

Convenor and Members of Education, Children and Young People Committee,
The Scottish Parliament

11 February 2026

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

Dear Convenor,

We are writing jointly as organisations who are deeply committed to improving the lives of children, young people and adults with care experience. Across Scotland our members strive to redesign services, strengthen family support, and maintain the relationships through which we support care experienced adults. Such work is difficult at the best of times, and as your Committee has heard from many witnesses over recent years, it is currently progressing under the most acute economic, workforce and social pressures in anyone's memory.

We recognise that many of the amendments you are considering at Stage 2 are rooted in principles we support, and we fully acknowledge the positive intentions that have shaped them. However, after the Committee's session on 4 February 2026, we feel it necessary to voice our very serious concern about how the Bill is developing, with profoundly significant changes to law being adopted without sufficient consideration of their risks, costs and impacts. The Bill which passed Stage 1 was problematic in many ways, and Stage 2 offered a valuable opportunity for improvement. But reflecting on the amendments accepted last week, and the volume and sensitivity of amendments still to be considered, the Bill risks becoming an act of harm to the agenda we all, collectively, care so much about. Namely, transforming our care system. More than just a lost opportunity, the Bill as it currently stands is undeliverable and unaffordable, and an invitation to legal confusion and conflict, which will pull time and resources away from children and young people, and undermine critical relationships. We are also particularly worried about how this Bill will exacerbate our workforce crisis, contributing as it will to the perception that national actors are either unwilling or unable to engage with the workforce's concerns and insight.

Our concern at the start of the Bill process was that the jeopardy of the forthcoming Scottish Parliamentary election would invite stakeholders to see this Bill as a last throw of the dice, in respect of legislative change relating to the Promise. The substance of the amendments lodged at Stage 2 suggests that concern was valid. We want to be bold and ambitious too. But as partners responsible for translating law into practical reality, and with decades of experience in doing that, it is also our responsibility to point out when law risks

becoming detached from reality. An Act of the Scottish Parliament cannot create the physical capacity to provide accommodation for all care experienced people. Nor can it deliver the people we would need to make such accommodation options viable and positive. Although getting the financial costings is important, the viability of an idea is about much more than money.

We have a responsibility too for seeing the system as a whole. The care system is a complicated, interconnected and fragile construction, and a frontier in the contested, emotive boundary between the state and people's private lives. Change is absolutely needed, but any change must be deeply and properly considered, and tested. If we, progressively, allocate our residential and fostering capacity to the care of young adults, where do we place children and young people? If the number of social workers is not increased significantly, how do we meet enhanced continuing care, aftercare and kinship assessment responsibilities without negatively impacting on the work we can provide to families with young children, including preventative work? There are also moral and rights issues - should we prioritise the needs of a single care experienced adult over the needs of a single parent with no care experience? We do not want to make such choices, but such choices are the job of those in the public sector who are entrusted with providing a care system in Scotland. And successful realisation of the Promise demands that we engage with and resolve such difficult questions now, not defer them to a later date. For if we do defer these questions, the weight of internal contradictions and inconsistencies in the system will sink it, and the gap between what the public expects (underwritten by law) and what the system can deliver will erode whatever confidence remains in it.

Legislation underpins the care system, and if legislation is poorly conceived or drafted, the system then reflects its deficiencies. Ambition is welcome, but proposals must be workable and deliverable. A Bill which is unimplementable will become an Act which is not implemented. The people who are impacted worst by that outcome are care experienced people, and those people who constitute the 'care system'. We therefore respectfully ask the Committee to apply an exceptionally high threshold when considering further amendments at Stage 2. Proposals should proceed only where there is clear evidence of benefit, realistic deliverability, transparent and robust costings, alignment with ongoing reforms, and confidence that they will not disrupt progress already underway. We also ask that, at Stage 3, this lens is applied again to the whole, amended Bill. The Children (Care Experience, etc.) Scotland Bill cannot – must not – be the final legislative measure in respect of the Promise. Work demanded by the Independent Care Review, to review and simplify the legislative landscape, is about to commence. There will be other opportunities to make legislative change, and working together, we can ensure that change is not just bold on paper, but genuinely transformational on the ground.

Yours sincerely,

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