

CHS Public Board Meeting

Wed 24 September 2025, 10:00 - 12:00


Thistle House/Microsoft Teams

Agenda

- 10:00 - 10:00
0 min

1. Welcome and Apologies

verbalKatharina Kasper

 0. Board Meeting Agenda SEPTEMBER 25.pdf (1 pages)
- 10:00 - 10:05
5 min

2. Declarations of Interest


verbalKatharina Kasper

To update
- 10:05 - 10:10
5 min

3. Approval of the Minute from the Meeting on 25 June 2025

paperKatharina Kasper


To approve

 3. CHS-2526-13 CHS Board DRAFT Minute 25.06.25.pdf (7 pages)
- 10:10 - 10:20
10 min

4. Action Log Update

paperKatharina Kasper

To update

 4. CHS-2526-14 Board Action Log - JUNE 2025.pdf (1 pages)
- 10:20 - 10:30
10 min

5. Chair Update

verbalKatharina Kasper

To update
- 10:30 - 10:40
10 min

6. Audit and Risk Committee (ARC) Chair Update

verbalSean Austin

To update
- 10:40 - 10:50
10 min

7. People and Culture Committee (PaCC) Chair Update


verbalKatie Docherty

To update
- 10:50 - 11:05
15 min

8. National Convener/CEO Update

paperElliot Jackson

To update

 8. CHS-2526-15 National Convener CEO Update.pdf (6 pages)

ITEMS FOR NOTING

11:05 - 11:15 9. Financial Reporting 10 min

9.1. Q2 Financial Update (P4 and P5)

paper Lynne Harrison

To note

 9.1 CHS-2526-16 Q2 Financial Update P4 P5 2025-26.pdf (4 pages)

9.2. Financial 5 Year Plan

paper Lynne Harrison

To approve

 9.2 CHS-2526-17 Financial Five Year Plan.pdf (5 pages)

11:15 - 11:20 10. End of Service and Re-appointments Report 2024-2025 5 min

paper Bethany Cunningham

To note

 10. CHS-2526-18 Ends of Service & Reappointments 2024-2025.pdf (5 pages)

11:20 - 11:25 11. Quarter 2 Performance Report 5 min

paper Lynne Harrison

To note

 11a. CHS-2526-19 Q2 Performance Report.pdf (4 pages)


 11b. CHS-2526-19 Appendix 1 Q2 Performance Report.pdf (15 pages)

11:25 - 11:30 12. Quarter 2 Data Summary Report 5 min

paper Lynne Harrison

To note

 12a. CHS-2526-20 Q2 Data Summary Report.pdf (3 pages)

 12b. CHS-2526-20 Appendix A Q2 Data.pdf (1 pages)

ITEMS FOR APPROVAL

11:30 - 11:40 13. Feedback Loop Report 10 min

paper Elliot Jackson

To approve

 13a. CHS-2526-21 Feedback Loop Cover Paper.pdf (3 pages)




 13b. CHS-2526-21 Appendix 1 The Feedback Loop Report.pdf (11 pages)

ITEMS FOR DISCUSSION AND UPDATE

11:40 - 11:50 14. Children (Care, Care Experience and Service Planning) (Scotland) Bill Update 10 min

paper Carol Wassell

To discuss and update

-  14a. CHS-2526-22 Hearing Redesign (including CCCESP) Briefing.pdf (4 pages)
-  14b. CHS-2526-22 Appendix 1 - SPICe Briefing CCCESP.pdf (59 pages)
-  14c. CHS-2526-23 Appendix 2 - CHS response to Call for Views.pdf (10 pages)

11:50 - 12:00 **15. AOB**

10 min

verbal *Katharina Kasper*

to update

12:00 - 12:00 **16. Date of Next Meeting**

0 min

verbal *Katharina Kasper*

To update

10 December 2025, 10am - 12pm, Conference Room 2, Thistle House, Edinburgh/Microsoft Teams

**BOARD MEETING
24 SEPTEMBER 2025
10.00am – 12.00pm, Thistle House/Teams Virtual
AGENDA**

	Timings	Item	Lead	Paper Number	Purpose
1.	10:00	Welcome & Apologies	Chair	Verbal	
2.	10:00	Declarations of Interest	Chair	verbal	To update
3.	10:05	Approval of the Minute from the Meeting on 25 June 2025	Chair	CHS-2526-13	To approve
4.	10:10	Action Log Update	Chair	CHS-2526-14	To update
5.	10:20	Chair Update	Chair	verbal	To update
6.	10:30	Audit and Risk Committee (ARC) Chair Update	SA	verbal	To update
7.	10:40	People and Culture Committee (PaCC) Chair Update	KD	verbal	To update
8.	10:50	National Convener/CEO Update	EJ	CHS-2526-15	To update
ITEMS FOR NOTING					
9.	11:05	Finance Reporting			
9.1		• Q2 Financial Update (P4 and P5)	LH	CHS-2526-16	To note
9.2		• Financial 5 Year Plan	LH	CHS-2526-17	To approve
10.	11:15	End of Service and Reappointments Report 2024-2025	BC	CHS-2526-18	To note
11.	11:20	Quarter 2 Performance Report	LH	CHS-2526-19	To note
12.	11:25	Quarter 2 Data Summary Report	LH	CHS-2526-20	To note
ITEMS FOR APPROVAL					
13.	11:30	Feedback Loop Report	EJ	CHS-2526-21	To approve
ITEMS FOR DISCUSSION AND UPDATE					
14.	11:40	Children (Care, Care Experience and Service Planning) (Scotland) Bill Update	CW	CHS-2526-22	To discuss and update
15.	11:50	AOB	Chair	verbal	To update
16.	12:00	Date of Next Meeting			
		10 December 2025, 10am – 12pm, Conference Room 2, Thistle House, Edinburgh			

Agenda Item 3. CHS-2526-13

Board Meeting 1st Meeting 2025/26 25 June 2025 at Thistle House, Edinburgh 13:00 – 15:00

DRAFT MINUTE

Present	Katharina Kasper (KK)	Chair
	Sean Austin (SA)	Depute Board Chair/ARC Chair
	Beth-Anne McDowall (BM)	Board Member
	Katie Docherty (KD)	Board Member/PaCC Chair
	Barbara Neil (BN)	Board Member
In Attendance:	Jessica MacDonald (JMac)	Director of Business and Finance, CHS
	Lynne Harrison (LH)	Director of Tribunal Delivery, CHS
	Carol Wassell (CW)	Director of Positive Outcomes, CHS
	Joanne O'Leary (JO)	Director of People and Culture, CHS
	Nick Rougvie (NR)	Children's Hearings Sponsor Team Lead, SG (via Teams)
	Taiba Ali (TA)	Children's Hearings Sponsor Team, Legislation and Policy Leader, SG (via Teams)
	Frieda Cadogan (FC)	Governance Office (Note Taker)
Apologies	Elliot Jackson (EJ)	CEO/National Convener, CHS

	Item	
1.	Welcome & Apologies	
	Apologies received from EJ.	
2.	Declaration of Interests	
	Nothing noted.	
3.	Approval of the Minute from the Meeting on 25 March 2025	
	Minute from the meeting on 25 March 2025 was approved as an accurate record.	
4.	Action Log Update	
	All actions on log complete.	
5.	Chair Update	
	<p>The Chair provided the following update on highlights since the last Board meeting in March:</p> <ul style="list-style-type: none"> • New Board member recruitment is complete and three suitable candidates selected. This is with the Minister for approval, and the Board will be kept updated on progress. • The Chair and EJ attended the National Youth Justice Conference on 11 June. This was the first time attending this conference and the Chair was hugely impressed with the quality of the presentations and attendance. EJ and Neil Hunter from the Scottish Children's Reporter Administration (SCRA) delivered a presentation on the future of the hearings system. The Chair commented that it was great to have wider sector exposure and suggested that more Board members could consider attending this in future. • The Chair and EJ had a meeting with the Minister on 18 June, the day following the publication of the Children (Care, Care Experience and Services Planning) (Scotland) Bill. The meeting was incredibly positive. The Minister was very understanding of CHS capacity challenges and the requirement for a 	

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	twice-yearly recruitment campaign considering the new Children's Care & Justice Act. Financial challenges were also discussed; however, the Chair and EJ also took the opportunity to highlight non-legislative changes that have taken place such as the Chair Meeting the Child programme. It was important to note that without investment in the new tribunal model, these improvements may not have been able to happen. The Chair and EJ also highlighted CHS support to the Scottish Government on the Bill and emphasised CHS commitment to support the legislative process.	
6.	Audit and Risk Committee (ARC) Chair Update	
	<p>SA provided a verbal update to the Board, from the last ARC meeting on 15 May by highlighting the following points:</p> <ul style="list-style-type: none"> SA spoke of information obtained from attendance at the Audit Committee Chairs Network meeting, from the following presentations: <ul style="list-style-type: none"> Carole Grant from Audit Scotland on Public Service Reform for Long Term Financial Sustainability - This highlighted a short term and long term look at SG finances with a £125bn rise in spending over the next 50 years which is double the current level. This emphasises the SG constraints on funding of public services that are likely to be seen. This also emphasises CHS need to show financial capability and CHS ability to deliver within budget. Jennifer Inglis-Jones, Director of Internal Audit and Assurance at the Scottish Government on Recognising and Responding to Early Warning Signs in Public Sector Bodies. This emphasises the need for CHS to continue to create a culture where there is a safe and supported structure in place should any such issues occur. This is something the ARC along with the People and Culture Committee (PaCC) have been working together on. The presentation has been shared PaCC, and it was agreed to circulate to the Board for information. SA informed the Board that Claire Gibson, CHS Senior Change Manager presented at the Association of Project Managers event on the delivery of the Tribunal Support Model and has now been asked to speak at their national conference. This is a huge achievement for the team and the organisation and shows our credibility as an organisation that is capable of delivery. KD agreed that CHS should look for opportunities to highlight the good work that CHS is doing for shared learning. It was also noted that this would be beneficial for recruitment and retention. SA highlighted the feedback received from CHS Internal and External Auditors on how effective CHS is at managing risk and compliance. The Chair thanked SA for the update, and no further comments/questions were raised. 	FC
7.	People and Culture Committee (PaCC) Chair Update	
	<p>KD provided a verbal update to the Board, from the last PaCC meeting on 17 June by highlighting the following points:</p> <ul style="list-style-type: none"> PaCC received an update on the progress on the People Strategy implementation and KD commended the quality of the strategy and the alignment with the organisational values. Priority management training has been ongoing and well received by 	

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	<p>attendees.</p> <ul style="list-style-type: none"> • PaCC received an update and overview of the Learning and Development Programme which has been shaped by colleague feedback. Training is being aligned to the growth of the organisation. • KD noted that a specialist HR consultant has been appointed to support the transition of the contract with West Lothian College to bring staff over to CHS in relation to TUPE. A robust plan is in place from a people perspective. An added PaCC meeting will take place in August. A full update will be presented at the next PaCC meeting in September. • An update was provided to PaCC on the CHS May All Team Day which received fantastic feedback from colleagues. Similar feedback was received from the Team Forum. • PaCC approved the Lone Working Policy, Dignity at Work Policy and received an update on the Equality Outcomes reporting. • The Chair thanked KK for the update and both Committees for the support and assurances given to the Board to enable the delivery of our Strategic Outcome. 	
8.	National Convener/CEO Update	
	<p>LH introduced the paper to the Board and highlighted the following points:</p> <ul style="list-style-type: none"> • Point 3.1 Capacity – Paper highlights the challenging times in relation to capacity in the context of the national downward trend in volunteering and the implementation of the Children (Care, Care Experience and Services Planning) (Scotland) Bill becoming an Act. • Point 3.2 Autumn Panel Member Campaign and Recruitment Activities - To mitigate the risk, CHS are now moving ahead with two recruitment campaigns annually with an expected recruitment of c300 panel members from each campaign. As a result, this will have a significant impact on colleagues due to recruitment, reappointment, and observations therefore the team are looking at how to do this differently particularly around shortlisting and selection. An ideas session has been held with key points to take forward. LH thanked our Panel Practice Advisers and Learning Facilitators for all the hard work done to support these crucial activities. <p>NR confirmed that the CHS planning assumption of the Act being confirmed around April 2026 seems proper at this time. Ongoing work is being done to take this through the parliamentary process to ensure the system is ready for the implementation of the Act. The SG acknowledges the frustrations around the timings of this; however, it is a complex environment and there is a need to ensure this is done at the right time for everyone.</p> <ul style="list-style-type: none"> • Point 3.3 Pre-service Update January and April 2025 – Details in paper on those going forward to pre-training and on the new model with Chair training incorporated. Feedback from trainees is incredibly positive with more confidence and readiness to step into this roll. • 3.5 Townhall Meetings – The seventh webinar took place on 28 May and provided the community with an update on legislation. This was well attended with 210 joining the webinar. • 3.7 Recognising the CHS Community – This year some exceptional people are celebrating an incredible 45 years plus of voluntary service as CHS Panel 	

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	<p>Members:</p> <ul style="list-style-type: none"> ○ Ian Hart MBE East Dunbartonshire 50 years ○ Alisdair Barron, Glasgow 48 years ○ Babs Paterson, South Lanarkshire 47 years ○ Prof Stephen Phillips MBE, West Dunbartonshire 45 years ○ Gordon Wyness, Highland & Moray 45 years <p>The Minister has written personally to these amazing Panel Members to acknowledge this huge achievement. In addition, thirty of our CHS Volunteer Community have been invited to the King's Royal Garden Party next week and CHS are delighted with the overall success of the nominations.</p> <ul style="list-style-type: none"> • The Chair thanked LH for the comprehensive update, on behalf of the Board and the Board will discuss the capacity challenges in more depth at the Board Development session following this meeting. 	
ITEMS FOR NOTING		
9.	Financial Forecast Outturn 2025/26	
	<p>JMac introduced the paper to the Board and highlighted the following points:</p> <ul style="list-style-type: none"> • The paper presented is a pre audit financial position. • Point 3.3.1 of report refers to a table detailing the spend for the financial year 25/26, however this was omitted from the paper in error. This will be added, and FC will re-circulate the paper to the Board. • There has been no significant change in the financial position since reporting at the Board meeting in March. • SA asked for reassurance that there has been no material significant impact from the vacancy management undertaken during 2024/5 due to the SG spending restrictions. • JMac reassured the Board that recruitment is now ongoing where needed and delivery of services has continued as planned. • The Chair thanked JMac for the update. 	FC
10.	Q1 Data Summary Report	
	<p>JMac introduced the paper to the Board and highlighted the following points:</p> <ul style="list-style-type: none"> • Quarter one is reporting positive data trends. • There will be two Panel Member recruitment campaigns each year which will result in reappointments every six months going forward. There has been a significant number of reappointments during May, June, and July. • The Board raised a question around the added number of Chair figures and JMac will confirm the figure and clarify this. • A discussion took place around the new pre-service approach to Chair training. CW advised that there were some reservations at the beginning, however feedback received shows the approach seems to be working well. As newly qualified Chairs are appointed and time progresses, more data will be available for analysis of the impact of the changes. • SA agreed with this due to the feedback that was given at the Recognition Event that took place on 23 June. Feedback was incredibly positive towards the training and support given. 	JMac
11.	Q1 Performance Report	
	<p>JMac introduced the paper to the Board and highlighted the following points:</p> <ul style="list-style-type: none"> • SA proposed that milestone 6.1 which is marked as ongoing, should be 	

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	<p>marked as complete and delivered. This is now part of business as usual.</p> <ul style="list-style-type: none"> In relation to point 3.2.1 of the report, SA highlighted the importance that supplier payment is not delayed due to our internal processes. KD asked why objective 6.2 is highlighted as amber, despite this not being scheduled until quarter four. JMac will follow this up. 	JMac
ITEMS FOR APPROVAL		
12.	ARC Annual Report 2024-25	
	<ul style="list-style-type: none"> The Board noted and approved the report. 	
13.	PaCC Annual Report 2024-25	
	<ul style="list-style-type: none"> The Board noted and approved the report. 	
14.	EDI Strategy and Equality Outcomes Update	
	<p>JO introduced the paper to the Board and highlighted the following points: Approved refreshed strategy at last board.</p> <ul style="list-style-type: none"> The Working Group continues to work with SCRA and Team Forum and a full update will be provided at the next Board meeting detailing progress against outcomes. The Board welcomed the update and commended the team for gaining insights from other organisations for learning and the Chair thanked JO for the update and the Board approved the report. 	
15.	Annual Accounts Performance Report and Governance Statement (FreM) 2024	
	<p>JMac introduced the paper to the Board for noting and not for approval as shown on the agenda. The following points were highlighted:</p> <ul style="list-style-type: none"> JMac highlighted that some of the data in relation to emissions has not been added to the report as this is not available in November and this is highlighted in red. The Board commented on the improvements made to the report following recommendations from the earlier report and this not being compliant. Karen Griffin, Governance Manager, has worked hard on this with SCRA to refine this to make this compliant. The Board commended the quality of the report. SA highlighted the incredibly positive feedback from our internal and external auditors on how effective our scrutiny and comprehensive feedback and advice from CHS management to add value. 	
ITEMS FOR DISCUSSION AND UPDATE		
16.	Children (Care, Care Experience and Services Planning) (Scotland) Bill Update	
	<p>CW introduced the paper for update and discussion with the following points highlighted:</p> <ul style="list-style-type: none"> The papers set out two phases of the management of the Bill; phase 1 being the support through parliament and phase 2 being the implementation of agreed legislation when the Bill becomes an Act. Communications have been sent to our panel community who we have been kept informed and engaged throughout the process. This work is being led by Stephen Bermingham from the Policy Team with mapping being undertaken and a prioritisation process for those areas that can be taken forward that are not legislative. The next step is to prepare for the Act coming in and the Experts by Experience group will be engaged in this process. The team are taking time to 	

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	<p>consider all aspects of the Bill before issuing further communication.</p> <ul style="list-style-type: none"> • BN asked if there is scope for influence within this next phase. • NR said that this is being led by the Parliamentary Committee at this time who will issue a call for written evidence. The Committee decide who will be call but the expectation is that this will take place prior to the summer recess. Amendments are expected from opposition MSPs. • CW advised that CHS are working closely with SG colleagues on this and the expectation is that CHS will be called for evidence. The next Committee is not due to meet until the end of 2025. • NR offered to meet with the Board over the summer to provide more insight into the process. • The Chair welcomed this and thanked NR for the very generous offer. • No further questions were raised, and NR and TA left the meeting. 	FC
17.	Children's Participation and Rights Strategy: Annual Review	
	<p>CW introduced the paper for update and discussion with the following points highlighted:</p> <ul style="list-style-type: none"> • The report highlights the ambition and breadth of work being done by the young people and the team along with the wraparound support in place for the expert group. • The team and young people are working with Our Hearings, Our Voice (OHOV) to ensure alignment and joint working. • The Chair thanked CW for the content of the report which was welcomed by the Board. • The Board are excited to see how this work progresses and are delighted that this has now come to fruition. • BAM thanked CW and the team for the great work on this and welcomed the support package that is in place for the young people. BAM personally thanked the Board, including past members, for this monumental change re participation. • The Board agreed that it would great to explore opportunities to promote this work with wider sector. 	
18.	AOB	
	<ul style="list-style-type: none"> • The Chair highlighted that it is the last Board meeting for JMac prior to leaving CHS at the end of July. JMac was thanked for the huge amount of experience she has brought to CHS as Director of Business and Finance and as Depute Accountable Officer. • The Board recognised the huge contribution JMac has made to the organisation, specifically around key topics such as finance and digital. • Together with the Chair of ARC, JMac has helped ensure this has been a great Board forum for discussions. JMac has also had a great working relationship with SG colleagues. • The Chair commended JMac on her dedication to the role and wished JMac well in her next endeavour. • The Board echoed these sentiments. • JMac thanked the Chair and the Board and left the meeting. • The Chair congratulated BN on the achievement of the degree she has been studying over the past three years, whilst honouring family and work 	

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	commitments as well as being dedicated to the support to the CHS Board.	
19.	Date of Future Meetings	
	24 September 2025, 10.00am – 12pm, Conference Room 2, Thistle House/Microsoft Teams.	

CHS Board Meeting Action Log



Ongoing	0
Overdue	0
Delayed	0
Complete	2
Not Started	0
Closed	0
TOTAL	2

Action No	Paper Ref (not for SLT)	Action Title	Action Details	Date Added	Due Date	Owner	Lead	Update	Status	Completion Date
7	Item 6	Presentations from ARC.	Presentations that went to ARC to be shared with the Board for information.	25/06/2025	ASAP	SA	FC	FC has added these to Admin Control and have sent notification to Board members.	Complete	04/06/25
8	CHS-2526-04	Financial Forecast Outturn	Table missing from 3.3.1. This will be added and recirculated to the Board.	25/06/2025	ASAP	JMac	KB	Circulated to the Board via Admin Control. Uploaded to the meeting papers folder.	Complete	04/06/25

Agenda Item 8. CHS-2526-15

Meeting:	CHS Board Meeting
Meeting Date:	24 September 2025
Title:	National Convener/Chief Executive Board Update
Responsible Executive:	Elliot Jackson, NC/CEO
Report Author:	Elliot Jackson, NC/CEO

1.	Purpose of Report
1.1	<p>The purpose of this report is to ask the Board to note the update from the CHS National Convener/CEO on a range of organisational activity between the last Board in June 2025 and now.</p> <p>The report provides bite sized updates that can be expanded upon during the Board meeting.</p>
1.2	Any member wishing additional information should contact the National Convener/CEO in advance of the meeting.
2.	Recommendations
2.1	The Board are asked to note the paper and update provided by the CHS National Convener/CEO.
3.	Key Points for Discussion
3.1	Panel Member Recruitment
3.1.1	<p>Conducting two Panel Member recruitment campaigns in September 2024 and January 2025 has had a positive impact on capacity. We have welcomed a total of 550 new Panel Members into CHS. These trainees were the first to undertake a new approach to Pre-Service training which encompassed Enhanced Practice and Management of Hearings skills to equip them with all essential tools for delivering high-quality hearings, including an understanding of the Chairing Role. Of our Panel Members appointed in 2025, 32% came into service ready to Chair. The other Panel Members appointed will continue to be supported in a structured process with local teams, which will create opportunities for them to gain experience as Panel Members before fully transitioning into the Chair role in a timely fashion.</p>
3.1.2	<p>Our current campaign launched on 1 September 2025 and will run until the first week in October. Selection across Scotland will commence in mid-October with final recommendations made in November. Regional CHS inductions will take place by December, with Pre Service commencing in January 2026. The campaign will be actively supported by the Minister for Children, Young People and The Promise, Natalie Don-Innes.</p>

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3.1.3	In parallel, we are preparing for the 2026 recruitment campaign. We have procured The Stand, a creative agency, to work with us to develop a new creative to support Panel Member recruitment. The Stand is currently at the research stage, working with key stakeholders including our Experts by Experience, Board Members, Each and Every Child and understanding the Panel Member role and motivations of our volunteers. Creative development commences over the next few weeks and members of our community, including Experts by Experience, will be actively involved at all stages.
3.1.4	Implementing two recruitment campaigns annually is a significant organisational activity for Tribunal Delivery Teams, our Local Authority Clerks and our volunteer Panel Practice Advisers who actively support all aspects of recruitment whilst continuing to support quality assurance through a programme of Panel Member observations. We are enabling efficiency through a more streamlined approach to the selection and shortlisting processes, supporting more at a national level with co-ordination and logistics, to have less of an impact on wider organisational activities.
3.1.5	Hearings Scheduling and Management
3.1.6	A revised joint approach to scheduling and management of Children's Hearings has been agreed with the Scottish Children's Reporter Administration (SCRA) and an implementation plan is now in development. This will support bespoke hearing planning, ensuring enough time has been allocated to enable appropriate discussion to take place and to write up the reasons and decisions within the hearing time allocation. This will mean greater confidence and clarity for Panel Members that hearings can be managed within the time allocated and enable them to more confidently commit their availability to attend hearings.
3.1.7	Resource Allocation
3.1.8	Our Resource Allocation Team continue to work closely across every rota area to support capacity, working with delivery teams, SCRA and our panel communities. We have implemented several digital improvements to support Panel Members to engage with the rota and support hearing activity across CHS.
3.1.9	We are working locally and nationally with SCRA to minimise the number of sessions removed from, or added to, the diary after Panel Members have been allocated. This will reduce those Panel Members who have committed to attend hearings, being asked to stand down, and the short notice asks for availability having to be sent out to our Panel Community to fill additional sessions – both of which we know cause frustration.
3.1.10	A central two-month approach to rota management has been in place for twelve months now and has enabled the development of robust processes and understanding of the operational challenges. The team take a person-centred approach to rota management at local level and have undertaken local and national community engagement to understand how we can best support our Panel Community. This has enabled a small trial of a one-month rota, to understand if this better supports Panel Member availability and reduces swaps, cancellations, and additional hearings.

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3.1.11	We do not yet have a confirmed implementation date for the Children's Care & Justice Act and will update as soon as this is available.
3.2	Children's Hearings Reform
3.2.1	Children (Care, Care Experience and Services Planning) (Scotland) Bill
3.2.2	<p>The Bill was published by the Scottish Parliament in June 2025. Since then, CHS has undertaken a line-by-line analysis of the Bill and engaged with our Scottish Government colleagues on the detail.</p> <p>This is welcome, and for the Children's Hearing System aspects of the Bill specifically, represents years of dedicated work with the Independent Review of Care, the Hearings for Children Working Group, and the CHS Community and National Team. We believe that this Bill will lead directly to improved outcomes for infants, children, and young people.</p>
3.2.3	More detail on the content of the Bill is covered in the accompanying report submitted under item 14.
3.2.4	Children's Hearings Redesign
3.2.5	It is important to remember that whilst the Bill outlined above will carry the legislative reforms, there is a significant programme of non-legislative improvement work going on under the jointly chaired Scottish Government/COSLA Redesign Board.
3.2.6	<p>The Redesign Board met recently on 11 September 2025 and agreed to approve four projects. These projects are designed to operate independently from the Legislative path but would be complementary in operation.</p> <ul style="list-style-type: none"> • Planning & Preparing for Hearings PURPOSE - Improve the way that children, their families, and professional plan and prepare for attendance at a hearing. • Referral to the Reporter PURPOSE - The right referrals are made for the right children at the right time, supported by the right information. • Data & Information PURPOSE – Understand the current data landscape to identify where improvement activity is taking place to enable cross system information to improve decision making, delay, data quality, monitoring, and reporting. • Creating a positive culture PURPOSE - A redesigned hearing system which is characterised by a culture of respect, understanding, role clarity and rights, focused on upholding rights for children. This will be reflected in shared principles, the physical environment, language and how we communicate, and understanding of roles and accountability. <p>It will be important to include periodic updates of this important work programme to the CHS Board.</p>

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3.3	Foundations for Learning Programme
3.3.1	To ensure that CHS and the National Convener can deliver the statutory function to train and support volunteers to meet the needs of changing care system over the next 10 years, a business case was approved by the CHS Board in December 2024 to bring the learning function, currently delivered on behalf of CHS by West Lothian College (WLC), in house.
3.3.2	A phased approach has been taken, and the Foundations for Learning Programme will see WLC's Learning Delivery Team transfer into CHS on the 1 October 2025. The Programme Team has worked closely with WLC, its people, and teams at CHS, to ensure a smooth transition. The CHS Board Sub-Committees, People and Culture, and Audit and Risk, have had oversight of this work.
3.3.3	The CHS Learning Strategy sets out a bold and positive future for learning at CHS, that is innovative, harnesses technology and has a strong commitment to creating a learning environment that delivers the best possible outcomes for children and young people. Over the coming months we will be working with our teams to ensure we deliver our existing learning offer to our volunteers, whilst planning and implementing for the next phases of change that will enhance learner experience and meets the legislative and policy requirements in a redesigned hearing system.
3.4	Experts by Experience Group Update
3.4.1	Experts by Experience is very much in the operational phase, focusing on activities and impact. Our Experts have activity plans to Meet the Minister on 2 October and the CHS Board in November, as well as presenting at and attending various volunteers and wider sector events throughout 2025 and early 2026.
3.4.2	Linking with their Three Pillars Plan, they have chosen to focus on the following areas to create impact: <ul style="list-style-type: none"> • a trauma informed guide, co-created with OHOV and volunteers. • a programme of outreach work with our regional CHS staff teams • learning more about CHS with a view to working with us through a change lens
3.5	The Kings Garden Party 2025
3.5.1	Thirty-eight members of our volunteer community have been honoured as guests of the King and Queen at the Royal Garden Party in Edinburgh.
3.5.2	Nominated by Lord Lieutenants, the Kings representatives in Scotland, CHS volunteer Panel Members and Panel Practice Advisers from across Scotland were invited to the Palace of Holyroodhouse in recognition of their services to infants, children, and young people.

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3.5.3	<p>In addition to King Charles and Queen Camilla, the Princess Royal was also in attendance. Several volunteers had the chance to speak directly to the King and Queen at the garden party:</p> <ul style="list-style-type: none"> • Cilla Graudus, a Panel Member from Falkirk, in the Central region, said: <i>“The sandwiches and cakes were delicious but best of all was that I got to shake hands and talk to the King and Queen: very exciting!”</i> • Hazel O’Brien, a Panel Member from Gourock in the Inverclyde region, said <i>“I was fortunate to be presented to Queen Camilla, and to say I was excited was an understatement! A very memorable day indeed”</i> • Isobel Scorgie, a Panel Member from Aberdeen, in the Grampian and Northern Isles region, said speaking to the King about the Children’s Panel was <i>“an experience I’ll never forget. He asked what I did, and I told him about the work CHS, and the volunteers do with children and young people. He seemed very interested and said, ‘thank goodness for people like you,’ meaning the whole Community”</i>
3.5.4	<p>I am incredibly proud of our volunteers who are making important decisions in the best interests of infants, children, and young people across Scotland. I am delighted to see them celebrated and honoured in this way, recognising the positive contribution their service brings.</p>
4.	<p>Alignment to CHS Strategic Outlook</p>
4.1	<p>This work is aligned to the CHS Strategic Outcome 2024-2027:</p> <ul style="list-style-type: none"> • Theme 1 - Delivering Positive Outcomes <ul style="list-style-type: none"> • Objective 1 - Develop a 5-year learning strategy to maximise learning impact across CHS. • Objective 2 - Quality will be the cornerstone of our hearings system. • Objective 3 - Upholding and promoting children's rights is at the forefront of what we do, and those rights are well understood by our people. • Theme 2 - Driving Transformation <ul style="list-style-type: none"> • Objective 1 - Work with partners and stakeholders to lead and influence change. • Objective 2 - We will become a data-informed and data-driven organisation.

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	<ul style="list-style-type: none"> Objective 3 - We will make effective use of technology, capitalising on its potential for enhancing performance and delivering efficiency. Theme 3 - Valuing Our People <ul style="list-style-type: none"> Objective 1 - Implement a three-year People Strategy that attracts and retains top talent and committed individuals and drives the success and sustainability of the organisation. Objective 2 - The organisational design remains agile, adaptable, and responsive to support ongoing organisational transformation. Objective 3 - To become a more inclusive and diverse organisation and create a culture where everyone feels valued, included, and engaged. Objective 4 - to develop our people capabilities.
5.	Key Risks
5.1	No risks identified in relation to the paper. Any risk in relation to any specific areas detailed in the paper have been considered and reflected in the CHS Strategic Risk Register.
6.	Risk Register
6.1	As above.
7.	Impact on Inequality/Rights
7.1	Not required for this specific paper, however any requirements for an impact assessment in relation to the individual areas outlined in the paper will have been considered separately.
8.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
8.1	Not required for this specific paper, however any requirements for engagement in relation to the individual areas outlined in the paper will have been considered separately.
9.	Resource Implications
9.1	None in relation to this specific paper, however any resource implication in relation to the individual areas outlined in the paper will have been considered separately.
10.	Appendices
	None

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Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Finance Report P4 & P5
Responsible Executive:	Lynne Harrison, Director of Business and Finance
Report Author:	Klaus Berchtenbreiter, Finance Manager

1.	Purpose of Report
1.1	The purpose of this report is to ask the Board to note the report and the stated financial position per P5 2025/26.
1.2	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1	The Board is asked to acknowledge the pre audit financial position.
3.	Key Points for Discussion
3.1	25/26 P4 &P5 update
3.1.1	<p>CHS has been awarded budget as 'flat cash' for revenue, £4.576k and an increase to our capital budget which is now £803k (this includes cash and non-cash elements). This results in CHS having a funding gap on revenue of £6,798k, but capital will be fully funded.</p> <p>SG is committed to fully support CHS to meet the funding gap but has requested CHS to actively engage to find savings to help close the gap via an open and honest dialogue during the ABR and SBR process.</p> <p>At ABR, CHS has been awarded £4,035k reducing the existing pressures to £2,681k against the latest available forecast per the end of P5</p> <p>To help strategic management of budgets in year at monthly meetings with Directors we will be seeking 'shovel ready' project ideas that may be able to be utilised in year if an underspend is identified or more active budget management is identified.</p>
3.1.2	<p>Whilst it is still early in the financial year CHS is currently running behind the spending curve. The YTD spend for P4 rests at £2,827k and grows to £3,489k for P5, but is in line with previous year's spending patterns. as much of our spending is weighted to the second half of the financial year.</p> <p>For the forecast, we are expecting to reach near full appointment levels towards the agreed CHS establishment structure. In addition, with new staff transferring in from the CHS Learning Academy after Q2. We are in year 2 of a 3-year reduction on employer pension contributions and the resulting savings are earmarked and</p>

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	<p>forecast to be utilised for any potential severance cost resulting from the TUPE transfer of CHS Learning Academy staff into CHS during 2025/26.</p> <p>Overall, we are currently forecasting for a slight underspend; some unknown cost resulting from the structural change of bringing the learning in house have informed a conservative approach to this forecast as the consultation on the TUPE process is currently on the way.</p>
3.1.3	<p>Breakdown</p> <p>Cost on property and operating costs are running behind this reporting timeline, as mostly invoiced quarterly but are expected to be within the set budgets.</p> <p>ICT cost follows the same spending pattern as in previous years, with slow spending at the beginning of the year, but a tight cost monitoring is in place indicating a slight overspend on the agreed budget.</p> <p>For volunteer recruitment we have again scheduled 2 campaigns this year with refreshed creatives to further fine tune these efforts. Increase in costs to the facilitation to learning are expected, but these are forecast to be within the agreed budget envelope.</p> <p>Panel and AST Expenses have been slow to come in during the first quarter of the current fiscal year. We are actively engaging with the clerks to send their claims in more frequently and earlier than they have been to allow us to establish a better forecast earlier this year.</p> <p>The Learning Programme is producing slightly higher cost than originally anticipated due to a revised approach to the transfer process. Whilst in P4 we forecast all relevant costs against the Panel and AST Training line, For P5 I have attributed the cost(s) to where they should sit in the ledger i.e. consultancy support identified as a Corporate Cost (staffing being the exception until point of transfer). This now shows an underspend against the £1,444k, that is offset against the increased Corporate Costs reporting line. and the remaining other spend (potential cost of 3rd party trainers) will be met by a forecast underspend in AST Devolved Funding.</p>
3.1.4	<p>P4 position for completeness</p>

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	Actual YTD Period 4	2025/26 Annual Budget	2025/26 Budget forecast	variance to last forecast
	£000	£000	£000	£000
Staff	1,840	6,230	6,198	-32
+ Board	7	69	69	0
+ Training, travel and subsistence	80	125	129	4
+ Property	0	145	146	1
+ Other Operating Costs	11	265	263	-2
+ ICT Costs	82	1,079	1,095	16
+ Corporate Costs	85	28	28	0
+ Panel and AST Expenses	85	540	510	-30
+ Panel and AST Training	594	1,444	1,440	-4
+ Support for hearings	31	412	412	0
+ Volunteer recruitment	0	665	664	-1
+ PVGs	10	0	0	0
+ AST Devolved Funding	4	372	347	-25
Income	-2		0	0
Capital Financing				0
= Total	2,827	11,374	11,301	-73

	Actual YTD Period 5	2025/26 Annual Budget	2025/26 Budget forecast	variance to last forecast
	£000	£000	£000	£000
Staff	2,296	6,230	6,198	-32
+ Board	7	69	69	0
+ Training, travel and subsistence	124	125	160	35
+ Property	23	145	146	1
+ Other Operating Costs	14	265	263	-2
+ ICT Costs	86	1,079	1,095	16
+ Corporate Costs	98	28	128	100
+ Panel and AST Expenses	91	540	490	-50
+ Panel and AST Training	692	1,444	1,340	-104
+ Support for hearings	44	412	412	0
+ Volunteer recruitment	0	665	664	-1
+ PVGs	11	0	0	0
+ AST Devolved Funding	5	372	327	-45
Income	-2		0	0
Capital Financing				0
= Total	3,489	11,374	11,292	-82

4.	Key Risks
4.1	No new risks have been identified following this report. The budget for 2025/26 has gone through the approval process and is subject to the already established risks that are being managed via the agreed processes.
5.	Risk Register
5.1	Already exists as a risk on the risk register. No Update to risk register required.
6.	Impact on Inequality/Rights
6.1	No impact assessment required

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7.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
7.1	Financial position has been discussed with Director of Business and Finance and after sign-off reported to SG
8.	Resource Implications
8.1	no known resource implications
9.	Appendices
	none

Agenda Item 9.2 CHS-2526-17

Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Financial 5 Year Plan
Responsible Executive:	Lynne Harrison, Director of Business and Finance
Report Author:	Klaus Berchtenbreiter, Finance Manager

1.	Purpose of Report
1.1	<p>The purpose of this report is to provide a 5-year financial forecast for approval by the Board.</p> <p>The forecast is premised on our anticipated progression and approval of the Children (Care Experience and Services Planning) (Scotland) Bill (CCESP) and the landscape of Public Service Reform. Current assumptions are articulated in the paper, but the forecast may be subject to review once we have a clearer understanding of the substance of legislation following Scottish Government committee scrutiny.</p>
1.2	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1	CHS Board is asked to approve the report.
3.	Key Points for Discussion
3.1	5 Year Plan Context
3.1.1	Current Context
3.1.2	CHS is the largest Tribunal in Scotland and is required to deliver statutory functions to enable the provision of Children's Hearings. The role of the National Convener and CHS is to recruit, train and support Panel Members make some of the most important decisions in public life today for approximately 10,000 infants, children and young people in Scotland in over 21,000 Children's Hearings annually.
3.1.3	CHS' most significant organisational risk is the ability to ensure that we can provide Panel Members for children's Hearings across Scotland. Post Covid has seen a reduction in Panel Member numbers; in line with the national drop in volunteering across all sectors, individual volunteer availability and the number of available Chair qualified Panel Members which collectively has taken significant support and resource to ensure hearings are resourced. This has required deployment of 2 recruitment campaigns per year in 2025/26 (normally single annual campaign) and 2 sets of pre-service training delivery. We will continue to require this annually until the proposed introduction of the recently published legislative reforms.

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3.1.4	Future Context
3.1.5	<p>Following several years of significant review and analysis independent to and within Government, Children's Hearings are on the cusp of significant transformation redesign through a programme legislative reform. The Children (Care and Justice) (Scotland) Act 2024 and the Children's (Care, Care Experience and Services Planning) (Scotland) Bill, both bestow new and significant duties on the National Convener that will see CHS pivot to a new Tribunal Model that includes remunerated Chairs and Specialist Panel Members. For the purpose of robust financial planning our Planning assumption is that the Bill will progress through parliament for implementation as an Act. Both legislative reforms will require consideration, planning and investment within this service review period.</p>
3.2	Reform/Efficiency Programmes:
3.2.1	<p>Although the overall investment in CHS is anticipated to grow to meet our new statutory duties, we will continue to deploy an efficiency and savings lens to fulfilling the National Conveners statutory functions. The four key areas that we have a key focus on are:</p>
3.2.2	Workforce Planning
3.2.3	<p>CHS will target FTE savings reductions through a programme of continued vacancy management; use of fixed term/flexible contracts to support flexibility and focussed input. Depending upon the final shape of the proposed legislative reforms, there will likely be a programme of organisational redesign (and investment) dedicated to ensuring that we fulfil our new statutory duties.</p> <p>CHS has a strong record of Shared Service delivery with SCRA and we will look for opportunities with SCRA and other agencies/SG core service provision to utilise shared services or centrally available tools/resources. Given the nature of anticipated organisational growth, it should be noted that costs of shared services is likely to increase over time.</p>
3.2.4	Learning and Development
3.2.5	<p>CHS has historically outsourced Panel and Volunteer Training through a contract to West Lothian College. In targeting a transformational change in learning for a future hearings system and targeting efficiency savings, CHS is bringing the contract in house by the end of 2025/26. This will enable a more flexible, cost effective and innovative approach to learning delivery.</p> <p>Learning and development of our Tribunal workforce is currently our largest investment at £1.4m, after employee costs. Through a dedicated transformation programme of spend to save, we will reduce these costs by approx. £400K per annum by 2029/30. This will be achieved through bringing the provision in house; offering efficiency and flexibility of resources and re-balancing learning to a greater focus to high quality online provision. This provides savings through removal of contract management costs and enables a streamlined approach to the future staffing required to provide learning. This is a significant programme</p>

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	of work and costs to enable this transformation have been utilised through utilising pension savings in 2025/26. This will require a spend to save approach in digital investment to support learning development.
3.2.6	Tribunal Workforce Planning
3.2.7	To meet the requirements of the Children (Care and Justice) (Scotland) Act 2024, CHS will require to run two Panel Member recruitment campaigns annually from 2025/26 from our traditional once a year approach. The cost consequential of this move, which hasn't been provisioned for, extends beyond campaign costs, to include two additional pre-services training courses; provision of digital devices; and an increased draw upon Panel member expenses. This is anticipated to reduce to a single annual campaign from 2027/28, scale sufficient to meet ongoing volunteer Panel Member requirements to support the new model that will include remunerated Chairs and Specialists. The impact on volunteer retention on introduction of the Bill in 2027/28 is not yet known so this will be closely monitored.
3.2.8	<p>A new creative for our volunteer Panel Member recruitment is being developed for deployment in Jan 26. This would normally be expected to have a life span of 3 campaigns. CHS plan to stretch this to 5 years and undertake a campaign refresh in year 3 to reduce costs.</p> <p>A new and separate campaign would be required to be developed ahead of the recruitment of our cohort of remunerated Chairs and Specialists. This is likely to be developed during 2026/27. We have included the one-off costs of this campaign within the context of the CCCESP Financial memorandum.</p>
3.2.9	Support Costs
3.2.10	CHS face a considerable transition in its paid and unpaid workforce, over the next 2-5 years. A move to a new remunerated Tribunal Model will increase CHS' overall budget requirements but due to an anticipated overall reduction in tribunal member headcount, this will enable savings across support lines such as expenses and devolved/AST budgets which are used to support local learning and volunteer recognition.
3.3	Savings Profile
3.3.1	<p>A year-on-year reduction of 0.5% FTE and an average 20% over 5 years of Corporate Costs* across the Civil Service are being targeted. CHS has considered this within forecast requirements to 2030/31 and have incorporated a 0.5% year on year FTE saving and identified potential savings of £703k over 5 years. It should be noted this is based on current assumptions as identified and provided adequate financial support to enable safe implementation of CCESP is committed to CHS.</p> <p>*A clear definition of Corporate Costs has not been defined in this context beyond not frontline service delivery.</p>

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	2025/26 Annual Budget	2026/27 Annual Budget	2027/28 Annual Budget	2028/29 Annual Budget	2029/30 Annual Budget	2030/31 Annual Budget
	£000	£000	£000	£000	£000	£000
Resourcing	6,230	6,877	7,082	7,224	7,371	7,522
+ Chairs and Specialist Panel Members'			6,480	6,160	6,345	6,535
= Resourcing total	6,230	6,877	13,562	13,384	13,716	14,057
+ Board	69	72	75	78	81	84
+ Training, travel and subsistence	125	130	135	140	146	152
+ Property	145	152	158	164	171	178
+ Other Operating Costs	265	276	287	298	310	322
+ ICT Costs	1,079	1,205	1,303	1,355	1,409	1,465
+ Corporate Costs	28	29	30	31	32	33
+ Panel and AST Expenses	540	562	500	450	450	448
+ Panel and AST Training	1,444	736	642	592	573	560
+ Support for hearings	412	400	400	370	370	370
+ Volunteer recruitment	665	400	416	493	513	534
+ AST Devolved Funding	372	386	351	295	295	295
+ Operational cost infrastructure to support new bill		551	281	30	31	32
= Total operational costs	11,374	11,225	18,140	17,680	18,097	18,530
+ Capital	750	780	811	843	877	912
= Budget requirements	12,124	12,005	18,951	18,523	18,974	19,442
Operational cost net of paid chairs & supporting infrastructure	5,144	4,348	4,297	4,266	4,350	4,441
Year on year savings		-796	-51	-31	84	91
Cum. savings against 25/26 budget		-796	-847	-878	-794	-703

3.3.2 Assumptions:

General

- 4% inflation
- Forecast Public Service Reform savings may be impacted if additional costs to support introduction of CCESP are identified.

CCESP

- Successful introduction of the CCESP Act and provision of remuneration for Chairs and Specialist Panel Members commencing 2027/28. Costs identified as per current financial memorandum.
- One off Recruitment costs of £551k for remunerated Chairs required in 2026/27
- A reduction in expenses; recruitment Post 27/28 Introduction of new Tribunal Model on costs i.e. recruitment/expenses/independent reports

3.3.3 **Digital Investment**

3.3.4 Increased digital investment is anticipated in order to enable the ongoing safety and security of digital systems and enable CHS to embrace the opportunities technology may bring to support efficiency i.e. use of AI. CHS is currently embarking on gaining ISO27001 accreditation to support this ambition.

A Digital spend to save approach will continue to be deployed to support the delivery of the new Tribunal Model and to enable organisational and to maximise the potential for efficiencies following reforms. In order to progress learning ambitions and reduce the cost of learning delivery (F2F), digital

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	investment is required to develop and offer high quality, re-usable and engaging content.
3.3.5	Growth and Accountability
3.3.6	The new Tribunal Model necessitates increased resources across the organisation, substantively remunerated Chairs and Specialist Panel Members (approx. 120). These require additional internal resource to quality assure, recruit, process and pay and to ensure organisational accountability, whether sourced through shared services or substantive recruitment.
4.	Key Risks
4.1	<p>No new risks have been identified following this report. The following risks are articulated and managed through our current strategic risk register and are being managed through agreed processes:</p> <ul style="list-style-type: none"> • Should the CCESP Bill not progress as anticipated through Parliament, given the inherent fragility of a volunteer model, this may impact ability to sustainable tribunal member capacity in the medium to long term. • If CHS is not sufficiently financially supported through GIA to safely implement any new model.
5.	Risk Register
5.1	Already exists as a risk on the risk register. No Update to risk register required.
6.	Impact on Inequality/Rights
6.1	No impact assessment required
7.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
7.1	Financial position has been discussed with Director of Business and Finance and after sign-off reported to SG
8.	Resource Implications
8.1	no known resource implications
9.	Appendices
	none

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Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Panel Community: 2024/2025 Reappointments and End of Service – National Themes and Year End Insight
Responsible Executive:	Bethany Cunningham, Interim Director of Tribunal Delivery
Report Author:	Bethany Cunningham, Interim Director of Tribunal Delivery Lynne Harrison, Interim Director of Business and Finance Brittany Williamson, National Wellbeing Manager Catherine Goodfellow, Recruitment and Retention Manager

1.	Purpose of Report
1.1	The purpose of this paper is to ask the Board to note the combined overview of the 2024/2025 reappointment process and end of service data for Panel Community members.
1.2	<p>In 2024/25:</p> <ul style="list-style-type: none"> • Over 700 Panel Members were reappointed across Scotland, with structured conversations held in nearly all cases. • 234 volunteers ended service nationally (16.4%), a 0.4% reduction compared to 2023/24. • National guidance on ends of service has been further embedded, with continued uptake of exit interviews and the online feedback survey. • Emerging themes reflect both the progress made (e.g. improved support, strengthened Panel Practice Advisor (PPA) feedback) and challenges that require attention (e.g. technology, rota communications, sense of community) <p>This report shares those insights and highlights next steps for improvement and learning at both national and regional levels.</p>
1.3	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1	<p>The Board is asked to:</p> <ul style="list-style-type: none"> • Note the improved volunteer retention rate in 2024/25 and the successful reappointment of many eligible, active volunteers. • Acknowledge the national roll-out of structured reappointment discussions and the value volunteers place on these reflective conversations. • Recognise the maturing of the 'leave well' approach and the critical role played by Wellbeing Coordinators in supporting dignified and thoughtful exits. • Reflect on the national themes emerging from both those staying and leaving CHS, particularly around technology, communication, training, rota management and community connection.

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	<ul style="list-style-type: none"> • Endorse work already underway to address these themes via Area Support Team (AST) planning, digital improvement work, national training updates and the rota/the Core Systems and Applications Solution (CSAS) scheduling project. • Note the development of a more structured and data-rich reappointment format for 2026 to enable greater national learning and trend analysis
3.	Key Points for Discussion
3.1	Background
3.1.1	<p>Each year, CHS supports a significant number of volunteers through either reappointment or ending of service. These two processes sit at the heart of volunteer experience and retention.</p> <ul style="list-style-type: none"> • Reappointments offer the chance to reflect on strengths, development, and ongoing commitment. • Endings offer an opportunity for closure, recognition, and insight into reasons for leaving. <p>Together, they help CHS understand what it means to be a volunteer in our system and what helps people stay or go.</p>
3.2	Types of Data Gathered
3.2.1	<p>Quantitative: Number of reappointments; number and percentage of volunteers ending service; reasons for leaving (via CSAS); levels of engagement with reappointment conversations and exit processes.</p>
3.2.2	<p>Qualitative: Themes emerging from reappointment discussions (collated by Tribunal Delivery Managers (TDMs), Panel Engagement Leads (PELs) and PPAs); End of Service surveys and interviews; reflections from Wellbeing and Tribunal Delivery teams</p> <p>This is the first year in which we have aligned both sources of insight into one national paper to enable greater strategic learning.</p>
3.3	Volunteer Movement in 2024/2025
3.3.1	Reappointments
3.3.2	<ul style="list-style-type: none"> • Over 700 reappointments completed nationally. • Structured, in-person conversations were held in nearly all cases, supported by PPAs and Tribunal Delivery Teams • Those who did not seek reappointment were largely inactive and had not engaged in the system for some time. • Exit interviews were offered to all those not reappointed, with variable uptake; all were invited to complete the online End of Service questionnaire. <p>Reappointment conversations surfaced themes about volunteer identity, support, learning and system change. These have informed both local planning and national improvement activity.</p>

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3.3.3	Ends of Service
3.3.4	<ul style="list-style-type: none"> 234 volunteers ended service across the year. National attrition rate: 16.4% (down from 16.8% in 2023/24) Top recorded reasons for leaving; time/commitment pressures, family, wellbeing, retirement, training expectations, organisational change. 30% of those ending service engaged with the structured feedback process (either survey or interview) Feedback was broadly positive, especially about support from peers, ASTs, and Wellbeing staff, but noted gaps in local connection, communication clarity, and hearing scheduling.  <p>The word cloud displays various themes from volunteer feedback. The most prominent words are 'support' and 'training'. Other visible words include 'help', 'buddy', 'Overall feels', 'people', 'buddy system', 'families', 'lot of support', 'benefit of observations', 'Good support', 'hearings', 'children', 'support from chairs', 'support within the community', 'panel members', 'great experience', 'training opportunities', 'Positives', and 'training was very good'.</p>
3.4	National Themes and Improvement Actions: “You Said, We Did”
3.4.1	Bringing together reappointment and end-of-service data has provided a national-level view of the volunteer experience, offering insight that informs CHS’s improvement priorities. The themes below set out what volunteers told us and the national actions being taken, showing both the progress achieved and the areas we are continuing to improve.
3.4.2	Technology
3.4.3	Volunteers continue to express frustration with Chromebooks, Hearing Information Pack (HIP) access, passwords, and connectivity issues, which they feel create unnecessary barriers to participation. At the same time, there is recognition that CSAS functionality has improved, particularly around availability management and swap handling, which are helping make the rota process easier. CHS has acted on this feedback by introducing a Device Distribution Strategy to roll out Windows laptops across the Panel Community, offering better performance and usability. Work with the Scottish Children’s Reporting Administration (SCRA) on hearing room technology upgrades is progressing, with communication around timelines seen as key to volunteer confidence. CSAS will see further user experience improvements in 2025/26 to build on positive momentum.
3.4.4	Training and Development
3.4.5	Panel Members told us they value the chair training pathway, hearing observations, and PPA quality assurance feedback, which give them confidence in their practice. They would like more structured, in-person learning opportunities and regular refreshers, especially for those who have been serving for several years. Volunteers have asked for greater consistency in trainer style

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	and delivery, and a clearer picture of what to expect ahead of the Care and Justice Act implementation. CHS is strengthening the chairing pathway, embedding regular feedback cycles from PPAs, and designing new trauma-informed training content to help Panel Members feel prepared. Structured refresher sessions are in development and the integration of the Learning Team into CHS will help ensure learning is shaped by community need and delivered consistently.
3.4.6	Communication
3.4.7	High email volume, especially rota-related traffic, was a recurring theme, with volunteers asking for communications to be more focused and digestible. Where local newsletters and targeted updates are provided, they are seen as helpful and good practice. CHS is responding through a national communications review, aimed at reducing email overload and sharpening messaging. Recruitment materials, including the Volunteer Commitment, are being refreshed to give clearer expectations about the role and time commitment up front, helping to reduce disappointment or mismatch later.
3.4.8	Support and belonging
	Volunteers described feeling well supported by PELs, Wellbeing Coordinators, and peers, with newer Panel Members noting the reassurance of a clear support structure. However, some long-serving Panel Members reflected a sense of loss as local identities have shifted through organisational change. There is a strong desire for mentoring opportunities, informal community events, and post-hearing debriefs to strengthen belonging and shared learning. CHS is investing in Wellbeing Coordinators and continuing peer-support initiatives, while Regional ASTs are exploring more face-to-face forums and community-building events. End-of-service guidance and surveys have been refined to provide more consistency and insight from those leaving.
3.4.9	Rota Management and Hearings
	The central rota system attracted mixed views. Some volunteers welcome the efficiency and fairness it offers, while others feel it reduces local control and flexibility. Concerns were raised about rota swap emails, volume of hearings per session, and the quality and timeliness of reports from social work. Volunteers expressed a preference for face-to-face hearings, which they feel benefit children and enhance their own engagement. CHS and SCRA are jointly leading a scheduling project to create a consistent, risk-based approach to session planning across Scotland, while ongoing partnership work with social work teams aims to improve report quality and increase the number of children and young people attending their hearings.
3.4.10	Data and Evaluation
3.4.11	This combined approach of analysing end of service data and reappointment themes has highlighted key areas of strength, such as strong PPA feedback and improved retention, and areas needing attention. Work is underway to create a more structured reappointment review format for 2026, enabling more robust

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	national trend analysis and supporting a stronger feedback loop into AST planning and national improvement activity.
4.	Alignment to CHS Strategic Outlook
4.1	<p>This work is aligned to the CHS Strategic Outcome 2024-2027:</p> <ul style="list-style-type: none"> • Theme 2 - Driving Transformation <ul style="list-style-type: none"> • Objective 2 - We will become a data-informed and data-driven organisation. • Theme 3 - Valuing Our People <ul style="list-style-type: none"> • Objective 3 - To become a more inclusive and diverse organisation and create a culture where everyone feels valued, included, and engaged.
5.	Key Risks
5.1	No risks identified
6.	Risk Register
6.1	There is no requirement for anything to be added to the Risk Register at this stage
7.	Impact on Inequality/Rights
7.1	An Equalities Impact Assessment is not required for this report. However, feedback received from volunteers continues to inform our approach to inclusion, belonging, and support within the CHS volunteer experience.
8.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
8.1	<p>Internal engagement with Tribunal Delivery Directorate, Area Support Team Clerks, PPAs and Wellbeing teams has shaped both the reappointment and exit processes.</p> <p>Volunteer voice is central to both data sets, whether through structured reappointment conversations or reflective exit interviews.</p> <p>Key insights will be shared nationally and regionally to support continued improvement.</p>
9.	Resource Implications
9.1	There is no direct resource implications attached to this report. However, several areas raised (e.g. digital devices, rota improvements, training delivery) have ongoing delivery implications that sit with relevant teams and directorates.
10.	Appendices
	None.

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Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Q2 Performance Report 2025/26
Responsible Executive:	Lynne Harrison, Interim Director of Business and Finance
Report Author:	Karen Griffin, Corporate Governance Manager

1.	Purpose of Report
1.1	The purpose of this report is to ask the Board to note on the Q2 Performance Report that monitors the delivery of the objectives in the CHS Business and Corporate Parenting Plan 2025/26.
1.2	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1	The Board are asked to review and note Appendix 1 - CHS Performance Report and the following summary and key points.
3.	Key Points for Discussion
3.1	Q2 Summary
3.1.1	During the period there were three milestones to be completed.
3.1.2	Milestone 4.1- Implementation and operationalisation of the Experts by Experience Group was completed on time and within the quarter. The Group is now fully functional and engaging in identified operational and strategic issues, providing quantifiable and valued input. As part of the Group's own support network, high quality and robust support structures are in place.
3.1.2	<p>Milestones 1.4 and 5.1 were not completed in the quarter as originally planned with milestone 1.4 being re-assessed, and milestone 5.1 being retimed as documented below:</p> <ul style="list-style-type: none"> <i>Milestone 1.4 - Review and align the approach to quality-supporting data including establishment of baseline data.</i> <p>The national team data and evidence survey, step two sessions, is complete and on track. However, although the observation guidance and template design are progressing/on track, broad timescales for the digital component of this milestone is yet to be confirmed due to technology re-balancing work currently being scoped and therefore presents a risk of the overall objective being delayed. This identified risk is being mitigated with adaptive scheduling and deliverables and is monitored regularly. It is anticipated that a revised timeline for completion of this objective will be detailed in the Q3 Performance Report.</p>

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	<ul style="list-style-type: none"> • Milestone 5.1 - Review recruitment application process to improve volunteer experience and attract diverse volunteers to join our community. <p>The review of the digital recruitment application sits within the Capacity Programme, managed by the Change and Innovation Team, as a key deliverable for the January 2026 recruitment campaign. As delivery of this objective is now scheduled for Q3 the Performance Report has been updated to reflect this. Progress for the current Autumn campaign also includes changes to the JotForm application template which includes better articulation of expectations of panel members and more specific querying of reasonable adjustments needed to support applicants and trainees.</p>
3.2	Record of Changes to Planned Delivery
3.2.1	<p>During the period, the planned delivery of objective 12.2 Identify the required structure in the digital team to deliver the digital strategy was updated to be complete from Q3 to Q4 2025/26 in line with updated timelines for review of the Digital Strategy.</p> <p>The Record of Changes to Planned Delivery, as documented at the bottom of the Performance Report, also reflects the changes documented in 3.1.1.</p>
3.3	KPI's
3.3.1	<p>As per the Q1 Performance Report, the Board are asked to note the following reasons once again for the KPI for “% invoices not in dispute paid within 10 working days, during normal operations keep” remaining at 76% during Q2 of 2025/26 (target set at 95%)</p> <ul style="list-style-type: none"> • Tech issues with e-financials (Scottish Children's Reporter Administration (SCRA) and CHS finance operating system) • Internal authorisation delays • Supplier's invoices not matching with their supporting documents (mostly Local Authority invoices) • Late receiving invoices from suppliers but have much earlier date on the invoice. • New Suppliers invoices require verification checks (mandatory requirement to prevent fraud) often causes delay due to supplier not responding in timely manner. • Additional pressure points with financial year end workload – some deadlines in April for reporting <p>The finance department continue to actively look at various ways to manage these issues and monitor the situation monthly and are recruiting for a temporary finance administrator, to provide cover for a staff member currently on long-term absence.</p>
4.	Alignment to CHS Strategic Outlook

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4.1	<p>This work is aligned to the CHS Strategic Outcome 2024-2027:</p> <ul style="list-style-type: none"> • Theme 1 - Delivering Positive Outcomes <ul style="list-style-type: none"> • Objective 1 - Develop a 5-year learning strategy to maximise learning impact across CHS. • Objective 2 - Quality will be the cornerstone of our hearings system. • Objective 3 - Upholding and promoting children's rights is at the forefront of what we do, and those rights are well understood by our people. • Theme 2 - Driving Transformation <ul style="list-style-type: none"> • Objective 1 - Work with partners and stakeholders to lead and influence change. • Objective 2 - We will become a data-informed and data-driven organisation. • Objective 3 - We will make effective use of technology, capitalising on its potential for enhancing performance and delivering efficiency. • Theme 3 - Valuing Our People <ul style="list-style-type: none"> • Objective 1 - Implement a three-year People Strategy that attracts and retains top talent and committed individuals and drives the success and sustainability of the organisation. • Objective 2 - The organisational design remains agile, adaptable, and responsive to support ongoing organisational transformation. • Objective 3 - To become a more inclusive and diverse organisation and create a culture where everyone feels valued, included, and engaged. • Objective 4 - to develop our people capabilities.
5.	Key Risks
5.1	No material risks identified.
6.	Risk Register
6.1	There is no requirement for anything to be added to the strategic Risk Register at this stage.
7.	Impact on Inequality/Rights
7.1	N/A
8.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
8.1	'There is no requirement for engagement and consultation in relation to this paper.
9.	Resource Implications
9.1	There is no specific resource implication associated with this paper.

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10.	Appendices
	Appendix 1 – CHS Performance Report

Children's Hearings Scotland: Quarterly Performance Report

QUARTER 2 (July, August, September 2025)

Quarter Summary - Milestones:

	Q2 Milestones				
	B	G	A	R	-
Theme 1 - Outcomes					
Theme 2 - People	1		2		
Theme 3 - Transformation					
Critical Enablers					
TOTAL	1	0	2	0	0

Key:
Blue = Objective completed
Green = Objective on track to be completed on time / budget
Amber = Objective at risk of not being delivered on time / budget, partially descoped, or whole objective re-timed
Red = Objective at serious risk of not being delivered on time / budget - or Objective has been descoped
Dash (-) = Not yet due for reporting / update

Milestones:

	Number of Milestones at End Q2
Planned to Complete in this quarter*	3
Completed in this quarter - Actual	1
Still to Complete during year	41
Overall number competed in year to date	2
Ongoing as part of the 2024-2027 Strategic Outlook	TBC
Descoped	0

* as published in the Business Plan

Theme 1: DELIVERING POSITIVE OUTCOMES

	Business Objective and Owner	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
1	Implement year 1 of the Quality Strategy					1.1 Deliver year 1 of the implementation plan for the Quality Strategy, identifying and progressing key milestones and priority objectives	Progress through Q4	40%	On track, Quality team project approach and planning infrastructure, processes, plans and tools developed or in development
						1.2 Develop tools and approach to evaluation and audit, reviewing the national guidance, developing cohesive approaches to evaluation, self-assessment and audit at national and regional levels	Complete by end Q3	25%	Clarifying this as two separate outputs for purpose of reporting. On track, 1)pilot audit appeals data project as at 4.2; 2) evaluation framework - early design work planning taking place with Quality TDM rep/quality team
						1.3 Develop the resourcing and retention plan for PPAs increasing understand of the role and enhancing the efficacy of deployment	Complete by end Q4	25%	On track, current capacity reviewed,targeted recruitment for priority areas complete (23 applications), current review of collaborative project being considered to identify next steps.
						1.4 Review and align the approach to quality-supporting data including establishment of baseline data	To be updated in Q3		On track, national team data and evidence survey step two sessions complete; At risk - whilst observation guidance and template design progressing/on track, broad timescales for digital component yet to be confirmed due to technology rebalancing work currently being scoped. Risk being mitigated with adaptive scheduling and deliverables
						2.1 Implement and operationalise the agreed plans for participation at CHS through a refresh of our participation activity aligned with the revised Children's Rights and Participation Strategy	Complete by end of Q4	25%	On track. Annual evaluation complete - excellent feedback from young people. Expert by Experience Group established.

2	Enhance practice and standards across all areas				2.2	Enhance intelligence sharing, information and learning between regional and national teams and improving governance and reporting of complaints and feedback	Complete by end of Q4	25%	On track. Regular meetings and structured information sharing between regional staff and complaints team. Developing thematic log reporting to ensure regional issues are shared with complaints team to progress thematic issues.
					2.3	Develop the P&P team as the subject-matter experts on all aspects of practice, standards and policy, increasing communications with volunteer community and enhancing levels of engagement with the practice bank	Progress through to Q4	25%	On track. Three new P&P advisors have joined CHS in September 2025, all of whom will be developing specific subject matter expertise in their roles. Regular briefings and training/Town Hall events to the community. Developing expertise of the team.
3	Fulfil our obligations and prepare our people for the implementation of the Children (Care and Justice) (Scotland) Act 2024.				3.1	Deliver the second module of Care & Justice Act Learning to ensure our Panel Community understand the specific needs and impact of trauma and legislation on older young people	Progress through Q4	50%	The build of the second part of C&J e-learning offer is 90% complete, quality assurance and peer review has been completed with CYCJ. Slight delays incurred due to people resource pressures with contractors, however this is not expected to impact CHS objectives or operational plans.
4	Build on existing mechanism to capture experience of children and families in the hearings system to drive quality at all levels.				4.1	Implementation and operationalisation of the Experts by Experience group	Complete by Q2	100%	Group fully operational and engaging in operational and strategic issues. High quality and robust support structures in place.
					4.2	Appeals data used to create a feedback loop to panel members to inform practice	Complete through end Q3	50%	On track, audit activity complete, now in analysis and findings stage
					4.3	Creation of Quality Measures and improvement plans aligned to key priorities	Progress through end Q3	25%	This work will be informed by evidence and outputs from projects, eg data and evaluation survey, pilot audit, observation data and reporting improvements. These projects are on track but early stages

5	Continue to support and retain our Panel Community through the embedding of regional support structures that promote engagement and provide meaningful opportunities for our volunteers					5.1	Review recruitment application process to improve volunteer experience and attract diverse volunteers to join our Community	Complete by Q3	10%	The review of the digital recruitment application sits within the Capacity Programme as a key deliverable for the January 2026 recruitment campaign. Delivery is due quarter 3. Progress for the Autumn campaign includes changes to JotForm application which include better articulation of expectations on PMs and more specific querying of reasonable adjustments to support applicants and trainees.
						5.2	Review of CHS recruitment campaign to support attraction of diverse volunteer applicants.	Complete by Q4	50%	As part of the Capacity Programme, new approaches to recruitment selection and interviewing are being considered following ideation workshops with key stakeholders. Equalities monitoring data will be captured from the JotForm applications from Autumn 2025 campaign to support analysis of reach from campaign. This work is on track
						5.3	Develop an internal department plan to manage Capacity across the volunteer community	Progress through Q4	50%	On track, the Capacity Programme hosts key projects related to our volunteer community capacity including collaborative scheduling work with SCRA, rota optimisation and changes to preservice to deliver new chairs to practice sooner.
						5.4	Continue to improve approaches to rota and resource allocation to improve the volunteer experience and enable more effective panel deployment processes	Progress through Q4	50%	Continue to work with our colleagues in SCRA to deliver the implementation plan regarding scheduling of hearings work. SCRA are also implementing a national scheduling model in relation to release of HIP and Papers and we will work with them to deliver the most efficient model. We continue to work on developments in CRM to ensure our communications are targeted to right Panel Members at right time.

Theme 2: VALUING OUR PEOPLE

	Business Objective and Owner	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	
		Q1	Q2	Q3	Q4				
6	Ensure an effective learning offer is in place to support Panel Member training for the year					6.1 Deliver an effective learning offer to support Panel Members and the wider volunteer Community	Ongoing	80%	Successful implementation of re-structured pre-service with 30% of newly recruited volunteers appointed as Chair qualified. Comprehensive programme of support in place to facilitate successful transition into role in partnership with regions. Second cohort due to complete mid-July. Focused period of MOH training delivered to support PDA completions before contract end.
						6.2 Design and deliver high quality learning offer aligned to the Learning Strategy	Progress through Q4		This work is scheduled to commence in Q4 in line with bringing Children's Hearing Scotland Learning Academy in house.
7	Progress our ambition to become a Trauma Informed Organisation					7.1 Deliver the 2nd phase of Trauma training modules and resources to all volunteers and colleagues	Progress through Q4	30%	Language guide embedded in training materials with animation that has been nominated for a national award. CHS working with OHOV and language leaders to progress this work across the sector. Trauma Skilled training was launched to the volunteer community in January 2025 as planned and to colleagues at the end of May. In August, SLT workshop held with NHS Education for Scotland to review trauma-informed ambitions in line with strategic plans. The plans for roll-out are progressing.
						7.2 Continue to embed trauma informed language through the Language in the Hearing Room project	Progress through Q4	50%	

8	Build on our existing approach to how we support our Volunteers					8.1	Implement a nationally consistent approach to wellbeing, recognition and volunteer support.	Progress through Q4	60%	National and local wellbeing and retention efforts continue. Regionally-based colleagues in Tribunal Delivery continue to support current and new PMs with reasonable adjustments, times of absence, and reflective debriefs after challenging hearings. A consistent approach to check-ins for new PMs was implemented in Q2 with themes influencing improvements to learning and wider community work. Digital CRM tool improvements to enable next-of-kin details and other key information to support volunteers continue via Digital colleagues. National work to embed wellbeing and retention
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					8.2	Implement processes to ensure expectations are communicated to volunteers in a transparent and timely manner	Progress through Q4	60%	Review of communications for new and current volunteer community underway. Volunteer Commitments developed with content incorporated into recruitment campaign communications and will be included in new PM materials (i.e. Welcome Booklet and induction material). Final designed version to be made available to colleagues.
9	Implement Year 2 of the People Strategy				9.1	Deliver management and leadership training and development	Progress through Q4	25%	Sm@rt working programme training delivered to line managers across Q1 and Q2. Work to implement Sm@rt Working principles across the organisation from this training to commence following Q2. Core management skills training to be scheduled for Q3 and Q4.
					9.2	Continuous workforce planning to support organisational design activities	Progress through Q4	50%	Monthly WFP meetings continued. Processes for the group have now also been aligned with the update SG reporting process for external recruitment campaign. This update provides further reassurance for CHS around external recruitment.
					9.3	Improve offering and promotion of CHS Total Reward package to support our approach to attract, retain and reward colleagues	Progress through Q4	25%	CHS benefits summary updated in April 2025 to include increase volunteer leave allowance and better highlight car benefit scheme. Promotional webinars planned throughout 2025/26 to drive uptake of benefits, financial savings, and opportunities for national team. Usage of CHS benefits platform increased by over 1000% between May 2024 and May 2025.
					9.4	Review and publish CHS approach to EDI	Q1	100%	Reviewed EDI strategy completed and approved by CHS Board. Strategy to be published by end of Q1 on CHS website.

Theme 3: DRIVING TRANSFORMATION

	Business Objective and Owner	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	
		Q1	Q2	Q3	Q4				
10	Deliver year 1 of the Hearings Redesign 2030 programme					10.1 As a member of the Children's Hearings Redesign Board, agree governance and delivery structures with partners for delivery of the agreed recommendations	Progress through Q4	50%	CHS have strong representation on the Redesign Board and SG Planning Group. Governance and delivery structures are maturing in collaboration. CHS have developed links between external governance and our Hearings Redesign 2030 Programme
						10.2 Develop productive, equitable partnership relationships with our stakeholders nationally and regionally, focused on children and young people's outcomes that drive hearings improvement	Progress through Q4	50%	On track. Established partnership structures with key organisation in the sector including SCRA. Work closely with national CHIP and work has started to establish equivalent regional structures. Representation on a number of national leadership groups in the sector.
						10.3 Develop an implementation plan for the agreed reforms for CHS incorporating the key strategic, practice and operational changes to the hearing system	Progress through Q4	50%	Awaiting detailed information on legislative change which will inform activity. The Hearings Redesign 2030 Programme has been initiated at our CHS Change Board and will be the space in which this work will be coordinated across CHS.
11	Develop new Data Strategy 2025-30					11.1 Establish our future data needs and develop a pathway to meet those needs	Complete by end Q3	25%	On track. A stakeholder consultation took place and the scope of requirements for the data strategy has been mapped out. The Technology and Data Oversight Group approve the business case and procurement is under way to obtain an external consultant to develop a data strategy inline with CHS requirements
						11.2 Identify the required structure to deliver the data strategy	Complete by end Q3		See 11.1
						11.3 Work with partners to develop effective data-sharing practices	Progress through Q4		See 11.1

12	Develop new Digital Strategy 2025-30				12.1	Establish our future digital ecosystem and develop a pathway to deliver it	Complete by end Q3	50%	<p>- Currently working with SCRA in realignment of our digital architecture. Roadmap will be delivered following the Digital Strategy paper being delivered.</p> <p>-Work ongoing to clarify Joint Investment Work next steps in alignment with future digital ecosystem.</p>
					12.2	Identify the required structure in the digital team to deliver the digital strategy	Complete by end Q4	50%	<p>Procurement of supplier to deliver CRM, API and Website has now been completed.</p> <p>-Temporary Delivery Manager is now in post to manage the overall deployment with supplier</p> <p>-Data team still under resourced and potential new Data Product role likely needing agreed and signed off in near future</p> <p>-ISO27001 project has commenced however expected key requirements will be identified through this that will inform Digital Team capacity and capability needs to deliver Digital Strategy. First stage of project due for assessment in Q4</p> <p>-Data Analyst/Digital Support resource has been extended 6 months to support CRM and CHS Digital Platforms.</p>

					12.3	Drive digital transformation through the Digital Lab taking a systematic approach to planning and delivering digital change initiatives	Progress through Q4	50%	Digital Lab continues to evolve and key focus will be given to the elaboration of needs under the requests and issues received through the lab to aid in prioritisation and also identifying solutions across the varying themes underlying the digital lab Technology and Data Oversight Group continues provide governance around procurement of new digital suppliers. It is expected that this group will also govern all deployments, releases and Data engagement approaches as it becomes more established Potential introduction of Data Lab still being reviewed in lieu of Digital and Data Strategies being published.
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ORGANISATIONAL EFFECTIVENESS AND CRITICAL ENABLERS

	Business Objective and Owner	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	
		Q1	Q2	Q3	Q4				
13	Further develop and build on CHS's change architecture to support the delivery of critical programmes of improvement					13.1 Continue to evaluate how change is delivered to continually improve practice and process	Progress through Q4	50%	As a new function at CHS, we are continually evaluating the effectiveness with each change programme initiated and closed. A new global lessons learnt process is now in place to capture the opportunities to improve and celebrate the change architecture we have built.
						13.2 Adhere to good change governance practices, recognising and understanding risks at every stage	Progress through Q4	50%	Risk and issue logs for each programme kept by the change manager, programme group continuation and governance within the change board cycle from PMO. A recent audit of a closed programme gave high levels of assurance
						13.3 Review and enhance the structures around change to ensure we have the skills and knowledge to deliver successful programmes	Progress through Q4	50%	A review of the change and PMO function is underway, led by the CEO.
14	Fortify and strengthen our cyber and digital security measures					14.1 Gain ISO27001 accreditation and ensure that our security practices and governance are fit for purpose	Complete by end Q4	25%	External technical consultant Sapphire 27001 successfully procured. Work has commenced on the implementation of the standard controls and requirements. First interim audit scheduled for 5 November 2025 with final audit for accreditation set for February 2026.
						14.2 Formalise and standardise the use of process maps and Standard Operating Procedures (SOPs) across the organisation to enable clearer understanding of processes and fulfilment of services	Complete by end Q4	75%	Business and Finance SOPs are near completion.

					14.3	Deliver the Business Contingency Plan and Digital Disaster Recovery Plan testing to ensure CHS is prepared to manage unforeseen critical business impacts	Complete by end Q4	50%	A second testing session was carried out in Q2 with additional mini live events (interent outage in Orkney & Sheltand and Storm Floris) being recorded during the period to allow for additional data to be collated and analysed to establish lessons learnt and subsequent actions that may be required to enhance the ongoing BCP.
15	Build on our established communications channels and approaches to adequately reflect our growth and meet needs of our people and communities				15.1	Respond to the recommendations of the internal communications audit	Complete by end Q4	100%	An Action Plan is being developed in response to the BDO recommendations. This will be shared with SLT along with a communications strategy by the end of Q4.
					15.2	Improve and enhance the communications and engagement platforms and mechanisms.	Progress through Q4	25%	Work to develop our Regional SharePoint hubs, creating content that is consistent and fit for purpose, is now complete. A wider review of community comms will begin in Q4.
					15.3	Deploy management information to enhance communications to improve and support the volunteer community	Progress through Q4	25%	Identification of appropriate channels and format for regular leadership communications to the community, will be explored in Q4, as part of the wider review of community comms.

KEY PERFORMANCE INDICATORS

Strategic Theme	Objective	Performance Measure	Baseline	2025/26 Target	2025/26 Performance
Positive Outcomes – Feedback and Complaints	Objective 2, 4	# Number of feedback items received from children and young people	2023/24: 12 2024/25: 49	100 % increase on last year	Currently 11% of KPI with 11 feedback items received this year. The postcard pilot and its national roll out stopped last year. Production of QR codes by SCRA on hearing correspondence has been agreed to be implemented by January 2024 which will lead to additional spread/feedback. Additional staff resource now in place working with participation colleagues to increase feedback. Plans are well developed and increased numbers are anticipated in next quarter - still on track.
Positive Outcomes – Learning	Objective 3, 6,7	% of required volunteers and colleagues who have completed trauma-informed training	2024/25: 91%	100%	99.5% Volunteers 84% Staff (NOTE: all outstanding completions chased on an ongoing basis. As a part of 2025 appraisals, managers will be provided with list of outstanding essential learning to ensure target reached by end of Q2)
Positive Outcomes – Learning	Objective 3, 6,7	% of required volunteers and colleagues completed trauma skilled training	New Measure	100%	N/A due Q4
Valuing our people – Learning	Objective 5,6	% of pre-service trainees who felt that the learning objectives were met	2020/21: 98% 2021/22: 99% 2022/23: 98% 2023/24: 99% 2024/25: 98%	99%	98%
Valuing our people - Learning	Objective 5, 6, 8	% of recommended applicants appointed as Panel Members	2020/21: 83% 2021/22: 75% 2022/23: 84% 2023/24: 83% 2024/25: 79%	90%	76% for spring cohort and 71% for current autumn cohort (appointments are still ongoing for current cohort so data may change; to 09/09/25)

	Valuing our people – Learning	Objective 6	% of active and eligible Panel Members who are Chair-qualified	2024/25: 70%	75%	91% (to 08/09/25)
	Positive Outcomes – Participation	Objective 4, 5	% of regions involving young people in the design or delivery of the recruitment of panel members	2024/25: 100%	100%	Experts by Experience contributing to the new campaign with our creative agency . For our selection of new Panel Members, Experts by Experience and OHOV shape and contributed to interview questions, including scenario set for candidates to prepare in advance of interview.
	Valuing our people	Objective 5,6 ,8, 19	% of all Panel Members due for reappointment within the year who were successfully reappointed	New Measure	55%	53% (to 09/09/25, only includes those who have been through reappointment or have ended service; data will change as year goes on)
	Valuing our people	Objective 5,6 ,8, 19	% of Panel Members retained during the year	2021/22: 86% 2022/23: 78.5% 2023/24: 83% 2024/25: 84%	85%	91% (to 09/09/25; data will change as year goes on)
	Critical Enablers		% CHS employee attendance	2020/21: 99% 2021/22: 85% 2022/23: 97% 2023/24: 97% 2024/25: 98%	97%	97% (to 05/09/25)
	Critical Enablers		% invoices not in dispute paid within 10 working days, during normal operations keep	2020/21: 85% 2021/22: 85% 2022/23: 89.3% 2023/24: 87% 2024/25: 84.3%	95%	76%

Record of Changes to Planned Delivery

	Milestone(s) Changed	Date of Change	Details of Change	Rationale for Change
	Objective 6	Jun-25	Removed C&J from overall objective as it is covered seperately in objective 3	Already covered in prior objective
	Objective 6.1	Jun-25	Changed timescales to ongoing	Milestone relates to overall function deliverables which are ongoing
	Objective 7.1	Jun-25	Completion date changed to Q4	Deadlines extended in agreement with SLT due to current mandatory learning
	KPI line 76	Jun-25	Owner changed to Feedback and Complaints	Team who has access to feedback data
	KPI line 82	Jun-25	To match last years KPI	To enable accurate reporting
	Theme 2	Sep-25	Added owners	To enable accurate reporting
	Objective 12.2	Sep-25	Completion date changed to Q4	Final audit assessment due to be carried out in Feb 2026
	Objective 5.1	Sep-25	Completion date changed to Q3	Being managed under the capacity programme (Change Architechture)
	Objective 1.4	Sep-25	Completion date not yet updated	Date for completion to be updated in Q3 once agreed

Agenda Item 12a. CHS-2526-20

Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Quarterly Data Summary (Q2 to 08/09/25)
Responsible Executive:	Lynne Harrison, Interim Director of Business and Finance
Report Author:	Elaine Gray, Data & Performance Analyst

1.	Purpose of Report
1.1.	The purpose of this report is to provide the Board with an overview of the quarterly data.
1.2.	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1.	The Board is asked to consider if all the data provided is still relevant and if there is data they would like to see that is not currently presented.
3.	Key Points for Discussion
3.1.	<p>Disclaimer</p> <ul style="list-style-type: none"> • Much of the data reported here are live operational data and subject to change. • Data are to 08/09/25 unless otherwise specified. • All changes in the data are since Q1-end unless otherwise specified. • “Active” is defined as being on rota in the past 3 months or has an assignment (session/observation) in future; for Chairs it does not mean they Chaired.
3.2.	<p>Panel Members:</p> <ul style="list-style-type: none"> • 2,238 (+114) Panel Members. • 1,999 (+160) active Panel Members = 89.3% (+2.7%). • Increase due to a recruitment campaign with the latest cohort recently appointed. • The next cohort of trainees are due to be appointed in ~April 2026.
3.3.	<p>Panel Member target and forecast:</p> <ul style="list-style-type: none"> • The current Panel Member target is 1,832 with an actual of 2,238 = 122.2% (this is higher than required as preparation for the implementation of the Care and Justice Act has begun). • The high percentage may not reflect how easy rota allocation is some areas. • The Panel Member forecast can be seen in Figure 2 of the Board Data Summary. • The current target is 1,832 Panel Members, rising to 2,170 to meet the requirements for Care & Justice Act. It was previously estimated that at least 1,000 additional Panel Members would need to be appointed; that estimate has been lowered to 850. The change in targets is due to a better understanding of the rota data, more contemporary data being available, and some changes in the patterns of scheduling.

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	<ul style="list-style-type: none"> Figure 2 plots a forecast of 300 appointments per campaign following the autumn 2025 and spring 2026 campaigns. This estimate is based on previous campaign data. The forecast is based on the assumption that the Care and Justice Act will be implemented in summer 2026 and at the highest forecast level of additional hearings. The Panel Member forecast indicates that we are currently on track to be able to support implementation of the Care and Justice Act. This is subject to recruitment intake through 25/26 and assumptions on implementation dates.
3.4.	<p>Chairs:</p> <ul style="list-style-type: none"> 1,465 Chairs (+65) = 65.5% (-0.5%) of Panel Members are Chair-qualified. 1,359 active Chairs (+60) = 68.0% (-2.7%) of active Panel Members are Chair-qualified (note the active % increases when non-Chair-Qualified active Panel Members end service).
3.5.	<p>Chair target and forecast:</p> <ul style="list-style-type: none"> The target provided is the Learning Team's KPI to have 75% of all active and eligible Panel Members Chair-qualified. The target will change each time the number of active and eligible Panel Members changes. The Chair target is currently 1,471 (this is 75% of the number of active and eligible Panel Members) with an actual of 1,334 = 90.7%. The Chair forecast can be seen in Figure 3 of the Board Data Summary. The Chairing policy aims for CHS to have 100% of eligible Panel Members being Chair-qualified (ineligibility comes from inactivity and a small number of exemptions). The forecast to the end of 2025 is based on the number of Panel Members who have become Chair-qualified in the past 6 months, while also taking account of ends of service. Should the recent trend continue, the number of active Panel Members who are Chair-qualified should be closer the policy ambition in around 6 months. It is worth noting that the number of Chairs does not directly translate to the number of Panel Members chairing Hearing slots, therefore, a higher number of qualified Chairs may not necessarily ease Chairing capacity unless they actively Chair Hearings sessions.
3.6.	<p>PPAs</p> <ul style="list-style-type: none"> 131 (+10) PPAs. 93 (+13) active PPAs = 71.0% (+4.9%).
3.7.	<p>Demographics:</p> <ul style="list-style-type: none"> There have been only slight changes in the volunteer demographic information, despite a new cohort of trainees being appointed; it will also have been changed by ends of service. Length of service: <ul style="list-style-type: none"> Small changes (<6 months) seen in Panel Members, now a mean of 5.5 / median of 3.2 years.

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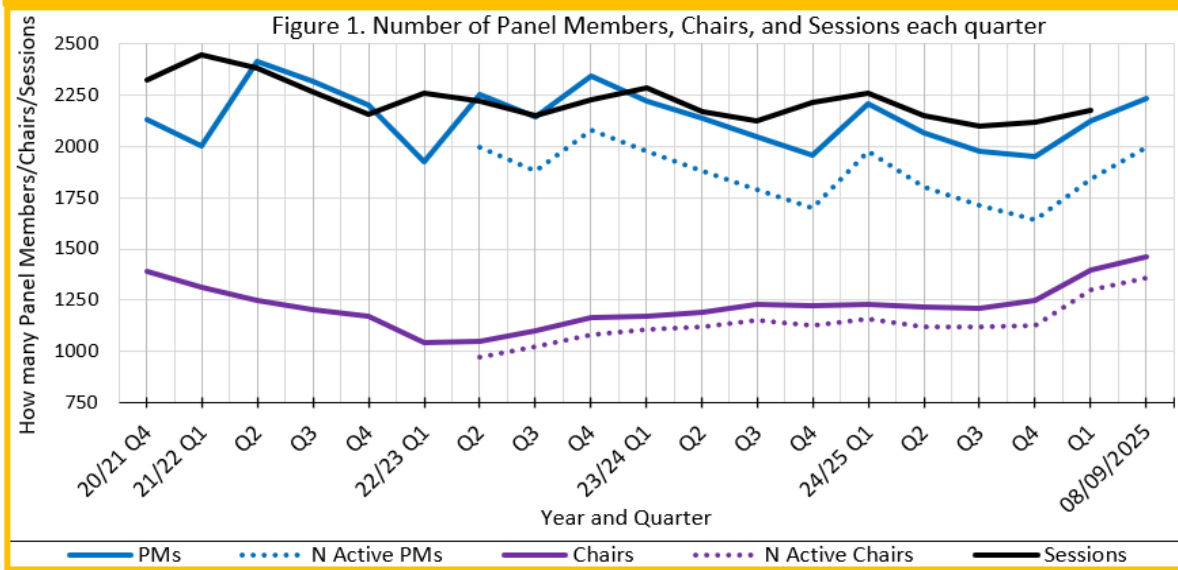
	<ul style="list-style-type: none"> ○ Small changes (<6 months) for PPAs/AST members, now a mean of 3.4 / median of 2.7 years. • Gender: <ul style="list-style-type: none"> ○ Small increase in female Panel Members to 73.5% female / 25.6% male. ○ Small increase in female PPAs/AST members to 60.9% female / 27.8% male. • Age: <ul style="list-style-type: none"> ○ Similar age in Panel Members, now a mean of 54.1 years / median of 56.3 years. ○ Similar age for PPAs/AST members, now a mean of 59.5 years / median of 62.6 years. • Experience of the children's hearing system: <ul style="list-style-type: none"> ○ This data shows the number of volunteers who have declared previous experience of the hearing system (experience type (i.e. lived) is not defined). ○ Same % for Panel Members – 5.0% (0%). ○ Increase in % for PPAs/AST members to 11.3% (+2.4%).
3.8.	<p>Compulsory Supervision Order Implementation Breaches:</p> <ul style="list-style-type: none"> • 0 Compulsory Supervision Order implementation breaches have been reported in 25/26 (to 08/09/25).
4.	Key Risks
4.1	None.
5.	Risk Register
5.1	There is no requirement for anything to be added to the Risk Register at this stage.
6.	Impact on Inequality/Rights
6.1	Impact assessment not required.
7.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
7.1	There is no requirement for engagement and consultation in relation to this paper.
8.	Resource Implications
8.1	There is no specific resource implication associated with this paper.
9.	Appendices
9.1	Appendix A: Board Data Summary: 2025-26 Q2

Volunteer data 08/09/25

	PMs	Active PMs	Chairs	Active Chairs	PPAs	Active PPAs
Total	2,238	1,999	1,465	1,359	131	93
Change vs. Q1 end	+114	+160	+65	+60	+10	+13
Demographics 31/12/24		PMs	Change	PPAs/AST	Change	
Mean length of service (yrs)	5.5	-0.4	3.4	-0.1		
Median length of service (yrs)	3.2	+0.2	2.7	-0.2		
% Female	73.5%	+0.7%	60.9%	+1.2%		
% Male	25.6%	-0.5%	27.8%	-0.4%		
% Other genders or no data	0.9%	-0.1%	11.3%	-0.8%		
Mean age (yrs)	54.1	-0.1	59.5	-0.2		
Median age (yrs)	56.3	-0.3	62.6	+0.2		
% has exp. of hearings system	5.0%	0%	11.3%	+2.4%		

Demographics have changed only slightly. Average length of service very similar for PMs and PPAs. Gender %s have changed slightly with an increase in females. PM and PPA ages very similar. % PPAs/AST members who state they have previous experience of the hearing system has increased (note this is not lived experience).

Trends over time to 08/09/25



Panel Member numbers increased by 114 due to appointments. Active PMs increased by 160.

Chair numbers increased by 65. Active Chairs increased by 60.
PPA numbers increased by 10. Active PPAs increased by 13.

Performance overview 08/09/25

Appointed PMs (2,238) against forecast target (1,832) (New)

122.2%

Active, eligible, Chairs (1,334) against KPI target (1,471) (New)

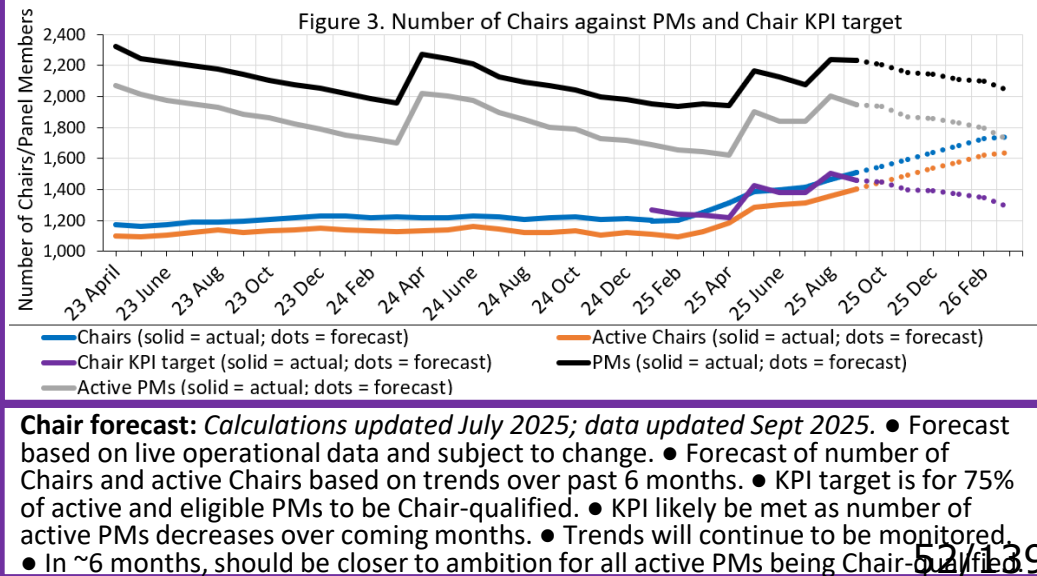
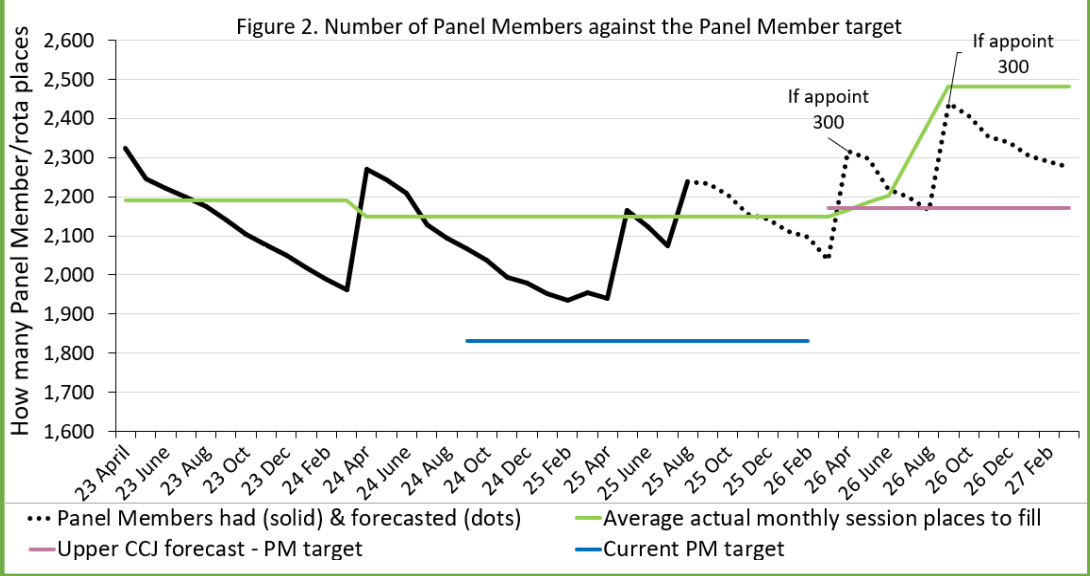
90.7%

Sessions
Session data unavailable until end of Q2.

Active definition
Active = on rota in the last 3 months or is scheduled for future.

CSO breaches
0 breaches reported (to 08/09/25).

Panel Member forecast: Calculations updated July 2025; data updated Sept 2025. ● Forecast based on live operational data and subject to change. ● Care & Justice Act sessions (upper estimate) modelled from April 2026 but timeline TBC. ● We continue to closely monitor timelines for C&J along with capacity and risk. ● Planning for C&J in progress with recruitment timelines in place. ● Risk is impacted by service ends, unavailable rate, number of sessions PMs can do, number of sessions PMs scheduled for, rota optimisation, scheduling project, and number of rota sessions created by SCRA.



Chair forecast: Calculations updated July 2025; data updated Sept 2025. ● Forecast based on live operational data and subject to change. ● Forecast of number of Chairs and active Chairs based on trends over past 6 months. ● KPI target is for 75% of active and eligible PMs to be Chair-qualified. ● KPI likely be met as number of active PMs decreases over coming months. ● Trends will continue to be monitored. ● In ~6 months, should be closer to ambition for all active PMs being Chair-qualified.

Agenda Item 13a. CHS-2526-21

Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	The Feedback Loop Report
Responsible Executive:	Elliot Jackson, National Convener
Report Author:	Kirsty Nelson, Practice & Policy Advisor

1.	Purpose of Report
1.1	<p>The purpose of the Feedback Loop is to report to the Scottish Ministers and to all Panel Members:</p> <ul style="list-style-type: none"> (i) the number of compulsory supervision orders in all implementation authorities across Scotland. (ii) changes in the circumstances that led to the making of the orders. (iii) the ways in which the overall wellbeing of children who are subject to the orders has been affected by them.
1.2	<p>Section 181 of the Children's Hearings (Scotland) Act 2011 requires the National Convener to, as soon as is reasonably practicable after the end of each financial year, prepare and submit to the Scottish Ministers a report about implementation of compulsory supervision orders during the year in Scotland as a whole and in each local authority area. The Scottish Ministers must lay the report before the Scottish Parliament, and the National Convener must give a copy of the report to each member of the Children's Panel.</p>
2.	Recommendations
2.1	<p>That the Board approve the report for forwarding to the Scottish Ministers (to lay in Parliament) and all Panel Members.</p>
3.	Key Points for Discussion
3.1	<p>The Report shows that over the 2024/25 financial year; there have been only two breaches of implementation duties. This is a very low number, considering the number of orders in place over Scotland. One issue that contributes to this is that certain criteria must be met to engage the breach process, and there was one instance in this in this reporting period.</p>
3.2	<p>To remedy the lack of knowledge about the breach procedure available under s.146 of the Children's Hearings Scotland Act 2011, we have recently released a comprehensive guidance note to the community on National Convener functions, including this procedure. In addition, this procedure is now covered in our pre-service training for Panel Members. We have also provided guidance and advice to the community about this procedure when Panel Members have approached the Practice and Policy team for advice about measures not being carried out by local authorities in the way that they were intended.</p>
3.3	<p>The issue of data sharing remains unchanged since the last Feedback Loop report. It is difficult to ensure that Compulsory Supervision Orders are carried</p>

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	out, and that they are having a positive impact on children, when Children's Hearings Scotland do not hold, store or process any data relating to children
4.	Alignment to CHS Strategic Outlook
4.1	<p>This work is aligned to the CHS Strategic Outcome 2024-2027:</p> <p>Theme 1 - Delivering Positive Outcomes</p> <ul style="list-style-type: none"> Objective 1 - Develop a 5-year learning strategy to maximise learning impact across CHS Objective 2 - Quality will be the cornerstone of our hearings system Objective 3 - Upholding and promoting children's rights is at the forefront of what we do, and those rights are well understood by our people. <p>The Feedback Loop intends to provide a more accurate picture on how local authorities are implementing decisions to improve outcomes for children and young people in Scotland.</p>
5.	Key Risks
5.1	<ol style="list-style-type: none"> Inadequate data sharing arrangement <ul style="list-style-type: none"> This may be mitigated by working the government and partners in the sector to pursue a better data sharing arrangement. Under-reporting of breaches of implementation duties <ul style="list-style-type: none"> This may be mitigated by continuing to provide advice and guidance to Panel Members on the benefits of using the breach procedure (such as the Guidance Note provided to the community in August this year, providing informal guidance and inclusion in training as discussed at point 3 above).
6.	Risk Register
6.1	There is no requirement for anything to be added to the Risk Register at this stage.
7.	Impact on Inequality/Rights
7.1	No impact assessment is required.
8.	Duty to Inform, Engage and Consult People who use our Services
8.1	There is a duty on the National Convener to provide a copy of the Report to Panel Members. In previous years, this has been done by publishing on the CHS website.
9.	Resource Implications
9.1	None.
10.	Appendices

Agenda Item 13a. CHS-2526-21

10.1	Appendix 1 - The Feedback Loop Report (2025).
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‘The Feedback Loop’

A Report by the National Convener on the implementation of
Compulsory Supervision Orders (under section 181 of the
Children’s Hearings (Scotland) Act 2011) for 1 April 2024 - 31
March 2025

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Foreword

Another year has passed since the last presentation of Children's Hearings Scotland's Feedback Loop Report. Progress in such a dynamic system is never static, but again, we have seen a monumental year of change and progression towards keeping the Promise to children and young people in Scotland.

The work of the Hearings System Working Group has led to the introduction of the Children (Care, Care Experience and Services Planning) (Scotland) Bill to Parliament. This represents a significant step forward for children in Scotland: not only in relation to the redesign of the Children's Hearings System, but also in relation to extending the rights of children in the care system. There is a lot of exciting progression suggested in the Bill, and I look forward to working with the Scottish Government and partners to make sure that outcomes for children are improved.

We are also moving ever closer to the implementation of the Children (Care and Justice) (Scotland) Act 2024. Important parts of the Act have been implemented already, including preventing all under-18s from being placed in Young Offenders Institutions. Further provisions of the Act relating to youth justice will come into force this year, with sections affecting the Children's Hearings System to follow.

These legislative steps are essential to make the changes that children, young people and their families have been telling us for years: they want greater consistency, less drift and delay, the voice of the child to be amplified and Compulsory Supervision Orders (CSOs) to be consistently implemented to improve outcomes for children.

The Feedback Loop Report intends to "help provide a more accurate picture on how local authorities are implementing decisions, and to improve panel member decision-making." I cannot say that this report fully achieves these goals, but I am hopeful that we, together with the government and partners, can work together in order to achieve such worthy aims: to help improve the quality and consistency of decision-making, to understand how orders are implemented, and to ensure that each and every child receives the help they need and deserve.

I would like to thank SCRA for providing the necessary data required for the preparation of this report.

As the legislation requires, this report will be provided to all Panel Members following the laying of the report before Parliament.

- Elliot Jackson, National Convener and CEO, Children's Hearings Scotland

Legislative Context

Section 181 of the Children's Hearings (Scotland) Act 2011 ('the 2011 Act') places a duty on the National Convener to prepare a report "about implementation of compulsory supervision orders" in Scotland as a whole and in each local authority area annually, as soon as practicable after the end of the financial year.

A copy of the report must be given to each member of the children's panel and Scottish Ministers must lay the report before the Scottish Parliament.

Past Developments of the Feedback Loop Report

The first two Feedback Loop reports published, covering the years 2014-15 and 2015-16, presented a range of data about children's hearings and the implementation of CSOs.

The third Feedback Loop report, covering four years (2016-17, 2017-18, 2018-19 and 2019-20) presented a smaller amount of more specific data than the previous reports, focusing exclusively on decisions made in hearings and reported breaches of implementation of CSOs. The fourth Feedback Report covered the previous three years (2020-21, 2021-22 and 2022-23). Starting last year (2024), the Feedback Loop report is drafted using data only from the most recent year.

As noted in previous reports, neither the National Convener nor CHS routinely collect or store information about children, either on an individual or aggregate basis on the implementation of CSOs. This information is held and controlled by Local Authorities, who are responsible for implementing CSOs. Data on decisions made in hearings is held by SCRA. This distance from the data makes collection for the purposes of publication challenging for CHS. In addition, information on the wellbeing of children is not collected in the same way across Scotland.

Over the years, work has been progressed to try and achieve a consistent approach that allows for ease of collection, reporting and use, but this has had limited success.

The first two Feedback Loop reports used reported data on a yearly basis from September to August, in line with the data available from Local Authorities. This report, like the most recent Feedback Loop reports, uses financial years as specified in the 2011 Act.

Implementation of CSOs

If Panel Members are satisfied that compulsory measures of supervision are necessary for a child's protection, guidance, treatment or control, a children's hearing may make a CSO.

The CSO, by including measures setting out what specific arrangements should be made, and by specifying an 'implementation authority' (the Local Authority in whose area the child predominantly resides or with whose area the child has the closest connection), places a duty on a Local Authority to take action.

Under section 144 of the 2011 Act, the implementation authority has a general duty to give effect to a CSO and also a duty to comply with any specific requirements imposed on it by the measures attached to a CSO (for example, a child is required to reside in a particular place or to undergo a specific assessment, or attend a particular school). The section states:

- (1) The implementation authority must give effect to a compulsory supervision order; and
- (2) The implementation authority must in particular comply with any requirements imposed on it in relation to the child by the compulsory supervision order.

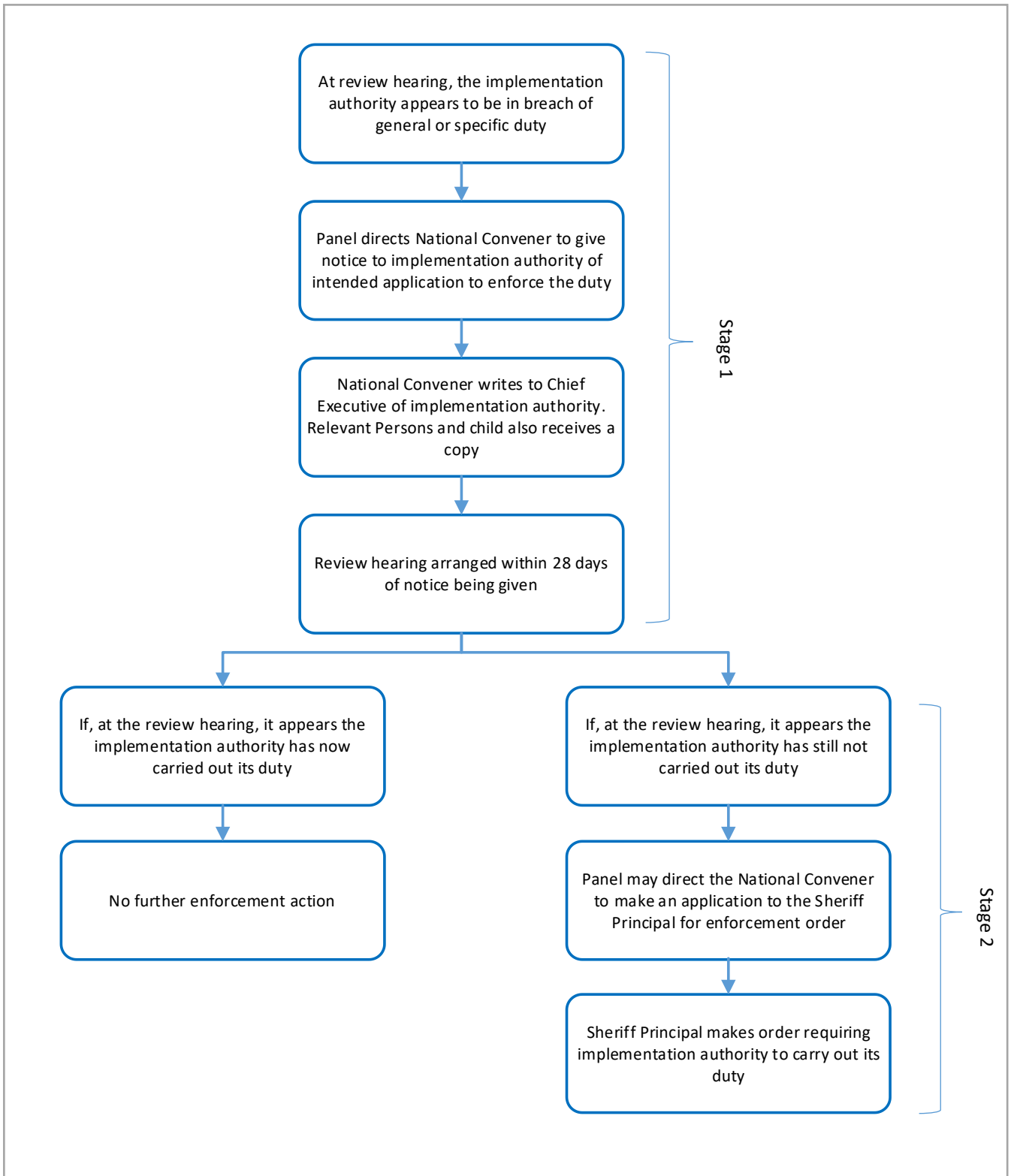
‘Implementation’ therefore concerns whether implementation authorities have carried out the actions required of them by measures in CSOs.

Implementation Breaches

It may become clear, for example at a review hearing, that something other than the measure of supervision directed at a hearing has happened. The implementation authority may have taken other action or taken no action at all. In these circumstances, a breach of the implementation duty may be considered to have taken place as the implementation authority has failed to carry out its duty, as described above. Section 146 of the 2011 Act allows a hearing to direct the National Convener to take action to enforce the authority’s duty.

Any implementation breach is potentially serious. It may indicate that a child is not receiving the support that a children’s hearing has decided is necessary in their best interests. It is important to remedy that breach in order to improve outcomes for children.

A summary of the section 146 process for reporting and enforcement is given overleaf.



Implementation Data

This report focuses on the implementation of decisions made in hearings by bringing together and providing information on three areas:

- (1) A count of hearings in which particular decision types were made in a given year (1st April to 31st March) that place an implementation duty – through a CSO - on an implementation authority. The relevant hearings decisions are:

Decision Type	Description / Definition
CSO Continued	The hearing was satisfied that an existing CSO was still required and that no variation to any of the measures was needed.
CSO Continued & Varied	The hearing was satisfied that a CSO is still required but a change to the measures was needed.
CSO Interim Continuation	The hearing was satisfied that an existing CSO should remain in place short-term, until another decision can be made.
CSO Made	The hearing was satisfied that a CSO was necessary for the child's protection, treatment, guidance or control.
CSO Varied	The hearing was satisfied that an existing CSO was still required, with a change to the measures needed, but the 'relevant period' remained unaltered.

- (2) The number and types of breaches of implementation duty (s.146) that were reported to the National Convener.
- (3) The enforcement actions taken by the National Convener, and their result.

This data is presented over the following pages, separated by Local Authority.

Notes on the data are given at the end of this report.

Report for 2024/25

(1) Implementable Decisions made at hearings:

	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied
Aberdeen City	78	145	50	45	12
Aberdeenshire	71	110	23	45	12
Angus	58	101	19	52	<5
Argyll & Bute	43	62	19	29	<5
Clackmannanshire	50	87	35	45	19
Dumfries & Galloway	138	248	37	92	0
Dundee	78	124	27	77	17
East Ayrshire	98	128	153	71	0
East Dunbartonshire	39	35	13	11	0
East Lothian	47	64	15	21	<5
East Renfrewshire	36	30	17	10	0
Edinburgh, City of	211	267	68	115	11
Eilean Siar	14	30	11	9	0
Falkirk	106	107	57	42	29
Fife	135	269	54	149	37
Glasgow	448	483	216	215	24
Highland	79	218	41	93	7
Inverclyde	78	109	26	35	0
Midlothian	49	45	14	21	13
Moray	19	63	7	33	0
North Ayrshire	143	180	88	52	0
North Lanarkshire	230	253	112	128	<5
Orkney	<5	13	13	5	6
Perth & Kinross	51	75	27	51	10
Renfrewshire	183	211	70	70	<5
Scottish Borders	49	48	10	21	8
Shetland	8	6	<5	8	0
South Ayrshire	65	73	18	38	0
South Lanarkshire	185	269	59	141	14
Stirling	49	50	23	27	17
West Dunbartonshire	143	156	32	64	0
West Lothian	45	70	118	38	9

(2) Implementation Breaches

For the decisions made during the year from 1st April 2024 to 31st March 2025, there were two reports of breaches of implementation duties made to the National Convener, relating to four children. These are detailed below. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The Local Authority did not provide the child with access to a social worker.

Breach 2: The Local Authority did not prepare up-to-date reports for the child or visit the child at home to carry out appropriate checks and assessments of the child's needs.

(3) Action Taken

Breach 1: The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Breach 2: The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Comment and Future Developments

The duty of the National Convener to take action in the face of non-implementation of orders is a valuable mechanism in making sure that the rights of children to receive protection and assistance are upheld. In all instances of breaches, intervention by the National Convener was only required at the end of 'Stage 1'. No breaches were advanced to 'Stage 2'.

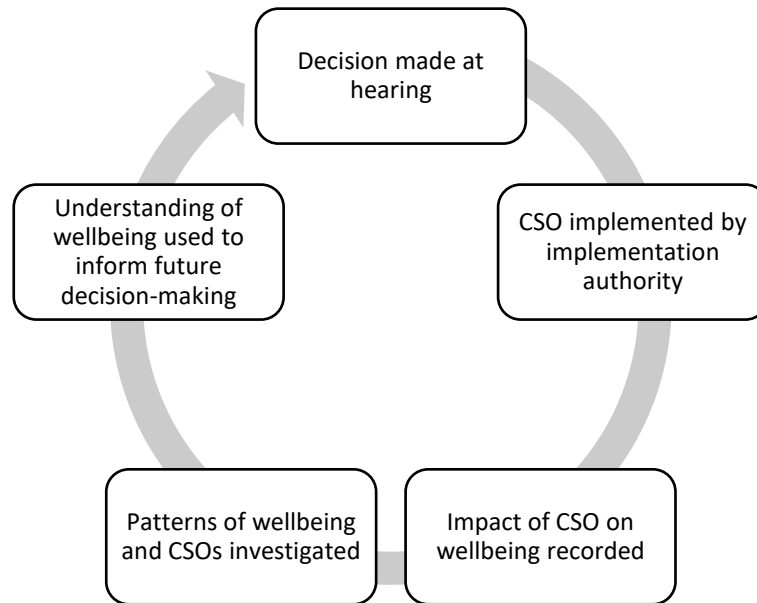
During this one-year reporting period, two implementation breaches were reported to the National Convener for action. These came from within two Local Authorities. This is a very low number relative to the overall number of orders requiring implementation by authorities over this period. As stated in previous Feedback Loop reports, whilst it is heartening to see that low numbers of breaches are reported, it raises the question of whether this is a true reflection of all breaches of implementation duties that occur across Scotland or whether they represent, for example, only the most serious or repeated breaches. It remains our view that the statutory reporting of breaches is an essential part of the National Convener's legislative 'toolkit' to protect the rights of children. Whilst its potential has yet to be fully realised, the National Convener is committed to addressing this. Guidance has recently been produced and released to the panel community to raise awareness of this function and how effective it can be to address Local Authorities not carrying out the measures included in Compulsory Supervision Orders.

'The Promise' 2020 report from the Independent Care Review highlights the importance of ensuring orders are carried out: "...if implementing authorities fail to comply with orders and conditions of the Hearing, then they must be held to account to ensure children and families get the help and support that the Panel wants them to receive". The importance of this is reiterated by the Hearings System Working Group's Hearings for Children Report.

That latter report highlights that a breach of implementation may, on occasion, only be brought to the hearing's attention after the lifespan of the order. In order to address this, CHS welcomes more robust oversight of the orders made by hearings and their implementation.

CHS will continue to monitor the number and types of breaches that are reported in order to identify any patterns and will also investigate whether breaches are consistently being reported via this mechanism. CHS is continuing to raise awareness of the availability of the option to take action in response to a breach of an implementation duty amongst the panel community and welcome full accurate reporting of instances whereby a local authority fails to carry out their required duties.

Understanding and reporting on the processes around implementation breaches only gives us part of the picture. Both the National Convener and CHS remain committed to achieving a more meaningful data set for Scotland's care system – one that allows us to understand how effectively our systems work by capturing not just the elements of process, but the outcomes and impact on the wellbeing of children. We hope to use wellbeing data to inform decision-making and therefore close the 'Feedback Loop':



This reflects the vision articulated in ‘The Promise’ report, which notes that “Scotland collects data on the ‘care system’ and its inputs, processes and outputs rather than what matters to the experiences and outcomes of the people who live in and around it...Scotland must improve the quality and completeness of its data and consider the potential of data linkage to improve accountability for outcomes rather than inputs alone”.

There is clear alignment between what the Feedback Loop is trying to achieve, and the ambitions of both The Promise and the Hearings System Working Group. It is clear that further work is required to gather a more meaningful data set – we must ascertain if orders are being carried out, but we must also gain an understanding of whether these orders are leading to better outcomes for children in Scotland.

This work will inevitably take time and investment. However, the National Convener is committed to making these improvements so that the Feedback Loop and the data that informs it provide the right information to help improve outcomes for children.

Notes on the Data

The tables feature a count of hearings that made a particular decision during the year. It includes only those decisions that require implementation by an implementation authority.

The years given refer to financial years (1 April to 31 March).

Agenda Item 14a. CHS-2526-22

Meeting:	CHS Board
Meeting Date:	24 September 2025
Title:	Children (Care, Care Experience and Service Planning) (Scotland) Bill Update
Responsible Executive:	Carol Wassell, Director of Positive Outcomes
Report Author:	Carol Wassell, Director of Positive Outcomes

1.	Purpose of Report
1.1	The purpose of this report is to ask the Board to note and provide assurance and information.
1.2	Any member wishing additional information should contact the Executive Lead in advance of the meeting.
2.	Recommendations
2.1	The Board is asked to note this report.
3.	Key Points for Discussion
3.1	Introduction and Background
3.1.1	The Children (Care, Care Experience and Service Planning)(Scotland) Bill (CCCESP) was introduced to Parliament on 17 June 2025.
3.1.2	<p>The Bill is the culmination of the Scottish Governments response to implementing recommendations of the Independent Care Review and the Hearings for Children report. It proposes changes to the care system, including the hearings system, to enable the Scottish Government and its partners to fulfil The Promise. A comprehensive summary by the Scottish Government Information Centre (SPICe) can be found in Appendix 1.</p> <p>The Bill consists of 8 sections:</p> <ol style="list-style-type: none"> 1. Extension of eligibility to receive aftercare support 2. Introduction of a right to advocacy 3. Improvement to the language of care 4. Addressing profit making in residential care 5. Strengthening the not-for-profit principle of foster care 6. Introduction of a national register for foster care 7. Redesign of the children's hearing system 8. Extension of statutory responsibility to Integration Joint Boards in the development of Children Services Plans
3.1.3	Public consultation in relation to both the Hearing for Children Report and the proposed Bill took place in Autumn of 2024 and the summer of 2025. CHS sent its submissions to Government on the calls for evidence and call for views respectively, both of which are publicly available, along with the other individual and organisation responses – see Appendix 2 for CHS response for views.
3.1.4	This is an early stage in the progress of the Bill towards becoming law. The Bill will pass through three formal stages in the coming months as it is scrutinised by

Agenda Item 14a. CHS-2526-22

	parliamentary committees. CHS has been asked to give evidence to those committees.
3.1.5	If the Bill becomes an Act, which if successful is anticipated to be in April 2026, nothing will change immediately. In the same way that the Children (Care and Justice) (Scotland) Act 2024 will not come fully into force until 2026, we do not expect a new Act reflecting the proposals in the Bill to come into effect until the period spanning 2027 to 2030.
3.2	Key Inclusions of the Bill
3.2.1	The Bill carries an associated Financial Memorandum that sets out the investment required from the Scottish Government to support the Bill/Acts implementation and its ongoing support.
3.3	Summary/Review/Details of Project
3.3.1	Within CHS our Hearings Redesign 2030 Programme will prepare for, and implement, change.
3.4	Workstreams
	There are three workstreams
3.4.1	<p>Work stream 1</p> <p>Supporting the Bill through Parliament. Preparation for presentation to committees is ongoing. Clarity on our policy positions is key to answering the questions of the Committees and particular attention is being paid to</p> <ul style="list-style-type: none"> • Power for the National Convener to convene single-member panels for certain defined preliminary decisions, • Remuneration for certain Panel Members to fulfil identified Chairing Member roles Paid Specialist Panel Member, • Removal of the child's obligation to attend their hearing • Role of Reporter and Grounds Hearings Role of Reporter • Grounds Hearings • Powers of the Chairing Member and of the hearing to manage the attendance of relevant persons. <p>In addition, we are supporting the secondment of a CHS Practice and Policy advisor to work closely with the Sponsor Team until the passing of the Bill.</p>
3.4.2	<p>CHS has worked with the Scottish Government and their analysts over a period of months to model the costs. The figure of £6.8m recurring, along with a one-off cost of £550k for recruitment campaign is carried in the Financial Memorandum and is reflective of the likely and modelled operating costs.</p> <p>It is likely that CHS may incur additional staffing costs to support the transformation. These costs have not been provisioned for at this time, but rather discussions with the Scottish Government are ongoing through the lens of Public Sector Reform.</p>
3.4.3	Work stream 2

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	Engagement with the Scottish Government multi agency work streams. for change that does not require legislation but does require collaboration.
3.4.4	Work stream 3 Internal change projects to deliver Hearings for Children recommendations that can be delivered internally.
4.	Alignment to CHS Strategic Outlook
4.1	This work is aligned to the CHS Strategic Outcome 2024-2027: <ul style="list-style-type: none"> • Theme 1 - Delivering Positive Outcomes <ul style="list-style-type: none"> • Objective 3 - Upholding and promoting children's rights is at the forefront of what we do, and those rights are well understood by our people • Theme 2 - Driving Transformation <ul style="list-style-type: none"> • Objective 1 - Work with partners and stakeholders to lead and influence change. • Theme 3 - Valuing Our People <ul style="list-style-type: none"> • Objective 2 - The organisational design remains agile, adaptable and responsive to support ongoing organisational transformation. • Objective 4 - to develop our people capabilities.
5.	Key Risks
5.1	The Bill does not pass into Law. CHS will need to ensure that planning assumptions over the next 6 months take account of that and mitigate for it accordingly.
5.2	The demands of change outstrip our capacity and funding.
6.	Risk Register
6.1	This work is item 6 on the Strategic Risk Register
7.	Impact on Inequality/Rights
7.1	Impact Assessment Duties have been conducted as appropriate throughout this work and will continue to be considered as change is implemented.
8.	Duty to Inform, Engage and Consult People who use our Services (Internal and External)
8.1	Significant engagement and consultation has been done internally externally on this work. This has included a message house to support messaging to the volunteer community and external partners. We are in the process of developing a comprehensive comms approach for now and the future.
9.	Resource Implications
9.1	Finance and people.
10.	Appendices
	Appendix 1 - SPICE Briefing Appendix 2 – CHS Response to CCCESP Bill

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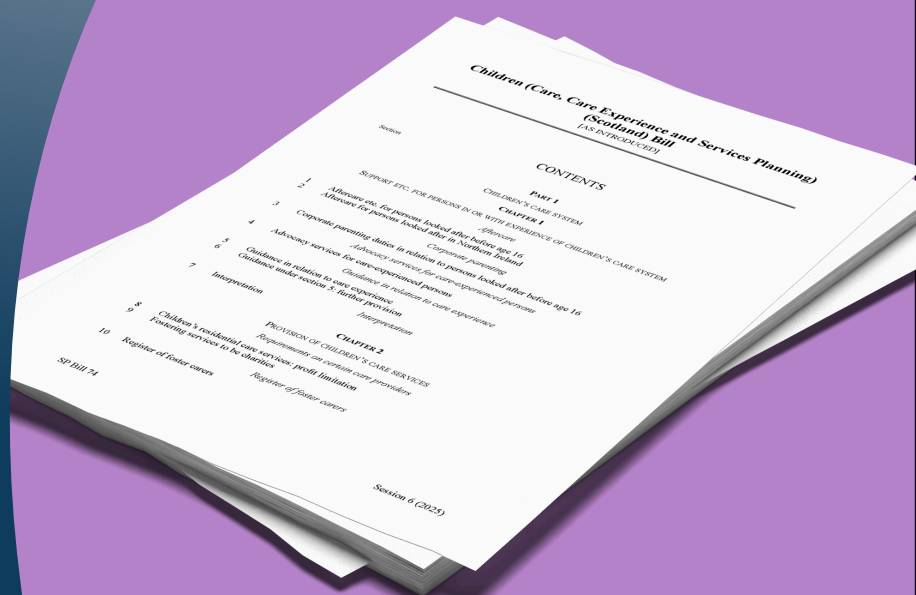
SPICe Briefing

Pàipear-ullachaidh SPICe

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

Lynne Currie, Kirsty Deacon and Sarah Harvie-Clark

The Children (Care, Care Experience and Services Planning) (Scotland) Bill is a Government Bill introduced to the Scottish Parliament on 17 June 2025. It takes forward a number of changes intended to meet various recommendations of the 2020 Independent Care Review (also known as The Promise).



25 August 2025
SB 25-34

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Summary

The [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 17 June 2025.

The Bill is in three parts:

- [Part 1, Chapter 1](#) extends eligibility for aftercare support for young people leaving care prior to their 16th birthday. It also extends corporate parenting duties for certain publicly funded organisations to include those leaving care prior to their 16th birthday, and puts a duty on Scottish Ministers to issue guidance in relation to care experience in order to aid understanding of their circumstances.
- [Part 1, Chapter 2](#) gives Scottish Ministers power to make regulations requiring non-local authority residential care providers to provide financial and operational information through an initial information request. It introduces a requirement for Independent Fostering Agencies (IFAs) to be registered charities, and gives Scottish Ministers powers to create a register of foster carers.
- [Part 1, Chapter 3](#) makes changes to the operation of the children's hearings system, including to the tests for referral to a hearing, the composition of panels, requirements around children's attendance at hearings, and terms of compulsory supervision orders (CSOs) and interim variation of CSOs.
- [Part 2](#) makes changes to planning arrangements for children's services, providing for any Integration Joint Boards (IJBs) covering an area to join local authorities and health boards on the list of bodies required to plan children's services.
- Part 3 contains the final provisions for the Bill.

This briefing explores the provisions of the Bill in more detail. It also considers the policy context and relevant background.

Glossary

Legislation

The legislation referred to throughout the Bill and in this SPICe briefing is set out below:

Children (Scotland) Act 1995: The primary piece of legislation relating to the care, welfare, protection and rights of children and young people in Scotland. It provides a definition of 'looked after' and also makes provision on a range of areas including: local authority duties to children looked after by them; local authority service provision for children and families in need of support; the Children's Hearings System; and [parental responsibilities and rights](#) of birth parents regarding how their child is brought up and situations in which these rights may be removed.

Amendments to the 1995 Act via the [Children \(Scotland\) Act 2020](#) introduced duties for the local authority, when making decisions about the care of a looked after child, to take the views of their siblings into account; and to promote direct contact and personal relations between a looked after child and any of their siblings.

[Adoption and Children \(Scotland\) Act 2007:](#) This Act modernised adoption, introducing Scotland's Adoption Register to help match children placed for adoption with families. It also gives local authorities the ability to apply to court for 'Permanence Orders', vesting parental responsibilities and rights in the authority or being shared between the authority and parents and/or carers. The Act also gives unmarried couples the right to adopt.

[Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#) : This Act amended the 2004 Act of the same name to clarify that all looked after children are automatically considered to have additional support for learning needs, and that they must be assessed to determine whether or not they require a Co-ordinated Support Plan. Under the 2004 Act, local authorities and other agencies have a duty to assess, monitor and support any child who requires additional support in order to engage in education.

Public Services Reform (Scotland) Act 2010: Part 5 of the 2010 Act provides the current regulatory regime for residential care providers.

Children's Hearings (Scotland) Act 2011 : This Act fundamentally overhauled legislation on the children's hearings system and sought to strengthen children's rights in the context of that system.

Children and Young People (Scotland) Act 2014 : This Act introduced a range of reforms across children's services, including: the introduction of [corporate parenting duties](#) for certain publicly funded individuals and organisations to meet the needs of care experienced people; local authority duties to provide services and support for children at risk of becoming 'looked after' and to provide assistance for kinship carers; extension to the age of eligibility for aftercare support for young people leaving care to 26; the introduction of 'continuing care', providing those leaving care up to the age of 21 with the opportunity to continue with accommodation and support they were provided with immediately before they ceased to be looked after.

Public Bodies (Joint Working) (Scotland) Act 2014: Provided the framework for integrating health and social care services in Scotland by establishing new integration authorities.

Children (Care and Justice) Act 2024 : This Act introduced changes in relation to the care of children involved in the care system and the criminal justice system. Provisions in the Act ending the placement of under 18s in Young Offenders Institutions (YOIs) were enacted in September 2024. ¹ Provisions giving children in secure accommodation 'looked after' status for the purposes of accessing support were also enacted in 2024. Once fully enacted, the Act will:

- raise the age of referral to the Children's Hearings System from 16 to 18
- make changes to the prevention and protection measures available within the system
- introduce additional regulation and recognition for cross-border placements where children from outwith Scotland are placed in secure accommodation here
- introduce new standards and reporting procedures for secure transportation to and from secure care
- establish a single point of contact for victims.

The 2024 Act also repealed the Named Person and Child's Plan provisions in the Children and Young People (Scotland) Act 2014, which were never enacted.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 : This Act came into force on 16 July 2024. It protects children's rights in law, giving them access to legal redress if their rights are breached in relation to laws originally made in the Scottish Parliament.

Regulations

Regulations relevant to the Bill are listed below.

Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003: These regulations set out local authorities' legal duties to prepare young people for leaving care, providing for advice and assistance - known as 'aftercare' support.

Looked After Children (Scotland) Regulations 2009: These regulations underpin many processes around the care of looked after children, making provision for the duties and functions of local authorities in relation to children looked after by them and revoking and amending previous regulations. They make provision for the care planning process; children 'looked after at home'; kinship care; foster care; and residential care.

These regulations were [amended in 2021](#), introducing a duty for local authorities to place siblings together in care, as long as this is in their best interests. If it is not in their best interests to be placed together, brothers and sisters must be placed in homes near to one another.

Terms

Advocacy: Helps people express their views and make informed decisions. Advocates do not reach a decision on an issue for someone, instead they support that person to make their own choices.

Aftercare: Support provided to an eligible young person leaving care on or after their 16th birthday.

Care Experienced: While there is not a definition in law, a care experienced person is someone who has spent any length of time in the care system during their life.

Children's hearing: A children's hearing is a legal meeting during which panel members (the tribunal decision makers) make legal decisions about the care and protection of young people referred to them.

Compulsory supervision order (CSO): Children's hearings can decide whether or not to make a CSO. Introduced by the Children's Hearings (Scotland) Act 2011, CSOs can contain conditions of residence stating where the child must live, in addition to other conditions such as contact with family members. A CSO is a legal order that means the local authority is responsible for implementing the child's care plan and promoting their welfare.

Corporate parenting: Scottish public bodies defined as corporate parents in the Children and Young People (Scotland) Act 2014 have duties toward care experienced young people, including promoting their interests, assessing their needs and providing opportunities and support.

Foster care: Where children or young people cannot be cared for by their birth parents or by a kinship carer, the local authority may place them into foster care with an approved foster carer. Often this is a temporary arrangement, but it can become permanent under some circumstances.

Independent Care Review: This review made recommendations about the reform of the children's care system in its final report, *The Promise*, published in 2020.

Integration Joint Boards (IJBs): Introduced by the Public Bodies (Joint Working) Scotland Act 2014, IJBs are responsible for planning health and care services. Certain services that were traditionally the responsibility of either the health board or the local authority became the responsibility of the IJB: these are called delegated services. For other services, including children's health services, and children's social care services, the partners could decide whether to integrate them or not. What emerged were 31 health and social care partnerships for planning and delivery purposes. However, most staff continued to be employed by either the health board or local authority. 10 health and social care partnerships also have delegated children's health and social care services.

Interim compulsory supervision order (ICSO): Where a hearing defers a decision regarding a child not already subject to a CSO, an ICSO may be made where a children's hearing panel is satisfied it is necessary as a matter of urgency.

Kinship care: This is where a child or young person who can no longer be cared for by their birth parents is looked after by extended family or someone known to them. The Looked After Children (Scotland) Regulations 2009 defines a kinship carer as "a person who is related to the child" or "a person who is known to the child and with whom the child has a pre-existing relationship".

Looked after: The term 'looked after' is used where a local authority has taken on some legal responsibility for the care and wellbeing of a child or young person. The Children (Scotland) Act 1995 sets out the definition of 'looked after' and local authority duties to looked after children in their care.

Residential care: Children and young people may be placed in care in residential children's homes via a children's hearing or on a voluntary or emergency basis.

Residential children's homes can be run by local authorities or the voluntary or independent sector. There is variation in terms of provider, purpose and size of these.

Scottish Children's Reporter Administration (SCRA): When children are referred for hearings, these are organised by SCRA. The SCRA Principal Reporter prepares a list of reasons, known as 'grounds' why a child may be considered to be at risk. This forms the basis of a referral to a children's hearing.

Background: Care system reform and The Promise

The children's care system in Scotland is currently going through a period of reform. This began with the [Independent Care Review](#), commissioned in February 2017 to carry out a 'root and branch review' of the care system. A key purpose of the review was to look at how Scotland might address the inequality of outcomes care experienced people face in many areas of their lives, such as health and education.

The review findings, set out in [The Promise](#), were published in 2020 and accepted by the Scottish Government. A further [review of Scotland's children's hearings system](#) was also carried out, with findings published in 2023.

The Children (Care, Care Experience and Services Planning) (Scotland) Bill forms part of the Scottish Government's work to implement the recommendations of The Promise. It follows consultations on: [moving on from care into adulthood](#); [the future of foster care](#); [developing a universal definition of care experience](#); and [children's hearings redesign](#).

Further information on the reviews and consultations highlighted above can be found in the following sections of this briefing.

The SPICe briefing [Scotland's care system for children and young people: Subject profile 2025 update](#) sets out further background on Scotland's care system for children and efforts to reform it. ²

The Independent Care Review and The Promise

The Independent Care Review was commissioned in February 2017 to carry out a 'root and branch review' of the children's care system. A key purpose of the review was to look at how Scotland might address the inequality of outcomes care experienced people face in many areas of their lives, such as health and education.

People with experience of the care system represented half of the review group's co-chairs and working group members. During the lifetime of the review, the views of over 5,500 care experienced children and adults, as well as parents, carers and the care workforce, were listened to.

The review findings were published in February 2020 ³. The main findings were set out in The Promise ⁴, and accompanying reports examined different aspects of the care system ⁵. The Promise gives a vision for a Scotland where, by 2030, all children grow up loved, safe and respected with effective support reducing the need for children to go into care. This vision is built on five foundations:

- **Voice:** Children must be listened to and involved in decisions about their care.
- **Family:** Children feel loved and safe in their families and families are given the support they need.
- **Care:** Children must not be separated from their brothers and sisters wherever possible. Legislation to help siblings in care stay together has since come into force in

July 2021.⁶

- **People:** Care experienced children must be supported to develop relationships.
- **Scaffolding:** Children, families and the workforce must be supported by an accountable system that provides help and support when required.

The Scottish Government [accepted the recommendations of the review in February 2020](#).

Following publication of the recommendations, [The Promise Scotland](#) was set up by Ministers as an independent organisation to oversee change. Its goal is to enable Scotland to 'keep the promise' to care experienced children and young people by 2030. In addition, the Oversight Board was set up to review progress.

The Promise Scotland does not hold statutory powers or responsibilities; its role is to oversee, drive and support change. It works with organisations and individuals all over Scotland to help others deliver change for care experienced children and young people.

In a written answer published in March 2021⁷, the then Minister for Children and Young People, Maree Todd MSP, stated that the role of The Promise Scotland is to:

“ ... help drive forward the change needed for Scotland to keep "The Promise".⁷ ”

The Minister also described the role of the Scottish Government to:

“ ... underpin the work that needs to be done to make the real transformation to developing policy and focus on what matters, the people, the children and families most in need of support.⁷ ”

Ministerial responsibility for The Promise currently sits with the Minister for Children, Young People and The Promise, Natalie Don-Innes MSP, reporting to the First Minister.

A Cabinet sub-committee on The Promise was set up to monitor progress and decision making in relation to the Promise across a number of portfolios. Sub-committee members are: the First Minister; the Minister for Children, Young People and The Promise; the Cabinet Secretary for Finance and Local Government; the Cabinet Secretary for Justice and Home Affairs; the Minister for Drugs and Alcohol Policy; the Minister for Equalities; and the Minister for Social Care, Mental Wellbeing and Sport.⁸

Hearings System Working Group

The Hearings System Working Group chaired by Sheriff David Mackie published [recommendations for the redesign of the children's hearings system](#) in May 2023. Recommendations in the report included:

- Children and families must understand their rights and how to access them. Advocacy support must be offered at the point of referral, and children must be told about their right to legal representation.
- The Principal Reporter should work closely with children and families, and grounds should be agreed in a separate process prior to a hearing. There should not be long

waits while grounds are being established, and children and families must understand why they have been referred.

- The working group found evidence children's hearings are viewed as confrontational. This should change, with the focus being on what is best for the child.
- There should be a consistent, remunerated and highly-qualified Chair of the Panel and two Panel Members.
- There should be consistency of Sheriffs and Panel Chairs, so that children become familiar with them and they are familiar with the circumstances of the case.
- Sheriffs should have special training in order to work alongside children and their families, with Sheriff Court experiences feeling similar to that of a hearing.
- The Principal Reporter should be able to work with families before the birth of a child, to enable planning and avoid rushed decisions after birth.
- Preparation before a hearing should give children and their families the opportunity to meet the Chair, provide clear communication in the name of the Chair about the meeting and meetings should be scheduled at a time which causes the least disruption to a child's life.
- Children, families and the related workforce must have the time they need to read information prior to a hearing taking place.
- The plan for system change must be led by the Scottish Government.

The [Scottish Government response](#) to the report accepted a number of recommendations, identified others requiring additional analysis, and declined to accept several others including proposals to introduce salaried professional Chairs and remunerated Panel Members. However, the Bill does propose the introduction of remuneration for Chairing Members and Specialist Members of the children's panel.

Scottish Government consultations

Ahead of the Bill's introduction, the Scottish Government held consultations on:

- [Moving on from care into adulthood](#)
- [The future of foster care](#)
- [Developing a universal definition of 'care experience'](#)
- [Children's hearings redesign.](#)

Key themes emerging from these are summarised in the following sections.

Moving on from care into adulthood consultation

The [consultation on moving on from care into adulthood](#) sought information about the experiences of those leaving care in relation to areas including planning and preparation,

continuing care, aftercare, health and wellbeing support, education, employment and housing.

The [consultation analysis](#) was published in January 2025. There were 69 responses to the consultation, with 22 from individuals and 47 from organisations. Respondents highlighted issues including:

- the need to involve the young person and their family in timely planning
- supporting young people to develop life skills including financial management and self-care
- the role of advocacy for care experienced young people
- extension of eligibility for continuing care and aftercare to other groups of care experienced young people, particularly those leaving care before their 16th birthday
- greater need for awareness around rights and corporate parenting responsibilities
- a need for lifelong support for care experienced people; and
- the importance of trauma informed multi-agency collaboration.

Future of foster care consultation

The Scottish Government consulted on the future of fostering in Scotland between October 2024 and February 2025. [The consultation](#) asked for views on a flexible fostering approach, how people could be encouraged to become foster carers and what support foster carers need.

The [future of foster care consultation analysis](#) was published in July 2025. There were 100 responses, with 55 of these from individuals and 45 from organisations. 21 consultation events were held with children and young people, foster carers and other professionals, and findings from conversations Who Cares? Scotland held with 42 children and young people are also noted in the analysis.

Issues highlighted by respondents included ⁹ :

- While there was support for the Scottish Government's proposed vision for foster care, many felt it would be difficult to achieve due to issues such as limited funding and falling numbers of foster carers.
- Support for the development of a flexible fostering approach, including a bigger role in supporting families at the edge of care. However, there were also concerns that this could pose some risk to foster carers and lead to them being expected to carry out work currently done by professionals such as social workers.
- The need for foster carers to have terms and conditions and roles and responsibilities more clearly defined in order to support a flexible fostering approach.
- The need for improved terms and conditions for foster carers was also highlighted, with 47% stating the current financial model was not effective. 82% said there should be a national approach to fees and additional payments. 92% said foster carers

should have a retainer fee when they do not have a child placed with them.

- 96% of respondents said there should be a national approach to continuing care allowances.
- Questions around what role Independent Fostering Agencies (IFAs) should play in the future of foster care, with 84% of respondents stating they should have the status of a charity in order to restrict profit. 90% agreed IFAs should pay their foster carers at least the Scottish Recommended Allowance (SRA).
- Concerns around the impact of changes relating to IFAs on the number of foster carers.
- Support for a national foster carer recruitment campaign.
- 83% of respondents said there was a need for a new training and skills framework for foster carers.
- There was support for the proposal to create a National Register of Foster Carers, with many respondents favouring a register managed by central government, and other suggestions including the Scottish Social Services Council (SSSC), the Association for Fostering, Kinship and Adoption (AFKA) Scotland or other third sector. AFKA Scotland currently hold Scotland's adoption register. A national approach to matching children and carers was supported by respondents, though there were concerns this would be hard to put into practice and cause problems with current placements.
- The proposal for a national charter for foster carers was supported by many.
- 91% of respondents said national guidance for dealing with allegations and raising concerns about foster carers should be updated to be made clearer. Respondents also said foster carers should have a right to raise concerns.
- Housing, cost of living support for foster carers and resources and information were other areas highlighted.

Developing a universal definition of care experience consultation

The Scottish Government launched a [consultation on the development of a universal definition of care experience](#) in October 2024.

The consultation sought views on the need for such a definition, the impact of introducing this and about language used to speak about care experienced people. [Consultation analysis](#) was published in July 2025.

There were 142 responses to the consultation - 71 from individuals and 71 from organisations. 58% of the responding organisations had corporate parenting duties under the Children and Young People (Scotland) Act 2014. Eight stakeholder events were also held, with representatives from local authorities, health boards, membership bodies, and third sector and higher and further education organisations.

On a universal definition, the consultation found:

- 80% support for a universal definition of 'care experience'.
- Respondents identified that a definition might be useful for research and data collection and may also enable 'care experience' to be included in adjustments to the Equality Act 2010.
- Concerns around the potential impact of a universal definition on resources and budget.
- Concerns around the potential for a definition to exclude some people and create stigma around care experience if not appropriate.
- There was support for looked after at home, kinship care (both looked after children and non-looked after children), foster care, residential care, residential special school, supported accommodation, secure care and adoption being included in the definition.
- A number of respondents also said unaccompanied asylum-seeking children should be included in the definition.
- Respondents also noted the need to consider how a definition interacts and impacts on existing and future legislation and policy.

On the language around care, the consultation found:

- Many felt current language is unclear and/or inconsistent and existing terms had negative impacts on care experienced people.
- Support for consultation with care experienced people about language used.

Children's hearings redesign

A [Scottish Government consultation on children's hearing system redesign proposals](#) launched in July 2024, which ran to October 2024. An independent analysis of responses was published in February 2025.

The analysis found there was general support for a move away from an adversarial approach to children's hearings toward an inquisitorial one, though some expressed concerns about a complete move away from this in terms of legal rights. There was also support for ensuring children's voices are at the heart of the system and alignment with the United Nations Convention on the Rights of the Child (UNCRC). The need to consider the unintended consequences of changes to the system was also highlighted by many respondents.

While 51% of respondents did not answer a question on whether there should be "some measure of payment for panel members, over and above the current system of expenses, in return for the introduction of new and updated expectations", of the 49% that did answer, 26% said no and 74% said yes.

A proposal for the creation of a new 'legal member' was not a recommendation of the Hearings System Working Group, but was included in the consultation. The qualified legal member would reform the role in determining grounds for referral to a children's hearing

currently performed by a sheriff. The legal member would operate in the children's hearing centres but would not be a children's panel member.

Of the 43% of respondents answering a consultation question on whether the creation of a legal member would fulfil the recommendation of the Hearing System Working Group that there should be a consistent specialist sheriff throughout the children's hearing process, 41% said yes and 59% said no.

What the Bill does

This part of the briefing describes the Bill in detail.

Where there was a relevant consultation prior to the Bill's introduction, this part of the briefing includes consideration of what was said on consultation in relation to each section of the Bill.

Part 1: Children's care system

Part 1 of the Bill relates to the children's care system. It is organised into three chapters

- [Chapter 1: Support etc. for persons in or with experience of children's care system](#)
- [Chapter 2: Provision of children's care services](#)
- [Chapter 3: Children's hearings.](#)

Chapter 1: Support etc. for persons in or with experience of children's care system

Chapter 1 of Part 1 proposes changes relating to [aftercare duties](#) (sections 1 and 2) and [corporate parenting duties](#) (section 3) for those [looked after](#), or who have previously been looked after.

Chapter 1 also covers [advocacy services for care experienced individuals](#) (section 4) and [guidance in relation to care experience](#) (sections 5-6).

The [final provision of Chapter 1 \(section 7\)](#) is an interpretation section for Chapter 1.

Section 1 and 2 - Aftercare

Section 1 and 2 of the Bill deal with aftercare.

Aftercare is the term used to describe advice, guidance and assistance beyond universal services provided to children who leave care from age 16. Section 29 of the [Children \(Scotland\) Act 1995](#) (the 1995 Act), as amended by section 66 of the [Children and Young People \(Scotland\) Act 2014](#) (the 2014 Act), sets out that any child leaving care on or after their 16th birthday is no longer a looked after child and will be eligible for aftercare support services.²

Currently, local authorities have a duty to provide aftercare support services to eligible young people leaving care under the age of 19. In addition, eligible young people aged 19- 25 can also request assistance from their local authority, and the local authority must assess their support needs and provide aftercare support to meet those needs if required.¹⁰

Most recently, Section 24 of the Children (Care and Justice)(Scotland) Act 2024 made provision for children remanded or sentenced in secure accommodation to be treated as 'looked after' children, with entitlements to aftercare support.²

Examples of aftercare support can include helping a young person find accommodation; access education and employment opportunities; and/or support their wellbeing through provision of financial support.¹¹

Under the current duties on local authorities, those who left care **prior** to their 16th birthday are not eligible for aftercare support. The Independent Care Review recommended:

“ Aftercare must take a person-centred approach, with thoughtful planning so that there are no cliff edges out of care and support. Scotland should behave and act like a good parent that supports young people as they enter adulthood.⁴ , p92”

A [2022 Who Cares? Scotland petition](#) (PE1958) submitted to the Scottish Parliament's Citizen Participation and Public Petitions Committee included a call for aftercare provision to be extended to those 'previously looked after' young people who left care before their 16th birthday, on the basis of individual need. The petition gathered 533 signatures and was considered by the Committee. In September 2024, the Committee closed the petition on the basis that the Scottish Government was taking forward work on support for the care experienced community and planned to introduce legislation on the Promise before the end of the parliamentary session.¹²

The Scottish Government's [moving on from care into adulthood consultation](#) also found support for extending the eligibility of aftercare provision to other groups of care experienced people, particularly those leaving care before turning 16.

Section 1 of the Bill amends the aftercare provisions in the 1995 Act to extend aftercare eligibility. Section 1(2) introduces a right for children and young people who were formerly looked after before their 16th birthday to request an assessment of their eligible needs between the ages of 16 and 25 and extends the local authority's power to provide aftercare support to meet those needs if required. It is proposed that this will be introduced incrementally for those turning 16 from April 2027.

Section 1(3) amends section 30 of the 1995 Act on provision of financial assistance toward

expenses of education or training to extend eligibility for this to those between the ages of 16 and 25 who were looked after at any point before their 16th birthday.

The [Scottish Government's Policy Memorandum](#) accompanying the Bill sets out groups eligible for aftercare support:

“ Eligible young people are those who have been "looked after" within the meaning of section [17\(6\) and 17A of the 1995 Act](#) before their 16th birthday. That includes those who were looked after at home, within foster or kinship families, or in residential care, as well as those who have been adopted and were previously looked after. Eligibility will also extend to children and young people who left secure accommodation before their 16th birthday, as well as unaccompanied asylum-seeking children who arrive in Scotland before their 16th birthday and disabled children and young people who have received care under [section 25 of the 1995 Act](#).¹³,p7”

Section 2 of the Bill amends section 29 of the 1995 Act to include those between the ages of 16 and 18 who were looked after in Northern Ireland and are now resident in Scotland as a group eligible for aftercare support from a local authority. This brings parity with current provisions already in place for children from England and Wales.

Section 3 - Corporate parenting

Section 3 of the Bill relates to corporate parenting.

A **corporate parent** is one of [the publicly funded individuals or organisations](#) with legal responsibilities under Part 9 of [Children and Young People \(Scotland\) Act 2014](#) ('the 2014 Act').ⁱ

These responsibilities are called **corporate parenting duties**. They aim to ensure that [looked after children](#), and young people leaving care from age 16, receive the same support and opportunities as any good parent would provide. Corporate parents must work together to meet the needs of this group.ⁱⁱ [Examples of corporate parents](#) include Scottish Ministers, local authorities, NHS health boards, [Police Scotland](#) and further and higher education bodies.

At present, corporate parenting duties apply to [looked after children](#), as well as those who left care **on or after** their 16th birthday but who are under 26.ⁱⁱⁱ

Section 3 of the Bill amends the 2014 Act in a manner similar to the way in which [section 1 of the Bill](#) amends the [Children \(Scotland\) Act 1995](#).

The effect of section 3 is that the corporate parenting duties would now apply for the first time to those children and young people who were looked after, but who left care **before** their 16th birthday.

ⁱ [Children and Young People \(Scotland\) Act 2014](#), Part 9 and schedule 4.

ⁱⁱ [Children and Young People \(Scotland\) Act 2014](#), section 60.

ⁱⁱⁱ [Children and Young People \(Scotland\) Act 2014](#), section 57(1) and 97(2); [Children \(Scotland\) Act 1995](#), sections 17(6) and 17A(2).

Scottish Government consultation

Unlike the proposal for aftercare in section 1, the Scottish Government's 'Moving on' Consultation did not contain a specific question on the proposal now contained in section 3.¹⁴ However, some of the consultation responses still addressed themes relevant to corporate parenting.¹⁵

A common theme was a need for greater awareness and access to information for young people on corporate parenting responsibilities.¹⁶ Several respondents suggested that corporate parents should work more closely and plan better to support young people moving from care into adulthood.¹⁷

Section 4 - Advocacy services for care-experienced persons

Advocacy helps people express their views and make informed decisions. Advocates do not reach a decision on an issue for someone, instead they support that person to make their own choices.

Section 4 of the Bill says that Scottish Ministers must, by regulations, confer rights of access to what it refers to as **care experience advocacy services**.

Policy background

Section 4 of the Bill relates to the recommendation from The Promise that care-experienced individuals should have a statutory right to advocacy throughout their care journey and beyond. Key principles from The Promise in this area include, for example:

- care experienced children and adults must have the right and access to advocacy, at all stages of their experience of care and beyond
- advocacy should be based on need, with no upper age limit
- advocates must be independent, representing the individual's interests—not those of service providers or other organisations
- to ensure independence, advocacy services must be structurally, financially, and psychologically separate from statutory bodies.¹⁸

In practice, advocacy is likely to be most needed when children, young people, or care-experienced adults are navigating the care system or interacting with key services like health, education, police, or social work.

At present, **Scotland's advocacy landscape is complex and uneven**. While some rights to advocacy are legally protected, in other areas it remains a matter of good practice.

Scoping work for the Bill suggests that local authorities provide a "significant" level of advocacy services for care-experienced children and young people, but the extent of this provision still varies widely between different local authority areas (Policy Memorandum, para 50).¹³

Some examples of advocacy provision in other legislation are set out below.

Advocacy in existing legislation

Key legislation on advocacy includes:

- the [Mental Health \(Care & Treatment\) \(Scotland\) Act 2003](#), which requires local authorities and health boards to work together to ensure that independent advocacy services are available for those with a mental health condition, learning disability, or dementia^{iv}
- the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#), which, as amended in 2009, provides free, publicly funded advocacy for families and young people involved in cases before the [Additional Support Needs Tribunal for Scotland](#)^v
- the [Children's Hearings \(Scotland\) Act 2011](#), which has, since the relevant provision was brought into force in 2020, required that a child or young person is informed of [a specialist advocacy service](#) to support their participation in [a children's hearing](#)^{vi}
- the [Social Security \(Scotland\) Act 2018](#), which gives disabled people the right to access free advocacy when applying for Scottish social security benefits^{vii}
- section 21 of the [Children \(Scotland\) Act 2020](#), **not in force**, and with no concrete plans for future implementation¹⁹ - this requires Scottish Ministers to make what they consider to be "necessary and sufficient" provision for advocacy services for children and young people involved in [certain court disputes, typically between their parents over childcare arrangements following separation or divorce](#).^{viii}

Section 4 - in more detail

The Policy Memorandum (paragraphs 49–50) states that the new right to advocacy is not intended to "cut across or duplicate" existing, bespoke advocacy entitlements. It also highlights that current advocacy services, such as [those provided through the children's hearings system](#) and [local authority-led advocacy](#), will remain pivotal.¹³

Much of the detail around the right to advocacy under section 4 is **left to secondary legislation**. The Scottish Government argues this approach will "provide a degree of

iv [Mental Health \(Care & Treatment\) \(Scotland\) Act 2003](#), section 259 and 328.

v [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#), section 14A, inserted by the [Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#) sections 10 and 26(3).

vi [Children's Hearing \(Scotland\) Act 2011](#), section 122; The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 SSI 2020/370.

vii [Social Security \(Scotland\) Act 2018](#), sections 10-11.

viii [Children \(Scotland\) Act 2020](#), section 21.

flexibility", allowing updating of the scheme "to reflect future circumstances and the needs of the care experienced community" (Policy Memorandum, para 55).¹³

Examples of areas that may be covered by secondary legislation include (section 4(4) and (5)):

- **eligibility for advocacy:** who qualifies for advocacy and the level of support they should receive. For instance, as one option, broader rights could be granted to those who spent most of their childhood in care, while individuals with shorter care histories might receive more limited support (the Explanatory Notes, para 21)²⁰
- **service standards:** the standards that providers of advocacy services must meet - for example, a definition of what constitutes 'independent' in the context of care experience advocacy services does not appear on the face of the Bill, but the Scottish Government intends to set this out in secondary legislation²¹
- **register of service providers:** the possible creation of a register of approved care experience advocacy providers, including who would be responsible for its maintenance
- **qualifications and training:** the required skills, qualifications, and training for individuals delivering care experience advocacy services
- **notification procedures:** how eligible individuals will be informed of their right to advocacy.

The Policy Memorandum (at para 54) says, without giving further details, that the Scottish Government will develop "a clear timeline and programme for implementation" associated with the advocacy service.¹³

Scottish Government consultation

Since The Promise, the Scottish Government has not consulted publicly on the contents of section 4 of the Bill. In accordance with section 4(7), the Scottish Government's intention is to consult in advance of making any regulations (Policy Memorandum, para 55).¹³

Although the Scottish Government's [Moving on from care into adulthood consultation](#) did not ask specifically about advocacy,¹⁴ [as mentioned earlier](#), several respondents emphasised the importance of advocacy for young people leaving care.²²

Separately, The Promise Scotland published a report in December 2023, entitled [Scoping and Delivering A National Lifelong Advocacy Service for Care Experienced Children, Adults and Families](#).²³ Development of this report included engagement with advocacy providers.²⁰

The Scottish Government then held workshops with advocacy providers to discuss the report, where providers strongly supported creating a legal right to advocacy for people with care experience. However, they also raised concerns that, in some areas, resources

may be insufficient to meet future demand (Policy Memorandum, para 56).¹³

Section 5 and 6 - Guidance in relation to care experience

The Independent Care Review found that the term 'care experience' has meaning for many people, and concluded that there should be:

“ ... an expansive and holistic understanding of 'care experience' that includes all the various settings and experiences of care. Within this there must be an understanding of how the role of the state in individuals' upbringing relates to ongoing rights and entitlements. The experience of being cared for must not be stigmatising.”³, p10”

There are existing definitions used by organisations, but these are different and while some may be based on legal provisions such as the definition of 'looked after' in legislation, others are not. The Policy Memorandum accompanying the Bill points to the [Universities Scotland](#) and [Care Inspectorate](#) definitions as two such examples where different wording is used.¹³

The Scottish Government's [Developing a Universal Definition of 'Care Experience' consultation](#) asked respondents for their views on a universal definition. It found broad support (80%) for a universal definition.

The Policy Memorandum states that eligibility for existing support available to care experienced people is not connected by a universal definition, and notes that:

“ ... the lack of a concise and shared definition risks causing confusion about who is included with both service providers and those with experience of care.”¹³, p12”

The Policy Memorandum states that while a statutory definition of 'care experience' was considered when developing the Bill, this was not taken forward:

“ While a statutory definition would enshrine the definition in primary legislation, on balance it was considered that the rigid nature a statutory definition risked the potential to exclude groups of people from such a definition due to too tightly setting parameters.”¹³, p16”

Sections 5 and 6 of the Bill deals with guidance for public authorities and organisations exercising public functions in relation to care experience.

Section 5(1) puts a requirement on Scottish Ministers to issue guidance relating to care experience people and their experiences, in order to promote understanding.

The Policy Memorandum describes what the guidance will do as follows:

“ The guidance will describe what is meant by the term ‘care experience’, as well as wider guidance around language and terminology. It will also assist in raising awareness of social factors that can lead to involvement with the care system and how we drive the change required on how people think about care experience. The guidance will be co-designed with people with care experience and trusted organisations that have a leading role in the sector to address language and an understanding of the care system. This will enable a more flexible approach, which acknowledges a broad range of care experience, to developing guidance which can be reviewed and developed going forward to reflect future circumstances as we move towards 2030 and beyond. ¹³ . p14”

Section 5(2) lists that the guidance issued may "promote best practice in" ²⁴ :

- identifying and communicating with people who are or may be care experienced
- ensuring the needs of care experienced people are taken into account in the planning and provision of public services
- facilitating access to public services.

Section 5(3) puts a duty on public authorities to have regard to the guidance at subsection (1) when carrying out their functions. In addition, where a public authority arranges for any functions to be carried out on its behalf (for example, by entering into a contract with another person/organisation), the arrangements must include a requirement to have regard to guidance issued under subsection (1) where dealing with people who are or may be care experienced.

Section 5(4) places a duty on public authorities to take appropriate steps to raise awareness of guidance issued under subsection (1).

However, the Policy Memorandum sets out:

“ It is not intended that the guidance will replace existing statutory definitions which apply to those who are care-experienced or affect their existing legal entitlements. ¹³ , p14”

In recognition of this, section 5(5) sets out that a public authority exercising functions relating to a particular description of 'care experience' as specified elsewhere in legislation need only comply with the duties in subsections (3) and (4) as far as is consistent with the exercise of those functions.

Section 5(6) sets out the definition of care experienced persons for the purposes of guidance issued under section 5(1). The Explanatory Notes accompanying the Bill state:

“ The definition includes children who are or have been looked after or subject to a kinship care order, as well as adults who were looked after by a local authority or subject to a kinship care order at any point during their childhood. ²¹ , p5”

Section 5(7) sets out that a 'public authority' for the purposes of the section is part of the Scottish Administration, or is a Scottish public authority with "mixed functions or no reserved functions". ²⁴ It also states that a 'function' refers to a function within the legislative competence of the Scottish Parliament to place on the authority.

Section 6 makes further provision relating to the guidance at section 5. Section 6(1) sets out that Ministers must consult care experienced people, those representing the interests of care experienced people and other appropriate people "as the Scottish Ministers consider appropriate".²⁴

Section 6(2), (3) and (4) set out publication and revision of the guidance issued under section 5(1).

Section 7 - Interpretation

Section 7 sets out that, for the purposes of the Bill:

- a 'child' refers to someone under the age of 18
- a 'kinship care order' has the meaning given by section 72 of the Children and Young People (Scotland) Act 2014
- 'looked after' has the meaning set out in sections 17(6) and 17A(2) of the Children (Scotland) Act 1995.

Chapter 2: Provision of children's care services

Chapter 2 of Part 1 relates to the requirements imposed on certain [residential care providers](#) (section 8) and [fostering agencies](#) (section 9).

Chapter 2 also provides for [the creation and maintenance of a register of foster carers](#) (section 10).

Section 8 - Requirements on residential care providers

Residential care is [one option for the care of looked after children](#). It can be provided by a local authority, the third sector or a private provider.

Part 5 of the [Public Services Reform \(Scotland\) Act 2010](#), and associated secondary legislation, provides the current regulatory regime for residential care providers. The regulator is [the Care Inspectorate](#) (although it is referred to as 'SCSWIS' in the 2010 Act).

Section 8 of the Bill would enable Scottish Ministers, through regulations, to enhance the financial transparency of (non-local authority) residential care providers.

Should it be determined that excessive profits are being made, section 8 of the Bill would also enable the Scottish Ministers to make further regulations to limit residential care providers' profits.

[The proposed processes associated with section 8 are described in more detail later.](#)

Section 8 of the Bill applies to two types of (non-local authority) residential care service:^{ix}

- a **children's home**, or home mainly for the care of children - these are usually run by paid staff and, in practice, often accommodate young people over the age of 12.^{25 x}

They provide care and support and, in some cases, education

- a **residential school**, usually a small-scale specialist residential setting that provides care and education to children whose support in the family home or school has not met their needs because of a range of challenges.^{xi}

Policy background

Related to section 8 of the Bill, there have been a number of policy developments.

The Promise

The Promise (at p 110) said that Scotland must make sure that its most vulnerable children are not profited from.³ It also said that Scotland must avoid "the monetisation of care" and "the marketisation of care" by 2030.³

The Competition and Market Authority's report

In 2022, the [Competition and Markets Authority](#) (CMA) published [a report and recommendations](#) following its market study into children's social care, including residential care [and foster care](#), in England, Scotland and Wales.²⁶

The market study, based on data from 2019 to 2022, found that the private sector provided the majority of children's home places in England (**78%**) and Wales (**77%**), compared to only **35%** in Scotland.²⁷

The CMA also found significant problems with how the placements market operates, especially in England and Wales. [Its report highlighted](#) a shortage of suitable placements for children, especially those with complex needs; rising costs from private providers; cases of excessive profits; and financial instability due to high debt levels among large providers. Overall, the market was described as fragile and at risk of disruption if providers were to suddenly withdraw.

ix [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#), section 8(3)(b).

x [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#), section 8(3)(a)(i); [Public Services Reform \(Scotland\) Act 2010](#), schedule 12, para 2.

xi [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#), section 8(3)(a)(ii); [Public Services Reform \(Scotland\) Act 2010](#), schedule 12, para 3.

For Scotland, [the report's recommendations](#) included:

Recommendation 2.1: The Scottish Government is implementing wide policy reforms ... As these changes are made, and as any changes are made to the legislative and regulatory framework, the Scottish Government should consider the potential for unintended consequences, and for these changes to impact on the ability and incentive of providers (of any type) to create and maintain provision to meet the care needs of children.

Recommendation 3.1: The Scottish Government should create an appropriate oversight regime that is capable of assessing the financial health of the most difficult to replace providers of children's homes and warning placing authorities if a failure is likely. Due consideration should be given to placing this regime on a statutory footing.

The market study considered, but ultimately rejected, a **ban on private provision** or a **cap on provider profits**.²⁸ The report warned that capping profits could worsen the shortage of capacity in children's homes, especially in England and Wales, unless the public sector invests significantly to fill the gap.²⁸

Approach in other parts of the UK

Following the CMA report, **England** introduced the [Children's Wellbeing and Schools Bill](#) in 2024, which is now being considered by the House of Lords. It includes proposals similar to those in [section 8 of the \(Scottish\) Bill](#).

Wales passed [the Health and Social Care \(Wales\) Act](#) in March 2025, aiming to eliminate private profit from children's residential care. However, the Scottish Government has rejected this approach, citing lower profit levels in Scotland and emphasising the importance of maintaining placement stability and ensuring sustainable future provision ([Policy Memorandum](#) to the Bill, para 106).¹³

Section 8 in more detail

Section 8 of the Bill would allow Scottish Ministers to **make regulations** requiring non-local authority residential care providers to provide certain financial and operational information through an **initial information request**.

This information would be used to assess profit levels, and if certain key criteria are met (see the box below), Scottish Ministers could impose a **profit limitation requirement** through regulations.

Any imposed profit limitation requirement would be paired with a **continuing information requirement**. This would be used to determine whether the profit limitation requirement should be adjusted or removed over time.

Before any such measures could be introduced or changed, Scottish Ministers must **consult** with local authorities, representatives of service providers, and any other stakeholders they consider appropriate.

Scottish Ministers could also make regulations enabling them to **impose financial penalties** for failure to comply with a profit limitation or information requirement.

Under **section 8**, Scottish Ministers would be able to **impose or change a profit limitation requirement** only if:

1. It is necessary in the public interest, specifically to ensure that the residential care providers offer services that represent value for money.
2. Scottish Ministers have considered:
 - initial information from providers (if it is the first time the requirement is being imposed)
 - ongoing information (if the requirement is being modified or reimposed).
3. Scottish Ministers must also take into account:
 - the wellbeing of children looked after by local authorities
 - the interests of local authorities
 - the interests of care providers, including their ability to make a profit.

Scottish Government consultation

While the subject matter of section 8 of the Bill was considered in the Independent Care Review, the Scottish Government has not since undertaken a public consultation on what is now in section 8 of the Bill.

The Scottish Government "aims to work closely with the children's residential care sector on the issues of financial transparency and profit", with a view to developing regulations associated with section 8. These will be subject to public consultation before they are introduced (Policy Memorandum, para 107).¹³

Section 9 - Fostering services to be charities

Foster care is another option for the care of **looked after children**. When children cannot be cared for by their birth parent(s) or by a **kinship carer**, they may be placed in foster care. This can be a temporary arrangement, but it can also become permanent under some circumstances.

Foster care is primarily organised through the local authority or, where a local authority enters into an arrangement with an external provider, through an Independent Fostering Agency (IFA).^{xii} In practice, local authorities directly provide most placements, with IFAs filling around a third of the remaining need.²⁹

xii Looked After Children (Scotland) Regulations 2009, SSI 2009/110, regulation 48.

Fostering services (through both local authorities and IFAs)^{xiii} are regulated by Part 5 of the [Public Sector Reform \(Scotland\) Act 2010](#) ('the 2010 Act') and associated secondary legislation. [As noted earlier](#), the regulatory body under Part 5 of the 2010 Act is [the Care Inspectorate](#).

Section 9 of the Bill relates to IFAs. It requires an IFA to be a **charity** - either registered in Scotland, England and Wales or Northern Ireland.

The Scottish Government has said that the proposed change [aligns with The Promise's core principles/recommendations on profit in care](#). Furthermore, [because of the legal requirements relating to charities](#), it will ensure IFAs are overseen by the relevant charity regulators ([OSCR](#) for Scottish charities), and must reinvest any surplus into their charitable aims. This, in turn, the Government argues, will boost transparency, prevent profit extraction by the private sector, and enhance public trust in fostering services (Policy Memorandum, paras 108 and 112).¹³

[As discussed in more detail in the next section](#), the proposed change aims to strengthen an existing not-for-profit policy approach to fostering services in Scotland.

The Policy Memorandum states (at para 113):

“ A transition period of **18 to 24 months** will be provided to allow existing IFAs time to adapt and complete the charity registration process, subject to consultation with the sector, including existing IFAs.”

Scottish Parliament, 2025¹³

Policy background

Under the 2010 Act, [and unlike residential care providers](#), all IFAs must be **voluntary organisations**, meaning they are already legally required to operate on a 'not for profit' basis.^{xiv}

However, the [Care Inspectorate](#) does not have formal market oversight role or function in relation to fostering services. It asks providers to declare that they are 'not for profit' at registration.³⁰ The Policy Memorandum (para 109) notes that, in practice, not-for-profit status is difficult to verify or enforce.¹³

The Policy Memorandum (at para 109) says that 16 of Scotland's 25 IFAs are registered charities, but the remainder "operate under private or corporate structures."¹³

In recent years, there have been some policy concerns expressed about IFAs (Policy Memorandum, para 109). For example, a 2025 policy paper by the think tank, [Common Weal](#), entitled [The Crisis In Foster Care In Scotland](#), argues:

xiii [Public Sector Reform \(Scotland\) Act 2010](#), sections 47(1)(i) and 105; schedule 12, para 9.

xiv [Public Sector Reform \(Scotland\) Act 2010](#), sections 59(3)(4) and 105(1).

“ The regulations on foster care continue to allow the subcontracting of local authority responsibilities to agencies. While the regulations specify that these must be non-profit, a number of private companies have now joined in creating provision and these can transfer money to for-profit parent companies through service fees. These compete with local authorities to recruit care experts and foster carers. The Care Inspectorate has not investigated this practice or the often opaque finances of some involved.”

Common Weal, 2025³¹

As alluded to earlier, to qualify as a **charity** in Scotland or elsewhere in the UK, any organisation must meet further, stricter legal requirements. These cover an organisation's charitable purposes and public benefit; use of its property and funds; registration; and oversight by a charity regulator. See, for example, [an explanation of the legal requirements for Scottish charities](#).

Scottish Government consultation

As noted earlier, of those answering the relevant question in the [2024 Scottish Government consultation on the future of foster care](#) (68% of all respondents), over four fifths (84%) agreed that all IFAs should be required to have charitable status, with 16% opposed.⁹

Respondents mainly supported requiring charitable status for IFAs to prevent profit-making and ensure decisions focus on children's best interests. Charitable status would mean surplus funds are reinvested into services, benefiting children rather than shareholders. Some also said that this change would helpfully bring IFAs under the oversight of Scotland's charity regulator, [OSCR](#).

However, against the proposed change, some IFAs and local authorities raised concerns that the charitable status requirement could reduce placement availability and limit flexibility in how providers manage their revenue (Policy Memorandum, para 119).^{9 13}

The discussion about requiring IFA to have charitable status was part of a broader debate in [the Scottish Government consultation](#) about IFA's role in the foster care system, particularly regarding cost, quality, and accountability.³² On this wider issue, respondents expressed mixed views.⁹

Section 10 - Register of foster carers

Section 10 inserts new section 30A into the 1995 Act to give Scottish Ministers the power to "make arrangements for the establishment and maintenance of a register of foster carers" in order to facilitate approval of carers and placement of children at local level.

Section 26(1)(a) of the 1995 Act enables local authorities to provide accommodation to a looked after child by placing them with "any other suitable person". Regulation 21(1) of the [Looked After Children \(Scotland\) Regulations 2009](#) (the 2009 Regulations) sets out that where a local authority approves a person as a suitable carer, they shall be known as a

'foster carer'. The 2009 Regulations also set out detail on approval of foster carers, fostering panels and placement of children with approved carers.

Approval of foster carers and placement of looked after children is carried out at local level. The Bill does not seek to change this - the Policy Memorandum sets out the objectives of the proposals are to:

“

- Enhance safeguarding by ensuring agencies can check if a prospective carer has had their approval removed previously;”
- Support the professional recognition of foster carers by establishing a register that promotes consistency, visibility and alignment with the wider childcare and social care professionals;”
- Support the mobility of foster carers by improving visibility of approval history and fostering status across agencies, recognising that further streamlining the process of transferring between agencies may be needed;”
- Support better respite care arrangements by improving coordination between local authorities;”
- Provide robust national data on foster carers to inform recruitment and policy development;”
- Enable local authorities to find and commission placements more effectively, improving matching for children in care;”
- Provide a national platform to support and inform foster carer training and professional development by enabling greater visibility of participation in learning or training and ongoing development needs. ¹³ , p24”

New section 30A(2) sets out that, in relation to approved foster carers, the register is to include: name and address; approval (or termination of approval) as a foster carer; foster care being provided; reasons for termination of approval where applicable; information relating to the approval (for example, number of children permitted to be in their care); and other information about the person or their family as specified in regulations made by Scottish Ministers. Section 30F sets out the regulations will be subject to affirmative procedure.

New section 30A(3) states the register may also include other information about prospective carers who have not been approved, as is specified by Scottish Ministers.

New section 30B gives further detail of what may be included in regulations made by Scottish Ministers, including provision and removal of information on the register, the creation of offences where fostering services fail to provide information or provide late or incorrect information, and the payment of fees in relation to inclusion and disclosure of information on the register.

New section 30C(1) states that the register will not be open to the public and Scottish Ministers must authorise the disclosure of entries on the register to fostering services or other organisations by regulations. Conditions around disclosure of information and steps taken by a fostering service following disclosure of information can also be set out in the regulations.

New 30C(4) makes unauthorised disclosure of information in the register an offence, with (6) setting the penalty for this as a fine and/or up to three months in prison, though (5) clarifies that this does not apply where information is disclosed by Scottish Ministers or with their authority.

New section 30D enables Scottish Ministers to authorise an organisation to carry out functions related to the register and to make payments to the authorised organisation.

New section 30E allows for Scottish Ministers to provide in regulations for the register to operate on a pilot basis for a specified time and in relation to certain types of fostering services (e.g. In one geographical area) and/or all fostering services but only in relation to certain matters.

Policy background

A [review of foster care](#) was published in 2013, and its recommendations led to the introduction of:

- the Scottish Social Services Council (SSSC) 2017 publication of [The Standard For Foster Care](#)
- national agreed definitions for foster care placements
- a foster care placement limit of three unrelated children (with exemptions in certain emergency circumstances).

The review also explored the development of a national foster carer database to follow on from [Scotland's Adoption Register](#), introduced by the [Adoption and Children \(Scotland\) Act 2007](#). However, a foster care register was not taken forward due to concerns about costs, administrative burdens and data security.¹³

The report of the Independent Care Review in 2020 recommended that a national register should be considered:

“ Scotland should consider a national register for Foster Carers recognising that they care for children within their own home. That must operate in a supportive way that is aligned to the underlying values of how Scotland must care.”³, p78”

Following this, the [Scottish Government's 2024 Future of Foster Care consultation](#) asked for views on a National Register of Foster Carers and found overall support among respondents for this proposal. There were also concerns raised around the potential administrative burdens, data protection risks and unintended consequences such as children being placed outwith their local communities.¹³

Many respondents favoured a register managed by central government. Other suggestions included the Scottish Social Services Council (SSSC), the Association for Fostering, Kinship and Adoption (AFKA) Scotland or other third sector. AFKA Scotland currently hold Scotland's adoption register. A national approach to matching children and carers was also supported by respondents, though there were concerns this would be hard to put into practice and cause problems with current placements.

The Policy Memorandum accompanying the Bill states that the policy intent of a register is to:

“ ... enhance visibility and planning, not override local decision-making or lead to inappropriate placement decisions. It will be designed to support compliance with the UNCRC, particularly Article 3, by helping services make informed, needs-based decisions that prioritise a child’s best interests and right to remain connected to their community where possible. ¹³, p26”

The Policy Memorandum also states that concerns highlighted in earlier reviews about data risks have been mitigated by advancements in technology and improved data security measures.

Chapter 3: Children's hearings

Chapter 3 of the Bill includes provisions relating to changes made within the children's hearings system.

The legislative proposals contained within this Chapter of the Bill have been directed by the [Scottish Government's response to the Hearings for Children report](#) and the responses to the [Children's Hearings Redesign – legislative proposals public consultation](#), held between July and October 2024.

The [Hearings for Children report](#) was published in May 2023 following an independent review of the children's hearings system by the Hearings System Working Group, commissioned by the Promise Scotland. The Group were asked to produce proposals that redesigned the hearings system and defined the legislative changes that were required.

In terms of this redesign, and the legislative changes that are made within the Bill, the [Policy Memorandum](#) (p 28) sets out the context in which this has been done, stating:

“ In developing plans for the redesign of the children's hearings system, the capacity of those working within it and the landscape of other pre-existing policy and practice change commitments, are central considerations. These factors apply alongside the primary objective for the redesigned children's hearings system to deliver the best possible experiences and results to children and their families, and to make necessary changes as soon as possible. The proposals in this Bill are focused on the areas where legislative changes are required to improve children's experiences and outcomes. ¹³ ”

The changes made by the Bill in this chapter come under the following headings, and are set out in more detail below:

- [composition etc. of Children's Panel, children's hearings and pre-hearing panels](#)
- [child's attendance at children's hearings and hearings before sheriff](#)
- [grounds hearings](#)
- [relevant persons](#)
- [other changes.](#)

Sections 11 and 12 - Composition etc. of Children's Panel, children's hearings and pre-hearing panels

This part of the Bill makes changes to the composition of children's panels, allowing them to be composed of a single panel member (rather than the current 3 panel members) in certain defined circumstances ([Section 11](#)).

It also allows certain panel members to be remunerated ([Section 12](#)).

These sections are set out separately below.

Section 11 - Single member children's hearings and pre-hearing panels

Currently, all children's hearings and pre-hearing panels must consist of three panel members.

Section 11 of the Bill allows children's hearings and pre-hearing panels to be composed of a single panel member in certain circumstances.

These circumstances are set out in the Bill as :

- grounds hearings arranged under new section 69C of the 2011 Act (as inserted by Section 14(5) of this Bill - see [Grounds hearings section](#) below for more details) which are for the purpose of considering the statement of grounds where the Reporter has assessed agreement **may** be possible from their meeting with the child and relevant person(s). Single member panels cannot then go on to make a decision on whether to put a compulsory supervision order in place for a child.
- where a child has failed to attend their hearing and another grounds hearing is arranged under section 95(2) of the 2011 Act, or where a child has not been in attendance and the panel members have not been satisfied that the grounds have been accepted, or not, and arrange a further hearing under new section 89C(8) of the 2011 Act.
- certain circumstances where the hearing is making (or extending) an interim compulsory supervision order (ICSO) (or making an interim variation of a compulsory supervision order). This is where the Reporter has directly referred the grounds to a sheriff (under new sections 69D or 69E) and feels an ICSO is needed, and where a grounds hearing has made an ICSO but it will run out before a sheriff has decided on the grounds so a further ICSO may be needed.

For pre-hearing panels, the Bill does not specify the circumstances in which these could be single member, but allows these to be specified by rules made under [section 177 of the 2011 Act](#) by Scottish Ministers. These rules would be subject to the affirmative procedure.

Where there is only a single panel member, they must be someone who has been appointed as a 'chairing member'. The role of chairing member does currently exist under the [Children's Hearings \(Scotland\) Act 2011](#) ("the 2011 Act"), however it is not currently possible to appoint someone as a chairing member.

Therefore, this Bill formally provides for separate categories of:

- ordinary members
- chairing members

- specialist members^{xv}.

Where a single member panel is permitted, the decision on whether to constitute the panel in this way will be taken by the National Convenor.

The Bill, under section 11(5), inserts provision into the 2011 Act relating to having regard to the desirability of having consistency of panel members where a single member panel has previously considered any matter relating to a referral where a three member panel is now being constituted.

The Bill maintains the current appeal elements for certain preliminary decisions made via a single panel member.

The [Policy Memorandum](#) (p 31) sets out the reasoning behind these changes stating:

“ It is anticipated that allowing such decisions to be taken by a single Chairing Member would reduce the requirement for many three member hearings to be arranged to consider such matters, thereby releasing capacity to the system, preserving volunteer time for dispositive decision-making. ¹³ ”

Going on to note (p 31) that while it was "viable to maintain the status quo" (i.e. panels of three members) that this would not "fulfil the policy intent of addressing drift and delay in the decision-making process".

The report by the Hearings System Working Group did not contain a recommendation specifically relating to single member hearings, though did note that there were various decisions that could be made by the Chair of the Panel within the redesigned system.

The [Scottish Government's Children's Hearings Redesign - legislative proposals public consultation](#) saw an almost equal split of respondents when asked if panel members should be able to take decisions without recourse to a full three member children's hearing for certain procedural decisions (Yes - 47%, No - 53%). Though the Policy Memorandum does note that there was more nuance to the views provided than the numbers alone indicate.

The Policy Memorandum summarises these views (pp 31-32), concluding with the following:

“ The Scottish Government takes the view that the enhanced training, or qualifications, expected of a remunerated Chairing Member, along with safeguards related to appropriate appeals or reviews processes, are important inclusions which help mitigate these concerns. Further, there is significant precedence in other legal tribunals which have long established principals of allowing single member panel decision-making where appropriate.”

Section 12 - Remuneration of Children's Panel members

Section 12 of the Bill allows for panel members to be remunerated as well as paid

xv The Bill does not define 'specialist member' but the Policy Memorandum (p 32) notes that it could "be someone with a particular expertise in child services or healthcare, or an additional Chairing member for a Children's Hearing whose particular legal competence is required in the event of an acutely complex case". The identification of this cohort would be for the National Convenor.

allowances. The new powers of remuneration are, in particular, intended to apply to panel members fulfilling identified 'chairing member' roles and any 'specialist members'.

The [Policy Memorandum](#) (p 32) sets out the reason behind this change:

“ The policy intent is not to replace the essential volunteer component of the tribunal model but offer a level of remuneration in recognition of the expanded scope and complexity of the Chairing Member role, and the potential for appointment of specialist panel members whose particular expertise may enhance the ability of the decision-making tribunal in a particular case.”

The [Financial Memorandum](#) (p 36) sets out that the Daily Fee for Chairing Members will be set at £385 per day, in line with the tribunal tiers outlined within the Scottish Government pay policy. Though it also notes that it may be subject to ongoing review.

The Hearings System Working Group had recommended within their [Hearings for Children report](#) that "a decision-making model of a redesigned Children's Hearings System must consist of a salaried, consistent and highly qualified professional Chair accompanied by two Panel Members, remunerated at a daily rate" (p 36).

In the [Scottish Government's response to this report](#), they stated the following in respect of this recommendation (p 8):

“ The Scottish Government is of the view that while the case has been made to increase capacity in the hearings system it is not clear that removing the volunteer element entirely and moving to salaried and pensionable fulltime Chairs, along with wholesale children's panel remuneration, is the appropriate route at this time.”

They set out their reasoning for this, based on the need to maintain the community links panel members bring, along with their motivations for being involved in the system, as well as resource issues and the potential impact on wider services.

In the subsequent Scottish Government consultation, less than half of the [consultation respondents](#) answered the questions relating to the unpaid volunteer model in whole or in part. The Policy Memorandum (p 34) states that the majority of those who did respond "were in favour of both some amount of volunteering and some measure of payment".

Section 13 - Child's attendance at children's hearings and hearings before sheriff

Section 13 of the Bill deals with the child's attendance at children's hearings and hearings before a sheriff.

Current position on children's attendance

Currently, a child must attend each time a children's hearing is considering their case and where there are proceedings in front of a sheriff. The child can be excused from attending, with sections 73 and 103 of the 2011 Act setting out the following conditions that must apply for this to happen:

- the hearing relates to a ground mentioned in section 67(2)(b), (c), (d) or (g) of the 2011 Act and the attendance of the child is not necessary for a fair hearing
- the attendance of the child would place the child's physical, mental or moral welfare at risk
- taking account of the child's age and maturity, the child would not be capable of understanding what happens.

The Bill removes the child's obligation to attend hearings and proceedings before a sheriff, though they retain the right to do so.

The [Policy Memorandum](#) (p 35) sets out that the policy objective of these changes is:

“ ... to embed child-friendly and trauma informed approaches to the child's participation. Removing the obligation to attend will promote and respect individual children's preferences regarding whether they attend their hearing, and how they participate in it. Physical attendance at a hearing does not necessarily equate to, and should not be conflated with, effective participation in the hearing itself, and the overall process. While removing the obligation to attend could, in isolation, risk losing the child's voice in proceedings, that risk will be mitigated through robust engagement with the Reporter at an earlier stage, enhanced offers of advocacy, and changes in practice to promote and uphold the child's effective participation throughout, in a way that suits them.”

While the Bill removes the obligation on the child to attend, it allows children's hearings and sheriffs to require a child's attendance where it is necessary in the following circumstances:

- for a fair hearing
- to assist the children's hearing in making any decision relating to the child.

The [Policy Memorandum](#) (p 35) sets out some situations where it is expected a child must attend:

“ For example, where the grounds of referral relate to the child's conduct which has brought them into conflict with the law, and the consequences for the child may include long-term disclosure of criminal offences, or restriction or deprivation of liberty, the hearing may well consider that the child's attendance is essential to uphold their right to a fair hearing or to assist the hearing in making its decision.”

In requiring this attendance, the hearing or the sheriff must have regard to the following:

- if the child's attendance would place the child's health, safety or development at risk

- taking account of the child's age and maturity, whether the child would be capable of understanding what happens.

The [Hearings for Children report](#) had recommended that "the existing obligation for a child to attend must be removed and replaced with a presumption that a child will attend their Hearing, with some limitations". The Scottish Government set out their reasons for not taking this approach in the Bill in the Policy Memorandum (p 36):

" Consideration was given to including a presumption that the child would attend, as recommended in the Hearings for Children report. However, creating a presumption which can be departed from would, in effect, replicate the current approach of an obligation which can be disregarded in some circumstances, and would risk the law's meaning becoming unclear - that there is no longer an obligation to attend."

The Policy Memorandum also sets out the varying responses from the [Scottish Government's Children's Hearings Redesign - legislative proposals public consultation](#) (p 36), initially stating:

" Consultation respondents tended to agree with the proposal to remove the obligation to attend, with the majority in favour. However, the balance of views on this issue is less clear within the detail of the submitted written responses."

Section 14 - Grounds hearings

Section 14 of the Bill makes changes in relation to the process of establishing grounds. The [Policy Memorandum](#) (p 38) sets out that these changes "are intended to improve the experiences of children and their families in relation to the grounds hearings process".

The [Hearings for Children report](#) made a number of recommendations about the process of drafting and establishing grounds. These included the following:

" Grounds must be established in a separate process before a child and their family attend a Children's Hearing. There must be no more Grounds Hearings."

" A more relational way of working to agree grounds and confirm the Statement of Facts should be encouraged, where the Reporter exercises professional judgement to determine when children and families might be able to discuss grounds."

In [response to these recommendations the Scottish Government](#) noted that in order to address these recommendations that "a greater role for the sheriff court would require the functional, structural and resourcing implications to be explored further with the Lord President and the Scottish Courts and Tribunals Service" (SCTS) and that "there would be significant additional costs". Discussions with SCTS are currently ongoing.

They went on to note that:

“ It would be important to recognise the efforts Reporters already make in terms of reaching agreement with children and families on statements of grounds. It is also important not to underestimate the challenges that accompany attempts to reach consensus with children and families who, by the time they reach the stage of being referred to hearings are - in most cases - assessed as being unlikely to engage with services. Introducing extra measures and processes for reaching agreement may just delay an inevitable need for judicial determination.”

Current process for grounds hearings

Where the Reporter determines that there is a need for compulsory measures of supervision they will currently arrange a children's hearing and prepare a statement of grounds. This is all governed by the 2011 Act.

A 'grounds hearing' must take place where the chairing panel member (of a panel consisting of three members) will explain each ground to the child and all relevant persons (except where they would not be capable of understanding - e.g. due to the child's age). They would then each be asked if they accepted the ground and the supporting facts in relation to the ground.

The panel can then proceed as follows:

- if sufficient grounds are accepted they can decide whether to make a compulsory supervision order (CSO)
- if the grounds are not accepted, or not accepted sufficiently to enable the panel to proceed, they can refer the case to the sheriff or discharge the referral in respect of the ground
- if the child or relevant persons do not have the capacity to understand the ground, or they have not understood the explanation by the panel, the panel will refer the case to the sheriff to determine whether a ground is established.

Where the ground(s) is/are referred to the sheriff the panel can make an interim compulsory supervision order (ICSO) at this point.

The Bill proposes changes to this process. Firstly, that the Principal Reporter has an enhanced role within it, and secondly, sets out new processes where:

- the child is not capable of understanding the ground
- the child is deemed capable of understanding the grounds and
 - is not in attendance at their hearing
 - is in attendance at their hearing.

These are set out in more detail in the two sections below.

Enhanced Principal Reporter role

Under provisions in **section 14** of the Bill, rather than simply moving to arranging a grounds hearing after a decision that compulsory measures are needed for a child,

Children's Reporters would be able to engage with children and family members at this stage. The process around this engagement is set out in new section 69A of the 2011 Act and includes discussion of the statement of grounds and the child's participation in any children's hearing or hearing before a sheriff. The Principal Reporter must also prepare a report which can include the results of this discussion, as well as other information held by the Reporter, as set out in new section 69G of the 2011 Act.

Following this engagement, the Principal Reporter could then proceed under one of the following new sections as introduced by the Bill:

- where there will be agreement with the grounds, a hearing (with three panel members) will be arranged and will open with a formal recording of the acceptance of the grounds but will primarily be focused on making a dispositive decision in relation to the child (i.e. should a CSO be made) - new section 69B
- where it is not clear, but it is possible, there will be agreement to the grounds (or if the Reporter cannot reach a view on possible agreement or the understanding of the ground(s) by a relevant person) a hearing can be convened with either a single chairing member or three panel members to lead a discussion and resolve any undisputed elements of the grounds (the panel cannot go on to make a decision on whether to make a CSO where it consists of a single member) or to decide whether a CSO should be made (this must be a three member panel) - new section 69C
- where there is no reasonable prospect of agreement or constructive discussion of the grounds the Principal Reporter must apply directly to the sheriff to decide whether the grounds are established - new section 69D
- where it is considered that a relevant person does not have the capacity to understand an explanation of the ground(s) the Principal Reporter must apply directly to the sheriff to decide whether the grounds are established - new section 69E.

New section 69F of the 2011 Act replicates current provision where the Principal Reporter has received information under [section 53 of the Criminal Justice \(Scotland\) Act 2016](#) and the child is in a place of safety under the 2011 Act. This sets out that a children's hearing must be arranged to take place no later than the third day after the receipt of the information.

If the Principal Reporter proceeds under new section 69D or E as set out above, they may arrange a children's hearing to decide whether an ICSO is required at this point, if they consider that an ICSO may be necessary as a matter of urgency. This decision can be made by either a single or three member panel.

The Policy Memorandum (p 38) states that 75% of respondents to the [Scottish Government's Children's Hearings Redesign public consultation](#) who answered the question on whether they would support the offer of a "post-referral discussion" between the Principal Reporter and the child and family said that they would. It goes on to note that young people were particularly supportive of this idea.

However, the Policy Memorandum (p 38) also notes that there was "little agreement as to how or with whom the discussion should be conducted", and that the answers reflected some confusion from respondents about which "referral" was the subject of the consultation question (e.g. the referral of the child to the Reporter or the referral of the child to a hearing).

Consultation respondents also disagreed over whether legislative change was needed to make improvements in this area.

Process of putting grounds to a child and relevant person(s)

Section 14(12) of the Bill makes changes to the process of putting grounds to a child and relevant person(s). It makes changes to the 2011 Act which means that, where a child is not capable of understanding the grounds of referral, a grounds hearing can continue to decide whether to make a CSO where all relevant persons agree to the grounds (and the panel consists of three members); they do not have to automatically refer the grounds to a sheriff as is currently the case.

The grounds hearing does, however, retain the ability under the 2011 Act to require an application to be made to a sheriff for determination of the grounds in these situations where it is considered necessary and appropriate. The hearing must also still refer such a case to the sheriff for a determination of the grounds if it is requested by or on behalf of the child, a relevant person or safeguarder.

Where a child is deemed to be capable of understanding the grounds, the Bill introduces a new section 89C and new section 90 to the 2011 Act, and the hearing must proceed in accordance with one of these sections.

Section 89C sets out that even where the child is not in attendance at their hearing (as is no longer required under section 13 of this Bill) that the hearing can take the grounds as accepted or not accepted by the child based on the information available to it (for example, from the report by the Principal Reporter under new section 69G of the 2011 Act). Where the hearing is not satisfied of the acceptance (or non-acceptance) from the information available it must rearrange the grounds hearing and require the child to attend.

New section 90 sets out the process where a child is in attendance at their hearing. In this case the grounds must be explained to the child and relevant person(s) and the panel will decide whether they have understood and accepted the grounds (as is currently the case). Where the child has not understood the ground(s), the Bill allows the panel to proceed, if it is appropriate to do so, on the basis that all relevant persons have agreed the grounds (as set out above).

Sections 15 and 16 - Relevant persons

'Relevant persons' are defined in [section 200 of the 2011 Act](#) and are any parent of the child (whether or not they have parental rights or responsibilities) and any other person who has obtained these rights and responsibilities through the courts.

It is also possible for someone to be 'deemed' a relevant person under [section 81 of the 2011 Act](#). This is where the panel:

“ ... considers that the individual has (or has recently had) a significant involvement in the upbringing of the child.”

The status of those deemed relevant persons can be removed under [section 81A of the 2011 Act](#), but those defined under section 200 of the Act cannot currently have this status removed.

Relevant persons who are notified of a children's hearing are required to attend unless they are specifically excused or excluded. Grounds will be put to all relevant persons for acceptance as well as the child at a grounds hearing.

[Section 76 of the 2011 Act](#) currently allows relevant persons to be excluded from a children's hearing, however, this power cannot be exercised in advance of a hearing.

This part of the Bill makes changes in relation to relevant persons.

It expands the current circumstances under which a relevant person can be temporarily excluded from a children's hearing and alters this decision-making process ([Section 15](#)).

It also makes changes that allow relevant person status to be removed from someone who automatically has this status as defined under section 200 of the 2011 Act ([Section 16](#)).

These sections are set out separately below.

Section 15 - Powers to exclude persons from children's hearing

Section 15 of the Bill slightly expands the current circumstances under which a relevant person can be temporarily excluded from a children's hearing, including a pre-hearing panel, and allows a pre-hearing panel to make this decision prior to a hearing.

The expansion to the circumstances currently set out in the 2011 Act for excluding a relevant person is shown below with emphasis added to show the change made by the Bill:

(a) is preventing, **or is likely to prevent**, the hearing from obtaining the views of the child, or

(b) is causing, or is likely to cause, significant distress to the child.

Similar provisions are also made by the Bill in relation to the representatives of relevant persons.

Section 16 - Removal of relevant person status

Section 16 of the Bill enables relevant person status to be removed from someone who automatically has this status as defined under section 200 of the 2011 Act . This is currently not possible, with only the status of those who are 'deemed' as relevant persons being able to be removed in certain circumstances.

Section 16(2) sets out that this could take place where the relevant person in relation to the child continuing to be such a person is likely to:

“ ... cause serious harm to the child, and infringe the child's rights under Article 8 of the European Convention on Human Rights and that the relevant person in relation to the child ceasing to be such a person is the only way to avoid or sufficiently minimise such harm and infringement.”

The Bill sets out that where a children's hearing decides that a relevant person under section 200 of the 2011 Act should cease to be such a person, this must be referred to a sheriff to make a decision. The Bill sets out the procedure around this in section 16(2). The test applied by the sheriff in making their decision is the same as that set out for the children's hearing above.

The [Policy Memorandum](#) notes this automatic status will only be removed "where they meet clearly defined criteria that form part of a high-bar test". Going on to state (p 41):

“ The test is sufficiently high to ensure that this is only used in the most extreme circumstances where it can be fully justified. Removal of automatic relevant person status will last for the duration of the child's referral but will not automatically apply to any future referrals.”

The Scottish Government also note a recent case in the Court of Session within the Policy Memorandum and the need to respond to this (p 42):

“ In the recent case of A v. Principal Reporter [2025] CSIH 9, the Inner House of the Court of Session found that it is lawful to disapply automatic relevant person status where the participation of that relevant person would unjustifiably interfere with the rights of the child. It is therefore necessary for the Scottish Government to provide a robust mechanism in law for doing so, with appropriate safeguards.”

The Bill enables the decision to remove automatic relevant person status to be appealed to the Sheriff Appeal Court, and that a further appeal can be made to the Court of Session on a point of law or procedural irregularity

The Policy Memorandum sets out information from the [Scottish Government public consultation on Children's Hearings Redesign](#) question on the power to remove automatic relevant person status (pp 42-43), stating:

“ While this prompted strong opinions both for and against, it attracted broad support from a number of key stakeholders, including statutory public bodies and third sector organisations such as Scottish Women's Aid, Who Cares? Scotland and Aberlour.”

Other changes

Sections 17 to 21 of the Bill set out further changes to the Children's Hearings System.

Information about each section is set out in more detail in the following sections:

- Tests for referral to Principal Reporter and making of compulsory supervision order or interim supervision order
- Information about referral, availability of children's advocacy services etc.
- Period for which interim compulsory supervision order or interim variation of compulsory supervision order has effect
- Making of further interim compulsory supervision orders
- Principal Reporter's power to initiate review of compulsory supervision order

Section 17 - Tests for referral to Principal Reporter and making of compulsory supervision order or interim supervision order

Section 17 makes changes to the test for referral to the Children's Hearings System.

Section 17(1) to (5) amend relevant referral provisions in sections 60 (local authority's duty to provide information to Principal Reporter), 61 (constable's duty to provide information to Principal Reporter), 64 (provision of information by other persons) and 66 (investigation and determination by Principal Reporter) of the the 2011 Act from "might be necessary" to "is likely to be needed".

These changes are in response to the Hearing System Working Group recommendation that the referral criteria should be made clearer with the aim of reducing the number of unnecessary referrals³³.

Sections 17(6) and (7) add the word "support" to the existing criteria of "protection, guidance, treatment or control" for referrals to the reporter, and following this, a children's hearing where applicable. As above, sections 60, 61, 64 and 66 of the 2011 Act will be amended by these subsections. In addition, "support" will be added to sections 91, 92, 93, 95, 96, 98, 99, 100, 109, 115, 117, 119, 120, 138 and 139 of the 2011 Act relating to grounds applications and hearings, application of interim compulsory supervision orders, determination of application, review of a sheriff's determination, and functions of children's hearings and the Principal Reporter.

Police Scotland - the largest source of referrals to the Principal Reporter - stated in their response to the Scottish Government's consultation on changes to the hearings system that the proposed changes to referral criteria "will undoubtedly prevent unnecessary hearings, unnecessary criminalisation of children and the negative impact of same".³⁴

The Scottish Government's Policy Memorandum states the Hearing System Working Group recommendation that consideration should be given to removing the words "treatment" and "control" from referral criteria³³ was considered, but that opinion was split amongst consultation respondents. The Policy Memorandum explains:

"... concerns were expressed by others that modernisation of language cannot come at the expense of legal certainty and specificity."¹³

Organisations expressing concerns included the Faculty of Advocates, the Senators of the College of Justice and the Law Society of Scotland.

Section 18 - Information about referral, availability of children's advocacy services etc.

Section 18 places new duties on local authorities, police constables, health boards, and the children's reporter to provide information to children informed about their referrals about: their referrals, the children's hearings process and available advocacy.

Section 18 amends sections 60 (local authority's duty to provide information to Principal Reporter), 61 (constable's duty to provide information to Principal Reporter), 64 (provision of information by other persons) and 66 (investigation and determination by Principal Reporter) of the 2011 Act so that local authorities, police constables, health boards and the children's reporter must inform a referred child about:

“ a) what will happen in relation to the referral to the Principal Reporter, (b) the children's hearing process, and (c) the availability of children's advocacy services. ²⁴ ”

Currently, under section 122 of the 2011 Act, the chairing member of a hearing must inform a child about the availability of children's advocacy services, but this may come too late for the child. The Bill's Policy Memorandum states that the amends in section 18 of the Bill:

“ ... seeks to provide a clear opportunity, enshrined in law, to have the possibility of advocacy, and its potential value to the child, explained at an early stage. The possibility of the children's advocacy worker representing the child across a wide range of situations, will be a marked improvement. The advocacy worker must be appointed, if so wished by the child, by the time of the first referral to a hearing. ¹³ ”

Section 19 - Period for which interim compulsory supervision order or interim variation of compulsory supervision order has effect

Section 19 of the Bill makes changes to the time period for which interim compulsory supervision orders and interim variations of compulsory supervision orders have effect. These terms are explained in the emphasis box below.

Compulsory Supervision Orders and Interim Compulsory Supervision Orders

Children's hearings can decide whether or not to make a **compulsory supervision order (CSO)**. Introduced by the Children's Hearings (Scotland) Act 2011 (the 2011 Act), a CSO is a legal order that means the local authority is responsible for implementing the child's care plan and promoting their welfare. Section 83 of the 2011 Act sets out the meaning of CSOs and the conditions they can contain. These include conditions of residence stating where the child must live, in addition to other conditions such as contact with family members.

Where a hearing defers a decision regarding a child not already subject to a CSO, an **interim compulsory supervision order (ICSO)** may be made. The Scottish Government's 2013 [Children's hearings training resource manual](#) states an ICSO may be made where the panel is satisfied it is "necessary as a matter of urgency"³⁵.

Section 86 of the 2011 Act sets out the meaning of ICSOs and the length of time they have effect – which is currently 22 days following the making of the order at most.

Section 140 of the 2011 Act provides for **interim variations of CSOs**. An interim variation can be made to an existing CSO, with effect for the 'relevant period' - which is again at most 22 days following the making of the interim variation.

The Policy Memorandum accompanying the Bill describes a key principle of the reforms to the system as being to:

“... minimise obligations on children and families to attend repeated and successive procedural meetings, thereby minimising the risks of avoidable further trauma and disruption to children. This applies particularly in cases where there has been no material change in circumstances during the relevant period covered by the first ICSO or an urgent interim variation of a CSO for children and families to reflect, or for decision-makers to consider.”¹⁴, p 48

Section 19(2) of the Bill makes changes to section 86 of the 2011 Act in relation to the maximum duration of an ICSO following the initial order being made. While the maximum duration of the initial ICSO will remain at 22 days, subsequent orders and non-urgent extensions will increase to a maximum duration of 44 days.

Section 19(3) of the Bill makes changes to section 140 of the 2011 Act in relation to the maximum duration of an interim variation of CSOs. Where an interim variation requires to be made urgently, it will apply for a maximum of 22 days. The Policy Memorandum states that for "less urgent" cases, 44 days will be the maximum duration.

60% of respondents to the Scottish Government's consultation on changes to the children's hearings system did not respond to the question asking whether there should be more flexibility in the duration of interim orders. However, of the 40% who did, 90% said there should be more flexibility. Relieving children and their families of the obligation to attend multiple hearings where there had been little change to their circumstances was a key reason for supporting flexibility.³⁶

Those who did not support increasing the maximum duration expressed concerns about the potential for the changes to introduce further drift and delay into the system³⁶. In the

Policy Memorandum accompanying the Bill, the Scottish Government states that such risks:

“ ... can be mitigated through clear guidance to decision makers on ensuring the child's best interests are reflected in the length of ICSOs/interim variations of CSOs, to prevent 44 days becoming the default length as opposed to an upper limit. ¹³ ”

Section 20 - Making of further interim compulsory supervision orders

Section 20 makes technical changes to sections 96 and 98 of the 2011 Act. The Policy Memorandum states this is in order to "improve the congruence between the two" in relation to extensions of interim CSOs. Further detail on the provisions in both sections is explained below.

The Principal Reporter can apply to the sheriff for an extension of an interim CSO where an application has also been made to the sheriff for a grounds determination under section 93 of the 2011 Act.

In the period before the sheriff hears the application, two further interim CSOs may be made. Where this does not cover the period up to the hearing, an extension can be applied for by the Principal Reporter.

Section 21 - Principal Reporter's power to initiate review of compulsory supervision order

Section 133 of the 2011 Act contains a duty for the Principal Reporter to initiate a review of a CSO where the order will expire within three months and would not otherwise be reviewed prior to expiry.

Section 21(2) of the Bill inserts a new power into the 2011 Act (new section 133A) setting out further circumstances in which the Principal Reporter can initiate a review hearing for a CSO, before the expiry of an existing order and without the need for new grounds to be investigated and established.

These changes will mean that the Principal Reporter can initiate a review where:

- there is significant new information
- the order is no longer required
- there are problems with implementation, suggesting the order could benefit from a review.

New section 133A(2) states that 'relevant information' that might trigger a review is:

“ ... information which was not available to the children's hearing ... other than information by virtue of which the Principal Reporter has, since that hearing, prepared a further statement of grounds in relation to the child. ²⁴ ”

The Explanatory Notes accompanying the Bill state that the new power cannot be used where a new section 67 ground applies in relation to the child. ²¹

The Policy Memorandum accompanying the Bill states:

“ ... the power can only be exercised when it is clear that no other party such as the child, family member, or implementing authority has requested the review. ¹³ ”

The Explanatory Notes state that, where a review is initiated under new section 133A, the Principal Reporter must arrange a children's hearing to carry out the review. At the hearing, the panel may decide to terminate, vary or continue the CSO. ²¹

The Scottish Government's [children's hearings redesign consultation](#) asked respondents whether it would be appropriate for the Principal Reporter to be able to initiate a review hearing before the expiry of the relevant period. Only 42% of respondents answered this question, but of these, 67% said yes. ³⁶

Part 2: Children's services planning

Part 2 of the Bill amends existing provisions in Part 3 of the Children and Young People (Scotland) Act 2014 (the 2014 Act) on the planning of children's services.

The Policy Memorandum accompanying the Bill states that, while there was no public consultation on the changes proposed in this part of the Bill, barriers to realising a joined-up approach to planning and commissioning services were identified in a number of recent reviews including the [Independent Care Review](#) in 2020, the [Independent Review of Adult Social Care](#) in 2021, and [CELCIS Children's Services Reform research](#).

[CELCIS's 2023 concluding report on children's services reform](#) found that simplification of the 'integration landscape' of public services in Scotland had the potential to remove "some of the uncertainty and risk being experienced currently"(p 29), stating that different planning and reporting requirements for Children's Services Planning Partnerships (CSPPs) and Health and Social Care Partnerships (HSCPs) posed a challenge:

“ Effective co-operation between agencies can occur under different structural arrangements, and CSPPs and HSCPs may well work well together in some areas, but the benefits of the current complex picture are difficult to determine. ³⁷ , p 29”

The report concluded that any changes to the structure and delivery of children's services must:

“ ... focus on creating the optimal conditions needed to enable success in improving the lives of the children, young people and families who need the support of services. ³⁷ , p 31”

Part 2 of the Bill introduces the new term 'lead children's services planning bodies'. It also provides for any Integration Joint Boards (IJBs) covering an area to join local authorities and health boards on the list of bodies required to plan children's services. Further information on these provisions is [set out in the next section](#).

Integration Joint Boards

The Public Bodies (Joint Working) Scotland Act 2014 was introduced in the same year as the Children and Young People (Scotland) Act 2014. The aim of the Act was to bring health boards and local authorities closer together in the planning of health and care services in the already extant geographical areas (health boards and local authorities). The Act created new bodies - integration joint boards (IJBs), with no direct employees. Chief Officers were appointed, employed by either the relevant local authority or the health board. The IJB became responsible for planning health and care services, crucially, deciding how resources should be spent across health and social care.

Certain services, traditionally the responsibility of either the health board or the local authority became the responsibility of the IJB: these are called delegated services. Some had to be integrated or 'delegated', but with others, including children's health services, and children's social care services, the partners could decide whether to integrate them or not. What emerged were 31 health and social care partnerships for planning and delivery purposes. However, most staff continued to be employed by either the health board or local authority. 10 health and social care partnerships also have delegated children's health and social care services.

Further information about integration can be [found on Audit Scotland's website](#).

Section 22 - Children's services planning

The Bill's Policy Memorandum states the Bill's potential to be a "helpful first step towards streamlining of the planning and reporting landscape in relation to children and families policy" through changes intended to 'streamline' this landscape. It adds:

“ While the proposed change will not achieve this on its own, it equalises the level of planning and reporting duties conferred on local authorities, health boards and IJBs. Streamlining of the planning and reporting landscape, in order to reduce the burden locally, has been a repeated ask from a range of stakeholders including the Children's Services Planning Strategic Leads Network. ¹³ , p 53”

In addition, the Policy Memorandum notes the aim of the proposed change:

“ The objective is to improve outcomes for children, young people and their families by enhancing collaborative working and join up of strategic planning activities across adult and children's services, and in doing so bolster the Government's ability to deliver The Promise. ¹³ ”

Given the role of the Integration Joint Board in planning and commissioning adult health and social care services, the Policy Memorandum states the Bill has the potential to improve provision of whole family support and support smoother transitions between children and adult services for a range of groups including disabled young people.

Part 3 of the Children and Young People (Scotland) Act 2014 (the 2014 Act) legislates for the planning of children's services. It requires each local authority and territorial health board to jointly plan and deliver a three-year Children's Services Plan (CSP). Children, young people, families, communities, 'other service providers' and other relevant public

bodies, funded providers and third sector organisations must be consulted in relation to the development of CSPs.

In the 2014 Act, 'integration joint boards' (IJBs) are listed as an 'other service provider' for the purposes of children's services planning. This creates an unusual situation for children's services, especially where they have been delegated to the IJB. **Section 22** of the Bill amends Part 3 of the 2014 Act to change the status of IJBs in relation to children's services planning where there is a relevant IJB in the local authority area. This change will see IJBs join local authorities and health boards on the list of bodies required to plan children's services. Collectively, and to reflect service planning on the ground, the three bodies are to be known as 'lead children's services planning bodies'.

Section 22(2) inserts the new term 'lead children's services planning bodies' into the 2014 Act. This refers to the local authority, health board and, where applicable, the IJB covering the area.

Section 8(1) of the 2014 Act contains a duty to prepare children's service plans every three years. Section 22(3) of the Bill amends the Act to place this duty on lead children's services planning bodies.

Section 22(4) replaces existing reference in section 10 of the 2014 Act to "a local authority and the relevant health board" with the new term 'lead children's services planning bodies', placing a duty on lead children's service planning bodies to jointly exercise functions conferred on them by Part 3 of the 2014 Act.

Section 22 (5) to (12) change references to local authorities and health boards acting jointly in the 2014 Act to refer instead to lead children's services planning bodies.

Children's service plans are defined by section 8(2) of the 2014 Act as:

“ ... a document setting out their plans for the provision over that period of all-
(a) children's services, and (b) related services. ³⁸ ”

The aims of children's services plans are set out by section 9 of the 2014 Act and are unchanged by the Bill. These aims are to deliver children's services in a way which:

- safeguards, supports and promotes the wellbeing of children in the area
- ensures action to meet needs is taken at the earliest appropriate time and, where possible, to prevent needs arising
- is integrated for those using services
- makes the best use of available resources.

Section 9 also sets out that related services should also safeguard, support and promote children's wellbeing in the area as far as possible.

Section 13 of the 2014 Act contains a duty to publish an annual report on children's services provision. The Bill at section 22(7) replaces reference to local authorities and health boards to put this duty on to lead children's services planning bodies.

Section 22 (12) of the Bill adds into section 18 of the 2014 Act an interpretation of 'IJBs' for the purposes of Part 3 of the Act. This defines IJBs as those established under section 9 of

the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#).

Costs of the Bill

The Financial Memorandum (FM) provides an overview of estimated costs associated with the Bill for 2026-27, 2027-28, 2028-29 and 2029-30.

The overall total costs provided in Table 1 (p 3) are: between £245,000 and £295,000 in 2026-27; £5,826,000 and £7,321,000 in 2027-28; £19,012,000 and £22,084,232 in 2028-29; and £20,730,575 - £23,812,750 in 2029-30.

As explored throughout this briefing, there are a number of proposals for which further consultation is planned to inform guidance to be issued by Scottish Ministers at later, non-specified dates.

Human Economic Cost modelling carried out as part of the Independent Care Review's work found the current care system costs around £942 million per year, while the cost of care system failures is around £875 million per year and a further £732 million is lost "as a result of the lower incomes care experienced people have on average".³⁹ (p5). The FM highlights that one of the aims of the Bill is to reduce the overall cost of delivering Scotland's care system:

“ The Bill has an important part to play and the investment flowing from the Bill will support delivery of better outcomes for children, young people, adults and families. The consequence of the increased supports that the Bill will introduce will reduce demand pressures elsewhere in the public sector landscape, for example, by supporting children and young people to be more independent and economically active through the proposed changes to aftercare and advocacy; and improving children's experience of the justice system and the decision making that surrounds this as a result of Children's Hearing redesign. ³⁹ , p5”

Estimates and costings provided in the FM are explored under the headings below:

- [Estimating the care experienced population](#)
- [Aftercare](#)
- [Advocacy](#)
- [Profit from residential services](#)
- [Non-profit principle for foster care](#)
- [Register of foster carers](#)
- [Children's hearings](#)
- [Children's services planning](#)

Estimating the care experienced population

Costs around provisions in the Bill relating to aftercare, advocacy and guidance on care experience have been worked out using estimates of the care experienced population as the actual figure is not currently known.

The Financial Memorandum (FM) accompanying the Bill sets out that the number of looked after children in Scotland has been falling and is currently at the lowest rate since 2005, noting that:

“ If this trend continues it can be anticipated that the care experienced population will reduce over time. The financial estimates included within the financial memorandum are based on the current care experienced population. As implementation of provisions within the Bill is progressed trends and data on the number of people with care experience will continue to be reviewed alongside the take up of the support to ensure that the budgets identified continue to appropriately match need. ³⁹ , p4”

The FM also states that people whose care experience began prior to 2009 are not included in the data if they did not have further experience of care during 2009 or subsequent years. This therefore makes estimating the total number of care experienced people within this age group challenging. However, the FM contains estimates by age category. These are set out in Table 1.

Table 1: Estimated care experienced population, by age category

Age Cohort	Population size
Under 16	25,017
16-25 years	30,109
26-40 years	16,625
41+ years	138,075
Total	209,826

Source: ³⁹ , p 5

Aftercare

The costs associated with the Bill provisions to [extend aftercare support to everyone looked after before their 16th birthday](#) will fall on local authorities as the numbers of eligible young people receiving support between the ages of 16 and 25 increases.

The FM puts the estimated aftercare cost per young person at £7,617 in 2025-26 prices. This figure comprises a £736 cost for assessment, £2,881 for support (which may include travel costs, emergency funding and other local authority expenditure) and £4,000 'set up' costs to support a young person moving into their own home.

The FM estimates that 484 young people will be supported in 2027-28, rising to 1,144 in 2028-29 and 1,872 in 2029-30. The summary costs to local authorities of providing aftercare support are estimated to be £2,511,000 in 2027-28, £4,954,000 in 2028-29 and £7,435,000 in 2029-30.

The percentage of eligible young people coming forward for assessment for aftercare support has been "assumed throughout to be 48% in line with current uptake" , with 65% of those assessed going on to require support. ³⁹

Advocacy

The FM anticipates the earliest the [advocacy provisions in the Bill](#) could be available is 2028-29, due to time needed to develop and implement changes and required regulations.

Projected costings for advocacy provisions in the Bill are provided looking at uptake of one case of advocacy from 5% and 10% of the full care experienced population.

A 5% uptake is estimated to cost £5,292,00 in 2028-29 and £5,381,000 in 2029-30. A 10% uptake is estimated to cost £7,101,000 in 2028-29 and £7,220,000 in 2029-30.

Consultation costs of between £50,000 and £70,000 are also anticipated for 2026-27.

Guidance in relation to care experience

The FM estimates that the costs arising from provisions for Scottish Ministers to issue guidance in relation to care experience will be minimal. Total costs of between £95,000 and £105,000 are expected in 2026-27 only. Of this, between £5,000 and £10,000 is estimated for the development and publication of guidance. The remainder of the total is staff costs, however the FM notes that existing staff will lead on the work.

Profit from children's residential services

The FM estimates [cost to residential childcare providers](#) of between £800,000 and £3,700,000 over ten years in 2025-26 prices. This is based on the costs of a similar scheme - the Financial Oversight Scheme - in England. The FM acknowledges that the Scottish system may differ from this, and estimates will be updated following further consultation.

It should be noted that the Bill itself will not introduce profit limitation requirements. It introduces a regulation-making duty on Scottish Ministers to require certain residential childcare providers to provide financial information about their services. After further consideration, Scottish Ministers may then decide to exercise regulation-making powers imposing profit limitation powers.

Non-profit principle for foster care

The total cost of [removing private profit from Independent Fostering Agencies \(IFAs\)](#) is estimated by the FM to be between £2,025,000 and £3,230,000 in 2027-28, £1,418,000 and £2,227,000 in 2028-29 and £1,442,000 and £2,264,000 in 2029-30.

While most of these costs would fall on local authorities, the FM also highlights that, at £50,000 to £79,000 per child, IFA placements are often "significantly more expensive" than placements provided by local authorities themselves at a cost of between £20,000 and £48,000 per child. Therefore, the Scottish Government believes there is an opportunity for savings of between £6 million and £10 million made as a result of profit limitation to be reinvested into the fostering system from 2028-29 onwards.

Register of foster carers

Total costs to the Scottish Administration for establishing a [register of foster carers](#) are estimated to be between £120,000 and £400,000 in 2027-28, £65,000 and £195,000 in 2028-29 and £66,000 and £198,000 in 2029-30.

Potential costs to local authorities of between £160,000 and £649,600 per year from 2028-29 are also included, though these are illustrative costings at this stage. Future expansion costs of between £100,000 and £304,500 are also included as an illustration.

Children's hearings

The majority of costs associated with [Bill provisions on the children's hearings system](#) fall on the Scottish Children's Reporter Administration (SCRA) and relate to the remuneration of panel chairs. The FM estimates a cost of £6,530,000 for this in 2028-29 and reoccurring costs from 2029-30 of £6,160,000 per year.

One-off capital costs of £1,100,000 are provided in 2027-28 for updates to SCRA case management systems.

The 2028-29 total cost for all provisions related to children's hearings is between £7,283,000 and £7,607,000. In 2029-30 this falls to between £6,406,575 and £6,695,341.

Children's services planning

The FM states there should be no additional costs resulting from [Integration Joint Boards \(IJBs\) joining local authorities and health boards on the list of bodies required to plan children's services](#). The FM states this is because IJBs are already expected to be involved in children's services planning, and the provisions in the Bill are intended to "reinforce and formalise these existing responsibilities". ³⁹ (p 35)

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Children's Hearing Scotland – Call for Views Response, Children (Care, Care Experience and Services Planning) (Scotland) Bill

Introduction

Children's Hearings Scotland (CHS) welcomes the introduction of the Children (Care, Care Experience and Services Planning) (Scotland) Bill. This represents a significant legislative step in meeting the aspirations of the Independent Care Review and improving the experiences and outcomes for infants, children and young people in the Children's Hearings System, as well as their families.

CHS is the statutory body responsible for recruiting, supporting and training around 2,000 Panel Members to fulfil the legal requirements of children's hearings. Panel Members make legally binding decisions as to whether compulsory measures of supervision are needed to address the risks to children's and young people's welfare and ensure that their needs are properly met and their rights upheld. CHS have a significant role to play in the effective implementation of this Bill.

CHS's locus relates to Chapter 3 of the Bill and our views on the proposed redesign of the Children's Hearings System, as this is the area that will have the most significant impact on the operational delivery of our work. Whilst we recognise that the proposed changes will represent operational challenges and may be unsettling for some, we are firmly of the belief that the strength of the hearings system, and CHS as one of the principal delivery arms of the system, is our capacity to evolve and adapt to better meet the needs of children and young people, whilst maintaining the ethos of Kilbrandon's founding principles.

To uphold these principles, CHS's Corporate Parenting responsibilities extend beyond the hearings system and we welcome many aspects of the Bill that we hope will have a positive impact for children and families by increasing the scaffolding and support available to them and tackling the poor outcomes linked to care experience. These provisions include the right to advocacy for people with lived experience; extension of eligibility for aftercare support; actions to improve the language of care including guidance around the term 'care experience'; legislative steps to reduce the profit imperative from residential care services; and the enhancement to foster care provisions to improve outcomes for children and young people. Whilst CHS does not have operational responsibility for these services, we welcome the policy intentions set out in the Bill and supporting documentation.

CHS has previously responded to the four key consultations that are included in the scope of this Bill:

- Children's Hearings Redesign
- Future of Foster Care
- Developing a Universal Definition of 'Care Experience'
- 'Moving On' From Care Into Adulthood

Our response to this call for views focuses on the proposed changes to the Children's Hearing System.

Our response to the proposed changes to the Children's Hearings System

CHS is supportive of the majority of the proposed changes to the Children's Hearings System which are set out in the Bill. We have worked closely with colleagues and key players across the sector in development of the "Hearings for Children" report that has informed the proposed legislation. We have also engaged directly with young people, CHS staff and our Panel Community to form a collective view of the proposed changes and the implications which this will have for our organisation, Panel Members, and for infants, children, young people and their families.

In responding to this call for views we have highlighted the areas we particularly welcome, adjustments that would further enhance these provisions, and areas which require further clarification and potential amendments.

Relevant persons:

We are supportive of the power for automatic relevant person status of an individual to be removed in certain circumstances where clearly defined criteria are met (the proposed introduction of Section 128A to the 2011 Act). We believe this will lead to a more trauma-informed and rights-respecting approach for infants, children and young people who experience the children's hearing system, aligning with both the United Nations Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR).

It is also beneficial to see clarity around the power of the Chairing Member and the hearing to manage attendance of relevant persons, where the relevant person's presence is causing, or is likely to cause, significant distress to the child, so that such decisions are made in advance of a hearing in a more trauma-informed way.

Removal of child's obligation to attend their own hearing, and move to a duty to attend, if required to do so by a hearing:

We welcome the safeguards which are in place in respect of this proposed amendment, and the ability of a hearing to overrule a child's preference not to attend their hearing. There are certain circumstances where the impact of the decisions which a hearing can make upon a child, will have life changing consequences and therefore their attendance is required to ensure their voice is heard, and that they fully understand the implications of the decisions being made.

Data currently shows that of the total hearings in 24/25, less than half of the 21,313 hearings were attended by children.

Furthermore, we have previously expressed concerns about lowering the threshold for children's non-attendance at hearings. Panel Members consistently tell us that the level of engagement and their ability to fully take on board the views of children and young people is better achieved when they are in attendance. Whilst we recognise there are situations where non-attendance, or attendance by electronic means only, is necessary and can safeguard the rights of children, we are keen to work with partners to do everything possible to encourage and support children to attend their hearing. Hearings are more child-friendly now than they were in the past and there have been significant improvements made to encourage attendance and participation including; improvements to the environment of a hearing room, changes to the ways in which children and young people can give their views and changes to allow children and young people to have a representative in a hearing for support. Further improvements should be made by ensuring that there is collaborative planning between the Chairing Member and the Reporter to schedule a hearing in a way that best works for the child, their family, the professionals supporting the child and the people that matter most to the child.

In order therefore to maximise the likelihood of a child's meaningful attendance and participation in their hearing, we would propose that Section 14 of the Bill includes provision for the Chairing Member to work with the Reporter, on an equal legislative footing, to arrange and schedule a hearing in a way that works best for a child. We would propose that once grounds have been established, the Chairing Member is involved in the discussions around arranging, scheduling and planning the first hearing to consider a substantive decision. We are confident that by involving the Chairing Member in the key decisions in the planning of a hearing such as attendance, scheduling, reports, any adjustments which may be required, we will increase the likelihood of the child attending their hearing and also see a significant reduction in drift and delay.

Proposed amendment

Include provision in the Bill to ensure Chairing Members have a legal right to work collaboratively with Reporter on an equal basis in arranging, scheduling, and planning a child's hearing.

Enhanced role of the Chairing Member:

CHS welcomes the new power for the National Convener to appoint and convene single member hearings in the circumstances described in the Bill, for certain preliminary procedural matters. This includes certain grounds hearings for the purpose of considering the statement of grounds arranged under proposed Section 69C, making or extending an Interim Compulsory Supervision Order, and the current functions of a Pre-Hearing Panel including: the attendance of a child or relevant person at a hearing; whether a person should be deemed a relevant person; whether a person should continue to be deemed a relevant person; whether the hearing is likely to consider making a secure authorisation; whether a person should be afforded the opportunity to participate; whether a Safeguarder should be appointed;

whether the panel should ask the Reporter to make a referral to the Scottish Legal Aid Board for legal assistance for the child or a relevant person; and whether a person should attend by electronic-means only.

We welcome the safeguard proposed which means that where single member children's hearings or pre-hearing panels may be constituted, the National Convener will always have the option to convene a three member hearing should that be in the child's best interests.

The increasing complexity of hearings requires a level of futureproofing and we believe that this change will introduce more resilience and consistency into the system. The role of the Chairing Member has increased exponentially in complexity and responsibility since the last fundamental review of the system, and of the Panel Member's central role within it.¹ The role of the Chairing Member requires additional training within the increasingly complex legislative and practice context. As a result of additional and accruing complexity in the legislation and policy landscape, it has become an increasing challenge for the volunteer cohort to meet these expanded expectations.²

This change will also mean that procedural decisions are taken by a single Chairing Member instead of a full panel of three members, and therefore free up the time of Panel Members to focus on situations where they can utilise their skills and expertise to assist in the making of substantive decisions. We also hope that this will reduce drift and delay for children, young people and their families, which was an important aspiration of the "Hearings for Children" report. There are currently a significant number of infants, children and young people who are currently on Compulsory Supervision Orders and who have been on orders for more than two years. This is not the intention of compulsory measures of supervision and demonstrates the level of drift and delay currently in the system, which we believe will be reduced by having single Chairing Member hearings for procedural matters.

CHS welcomes the introduction of the enhanced role of the Chairing Member as proposed in the Bill. Introducing an enhanced role for the Chairing Member signals an understanding of the significant demands, responsibilities and expectations of this role while also providing additional support and resilience to the volunteer model, which will remain a mainstay of the children's panel, and of Scotland's approach.³ This will result in greater levels of consistency and continuity, something that children with experience of the hearings system have asked for repeatedly. In order to realise the potential of the enhanced role of the Chair they will need to work collaboratively with the Reporter to plan for the hearing, have access to relevant information, and be empowered to decide on how the hearing will most effectively be delivered in a child-centred, inquisitorial manner.

¹ Children (Care, Care Experience and Services Planning) (Scotland) Bill Policy Memorandum 2025, paragraph 165, page 30

² *Ibid*

³ *Ibid*

CHS and the National Convener has a strong track record of recruiting, training and supporting around 2,000 Panel Members and we have effectively delivered this core statutory role for over 10 years since our inception. We have a strong track record of recruiting a diverse cohort of Panel Members, for example, about 7% of have lived experience of the Hearings System compared with less than 2% of the general population. CHS has also excelled in involving children and young people with lived experience in the design of the recruitment of Panel Members and staff. We would build on this by involving children and young people in the co-design of the recruitment materials and process for the new cohort of Chairs to help ensure that the skills and values required for a Chairing Member reflect the views of people with lived experience of the Hearings System.

CHS's organisational infrastructure, and the planning we have already put in place, should provide reassurance that CHS is prepared and skilled in appointing the new Panel Member roles in a way that puts diversity and lived experience at the centre of the selection process.

Statutory referral criteria threshold and language:

We support the proposed changes to strengthen the statutory referral criteria threshold from a Compulsory Supervision Order (CSO) from "might be necessary" to it being "likely to be needed". This will assist in ensuring that infants, children and young people enter the system at a time when they most need compulsory measures of supervision.

We also support the introduction of the word 'support' in the language used in relation to the referral criteria and in the making of CSOs. However, we believe that the wording of the Section 67 grounds of referral is still too antiquated and legalistic. We acknowledge that in modernising the wording of grounds there is concern around the potential of losing some of the specificity, however, we believe a carefully constructed co-designed programme could maintain the efficacy of the current wording whilst improving the language. We are therefore keen to work with stakeholders, including children and their families, to improve the language used in grounds of referral, so they are more welfare based, rights respecting and accessible, as was proposed in the Redesign consultation.

Proposed amendment

A programme with clear parameters and reporting requirements is introduced to review the language of Section 67 Grounds so it is more child-friendly and trauma informed. The programme must include the views of children and young people with lived experience.

Redesign of grounds hearings:

CHS welcomes the policy intention of removing grounds from three person hearings, so far as practicable, and moving to a more inquisitorial and trauma-informed

process, drawing on the valuable resources of the enhanced role of the single Chairing Member working collaboratively with the Reporter.

The proposals in relation to grounds hearings and what the process will look like, and the different options which are now possible, will require further clarification so they can be communicated clearly/confidently to professionals, children and their families. There is a risk that the new proposals will make the process following the point of referral more complex for children and their families and those supporting them to understand. The new proposal in Section 14 of the Bill whereby the Reporter is required to offer the child and relevant persons the opportunity, where appropriate, to have a 'post-referral discussion' to discuss the statement of grounds, the child's participation in the hearing, and such other matters as the Principal Reporter considers appropriate, means that a child and family could be involved in an additional level of discussion around the grounds with the Reporter, before a hearing is convened to make a substantive decision or an interim order. Therefore, introducing an additional stage in the process for children, young people and their families.

Under the current system the Principal Reporter has a timescale to make a decision about a referral within 50 working days of receipt, and then a hearing is to be scheduled to take place within a maximum of 20 working days of the Reporter's decision in relation to a referral.⁴ It is our view that this time period requires parameters and limits. The new proposals for a 'post-referral discussion' could add a significant amount of additional time to a case progressing to the point of having a hearing. This presents a very real risk of causing further drift and delay before a hearing has taken place.

Furthermore, in cases where there is possibility of some/all grounds being accepted, the Bill proposes that a hearing can be convened to consider the statement of grounds (which may be composed of one or three Panel Members) under the proposed Section 69C. There is a need for clarity around what format this hearing would take. We are uncertain whether this would effectively be a grounds hearing as per the current system and therefore would be introducing an additional step to the current process, which could cause further unnecessary complexity.

We appreciate that in cases where grounds are unlikely to be accepted (under the proposed Section 69D), the new proposals may mean that the process may be quicker in terms of having grounds established, as the Reporter will be able to make an application to the sheriff without the need to have a hearing first, in order for an application to the sheriff to be made for determination of the grounds. There is the potential unintended consequence that in cases where grounds of referral are not accepted and/or not understood this will lead to more drift and delay. We are aware that in a significant number of cases, grounds of referral are not accepted/not understood and this therefore has the potential to affect a large proportion of children entering the Children's Hearings System. For this reason, we would propose that consideration is given to introducing statutory timescales, from the point that the

⁴ Scottish Executive (2001) Blueprint for the Processing of Children's Hearings Cases. Inter-agency Code of Practice and National Standards.

Reporter receives a referral (a referral as defined under Section 66 of the 2011 Act) in relation to a child, to the point that a hearing is convened or an application made directly to the Sheriff. This will become even more fundamental with the enactment of the remaining provisions of the Children (Care & Justice) (Scotland) Act 2024 whereby a new cohort of 16 & 17 year olds will be referred into the Hearings System and there will be time pressures for them to access welfare-based supports of the system before they turn 18.

The Independent Care Review reflected the view of children and young people that they would like grounds to be removed from the hearings process, and we note that these changes do not achieve this aim fully. We do, however, understand the legal formalities which need to be part of this type of hearing, and believe that including statutory timescales for the Reporter to have concluded the preparation phase before bringing a case to a hearing, will help mitigate the risk of further drift and delay.

Proposed amendment

Introduction of statutory timescales, from the point the Reporter receives a referral to the point a hearing is convened, or an application is made directly to the Sheriff to establish grounds.

Specialist Panel Members and Chairs:

We support any steps that can be taken to bring specialist knowledge into a child's hearing, to provide insight and enhance the decision making to help improve outcomes for children. CHS is committed to the policy agenda to shrink and specialise the Children's Hearings System: shrink by increasing support that will prevent the need for children to come into the hearings system and specialise by drawing on the specialist skills which individual Panel Members have, or bringing in additional expertise, to respond to the unique needs of each child.

There are already a number of options available to panels to bring in specialist skills into the hearings system, to compliment the significant skills that Panel Members already have through their training and ongoing professional development. These include:

- Requesting an Independent Report be commissioned;
- Requesting the advice of the National Convener;
- Appointing a Safeguarder; and
- Informing a child about the availability of advocacy services.

The new enhanced role of the Chairing Member will bolster the specialist capacity of children's hearings. The option for the Chair to appoint a specialist Panel Member has the potential to further enhance the level of expertise to assist in making a substantive decision. This will be particularly helpful where there are complex decisions, that would be enhanced by specialist input, for example, where children

have complex additional needs, where there are nuanced legal decisions, or where the child is at risk of criminal exploitation. Operationalising this change this will require a high degree of investment and planning. CHS have a strong track record of doing this, for example in the delivery of our Independent Report Writers function that has independently been audited and found to be a highly effective service that supports decision making in children's hearings. With the induction of specialist Panel Members, CHS will work across the sector to put in place clear parameters and practice guidance, to ensure that this resource is applied consistently and only when absolutely necessary.

In order for this new specialist role to have optimal value and improve outcomes and experiences for children, it is essential that when planning for a hearing, the Chair has the ability to consider: existing reports and evidence; any existing gaps so that missing or additional reports can be requested; whether a Safeguarder should be appointed; and how the voice of the child can be amplified through signposting advocacy services with expertise in understanding the age and stage of the child (this is particularly important when considering the needs of infants and very young children).

Legislative change will be required in order to allow for data sharing between the Reporter and the single Chairing Member so that the 'Reporter's report' which is proposed within Section 14 of the Bill can be provided when the Reporter passes the case to the single Chairing Member for a decision, and likewise in the joint preparation for the hearing. Data sharing currently allows SCRA to share data with Panel Members – it is our position that legislative steps must be taken to permit further data sharing with CHS, to allow for performance management, quality assurance and the provision of support for new Chairing Members. The Hearings System Working Group's "Hearings for Children" report was clear that organisations must improve ways to collect, share and learn from data. This recommendation is one which CHS fully supports: as an organisation, we are currently limited from creating a robust quality assurance mechanism which may monitor, evaluate and generate learning from decision making. This will be essential in light of the new responsibilities of the single Chairing Member.

The key scaffolds required for this to work effectively will be the single Chairing Member having legislative rights, obtained through delegated powers of the National Convener, to be able to do the following in advance of a hearing:

- Joint planning and scheduling with the Reporter to assess what is required for the hearing and what gaps exist as part of the preparatory work for a child's hearing;
- The sharing of information about the child between SCRA and CHS to ensure the Chair is fully informed to allow them to plan for the hearing; and
- The legal right of the Chair to appoint a Safeguarder, request National Convener advice, request additional and independent reports, and to appoint a specialist Panel Member.

Proposed amendment

- **Include provisions so the single Chairing Member has the statutory powers to be able to appoint a Safeguarder, request National Convener advice, request additional and independent reports and to appoint a specialist Panel Member.**
- **Include provisions so that SCRA and CHS have shared access to child sensitive data to ensure the single Chairing Member has access to all the information they need to plan for the child's hearing and so that CHS can effectively support and quality assure the Chairing Member.**

Composition of Panel:

An amendment we would like to propose to the Bill is the removal of the requirement in relation to the gender composition of a panel in the Children's Hearings (Scotland) Act 2011. The legislation currently states that, "as far as practicable", each panel should be comprised of both male and female Panel Members. The Coronavirus (Scotland) Act 2020 relaxed this requirement while it was in force. Since then, CHS undertook analysis activities to assess whether relaxing this requirement had any negative impact. The overwhelming conclusion of this analysis was that gender diversity had little to no impact to decision making in hearings. The Coronavirus (Recovery and Reform) (Scotland) Act 2022 introduced a relaxation of the absolute requirement of the gender composition by introducing "so far as practicable" into the Children Hearings Act 2011 which has helped. However, the Children's Hearings System is the only legal tribunal (as far as we are aware) where a gender composition of the tribunal panel is specified in legislation. This has been a design feature of the system since its inception in the 1970s and was initially intended to ensure that panels were not dominated by men. Now the majority of Panel Members are women. As we move to some remunerated Panel Member roles, operationally we need to remove gender as a consideration in the selection process. We consider the current gender composition requirement, although originally included for good reason, is now outdated and is not compatible with equality laws or required within a reformed Children's Hearings System.

Proposed amendment

Removal completely the requirement in relation to gender composition of a children's panel.

Ensuring the voices of lived experience continue to influence the development of the Bill

The voices of care experienced children, young people and adults have been central to some of the changes proposed in the Bill. The complexity of the Bill and the timeframe for responding to the call for views has made it challenging for CHS to engage with our young advisory group, the Experts by Experience, in detail about the Bill. However, we know there is significant interest in the Bill and in late July we

facilitated a discussion session with the group to understand their views. We will continue to work with this group as the Bill progresses through Parliament, and as we work with others to reform the Children's Hearings System. It is essential that decision makers create appropriate opportunities to listen to, consider, and respond to the voices of those with lived experience to ensure this legislation leads to better outcomes for infants, children, young people and their families.