

## SERVICE UPDATE

<b><u>Name of Function:</u></b>	Children's Social Work and Family Support
<b><u>Date:</u></b>	September 2025
<b><u>Title of Update:</u></b>	<b><i>Children (Care, Care Experienced, Services Planning) (Scotland) Bill 2025</i></b>
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### 1. Purpose of Service Update

- 1.1 To provide Committee members with a briefing on the intentions of the *Children (Care, Care Experienced, Services Planning) (Scotland) Bill 2025* which was published on 17<sup>th</sup> June 2025.

### 2. Background

- 2.1 The Independent Care Review – The Promise was published in February 2020. This set out the transformational change that Scotland needed to make to improve the outcomes for children and young people with Care Experience and those in the care system.
- 2.2 To support delivery of the required transformational change, Promise Scotland published Plan 21 – 24 and subsequently Plan 24 – 30. These plans recognised the change required by all Corporate Parents. Many of these changes did not require legislative change, rather they required all Corporate Parents to revisit how they listened to care experienced young people and redesigned their services, systems and processes to better meet the needs of children and families enabling children to remain in the care of their family where it is safe for them to be there.
- 2.3 Plan 21 – 24 and Plan 24 – 30 also identified a number of critical changes which required legislative change. Having undertaken a number of consultations during 2024 the Scottish Government brought the responses of these consultations together within the *Children (Care, Care Experienced, Services Planning) (Scotland) Bill*.

### 3. Current Position

- 3.1.1 The Bill laid before the Scottish Parliament has four key areas, the details of which are set out below. The Bill is described as a framework Bill. In effect this will mean while the entire Bill will be considered by the Scottish Parliament, once enacted it will require secondary legislation or the development of policy guidance to provide the details required to give

full effect to the proposed legislative change. As such the implications of the Bill are at this stage not fully known.

3.1.2 The timeline the Scottish Government have given for the parliamentary process is set out as:

- Stage 1 running until December 2025,
  - Stage two in January 2026
- and
- Stage 3 in March 2026.

The Government acknowledge this is a tight timeline.

3.1.3 Following the publication of the Bill a further consultation was launched. This closed on 15 August 2025. The Education, Children and Young People Committee of the Scottish Parliament will be the primary committee that considers the Bill, however it will also be considered by the Finance and Public Administration Committee.

3.1.4 The Scottish Government have published three in person consultation events. These will be held in September and October. Staff from Aberdeen will attend the Dundee event which will be held at the start of October 2025.

## **Details of the Bill**

### **3.2 Part 1 The Care System - Chapter 1**

3.2.1 The right to apply for aftercare support is to be extended to young people who left care before their 16<sup>th</sup> birthday. An assessment of need will be required to be undertaken to determine the offer of support to each young person.

3.2.2 The Bill intends to confer on local authorities the power to provide financial assistance for education and training expenses to those who left care before the age of 16 years.

3.2.3 It is proposed to extend corporate parenting duties to a wider group of individuals to align with the extension of aftercare duties.

3.2.4 There will be a requirement on Ministers to ensure care-experienced people have access to advocacy services. This is to include those currently in care and those who have experience of care. Access to advocacy support is to be for the duration of their lives. The Bill recognises that advocacy also relates to ensuring that care-experienced individuals are supported and given guidance in relation to navigating complex systems.

3.2.5 Scottish Ministers will be required to publish guidance which promotes a consistent understanding of 'care' and 'care experience'. This will extend the current definition of care.

- 3.2.6 There will be a provision of power to limit profit in children's residential care given to Ministers. A consultation on this aspect has been published and is due to close in October 2025. (<https://consult.gov.scot/children-and-families/financial-transparency-childrens-residential-care/>)

### **3.3 The Care System - Chapter 2**

- 3.3.1 Makes provisions to limit profit in children's residential care services. It is unclear whether this will have any impact on the fees charged by providers.

- 3.3.1 Requires (non-local authority) fostering services to be charities. It is unclear whether this will have any impact on fees charged by providers.

- 3.3.2 The Bill intends to give Ministers the power to create a register of foster carers.

### **3.4 The Care System - Chapter 3**

- 3.4.1 The section proposes a range of changes to the Children's Hearing System including around the role of reporters and panel chairs, grounds for referral and relevant persons. These changes will take into account the recommendations of the Children's Hearing System Review report by Sheriff David Mackie ([hearings-for-children-the-redesign-report.pdf](#)).

- 3.4.2 This is a complex area of change. It will have significant and broad implications for local authorities and the need to service the Children's Hearings system. Until the detail of these changes are agreed and understood it is difficult to determine what the full implications will be.

### **3.5 Part 2 Children's Services Planning**

- 3.5.1 The Bill proposes changes to children's services planning processes. Specifically the Bill intends to give Integrated Joint Board's the same duties and responsibilities for planning children's services as health and local authorities.

### **3.6 Financial Implications**

- 3.6.1 The **Financial Memorandum** outlines the expected costs of the provisions noted above. This is listed as being between **£20.7m and £23.8m** (excluding residential services profit limitation costs) by 2030, with the costs increasing incrementally.

- 3.6.2 For local authorities these costs are primarily related to the extension of aftercare duties, with a small amount for the foster carer register and commissioning changes linked to the move to charitable status for all independent providers of foster care.

- 3.6.3 There are no additional costs provided for the extension of corporate parenting duties to those who left care before their 16th birthday. Nor is there funding allocated to the impact on children's social work, servicing the needs of a revised Children's Hearing model. The impact of the change cannot currently be determined given much of the detail in

relation to these changes are still unknown and still to be worked through.

3.6.4 Concern has been flagged that the Financial Memorandum has used the previous looked after figures, estimations of the adult care experienced population and assumes that the provisions in the Bill will reduce pressures from adults with care experience on other parts of the public sector.

3.6.5 The aftercare funding is based on data provided for the introduction of the 2014 act, uplifted to 2025 prices. The Financial Memorandum utilises the figures Social Work Scotland and COSLA provided the Scottish Government as part of the Children's Care and Justice Bill, on the hourly costs of a social workers time etc. Given these are currently being updated as part of the work to prepare for implementation on the remaining parts of that Act, this is one of a number of areas where further engagement with Scottish Government is intended.

### **3.7 Conclusion**

3.7.1 The underlying intentions of the Bill are welcomed. However the approach being taken means that the full extent of the changes will not be known until secondary legislation is passed or policy guidance developed. This makes it difficult to determine the impact and the cost of implementation. It is important that that adequate funding is provided to enable full implementation and delivery of the aspirations of The Promise.

3.7.2 The Chief Officer will continue to update members of the Education and Children's Services Committee as the Bill navigates the parliamentary process and the financial impact of the Bill becomes clearer.

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**20 August 2025**