



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Natalie Don-Innes MSP

Minister for Children, Young People and The Promise

10 September 2025

Dear Minister,

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

The Delegated Powers and Law Reform Committee considered the above Bill at its meeting on 9 September 2025 and agreed to write in relation to a number of the powers in the Bill. The Committee's questions are as follows:

Section 4: Advocacy Services for Care-Experienced Persons

Section 4(6) states that a person is “care-experienced” for the purposes of section 4 if they are a child who is or has at any time been looked after, subject to a kinship care order or cared for or otherwise supported in such circumstances as may be specified; or a person who was, at any time when they were a child, looked after, subject to a kinship care order or cared for or otherwise supported in such circumstances as may be defined.

Regulations made under this provision may specify:

- the circumstances in which, or in relation to which, the right conferred by such regulations is or is not exercisable, or
- specify particular descriptions of care-experienced persons by whom a right conferred is or is not exercisable.

Regulations may also modify the provision itself by adding, varying or removing purposes for which services of support and representation may be provided.

The Committee considers that regulations made under this power could involve the making of significant policy choices which take a different direction from the principles established on the face of the Bill.

For example, whilst the Bill itself provides that the right of access to such advocacy services must be conferred on all care-experienced persons, the Committee understands that regulations may make further provision about circumstances where that right to advocacy services is not exercisable. They may also make provision which prevents some care experienced people from exercising the right by reference to their particular description.

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email: dplr.committee@parliament.scot.

We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

As such, the Committee asks the Scottish Government to provide further information about whether it considers it likely that this power will be exercised, and if so, for examples of the circumstances or descriptions of care-experienced persons it considers such regulations will likely cover.

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

Section 11(15) of the Bill amends section 177 of the Children's Hearings (Scotland) Act 2011 to enable Scottish Ministers to specify in regulations whether a matter that may be determined by a pre-hearing panel may be determined by a pre-hearing panel consisting of one member of the Children's Panel.

The DPM states that the use of regulations to specify such matters which are capable of being determined by a pre-hearing panel consisting of one member of the Children's Hearing Panel is necessary to ensure that flexibility is available to adequately reflect the needs of individual cases.

The Committee considers that regulations made under this power could make a significant policy decision. The Policy Memorandum to the Bill provides some more detail about the rationale for the provision, including commentary about the consultation responses.

That commentary suggests that support for the proposal is based on matters such as efficiency, flexibility, and consistency with other parts of the system where significant decisions are made by lone decision makers.

It suggests that those not in support of the proposal have concerns regarding the transparency and accountability of such decision making.

As such, the Committee asks the Scottish Government for some examples of the kinds of matters it foresees using the regulation making power to allow to be determined by a pre-hearing panel consisting of one member of the Children's Panel.

Finally, the Committee wished to note its concern that the power at **Section 25: Commencement** was missed from the DPM at introduction.

The Committee requests a response by **Friday 19 September**.

Yours sincerely



Stuart McMillan MSP
Convener