

Minister for Children, Young People and the Promise
The Scottish Government

3 July 2025

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

Dear Ms Don-Innes,

I appreciate this letter is being sent to you just as the Scottish Parliament enters recess and you as the Minister for Children, Young People and the Promise would be hoping to get some down time during this period. I have deliberated deeply over whether to send the letter, however following discussions in the Chief Social Work Officer and the Children and Families Standing Committees where concerns over the Bill as presented and developed have been expressed, I consider it prudent to share the position which will be adopted by Social Work Scotland.

Social Work Scotland has existed since 1969 to support the leadership of the social work profession, primarily in the context of delivering local government duties and services. Our membership includes the many service managers and Heads of Service who hold day-to-day operational responsibility for much of the children's care system. It also includes the thirty-two statutory Chief Social Work Officers, required by the Social Work (Scotland) Act 1968 to provide, among other duties, professional advice in the discharge of a Local Authorities' functions.

Social Work Scotland recognises the Children (Care, Care Experience and Services Planning) (Scotland) Bill will now enter the full Parliamentary Scrutiny process. It is highly likely that as the Professional Body for social work leadership in Scotland that we will need to highlight our concerns in respect of the development of the Bill, and therefore its credibility as a vehicle for positive change for the care experienced community in Scotland.

We recognise that new legislation is an essential part of realising Scotland's promise to care experienced people, helping to align duties and systems to our vision for the future. Unfortunately, the Bill as presented is not, in the main, legislation which we consider will

deliver on the Promise. Instead, it largely embodies the problematic approach to reform that we and many others have identified as a barrier (rather than an enabler) to improvement. This includes the layering on of new duties without proper consideration of how they will be implemented, or of how they will impact current systems, and the children and families supported by them. We do not have confidence in the financial memorandum which we consider is based on unrealistic assumptions and inadequate or out of date data. Reflecting on the years of work which led to this point we can only conclude that the missed opportunity the Bill represents is an outcome of the approach taken to its development.

On most matters of relevance to social work, the Scottish Government's engagement with those responsible for delivering statutory social work services is extensive and meaningful. Advice is sought by officials, and real effort is made to reflect the insights offered by those social work leaders who will, ultimately, determine the success or failure of national policy. While Social Work Scotland does not always agree with positions and policies Scottish Government adopts, we cannot ordinarily claim to have been excluded from the process of decision making.

The development of the Children (Care, Care Experience and Services Planning) (Scotland) Bill has been different. In all the months of policy development, officials from the Scottish Government's Keeping the Promise team have not requested a single meeting with Children and Families social work managers, or Chief Social Work Officers. Neither have they made any requests for information which might be pertinent to options appraisal, financial modelling, or implementation planning; all aspects where we are otherwise, on other Bills, routinely involved.

Although we have had the opportunity to contribute members' views through consultation responses, these are highly imperfect means of communicating the kind of system insight necessary to inform credible, viable proposals. To the best of our knowledge, in the development of this significant legislation, the Keeping the Promise Team have only met once with Local Authority Promise Leads, and no detail of the Bill was discussed.

I would like to note that, in discussing the Promise and this Bill, Social Work Scotland members have acknowledged that you, as Minister for Children, Young People and the Promise, have been consistently open and engaged on these issues, eager to hear from social work and to understand the challenges and opportunities observed and encountered by the profession. Similarly, other teams of officials whose work is linked to the Bill, have maintained constructive engagement with social work throughout. Unfortunately, perhaps due to a strategy underpinning the wider development of this Bill, such engagement has been the exception, rather than the norm.

Social Work Scotland members now find themselves in the position of having to evaluate and dissect policy proposals through a formal legislative process. This includes identifying and proposing alternative approaches, which our members' experience may suggest are more likely to be effective in achieving the stated policy aims. We will now also be required

to undertake our own modelling of the financial implications and present these to MSPs as the Bill progresses through Committee scrutiny. Ordinarily, such processes would have been completed before a Bill is presented to Parliament, through officials' engagement with Social Work Scotland and COSLA.

Before Stage 1 begins in earnest, I wanted to take this opportunity to lay out our concerns, in part to contextualise any written and oral evidence we will provide to the Scottish Parliament's Education, Children and Young People Committee. We agree with much of what the Bill is trying to achieve. But due to a failure of process, as we see it, Social Work Scotland will now likely have to critique publicly the legislation from the perspective of practicality and affordability. Considering the scale of the challenge which remains, in terms of realising the Promise by 2030, the Bill risks becoming a missed opportunity for national and local government to work together in removing barriers and creating the conditions for success.

Thank you for giving this letter your consideration.

Your sincerely,

A handwritten signature in black ink, appearing to read 'John Trainer', with a long horizontal line extending to the right.

John Trainer

Convenor, Social Work Scotland

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