

14 November 2025

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Convener
Education, Children and Young People Committee
St Andrews House
Edinburgh
EH31 3DG

By email: ecyp.committee@parliament.scot

Dear Education, Children and Young People Committee,

I am writing to provide supplementary information following the committee evidence session on Wednesday 5 November 2025. COSLA has already submitted both written and oral evidence regarding the Children (Care, Care Experience and Services Planning) (Scotland) Bill. This letter is intended to complement that evidence and avoid repetition. We appreciate the opportunity to clarify our position and provide further context regarding our engagement on the bill.

Engagement generally on the bill

While the Scottish Government has stated that engagement on the bill was strong, our experience does not reflect this. We found that opportunities for meaningful dialogue, particularly around the implications for local authorities, were limited.

In meetings with Scottish Government officials, we were repeatedly advised that the bill would be informed by the four consultations undertaken. However, no further detail was provided. There was no substantive discussion on the specific provisions under consideration or on the potential impact for local authorities in their critical role as service providers for people with care experience. Additionally, the analysis of some of the consultations was not shared or published prior to the bill being published, making it incredibly challenging to understand the rationale for inclusion or exclusion of provisions.

Advocacy request for information

The Minister for Children, Young People and the Promise referred to a request for information that was made in relation to advocacy services prior to the bill being published. It was made clear at the time that we do not routinely gather this kind of data from local authorities, as it is not within our remit to monitor them. While we can seek information from local areas when appropriate, this must be done with clarity around the purpose and intended use of the data.

The Scottish Government did not explain the rationale for the information being requested, how it would inform the bill, or detail on how the information would be used. There are many types of advocacy support, for example, mental health, additional support for learning and children's hearings. The lack of context provided with the request created a barrier in determining what would be useful and relevant, even if we were able to collate it. Additionally, some of the information requested is commercially sensitive and often not available through social work departments but through procurement and commissioning departments. This lack of clarity and limited information shared relating to the rationale made it difficult to justify a request to local areas, particularly given the level of detail sought and the potential sensitivity of some of the information.

Scope of engagement

Thinking about this more broadly, two key points emerge. Firstly, advocacy is only one of eight key areas within the bill. There was no communication in relation to other substantive elements. For example, the provisions around aftercare will have significant implications for local authorities as the key delivery mechanism and there was no engagement on this aspect prior to the bill being published.

Secondly, the points above raise questions about what constitutes meaningful engagement. Simply requesting information is not the same as genuine engagement and collaboration.

The Verity House Agreement states:

“Scottish Government and Local Government, through COSLA and its network of professional networks including SOLACE, will work together to **consult and collaborate as early as possible in all policy areas** where Local Government has a key interest, has a significant place-based leadership locus and/or is the key delivery mechanism”

Financial memorandum

During the committee session on 5 November 2025, the Minister stated that they had asked for the most up-to-date information and figures relating to the costs for aftercare were based on information that was provided by local authorities. This is not accurate.

Prior to the bill being published no information was requested in relation to the costs of providing aftercare support. Furthermore, there was no engagement or communication in relation to this aspect of the bill in order to make that possible. The information included in the financial memorandum is based on work carried out a number of years ago for a different purpose. More detail on this is included in our full response to the Finance and Public Administration Committee's Call for Views. The Scottish Government did not inform COSLA of their intention to use this information in this way, nor did they request up to date information. We only became aware of this when the bill was published in June 2025.

Had there been meaningful engagement in advance, we could have supported the development of more accurate and current costings. We are now supporting this by collating up-to-date information from local authorities around their aftercare services.

We reaffirm that COSLA offered to support the development of the financial memorandum prior to the bill's publication; however, the Scottish Government did not take up that offer until after publication.

Parliamentary transparency

We fully recognise the importance of transparency and accuracy in parliamentary proceedings. For clarity, COSLA has not submitted any evidence to mislead Parliament. We take any suggestion to that effect extremely seriously. If there are areas where the committee have concerns or believe this to be the case, we would welcome the opportunity to provide clarification on these.

We hope this clarification assists the committee in its scrutiny of the bill and we are happy to provide any further information that may be required.

Yours sincerely,

Councillor Tony Buchanan

Children and Young People Spokesperson