



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 4 November 2025

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
24th Meeting 2025, Session 6

CONVENER

*Karen Adam (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Pam Gosal (West Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*Paul McLennan (East Lothian) (SNP)

*Marie McNair (Clydebank and Milngavie) (SNP)

Tess White (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Siobhian Brown (Minister for Victims and Community Safety)

Wendy Georgeson (Scottish Government)

Scott Matheson (Scottish Government)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 4 November 2025

[The Convener opened the meeting at 11:15]

Decision on Taking Business in Private

The Convener (Karen Adam): Good morning, and welcome to the 24th meeting in 2025 of the Equalities, Human Rights and Civil Justice Committee. We have received apologies from Tess White.

Under agenda item 1, do members agree to take in private item 4, which is consideration of evidence on the draft affirmative instruments?

Members *indicated agreement.*

Subordinate Legislation

Regulation of Care (Child Contact Services) (Scotland) Order 2025 [Draft]

Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025 [Draft]

11:15

The Convener: Under agenda item 2, the committee will consider two draft affirmative instruments. I welcome to the meeting Siobhian Brown, the Minister for Victims and Community Safety. The minister is accompanied by Wendy Georgeson, who is the family law team leader at the Scottish Government, and Scott Matheson, who is a senior principal legal officer in the Scottish Government legal directorate. Thank you for joining us.

I refer members to papers 1 and 2 and invite the minister to speak to the draft instruments.

The Minister for Victims and Community Safety (Siobhian Brown): Good morning. The two draft instruments relate to the regulation of child contact services in Scotland. As the committee is aware, the Scottish Government has been working towards this for some time. Our overall policy aim is to ensure that child contact services are safe, conflict-free, child-friendly places for a child to spend time with a parent with whom they do not live. There is widespread support for such regulation.

Child contact services have an important role in the family justice system, helping children to maintain relationships when parents separate and doing so in a supportive and child-focused way.

There are currently around 45 child contact centres in Scotland, and there is already good practice happening in the sector, which I have seen at first hand. However, there is currently no external regulation of child contact services. A key driver for regulation is to have a body in place that provides independent oversight, which will ensure that there is consistently good practice across the sector, while also driving improvements where needed.

The first instrument, the draft Regulation of Care (Child Contact Services) (Scotland) Order 2025, will extend the Care Inspectorate's regulatory framework to child contact services by adding them to the list of care services that the inspectorate regulates under the Public Services Reform (Scotland) Act 2010. The instrument will, in effect, put the inspectorate in place as an independent oversight body.

The Care Inspectorate has been our preferred choice for that role for some time. It is an experienced scrutiny and assurance body that already regulates a range of services that are used by children and families, and we believe that the Care Inspectorate is best placed to provide oversight and to achieve the best outcomes for children who use child contact services. We have been in detailed discussions with the inspectorate during our preparation of these Scottish statutory instruments.

The second instrument, the draft Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025, will confer an additional function on the Care Inspectorate, requiring it to notify the Equality and Human Rights Commission of any failure of a child contact service to comply with its duties under the Equality Act 2010, in particular the duty to make “reasonable adjustments” for disabled people. The Equality and Human Rights Commission is the appropriate enforcement body for those existing duties, and the purpose of that function is to ensure that child contact services are meeting their 2010 act duties without placing any additional duties on them.

Both draft instruments provide for a lead-in period of 18 months before regulation will fully come into force on 1 April 2027; that is to ensure that the Care Inspectorate will have sufficient time to carry out the necessary preparatory work. Child contact centres will be a new type of sector for the Care Inspectorate to regulate, so it will need time to build knowledge and understanding of the sector, as well as to recruit and train new staff, to prepare materials—for example, in relation to registration and complaints—and to develop a bespoke quality improvement framework. There will be engagement with the sector and other stakeholders during that time. The 18-month period will also give child contact services time to familiarise themselves with the new regime and to prepare.

The two instruments are a significant step forward towards the next phase of implementation for this regulation work, and the next 18 months will be important in how the Care Inspectorate regulatory framework will be shaped for child contact services.

I am happy to take questions, convener.

The Convener: Thank you, minister. We move to questions from Pam Gosal.

Pam Gosal (West Scotland) (Con): Good morning. Thank you, minister, for your opening statement. As you know, children experiencing domestic abuse are already extremely vulnerable. That is why we must ensure that they are kept safe in child contact centres. The regulations that

have been laid by the Government would require the Care Inspectorate to report the failure of a child contact services provider to comply with the Equality Act 2010. Are you confident that the proposed regulations address the concerns about child contact centres from families who are affected by domestic abuse?

Siobhian Brown: Yes—one of our key policy aims with the regulations is to ensure that child contact services are safe and conflict-free venues for contact to take place, which we all know is extremely important for the children. We have heard concerns from Scottish Women’s Aid about the need to ensure the safety and wellbeing of women and children in child contact centres. We expect the new regime to take account of the need for child contact services to understand the dynamics of domestic abuse. The quality improvement framework will support that.

New staff, recruited by the Care Inspectorate to take up roles in this new area, will be upskilled in delivering in the child contact services environment and will have an understanding of domestic abuse and its impacts. The inspectorate already regulates other services in which domestic abuse can be a factor, so there is knowledge to draw from.

To give you some comfort, I note that, in previous consultations and engagement on this area, Scottish Women’s Aid provided useful recommendations, which we will share with the Care Inspectorate during the lead-in period. The inspectorate will also have to consult with key stakeholders when developing its quality improvement framework. I hope that that gives you some comfort.

Pam Gosal: I have a wee add-on question. You said that you have held consultations and done some work with Scottish Women’s Aid. Have you done any work with other organisations?

Siobhian Brown: Yes—when drafting the SSIs, we engaged with a series of stakeholders. I will ask one of my officials to answer that question.

Wendy Georgeson (Scottish Government): In 2018, as part of a wider family law consultation, we consulted publicly and sought views on whether to regulate child contact services. In 2021, we had a further consultation on more specific proposals under the Children (Scotland) Act 2020 provisions. Scottish Women’s Aid was key in that work, and a range of other organisations also responded to those consultations. More recently, we sent targeted consultation letters to a range of our key stakeholders in this area. I think that we provided a list in the impact assessments; if you would like me to run through those, I could do so. Would the committee like to hear that?

Pam Gosal: No, thank you, Wendy. My interest is more specific, so perhaps you could write to the committee and let us know more. It is good that you have information from Scottish Women's Aid and other stakeholders, but I am particularly interested in black, Asian and minority ethnic communities, in which domestic abuse cases are obviously very different, culturally, especially with regard to child contact and the kind of role that child contact centres play. I always say that one size never fits all. It was just to understand whether you went out to organisations such as Sikh Sanjog and Amina—the Muslim Women's Resource Centre—to see how domestic abuse is talked about by BAME communities and BAME organisations that deal with domestic abuse among those cultures every day.

Wendy Georgeson: I do not think that we sent any of the recent targeted letters on proposals to those organisations. However, we will have a lengthy lead-in time, and we would be happy to follow up on that and let the committee know about our engagement with those organisations. We are happy to take that forward.

Pam Gosal: Thank you very much for that.

The Convener: When the 2020 act was going through Parliament, concern was expressed that without sufficient funding for providers, new regulatory requirements would be too onerous for some of them, which could lead to centres closing and, particularly in rural areas, parents having to travel long distances to see their children. How confident are you that that policy risk will be avoided in practice?

Siobhian Brown: As I said in my opening remarks, there will be costs involved for the Care Inspectorate in taking on the role, including for additional staff such as inspectors and complaints advisers, and the Scottish Government has a strategy for funding over the next couple of years.

On the concern that child contact providers might not meet the registration requirements and that there might be closures, we want to avoid any reduction in the number of child contact services, as any lack of availability will impact negatively on children who use the services and the wider family justice system.

The intention is that regulation should not be onerous and that the 18-month lead-in time will help providers to plan and prepare for regulation fully coming into force. We will work with the child contact service sector and the Care Inspectorate during the lead-in period to support existing services as they prepare for regulation coming into force to ensure that they are ready on 1 April 2027.

The Convener: Thank you. We move on to questions from Maggie Chapman.

Maggie Chapman (North East Scotland) (Green): Good morning, minister and officials, and thank you for being here this morning.

Minister, you said in your opening statement that the Care Inspectorate would report any issues around special adjustment duties under the Equality Act 2010 to the Equality and Human Rights Commission. Given that service providers are already required to meet those duties, why did you consider it important to include that in the regulations?

Siobhian Brown: The issue of disabled access to child contact centres was raised during the passage of the Children (Scotland) Act 2020, which was prior to our time in the Parliament. That led to the bill being amended to provide that the body appointed to oversee regulation would have a function to report any failures relating to the duties under the 2010 act. The intention was to ensure compliance with those existing duties.

As I said, we are now proposing that the Care Inspectorate takes on the notification role. The EHRC, not the Care Inspectorate, is the appropriate body to enforce the equality duties. The regulations will just make it clear that the Care Inspectorate would notify the EHRC so that it could take further action.

Maggie Chapman: So, the notification is the key thing here.

Siobhian Brown: Yes.

Maggie Chapman: Because the duty to comply already exists.

Siobhian Brown: Yes—enforcement would not be up to the Care Inspectorate.

Maggie Chapman: Are you aware of any other examples of legislation that contains a similar requirement on a regulator or a public authority to notify the EHRC in such a way?

Siobhian Brown: I am personally not aware of any, but my officials who have been dealing with this matter might be.

Wendy Georgeson: I am not aware of any such provision in statute, but we understand that the Care Inspectorate already carries out a similar administrative function for other issues that it might come across. Depending on the issue, it might contact the Mental Welfare Commission for Scotland, the fire service or the Health and Safety Executive, for example.

The requirement to notify came from the Children (Scotland) Act 2020, but the notification process itself is an administrative one between the Care Inspectorate and the EHRC.

Maggie Chapman: I suppose that the 18-month lead-in time gives the Care Inspectorate and the

EHRC time to work out exactly what that procedure would look like and what responses would be normal, if that is the right word to use.

Wendy Georgeson: Yes, that is right. The regulations provide for the Care Inspectorate to come up with a format for that notification, which it will agree with the EHRC. Once the notification is made, it will be for the EHRC to decide which action to take, if action is appropriate.

Maggie Chapman: That is helpful. Thanks.

11:30

Rhoda Grant (Highlands and Islands) (Lab): There are no examples of the requirement to notify the EHRC in other legislation. Is there a possibility that that approach could become more common in future in other areas? If so, what impact would that have?

Siobhian Brown: It could become more common. However, it is simply a notification of non-compliance. As I say, it is not up to the Care Inspectorate to rectify things; its role here is simply to notify the EHRC.

One of the issues that was raised is whether additional burdens will be placed on child contact centre providers. All service providers are required to make reasonable adjustments under the Equality Act 2010, so those should already be in place. What we are looking to do is to notify and underline an issue.

I do not think that I can speculate on what that might mean when taking forward future legislation. I do not know whether any of my officials has any other intelligence to share on that.

Scott Matheson (Scottish Government): As Wendy Georgeson said, the duty to notify the EHRC came from the Children (Scotland) Act 2020 and the regulations will mirror that provision. The Scottish Parliament, through the 2020 act, has said that provision should be made for the Care Inspectorate to communicate—to notify—concerns to the EHRC. We are taking forward the order and regulations under different enabling powers because that fits with the statutory scheme under which the Care Inspectorate is established and under which other care services are regulated—the provision would not automatically have come across. It is perhaps unusual in the sense that we are providing for a notification that could already happen in practice, but our approach respects what the Scottish Parliament required under the 2020 act. We are just taking that forward through a different legislative vehicle.

Marie McNair (Clydebank and Milngavie) (SNP): Will you say more about the position of the Care Inspectorate and the EHRC on the new regulations? You have touched on that a bit

already, but is there anything else that you want to add?

Siobhian Brown: I do not have anything further to add. I do not know whether any of my officials has anything further to add. Are you asking about anything specific?

Marie McNair: No.

Wendy Georgeson: As the minister said, we have been engaging closely with the Care Inspectorate during this process and we had detailed discussions on the notification function provision.

As Scott Matheson mentioned, the original provision in the 2020 act talked about the oversight body reporting any failures, but the Care Inspectorate had some concerns about that, because, in the context of the work that it does on inspections, a report has a very different meaning. Therefore, we have made provision in the regulations for a notification function, to make clear that the Care Inspectorate is not the enforcement body for the Equality Act 2010 functions.

We got to a position that the Care Inspectorate was comfortable with, and we reached agreement with it on that. We engaged with the EHRC at that time as well. We will be following up with the commission during the lead-in period. It is the enforcement body for those existing duties already, and it did not raise any concerns at that time.

Marie McNair: I am reassured to hear that engagement will be on-going. Thank you.

Paul McLennan (East Lothian) (SNP): Given that equal opportunities are reserved under schedule 5 to the Scotland Act 1998, have you engaged with the United Kingdom Government on the issue? If so, what is its position on the instruments?

Siobhian Brown: My understanding is that we have not engaged with the UK Government on the issue. I do not know whether my officials can correct me on that. Was there a duty that required us to do so?

Wendy Georgeson: We have engaged, at official level, with our colleagues in the Ministry of Justice who lead on child contact centre policy south of the border. They have a slightly different situation down there. They do not have a statutory regulator, but they have the National Association of Child Contact Centres, which is a membership accreditation body.

We have had some discussions on our proposals to put in place a statutory regulator, so there has been some engagement at official level.

Paul McLennan: Have no issues been raised by those officials?

Wendy Georgeson: No. I think that they were more interested to hear about the direction that we were planning to go in, because they do not have a similar equivalent in England and Wales at the moment.

The Convener: As no member wishes to ask further questions, we will move to agenda item 3, which is formal consideration of the motions on the instruments.

Motions moved,

That the Equalities, Human Rights and Civil Justice Committee recommends that the Regulation of Care (Child Contact Services) (Scotland) Order 2025 [draft] be approved.

That the Equalities, Human Rights and Civil Justice Committee recommends that the Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025 [draft] be approved.—[*Siobhian Brown*]

Motions agreed to.

The Convener: I invite members to agree to delegate to me the approval of the publication of a short factual report on our deliberations on the affirmative instruments that we have considered today. Are we all agreed?

Members *indicated agreement.*

The Convener: Thank you. That completes our consideration of the two affirmative instruments. Once again, I thank the minister and her officials for attending this morning.

We will now move into private to discuss the remaining items on our agenda.

11:37

Meeting continued in private until 11:46.

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