive parents.

Finally, some organisations responding to the call for views were strongly opposed to section 9. For example, the Nationwide Association of Fostering Providers (NAFP) stated that IFAs must already follow a not-for-profit model and are held accountable under the current system, without adding the additional reporting burden of accountability to the Charity Commission.

Register of foster carers

[Section 10](#) amends the Children (Scotland) Act 1995 (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. The proposals will not change the approval process of foster carers and placement of looked after children.

There was general support for a register of foster carers in responses to the Committee's call for views and in evidence to the Committee. Several organisations including SWS highlighted potential safeguarding benefits of a fostering register. Includem and STAF suggested strengthening the register by including a record of complaints/comments made by children.

In written responses, organisations including COSLA, NAFP and councils stated the purpose of the register was unclear. Several organisations highlighted the declining number of foster carers across the country, stating the introduction of the register must not worsen this situation. In evidence to the Committee, The Promise stated that the register would not on its own solve the falling number of foster carers but could aid understanding.

Organisations including the Care Inspectorate, Children's Services, Renfrewshire Council, the Promise Board Highland, Aberdeenshire Council and Children in Scotland called for clarity on who will manage the register and how it will be maintained.

CELCIS and NSPCC Scotland said Scotland's Adoption Register provided an example to learn from. In its written submission, SSSC stated that while it had been highlighted in responses to the foster care consultation as an organisation which might maintain the register, it was required to charge a fee for registration and does not carry out an equivalent role to 'matching'.

In evidence to the Committee, SSSC expanded on this, stating it registers professional groups and requires them to comply with consistent national standards. Noting the Bill does not contain provision for foster carers becoming a professionally regulated workforce, SSSC said there was a "fundamental question about the purpose of such a register if SSSC were tasked with the role".

CELCIS, COSLA, SWS and SSSC said further clear justification from the government around why the register was needed would be welcome. COSLA and SWS stated that for issues such as safeguarding, local authorities already had processes in place. CELCIS raised concern about the potential for a register to result in more children and young people being moved away from their communities.

South Lanarkshire said clarity was needed on what problem the register was trying to solve, and that the register must be "as straightforward as possible for people to keep it up to date". Dundee HSCP agreed that the register would need to be a live document, and could take time, capacity and investment to maintain.

Who Cares? Scotland said the register should capture complaints and concerns raised by young people, and the provisions must be UNCRC compliant.

Family group decision making

In evidence to the Committee, The Promise and Sheriff David Mackie agreed that FGDM was an area in which the Bill could be strengthened. Sheriff Mackie suggested that it is important in a rights-based world to engage people in their own process. CELCIS stated more work was needed to understand whether FGDM should be included in legislation, adding that it was already happening in some local authority areas.

Children's hearings

Chapter 3 of the Bill includes provisions relating to changes made within the children's hearings system.

On the proposals in general, Sheriff Mackie suggested adding a provision to the Bill stating that the Children's Hearings system is an inquisitorial non-adversarial process. He also returned to comments on the importance of a children's plan and introducing advocacy for children's hearings at the earliest possible stage.

On the costings provided in the Bill's Financial Memorandum, SCRA said the costs for the children's hearings system might be higher as the provisions on post-referral meeting with the Reporter had not been fully costed. NSPCC highlighted the potential that tackling drift and delay in the children's hearings system could have on reducing costs.

Single member panels, specialist members and remuneration

[Section 11](#) makes changes to the composition of children's panels, allowing them to be composed of a single panel member (rather than the current 3 panel members) in certain circumstances.

[Section 12](#) allows certain panel members to be remunerated and paid allowances. The new powers of remuneration are, in particular, intended to apply to panel members fulfilling identified 'chairing member' roles and any 'specialist members'.

In response to the Committee's call for views, SWS, the Care Inspectorate and others said single member panels had the potential to reduce delays in the system and speed up decision making. However, SWS said members generally opposed single member panels, particularly in relation to decisions about grounds. Our Hearings, Our Voice found most young people they spoke to did not support the proposals.

Sheriff Mackie told the Committee that single person panels should not be feared, and while bigger decisions would be best made by a panel of 3 people, many procedural decisions could be made by one member. He suggested that Chairs would be best placed to do this.

Sheriff Mackie noted that some of the language in the Bill, especially changes related to section 90 of the Children's Hearings (Scotland) Act 2011 [section 11 in the Bill], contained sections that were almost impossible to read.

CYPCS said while not opposed to single member panels it remained cautious, and details still needed to be ironed out. CYPCS also said that having the National Convener making decisions on whether single panel can go ahead will mean seeking info from Reporter etc and could be a considerable task. SWS said it could not give "unqualified support" to the proposal, as it would mean a single member making significant decisions with an impact on a child's life.

SSSC gave the example of its own fitness to practice panels, which comprise of three members and one of these is a legally qualified chair. While single-member decisions are not a feature of these panels, the legally qualified chair is able to make procedural decisions early on.

SCRA said there could be benefits to single member panels, but the proposals still required to be tested. SCRA highlighted the proposal for single member panels to make decisions on issuing interim compulsory supervision orders as "the area that raises the most questions", describing these as "some of the most challenging and impactful decisions that a hearing can make".

SCRA, Clan and the Law Society said further details were needed on the types of decisions that could be made and the structure of the panel.

CHS said it was supportive of removing the procedural legal burden on three-person panels. NSPCC and CHS supported proposals for a legally competent chair, with CHS stating such a chair would be able to digest the layers of legislation and regulation involved in decision making. In addition, training volunteers to understand new legislation was complicated and legally competent chairs would help with this.

SCRA and CHS acknowledged that substantive decisions in making compulsory supervision orders would lie with a three-person panel.

Sheriff Mackie said remuneration proposals were made by the HSWG in the context of a proposed expanded role for the Chair, and in an effort to increase the diversity of panel members, as currently only those who can afford to volunteer get involved.

CYCPS said while there could be benefits to an expanded role of the Chair, this was not specifically set out in the Bill. The Care Inspectorate said the skills and knowledge of panel members and ensuring they take a trauma informed, child centred approach should be the focus.

CYCPS also said it was not seeing strong evidence for the introduction of specialist panel members and adding a specialist member to hearings could cause confusion and be difficult to arrange in remote/rural areas. CHS said such panel members should be used "less than 5 per cent of the time" and reiterated points made by witnesses that the provision to bring in specialists already exists.

Clan and CYCPS said the proposals could potentially create a hierarchy within panels. Clan asked for clarity on the purpose of remuneration, stating if this was to

ensure continuity of chair then this could be a good thing. Clan also asked for clarity on the decision-making process around deciding when a specialist member is required. CELCIS said it was not convinced of the merits of remuneration and would need to look at whether it moved the system on enough to justify the significant costs attached.

NSPCC cases involving babies and infants should require specialist input.

Obligation to attend

[Section 13](#) of the Bill deals with the child's attendance at children's hearings and hearings before a sheriff. The Bill removes the child's obligation to attend hearings and proceedings before a sheriff, though they retain the right to do so.

Responses to the call for views highlighted the benefits of child attendance at hearings, and the need to ensure the child's voice is heard if they choose not to attend.

In evidence to the Committee, Sheriff Mackie said removing the obligation to attend hearings was a "constructive change", but this needed to be balanced with the importance of attending where possible. He felt this provision linked in with advocacy services to ensure young people were supported to attend, and the Bill could be strengthened in this regard.

CYPCS said Bill provisions removing the obligation for a child to attend a children's hearing could have a negative impact on children's rights if the child's views are missing. Therefore, the Bill needs to specify how the child's voice will be heard, particularly in the case of disabled children and those with additional support needs. Clan Childlaw stated the provisions needed to balance up the right to a fair trial for those attending hearings on offence grounds, adding that Clan already believes hearings breach UNCRC around access to a lawyer.

SCRA said the proposals were a "progressive move", giving the children's hearing the power to require the child to attend rather than the obligation being on the child. CHS cautioned against this move meaning the child's views not being at the centre of their hearing, stating:

"We do not want to sleepwalk into a position in which children do not routinely attend their hearings." – [Official Report, 17/09/25](#)

While the Fostering Network supported the provisions, it noted that there was a need to balance this with ensuring that the right to attend was not eroded. Duncan Dunlop stated that the Bill should include the 'presumption' that a young person would attend hearings.

In response to the Committee's call for views, COSLA, NSPCC Scotland, Children in Scotland, Scottish Women's Aid, Inspiring Scotland/Intandem, Children First and the Fostering Network were among organisations expressing support for removal of a child's obligation to attend hearings, however the Fostering Network stated concern about the proposal to remove the presumption of attendance due to concerns around the erosion of a child's right to attend.

Who Cares? Scotland's submission to the call for views stated the obligation to attend should be removed for all children and young people, with an offer to attend or participate via alternative measures made instead. For children on offence grounds, there should also be an opt-out system of referral for independent legal advice and advocacy.

Grounds hearings and the role of the Reporter

[Section 14](#) of the Bill makes changes in relation to the process of establishing grounds. Under the provisions, rather than simply moving to arranging a grounds hearing after a decision that compulsory measures are needed for a child, Children's Reporters would be able to engage with children and family members at this stage. The Principal Reporter must also prepare a report which can include the results of this discussion, as well as other information held by the Reporter. After this process, a hearing can be convened where it is likely grounds will be accepted – or in cases where grounds are not likely to be accepted, the Principal Reporter must apply directly to the sheriff to decide whether grounds are established.

In evidence to the Committee, SWS and Sheriff Mackie said grounds hearings can be difficult and confrontational. Sheriff Mackie said that in cases where grounds are not opposed, it would be best dealt with by a system that was more administrative, avoiding the need for a hearing. He said that the Bill stops short of introducing this and instead reinforces the existing system.

CYPCS said the Bill included a mandatory offer of a meeting with the Reporter, when this was originally intended to be the ability to request a meeting. This could lead to a situation where multiple meetings had to be arranged (e.g. for different groups within a family). CYPCS, Clan and Law Society all expressed concerns about the proposals, stating the need for legal representation at these 'potentially significant' meetings. They also raised concerns that the Reporter being involved at this stage was akin to a prosecutor taking up a similar role and may lead to a situation where a child could incriminate themselves unknowingly.

SCRA said while it could see benefits from the option to meet with a Reporter, and it was "probably a good thing" to have this in statute, it also had concerns about managing perceptions, consequences following a meeting and the fact the Reporter would have to prepare a report following the meeting. A potential conflict of interest was also flagged by SCRA:

"The Children's Reporter is the independent officer who has initiated the process. We believe that the child requires compulsory measures of supervision and we have framed grounds that we believe are evidenced and are required, so we have a vested interest in establishing those grounds. We want to ensure that there is no sense of pressure on the family, and on the child in particular, to feel that they have to give a certain response to the grounds.

We were a little bit concerned to see that the report might then be used in the hearing to record whether the child has understood the grounds or is capable of understanding them. We think that, rather than that being determinative for

the hearing, it should simply be something that could be taken into account by the hearing.” – [Official Report, 17/09/2025](#)

Clarification around what was expected to be contained in the report was requested by SCRA.

COSLA also expressed concern about a lack of clarity around the role of the Principal Reporter and the purpose of the pre-hearing meeting, stating families must be clear about what can and cannot be discussed in the meeting. COSLA also said the proposals had the potential to introduce further confusion into a complex system, and echoed concerns about a conflict of interest for the Reporter.

In response to the Committee’s call for views, Who Cares? Scotland called for an opt-out system of referral for independent legal advice and advocacy in relation to agreement of grounds and expressed concern about whether the Bill would mean a single chairing member may be able to resolve disputes where there is no agreement on grounds.

Also in response to the call for views, CHS suggested the introduction of statutory timescales, from the point the Reporter receives a referral to the point a hearing is convened, or an application is made directly to the Sheriff to establish grounds.

Relevant persons

[Section 15](#) of the Bill slightly expands the current circumstances under which a relevant person can be temporarily excluded from a children’s hearing or pre-hearing panel and allows a pre-hearing panel to make this decision prior to a hearing.

[Section 16](#) of the Bill enables relevant person status to be removed from someone who automatically has this status as defined under section 200 of the 2011 Act. This is currently not possible, with only the status of those who are 'deemed' as relevant persons being able to be removed in certain circumstances.

Organisations including SCRA and CHS expressed support for these proposals in their response to the call for views, though the need to clarify elements of the process was highlighted by some. The Fostering Network suggested the Principal Reporter should be required to ask children who they want to be involved in their hearing, and guidance should be produced on this.

Other changes

Sections 17 to 21 of the Bill set out further changes to the Children's Hearings System.

[Section 17](#) changes referral provisions in the 2011 Act from the current provision that a CSO "might be necessary" to "is likely to be needed". The word “support” is also added to the existing criteria of "protection, guidance, treatment or control" for referrals to the Reporter.

In the call for views responses, organisations including CYCJ, Who Cares? Scotland, CHS, SASW and SCRA agreed with the addition of the word 'support'. Organisations including the Fostering Network, Who Cares? Scotland and CYCJ expressed disappointment that the language of "treatment or control" will not be modernised by the Bill.

[Section 18](#) places new duties on local authorities, police constables, health boards, and the children's reporter to provide information to children about: their referrals, the children's hearings process and available advocacy.

In the responses to the call for views, organisations including COSLA and SCRA stated support for sharing of appropriate information. Our Hearings, Our Voice said the child's advocacy worker needed to be provided with the information needed to represent a child in a timely manner. COSLA also stated support for sharing of appropriate information.

[Section 19](#) makes changes to the period for which interim compulsory supervision orders and interim variations of compulsory supervision orders have effect. While the maximum duration of the initial ICSO will remain at 22 days, subsequent orders and non-urgent extensions will increase to a maximum duration of 44 days. Where an interim variation requires to be made urgently, it will apply for a maximum of 22 days. The Policy Memorandum states that for "less urgent" cases, 44 days will be the maximum duration.

SCRA's response to the call for views called for further detail and evidence on the proposal showing it would offer an improved experience. SCRA expressed support for proposed changes to timescales of ICSOs. Who Cares? Scotland stated concern that proposals for single panel members to make or extend ICSOs may breach a child's right to a fair trial.

[Section 20](#) makes technical changes to sections 96 and 98 of the 2011 Act. The Policy Memorandum states this is to "improve the congruence between the two" in relation to extensions of interim CSOs.

[Section 21](#) inserts a new power into the 2011 Act setting out further circumstances in which the Principal Reporter can initiate a review hearing for a CSO, before the expiry of an existing order and without the need for new grounds to be investigated and established. These changes will mean that the Principal Reporter can initiate a review where: there is significant new information; the order is no longer required; there are problems with implementation, suggesting the order could benefit from a review.

In response to the call for views, Sheriff Mackie's submission stated that Bill provisions for the Principal Reporter to initiate a review where they become aware of 'relevant information' were "hard to follow" and there were questions around what constitutes 'relevant information'.

SCRA stated this power was more appropriate for those working with the child, or the child and family themselves. NSPCC Scotland's submission said the panel must be empowered to call a review where an infant's case is not progressing.

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. introduces the new term 'lead children's services planning bodies'. It also provides for 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.

In the 2014 Act, 'integration joint boards' (IJBs) are listed as an 'other service provider' for the purposes of children's services planning. This creates an unusual situation for children's services, especially where they have been delegated to the IJB. [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'.

In response to the call for views, many organisations stated further guidance would be needed to ensure the changes proposed by the Bill were effective. The proposals were welcomed by organisations including the Fostering Network, Cyrenians, Includem, Who Cares? Scotland, Clackmannanshire Council, Moray Council/Health and Social Care Moray, Children's Services East Lothian and Polaris Community.

COSLA's submission noted the lack of public consultation on these changes, adding that analysis by Health and Social Care Scotland (referenced in the [Orkney IJB Medium Term Financial Plan 2025-28](#)) had identified a real-terms budget shortfall of £497.5m across the 31 IJBs between 2024-25 and 2025-26, raising concerns about delivery of health and social care services. The submission stated:

"Any legislative changes that expand responsibilities— particularly in children's services—must be carefully assessed against this backdrop to avoid exacerbating existing pressures and undermining the sustainability of care provision across the lifespan." – COSLA submission to call for views

SWS' submission said its members had "almost universally struggled to understand" the difference that the inclusion of IJBs as core duty holders in children's services planning will make. Expanding on this in evidence to the Committee, SWS said that the inclusion of IJBs meant planning reports having to go to IJBs before health boards and councils. In the view of SWS, this could create "a process that becomes a bit unmanageable".

SOLACE'S written submission said the proposals lacked clarity and may not enhance collaboration, suggesting existing statutory guidance should be strengthened and integration between child and adult services improved instead. The Care Inspectorate said its inspections found that, rather than whether children's services were fully integrated or otherwise, leadership and engagement was the biggest factor in the delivery of a joined-up approach to support.

In evidence to the Committee, Who Cares? Scotland welcomed the proposals given IJBs' role as corporate parents. Partners in Advocacy said commissioning of advocacy under the new arrangements required consideration.

Asked how 'joined-up' the current system of service delivery is, SOLACE stated that, while organisational structure is necessary to manage the day to day running of each organisation involved, the intention is to work across institutional layers to provide services in a 'child-centred and person-centred' manner, and the system is being continuously improved. Dundee Health and Social Care Partnership (Dundee HSCP) said there were opportunities to improve further.

Dundee HSCP said that, as a partnership without children and families currently in its remit, the Bill represented an opportunity for a framework, integrating whole-system family support with health and social care planning and local priorities.

South Lanarkshire Council said there was a need to distinguish between the need for "operational joined-upness" on the ground and strategic commissioning and planning, adding that despite South Lanarkshire IJB not covering children's social work currently, children's services planning is taken forward in a joint manner and a report on progress on the children's services plan was being produced. In the case of South Lanarkshire, the proposals in the Bill would formalise these processes.

South Lanarkshire Council stressed the need to be clear about the financial context, and also highlighted the need to ensure the role of NHS Boards within IJBs is recognised. Dundee HSCP also highlighted current cost pressures facing the system.

Dundee HSCP said clarity was needed around whether IJBs will look at purely at planning, or at the whole cycle including commissioning, performance management and reviews. The latter introduced added complexity and bureaucracy. COSLA agreed with this point, stating the provisions risked duplicating existing duties.

Lynne Currie, Sarah Harvie-Clark and Laura Haley, SPICe Research

30/10/2025

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Annexe B

Who Cares? Scotland event – 7 October 2025

Informal Session notes

Group 1 (Age 11–15)

Advocacy

Independence

Participants were asked whether it is important that an advocate is independent. Some felt that

- advocates should work separately from social workers to 'avoid corruption' and to make sure that complaints are followed up; complaints about social workers would be taken more seriously if raised through an advocate.
- independence is important because a young person should feel comfortable expressing what they need.
- One participant felt that independent advocacy is not important, and it would be more helpful if other people were involved.

Lifelong

Participants were asked whether advocacy should be available throughout their whole lives, or whether it should stop at a specified age. They said:

- it should be lifelong so that, even when you are an adult, you know where to go to get your needs met.
- it should be available until around 30-35 years old.
- everyone should have support available to them when they need it; it should be based on need, not age.

Relationship based

Participants were asked about the importance of the relationship with an advocate. They said:

- The relationship is important so that you can trust the advocate to address any 'desperate needs'.

- It is important to build up a relationship with an advocate, so that you feel more comfortable sharing information with them.
- You have to have time to get to know your advocate so that you can trust them.

Accessibility

Participants were asked how accessible advocacy is, and whether there are any barriers to accessing advocacy. They said:

- Advocacy and support should be accessible to everyone who needs it.
- There should be advertising, including posters and letters through doors, to highlight the availability of advocacy – the information should also be made available in different languages.
- It is challenging to gain access to an advocate; in a care home staff said to one participant that they did not need an advocate.
- Another participant found it easy to access an advocate and has contact with them every other day – if they need their advocate, they can message them and ask for help. They meet every two weeks.
- Social workers visit care experienced young people when they need to whereas advocates are available and responsive to the needs of the young person, which is more accessible.
- One participant said that their local area does not have an advocacy link through the council (for example, a link to services provided by Barnardo's, etc).
- People should be able to say to their social worker or teacher that they would like access to advocacy and that should be followed up; One participant said that their social worker had told them that they could access the services of an advocate.
- One participant said that their advocate supported them at a recent hearing – sat beside them and was able to answer questions on their behalf when she did not feel comfortable answering them herself. Another participant said that their social worker does the same (they meet their social worker to let them know their thoughts and the social workers answers questions on their behalf at meetings).

Aftercare

Participants were told that once you leave care you can get help and support until you are 26 (for example, assistance with paying rent, etc) - but if you leave care before you turn 16, you are not entitled to such support. Some case studies were highlighted about care experienced people who had accessed aftercare, and those

who had not. Participants were asked whether aftercare should be extended as set out in the Bill. They said:

- It would not be fair for people to receive aftercare if they have money when others do not have access to it.
- Aftercare should be available beyond the age of 26 if needed. There should not be an upper age – aftercare should be available where it is needed (but if you have money – and, for example, a house and a job – you should not get financial support)
- 35 years old would be an appropriate upper age for aftercare as the brain is fully developed by then.
- The current system is not fair; everyone should have equal rights, no matter how old they are.
- It is important to make care experienced young people aware of their rights.
- One participant said that because of their order, they will not be eligible for aftercare. They will be reviewed 6 weeks before their 16th birthday; they have no family or other support.
- There is a need to look at providing aftercare for care experienced young people in different settings (such as informal kinship care).
- One participant left care many years ago and was living with parents but stated that they have special needs and may need aftercare at some point in the future. They feel that they should be eligible for that.
- The local authority should write to care experienced people to make them aware of their entitlement to aftercare; one participant thought that this would be ‘less humiliating’ than the care experienced person having to approach the council themselves.
- The council could track care experienced people through school, university or Who Cares? Scotland; social workers should also contact care experienced people to make them aware of aftercare provisions. For those who have left care, their family/carers should be notified of aftercare provisions.
- There should be advertising and publicity about aftercare – people should not be ashamed to be in receipt of it; it should be normalised.

Profits

Participants were asked whether care providers should be allowed to make profits.

Some people in the group thought that profit making should be allowed, others said ‘it’s complicated.’

- Profit is fine, so long as there is an annual report on spending and the percentage of income which constitutes profit; 60-80% of profit should go back to the young people in the home.
- Financial reporting is very important for private residential care homes so that there is full transparency. Profit is fine as long as there is clarity about how it will be spent.
- Foster carers should be paid according to their income (if they earn a good salary, they should not receive as much support as those who do not work or earn a low salary).
- Some participants were concerned about what would happen to care services if profit was targeted by the Bill (for example, the prospect of residential care homes closing down and disrupting the lives of young people in care).
- Profits should be used to support the residential care homes (for example, to pay for staff training).
- It is not right for a residential care home to make a profit if they get bad inspections.

Other issues

Discrimination

- When asked whether they would change anything about care, one participant said that all people in care should not be discriminated against for being different; people in care should be able to choose where they live and what they want.
- One participant said she felt discriminated against for being care experienced.

Support

- Young carers have support groups; there should be support groups for care experienced people – it is good to share issues with people who understand.
- When they go into foster care, children should be told that they are not different from anyone else. One participant was scared to admit that she was in foster care when she was asked about parents/guardians in hospital; she was scared that she would be made fun of.
- One participant said that she did not know who her social worker was and only met her once, a year ago.
- One participant said that they have access to a solicitor for support in court – the solicitor explains what is happening in a way that makes sense. They have had the same solicitor over a considerable period of time, which has provided consistency.

- One participant has had 3 social workers – one for only a few weeks – but their current social worker is very nice and has told her how to access aftercare, etc.
- One participant said that they had never had a bad experience in care.

School

- One participant was in 4th year at school and information about being care experienced had never been covered in school; there is prejudice about it and bullying.
- There are very negative feelings around being care experienced in schools. There is nothing on the curriculum about it; it should be taught to all young people.
- Training should be provided to teachers so that they can provide support to care experienced people (tailored to their needs).
- One participant asked the Committee to write to the Scottish Government to say that all schools should have the same training/information available about what it is like to be in foster care.
- Everyone across society should learn more about what it is like to be in care; people should be educated so that they can understand what care experienced people have been through.

Register of foster carers

- When asked about the possibility of a register of foster carers, one participant said that they would support the creation of a register so that complaints can be properly documented – when a foster carer changes agencies, their records (and any complaints about them) are not passed on to their new agency. One participant said that the register should also include positive feedback about foster carers, who should be encouraged to learn from each other.

Group 2 (Age 16-21)

Advocacy

The group discussed what makes the perfect advocate.

Does an advocate need to be independent?

- Some felt that it should be someone outwith social work or education etc. so, although they can still contact them on your behalf, they aren't tied to those services.
- Others said that the person was more important than where they were from, so it could e.g. be your social worker.
- Care experienced people should have not only the right to access an advocate, but there should be an obligation for them to know that they have that right. However, is it important that the relationship is with a person, not an organisation.
- Social workers are stretched thin and have to prioritise across their cases. They can't break themselves into pieces and be everywhere at once.
- When asked if advocates need to understand social work and schools, some group members said that as long as they understand how to stand up and advocate, that is the most important thing.
- When asked if advocates could be volunteers, some group members said that volunteer services could help but they needed to be resourced properly.
- Care experienced people could be help other, younger people, in terms of advocate but also other supports although, again, volunteers would need to have means / training to support the children/young people that they would be supporting.

Does advocacy need to be lifelong?

- Participants strongly believed that it doesn't matter how old you are, you should always have a right to an advocate
- It also shouldn't matter when you left care
- Many said that even when people are older, they still need their support network, but when you are care experienced, you don't have that support. You could need help well into adulthood.
- The need for support doesn't end because you reach a certain age. The need for support, and for an advocate will come and go. It is important to be able to come back for the support when you need it, regardless of your age.

- Group members pointed out that children and young people who are in the country without their families have no other support, and will therefore need help and support for much longer.

Relationship-based

Some group members set out what an advocate should be. They said that an advocate should be someone—

- you can trust, that you feel safe with, that understands you, your feelings, can read your body language and make sure that your voice is heard.
- Someone who is caring and empathic and who can take the strain of the fight for you, so you don't have to fight for yourself all of the time. They added that finally finding someone who will fight for you can help give you the courage and the confidence to say things that you hadn't before.
- Group members said that if you can't trust your advocate, you need the power to change them.
- When asked if there should be a limit on the number of times you could change, group members said no, that it is important for a young person to have the right to choose their advocate. They added that if someone is going through lots of advocates, there is a problem with the people who are matching them.
- Group members said that it was important that there was consistency with your advocate but also in the people who are supporting you is important so that the faces are familiar. Consistency helps to build bonds and can develop person specific support.
- Care experienced people are used to seeing so many faces, at different meetings and children's hearings etc. Having a consistent small team, and people that you can recognise is important. When I recognised people at hearings, it was really helpful and reassuring.

Accessible

- Some participants said that the advocate should be someone local. A young person was allocated an advocate based several local authority areas away. They have never met them, and their only contact is via text, and they don't really know each other and don't really speak about much. It feels like there was no thought put into who was going to be their advocate, and how practical it would be to see them. A local advocate would be more useful and they would probably have a better relationship.

Aftercare

The group discussed the Bill's proposals to extend aftercare eligibility to those in care prior to their sixteenth birthday. Currently, young people have to be in care on or after their 16th birthday to be eligible.

Group members agreed that the right to aftercare should be extended.

- It shouldn't be different if you have left care before 16. You might not see the danger of going back to a parent if you are young, or don't fully understand the consequences of losing support should going back not work out.
- Some participants said that young people are being encouraged to leave care before they are 16. You can't look into the future, you can't know that the situation could fall apart.
- Family members may also want you to leave care, because they don't understand the implications of losing that support.
- Some commented that people want to leave social work, and lots of kids don't want people to know there are in social work because there is a stigma. Teachers see you in a different light. It is noticeable. You are singled out.
- Participants reiterated that everyone needs support at points when they are older. Their need doesn't end because they have reached a certain age. Being able to access support when needed is important.

Profit limitation

During the group discussion on the Bill's proposals to consider profit limitation in residential care:

- Participants agreed that it was complicated but were clear that if the profits that are being made are going back into the children, the support and the services then that is ok but if money is being made off the children, then that really isn't.
- Young people shouldn't be living in rooms with wallpaper falling off the walls etc. when there is high executive pay and shareholder dividends.
- Some suggested that profits could be ring-fenced to support services and care for young people – and care experienced young people should have a say in what the money goes to support. Examples included a youth led project to help support refugees who need appropriate clothing and heating for dealing with the cold / wet weather or a training flat, to help support people develop skills and learn to cope with being on their own, before fully moving into their own flat.

- Someone mentioned that a residential care home for people with ASN, which is run by a charity, is one of the best care homes that they had ever been to, as the money is reinvested. But not all services / organisations do that.
- When asked if it would be better if residential care homes were run by local authorities, participants said that they thought it was better that it is charity based.
- Participants said that there should be more funding for council run services, don't take money out of children and young people's services to sort potholes etc. I appreciate that roads are shocking but take it from somewhere else.

Other

During the session, members also talked about the definition of care experience, the support required for unaccompanied asylum-seeking children and what is missing from the Bill.

Definition of care experience

During the session, members were asked what does care experience mean. Participants responded that it means anyone who is or has—

- Been taken off their parents
- Had any social work support
- Stayed with other family members
- Been in residential care
- Been adopted
- Been in foster care

One member said that someone should also be considered care experienced even if it isn't a local authority decision. i.e. that the arrangement for e.g. kinship care has been the choice of the young person.

Participants also said—

- It was a big problem that organisations don't know what care experienced means, corporate parents don't know what it means, there needs to be cohesion [*= everyone should have the same understanding of what care experienced means*].
- There needs to be more education in school so that there is more understanding about what it means and that being care experienced isn't the fault of the child. It wouldn't have to be a full course but needs to raise some awareness.
- A lot of opinions are inherited so it is really important that children are taught about care experienced people. It should be done in PSE or pastoral care.

Support for unaccompanied asylum-seeking children

Some group members said—

- there are limited places where unaccompanied children can, and are being housed. In some places, there is a lack of support for young people and opportunities to make friends and do things.
- As unaccompanied children don't have their families with them, they need more help and money as they are struggling to manage on the money they receive, which is £93 a week, to buy everything that they need.
- A participant said that, despite being in the country for two years, they had still not been given an asylum card yet. It is difficult to focus on studies because of the worry.

What is missing from the Bill?

- Group members agreed that there needs to be someone, whether a person or a department, who needs to be culpable if it isn't delivered. There needs to be someone held accountable for delivering this.
- Some also said that the Bill should have all of the promise in it but is only part of it. It is missing consideration of other services such as mental health services. It would be good if the Bill could help smooth the transition to CAMHS for care experienced people.

Group 3 (Age 16-21)

Advocacy

The group discussed what components would make a perfect advocate.

On whether advocates need to be independent:

- Some group members said they should be as this means they are 'apolitical' and not tied to a local authority or service provider so would have no hidden agenda.
- Some group members said they would not trust an advocate unless they were independent.
- Others did not have a problem with an advocate being tied to a specific service (e.g. residential care).
- The need to focus on building trust in relationships with advocates was highlighted, with group members stating this could be impacted by trauma and could take two to three years to build.

On whether advocacy needs to be lifelong:

- Group members overall believed it is good for care experienced people to have lifelong access to advocacy.
- Some group members noted that services are oversubscribed so accessing the advocacy services needs to be possible. Being able to engage young people in specific services is important.
- The role advocates could continue to play in helping care experienced young people access housing was strongly emphasised by a number of participants. The shortage of housing and the difficulty to access housing as a care experienced young person were highlighted repeatedly by group members.
- One participant stated that the impact of being care experienced is lifelong and can include discrimination. Having an advocate on side helps young people understand what support they should have access to as a care experienced person.
- The need for support to navigate school, college, university and the workplace were also highlighted.
- Some group members said the meaning of 'lifelong' needed to be clearly set out.

Participants were asked how important relationship building is in the delivery of advocacy.

- Some group members felt it was not important, and professionalism was more important.
- Some felt a good relationship helped them share their experiences/issues.
- Many group members said the relationship should be two-way. The advocate needs to share info about themselves and build an understanding of the person they are working with.
- Group members wanted more information about how advocates are hired and what the requirements are to do the job. A number of participants said advocates needed to be passionate about their work and the rights of care experienced people.
- Group members were also clear that advocates needed to be properly trained and that appropriate resources were required for advocacy services as there are costs attached to providing a good service.
- The need to fund and expand advocacy services to meet the demand of lifelong provision was highlighted. Ensuring employability routes to a career in advocacy was identified as a way of meeting these demands. Some group members said people with lived experience of advocacy would make good advocacy workers and there should be opportunities for them to pursue this.
- Also during discussions on advocacy, one participant said that the need for advocacy was a symptom of problems with the system and existing legislation. The example of corporate parents missing engagement points for early intervention was given.

Aftercare

The group discussed the Bill's proposals to extend aftercare eligibility to those in care prior to their sixteenth birthday. Currently, young people have to be in care on or after their 16th birthday to be eligible.

- Group members were generally in favour of the right to aftercare support being extended to all care experienced people and removing the current eligibility criteria (of being 16 years or older at the point of leaving care).
- Participants shared numerous examples of young people being taken off their care orders before reaching the age of 16. The example of a young person being taken off their order aged 15 years 10 months was given. In these circumstances, young people did not receive aftercare support and could no longer receive support/advice from their social work team.
- Where young people were taken off orders prior to turning 16, the repercussions of doing this were often not explained to them by social work. Many did not know they would not be eligible for further support. Some of the young people in this situation had been in care for many years prior.

- In addition, of those who were eligible for aftercare, some said their entitlements were not explained to them.
- Others with experience of kinship care described being left with no support and no access to a social worker.
- Housing was raised as an issue in relation to aftercare support with participants stating that not being able to access aftercare support via social work made accessing housing services even harder as the only option is to go via adult services and there is no recognition of care experience for those leaving care before their 16th birthday.
- Group members said having no access to aftercare also limits access to education as some young people have to go into full time work in order afford to live.
- Many group members said aftercare support should be an opt out system, all care experienced people should be eligible, and the onus should not be on the young person to apply for support.

Profit

During the group discussion on the Bill's proposals to consider profit limitation in residential care:

- Some participants said it was not right that businesses can profit from children without carers.
- However, when given a scenario where care provided by a profit-making organisation was good and the potential of having to move was raised, young people said the situation became complicated.
- When the idea of profit was explored further, some group members said profit should only be used to reinvest in care services and businesses should not be making profit (for shareholders etc) from providing services to care for children.
- High salaries of staff at the top of organisations were also discussed and there was mixed views, with some group members stating there is a need to ensure staff directly caring for the children were well paid.
- The majority of group members said money provided for a child's placement should be spent on the child.
- Some group members said they felt homes run by councils were of a slightly better standard than private as they believed money at these placements is invested in the young people.

Hearings system

When asked about proposals for single member panels:

- Most group members had concerns about single member panels. They also expressed concern around even procedural decisions being taken by single member panel.
- Some group members felt certain procedural decisions could be taken by a single member panel.

Foster care register

On the Bill's proposals for a register of foster carers, group members said:

- There were pros and cons to the proposal.
- Some group members said there was potential for the register to be abused if it noted complaints. One participant said some young people might register complaints against foster carers out of spite, and parents who have lost the care of their children might also register complaints.
- If the register is to note complaints, clarity around how complaints would be investigated was needed. One participant suggested complaints should be investigated outwith the local authority in which they were made.
- Some group members said it was important the requirements of the register do not put people off being foster carers, though others stated if the register did put a person off then perhaps fostering was not the right choice for them.
- There was a clear view that the foster care register should not be public, and that it should avoid being seen to be rating foster carers.

Other

During the session one member said that legislation on corporate parenting is vague and leaves room for abuse of power. They wondered whether punitive measures in legislation would be appropriate.

Group 4 (Age 22-43)

Build your own independent advocates

Questions asked:

- Why do you think Independent advocacy should be a thing? Conflicts of interest for advocates? What's their job – to amplify your voice?
- When should independent advocacy end? 26 or later?
- Should it be relationships-based? How long does it take for you to trust someone?
- How can we avoid people having to repeat their story?
- Accessibility – how can they access advocacy?

Responses:

- If you have an advocate who works for the local authority and is paid for by the local authority, they are not independent.
- Advocacy may change throughout the life-long journey because people may need different things at different stages in their life.
- Think it's important for independent advocates to be independent, rather than partnered with the Council.
- Shouldn't be able to take this away [*advocacy service*] overnight. With Who Cares? Scotland you know they are only there to advocate for you.
- Shouldn't matter which council area you live in – which contracts they have – it should all be equal.
- Home and host authorities – trying to get support from home authority [*when living in another local authority*] and getting nowhere.
- We need to make sure there is advocacy that is free from conflict of interest, not paid for by local authority
- Relationships-based – advocacy should ALWAYS be with a person who we can trust with our thoughts, feelings and our problems.
- Accessible – all people with disabilities, care experience etc. should have access to support as easy as possible, such as text line, e-mails, drop-ins etc.
- Life-long – advocacy support should be available to all care-experienced people no matter what age or where we live.
- Independent – advocacy shouldn't be taken away due to funding and everything doesn't need to be partnered with all councils.

- Social workers, teachers, staff and foster carers should all have training on trauma, mental health, lifelong trauma and young people leaving care.
- Advocates should be affiliated with council or sector so there is some kind of accountability.
- There should be a factsheet about advocates *[for care experienced people]*.
- You should be able to ask your advocate other questions too and not just what they are working on. E.g. how do I shave? Can you show me good razors etc.?
- You should be able to access *[advocacy]* support regardless of accessibility needs and it shouldn't be a postcode lottery – if you need it, there should be access to it, no matter what your needs.
- Advocacy shouldn't stop at 26 – it should be as and when needed, not because of age! You will never not need advice etc. from people (parents etc.)
- Life-long rights are something that should be implemented - as you *[would]* have access to support - since we don't have a nuclear family/support network.
- Relationships *[are]* formed with *[an]* advocate through genuine interest in young person's wants and needs – formed over time.
- Advocacy should be life-long.
- Getting rid of boundaries – where there are all sorts of rules that stop you having a personal and trusting relationship with your advocate – e.g. you can't give them a hug/send a text.
- Have a good bond with your advocate – relationships matter!! Trauma-informed.
- Advocates should be accountable – and it should be clear who they are answering too if things don't go well.
- Need a factsheet so you know who they are.
- Advocacy shouldn't stop at 26 – should be as and when it is needed.
- Be able to access support regardless of accessibility needs – shouldn't be a post-code lottery. Should all be built around you.
- If you have trauma – e.g. being able to choose that you want a female advocate.
- Life-long access to support – recognising that you will need a support network throughout your whole life.

- It's not just for one thing and one thing only – you might not need an advocate for another wee while – but can you answer this question/help me? Basic things – how to turn on a washing machine etc.
- Adoption isn't really included in the Bill as the Government hasn't decided if we are care-experienced.
- Independent, must include adopted people – shouldn't include service-providers.
- *[Advocates]* must be trained in legal and complex issues experienced by care experienced children and young people.
- Adoptees don't have a right to request care info until 16 in Scotland and often don't look at files until later in life. No duty to inform an adopted person that they are adopted so many don't find out until later life and there's no support or support is from a social worker.
- Social workers should be record-dispensers – they are not advocates, mental health professionals, emotional support etc. (from an adoption perspective – they are working for the adoptive parents). Others from a non-adoption background felt that social workers could be advocates.
- We need life-long advocacy – should not cut off at 25. Should be relationships-based and trauma-informed, meeting the needs of individuals.
- Accessible – all people with disabilities should have access to support as easily as possible – e-mails, drop-in.
- Advocacy should always be someone we can trust.
- Advocacy shouldn't be taken away due to age/funding. Should be equal across the board. Should be available no matter what the person's age and where they live.
- Advocates should all be trauma trained.
- Think about how people can access information, particularly if they've accessed services across different local authorities.
- In the Scottish Government's 2023 apology for forced adoptions – there was a recommendation that those records should be held at the National Records of Scotland. Corporate parents should make sure that the information is easily accessible.
- Independent *[advocates]* must not have a vested interest and must respect the rights of care experienced people.
- Independent *[advocates]* must understand the impact of care and not be a contributor.

- Independent *[advocates]* must not wear too many hats.
- Independent *[advocates]* must be trained in the legal process and complex issues faced by care experienced people.
- Independent *[advocates]* must include empathy, not judgement.
- Independent advocacy should be independent with no conflict of interest.
- Adoptees may not know they are adopted until later life. There is no duty to inform them of this – many will, and do, need lifelong support (e.g. to search for records).
- For adoptees, adoption is lifelong, no rights to end the order, so support must be lifelong.
- Lifelong advocacy should have NO CUT OFF as if it has cut off at like 25 or 26 it's NOT LIFELONG
- Lifelong Advocacy should be rights based and trauma informed in order to meet the needs of individuals and not what the organisations need.
- *[Advocacy]* should be needs-led e.g. video call, coffee shop.
- Over 26 – used helpline as my partner left and I had no money. They *[partner]* took the appliances. Helpline helped access funding for white goods.
- Advocacy should not stop – it should change throughout lifelong journey
- *[Advocacy should be]* free from conflicts of interest – not paid for by Local Authority.
- Relationships *[with advocacy workers]* come with time. Need consistency – not always changing.
- *[Advocacy workers should have a]* genuine interest in young people – and their wants and likes.
- WC?S don't provide residential care.

Case studies - Aftercare

Questions asked:

- Is it fair to change the law?
- What difference will it make?
- What else needs to change?
- What support is required?

Answers provided:

- Yes, it shouldn't matter if someone is 16 or not *[when they come off a CSO]*, they should be entitled to aftercare.
- Care experienced rights should be lifelong, including advocacy and help from aftercare if needed.
- Adoptees who return to care should be classed as returning to care.
- Adoption should be *[counted as]* care experience.
- One person didn't know until adulthood that they were care experienced and was told they weren't entitled to aftercare by local authority – but Clan Childlaw sent a letter to say they were entitled and they were able to get the support.
- I think it's fine and well giving people access to the adult world – are you going to put more in place to help support them through the transition – independent living skills or adulting at 16 is hard. Aftercare is great but not as supportive as you think it is – e.g. if your plumbing goes. What are we putting into place to support 16 year olds transitioning out of care?
- Local authority aftercare only up to the age of 26 – an aftercare website could be helpful – doesn't mean everyone is entitled – but at least you can find out what's there. Should have audio description resources too.
- Colleges/uni websites – half of the websites don't have a designated part of their website for care experienced students. *[= Makes it very hard for care experienced students to find out what they are entitled to.]*
- It is also hard as well because there are 20 times more care leavers than there are people in care. Who are you going to support? You get to a certain age and you are frozen out – but I know people from years ago who still carry trauma – but they don't have access to advocacy. Scotland is very forward thinking in that we can sit here and talk about this.
- I was told I wasn't eligible for aftercare support as I wasn't care experienced under the current definition – I left care 6-8 weeks before 16. I have had friends dying from drugs. At 24, I am only just going back to education now. I am having to choose between food, rent, heat. For people who are in care just now – that needs to change *[when they leave care]*. I am having to choose to do a 3 year *[university]* course rather than the Masters because I can't afford it. My life is not what it should be. I should be thriving. I'm not even surviving just now.
- SAAS isn't working – care experienced bursary doesn't cover the cost of college/uni and life things like bills, gas, electric etc. so you have to choose education or not.
- As far as care experience goes – those who are eligible - there is a rent shortfall. *[I believe that]* the local authority doesn't have an obligation to put

you in safe housing, for many private rent is becoming an option and council do help support with paying a deposit, however, there is a 5 week rent shortfall as universal credit are not paying this straight away, so care experienced people are getting into debt. If the house hasn't even got gas and electric on the mains, they can't top it up. No way to pay off that debt and that's not a nice feeling for anybody, let alone a care-experienced person with no support.

- Accessible – extra support to care experienced people with/without disabilities no matter the age, background or childhood experience.
- Everyone should be able to access support, regardless of background, such as adoption, at home, residential or foster care.
- Care leavers should be able to have LIFELONG bus passes to help with appointments, education and social life.
- Care experienced people need and should be given priority with housing.
- *[There needs to be]* better housing structures for all care experienced people, regardless of age.
- *[There should be]* extra money each month for care leavers lifelong.
- Better mental health support for care experienced people *[is needed]*.
- Better equip care experienced people with life skills.
- Why should I be left traumatised by a system that was legally supposed to protect me?

Profit Limitation

Questions asked:

- Is profit just profit or can it be a surplus?
- What if there is money left over and it is reinvested into services?

Participants asked to stand on a line of agreement, with prompts including:

- Ban all profit (like Wales)
- It's complicated
- Allow profit (current system)

Answers:

- I think profit is not necessarily a bad thing depending on who it is benefitting – e.g. if it's going back into the services for children and young people, not the shareholders.

- *[Limiting profit]* could take away the incentive for people to have private residential placements.
- I am on the fence between profit and it's complicated – if it is profit that goes back to children and young people, instead of clients or customers....
- However, I would also say that I don't feel it should be classed as profit at all – it should be caring for young people, not a business – we're not numbers on a page
- Where I draw the line – is it going to care experienced people or people's back pockets? If it is having a positive impact *[on care experience children and young people]* then that's not profit, that's just funds. If it's for bonuses, then no.
- This *[proposal in the Bill]* needs to make sure it doesn't affect current people - who are settled in a placement where they feel secure – but it should affect newer placements.
- I am for banning all profit – because of my own experiences – I was in a private care home. People *[workers]* have to put food on the table – but why would you want to make a profit off care experienced children and young people. They are employing staff who only want the paycheck at the end of the month. Staff didn't care. The person who owned it eventually sold the company and moved abroad with the millions of pounds they made out of the people they had been looking after.
- It's complicated – every local council is given money for an adoption fee, however, that child loses all rights, they have no right to revoke that order and we *[adoptees]* are also not classed as care experienced so we have no right to complain about anything profit driven. There shouldn't be any profit on vulnerable children.
- I have gone with ban all profit – we shouldn't be profiting from vulnerable children who have been through so much trauma and experiences that have never been their fault in the first place. Privately owned companies – my own experience of growing up in residential – there was a privately owned children's home in my local authority – thankfully it's no longer there. They were making millions off of vulnerable people who were staying in the care home and they sold it and that has now been taken over by the council. But we shouldn't be profiting from traumatised pasts.
- People should not be making a profit out of vulnerable children and young people in care.
- You can say this about foster carers too – at 16 *[I was]* put into a homeless shelter as the local authority refused to pay for my placement.
- I went to a special needs residential boarding school. It was a charity – the money has to be put back into the service. That's OK. It can provide an absolutely amazing service. You shouldn't be making a profit from someone's misery. Fine if it's being put back into the charity.

- Why should care-experienced people living in a privately funded placement – residential or foster care – be left traumatised from their experience there? Why should we leave care without support, with no counselling? I had more trauma from my time in that unit. Leaving care two weeks after my 18th birthday was the best thing I've ever done.
- I think we need to be careful about wages *[for private providers]* – you could pull in people who are just interested in the wages.

Other

- Definition of care experience – *[we need to think about how you]* prove your care experience. Going to college, I had to tell my life story *[to access support]*. Fought so hard to get trauma work, then had to move *[areas]* and so *[this meant I was]* back at the bottom of the waiting list.
- I am adult adoptee – I am pleading with you to include us as care-experienced. The Scottish Government gave an apology for forced adoption. Right to be informed at 16 of own adoption, for autonomy to leave orders and the right to be known (to be classed as care-experienced). To be given that support and choice. These things are deeply important. I can't make a complaint about social work. I wasn't asked if I was OK at any point. Adoption trauma. We have given out over 800,000 adoption orders. We are excluded from the Child Abuse inquiry. If you can't make a complaint or appeal a court order.
- I was in kinship care and this also isn't recognised as much, especially informal kinship care.
- Today's session was extremely rushed – is there an opportunity to speak again later in the process?
- Generational care – and when are you going to start taking responsibility – I grew up in the same residential care as my mum. I looked at the numbers of babies with care experienced parents. You need to put the money into early prevention measures *[to stop that happening]*. We're (young parents) being vilified when it's your responsibility to teach us. If you asked us to help peer to peer, we would be so happy to do that. We are told we just don't have the money. But there's money for people in homelessness/prison. We need to put the money in the right place.
- Accessing records - Is there a way to be able to get records (health, education, social work) from all councils from one subject access request, instead of having to submit four per council?
- Scottish Government needs to take responsibility for our trauma now.

- *[Care experienced people should be]* exempt from Council Tax up to 26

Annexe C

Scottish Government written submission, dated 9 October 2025

Scottish Government officials wrote to the Committee to set out its engagement on the Children (Care, Care Experience and Services Reform) Scotland Bill, Pre-Introduction, and Post Introduction Engagement since June 2025.

1. Pre Introduction Engagement

The Scottish Government set out its ambition to *“introduce a Promise Bill to make any further legislative changes required to keep The Promise by the end of this Parliamentary session”* in the Promise Implementation Plan published in March 2022.

Since this point, the Children (Care, Care Experience and Services Reform) Scotland Bill has been informed by ongoing engagement and formal consultation. Ultimately the overarching policy direction for the Bill is based on what over 5,000 people interviewed as part of the Independent Care Review said and in turn informed the recommendations set out in The Promise.

The Bill includes provisions that cross different policy team interests within Scottish Government. As such, engagement is undertaken both at individual policy level and as part of a coordinated package of engagement. Further detail on the engagement that has supported development of the Bill is provided in the Policy Memorandum

Engagement with Key Stakeholders:

Scottish Government officials meet regularly with The Promise Scotland both through set monthly strategic meetings and more regular ongoing topic-based engagement. Since 2022 this has included discussion regarding legislative ambition to deliver the ambitions of The Promise.

In May 2024 The Promise Scotland produced a first paper detailing a broad range of areas for legislative consideration. The Scottish Government have met with The Promise Scotland on a number of occasions to review this and detailed analysis of the suggestions identified has been undertaken. Our understanding is that this paper was also helpfully shared with COSLA and other stakeholders for review and consideration. In November 2024 the Independent Strategic Advisor for The Promise and the Chief Executive of The Promise Scotland attended the Cabinet Sub Committee on The Promise.

Later in November 2024, The Promise Scotland and CELCIS organised and led an engagement session with key stakeholders to gather views on the proposed Bill. There were over 50 people on the online meeting from across the Children’s Services sector, including social work, education, health, Police Scotland and the third sector, and from every level of the system.

With regard to engagement with local government, Scottish Government officials hold regular Promise focused engagement with COSLA including specific requests to help inform the financial memorandum. These have all provided opportunity for discussion on the Bill and the consultation work underway. This engagement is further supported by a dedicated Promise post within COSLA that is funded by the Scottish Government. The Minister for Children, Young People and The Promise meets regularly with Cllr Buchanan (COSLA Spokesperson for Children and Young People) and this has included reference to the work underway to develop and progress the Bill.

Formal Consultation Process

The provisions included in the Bill have been subject to consultation and engagement. This includes four public consultations on: Children's Hearings Redesign: (July – October 2024): Moving On from Care into Adulthood: (August – November 2024): Developing a Universal Definition of 'Care Experience' (October 2024 – January 2025) and The Future of Foster Care consultations (October – January 2025)

Over the course of these consultations a total of 413 responses were received from over 110 stakeholders and individual representations and a range of engagement sessions were facilitated.

Engagement with the Care Experienced Community

Ensuring the voice of care experienced children and young people informs the legislative direction has been a focus throughout policy development for the Bill. To support this, Who Cares? Scotland and Barnardo's were awarded a contract through the Children and Young People Participation Framework to lead engagement with care experienced children and young people to help inform the public consultations.

In October 2024, The Minister for Children Young People and The Promise held a roundtable discussion in the Parliament with key stakeholders including The Promise Scotland, Social Work Scotland, CELCIS, Who Cares? Scotland; Barnardos; Each and Every Child; Young Scot; STAF and Aberlour. COSLA, the Children's Commissioner and NSPCC were invited to attend but unfortunately were unable to make this session.

Engagement Following Cabinet Agreement

In compliance with parliamentary rules and the Ministerial Code, draft provisions were not shared with external stakeholder prior to final policy sign off for the Bill. On receipt of Cabinet agreement on the final scope of the Bill, confidential briefings with key stakeholders on the provisions were held in May 2025. This included discussions with CoSLA; The Promise Scotland; Who Cares? Scotland; The Scottish Children's Reporter Administration; Children's Hearings Scotland; and CELCIS.

2. Post Introduction Engagement

Following introduction of the Bill, Scottish Government officials actively reached out to stakeholders across Scotland advising of introduction and offering an opportunity for targeted engagement. To date over sixty individual meetings with stakeholders have been undertaken. A list of organisations who have been engaged is provided in the **Annex** below. Overall, broad support has been expressed for the provisions included within the Bill.

A number of in person engagement sessions have taken place in Glasgow (8 September); Edinburgh (22 September) and Dundee (1 October). Online engagement events are planned to ensure opportunity for engagement for stakeholders unable to make the in-person events. The Minister for Children Young People and The Promise held a roundtable discussion with key stakeholders on the 17 September.

In addition individual policy teams continue to liaise directly with key stakeholders and a formal [consultation](#) on the approach to tackling profit from children's residential care was launched in August and is expected to close on 6 October 2025 and this is accompanied by further specific engagement.

As the work progresses, officials are actively engaged with COSLA to gather further information on the level of service provision and financial information relating to advocacy, aftercare and profit, including joint consideration on how this can be gathered in a coordinated way to avoid over burdening local authority colleagues.

Engagement will continue to be key as the provision included within the Bill are progressed. As detailed in the policy memorandum where regulations are proposed including in particular work to develop a definition of care experience and advocacy provision, undertaking codesign with the care experienced community will be absolutely key and we are strongly committed to that approach.

Annex

STAKEHOLDER ENGAGEMENT UNDERTAKEN SINCE INTRODUCTION

The organisations identified in the table below have all had direct engagement with the Scottish Government in relation to the Bill since its introduction in June.

Aberdeen City Council	Dundee City Council	Renfrewshire Council
Aberdeenshire Council	Dumfries and Galloway Council	Right There
Aberlour	Each and Every Child	SSSC
Action for Children	<u>East Ayrshire Advocacy Services</u>	Scotland Excel
Adoption UK	East Ayrshire Council	Scottish Adoption and Fostering
Angus Council	East Dunbartonshire Council	Scottish Borders Council
Argyll and Bute Council	East Park School	Scottish Children's Reporter Administration
Barnardos	Edinburgh University	Scottish Child Law Centre
Borders Advocacy	ETCS	Scottish Kinship Care Alliance
CPON	Foster Talk	Scottish Refugee Council
CAPS Independent Advocacy	Harmony Education Trust	Scottish Women's Aid
Care Inspectorate	Hillside School	Seamab Care & Education
Chief Social Work Officers	Highland Council	Sheriff David Mackie
Children First	<u>Independent Advocacy Perth and Kinross</u>	Shetland Council
Children's Hearing Advocacy	Inspiring Scotland	Social Work Scotland
Expert Reference Group	Kibble	South Ayrshire Council
Children's Hearings	Kings Trust	Stepdown
Advocacy National Provider Network	Law Society of Scotland	St Philips School
Children's Hearings Scotland	NSPCC	Stirling Council
City of Edinburgh Council	National Association of Foster Parents	TACT
Clackmannanshire Council	National Parent Forum of Scotland	The Fostering Network
Clan Child Law	North Lanarkshire Council	The Promise Scotland
COSLA	Orkney Council	Welsh Government
Common Weal	Parenting across Scotland	West Dunbartonshire Council
Competition and Markets Authority	Partners in Advocacy	West Lothian Council
Crown Office and Procurator Fiscal Office		
Department of Education – UK Government		

Annexe D

Written evidence from Martin Barrow to the Scottish Parliament's Education, Children and Young People Committee

October 2025

This written evidence is a summary of Martin Barrow's views on profit in children's residential care to help inform the Committee's scrutiny of the Children (Care, Care Experience and Services Planning) (Scotland) Bill. It has been compiled with support from The Promise Scotland but represents the views of Martin Barrow.

While many of the examples in this evidence are specific to England, the implications of a care system largely motivated by profit also apply in Scotland. If Scotland continues on its current trajectory of profiteering in the children's care system, the country will undoubtedly face similar challenges to those being experienced in England.

About Martin

Martin Barrow is a journalist, editor, and campaigner known for his in-depth reporting and commentary on children's social care, fostering, and the wider care system in the UK. Barrow has fostered with his local authority in England for 17 years.

A former journalist with *The Times*, Barrow worked for many years in senior editorial roles before focusing his writing on social policy, particularly the care of vulnerable children. Drawing on personal experience as a long-term foster carer, he brings both professional insight and lived understanding to his journalism.

Barrow has written extensively for *The Guardian*, *PoliticsHome*, *The Transparency Project*, and other publications, often examining the impact of privatisation and profit-making in children's services. His work regularly highlights systemic issues in fostering, residential care, and local authority provision—calling for reforms that put children's welfare ahead of corporate interests.

He also produces a weekly independent bulletin, *Week in Care*, which curates national and regional news, policy developments, and commentary about the care system. Through social media (notably on X, formerly Twitter, and LinkedIn), he amplifies stories about children in care and advocates for transparency, ethical practice, and reinvestment in public provision.

Barrow's writing has made him a prominent voice in debates over how the UK supports care experienced children, young people and adults.

Key messages

- Profit should be removed from the children's care system.
- Caring for children and young people should never be a commodity, and profit has no place in protecting vulnerable children.
- The money local authorities are paying to private companies is not being directly invested into the care of the children they support, but rather, disappears into bank accounts and offshore accounts.
- Private providers charging a high price to councils are not always motivated by the best interests of children in their care.
- If Scotland continues on its current trajectory of profiteering in the children's care system, the country will undoubtedly face similar challenges to those being experienced in England.

Private provision of residential children's homes

Around 80% of children's homes in England are privately-owned and mostly run for profit. Private provision is dominated by large companies, accountable to their shareholders, not to the children in their care.

CareTech, England's largest provider, owns myriad companies running children's homes, including Cambian and By The Bridge. Their latest accounts reveal local councils paid the company an extraordinary £567 million for the care and education of children and young adults last year, with an overall turnover of £630.4 million and gross profits of £223.2 million. For every £4 paid by the councils, £1 did not reach the children it intends to care for, but instead was swallowed up by investors through finance charges arising from their mountain of debt.

A report from the Children's Commissioner for England in 2020 showed that large private providers make a profit margin of around 17% on the fees they receive from local authorities. They note the chains of ownership made complex by mergers and acquisitions, and the lack of transparency can make it more difficult for local commissioners to make informed decisions about where their money is spent.¹

Many of these large companies have amassed millions of pounds of debt, with interest charges consuming much of the money that local authorities pay in fees, which is intended for the care of children and young people. Companies will report a pre-tax loss, but investors make money from this debt by holding preference shares and loan notes which pay dividends and interest. The money allocated by local authorities is not being spent in full to provide the best care and support for children. This cannot continue.

The cost of a single place in a residential children's home in England has nearly doubled in five years to an average of £318,000 a year.²

¹ [cco-private-provision-in-childrens-social-care.pdf](#)

² <https://www.theguardian.com/society/2025/sep/12/cost-of-place-in-childrens-care-homes-in-england-hits-almost-320000-a-year>

Local authorities should never have been allowed to abrogate their responsibility to the children and young people in their care by passing them on to private companies. By outsourcing care, local authorities have lost control over the quality, cost and location of the places where children are living.³ Children and young people are living many miles from their families, friends and communities because no local homes are available.

Private residential homes are not in the communities' children originate from

Private provision of children's residential homes is concentrated in the North of England where property is cheaper and wages are lower to maximise profits with little regard for where the children come from and what would be in their best interests. This means children are being sent many miles away from their families, friends and community links to areas where companies can make the biggest profits rather than where children and their families can thrive.

The *Managing children's residential care* (2025) report by the National Audit Office shows 49% of children in residential homes are more than 20 miles away from their original family home.⁴ Children and young people may be moved multiple times around the country. This distance between them, their birth families and other important people in their lives has a profound, lifelong impact. Once a young person leaves care and moves into independent adulthood, they may return to the area where they were born without the right support, or any local connections or relationships – all broken by privatisation.

Property investors seek out cheap land or cheaper properties, submitting planning applications to open a children's home, without having any connection to the children's 'care system' and no genuine interest about improving the lives of children and young people.

The time has come for local councils to show leadership (and humility) to admit that the way they treat children in care is wrong and that the system has failed. As a taxpayer, even if you are not moved by the impact on children in care, it is time to understand that you are being ripped off by big business.

Articles on the private provision of children's care

This table captures some of the articles written by Martin Barrow about the challenges and concerns with private provision of children's care.

Written by Martin Barrow

- | | |
|--|--|
| Six steps to improve the lives of foster carers and vulnerable children, August 2018 | <ol style="list-style-type: none"> 1. Minimum weekly allowances must be mandatory. 2. Allow foster carers to accept placements with other providers 3. Foster carers should be exempt from council tax 4. Sort out Staying Put 5. Offer special deals and discounts |
|--|--|

³ <https://transparencyproject.org.uk/privatisation-of-childrens-services-is-bad-for-children-and-bad-for-taxpayers/>

⁴ [Managing children's residential care](#)

Privatising children's social care, 3 rd July 2019	6. Provide respite care. Article about CareTech, which owns children's homes, residential learning disability services and foster care agencies. Organisations like the Children's Homes Association and the Nationwide Association of Fostering Providers insist independent provision offers value for money. But their claims are disputed. Earlier this year an inquiry by Commons' Housing, Communities and Local Government select committee heard how <u>independent provision can sometimes cost three times as much</u>.
Privatisation of children's services is bad for children and bad for taxpayers, 17 th February 2021	Local authorities should never have been allowed to abrogate their responsibility to the children and young people in their care by passing them on to private companies. But the situation has become much more urgent in recent years and can no longer be ignored. For the care system is failing children and young people terribly. The outgoing Children's Commissioner for England said the reliance on private companies had created a system that was 'increasingly fragmented, uncoordinated and irrational'. The smell of easy money has attracted an even more voracious business model: most of CareTech's biggest competitors are private equity firms. These are mostly private partnerships based offshore in tax havens like Jersey and Luxembourg. You won't find it on their websites but companies we know as National Fostering Agency, Polaris and Outcomes First are all owned by private equity firms such as Stirling Square Capital Partners, CapVest and August Equity. It is increasingly common for one provider to have interests across all children's service, from early intervention programmes through foster care, children's homes, residential schools and mental health care. A child may bounce through the system, frequently changing homes and schools, based on decisions influenced by a provider with a financial interest in each move. Meanwhile, local authorities are having to struggling to square the books; many are on the verge of insolvency. There is little or no money to invest in foster care or children's homes, so local authorities have no choice but to go private.
Who cares? How the outsourcing of provision for looked after children is not	About 80 per cent of children's homes are privately-owned and private agencies now account for almost 40 per cent of foster care. When a child comes into care, the chances are that their home will be provided by a private company. These homes don't come cheap – the average price for a

fit for purpose, 2nd
August 2022

place in a children's home is now around £4,500 a week, but £7,000 is not uncommon.

Last year Witherslack, a provider of children's homes and special schools, was acquired by Mubadala Capital, an Abu Dhabi sovereign wealth fund, for about £600m. CareTech, which is valued at around £700m, is currently in takeover talks with two groups of international investors. Many of the biggest providers are already owned by "tax-efficient" private equity firms based offshore in places like Guernsey and Luxembourg.

What motivates these investors to acquire social care companies in the United Kingdom is not a desire to care for vulnerable children, but money. Children's homes and foster care can be very profitable.

Profits would be a secondary issue if outsourcing was delivering a world-class care system for children. But current provision is not fit for purpose.

A positive first step would be to direct and support local councils to renew their in-house provision of foster carers and children's homes. This is not just about the number of local homes but also about the knowledge that is required to support carers and the children they look after. This will take money and time but, in the long run, will deliver better local care that will help more young people to fulfil their potential.

A number of recent examples in England demonstrate the concerning links between private ownership of residential children's homes and poor quality of care and tell the story of the private companies and equity firms behind these homes (posted on 'X' and other forms of social media):

- In a children's home in Sheffield run by the private company Progressive Care, which was judged inadequate in May and out into special measures: [2663883 - Open - Find an Inspection Report - Ofsted](#). Progressive Care is owned by Shabir Ali, whose investment company, AMDG Holdings, was paid £14 million by councils last year.
- The Institute for Government report on children's social care, which finds that costs are rising without an improvement in outcomes. The report finds that local authorities that rely more on private provision tend to spend more per child in care and that local authorities with higher per-capita costs of care tend to have a greater reliance on both private provision and residential care, but fewer children in care per 10,000 in their area.

- Councils [in England] spent £3,913 billion on children's social care in the first quarter of the financial year, equivalent to £15.65bn over the course of the year, against a budget of £15.55bn.
- In Essex, there are nearly 100 children in residential care at an average cost of £300,000 per child a year. The 15 most expensive residential care placements collectively cost nearly £10 million. The Council's own foster carers cost around £26,000 a year per child. Independent foster care agencies charge twice as much.
- Horizon Care and Education Ltd is paid £40m a year by councils to look after children in care. One of its children's homes, in Staffordshire, was judged inadequate by Ofsted: <https://t.co/el5TSM1uEo>. Horizon is owned by the private equity firm Graphite Capital.
- The company 'Bedspace' in Yorkshire provided supported accommodation for children in care, charging councils £21m last year.
- Durham Council has revealed that the cost of providing homes for children in its care have soared to £88m in 2024 from £30m in 2020: <https://t.co/AQ8lFChmA6>.
- 'On Track' Care Services in Hounslow's Ofsted report concluded "serious and widespread weaknesses" in support for vulnerable 16- and 17-year-olds.
- Tristone Group recently closed all five children's homes run by its subsidiary Dimensions Care after Ofsted found a child was sexually assaulted by men at a hotel while living at one of its homes. Other Dimensions homes had previously been judged inadequate. Ofsted inspectors raised serious safeguarding concerns, including allegations that children had been assaulted by staff, about a children's home run by Premier Care Management, another Tristone business.
- Children's home in Derbyshire run by the private company Rite Directions Limited, which has been judged inadequate by Ofsted, with serious and widespread failures that mean children are not protected.
- Children's home in Surrey run by the private company Sans Soucie Children's Services Ltd requires all children to use plastic cutlery and plates. The home has been judged inadequate, with serious and widespread failures.
- Latest children's services spending boost absorbed entirely by the care system. Councils have made themselves hostages to private companies, who simply charge more whenever more money is put into the system. A case in point: Sunshine Care Topco increased fees charged to councils by 17% in the most recent financial year.
- There's a much more compelling case for council ownership of children's homes than for employee-owned homes. There's an army of tax advisers swirling around children's social care businesses, tempting owners with 'tax efficient exit

strategies'. Nothing to do with improving the care system. Personally, I fear that employee ownership of children's homes is possibly the most precarious model.

- Coventry call to tackle 'obscene care home profits after firm charged '£48,000 for weekend accommodation' noting the £7 million overspend in the council is against placements for children in care relating to the use of external homes with high costs. A child in need of emergency accommodation over a weekend cost £48,000. It is challenging to find homes in Coventry to keep children in their local areas.
- How billionaires, celebrities and Arab sheikhs are making vast profits from the human misery of Britain's chaotic children's homes. The children's care sector is being ravaged by private equity firms where directors are earning over £1 million a year. Many owners of children's homes lurk behind opaque corporate structures, sometimes using tax havens.
- The OnlyFans model Ampika Pickston was able to open a children's home in Cheshire with financial backing from her partner, David Sullivan. The home was judged inadequate at its first inspection by Ofsted and was subsequently closed. Serious allegations were made about the care of vulnerable girls at the home. The Pickston incident exposed the absence of scrutiny of private owners of children's home in England, including the lack of a 'fit and proper' test.

Annexe E

Douglas Ross MSP

Convener

Education, Children and Young People Committee

30 October 2025

Dear Douglas

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

As you are aware, the Finance and Public Administration Committee (the Committee) is responsible for scrutinising Financial Memorandums for Bills.

As part of its scrutiny, the Committee ran a Call for Views on the Financial Memorandum (FM) for the Children (Care, Care Experience and Services Planning) (Scotland) Bill. We received 8 responses to the Call for Views and they have been published on [Citizen Space](#).

The responses covered several main themes which are analysed below. The key message however was that the FM underestimates some of the costs necessary to implement the Bill.

Insufficient engagement with key stakeholders regarding costs

COSLA noted that they “were not engaged on the content of the [...] FM despite being clear that Local Government was ready and willing to engage”. COSLA’s submission questioned many of the assumptions used by the FM and states that it “would welcome discussion between Scottish Government, COSLA and Local Government partners to develop a more up to date, reasonable and accurate set of assumptions and cost estimates”.

Similar views were expressed by Social Work Scotland which said it was disappointed “not to have a formal route for informing or feeding back on the financial modelling which underpin policy”.

Recruitment and staff capacity

Several submissions questioned the assumptions in the FM related to staff costs. COSLA explained that there is ongoing recruitment and retention crises in the sector and that some costs assumptions do not accurately reflect this.

Glasgow City Health and Social Care Partnership are concerned that “current staff recruitment challenges limit the capacity within the system”. The additional requirements imposed by this Bill could, it suggested, therefore result in resources being re-directed from “vulnerable children, young people and families”.

Dumfries and Galloway Council also suggested that the FM “does not adequately account for the costs of recruiting and retaining additional staff to meet the increased demand for service”.

Pre-existing budget pressures and service delivery

Some submissions noted that FM does not fully acknowledge that pre-existing budget pressures may result in difficulties with the provision of additional services. COSLA noted that the “pressure on core budgets is becoming increasingly visible [for local authorities]” and that “cuts to statutory services” have to be considered.

The Scottish Throughcare and Aftercare Forum highlighted that “those currently providing aftercare services are already unable to fully meet their mandated duties” and that extending eligibility for aftercare will “lead to further resource scarcity”. It then goes on to say that the FM “seriously underestimates the existing costs and needs of current service provision, not merely the future costs”.

Inaccurate assumptions

Most submissions suggested that the FM includes inaccurate assumptions in some areas, including—

- **Aftercare support costs:** Several submissions (COSLA, Social Work Scotland and Dumfries and Galloway Council) questioned the cost assumptions for aftercare support costs. The FM uprated inflation costs from 2011-12. The respondents noted that simply adjusting for inflation costs from more than 10 years ago is not sufficient to “reflect the current demand and need that social work, education and community supports experience”.
- **Care Inspectorate costs:** The Care Inspectorate has certain responsibilities under the Bill in relation to the re-registration of fostering agencies as charities. The Care Inspectorate submission challenges the assumption in the FM that the resources required for re-registrations are expected to be “minimal and manageable within existing capacity”. The submission goes on to say that this will require around 970 work hours and that this is “not minor nor manageable within existing capacity”.
- **Hidden costs following the registration of Fostering Agencies as charities:** COSLA noted that the FM does not sufficiently consider the costs for local authorities in cases where Fostering Agencies decide to leave the market (albeit temporarily) following the requirement for Fostering Agencies to be registered as charities. COSLA further stated that “the suggestion that a child can be moved between foster care and residential placements, even temporarily, under-estimates the significant impact this could have on their wellbeing”.
- **Regional Impact:** Dumfries and Galloway Council highlighted that the FM fails to “account for the additional costs associated with travel, logistics, and service delivery in rural areas”. The Scottish Throughcare and Aftercare Forum also noted that the costs of essential infrastructure for the provision of

services in areas with a smaller population represent “complex variables that need to be taken into consideration when allocating fair funding”.

- **Uncertainty regarding advocacy costs:** The COSLA submission highlighted that “FM does not provide thorough costings to deliver lifelong advocacy services for those that are care experienced” and that “there needs to be more engagement to assess reasonable [service take up assumptions]”.
- **Register of Foster Carers:** Both COSLA and Social Work Scotland noted the increased administrative burden required to “keep the register up to date given daily changes”. COSLA stated that the indicative cost of up to £20,000 per local authority “does not seem adequate” and that “there must be a clear benefit in gathering and reporting on information”.

We invite the Education, Children and Young People Committee to consider, as part of your wider scrutiny of the Bill, the evidence received by this Committee on the FM.

Yours sincerely,



Kenneth Gibson MSP

Convener