

To all Members of the Scottish Parliament

17 March 2026

Children (Care, Care Experience and Services Planning) (Scotland) Bill: Stage 3

Dear Member of the Scottish Parliament,

On Thursday 19 March you will have the opportunity to determine whether the Children (Care, Care Experience and Services Planning) (Scotland) Bill passes Stage 3. With the Bill's original reforms now bound up with several problematic proposals, and no Stage 3 amendments tabled which provide remedy, we reluctantly urge you to vote against the Bill at its final reading.

We make this recommendation with deep regret and disappointment. Our members are eager to accelerate realisation of the promise which Scottish and local government made to families, children and the care experienced community. Few other professional groups are so exposed to the care system's continued deficiencies as social work is. And few are so aligned with the prescription for improvement provided by the Independent Care Review in 2020, focused on family, voice, care, people and scaffolding. A prescription which explicitly states that:

*"The [legislative and policy] **landscape is cluttered, complex and does not provide a clear frame to support children, families, decision makers and service providers.**"¹*

*"Scotland must implement the rights of the child in a way that **does not reinforce a focus on policy, process and procedure** but supports the ability of children and those around them to connect and develop relationships and cultures that uphold their rights as a matter of course."²*

With these statements as our context, the bar for any new policy or legislation relating to the care system should be extremely high. And from the start of this Bill's journey, we have voiced concern that parts of it failed the test of reinforcing the system's focus on process

¹ Independent Care Review, 2020, the Promise, p. 26

² Ibid, p. 26

and procedure.³ Law is again being used to direct practitioners in how to do their jobs, rather than promoting the sort of professional autonomy which the Independent Care Review concluded was essential for creating loving relationships in the care system.

Our concerns have been intensified by amendments at Stage 2, particularly around the provision of accommodation and related expansion of the care system.⁴ Unfortunately, a review of the amendments tabled at Stage 3 suggests that none are likely to rectify these elements, leaving as the only option a vote against the Bill at its final reading. We come to this conclusion very reluctantly, as much good work underpins aspects of the Bill. But on balance, reflecting on what we know about how this Bill will impact the system if made law, we must recommend its rejection. Our reasons for this are various, but primarily:

- **Many aspects of the Bill are not deliverable.** Even if sufficient funds were available (which based on the revised Financial Memorandum, we strongly doubt), it would not overcome the “barriers” which prevent us delivering the kinds of services and support envisaged by the Bill. These barriers are the lack of human capacity in the system (i.e. having sufficient people to do all the work, in the right way) and, in respect to accommodation, physical capacity (i.e. the buildings, etc.). It is also disingenuous to argue that such implementation issues can be ameliorated by adopting commencement dates far off in the future. That subverts the legislative process into a form of virtue signalling, which erodes trust in national institutions, and undermines relationships between the public and public sector workers. We should not proceed with new law unless we are confident that we can turn it into reality in the close, foreseeable future. If you are not confident of that, relevant provisions should not become law.
- 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 in the system is absolutely needed, but any change must be properly considered and tested. The financial and workforce impacts of this Bill have, we believe, been significantly underestimated. But as importantly, **aspects of this Bill would fundamentally change the nature of the care system.** The profound implications of this have not been thought through, and their adoption into law risks undermining our efforts to deliver the care system described by the Promise, where the focus of our effort is on keeping families together, scaffolded with the highest quality support, and as little “formal” intervention by the state as possible. Parts of the Bill push us in the opposite direction, and whether that is right or wrong, due to the rushed nature of this Bill Scotland’s families, MSPs and stakeholders have not had an opportunity to debate it properly.

³ Social Work Scotland, August 2025, Children (Care, Care Experience and Services Planning (Scotland) Bill: Response to Scottish Parliament’s Call for Views: <https://socialworkscotland.org/wp-content/uploads/2025/08/Call-for-Views-Children-Care-Care-Experience-and-Services-Planning-Scotland-Bill-FINAL-FOR-WEB-1.pdf>

⁴ Social Work Scotland & Scottish Association of Social Work, February 2025, Joint letter to Education, Children and Young People Committee in respect of Children (Care, Care, Experience, etc.) Bill at Stage 2: https://socialworkscotland.org/briefings_statements/joint-letter-to-the-education-children-and-young-people-committee/

The issues which this Bill is trying to address are real, and our members strongly support the effort to find solutions. But an awkward truth is that there is very little we (Scottish Government, local authorities and other partners) cannot do already, within the permissive legislative framework that already exists. The reason why things are not happening at the pace we would all wish is not to do with a lack of legislation. Nor is it to do with some imagined “opposition” to change. No one working in the system has an incentive to deny individuals or families the support they need to flourish and be happy. The main reasons we cannot achieve the change we all seek is because there is not enough money in the system, there are not enough people working in it, and the incentives for different parts of the system are misaligned. This Bill does nothing to address these fundamentals, but rather compounds the problems, adding extensive new duties without the resources necessary to deliver them. Duties which will stretch the workforce out further, reducing the time they can give to relational work, and pushing more of them to leave their roles. Until we resolve the underlying problems related to the system’s human capacity, all new legislation will, at best, *describe* a possible future. It will not bring that future into being.

It is therefore with our focus squarely on the Promise’s original priorities of family, voice, care, people and scaffolding that we recommend MSPs vote against the Bill at its final reading. We appreciate how hard this will be to do, with the needs of many of your constituents so acute – the families, children and care experienced people our members work with daily. An opportunity to act positively appears to be in front of you. But if the Bill becomes law, it will only add to the confusion and complexity which makes improvement of our care system so difficult. And if the Bill is unsuccessful, it may encourage national leaders to focus instead, with the incoming parliament, on the human foundations of the care system; with the amazing carers, panel members, social workers, independent advocates, residential care staff, teachers, nurses, solicitors, family support workers and so on, who will ultimately determine whether Scotland keeps the Promise.

Yours sincerely,

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Director, Social Work Scotland

Jane Shears
National Director BASW NI & SASW

** For an up-to-date sense of what frontline children and families’ social workers are saying about delivery of the Promise, the Scottish Association of Social Workers recently surveyed their members (responses submitted in March 2026). Their feedback is available here: <https://basw.co.uk/articles/keeping-promise-frontline-voices-scale-challenge>*