

Stage 1 debate of the Children (Care, Care Experience and Services Planning) (Scotland) Bill

January 2026

About the promise

In February 2020, following a three year [Independent Care Review](#) that undertook a detailed examination of the roots and branches of the 'care system' and involved listening to over 5,500 children, families, care experienced adults - as well as members of the unpaid and paid workforce - Scotland made [the promise](#). All parties in the Scottish Parliament confirmed—and have sustained—their support to keep the promise by 2030.

The introduction of the Children (Care, Care Experience and Services Planning) (Scotland) Bill is a critical legislative step towards keeping the promise.

About The Promise Scotland

[The Promise Scotland](#) was established in 2021 and exists to support Scotland as it works to keep [the promise](#) to Scotland's children, families and care experienced adults following the conclusions of the [Independent Care Review](#). Since the organisation was established, it has supported and delivered a wide range of projects and programmes, which you can read more about in our [organisational review](#) and our [strategic work programme](#).

Keeping the promise involves transforming the entirety of Scotland's 'care system', so that children, young people, families and care experienced adults are at its centre. The Promise Scotland directly supports the work of multiple organisations and agencies, across many sectors working to make that happen by 2030 at the very latest, with a commitment to its own obsolescence by that date.

[Plan 24-30](#) - Scotland's plan to keep the promise by 2030 - details **who** needs to do **what** by **when**, organised under 25 route maps which sit under the five foundations of the promise. In December 2025, detailed updates to all route maps were published to include milestones, commitments and clear outcomes.

Key messages

- **The Promise Scotland urges all MSPs to build on existing cross-party commitment for the promise and support the main principles of this Bill at Stage 1.**
- **The Bill makes important changes** to ensure improved access to 'aftercare' support, a statutory right to advocacy, improvements to the Children's Hearings System, and reducing and limiting profit in residential care, including through powers to strengthen financial transparency.
- **The provisions in the Bill must be fully resourced** so that children, families and care experienced adults feel the benefits of the changes and there must be a clear

understanding of how the changes will be aligned with other significant aspects of the promise where change is also underway, for example the implementation of the Children (Care and Justice) (Scotland) Act 2024.

- **There are opportunities to significantly strengthen the Bill through a number of amendments** at Stage 2 (outlined below), including:
 - earlier access to advocacy for children;
 - ensuring consistency of the Chair in each child's Hearing;
 - timescales for establishing grounds;
 - clearly outlining that the Children's Hearings System is inquisitorial; and
 - a 'right to return' to care.
- **This Bill cannot be the final legislative step;** therefore, we urge MSPs from all parties to commit to further legislation in the next Parliament which will be required to keep the promise, in particular to 'declutter the landscape of care'.

The Promise Scotland's position on the Bill

The Promise Scotland urges all MSPs to build on existing cross-party commitment for the promise and support the principles of this Bill at Stage 1.

The Promise Scotland has reached its position on the Bill based on the organisation's knowledge and deep understanding of what is required to keep the promise. This has been developed from the conclusions of the Independent Care Review and working across Scotland since to understand what is required to keep the promise. This has included work where the voices of children, families, care experienced adults and the paid and unpaid workforce have been heard, including the:

- [Hearings System Working Group](#)
- [100 Days of Listening](#)
- [Scoping a national lifelong advocacy service.](#)

This Bill presents an essential step at a critical time. Scotland is at the mid-point in a programme of change to keeping the promise and this Bill makes necessary and significant changes in the lives of children, families and care experienced adults required to keep the promise, including:

- Improved access to 'aftercare' support
- A statutory right to advocacy
- Changes to the Children's Hearings System which will begin to make the necessary legislative changes needed to align with the proposals in '[Hearings for Children](#)'
- Limiting profit in children's residential care.

The courage of the children, families, care experienced adults and members of the workforce that contributed to the Independent Care Review and since 2020 must be matched by the courage of politicians. The power to strengthen and support this Bill rests in their hands. Constructive and collaborative working across the chamber as the Bill progresses will ensure it delivers the best outcomes for children, families and care experienced adults.

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

The Promise Scotland welcomes the Education, Children and Young People Committee's Stage 1 Report on the Bill and in particular its support for many of the areas that we have highlighted require further thought and strengthening in advance of Stage 2 of the Bill. This includes:

- the need for further detail on the role of the paid Chair in the Children's Hearings System
- replacing the removal of the obligation for a child to attend their Hearing with a presumption that children will attend
- addressing provisions that fall out of scope of the UNCRC, and
- consideration of changing the language of aftercare.

There are a number of additional areas which would significantly strengthen the Bill at Stage 2 which we are discussing with the Scottish Parliament, Scottish Government and partners. The Education, Children and Young People Committee heard consistently from stakeholders about the need to ensure all provisions are within the scope of the United Nations Convention on the Rights of the Child. The Promise Scotland is also supportive of calls to ensure a strengthened statutory framework around Family Group Decision Making and restraint and changes to allow for a pilot relating to places of safety. We also highlight the following specific areas for consideration.

Advocacy

The promise is clear that care experienced children and adults must have the right to and access to independent advocacy, at all stages of their experience of care and beyond (the promise, pg.115).

The Bill includes a right to access advocacy, and the Scottish Government's intention to co-design this with the care community and advocacy providers is welcome. However, to keep the promise, the Bill must include an extension to the offer of advocacy beyond the entry point to the Children's Hearings System to children where voluntary measures are in place and provide clarity about the definition of 'independence'.

The Children's Hearings System

The Hearings System Working Group, established and facilitated by The Promise Scotland, published the '[Hearings for Children](#)' report in May 2023 after a period of engagement and collaboration with children, families, care experienced adults, kinship carers, foster carers, birth parents, members of the workforce and many others. The report contains a series of recommendations to bring about change in the Children's Hearings System.

The provisions in the Bill go some way towards making the changes reflected in the report. However, it is critical the redesign of the Children's Hearings System properly reflects what was shared by children, families, care experienced adults and members of the unpaid and paid workforce throughout the Independent Care Review and the 'Hearings for Children' report. With that in mind, the Bill must include:

- An overarching principle of an inquisitorial approach to address the adversarial nature of Hearings in line with the overall vision of the report
- A duty on the National Convenor of Children's Hearings Scotland to ensure, where possible, the Chair of each child's Hearing is consistent
- More specificity around the role of the Chair and the skills, qualities and competencies required
- Timescales around establishing grounds
- Replacing the obligation for a child to attend their Hearing with a presumption and more detail about a child and families' participation
- An automatic right to legal representation for children referred on justice grounds.

Aftercare

The promise concluded that 'aftercare' must take a person-centred approach, with thoughtful planning so that there are no cliff edges out of care and support (the promise, pg.92). Therefore, the extension of 'aftercare' in this Bill to children and young people who left care prior to their 16th birthday is welcome. However, to fulfil the promise the Bill must include a 'right to return' to care, change the language of 'aftercare', and commit to extending continuing care up to 26 through secondary legislation.

This is not a comprehensive list of the legislative changes required to keep the promise in its entirety by 2030. Further legislation will be required in the next Parliamentary term, in particular, to 'declutter the landscape of care' and create a legislative environment which is more cohesive and easier to understand for children, families and care experienced adults, whilst reducing bureaucracy for the paid and unpaid workforce.

Please do not hesitate to get in touch with The Promise Scotland's Senior Policy Officer, Emma Young, with any questions or comments about this briefing:
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